

B) Urban Conflicts and their Control

Illicit Artisan Work and the Control of deviant economic Behaviour in Lübeck and Leipzig¹

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On March 21st 1665 about 600 to 700 inhabitants of the Hanseatic town of Lübeck - for the most part brewers and other guild artisans - assembled in front of the Holstengate, a large number of them armed. They went to several villages and estates outside Lübeck, damaging and destroying tools and workpieces, which they thought belonged to or were made by so-called "Bönhasen", i.e. craftsmen who were regarded to work illicitly.² Several more of these "visitations" were organized by the artisan guilds of Lübeck in the following months. They were not only the violent climax of the constitutional conflicts in Lübeck in the 1660s, in which the citizens tried (eventually quite successfully) to gain more political participation, but also of the continuous struggle of the guild artisans in early modern Lübeck against the "Bönhasen" inside and outside the town. This form of artisan work infringed upon the statutes and liberties of the guilds and violated many decrees of the town council, which forbade nonguild craftsmen to work under Lübeck's jurisdiction as well as to give work or accommodation to "Bönhasen".³ The guilds attached the highest importance to the question, of how to regulate and control this kind of deviant economic behaviour, because it was closely connected to their privileges as well as to their material welfare and income ("Nahrung"). Nevertheless, there was a broad range of different forms of more or less illicit work practices in early modern Lübeck, and many citizens especially of the higher ranks and the political elite employed nonguild craftsmen who could work for a lower wage than the guild masters. This provoked indignation and resentment among the guild artisans against those people, who

¹ Note: This paper presents some results of my PhD-thesis, which is being written at the University of Konstanz and deals with "Political communication, conflicts and normative change in early modern towns" by analysing the field of artisan politics in Leipzig and Lübeck.

² See Jürgen Asch, Rat und Bürgerschaft in Lübeck 1598-1669. Die verfassungsrechtlichen Auseinandersetzungen im 17. Jahrhundert und ihre sozialen Hintergründe, Lübeck 1961, pp. 113-115.

³ For a summary of German historiography and historical research on illicit craftsmen ("Bönhasen", "Störer") see Philip R. Hoffmann, Winkelarbeiter, Nahrungsdiebe und rechte Amtsmeister. Die „Bönhaserei“ als Forschungsproblem der vorindustriellen Gewerbegeschichte und deren Bedeutung für das frühneuzeitliche Handwerk am Beispiel Lübecks, in: Mark Häberlein / Christof Jeggle (ed.), Vorindustrielles Gewerbe. Handwerkliche Produktion und Arbeitsbeziehungen in Mittelalter und früher Neuzeit, Konstanz 2004, pp. 183-210, here pp. 185-197. See also Josef Ehmer, Traditionelles Denken und neue Fragestellungen zur Geschichte von Handwerk und Zunft, in: Friedrich Lenger (ed.), Handwerk, Hausindustrie und die historische Schule der Nationalökonomie: Wissenschafts- und gewerbegeschichtliche Perspektiven, Bielefeld 1998, pp. 19-77, here pp. 65-73; Knut Schulz, Störer, Stümpler, Pfuscher, Bönhasen und „Fremde“. Wandel und Konsequenzen städtischer Bevölkerungs- und Gewerbepolitik seit der Mitte des 16. Jahrhunderts, in: Helmut Jäger et. al. (ed.), Civitatum Communitas. Studien zum europäischen Städtewesen. Festschrift Heinz Stoob zum 65. Geburtstag. Part 2, Köln / Wien 1984, pp. 683-705. For Hamburg: Otto Rüdiger, Böhnhasen und Handwerksgesellen, in: Th. Schrader (ed.), Hamburg vor 200 Jahren. Gesammelte Aufsätze von Theodor Schrader u.a., Hamburg 1892, pp. 219-259. For Vienna: Thomas Buchner, Störer, Schutzdekretisten, Meister. Zünftige und nichtzünftige Arbeit im Wien des 18. Jahrhunderts, in: Wiener Geschichtsblätter 56 (2001), pp. 113-131.

allegedly supported the “Bönhasen”, and gave rise to many complaints and conflicts. The guilds often criticized the way, how the urban authorities dealt with this problem. They complained, that the punishment of illicit artisan work was too indulgent. In their opinion this was a main reason for the increasing number of “Bönhasen”. Sometimes they accused the town council, that their own members tolerated illicit craftsmen and even gave work to them instead of securing the civic rights and liberties of the citizens and urban corporations.⁴ The visitations of 1665 were directed against a particular problem: those craftsmen who worked in the villages and on the estates outside Lübeck which belonged to wealthy Lübeck families (the so-called “Landbegüterten”). These patrician families were politically very influential in Lübeck, and several members of the town council and even some mayors derived from them. For example the villages of Moisling and Niendorf, which belonged to those places, where the visitations took place, were owned by Gotthard von Höveln, who was mayor since 1654 and the leading representative of the conservative party in the constitutional conflicts of the 1660s. Höveln just as other landowners employed several craftsmen and produced beer for sale on his estates, which the urban guilds regarded as an annoying competition and an offence against the existing laws and their liberties. In Moisling there was even a guild of the linen-weavers, which had been set up in 1637 and affirmed by Höveln in 1661.⁵ In 1652 the brewers’ guild had already sued several landowners before the Reichshofrat in Vienna, the highest court in the German Reich, because of the rural breweries, but without any success.⁶ The allegation, that leading representatives of the political elite in Lübeck defied the laws and civic rights they should have defended, contained a high potential for political disruptions. This can be observed in the conflicts of the 1660s, when the struggle against the “Bönhasen” especially on the estates of the “Landbegüterten” was an important reason for most of the urban guilds to join the popular opposition against the town council. Already in the constitutional conflicts at the beginning of the 17th century (“Reisersche Unruhen”) the abolishment and the improvement of the control and prosecution of illicit craftsmen was a central demand of the opposing guilds. In 1665 however, the confidence in the urban authorities was so low that the guilds – supported by the other groups of the opposition movement – took matters into their own hands after several unsuccessful attempts to come to a general solution by negotiations with the town council. On the other hand these visitations were regarded by the landowners concerned as a violent infringement of their rights and liberties. In their opinion their estates were not subject to the jurisdiction of Lübeck. Therefore they turned to the Emperor as well as the King of Denmark and Duke of Holstein for protection. In the end this led to the detachment of several of the disputed villages and estates from Lübeck’s sovereignty.

Although the visitations mentioned above were a singular event in the history of Lübeck, at least as far as their extent and their political consequences are concerned, the question, how illicit craftsmen should and could be tracked down and controlled, was a much disputed problem in Lübeck just as in other early modern towns. This is so because different interests and contrasting conceptions of civic liberties collided in this field. Under specific circumstances this problem could even endanger urban stability as was the case in Lübeck in 1665. In general the guilds had the right to carry out visitations in the houses of citizens, if they were suspected to employ or to give

⁴ See Hoffmann, op. cit., pp. 198, 207-209.

⁵ Asch, op. cit., p. 128.

⁶ Ibid. p. 102.

accommodation to illicit workmen. The early modern guilds defended this right with vehemence, because they regarded it as a central part of their corporate liberties and as an important means to secure their income and welfare (“Nahrung”). Because of the lack of own police forces the early modern urban authorities were dependent on the guilds as far as the control of deviant economic behaviour and illicit practices in the artisanship was concerned; this is especially true for the prosecution of the “Bönhasen”. Although the visitations (the so-called “Bönhasenjagden”) were supervised by the urban authorities and had to be accompanied and surveyed by servants of the town council, they caused many complaints by those affected and especially by members of the higher social strata. For example in 1692 the widow of the former councillor Lucas Stauber, Catharina Stauber, turned to the town council with a supplication⁷, because fifteen armed masters of the tailors’ guild had invaded her house to search for clothes, that allegedly were made by a “Bönhasen”. In her opinion the tailors had overstretched their rights and liberties in this case by far. She accused them of acting on their own and private authority (“propria privatq[ue] autoritate”) and of disturbing free and innocent citizens by intruding into their houses and carrying out violent outrages. In her opinion these visitations were a general abuse, which had to be controlled by the urban authorities in a better way to protect the innocent citizens and their civic rights and honour against the arbitrariness of the guilds. Furthermore, Catharina Stauber regarded this form of violent visitation as a severe legal offence, because the laws would punish all acts of violence, which disturbed the public as well as the private peace (“rei pariter publicae atq[ue] privatae tranquillitatem”). Therefore she requested the town council to condemn the tailors’ guild to compensate her for the injuries, whereupon a penal decree against the guild was published. The tailors’ guild complained against this decision, because in their opinion it opposed their old liberty to prosecute “Bönhasen” as well as the persons who gave work to them. In another case, which took place in 1582, the town council of Lübeck had also published a sentence against several members of the tailors’ guild because they had forced their way into the house of the Secretary M. Nicolaus Pöppingk on their own behalf and thereby had trespassed the “Hausfriede” (house peace).⁸

These two cases are just examples of a bigger number of similar conflicts. They illustrate the fact, that the problem, how and by whom the illicit workmen should be tracked down and where the line should be drawn between legal and illegal ways of prosecution, was disputed and had a certain potential for conflict. While the guilds defended their traditional liberty to search for illicit craftsmen, many citizens profited from this alternative form of handicraft, because it was cheaper than the work of the guild craftsmen. Furthermore, they expected the urban authorities to protect them against arbitrary encroachments of the guild artisans and to control and limit the practice of the visitations so that the honourable citizens did not have to suffer unjust injuries and violations of their reputation. The potential for conflicts was especially high in this respect, because the visitations can be seen as a publicly performed act of accusation and condemnation, as they cast the suspicion on the persons affected, that they had violated the laws. And this reproach was regarded as an assault upon their honour.

⁷ Stadtarchiv Lübeck, Altes Senatsarchiv, Ämter, Schneider 12/2.

⁸ Ibid.

The problem of illicit artisan work and especially the question, how this form of deviant economic behaviour should be controlled and the decrees against the illicit craftsmen could be implemented effectively, was a political and judicial problem in other early modern towns as well. But for the most part it did not have similar political implications as was the case in Lübeck. For example in Leipzig, which was the economic capital of the Electorate of Saxony and had a relatively significant political position in early modern Saxony, a lot of complaints and lawsuits against illicit workmen can be found. However there are some striking differences compared to the situation in Lübeck. First, this problem did not provoke a similar extent of dissatisfaction and criticism by the guilds of the way, in which the authorities handled this problem and regulated and controlled illicit artisan work. Second, the way in which illicit craftsmen were prosecuted hardly caused any complaints about violent acts and illegal encroachments, although like in Lübeck the guilds were mainly responsible to organize and carry out the visitations. However, those persons who were regarded as illicit craftsmen (in Leipzig they were usually called "Störer" or "Pfuscher") were not safe from violent attacks by members of the urban guilds. In 1648 the university, who was a political independent institution inside Leipzig with its own jurisdiction, turned to the town council, because the apprentice of a guild-tailor had damaged the windows of the room of a tailor, who lived and worked in one of the colleges and therefore was subject to the authority of the university. The same person had been attacked and insulted by other members of the tailors' guild. One of them had even threatened him to cut off his fingers and break his arms and legs if he found him outside the gates or at another suitable place.⁹ The background of these events was a permanent conflict between the university and the guilds of Leipzig about those craftsmen who lived and worked under the protection of the university and whom the guild artisans regarded as "Störer". Because of the political and jurisdictional autonomy of the university the guilds did not possess any means to proceed against these – in their opinion – illicit competitors except to threaten them or to sue the university at the Court in Dresden, which they did but without sweeping success. In this quest the guilds were supported by the town council, who was interested in increasing the income of the citizens in order to receive higher tax revenues.

The comparison between Lübeck and Leipzig shows divergent ways, in which the guilds tried to assert their interests concerning the prosecution and control of illicit craftsmen, as well as a different character of the relationship and the interaction between the guilds and the urban authorities. While in Leipzig there was a "culture of cooperation" between the guilds and the town council, in Lübeck this relationship was much more marked by mutual distrust and more or less open confrontations. This corresponds with the fact that the struggle against illicit workmen contained a much higher degree of potential for political conflicts in Lübeck than in Leipzig. The frequent visitations of the houses and the estates, which belonged to persons from the highest ranks in Lübeck's society, can be seen as at least partly politically motivated actions. They were a possibility for the guilds to demonstrate their power and their ability as well as their determination to defend their rights and liberties especially against the interests of the social and the political elite, even if this led to confrontations with the urban authorities. The use of physical as well as symbolic violence was a constitutive part of these power demonstrations.

⁹ Stadtarchiv Leipzig, Tit.LXIV.262 (f), f. 112: Schreiben des Rektors, der Magistri und Doctores der Universität wie auch Professoribus, Senior und anderer Collegiaten des größeren Fürsten Collegii vom 11. September 1648 an den Leipziger Rat.

The reasons for these different patterns and attitudes of the guilds in Leipzig and Lübeck can partly be explained with economic factors. While Leipzig was a prospering town in the early modern period, Lübeck suffered an economic and demographic stagnation, which limited the income and the prospects of the common artisan. The economic development certainly had an impact on the attitude of the guilds towards competitors outside the guild system and on the way, in which they tried to defend their interests in the public arena. However, the more important factor has to be seen in the structure of the political field and the urban power relations as well as – closely connected to that – the stability of the political order. This was especially influenced by the public standing of the authorities and their relationship to the urban corporations. In Leipzig there were no institutionalised forms of political participation of the citizens, and therefore the town council had a strong position inside the urban political field. At the same time, the political order was very stable, which is reflected by the fact, that no serious constitutional conflicts emerged. A central stabilizing factor was the integration of the town in the well established political and judicial system of the early modern Saxon territorial state. Therefore, conflicts, that would have endangered the political stability, could be dealt with by externalising them from the urban space to the territorial sphere. On the other hand the supremacy of the Saxon sovereign had a disciplining effect on the culture of political communication in Leipzig, and it limited the possibilities of the citizens and urban corporations to assert their interests and liberties at least if they tried to do so by confronting the urban authorities. In Lübeck the political situation was much more instable, because due to the autonomous status of the town conflicts between the urban authorities and the citizens and especially the urban corporations had to be handled within the city walls. Furthermore and in contrast to Leipzig, there were institutions above the single guilds, which represented all guild artisans and defended their common interests and liberties. In this context the quest against illicit artisans played an important role, because it was especially suitable to form a common political identity of the urban guild artisans beyond the particular interests of the single guilds. They could not only demonstrate their privileged status by drawing and reaffirming a sharp dividing line between them and nonguild craftsmen, who normally did not possess the citizenship. Furthermore, the problem, how the control and prosecution of illicit artisan work and deviant economic behaviour in general should be practised and organized, was a topic, which in Lübeck was closely connected to the question, how the relationship between the urban authorities and the guilds was or should be constituted. It therefore formed a field of permanent political confrontation, which under specific circumstances, as in the 1660s, could endanger the urban stability and contribute to alter the political conditions and the power structure.