

A) Mechanisms of Urban Stability

Compromise and Handshake. The Town Council, Authority and Urban Stability in eighteenth-century Austrian small Towns

Dr. Martin Scheutz
University of Vienna, Austria
martin.scheutz@univie.ac.at

The example of two small towns in what is today Lower Austria shows how town rule—understood here as the rule of the council over the town’s residents—was able to function during the early modern period.¹ Over 200 small towns surrounded by crumbling walls, typically home to somewhere between a couple hundred and one thousand residents, provide us with characteristic examples of the early modern town in the region of Lower Austria. The two examples dealt with here demonstrate the smallness of these economically struggling settlements: Scheibbs, a small market town south of the Danube that was subject to a local lord, included around 70 burghers’ houses during the early modern period; Zwettl, a town subject to the Emperor, encompassed around 200 houses. A comparison of the two communities’ social structures clearly shows their divergent economic orientations. The market town of Scheibbs was oriented towards food delivery to the Erzberg and the sale of iron. In Zwettl, as well as in Scheibbs, the merchants, innkeepers and brewery owners were the economically dominant group within the town, but the surrounding region’s textile industry played a strong role here as well.²

Aside from the early-modern tension between self-governance and the nascent institutions of state administration, towns were also marked by the tension between the council and burghers, various occupational groups, rich and poor. A special significance in small towns was reserved for the question of who was a member of the council, an institution which never managed to break away socially from the burghers. The elections of judges and the council — particularly since the counter-reformation — were usually controlled by a town’s lord (a landed noble or the Emperor): they were subject to confirmation from above. In the eighteenth century the burghers, therefore, increasingly renounced these rather expensive elections.

A comparison of the social structures among the burghers with the composition of the councils reveals the “pressure groups” in the two small towns examined. A correlation between the secure economic circumstances of individual burghers and their council representation can be clearly shown. Both in Scheibbs and in Zwettl, merchants and innkeepers were greatly overrepresented on the councils. The merchants, who had the additional advantage of interregional contacts, often acted as “catalysts of urban society” by virtue of their function as moneylenders. In Scheibbs, for instance, the twelve local iron merchants clearly dominated the council. They

¹ Herbert KNITTLER, Städtelandschaft in Österreich im Spätmittelalter und in der Frühneuzeit. In: Städtelandschaft, réseau urbain, urban network. Städte im regionalen Kontext in Spätmittelalter und früher Neuzeit. Hrsg. Katrin KELLER, Holger GRÄF = Städteforschung A 62 (Köln–Weimar–Wien 2004) pp. 111–133.

² Martin SCHEUTZ, Alltag und Kriminalität. Disziplinierungsversuche im steirisch-österreichischen Grenzgebiet im 18. Jahrhundert. Wien 2001; Friedel MOLL/Werner FRÖHLICH, Zwettler Stadtgeschichte(n). 2 Vols. Schwarzach 2000/2002.

usually made up over half of this twelve-member body. Small-town residents were well aware of each council members' individual political power. While arguing with the wife of a Zwettl town council member, a butcher was overheard saying that "he'd rather be a rich burgher than a poor councilman."³

Town councils, just like rural manorial authorities, were able to gradually dominate the settlement of conflicts over the course of the sixteenth century; secret compromises between conflicting parties, without the involvement of courts, were increasingly forbidden. Only the town council could guarantee urban stability. The council, referred to as "honorable" or often as "wise," fulfilled its duties in diverse ways and in consideration of the involved parties' social status. In conflicts between burghers, council mediation was usually concluded with the ritualistic handshake and the threat of punishment in case of a repeat offense. In some cases, punishment also included jail terms ("*Bürgerarrest*") and/or monetary fines. The burghers were "declared good friends once more ... via an apology and the shaking of hands." While the council handled conflicts between burghers in a mediatory fashion and out of general public view, its behavior towards members of the lower social classes was markedly more aggressive: servants were put in the pillory or threatened with banishment from the town.

The behavior of a given council towards its town produced definite reactions; in Austrian small towns, as elsewhere, numerous "challenges to the authorities" can be detected: either the entire council or individual council members came under verbal attack and, as a result, felt provoked. The council's assignment of civic responsibilities—such as the division of the tax burden among the populace, or the quartering of soldiers in town—elicited particularly intense reactions. Its position thus compromised, the council limited itself to imposing public apologies as punishment, with the verbal offenders usually required to apologize to several councilmen, thus symbolically apologizing to the entire council.

A question which can be only partially answered is how the council's "rule" within the town was enforced. For the most part, the town council only employed a few officers, such as the beadle and court usher, who can be viewed as the council's "police". The underpaid beadle was in charge of the realization of town council resolutions, he announced council decisions, he guarded prisoners and was responsible for the maintenance of roads. Moreover, he controlled the weekly market and evicted beggars from the town. The control of taverns and inns caused tensions between the council and burghers. For economic reasons the innkeepers were interested in extending "their" closing time and interpreted this extension as part of their civic liberties; the council, on the other hand, ordered inns to be closed during mass and punctually in the evenings. Especially the town's youth blamed the beadle as the council's representative for these restraints. The selling of foreign wine and beer caused problems between burghers, innkeepers and the council as well. The burghers' liberties were further infringed by the council's control of fire and night's rest. Night-watchmen, for example, checked on the careful handling of fire; in the case of insubordination they entered a protest against the offenders at the council.

The lack of enforcement personnel meant that the council had to rely less on the enforcement of its rule by violent means, than on the co-optation of the burghers into its system of governance and the preservation to the greatest extent possible of the normative forces inherent in the community itself.⁴ The high number of offices to be filled annually by burghers helped to provide the council with broad-based legitimacy. In Scheibbs, with its 450 inhabitants, 23 offices had to be filled annually by 39 (mostly male) individuals—in a town with just 66(!) burghers.⁵ Around a third to half of all burghers had to fill an average of one of these many offices, thereby participating in these towns' self-administration. Council audits of the major offices' accounting practices were intended to counter the rumors of irregular administration circulating in many towns. Fire prevention, supervision of (weekly and yearly) markets, the inspection of meat, bread and fish, compliance with closing hours and other such things were taken care of by the office-holding burghers. Especially the supervision of the price and quality of meat or the weight and quality of bread shows conflicts between burghers and the council; urban stability depended strongly on a "just" price for meat and the "right" weight of bread which was prescribed by the council. Often the council came in conflict with the butchers, who tried to regulate meat prices themselves as part of "their" civic liberties. The weekly market caused problems, because the council's pressure group, the merchants, tried to buy whatever they could get on the markets, whereas the burghers insisted on their right of elementary support ("Hausnotdurft", burghers were allowed to buy provisions before the official opening of the market to strangers).

Alongside the broadening of council rule via the appointment of burghers to offices, there were frequent full meetings of the council together with the whole group of burghers. On an average of six times a year, all burghers came together to publicly hear the auditing reports submitted, and they also had the opportunity to present their various "petitions" before the council in person. These meetings of all the burghers within individual towns were undertaken not simply in order to minimize conflict and maintain urban stability; they also served to publicize laws legislated by the authorities, which were read to the burghers in abbreviated form.

During the early modern period, the small towns of Lower Austria suffered from a steady loss of power with relation to the outside world as they became increasingly mired in tax debts. Inwardly, however, the councils—dominated by the economically more prosperous representatives of the burghers—followed a multi-layered, participatory model of urban rule in their attempt to involve all resident burghers in government and maintain urban stability.

⁴ See Friedrich BATTENBERG, Klein- und mittelstädtische Verwaltungsorgane in der Frühneuzeit in Hessen. Ein Beitrag zur städtischen Verfassungsgeschichte des 16. und 17. Jahrhunderts. In: Verwaltung und Politik in Städten Mitteleuropas. Beiträge zu Verfassungsnorm und Verfassungswirklichkeit in altständischer Zeit. Hrsg. Wilfried EHBRECHT = Städteforschung A 34. Köln–Weimar–Wien 1994, pp. 221–253.

⁵ Martin SCHEUTZ, Formen der Öffentlichkeit in einem grundherrschaftlichen Markt des 18. Jahrhunderts. Die Scheibbs'er Taidinge als Versammlungsort der Bürger. In: Mitteilungen des Instituts für Österreichische Geschichtsforschung 109 (2001) pp. 382–422.