

B) Urban Conflicts and their Control

Public Houses and Civic Tensions in Early Modern Bern

Dr. Beat Kümin
University of Warwick, U.K.
b.kumin@warwick.ac.uk

This paper focuses on tensions associated with public houses in the Swiss city republic of Bern. Drinking establishments have attracted growing attention in recent research, but most studies engaging with our theme have focused on two aspects: violence and immorality associated with alcohol consumption on the one hand; and the stabilising potential of neighbourly sociability and socio-cultural services on the other.¹ Much less, however, has been said on wider political or ‘constitutional’ conflicts relating to the public house, even though it formed one of the main institutional centres in premodern towns and villages.

In what follows, the paper examines how ‘civic liberties’ associated with alcohol retailing threatened ‘urban stability’ in early modern Europe. Based on a variety of legal and administrative sources, the argument reviews a range of conflicts over public houses in a territory which included German- as well as French-speaking areas. The case study is of particular interest for urban historians, as it involves a city-state with a Republican constitution and a substantial number of semi-autonomous dependent towns.²

Two main levels of tensions can be distinguished: first, conflicts *within* individual communities and, second, arguments *between* the ruling capital and the subject towns within its territory. These shall now be examined in turn, although the time frame allows only the briefest of looks at the empirical evidence.

To start with inner-communal conflicts, most of these resulted from diverging priorities of the various interest groups. Publicans, of course, sought to gain a livelihood; customers looked for victuals and entertainment at minimal cost; while urban and ecclesiastical authorities worried about the socio-economic and moral implications of excessive alcohol consumption. Among these concerns, which resulted in a flood of regulation and court proceedings from the late Middle Ages, one flashpoint deserves particular attention: the clash between long-standing alcohol-retailing rights of individual burghers and the ruling council’s attempt to regulate economic life and enhance social discipline in the early modern period.

Bern was a wine-growing area, where vintners possessed a ‘natural’ right to sell their own produce without a formal tavern licence. In urban communities of all regions, the

¹ P. Clark, *The English Alehouse* (1983); T. Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (1988); A. Lynn Martin, *Alcohol, Sex and Gender in Late Medieval and Early Modern Europe* (2001); B. Ann Tlusty, *Bacchus and Civic Order: The Culture of Drink in Early Modern Germany* (2001); B. Kümin and B. Ann Tlusty (eds), *The World of the Tavern: Public Houses in Early Modern Europe* (2002).

² For the general context of early modern Bernese history see Schwinges (ed.), *Berns Mächtige Zeit* (forthcoming).

sale of wine was perceived as a civic prerogative. Explicit evidence survives e.g. for the towns of Thun, Spiez and Unterseen in the Oberland, Brugg in the Aargau, Wangen in the Upper Aargau, Laupen in the Midlands, Nidau in the Seeland and Aigle, Lausanne and Nyon in the French-speaking Vaud.³ The most striking case, however, was the capital itself. Here, the patricians additionally enjoyed a monopoly over the wine trade in the entire Bernese territory, with huge volumes of superior quality *crus* from the subject Vaud available for marketing. Towards the end of the Ancien Régime, the city of Bern was reputed to number some 200 wine cellars (advertised by fir twigs) in a mere 1000 houses, prompting the saying that ‘Venice lay on water, but Bern lay on wine’.⁴ This situation resulted in a classic conflict of interests: with their ‘entrepreneurial’ hats on, Bern burghers hoped to sell as much wine as possible, while potential threats to health, welfare and public order worried them in their capacity as political rulers. Such fears were not unfounded, as tavern-drinking was linked to a significant proportion of violent crime and economic hardship.⁵ Matters were complicated further by the fiscal benefits from indirect alcohol taxes, which formed an important pillar of state finance in many early modern cities. Administrative and legal records testify to the delicate balancing of these conflicting concerns in countless individual conflicts, e.g. regarding further wine imports from abroad, complaints about excessive competition by regular publicans or the applicability of civic privileges to properties located outside the city walls. Adding the religious and moral campaign against irresponsible alcohol consumption by an austere Zwinglian clergy, it is obvious that the public house formed a prominent bone of contention in the capital.⁶

The same negotiation of interests can be observed within provincial towns. At Büren an der Aare in 1626, a local official reported that most citizens handled their privilege in a responsible manner, selling a mere one or two barrels of wine in the autumn, but that some had disregarded opening hours and allowed disorderly behaviour. He assured the Bernese authorities that such people had been punished and that ‘moderation and restriction’ would be observed in the future.⁷ At Payerne in 1786, a place with a fairly small population, wine was sold not only in four regular inns, the town hall, a communal tavern, a further establishment subject to the Bernese bailiff, and ten civic wine cellars, but also in the lounges of individual houses. Both the local mayor and the bailiff felt that this was excessive, but the burghers insisted that it was their ancient right to sell alcohol in their private dwellings.⁸

Moving to the second part of the argument, public houses also sparked disputes *between* dependent towns and the republic’s governing body, the city council of Bern. At stake here was the defence of local autonomy against increasing territorialization in an early modern state. From the close of the Middle Ages, the Bernese council sought to regulate the hospitality trade from the centre, while urban communities

³ See the multi-volume source collection *Die Rechtsquellen des Kantons Bern* (Aarau, 1912-).

⁴ J. Harald Wäber, ‘Das Gaststättenwesen in der Stadt Bern bis 1798’, in: *Berner Zeitschrift für Geschichte und Heimatkunde* 37 (1975), 28.

⁵ See the essays in M. Eriksson and B. Krug-Richter (eds), *Streitkulturen. Gewalt, Konflikt und Kommunikation in der ländlichen Gesellschaft der frühen Neuzeit* (2003).

⁶ A long-term quantitative case study of the impact of Zwinglian discipline on Bernese parishes in H. R. Schmidt, *Dorf und Religion: Reformierte Sittenzucht in Berner Landgemeinden der Frühen Neuzeit* (1995).

⁷ State Archives of Bern, B V 141, p. 45-6.

⁸ *Ibid.*, B V 148, p. 30 (1786).

emphasized time-honoured privileges to licence and supervise their own public houses. Many had good evidence to substantiate such claims. In 1743, Nidau produced an ‘extract of a charter issued by their gracious lords on 3 February 1448 in which [the town] was permitted to choose and dismiss innkeepers, taverners as well as butchers’ and, in 1786, it added confidently that these rights were exercised ‘without our [the Bernese council’s] and our bailiff’s involvement’.⁹ Others exercised similar authority on less secure grounds. At the occasion of an official review of licences in 1743, Mont la Ville in the Jura mountains admitted that it had ‘neither title nor right’ for its drinking establishments, but that the odd tavern had been tolerated because of the volume of travellers passing through on their way to Burgundy.¹⁰

On the whole, scholars observe a more or less linear increase in central powers over the early modern period. In his pioneering study, Moritz von Stürler argued that from 1628 – the date of a key mandate on public houses – territorial sovereignty replaced local and manorial powers.¹¹ A closer look at centre-periphery relations, however, results in a more complex picture. Territorial authorities certainly acquired a growing number of public houses (partly as a result of the great transfer of property during the Reformation) and there was also a clear political will to get a firmer grip on the hospitality trade through legislative measures. In 1707 e.g., the council ruled that ‘neither inferior officials nor local communes were authorized to licence taverns’ and, in 1715, it clarified that this ‘regal’ right pertained only to the highest republican body. Yet in practice, ancient local privileges could not simply be swept away. When the council learnt that the burghers of Laupen insisted on their right to elect publicans, it resolved not to ‘alter anything’ against this practice.¹²

The overall impression is thus one of interference, consultation and sustained central pressure. In the case of Nidau, where – as we have heard – communal rights were pretty watertight, Bern’s ‘gracious lords’ acknowledged that publicans were elected by the burghers, but made it equally clear that there should be no further expansion in the number of drinking establishments. Similar admonitions were issued to the town of Zofingen, while at Thun the government insisted that the burghers should import no wine from the Vaud as long as local produce remained available.¹³ Bern also scrutinized local privileges rather more carefully: when the citizens of the small town of Faoug/Pfauen on Lake Morat claimed that they enjoyed wine-retailing rights, the central authorities clarified that the respective document dealt with tax exemptions, while ‘no word’ in it referred to a right to run taverns. Equally, in a case involving Coppet on Lake Geneva in the mid-eighteenth century, the territorial lords rejected the town’s reference to a right to licence further inns and ordered it to respect the interests of existing establishments.¹⁴

In spite of all its efforts, Bern’s ruling council never really obtained total control over public houses in its territory. As late as 1787, the bailiff of the district of Vevey urged his superiors to take the ‘most drastic measures to tackle the ever growing vices and

⁹ Ibid., B V 144, p. 74; B V 147, p. 289.

¹⁰ Ibid., B V 144, p. 40.

¹¹ M. von Stürler, ‘Die konzessionierten Wirtschaften im Kanton Bern’, in: *Berner Zeitschrift für Geschichte und Heimatkunde* 37 (1975), 19-27.

¹² State Archives of Bern, A II 615, p. 456 (1707); A II 651, p. 134-5 (1715); A II 451, p. 215-16 (Laupen, 1661).

¹³ Ibid., B V 143, p. 34 (Nidau, 1688); B V 142, p. 38 (Zofingen, 1628); B V 144, p. 105 (Thun).

¹⁴ Ibid., B V 144, p. 114 (Faoug, 1743); B V 147, pp. 1075-6 (Coppet, 1786).

evil' associated with the tavern trade. In his view, he elaborated, it undermined the 'common good', 'as each burgher and peasant arbitrarily sold wine, which threatened good manners and public safety; under the pretext of offering their own produce, many created hidden dens' where crime and gluttony easily flourished.¹⁵

The evidence reviewed in this paper allows some general conclusions. First, with regard to tavern studies in a narrower sense, we have seen that public houses were not just important social centres (with disruptive as well as stabilizing functions), but also frequent objects of political and constitutional disputes, both within individual urban communities and between governing capitals and dependent towns. Second, with a view to broader scholarly debates on early modern state building and social discipline, the case study underlines the limits and contested nature of both of these processes. Wearing many different hats, Bernese rulers steered a delicate course in tavern policy. Private and public revenues from wine were considerable and even members of the elite acknowledged that the high number of patrician wine cellars and the lucrative nature of the wine trade were partly to blame for tavern-related problems. In addition, like every other 'police state', Bern struggled with the enforcement of its growing body of legislation and the reliability of local officials. More specifically for a Swiss republic, local autonomy and the defence of long-standing privileges by urban as well as rural communities turned early modern politics into a constant process of consultation and negotiation. In spite of all centralizing and moralizing tendencies, civic liberties were successfully defended, even in a highly contested area like public houses.

¹⁵ Ibid., StA BE, B V 147, pp. 1186-7.