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WARS, FEUDS, AND ENMITIES— THE VIOLENT STATE OF LATE MEDIEVAL

GERMANY: 1350-1550

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To my grandparents Robert and June Wakefield

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Abbreviations

Archives:

Staatsarchiv Bamberg: StA Bamberg

Sächsisches Hauptstaatsarchiv Dresden: HStA Dresden

Stadtarchiv Duderstadt: StadtA Duderstadt

Stadtarchiv Erfurt: StadtA Erfurt

Stadtarchiv Göttingen: StadtA Göttingen

Mühlhausen: StadtA Mühlhausen

Stadtarchiv Nordhausen: StadtA Nordhausen

Thüringisches Hauptstaatsarchiv Weimar: HStA Weimar

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INTRODUCTION

The aim of this dissertation is to recenter the late medieval German feud (*Fehde*) around violence. By bringing violence to the fore, I challenge the long-standing assumptions of contemporary scholarship, which has conceived the late medieval German feud almost exclusively within a legalistic framework. This notion, which will be dealt with in far greater detail below, has limited our ability to fully grasp how the violence of the feud came to indelibly shape the structures of late medieval political, cultural, and socio-economic life. Such a revisionist approach immediately thrusts us into the melee of the historiographic and ideological debates that have been raging ever since the publication in 1939 of Otto Brunner's *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter* (*Land and Lordship: Structures of Governance in Medieval Austria*).¹ Lauded as “one of the century’s most important works of German history,”² Brunner’s exposition on the feud therein nearly single-handedly established the modern field of German feud studies and has become an increasingly significant starting point for Anglo-American historians working on the medieval and early modern phenomenon of conflict and violence.³

¹ Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky, James Van Horn Melton (Philadelphia: University of Pennsylvania Press, 1992); Otto Brunner, *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter*, 4th ed (Wiesbaden: R.M. Rohrer, 1959). First published in 1939, *Land and Lordship* went through two more editions (1942, 1943) before reaching its final version in 1959. Brunner’s revision both considered new scholarship and the new political realities of the post-war era, removing or rephrasing certain passages and terms.

² Peter Blickle, “Otto Brunner (1898-1982),” *Historische Zeitschrift* 236 (1983), 779.

³ The first attempt to introduce Brunner’s approach to the late medieval feud into Anglo-American and French scholarship was Howard Kaminsky, “The Noble Feud in the Later Middle Ages,” *Past & Present*, 177 (2002): 55-83. Further engagement has followed with Alexander Grant, “Murder Will Out: Kingship, Kinship and Killing in Medieval Scotland,” *Kings, Lords and Men in Scotland and Britain, 1300–1625: Essays in Honour of Jenny Wormald*, ed. Steve Boardman (Edinburgh: Edinburgh University Press, 2014), 193-226; Jackson W. Armstrong, *England’s Northern Frontier: Conflict and Local Society in the Fifteenth-Century Scottish Marches* (New York: Cambridge University Press, 2020); Justine Firnhaber-Baker, *Violence and the State in Languedoc, 1250–1400* (New York: Cambridge University Press, 2014); Stuart Carroll, *Blood and Violence in Early Modern France* (New York: Oxford University Press, 2006).

In *Land and Lordship*, Brunner was responding to the nineteenth-century tradition of German and Austrian constitutional history that dismissed feuding as an anarchic revel of aristocratic robbery, murder, and destruction resulting from the medieval absence of the institutions of the modern state.⁴ Contemporary historians, following Brunner's lead, have rightly dismissed this anachronistic understanding of the feud for ignoring the very real conventions surrounding violence that medieval Germans recognized. The reception of the Brunnerian feud inspired post-war German historians to turn away from feuding's destructive and disordering capacities towards its creative and functional capacities.⁵ Nearly mirroring the structuralist-functional approach toward conflict adopted by Anglo-American medievalists from the social anthropology of Max Gluckman, E. L. Peters, and Black-Michaud, German historians of the feud increasingly came to embrace a "rationalist" paradigm of feuding and conflict.⁶ By and large, the late medieval German feud became understood — in the idiom of dispute studies — as the primary means of conflict resolution in the polycentric political structure of the medieval Holy Roman Empire; far from undermining order, the feud actually upheld it in a fashion. The feud could function so because of its inherently norm-oriented nature; with its own rules of conduct and formalities buttressed by the social imperative toward peaceful resolution, it offered means

⁴ This characterization does run the risk of oversimplifying German scholarship on the feud throughout the nineteenth and early twentieth-century, in which one may find antecedents to Brunner's insights. See Dominik Reither, *Rechtsgeschichte und Rechtsgeschichten. Die Forschung über Fehde, autonome Gewalt und Krieg in Deutschland im 19. Jahrhundert* (Marburg: Tectum, 2009). As Reither aptly demonstrates, the field of nineteenth-century German feud research was by no means monolithic, but its frame of reference remained that of modern state and society.

⁵ For the most recent Anglophone synthesis, see Jackson W. Armstrong, "Cultures of Conflict," in *The Routledge Companion to Cultural History in the Western World*, ed. Alessandro Arcangeli, Jörg Rogge, and Hannu Salmi (New York: Routledge, 2020), 33-48.

⁶ For a treatment of anthropological models of conflict with respect to the German research traditions, see Steffen Patzold, *Konflikte im Kloster. Studien zu Auseinandersetzungen in monastischen Gemeinschaften des ottonisch-salischen Reichs* (Husum: Matthiesen 2000), 20-51; Florian Dirks, *Konfliktaustragung im norddeutschen Raum des 14. und 15. Jahrhunderts. Untersuchungen zu Fehdewesen und Tagfahrt* (Göttingen: V&R unipress, 2015), 21-38.

to settle conflicts through force without its violence exceeding a scope, scale, and intensity that would have otherwise rendered it dysfunctional.

This approach to the themes of violence within German feud studies runs like a *roter Faden* through other historiographies and methodologies of the medieval and early modern European history of conflict as well. Be they categorized under the term feud, seigneurial warfare (formerly termed as private war, *guerre privée*, in Anglo-French scholarship), vendetta and customary vengeance (the blood feud), nearly all have embraced some form of the rationalist paradigm as a methodological point of reference.⁷ While this shift to the creative and functional capacities of conflict has proved to be one of the most rewarding developments in twentieth-century medieval and early modern historiography, it has entailed serious consequences for our understanding of violence. Put plainly, defining the essence of the feud around rules and norms of conduct, that is, in terms of its “rationality” and “functionality,” risk reducing it almost to a sanitized *bellicosum ludum* (warlike game).

An Uneasy Reception, Clashing Visions

This abridged synopsis of Brunner’s reception returns us to the broader historiographical stakes of the German feud. Brunner, as Alexander Patschovsky’s incisively noted, introduced in his analysis of the feud a vision of medieval society “in which conflict is not a dysfunctional

⁷ Indispensable in this regard are the historiographic essays by Jeppe Büchert Netterstrøm, “Introduction: The Study of Feud in Medieval and Early Modern History,” in *Feud in Medieval and Early Modern Europe*, ed. Jeppe Büchert Netterstrøm and Bjørn Poulsen (Aarhus: Aarhus U.P., 2007), 9-68; Warren C. Brown, Piotr Górecki, “What Conflict Means: The Making of Medieval Conflict Studies in the United States, 1970–2000,” in *Conflict in Medieval Europe*, ed. Warren C. Brown, Piotr Górecki (New York: Routledge, 2013), 1-35; for a more concise treatment, see Trevor Dean, *Medieval Crime* (New York: Routledge, 2014), 98-104; finally, for a more critical treatment of the reception of the peace in the feud model, see Stephen D. White “‘The peace in the feud’ revisited: feuds in the peace in medieval European feuds,” in *Making Early Medieval Societies: Conflict and Belonging in the Latin West, 300 – 1200*, ed. Kate Cooper, Conrad Leyser (New York: Cambridge University Press, 2016), 221-243.

factor and peace not necessarily the foundation of human historical progress.”⁸ This vision of violence has proven incapable of being truly integrated into post-war German historiography for the obvious reasons that it upholds a profoundly anti-liberal worldview where violence and conflict stand not as forces to be overcome but rather affirmed as an ineluctable element of historical human life. It is a vision, to draw upon the words of Ernst Jünger, where “as long as the cycling wheel of life turn in us, war will be the axel around which it whirrs.”⁹ Thus, Brunner’s uneasy reception has stressed the feud’s legal dimensions and functionality to the point of the “*domestication*” of its violence;¹⁰ recasting feuding violence as something fundamentally rule-bound, limited (or, to modify a term of Huizinga’s coinage, as hyper-agonistic), and calculatable has permitted the German program of feud research to adopt the Brunnerian concept of the feud while either attenuating and diluting its accompanying vision of violence or rejecting it outright.¹¹ Contesting the dominant direction of German feud research is a more critical vision exemplified by the scholarship of Gadi Algazi and H. H. Kortüm.¹²

⁸ Alexander Patschovsky, “Fehde im Recht. Eine Problemsskizze,” in *Ketzer, Juden, Antichrist: gesammelte Aufsätze zum 60. Geburtstag von Alexander Patschovsky*, ed. Matthias Kaup et al (Göttingen: Niedersächsische Staats- und Universitätsbibliothek, 2001), 147: “...daß seiner Fehdeanalyse ein Gesellschaftsmodell zugrundeliegt, in dem Konflikt keine dysfunktionale Negativgröße ist und Friede nicht unbedingt das Fundament menschheitsgeschichtlichen Fortschritts.”

⁹ Ernst Jünger, *Der Kampf als inneres Erlebnis* (Berlin: E. S. Mittler & Sohn, 1927), 3f.

¹⁰ Christine Reinle, ““Fehde” und gewaltsame Selbsthilfe in England und im römisch-deutschen Reich,” in *Akten des 36. Deutschen Rechtshistorikertages: Halle an der Saale, 10.-14. September 2006*, ed. Rolf Lieberwirth, Heiner Lück (Baden-Baden: Nomos, 2007) 131; has gone as far as to claim that in comparison to other European forms of feuding and warfare, which “still remained bound to a gruesome logic of vengeance,” “the integration of the feud into the German legal system which emerged from the territorial peace movement seems to have led to a domestication of feuds.” Also see the military historian Hans-Henning Kortüm’s criticism of the reception in this respect Hans-Henning Kortüm “„Wissenschaft im Doppelpaß“? Carl Schmitt, Otto Brunner und die Konstruktion der Fehde,” *Historische Zeitschrift* 282, 1 (2014), 585-617, 616: the concept of the feud “offers the opportunity for an innocuous rehabilitation of violence and war. Both of them lose the stigma of being disreputable and appalling. The disreputable, since the feud is merely a matter of restoring injured propriety, the appalling because violence and war appear controllable and domesticatable on account of the rule-bound nature of the feud.”

¹¹ Johan Huizinga, *Homo Ludens* (London: Routledge & Keegan Paul, 1955), 95.

¹² Gadi Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter. Herrschaft, Gegenseitigkeit und Sprachgebrauch* (New York: Campus, 1996); ——— “Pruning Peasants: Private War and Maintaining the Lords’ Peace in Late Medieval Germany” in *Medieval Transformations: Texts, Power and Gifts in Context*, ed. Esther Cohen, Mayke de Jong (Leiden: Brill, 2000), 245–274; Hans-Henning Kortüm, “„Gut durch die Zeiten gekommen“ Otto Brunner und der Nationalsozialismus,” *Vierteljahrshefte für Zeitgeschichte* 66, 1 (2018), 156-159; ———

Seeking to sheer away the façade of the feud’s ostensible legal function in order to reveal far harsher realities beneath, it has also drawn attention to the indebtedness of Brunner’s vision of pre-modern Europe to his political orientation.¹³ This vision above all else problematizes the feud as something that can be construed as in any way positive within the socio-political and legal order of late medieval German life. With its fundamentally negative disposition toward the historical role of violence, this critical vision’s affinities clearly situate it as closer to the “civilizing process” narrative. This clash of visions also maps roughly onto the challenges that structuralist-functionalist models of medieval and early modern European feuding as a whole now face with the “rationality of the sanitized feud” increasingly being placed into question.¹⁴ By taking violence seriously as the central force in late medieval feuding and conflict, this dissertation critically synthesizes both visions, working toward a fuller realization of those paths

“„Wissenschaft im Doppelpaß“? Carl Schmitt, Otto Brunner und die Konstruktion der Fehde,”; ——— “Kriegstypus und Kriegstypologie: Über Möglichkeiten und Grenzen einer Typusbildung von "Krieg" im Allgemeinen und von "mittelalterlichem Krieg" im Besonderen“ in *Formen des Krieges. Von der Antike bis zur Gegenwart*, ed. Dietrich Beyrau, Michael Hochgeschwender, and Dieter Langwiesche (Paderborn: Ferdinand Schöningh, 2007), 71-98.

¹³ Brunner’s support of National Socialism is well known and has been intensively treated by the following. For the broader historiographical and political context in which Brunner was situated, see: Anne Christine Nagel, *Im Schatten des Dritten Reichs : Mittelalterforschung in der Bundesrepublik Deutschland; 1945 – 1970* (Göttingen: Vandenhoeck & Ruprecht, 2005); then, for a general treatment of Brunner along with the political valences of his scholarship, see: Helmut Quaritsch, “Otto Brunner — Werk und Wirkungen,” *Staat und Recht: Festschrift für Günther Winkler*, ed. Herbert Haller et al (Vienna: Springer-Verlag, 1997), 825-853; Otto Gerhard Oexle, “Sozialgeschichte-Begriffsgeschichte-Wissenschaft-geschichte. Anmerkungen zum Werk Otto Brunners,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 71, 3 (1984): 305-341; ——— “Leitbegriffe - Deutungsmuster - Paradigmenkämpfe. Über Vorstellungen vom 'Neuen Europa' in Deutschland 1944,” in *Nationalsozialismus in den Kulturwissenschaften*, vol. 2: Leitbegriffe, Deutungsmuster, Paradigmenkämpfe. - Erfahrungen und Transformationen im Exil, ed. Otto Gerhard Oexle, Hartmut Lehmann (Göttingen: Vandenhoeck & Ruprecht, 2004), 13-40; James van Horn Melton, “From Folk History to Structural History: Otto Brunner (1898-1982) and the Radical-Conservative Roots of German Social History,” in *Paths of Continuity: Central European Historiography from the 1930s to the 1950s*, ed. Hartmut Lehmann, James Van Horn Melton (New York: Cambridge University Press, 1994), 263-292; ——— “Otto Brunner and the Ideological Origins of Begriffsgeschichte,” in *The Meaning of Historical Terms and Concepts. New Studies on Begriffsgeschichte*, ed. Hartmut Lehmann, Michael Richter (Washington, D.C.: German Historical Institute, 1996), 21–33; Hans-Henning Kortüm, “Wissenschaft im Doppelpaß” Carl Schmitt, Otto Brunner und die Konstruktion der Fehde,” ——— “„Gut durch die Zeiten gekommen“ Otto Brunner und der Nationalsozialismus,” *Vierteljahrshefte für Zeitgeschichte* 66, 1 (2018): 117-160; Gadi Algazi, “Otto Brunner - "konkrete Ordnung" und Sprache der Zeit,” in *Geschichtsschreibung als Legitimationswissenschaft 1918-1945*, ed. Peter Schöttler (Frankfurt a. M.: Suhrkamp, 1997), 166-203.

¹⁴ Jeppe Büchert Netterstrøm, “Introduction: The Study of Feud in Medieval and Early Modern History,” in *Feud in Medieval and Early Modern Europe*, ed. Jeppe Büchert Netterstrøm, Bjørn Poulsen (Aarhus: Aarhus U.P., 2007), 64f.

of research only faintly traced out in Brunner's treatment of the feud (not by his reception). In doing so, it explores both the creative and destructive capacities of feuding violence as it concretely unfolded to shape structures of late medieval political, socio-economic, and cultural life in ways that only the original Brunnerian vision of violence can allow. That is to say, violence will not be reduced to a form palatable for contemporary consumption — functional, nearly exclusively goal oriented, and eminently controllable — but respected as the force that has been, still is, and will be in human historical life.

Brunner's Reception: a Closer Look

After tracing out in detail how Brunner's legacy has unfolded across twentieth and early twenty-first-century German historiography, I will address the broader structure of the dissertation and its chronological and geographic contours. The focus here will remain on Brunner's reception with respect to the significance of violence therein because of how each chapter has been allotted its own source and historiographic analysis. Despite the initial emphasis on the commonalities linking together the various histories of the feud, the late medieval German feud has come to assume an extremely specific meaning that sets it apart from those models of the feud derived from classical social anthropology. One of the foremost cleavages has been the explicit legal and political perspective that German historians have adopted.¹⁵ Although writing over a hundred fifty years before Brunner, Justus Möser (1720-1794) vividly and succinctly conveys the idea of feud as running parallel to legal process: "the force of arms decided the feud as the judge decides upon legal judgment (*urlog war die entscheidung der waffen wie urtheil die*

¹⁵ An excellent, if dense and exigent, synthesis of this approach that spans the entirety of the medieval period is presented by Martin Pilch, *Der Rahmen der Rechtsgewohnheiten Kritik des Normensystemdenkens entwickelt am Rechtsbegriff der mittelalterlichen Rechtsgeschichte* (Cologne: Böhlau, 2009), 152-159, 305-309, 231-234.

entscheidung des richters).¹⁶ Underlying this understanding of the late medieval feud is a pronounced emphasis on how it functioned as a juridical mechanism by which political actors across various social levels could assert and defend rights, enforce justice, and respond to wrongs through the exercise of legitimate armed force. That the feud was in every sense of the term a full-fledged legal institution with its own set of accepted rules of conduct and formalities can be best appreciated by a definition in accord with the reigning *communis opinio*. To this end, we could do no better than to quote one of the living authorities on the subject, Christine Reinle. The late medieval German feud, as Reinle defines it, should be understood as:

a violent yet ruled-bound form of self-help. If a legal basis was put forward, the feud was deemed to be a legitimate form of conflict resolution. In an ideal case, the feud was conducted as subsidiary to the legal process, however, in practice it was often complementary to it. The aim in waging a feud was to harm the opponent's possessions and dependents as a means of compelling him to negotiate over a contested legal issue, but not to kill him.¹⁷

¹⁶ Justus Möser, *Sämtliche Werke*, vol. 1 : Patriotische Phantasien, part. 1., ed. Johanne Wilhelmine Juliane von Voigt, Bernhard Rudolf Abeken (Berlin, 1842), 400. Brunner quoted approvingly from Möser “von dem Faustrecht/der hohe Style der Kunst unter den Deutschen” in the 3rd edition of *Land and Lordship*.

¹⁷ Reinle, “Bauerngewalt und Macht der Herren. Bauernfehden zwischen Gewohnheitsrecht und Verbot,” in *Gewalt im Mittelalter : Realitäten – Imaginationen*, ed. Manuel Braun, Cornelia Herberichs (Munich: Wilhelm Fink Verlag, 2005), 105f: “Unter ‚Fehde‘ versteht man demnach die gewaltsame, aber regelgebundene rechtliche Selbsthilfe. Sie galt beim Vorhandensein eines rechtlichen Grundes als legitime Form des Konfliktaustrags and kam im Idealfall subsidiär zum Rechtsgang, in der Praxis aber komplementär zu diesem zur Ausführung. Fehdeführung zielte darauf, den Gegner an seinem Besitz zu schädigen und ihn so zu Ausgleichsverhandlungen über einen strittigen Sachverhalt zu zwingen, nicht aber darauf, ihn so zu töten.” Reinle presents the most comprehensive case in favor of the feud-as-legal-institute interpretation in her *Bauernfehden. Studien zur Fehdeführung Nichtadliger im spätmittelalterlichen römisch-deutschen Reich, besonders in den bayerischen Herzogtümern* (Stuttgart: Steiner Verlag, 2003), 11-39; — “Fehde,” *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 1, ed. Albrecht Cordes et al, 2nd ed. (Berlin: Erich Schmidt, 2008), col. 1515-1525; Ekkehard Kaufmann, “Fehde,” in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 1, ed. Adalbert Erler, Ekkehard Kaufmann (Berlin: Erich Schmidt, 1971), col. 1083- 1093, 1093: Kaufmann ends with the critical remark that “the modern depictions (of the feud), which above all else emphasizes the legal character of the feud, overshoots their mark just as the older (models) overemphasized

As adumbrated above, this conception of the late medieval German feud as fundamentally a legal institution (*Rechtsinstitut*) in German post-war scholarship found its genesis in Brunner's *Land and Lordship*. At its heart, *Land and Lordship* is an architectonic revision of the structures of late medieval political life, namely its constitution (*Verfassung*: "the total condition of political unity and order"), forcefully directed against the preceding constitutional history of Brunner's day.¹⁸ This brand of constitutional history, as Brunner ceaselessly explicates, was so embedded in conceptual categories of nineteenth-century jurisprudence and political theory (*Staatslehre*) that it unwittingly transformed medieval political structures into deficient versions of the bourgeois liberal state¹⁹. Brunner argued that the defining categories of modern political life — the separation of state and society, distinctions between public and private, and external and internal sovereignty — had no place in medieval constitutional structures, nor the forms of political action that conditioned them. For Brunner one of the keys to understanding the particular qualities of the medieval constitution was the feud. Perhaps more so than any other medieval form of political and legal action, it could not be explained by the defining features of nineteenth- and twentieth-century political life and thought.

the violence of the knightly brigandage;" Matthias G. Fischer, *Reichsreform und „Ewiger Landfrieden.“ Über die Entwicklung des Fehderechts im 15. Jahrhundert bis zum absoluten Fehdeverbot von 1495* (Aalen: Scientia Verlag, 2007), 3f, 58-65.

¹⁸ Brunner's directed his greatest attention to the theories of Otto von Gierke and Georg von Below. See Quaritsch, "Otto Brunner — Werk und Wirkungen," 827ff; Reinhard Blänkner, "Von der „Staatsbildung“ zur „Volkwerdung“: Otto Brunners Perspektivenwechsel der Verfassungshistorie im Spannungsfeld zwischen völkischem und alteuropäischem Geschichtsdenken," in *Alteuropa oder Frühe Moderne. Deutungsmuster aus dem Krisenbewußtsein der Weimarer Republik für das 16.-18. Jahrhundert in Theologie, Rechts- und Geschichtswissenschaft*, ed. Luise Schorn-Schütte (Berlin: Duncker & Humboldt, 1999), 87-137, esp. 101-105; Howard Kaminsky and James Van Horn Melton, "Translators' Introduction" in Brunner, *Land and Lordship*, xvii-xxvii. Brunner draws upon Carl Schmitt for this definition of *Verfassung*, see Brunner, *Land and Lordship*, 95, citing Carl Schmitt, *Constitutional Theory*, trans. Jeffrey Seitzer (Durham, NC.: Duke University Press, 2008), 59.

¹⁹ Although this argument runs throughout, Brunner treats it explicitly in Chapter 2: Brunner, 1-94.

Or in other words: “only with the feud taken as a starting point can the inner coherence of politics and the state and of power and right in the Middle Ages be apprehended.”²⁰

The feud, then, was the foremost vehicle by which the members of the late medieval Holy Roman Empire’s body politic, namely bearers of lordship, resolved their conflicts and upheld order.²¹ Rather than acting as the mere law of the fist (*Faustrecht*), the feud functioned as an eminently legal practice by which conflicts over the defense and enforcement of rights could be initiated, pursued, and settled through armed force in accordance with customary legal norms.²² In this sense, the feud assumes a role analogous to modern war between nation-states (as regulated by international law) for the congeries of autonomous to semi-autonomous lordships constituting the medieval polity, what Brunner termed a territorial community.²³ Within the framework of the feud, these lordships conducted their own political actions within as well as outside of their territories against one another and even the superior authorities of prince, king, and emperor.²⁴ The feud was, however, something far more than mere warfare; it was, in Brunner’s précis, “where might and right came together.”²⁵ At the heart of Brunner’s conception of the feud is the struggle for Right (*Recht, Ius*), which stood for a transcendent order of divine justice that encompassed both positive and the customary law of the *Land* community.²⁶ And it was through the legitimate force of the feud that the associations of lordships and their prince constituting the *Land* community not only upheld this Right, but also secured peace within or

²⁰ Brunner, *Land and Lordship*, 108

²¹ Brunner, 1-94.

²² *Ibid.*, 36-67.

²³ *Ibid.*, 90: “The feud was as integral to medieval political life as war is to the modern state and international law.” Scholars have noted that the early modern laws of war can be understood as the transposition of the institution of the medieval feud onto the international relationship between early modern states. William Rasch “Against Perpetual Peace,” in *The Radical Enlightenment in Germany: A Cultural Perspective*, ed. Carl Nierkerk (Boston: Brill, 2018), 398.

²⁴ Brunner, *Land and Lordship*, 14, 24f.

²⁵ *Ibid.*, 9.

²⁶ *Ibid.*, 92, 114.

outside of this *Land* community against those who had infringed upon their rights or those of their subjects.²⁷

By revealing the “constitutionally creative role” of the late medieval feud, Brunner ushered in a Copernican revolution for how post-war generations of German historians approached the role of aristocratic violence in the late medieval Empire.²⁸ Forsaking the statist clichés that posited the aristocratic warfare of the feud as an aberration to be overcome by the princely states and imperial reforms of the sixteenth-century, the German tradition of research has come to emphasize the various functionalities of the feud as a complementary form of legality. While Brunner’s predominantly legal-constitutional point of departure has certainly been expanded to encompass an increasingly diverse range of approaches, his characterization of feuding violence has remained largely intact.²⁹

Brunner saw in feuding violence more than anything else a means to an end, although he did recognize other driving elements like vengeance and accumulation of material resources.³⁰

²⁷ Ibid., 92.

²⁸ Kaminsky, “The Noble Feud in the Later Middle Ages,” 58.

²⁹ Contemporary attitudes toward feuding violence are typified by Hilla Zmora, *The Feud in Early Modern Germany* (New York: Cambridge University Press, 2011), 44f: “...violent attacks that did occur were by and large limited. They were regulated by accepted rules of conduct and by a more or less fixed repertoire of sanctioned methods: sporadic yet organized, usually small-scale raids involving burning, looting, abductions, and causing all sorts of material damage to the rival and his interests. Brutality, à l’outrance was on the whole exceptional. Killings were rare and usually not premeditated;” Reinle, “Fehde und Fehdebekämpfung am Ende des Mittelalters: Überlegungen zum Auseinandertreten von „Frieden“ und „Recht“ in der politischen Praxis zu Beginn des 16. Jahrhunderts am Beispiel der Absberg-Fehde,” *Zeitschrift für Historische Forschung* 30, 3 (2003), 355-388, 385: Referring to excessive use of violence by Hans Thomas of Absberg and Nurnberg, Reinle states that “The logic of violence — to extract the desired goal of a mediated settlement through terror — evinced itself as dysfunctional because the successful conclusion of a feud depended on a dialog with the opponent remaining possible;” Steffen Krieb, “Wie gewalttätig war die spätmittelalterliche Fehdeführung? Zum Wandel der Handlungsmuster gewaltsamen Konfliktaustrags um 1500,” in *Konzepte und Funktionen der Gewalt im Mittelalter*, ed. Claudia Garnier (Münster: LIT, 2021), 99-128.

³⁰ Brunner, 67-81. His treatment on plunder for example verges into what would today be considered fantastical comparative anthropological territory, going as far as to cite Otto Höfler’s seminal *Kultische Geheimbünde der Germanen* (1934) in order to derive the customary practice of plundering from the Indo-European Männerbund. However excessive Brunner’s flights into Germanic antiquity may have been, his willingness to embrace a truly inter-disciplinary approach that moves beyond a purely legal analysis of the feud does gesture to new avenues of research. See 79ff.

The means: the distressing of an opponent through the devastation (*Schadentrachten*) of his economic base by plunder, arson, and kidnapping of his dependents; the ends: to distress him into conceding to one's terms or a negotiated settlement of sorts.³¹ Brunner, while neither discounting the suffering that feuding inflicted on rural populations, nor the often deadly intra-noble violence, goes to great lengths to underscore how this violence's limited nature was regulated by a system of conventions rooted in a consensus-based body of customary law.³² Feuders restricted their devastation mainly to economic targets, preferring plunder and pillage, the imposition of tribute, or the capturing and ransoming of an opponent's peasantry, while simultaneously avoiding the killing of their opponents in the inevitable skirmishes and melees that accompanied the low intensity warfare characterizing the majority of feuds.³³ Certainly, in larger scale feuds, battles and sieges occurred that entailed significant losses of human life, but they, as Brunner insists, did not characterize the vast majority of feuds.³⁴

Later scholars have not only followed suit but have gone a step further still by continually stressing the extremely limited and norm-based nature of feuding violence. Thus, for the broader German program of feud research, what typified the violence of the late medieval German feud were above all else the norms and ritualized conduct— be they expressed in terms of customary conventions or written law the territorial peace agreements (or *Landfrieden*), the Golden Bull of 1356, or territorial law codes (*Landesordnungen*) — that regulated what feuders deemed to be an appropriate and acceptable use of force.³⁵ Such violence, to return to Huizinga, may be classified as hyper-agonistic; it was endowed with an almost excessive formality in

³¹ Ibid., 69f, 72f.

³² Ibid., 81-86, 87ff.

³³ Ibid., 68f.

³⁴ Ibid.

³⁵ Fischer, *Reichsreform und „Ewiger Landfrieden*,” 58-65.

addition to representing “a special condition of general hostility solemnly proclaimed that is as much of justice as divination or a legal proceeding.”³⁶

Indeed, one could even go as far as to define the formality and limitedness of German feud violence as its most distinguishing feature. It bears quoting Reinle fully here in her comparison of the late medieval German feud with the aristocratic conflicts of the fifteenth-century English gentry: “in this respect, the integration of the feud into the German legal system seems to have produced a domestication of feuds through the rules and norms of conduct which emerged through the territorial peace movement; by contrast, English ‘feuds’ still remained bound to a gruesome logic of vengeance.”³⁷ For an attenuated version of Brunner’s vision of violence to persist, the feud must be subject to a “domestication” if it is to fulfill its constitutionally creative role as the judicial mechanism par excellence for resolving conflicts by force; its violence had to furthermore possess a highly formalized and restrained character in order to avoid the excessive destruction, social dislocation, and, most importantly, the loss of human life that would have otherwise illegitimated it as a force of dysfunctional “disorder.”

This dichotomy between function and dysfunction has become one of the foremost means by which this conception of the feud has been maintained within what I shall call for lack of better words the attenuated Brunnerian vision. In this framework, violence escalates, becoming dysfunctional, only as the traditional norms regulating the feud start to break down in the face of its criminalization by urban and princely authorities; thus, violence is almost taken to be isomorphic to the norms and customs constituting the feud’s legal character, retaining its

³⁶ Huizinga, *Homo Ludens*, 95.

³⁷ Reinle, ““Fehde” und gewaltsame Selbsthilfe in England und im römisch-deutschen Reich,” 131. Here the feud almost morphs into a fully-fledged legal institution derived from a body of customary norms, which monarchial and princely efforts have formalized into a body of positive law.

functionality as a means to impel settlement as long as the feud retains its legal character.³⁸ Steffen Krieb recapitulates the core of this position in his examination of the nature of feuding violence. The late medieval feud, he explains, only yielded from functional (in Weberian terms, fulfilling a purposive-rationality) to non-functional forms of violence (from killing to mutilations; autotelic) as a reaction to the increasingly harsh measures employed in its criminalization from the late fifteenth-century onwards or as a part of these very measures themselves (that is, as a form of punishment).³⁹ His argument, however, drawing on Reinle's earlier study of Hans Thomas von Asberg, depends heavily on late fifteenth and early sixteenth-century feuds between Franconian noblemen and Nuremberg, while not considering a body of earlier material that highlights the prevalence of such "dysfunctional" violence as far back as the fourteenth-century. In an ironic turn of fate, the endeavor to attenuate the underlying vision of violence inherent to Brunner's analysis of the feud has returned to the dichotomous thinking (*Trennungsdenken*) that he so excoriated.

This paradigm of the late medieval feud brings with it two serious limitations around which my dissertation is structured. The first directly concerns how this model of the feud defined in terms of function versus dysfunction excludes those elements that do not fit into the traditional register of feuding practices or motivations. These, I argue, cannot be exhaustively explained by the dichotomous framework and may be divided into two sub-categories. The first consists in the cultural and concomitant affective elements underpinning the practice of late medieval violence, while the second comprises the overlooked economic factors and motivations

³⁸ Reinle, "Fehde und Fehdebekämpfung am Ende des Mittelalters: Überlegungen zum Auseinandertreten von „Frieden“ und „Recht“ in der politischen Praxis zu Beginn des 16. Jahrhunderts am Beispiel der Absberg-Fehde," 375-382, 387.

³⁹ Steffen Krieb, "Wie gewalttätig war die spätmittelalterliche Fehdeführung? Zum Wandel der Handlungsmuster gewaltsamen Konfliktaustrags um 1500," 115f.

integral to the endemic feuding and warfare of the late medieval Empire. The second serious limitation deals with how such a tightly delineated juridical conception of the feud has sealed it off from narratives about the broader pattern of endemic, organized violence that existed in the interstices between the “modern state” and the decentralized political structures of the Middle Ages.

Chronological and Geographic Dimensions: Central Germany 1350-1550

With the historiographical and methodological concerns at the heart of this dissertation concluded, we turn to its geographic and chronological dimensions. In respect to the former, I have selected those German-speaking lands of the late medieval Empire now referred to as Central Germany (*Mitteldeutschland*). By the fourteenth-century, it was already conceived of as a coherent region that stretched between the Harz Mountains and Elbe River. Writing in 1374 the imperial notary, Nicholas von Posen (†1393) described it as the land “in the upper regions of the Elbe before the Harz Forest with the archbishopric of Magdeburg, the Saxon dukedom of Duke Wenceslaus, the marches of Meissen, and a few nobles of the Harz region.”⁴⁰ Today, Central Germany comprises the modern federal states of Thuringia, Saxony, and Saxon-Anhalt, along with the north-eastern parts of Hessen and the southernmost part of Lower Saxony. However, during the fourteenth and fifteenth-centuries, the political geography of the region was largely defined by the lordship of the Wettiner consisting of three core territories: the Margraviate of Meissen in the east, the Landgraviate of Thuringia to the west, the Dukedom of Electoral Saxony to the north from 1423 onward, and an assortment of geographically disparate acquisitions in and

⁴⁰ *Mecklenburgisches Urkundenbuch, 1371-1375*, vol. 18, ed. H. Grotefend (Leipzig, 1897), nr. 10601, 459f: “in superioribus partibus Albee versus Hartz cum archiepiscopo Magdeburgensi, Wenceslao duce Saxonie, Misensibus Marchionibus, et nonnullis nobilibus Harcensibus.”

about these territories.⁴¹ Coexisting within this zone of Wettiner hegemony were other smaller, though quite numerous, noble, urban, and ecclesiastical lordships. To the northeast it was bounded by the Electorship of Brandenburg and Anhaltiner principalities. Running along its northwestern borders were the dukedoms of the Welf. Lying directly to the south of Meissen was the Kingdom of Bohemia, while from the south to the north-west lay the Vogtland, upper Franconia, the countship of Henneberg, the numerous comital families of the Harz, and finally the Landgraviates of Hessen.

Although a political and cultural heartland of the old Empire, Central Germany has been given short shrift in modern feud scholarship until only quite recently. This sorry state of neglect must be left at the feet of the DDR's policy of either underfunding or outright suppressing the institutional underpinnings of *mitteldeutsche Landesgeschichte* at Universities such as Jena and Leipzig.⁴² As these once vibrant centers of research fell into obsolescence, so too did their once pioneering *Landesgeschichte* tradition.⁴³ What DDR scholars did produce nearly always bore the patina of a Marxian scholasticism, but for a few exceptions.⁴⁴ Fortunately, the most prominent historians of Central Germany, namely Walter Schlesinger, Hans Patze, and Herbert Helbig, continued their scholarship in the West, while others, like Karlheinz Blaschke, persevered in the

⁴¹ For contemporary overviews of the late medieval Wettiner see Jörg Rogge, *Die Wettiner. Aufstieg einer Dynastie im Mittelalter* (Ostfildern: Thorbecke, 2005); — *Herrschaftsweitergabe, Konfliktregelung und Familienorganisation im fürstlichen Hochadel. Das Beispiel der Wettiner von der Mitte des 13. bis zum Beginn des 16. Jahrhunderts* (Stuttgart: Anton Hiersemann, 2002); *Geschichte Thüringens*, vol. 2, 1, ed. Hans Patze, Walter Schlesinger (Cologne: Böhlau, 1974), 42-146.

⁴² André Thieme, *Die Burggrafschaft Altenburg: Studien zu Amt und Herrschaft im Übergang vom hohen zum späten Mittelalter* (Leipzig: Leipziger Universitätsverlag, 2001), 15ff.

⁴³ Thieme, *Die Burggrafschaft Altenburg*, 16. For a concise overview also see, Enno Bünz, "Landesgeschichte in Sachsen – Traditionen und Perspektiven," *Denkströme. Journal der Sächsischen Akademie der Wissenschaften*, 6 (2011), 61–83; — "Sachsen," *Blätter für deutsche Landesgeschichte* 140 (2004), 155-177.

⁴⁴ The most egregious of these Marxist historians was by far Werner Mägdefrau whose scholarship embodies the stultifying effects of ideological capture and opportunism fostered by the DDR.

East.⁴⁵ Much of their scholarship, such as Patze's multivolume *Geschichte Thüringens*, Helbig's *Der wettinische Ständestaat*, and the *Mitteldeutsche Forschungen* (1954-1997) series, remains unsurpassed to this day. Fortunately, in the last twenty years admirable work has been done in picking up where this older tradition of scholarship left off. Still, Central Germany lacks any of those comprehensive studies of feuding that we possess most notably for Franconia, Swabia, and Lower Saxony. Except for older articles published in nineteenth and early twentieth-century journals of regional history, the number of recent publications on feuding in Central Germany could be counted on one hand.⁴⁶ Central Germany thus presents the ideal opportunity to re-examine the conventional models of the late medieval feud in a new regional context and on the basis of as yet largely untapped archival material.

Given that the area of focus here is a specific regional one, it is events of a regional significance that circumscribe the chronological bounds of my study which spans a hundred-year period from 1349 to 1451. These are the Landgrave Frederick II's (1310-1349)'s victory over his aristocratic rivals in the Comital War (1347-1349) and the groundwork laid for the permanent partition of the Wettiner house into the Albertine and Ernestine branches by the Saxon Fratricidal War (1445-1451). Both of these events left an indelible mark on the history of the feud in late medieval Central Germany: the first transformed the distribution of power from the comital lineages in favor of the ascendant Wettiner; the second ushered in the foundations of the early

⁴⁵ Karlheinz Blaschke, "Die sächsische Landesgeschichte zwischen Tradition und neuem Anfang," *Neues Archiv für Sächsische Geschichte* 64 (1993), 7-28.

⁴⁶ The situation is ameliorating itself. See Michael Rothmann, "Adlige Eigenmacht und Landesherrschaft: Die Fehde als politisches Instrument in Thüringen und Meißn," 145-164, Harald Winkel, "Die Fehdepolitik Markgraf Wilhelms I von Meißn," 165-178 in *Fehdeführung im spätmittelalterlichen Reich: Zwischen adeliger Handlungslogik und territorialer Verdichtung*; Kurt Andermann, "Adelsfehde zwischen Recht und Unrecht. Das Beispiel der Dohna-Fehde," in *Die Familie von Bünau. Adels Herrschaften in Sachsen und Böhmen vom Mittelalter bis zur Neuzeit*, ed. Martina Schattkovsky (Leipzig: Leipziger Universitätsverlag, 2008), 151-166.

modern princely state. Both, as we shall see, have been interpreted as establishing new parameters in which feuds could unfold.

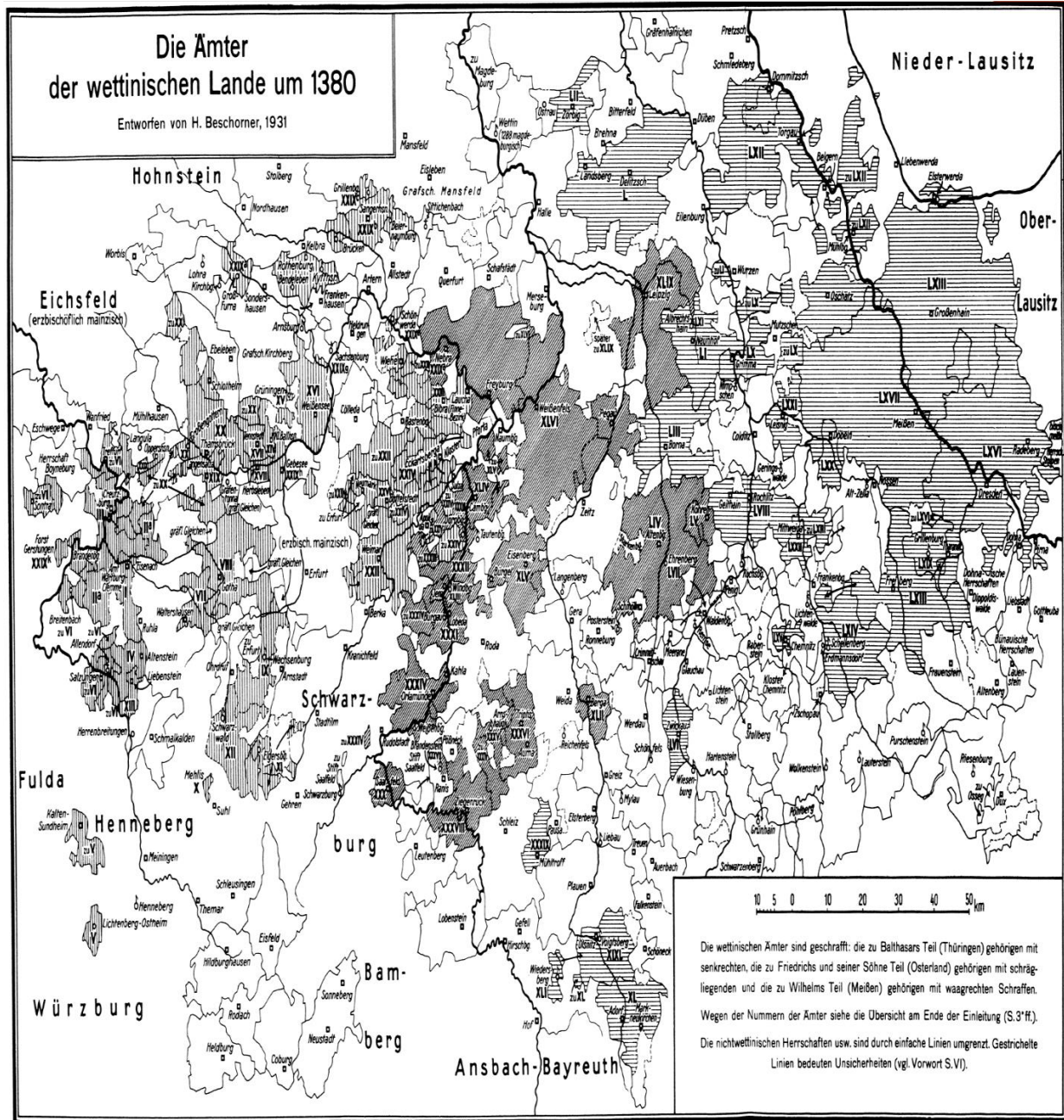


Figure 1. Wettiner governorships c. 1380 (Blaschke, *Geschichte Sachsens im Mittelalter*, 292)

The Wettiner began their rise to prominence as an influential comital family in the Saxon eastern marches.⁴⁷ In 1089, the family acquired the Margraviate of Meissen when Count Henry of Eilenburg (1070 – 1103) was granted the march by Henry IV for his support against the anti-king Henry of Salm. Under a succession of successful margraves, the Wettiner established the Margraviate of Meissen as their de facto hereditary possession to the chagrin of the Hohenstaufen emperors who viewed the ever more powerful margraves with suspicion and hostility. Upon the death of the last Ludowinger landgrave of Thuringia, the childless Henry Raspe, in 1247, a succession dispute arose between Margrave Henry III the Illustrious, the son of Henry Raspe's older sister Jutta, and Landgrave Henry's niece Sophie of Thuringia.⁴⁸ After seventeen years of war, Margrave Henry III won for his house a base of power in Central Germany in the form of the Landgraviate of Thuringia, while Sophie received the Countship of Hessen.

Acquiring the Landgraviate of Thuringia did not automatically mean that the Wettiner could rule as the uncontested hegemon of the Central German lands. A great many of the more illustrious comital houses of the region were intent on ensuring a more horizontal arrangement of power between them and the Wettiner Landgraves and thus formed an alliance in 1342 in opposition to the then ruling Landgrave Frederick II. Through a combination of military might and subtle politicking, Frederick eventually received the submission of the great comital houses of Meissen and Thuringia in the year 1349.⁴⁹ In one fell swoop, Landgrave Frederick II had not only realized his dynasty's long-standing ambition of becoming the uncontested regional hegemon of Central Germany, but also secured this status by ensuring his heirs a smooth succession to power upon his death that coming year.⁵⁰ The consequences for all but the most

⁴⁷ Rogge, *Die Wettiner. Aufstieg einer Dynastie im Mittelalter*, 13-58; Patze, *Geschichte Thüringens*, vol. 2, 1, 10-41.

⁴⁸ Rogge, *Die Wettiner. Aufstieg einer Dynastie im Mittelalter*, 59-67; Patze, *Geschichte Thüringens*, vol. 2, 1, 42-48

⁴⁹ The standard study for the Comital War remains Winfried Leist, *Landesherr und Landfrieden in Thüringen im Spätmittelalter 1247–1349* (Cologne: Böhlau 1975); Patze, *Geschichte Thüringens*, vol. 2, 1, 84-95.

⁵⁰ Patze, *Geschichte Thüringens*, vol. 2, 1, 84-88; Rogge, *Die Wettiner*, 98ff.

powerful of the independent comital nobility were, we are told, devastating with the effective curtailment of their former political power and influence through their reduction of status to Wettiner fief holders.

Now that any effective opposition was cleared away, the house of Wettin could begin to impress itself all over the Central German lands with such vigor that it soon emerged as the focal point of regional political authority and influence by the beginning of the fifteenth-century. Except for the inter-territorial border regions (the Harz region and the Vogtland until c. 1400), the regional nobility became increasingly oriented around the Margrave and Landgrave's courts.⁵¹ Thus, by cornering, so to speak, the market on centers of princely power, the Wettiner succeeded in drawing in, securing, and integrating the upper and lesser nobility alike as vassals into their ever more extensive networks of princely lordship.⁵² For the practice of feud, this meant that conflicts were nearly always staged in an arena of more or less direct Wettiner influence or rule, which opened them up to being coopted into the maintenance and expansion of more vertical structures of princely lordship. Central Germany then became one of those regions where the feud existed in a dialectic of princely state building based not on a multiplicity of roughly equal, competing powerholders, as in Franconia, but rather one super-ordinate dynasty presiding over a multiplicity of lesser ones.

Consequently, by the fifteenth-century the only real threat to the Wettiner lay not from without but rather within. Like nearly all the major princely houses of the Empire, the Wettiner eventually succumbed to the internal squabbles over inheritance and partition that periodically

⁵¹ Stefan Tebruck, "Zwischen Integration und Selbstbehauptung. Thüringen im wettinischen Herrschaftsbereich," in *Fragen der politischen Integration im mittelalterlichen Europa*, ed Werner Maleczek, Vorträge und Forschungen 63 (Ostfildern: Jan Thorbecke, 2005), 380ff.

⁵² Joachim Schneider, *Spätmittelalterlicher deutscher Niederadel: ein landschaftlicher Vergleich* (Stuttgart: Anton Hiersemann, 2003), 147-168, 175ff.

plagued the Empire. This threat was realized in the year 1445, when the brothers Duke William III (1425-1482) and the Princely Elector Frederick II (1412-1464) found themselves at odds over their contested inheritance to Thuringia, Meissen, and Osterland, which had been left to them by their childless and recently deceased uncle, Frederick IV the Peaceful (1384-1440), Landgrave of Thuringia.⁵³ For well over a century, the Wettiner had managed to stave off any serious intra-familial strife thanks to a shrewd policy of equitable, carefully planned partitions.⁵⁴ If the Saxon Fratricidal War left the lands of Central Germany in ruins, its fallout was accompanied by a division of power that would eventually lead to the permanent partition of the Wettiner princely house into the Albertine and Ernestine branches at the Leipzig Partition of 1485.

These political arrangements in turn secured the territorial integrity of the Wettiner patrimony necessary for a transformation in governance and political centralization. Such a transformation of the Wettiner patrimony ushered in not only the late medieval *Ämterstaat* and early modern *Finanzstaate* of the sixteenth-century, but also the introduction of the territorial estates (*Landstände*), which integrated the urban elite of the towns and, more importantly, the nobility closer and closer to the authority of the Wettiner court.⁵⁵ Such an expansion and intensification of the Wettiner's ability to effectively rule and administer their domains radically changed the parameters in which feuds could transpire. Thus, as one neared the end of the fifteenth-century, more than just stringent limits were placed on the scope, scale, and traditional

⁵³ Herbert Koch, *Der sächsische Bruderkrieg (1446-1451)* (Erfurt: Carl Villaret, 1909); Patze, *Geschichte Thüringens*, vol. 2, 1, 132-139.

⁵⁴ Eckhart Leisering, *Die Wettiner und ihre Herrschaftsgebiete 1349-1382: Landesherrschaft zwischen Vormundschaft, gemeinschaftlicher Herrschaft und Teilung* (Leipzig: Mitteldeutscher Verlag, 2006).

⁵⁵ Karlheinz Blaschke, "Die Ausbreitung des Staates in Sachsen und der Ausbau seiner räumlichen Verwaltungsbezirke," *Blätter für deutsche Landesgeschichte* 91 (1954), 77-81; Uwe Schirmer, "Grundzüge, Aufgaben und Probleme einer Staatsbildungs- und Staatsfinanzierungsgeschichte in Sachsen. Vom Spätmittelalter bis in die Augusteische Zeit," *Neues Archiv für sächsische Geschichte* 67 (1996), 40-43; For a recent summary with references, see Christine Hesse, *Amtsträger der Fürsten im spätmittelalterlichen Reich. Die Funktionselemente der lokalen Verwaltung in Bayern-Landshut, Hessen, Sachsen und Württemberg 1350-1515* (Göttingen: Vandenhoeck & Ruprecht, 2005), 62-66.

effectiveness of the feud as a means of asserting rights and claims. Its very legitimacy, we are told, was placed in question before a more robust ideology of princely rule that increasingly rendered the feud dysfunctional before the infrastructure of the incipient early modern state.⁵⁶

In comparative terms, we can situate the political landscape of Central Germany as a mean between the extreme political incoherence of Franconia and Swabia and tightly integrated polities of the neighboring Landgraviate of Hesse and the Wittelsbach duchy of Bavaria.⁵⁷ By the turn of the fourteenth-century, the Wettiner were, as detailed above, the regional hegemons in the Central German lands with the exception of those peripheral interterritorial zones that still evaded their grasp.⁵⁸ In practical terms this meant that the nobility became more tightly integrated into the structures of princely rule, particularly the untitled, lower nobility. They, like

⁵⁶ Reinle, "Fehdeführung und Fehdebekämpfung am Ende des Mittelalters," 87, 109-112.

⁵⁷ Given the vastness of the *Landesgeschichte* research for these territories, only a selection can be provided here. Peter Moraw, *Von offener Verfassung zu gestalteter Verdichtung: Das Reich im späten Mittelalter, 1250 bis 1490*, Propyläen Geschichte Deutschlands 3 (Berling: Propyläen Verlag, 1985), 183-194; Central Germany: Walter Schlesinger, "Geschichte der Landesherrschaft in den Marken Brandenburg und Meißen während des 14. Jahrhunderts," in *Der deutsche Territorialstaat im 14. Jahrhundert*, vol. 2, ed. Hans Patze, Vorträge und Forschungen 14, 2nd ed. (Sigmaringen: Jan Thorbecke, 1982), 101-126; Herbert Helbig, *Der wettinische Ständestaat. Untersuchungen zur Geschichte des Ständewesens und der landständischen Verfassung in Mitteldeutschland bis 1485* (Münster: Böhlau, 1955); Franconia and Swabia: Zmora, *State and Nobility in Early Modern Germany. The Knightly Feud in Franconia, 1440-1567* (New York: Cambridge University Press, 2003); Hans Hubert Hoffman, "Territorienbildung in Franken im 14. Jahrhundert," in *Der deutsche Territorialstaat im 14. Jahrhundert*, vol. 2, 255-300;

Rolf Kiessling, "Landesgeschichte in Schwaben - oder: vom Umgang mit einer 'offenen Region'," *Blätter für deutsche Landesgeschichte* 140 (2004), 199-221; Meinrad Schaab, "VIII. Spätmittelalter (1250-1500)" and "XI. Siedlung, Gessellschaft, Wirtschaft von der Stauferzeit bis zur Französischen Revolution," in *Handbuch der Baden-Württembergischen Geschichte*, vol. 2: vom Spätmittelalter bis zum Ende des alten Reiches, ed. Meinrad Schaab, Hansmartin Schwarzmaier, and Gerhard Taddey (Stuttgart: Klett-Cotta, 2000), 17-34, 501-504; Bavaria and Hessen: Pankraz Fried, "Modernstaatliche« Entwicklungstendenzen im bayerischen Ständestaat des Spätmittelalters. Ein methodischer Versuch," in *Der deutsche Territorialstaat im 14. Jahrhundert*, vol. 2, 301-341; W. Volkert "I. Staat und Gesellschaft bis 1500," in *Handbuch der bayerischen Geschichte*, vol. 2, Das alte Bayern: der Territorialstaat vom Ausgang des 12. Jahrhunderts bis zum Ausgang des 18. Jahrhunderts, ed. Max Spindler (Munich: C. H. Beck, 1966), 476-551; Karl E. Demandt, *Geschichten des Landes Hessen* (Kasel: Bärenreiter, 1959), 153-172, 352ff; Karin Nehlsen-von Stryk, "The centralization of justice and the formation of a judicial hierarchy in the early modern state the principality of Hesse," in *Legislation and Justice*, ed. Antonio Padoa Schioppa (New York: Oxford University Press, 1997), 131-158.

⁵⁸ Ernst Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter* (Munich: Oldenbourg, 1996), 3f; Dieter Stievermann, "Die Wettiner als Hegemonen im mitteldeutschen Raum (um 1500)," in *Hochadelige Herrschaft im mitteldeutschen Raum (1200 bis 1600): Formen-Legitimation-Repräsentation*, ed. Jörg Rogge, Uwe Schirmer (Stuttgart: Steiner, 2003), 379-393.

their ministerial forebearers, tapped into these structures to advance and secure their own interests, although at the expense of their independence and chance at attaining imperial immediacy.⁵⁹ However, the major comital families, particularly to the north-west and around the Harz, did still retain a degree of independence and could not be disregarded by any Wettiner prince who hoped to effectively rule.⁶⁰ Along with these remnants of comital power were the powerful archbishopric of Magdeburg and bishopric of Halberstadt, which remained powerful players at the regional level up to the beginning of the sixteenth-century.⁶¹

In respect to the role of urban centers of power, Central Germany never experienced the ideological polarization between town and rural nobility as in the south-west.⁶² This, in part, was due to the multiplicity of its small to mid-sized towns, which lay like a tightly woven net over the landscape to ensure an unusually intimate relationship between town and countryside.⁶³ Perhaps more important was the lack of any urban league politics comparable to those which characterized the heavily urbanized south-western lands of the Empire. Town leagues were still important though, particularly the Three-City League (*Dreistädtebund*) and the Saxon Town

⁵⁹ Schneider, *Spätmittelalterlicher deutscher Niederadel: ein landschaftlicher Vergleich*, 133-177; — “Kleine Ehrbarmannen in Kursachsen: Adel zwischen Bauern, Bürgertum und landsässiger Ritterschaft,” in *Zwischen Nicht-Adel und Adel*, ed. Kurt Andermann, Peter Johaneck, Vorträge und Forschungen 53 (Stuttgart: Jan Thorbecke, 2001), 179-212; Heinz Quirin, “Landesherrschaft und Adel im wettinischen Bereich während des späteren Mittelalters,” in *FS Hermann Heimpel*, vol. 2 (Göttingen: Vandenhoeck & Ruprecht, 1971-1973), 80-109.

⁶⁰ For an overview of the high nobility of central Germany see the collected volume, *Hochadelige Herrschaft im mitteldeutschen Raum (1200–1600). Formen – Legitimation – Repräsentation*, ed. Jörg Rogge, Uwe Schirmer (Stuttgart: Franz Steiner, 2003). Leisering, *Die Wettiner und ihre Herrschaftsgebiete 1349-1382: Landesherrschaft zwischen Vormundschaft, gemeinschaftlicher Herrschaft und Teilung*, 418ff.

⁶¹ H. Kretzschmar, “Magdeburgs Stellung in der sächsischen Geschichte,” in *Meißnisch-Sächsische Forschungen. Zur Jahrtausendfeier der Mark Meißen und des Sächsischen Staates*, ed. Woldemar Lippert (Dresden: Buchdruckerei der Wilhelm und Bertha v. Baensch Stiftung, 1929) 165ff; J. Steinstraß, *Das ehemalige Erzbistum Magdeburg* (Düsseldorf: Otto Fritz, 1930), 73-75; Michael Scholz, “Geistliche Landesherrschaft zwischen Kurbrandenburg und Kursachen: das Erzsift Magdeburg vom 14. bis zum 16. Jahrhundert,” in *Hochadelige Herrschaft im mitteldeutschen Raum*, 443-464.

⁶² Klaus Graf, “»Der adel dem purger tregt haß« Feindbilder und Konflikte zwischen städtischem Bürgertum und landsässigem Adel im späten Mittelalter,” in *Adelige und bürgerliche Erinnerungskulturen des Spätmittelalters und der Frühen Neuzeit*, ed. Werner Rösener (Göttingen: Vandenhoeck und Ruprecht, 2001), 191-204.

⁶³ Patze, *Geschichte Thüringens*, vol. 2, 1, 335; Sven Leiniger, *Mittelalterliche Städte in Thüringen: Eine Untersuchung ihrer Entstehung und Entwicklung* (Cologne: Böhlau, 2021), 13-65.

League.⁶⁴ Functioning as a reiterating constellation of political alliances in which princes, nobles, and bishops often joined together with the towns, they were not by any means exclusively urban institutions.⁶⁵

Closely connected to Central Germany's particular tradition of urban feuding was the non-existence of an independent lower nobility. Without this body of independent members of lower nobility so common to Swabia and Franconia, an imperial knighthood (*Reichsritterschaft*) could never foment the ideological hostility between on one side knightly and on the other urban princely structures of power from which a discourse of mutual urban-noble enmity could develop. Certainly, along the northwestern bounds of Thuringia there were abortive attempts in this direction such as the Sterner League (1370s) directed against the Landgraves of Hessen and Thuringia.⁶⁶ In the long term, however, they proved unsuccessful in the face of concerted princely opposition.

Strong princely lordship, the near total absence of an independent lesser nobility comparable to that of Swabia or Franconia, and the lack of any serious polarization between rural nobility and urban townships had three conspicuous effects on the practice and significance of feuding in Central Germany. Firstly, while the lower and upper nobility remained the predominant actors in feuds, they did so within a political constellation dominated by the Wettiner Landgraves and Margraves. Within such a political framework, the princes could

⁶⁴ Werner Mägdefrau, Erika Langer, "Thüringisch-hansische Wirtschafts- und Bündnisbeziehungen im Mittelalter. Von der Kölner Konföderation (1367) bis zum Austritt des Thüringer Dreistädte-bundes aus dem Goslarer Bund (1432)," *Jahrbuch für Wirtschaftsgeschichte* 4 (1977), 153-172 ; Matthias Puhle, "Der sächsische Städtebund im späten Mittelalter. Regionale "confoederatio" oder Teil der Hanse?," *Hansische Geschichtsblätter* 112 (1994), 125-138.

⁶⁵ Mathias Kälble, "Stadt, Adel und Reich - Städtische Bündnispolitik in Thüringen bis zu den Anfängen des Dreistädtebundes (1304/06)," in *Kaiser, Reich und Reichsstadt in der Interaktion Kaiser, Reich und Reichsstadt in der Interaktion*, ed. Thomas Lau, Helge Wittmann (Petersberg: Michael Imhof, 2016), 13-40.

⁶⁶ Remaining unsurpassed on the Sternerbund is Georg Landau, *Die Ritter-Gesellschaften in Hessen, während des vierzehnten und fünfzehnten Jahrhunderts mit einem Urkundenbuche* (Kassel, 1840), 35-70.

intercede more readily into feuds in a manner they saw fit with respect to their own political ends and role as upholders of the territorial peace.⁶⁷ Secondly, intercession had a recursive effect, because it increased the demand among the Wettiner's subjects for the effective resolution of their feuds, which in turn presented the Wettiner with more opportunities for managing and eventually curtailing the practice of feuding by the mid sixteenth-century.⁶⁸ The Wettiner, although formalizing this process by issuing territorial directives (*Landesordnungen*) from the 1440s onward to restrict illicit feuds (*mutwillige Fehden*) and banditry (*Plackerey*), still seemed to have accepted the feud as a legitimate means of redress well into the sixteenth-century despite its growing "semi-illegality."⁶⁹

Regional distinctions in regard to the feud must be made between the various subdivisions of a Wettiner dominated Central Germany. The eastern lands of the Margraviate of Meissen, starting as a top-down colonial enterprise were always far more centralized around princely authority, allowing a succession of Wettiner rulers to successfully integrate many noble families or reduce those of a formerly immediate status to their vassals. Presenting a very different feuding topography was the Landgraviate of Thuringia, which as an older territorial principality experienced the internal subdivisions like so many other territorial polities in the wake of the demise of the Staufens. Despite the Wettiner's victory in the Comital War, the more powerful comital houses along with the lower nobility enjoyed a relative freedom of movement in terms of their ability to feud in the west. The presence of Erfurt as a territorial counterweight

⁶⁷ Michael Rothmann, "Adlige Eigenmacht und Landesherrschaft: Die Fehde als politisches Instrument in Thüringen und Meißen," in *Fehdeführung im spätmittelalterlichen Reich: Zwischen adeliger Handlungslogik und territorialer Verdichtung*, 145-164.

⁶⁸ Andre Thieme, "Zum Fehdewesen in Mitteldeutschland. Grundlinien der Entwicklung im 15. und 16. Jahrhundert," in *Der Altenburger Prinzenraub 1455 Strukturen und Mentalitäten eines spätmittelalterlichen Konfliktes*, ed. Joachim Emig (Beucha: Sax-Verlag, 2007), 66f.

⁶⁹ W. Goerlitz, *Staat und Stände unter den Herzogen Albrecht und Georg 1485-1523* (Leipzig: B.G. Teubner, 1928), 193-204.

to the Wettiner undoubtedly also contributed to the more polycentric nature of political authority here, which only became more prominent to the northwest. The Harz region, while still under the nominal rule of the Landgraves, was essentially its own unique subregion; replete with its own congeries of still independent comital families, bishoprics, and imperial towns, the Harz formed what Ernst Schubert defined as a “bridge territory” (*Brückenlandschaft*) held in a balance between the rival power-blocs of Welf and Wettiner dukes.⁷⁰ As late as the first half of the sixteenth-century, the Wettiner could be found allowing the political actors of this region a free hand in their own feuding affairs.⁷¹ The intersection of territories of the kingdom of Bohemia, the Vogtland, and northeastern Franconia centering around the town of Hof and the Erzgebirge region was a border land populated by numerous families of the lower nobility with intersecting feudal ties to the Wettiner, Burgraves of Nuremberg, Advocates, and Kings of Bohemia. Such a border region where so many princely interests coincided allowed local elites a certain leeway in their ability to feud despite the fervent attempts of the princely houses of Wettin, Zollern, and Podiebrad to clamp down on feuding through interterritorial alliances and treaties.⁷²

Chapter Structure

In Chapter one, I deconstruct the traditional model of the feud with two case studies taken from fourteenth and fifteenth-century Central Germany. Here, I not only show how the dominant model of feuding violence severely curtails our ability to understand the nature of these conflicts,

⁷⁰ Schubert, “Die Harzgrafen im ausgehenden Mittelalter,” in *Hochadelige Herrschaft im mitteldeutschen Raum (1200 - 1600)*, 13-115; Thomas Klein, “Ernestinisches Sachsen, kleinere thüringische Gebiete,” in *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500-1650*, vol. 4: Mittleres Deutschland, ed. Anton Schindling, Walter Ziegler (Munster: Aschendorff, 1992), 8-39.

⁷¹ Schubert, “Der Harzgrafen im ausgehenden Mittelalter,” 98-115; H. Nebelsieck, “Reformationsgeschichte der Stadt Mühlhausen,” *Zeitschrift des Vereins für Kirchengeschichte in der Provinz Sachsen* 1 (1904), 196.

⁷² Uwe Tresp, “Erbeinung und Fehde zwischen Sachsen und Böhmen: Die Fehde des Jan von Lobkowitz auf Hassenstein gegen die Albertiner (1493–96),“ in *Fehdeführung im spätmittelalterlichen Reich: zwischen adeliger Handlungslogik und Territorialer Verdichtung* ed. Julia Eulenstein, Christine Reinle, and Michael Rothmann (Affalterbach: Didymos, 2013), 179–202.

but I also offer an alternative framework with which we can better analyze them: mortal enmity. Mortal enmity, as I argue, places feuding violence on a spectrum that can be explained in terms outside of the binary framework of function versus dysfunction inherent to the legalistic/functionalist-rationalist paradigm. Drawing on a diverse body of less traditional source material, I explain how mortal enmity was underpinned by more than just legal norms, but also cultural and concomitant affective elements strongly rooted in the honor-enmity culture deeply embedded at all levels of late medieval German society. The following three chapters of the dissertation explore these consequences in more detail and develop a new reading of feuding violence.

In chapter two, I consider the economic side of feuding by placing it in discussion with broader themes concerning the socio-economic consequences of endemic warfare in late medieval Europe. I draw on a diverse array of sources — damage reports, feud books, and anecdotal chronicle reports — in two ways: the first is to reexamine the controversial robber knight thesis (*Raubritterthese*) to investigate the significance of plunder, raiding, and violent resources extraction in terms of late medieval seignorial economics and the question of economic motives to feud; the second illustrates the underestimated scope, scale, and long-term impact of the destruction wrought by endemic feuding, comparing this evidence with other venues of endemic conflict, especially the Hundred Years War. The consequences of endemic feuding and warfare in the empire, I argue, were much the same as those that late medieval France experienced during the Hundreds Year War, leaving scars on the socio-economic and demographic landscape of Germany that endured well beyond the Late Middle Ages.

The third chapter analyzes urban feuding. By studying the feuding practices of urban feuders and their governments with those of the surrounding nobility, I challenge some of the

longstanding historiographical assumptions that urban communities were marginal in defining the nature of late medieval feuding and violence. To call these assumptions in question, I approach urban feuding from two levels. The first, at the level of urban governments, examines the city of Göttingen's process of extramural expansion through one of the earliest still extant feud-books, the *liber dampnorum*, in addition to a variety of documents ranging from annual financial registers, urban legislation and tribute treaties to narrative sources. The second analyzes three early fifteenth-century burgher feuds from the city of Nordhausen in light of urban statutory and customary laws regulating intermural feuding, enmity, and conflict.

In chapter four, I mine a body of administrative documents from the late medieval district governorships of Electoral Saxony that center on cases of commoner feuds from circa 1480. I then conclude with the feud of Hans Kohlhasse in order to examine how feuding interfaced with the princely state's increasingly robust system of jurisdiction, law, and governance during the transition into the early modern period. Traditionally, the rise of the princely state has been portrayed as signaling the feud's death knell, reducing it to a marginal phenomenon that quickly lost both its legal and social legitimacy. I connect my findings to the recent historiography that has underscored how early modern Europe remained a legally pluralistic society where traditional forms of enmity and feuding coexisted, or rather, dovetailed with more modern forms of judicial redress. This chapter will thus bridge the gap between the late medieval feud and its early modern forms—which flourished well into the seventeenth-century—in light of these scholarly developments.

CHAPTER 1: MORTAL ENMITY – AN ALTERNATIVE CATEGORY FOR ANALYZING THE LATE MEDIEVAL FEUD

In the introduction, we criticized how the contemporary conception of the feud as a legal institution rests upon domesticating feuding violence and explaining it in terms of function versus dysfunction. This chapter demonstrates how this model for understanding feud violence falls short in two ways and suggests how the category of mortal enmity can fill these gaps. To advance this argument in favor of mortal enmity, I draw upon two case studies taken from what now makes up the Harz region of modern Germany: the Regenstein-Halberstadt and the Berchter feuds. The Regenstein-Halberstadt feud (1336-1349) consisted in a long spanning territorial struggle between two notable power holders of the region, Count Albrecht II of Regenstein (1310-1349) and Bishop Albrecht II of Halberstadt (1294–1358) from the Welf house of Braunschweig.¹ The feud proved to have long term political ramifications for the distribution of comital and episcopal authority in the northeastern reaches of the Harz region long into the fourteenth and fifteenth centuries. The Berchter feud (1430-1443) took place within the neighboring environs of the imperial city of Nordhausen, where an exiled burgher lineage, the Kirhhofs, waged a decade long conflict with their former municipality of Nordhausen.

Both feuds encompassed a range of incidents that modern historians of the feud would not traditionally incorporate into the accepted register of feuding practices and motivations. The Regenstein-Halberstadt feud in particular demonstrates how feuds oscillated along a more

¹ Referred to henceforth as Count Albrecht II and Bishop Albrecht II. In regard to capitalization of royal and noble titles, I have followed *The Chicago Manual of Style*'s guidelines on titles of nobility and sovereigns and also consulted *Burke's Royal Families of the World*, vol. 1, ed. Hugh Montgomery-Massingberd (London: Burke's Peerage, 1977).

heterogenous spectrum of violence, which proves irreducible to either the stringent jural or limited political dimensions of the feud as the standard German historiographic model has defined it. This standard model, I contend, has reinforced a particular conception of the feud, free not only from the habitual violence that accompanied feuding, but, moreover, a host of hitherto neglected dimensions of violent conflict. In order to explain the exercise of such violence, I argue that we must contextualize it in the very terms of these often-overlooked dimensions of conflict: the cultural and the concomitant affective elements underpinning late medieval violence, which were derived from an honor-enmity culture deeply embedded at all levels of late medieval German society. Even more so than the Regenstein-Halberstadt feud, the Berchter feud exhibits traits difficult to square with the standard typology of feuding since it combines elements of the feud proper with that of the so-called blood feud. Consequently, it highlights the inadequacy of this long-standing typology that categorizes the feud proper and the supposedly marginal blood feud (more accurately defined as customary vengeance) as two fundamentally distinct institutions. As I show, such hybrid feuds, like the Berchter feud, were no mere aberrations since this manner of conflict was far from marginal in the late medieval empire's order of violence.² I use this paradox to make the case that these categories are not only largely artificial, but in point of fact obscure the more important phenomenon of mortal enmity. Mortal enmity, I argue, provides us with a far better category with which we can analyze conflicts, such as the Berchter feud, and, together with the cultural underpinnings of late medieval conflict, develop a more accurate understanding of feuding violence.

² Marco Bellabarba, *La giustizia ai confini: principato vescovile di Trento agli inizi dell'età moderna* (Bologna: Il Mulino, 1997), 27f; Paul Frauenstadt, *Blutrache und Todschlagsühne im Deutschen Mittelalter* (Leipzig: Duncker & Humblot, 1881); Rudolf His, *Geschichte des deutschen Strafrechts bis zur Karolina*, 2nd ed. (Munich: Oldenbourg, 1925/1967), 57-105.

1. Mortal Enmity

Before proceeding on to our case studies, a short explanation of what is meant by mortal enmity and how this is connected to the standard feud vs. blood feud typology is necessary. In medieval, lay jurisprudence, mortal enmity (*inimicitia mortalis*) represented the most extreme degree of hostility, both in an objective, juridical sense and an affective one, that could arise between two adversaries.³ It initiated a new legal relationship that permitted men to openly kill their enemies in response to some sort of *injuria*, usually a slaying, provided that this enmity was manifest and restricted to those deemed culpable. Although long recognized as exercising a powerful influence on how medieval men and women gauged the intensity of conflicts, German historians have treated it as a peripheral phenomenon at best. The standard German scholarship has marginalized mortal enmity as applying solely to the blood feud (*Blutrache, Blutfehde*). The blood feud has in turn been relegated to the margins with respect to its legality, use, social prestige, and geographic prevalence (the Swiss lands, Friesland, Lower Saxony, Mecklenburg-Vorpommern, and Schleswig-Holstein).⁴

German legal historians have long categorized the blood feud as an accretion of an earlier, undifferentiated form of enmity, which continued to persist long after the feud proper began to take on its particular form in the eleventh and twelfth centuries.⁵ By the late Middle Ages, the blood feud and feud proper represented two separate institutions, each with their own framework of legal norms; in the case of the latter, they were expressed in customary and

³ Robert Bartlett, "Mortal Enmities: The Legal Aspect of Hostility in the Middle Ages," in *Feud, Violence, and Practice: Essays in Medieval Studies in Honor of Stephen D. White*, ed. Belle S. Tuten, Tracey L. Billado (Burlington, VT.: Ashgate, 2010), 197-212; Claude Gauvard, "De Grace especial" crime, état et société en France à la fin du Moyen Age, vol.1 (Paris: Éditions de la Sorbonne, 1991), 707-743.

⁴ Rainer Zacharais, "Die Blutrache im deutschen Mittelalter," *Zeitschrift für deutsches Altertum und deutsche Literatur* 91 (1962), 171.

⁵ Frauenstadt, *Blutrache und Todschlagsühne im Deutschen Mittelalter*, 1-6, 34-37.

territorial law and, in the case of the former, in urban statutory rubrics and village customals (*Weistümer*).⁶ Brunner solidified this developmental narrative of the more “civilized” feud proper (the knightly feud, or *ritterliche Fehde*, in more traditional parlance) versus the primitive, semi-legal blood feud with the following characterizations.⁷ On the one hand, the feud proper was said to be an eminently aristocratic, highly formalized means of forcing opponents, through the circumscribed use of violence, to accede to another’s legal claims or rights via an arbitrated settlement. Nobles at feud may have been in a state of enmity (*Feindschaft*), but it was an enmity bounded by norms and chivalric conventions, not an emotionally charged relationship of hatred, rancor, and personal animosity. Above all else, the feud proper stood as the chief means of resolving conflicts within the late medieval Empire’s order of violence.

The blood feud, on the other hand, cut an altogether rougher profile, reflecting the rural peasantry and urban populace who nourished its practice.⁸ Despite this lack of refinement, the blood feud was still a ritually charged affair, replete with its own set of norms that found themselves the subject of legislation. Instead of defending and claiming rights, the blood feud sought to avenge a wrong, usually a homicide, physical injury, or even *honneur blessé*, through the vengeance killing of an opponent or those deemed liable by virtue of proximity.⁹

Obtaining a grasp of mortal enmity as medieval Germans conceived and “felt” it means going beyond mere definitions. Perhaps, the best place to begin with any analysis of mortal enmity is with the semantic range that medieval Germans used to describe gradations of conflicts, which ranged from enmity to mortal enmity. They never recognized this “institution”

⁶ Frauendstadt, 37-46.

⁷ Brunner, *Land und Herrschaft*, 50f.

⁸ *Ibid.*, 61-71.

⁹ Brunner, 73; Frauendstadt, 36; Jeppe Büchert Netterstrøm, “Introduction,” in *Feud in medieval and early modern Europe*, 46; Zacharais, “Die Blutrache im deutschen Mittelalter,” 169.

with the exact terms of “*Blutfehde*” or “*Blutrache*,” both of early modern provenance. Rather, they used Middle High and Low German words like *tôtvîntschaft*, *tôtgevêhede*, *hauptveintschaft*, and *tôtvêhe/dôtvêde* or *inimicitia mortalis/sanguinis* in Latin to express that a conflict had reached the stage, the irreducible core of which consisted in the obligation to kill and in turn risk being killed.¹⁰ In the 1371 territorial peace (*Landfriede*) of Mecklenburg-Vorpommern, a distinction is explicitly drawn between the feud (*kryg*, *vede*) and mortal enmity (*doitvede*), the latter of which is excluded from the purview of the territorial peace’s provisions.¹¹ Another example can be found in an especially bloody feud between two patrician clans of Strasbourg; the patriarch of one of them, Peter Rebstöcke, characterized his mortal enmity with the von Rosheim family, his foes, as “a particular enmity” (*ich besunder fientschefte han*).¹² And particular it certainly was. Both families had already been exiled from Strasbourg in 1350 for their incessant feuding, and in 1378 the von Rosheim had ambushed members of Peter’s lineage, killing ten of them, in response for a tavern brawl a few years earlier, which had left two of the von Rosheim dead.¹³ We can see an even better example of this in a feud from 1459 between the city of Cologne and the friends of a certain Lambrecht von Sankt Arnoltzwilre for whose killing Cologne had been held responsible. In their feud letter, Lambrecht’s friends swore that they had become Cologne’s “mortal enemy” (*doitfiant*) on account of his death and would beset the burghers of Cologne with “murder, war, feuds, killings, and cutting and striking” (*mort, krieck*,

¹⁰ *Blutrache/Blutfehde* are of an Early Modern coinage. They are first attested to in Martin Luther’s translation of the Old Testament. See 4 Mos. 35, 12; 5 Mos. 19, 6.

¹¹ *Mecklenburgisches Urkundenbuch*, vol. 18: 1371-1375 (Schwerin, 1897), nr. 10190, 44: “all mortal enmity should have nothing to do with this peace (alle doitvede schal mit dessen vrede nein dont haben).”

¹² *Urkundenbuch der Stadt Straßburg*, vol. 5: Politische Urkunden von 1332-1380, ed. Hans Witte, Georg Wolfram (Straßburg, 1896), nr. 1320, 964.

¹³ Jakob Twinger von Königshofen, “Chronik des Jakob Twinger von Königshofen,” in *Chroniken der oberrheinischen Städte: Straßburg*, vol. 1, ed. Karl von Hegel, *Chroniken der deutschen Städte* 8 (Leipzig, 1870), 786f.

fedem doitslain und zohouwen).¹⁴ Alongside verbs denoting striking, cutting, and killing, medieval Germans often thought in terms of avenging with respect to mortal enmity. Expressed in the Middle High German verb *rechin/rechen* (modern German: *rächen*), this verb almost always entailed vengeance killing. The vernacular literature of the heroic epics (*Heldenepik*), which enjoyed popularity amongst the nobility and increasingly the urban patriciate in the fourteenth-century, was saturated with it.¹⁵ To give but two examples: in *Biterolf und Dietleib* (c. 1250), the protagonists “greatly desired...to someday take vengeance on their advocate of Palerne,” who had slain their friend Dietrich (*si wolden, mohte daz ergan, des tages rechen gerne ir voget von Palerne*.)” In *Dietrichs Flucht* (c.1275), Dietrich avenges his friend, Alphar, by slaying his killer: “lord Dietrich had avenged his dear vassal with great anger and wrath” (*da hete mit grimme gerochen hie her Dietrich sinen lieben man*).¹⁶ Such examples can be given nearly ad infinitum.

Johannes Schele, bishop of Lubeck (1385-1439), exhibits how this rich semantic field of vengeance taking and enmity could be transmuted into the concrete. Schele, a native of Lower Saxony, had become so perturbed by the evidently flourishing practice of customary vengeance there that he included it in his *Avisamenta reformationis in curia et extra* (1433-34). Schele’s “thick description” provides us with the basic contours of what late medieval Germans would have recognized as mortal enmity, unencumbered by any sort of restrictive definitions.

“in certain regions here, men observe an abusive and unjust custom so that many times, when one man would kill another, the family members and

¹⁴ R. Pick, “Aus dem Aachener Stadtarchiv,” *Zeitschrift des Aachener Geschichtsvereins* 9 (1887), 46, fn. 2.

¹⁵ Thomas Möbius, *Studien zum Rachegedanken in der deutschen Literatur des Mittelalters* (Frankfurt am Main: P. Lang, 1993).

¹⁶ Zacharias, 179. Although the floreat of the *Heldenepik* literature lay in the thirteenth century, the fourteenth century saw a flowering of recomposing these older works and reworking them into new literary forms. Victor Millet, *Germanische Heldendichtung im Mittelalter: Eine Einführung* (New York: Walter De Gruyter, 2008), 415-463.

friends of the slain kill in vengeance any of the killer's kinsmen, as soon as they can find them, or they receive, as compensation, a certain amount of penances (*wergild*) from the kinsfolk as satisfaction for the killing; and it often occurs that, in the event of one homicide amongst the two families of the killer and killed, ten or more men are inhumanely killed in succession out of vengeance, and such willful homicides are not punished immediately according to the laws of the Saxons, but are sometimes compensated with money and, therefore, many homicides are committed more audaciously here than in other places."¹⁷

While Schele may have been referring specifically to the cases he encountered throughout his ecclesiastical career in Lower Saxony, his complaints about the pervasiveness of mortal enmity could be transposed to nearly anywhere else across the empire. Mortal enmity, as we have alluded to above, also had strong emotional underpinnings of which medieval men and women were keenly aware. The famed Cistercian preacher, Caesarius of Heisterbach, warned his parishioners of the spiritual perils of harboring such enmities by telling them a story about the heads of two peasant clans in the diocese of Cologne, who were forever at mortal enmities (*inimicitias mortales*) with another.¹⁸ So rancorous and intractable was the enmity of these peasant patriarchs that they resisted all attempts at peace while continually starting new feuds at every opportunity. Dying on the same day, they were laid to rest in the same trench in the parish churchyard, only for their corpses to immediately start fighting with one another. Their kinsmen got the message, quickly made peace, and buried them in separate graves. "Their souls," Caesarius assures us, "are still quarrelling in hell" to this day. Caesarius clearly understood that

¹⁷ *Concilium Basiliense*, vol. 8, ed. Heinrich Dannenbauer (Basel: Helbing & Lichtenhanhn, 1936), §111-112, 129: "item ex quo in aliquibus partibus abusive et iniuste observatur, quod quociens alius alium interfecerit, interfecti huius consanguinei et amici de parentela occistoris quemcuque primo invenerint mox occident in vindicate reconpensam vel a tali parentela pro satisfaccione talis homicidii recipient certam penitenciarium summam, et contingit sepe occasione unius homicidii in occisi et occisoris duabibus parentelis per vindictam successive ultra decem vel plures homines inhumaniter occident et talia homicidia voluntaria secundum Saxonum leges ibidem non puniuntur, sed quandoque pecuniis redimuntur, et ob id multa eo audacius illic committuntur homicidia." Although often portrayed as a marginal phenomenon, Schele clearly thought that the ill effects of the customary vengeance were rampant enough that direct imperial intervention was needed.

¹⁸ *Dialogus miraculorum*, vol. 2, ed. Joseph Strange (Heberle, 1851), 11: 50, 309.

behind the objective legal institution of mortal enmity there surged powerful affective drives, which were as important in determining the course and intensity of feuds than any objective legal relationship. Now that we understand how the standard German historiography has construed the relationship between the blood feud and mortal enmity and, more importantly, what medieval Germans thought and felt about them, let us turn to our examples. To reiterate our first example, the Regenstein-Halberstadt feud, will serve to deconstruct the standard model of feuding violence and introduce new frameworks through which we can better understand this violence. The second example, the Berchter feud, builds upon the critiques of the former and illustrates how this standard model obscures the more important phenomenon of mortal enmity.

2. Case Study One: the Regenstein-Halberstadt Feud

2.1. An Overview of the Feud

Consisting in a long running series of feuds, which intermittently raged between Count Albrecht II of Regenstein and Bishop Albrecht II of Halberstadt, the Regenstein-Halberstadt feud arose initially out of a series of long-standing territorial ambitions that finally came to a head over the course of the 1330s and 1340s. As many feuds tended to do, it soon outgrew its initial *casus belli*, coming to encompass multiple points of contentions, which even drew in popes and emperors.

By the beginning of the fourteenth-century, the Counts of Regenstein-Blankenburg had secured a preeminent position amongst their noble peers of the Harz region.¹⁹ One branch of the

¹⁹ For one of the few overviews of this notoriously difficult subject, see Ernst Schubert, “Die Harzgrafen im ausgehenden Mittelalter,” in *Hochadelige Herrschaft im mitteldeutschen Raum*, 13-115; Rudolf Steinhoff, *Geschichte der Graffschaft- bezw. des Fürstentums Blankenburg, der Graffschaft Regenstein und des Klosters Michaelstein* (Blankenburg: C.F. Vieweg, 1891), 61-67. The Harz region was the political center (*Kernland*) of the early Ottonian Emperors. By the beginning of the fourteenth-century, it had splintered into numerous secular and ecclesiastic lordships as a consequence of the dissolution of the Duchy of Saxony (1181) and the consequent lack of

family in particular, the Heimburg line, had done quite well for itself under the rule of Albrecht II's father, Ulrich III (1287–1322).²⁰ By acquiring a series of pledges, particularly of castles, Ulrich III had expanded his reach into the north of the Harz.²¹ By the end of his life, he had firmly secured the place of the Regenstein-Heimburg lordship in the northeastern Harz region, even having gone so far as to erect a fortification, the Banenburg, perilously close to Bishop Albrecht I's own castle.²² Territorial expansion came at a price, as the once amicable relations with the neighboring bishop quickly soured. Bishop Albrecht I, however, had also kept himself busy. At the end of his life, he had managed to double the formerly meager holdings of the bishopric through a series of advantageous acquisitions, turning it into a regional power worthy of respect.²³

It was fated that strife would soon loom on the horizon as both lords, whose seats of power lay just six miles away from each other, began to concentrate their holdings simultaneously. Bishop Albrecht I, undoubtedly goaded on by Count Ulrich III's construction of the Banenburg, took to making incursions into the count's jurisdictions close to the town of Quedlinburg. Fortunately, an outbreak of hostilities was averted when two neighboring

direct imperial rule. It comprised roughly where the modern federal states of Lower Saxony, Thuringia, and Saxon Anhalt all meet around the Harz Forest.

²⁰ Steinhoff, 54f; Heinz A. Behrens, "Die Burgen Bischof Albrecht II. von Halberstadt und Graf Albrecht II. von Regenstein-Heimburg als Ausdruck territorialpolitischen Machtstrebens in der 1. Hälfte des 14. Jahrhunderts," in *Geschichte und Kultur des Bistums Halberstadt: Symposium anlässlich 1200 Jahre Bistumsgründung Halberstadt, 24. bis 28. März 2004 ; Protokollband*, ed. Adolf Siebrecht (Halberstadt: Halberstädter Druckhaus, 2006), 583-594. The Heimburg line was established circa 1263 by Albrecht II's grandfather and uncle, Albrecht I and Ulrich II of Regenstein.

²¹ Steinhoff, 65; Karl Mehrmann, "Bischof Albrecht II. von Halberstad," *Zeitschrift des Harzvereins für Geschichte und Alterthumskunde* 26 (1893), 143; *Urkundenbuch des Hochstifts Halberstadt und seiner Bischöfe*, vol. 3: 1303-1361, ed. Karl Gustav Schmidt (Leipzig, 1887), nr. 1923, 106. The most important pledge was the castle of Schwanebeck, pledged by Bishop Albert I of Halberstadt (r.1304-1324) from the House of Anhalt.

²² Mehrmann, "Bischof Albrecht II. von Halberstad," 143.

²³ For a summary of Bishop Albrecht I's office with respect to the territorial expansion that he initiated, see Walter Schmidt-Ewald, *Die Entstehung des weltlichen Territoriums des Bistums Halberstadt* (Berlin, 1916.), 61-70. Steinhoff, 65f; Mehrmann, 152-155.

noblemen interceded to stem this quarrel from escalating into an open feud.²⁴ Nonetheless, the seeds were already sown for the decades long conflict that would soon erupt between their respective successors, Count Albrecht II and Bishop Albrecht II.

As we chart the feud's progress, it will become clear that we are dealing with something altogether more than a mere legal quarrel over disputed property rights, as the regnant historiography has portrayed. Rather, we encounter a conflict that amounted to a life and death struggle, unfolding within the context of a highly confrontational, honor based political culture. Moreover, its animating principles cannot fully be explained within the juridical schemata, supposedly bounding concrete cases of feuding. Teasing them out, however, will prove difficult since our sources, with few exceptions aside, offer us only glimpses beyond the highly formulaic language that often frames feuds within the idiom of property and jurisdictional rights. Further contextualization and comparison thus prove necessary if we are to perceive those voices whose utterances are of a different sort.

That said, we can establish the basic contours of this conflict easily enough. Count Albrecht II aimed to consolidate the lordship that his father had bequeathed to him, but also, in the process, raise himself far above his comital peers by acquiring princely status. Bishop Albrecht II was in turn driven compulsively to establish the bishopric of Halberstadt as the preeminent lordship in the Harz and to subdue his immediate neighbors, particularly the Heimburg line of the Counts of Regenstein. To their contemporaries, our dramatis personae cut the figure of resolute, even pitiless adversaries with an indomitable will for conflict. When Bishop Albrecht II chose to have himself commemorated in the *Gesta Alberti II*, it was not as a

²⁴ Schmidt-Ewald, *Die Entstehung des weltlichen Territoriums des Bistums Halberstadt*, 62f.

pious shepherd of his flock, but rather as a lordly victor, who, in his ceaseless campaigning, could boast of having ferociously subjugated his enemies with fire, sword, and rapine. Count Albrecht II was in turn memorialized as an eternal enemy of the bishop, who so caught the imagination of the common folk that he left an enduring legacy in the folktales of the region as the ruthless robber knight par excellence.²⁵

The conflict, which so defined their life, can be divided roughly into three stages. The opening phase revolved around the count and bishop's repeated attempts at strengthening their authority and influence over the town of Quedlinburg, which lay right at their respective doorsteps. This stage petered out when both sides made a series of concessions, which found the bishop eventually holding the upper hand. By 1335, the second stage had begun and saw the count's endeavor to extinguish the bishop's hold over the town by conquering it outright. Ultimately stifled by the bishop and the townsmen's fierce defense of Quedlinburg, Count Albrecht II banded together with the neighboring counts of Mansfeld and the anti-bishop claimants to the bishopric of Halberstadt in order to depose Bishop Albrecht II. In the final phase, from 1340 onwards, the intensity of the conflict increased exponentially. As more and more power holders in the region were drawn in, the violence grew ever more extreme, culminating in a raid upon the town of Halberstadt on Christmas Eve and then the killing of Count Albrecht II in 1349 by one of his longstanding enemies, an episcopal knight named Rudolf of Dorstad.

The initial point of tension between the two Albrechts was the town of Quedlinburg. Although the Heimburg line had exercised the office of advocate there since 1273 via the abbot

²⁵ *Gesta Alberti II. Episcopi Halberstadensis*, ed. Georg Pertz, MGH Scriptorum 23 (Hannover, 1874), 127 (Henceforth cited as *Gesta Alberti II*).

of Quedlinburg, who held jurisdictional and comital rights over the town, the bishops of Halberstadt had been eyeing it for some time.²⁶ Like many other economically flourishing urban communities of the fourteenth-century empire, the burghers of Quedlinburg found themselves in a position to gradually assert a greater degree of political autonomy.²⁷ Bishop Albrecht II proved more than willing to accommodate them with an open offer, far better than either the abess or count could provide: in return for a yearly levy of a mere fifty marks of silver, he would exercise protective lordship over the town and facilitate their entry into an alliance with the towns of Halberstadt and Aschersleben.²⁸

Reacting to such a blatant infringement of his rights, Count Albrecht II and his brother, Bernhard I (1310-1351), immediately entered into a feud against the town and the bishopric of Halberstadt sometime in the winter of 1325 or the early spring of the following year.²⁹ Riding out to plunder the town's environs from the comital castle of Guntekenburg, the count's men eventually provoked the bishop to a response. That April an episcopal army arrived to lay siege to Guntekenburg, storming it successfully in a spectacular feat of arms ten days later.³⁰ With Guntekenburg captured, along with many of his men, Count Albrecht II was forced to come to terms with the bishop. Soon, they hammered out a peace treaty. Though a compromise of sorts, the bishop had forced the count to make enough concessions so that the latter's authority over Quedlinburg was for all intents and purposes compromised.³¹ Henceforth, Quedlinburg would

²⁶ *Urkundenbuch der Stadt Quedlinburg*, vol. 1, ed. Karl Janicke (Halle, 1873), nr. 47, 35f.

²⁷ Hermann Lorenz, *Werdegang von Stift und Stadt Quedlinburg* (Quedlinburg: Quedlinburg Magistrat, 1922). The relationship between the town of Quedlinburg, the abess and the neighboring bishop of Halberstadt often proved to be highly contentious. It was only in 1477 that the abess was able to assert direct lordship over the town after she soundly defeated the townsmen and sacked the town with the support of her brothers, the Dukes of Saxony,

²⁸ Mehrmann, 161f.

²⁹ Only the peace treaty, concluding this initial stage of the feud, offers us any concrete details. See *Urkundenbuch der Stadt Quedlinburg*, vol. 2, ed. Karl Janicke (Halle, 1882), 247f, FOL.24a-24b.

³⁰ *UB der Stadt Quedlinburg*, vol. 2, 247f, 25f, FOL.24a-24b; Behrens.

³¹ *Urkundenbuch der Stadt Halberstadt*, vol. 1, ed. Karl Schmidt (Halle, 1878), nr.102-103, 75ff. The comital castle was to be destroyed, the count's men freed for three marks of silver, the bishopric was to exercise "Schutz und

remain the major staging ground for all subsequent feuds between the rival lords, the first of which was over the county of Falkenstein. This feud was occasioned by an inheritance dispute. Upon the death of his wife, the childless Count Burchard VI of Falkenstein abdicated in order to return to his former religious life, leaving the issue of inheritance an open question.

Both of the Albrechts, along with a few other members of the high nobility, all clamored to put forth their claims. Count Albrecht II's claim was especially strong, based upon the right of inheritance through his wife Jutta, Burchard VI's sister. Bishop Albrecht II could also boast a direct claim to the countship; in order to facilitate his return to religious life, Count Burchard VI had endowed the bishopric of Halberstadt with the castles of Falkenstein and Ermsleben in return for the estate of a deceased cathedral dean.³² Count Albrecht II was, however, reluctant to allow his archrival to snatch away his and his wife's inheritance. Along with the other lay claimants, notably Prince Bernhard III of Anhalt-Bernburg (r. 1323–1348), the count formed an alliance of noblemen intent on challenging the encroaching threat of the bishop.³³

Considering the importance of Quedlinburg for both the Albrechts, it should come to no surprise that the feud began not with a grab at Aschersleben or Falkenstein, but rather with a showdown between the rivals less than a mile outside the town at the court of Gersdorf.³⁴ This confrontation began sometime early in 1334 when Count Albrecht II set out to reassert his

Schirm” over the old town (*Altstadt*) of Quedlinburg without infringing upon the rights of the count and abbess and neither were permitted to erect any fortifications within a mile of the city's limits, nor appoint any judges in the town except for very specific cases.

³² Schmidt-Ewald, 73ff.

³³ Mehrmann, 166. Albrecht's father, Ulrich III, had purchased the court from Otto of Anhalt, who had originally received it as a fief from Bishop Albrecht I of Anhalt. This alliance was composed of Count Conrad of Wernigerode, Henry of Honstein, and the Lords of Helderungen.

³⁴ Behrens, 27f; *Codex diplomaticus Anhaltinus*, vol. 3: 1301–1350, ed. Otto von Heinemann (Dessau, 1877), nr. 255, 166. In 1312, Ulrich III had purchased the castle of Gersdorf along with the court at the Hosekenberg, the market at the town of Gross-Ditfurt, and roads in its environs from Otto II of Anhalt, who had originally received it as fief from Bishop Albrecht I of Anhalt.

authority over the courts in the environs of Quedlinburg. He began at Hosekenburg, sending out his men to take over the court and block any of the bishop's men from entering. At Gersdorf, however, he encountered resistance. No sooner had he arrived than he was met by Bishop Albrecht II, who demanded he abstain from holding court. What ensued was an increasingly heated dispute that quickly erupted into physical violence; the count's men, in the full presence of the bishop, cut down one of the Diftfurter peasants and extorted sixty mrk from the remainder as punishment for having sought justice from the latter.³⁵ Later, presumably after the feud commenced, Count Albrecht II also had an episcopal priest killed, a Henry von Rinbeke, while plundering an episcopal monastery.³⁶

From what we can gather from the *Gesta Alberti II* and the remaining documentary evidence, the comital alliance took these incidents as “the signal” to attack. Launching a series of rapid assaults on episcopal strong points, the comital forces initially found success, capturing three major fortifications and laying waste to a few episcopal chapels. From these fortifications, they sallied out to pillage and lay waste to Quedlinburg.³⁷ Despite these setbacks, the episcopal forces and townsmen of Quedlinburg managed to hold out. After Bishop Albrecht II and the townsmen retook the three fortifications, the bishop's brother, Duke Otto of Braunschweig, negotiated a peace between the two parties.³⁸ The peace treaty, reached on July 22, 1335,

³⁵ *Codex diplomaticus Anhaltinus*, vol. 3, nr. 2271, 376ff: “vortmer vorvesteden se unse arme lüde to Dyttrbrde, darumme dat se vor deine dinge up deme Hosekenberge vunden eyn recht ordel also we wol mögen bewisen, unde breken one af darumme sestick mark Stendalsch sulvers unde entliveden einen der sulven buro in unse iegenwardicheit.”

³⁶ *Ibid.*, “dat se unsen Ammethmann Herrn Henrike von Rinbeke eynen Prester erschlan und doden lete...disser Stuecke hebben wie Schaden und unse Goddeshuss mehr wan uppe dusent Margk lodiges Suelvers.”

³⁷ *Gesta Alberti II*, 124 UB des Hochstifts Halberstadt, vol. 3, nr. 2271, 376ff.

³⁸ Mehrmann, 169f; *Gesta Alberti II*, 124: “et congregata magna multitudine armatorum bene expeditorum, predicta tria castra, fugatis et quibusdam inimicis captis, potenter expugnavit, et civitatem Quedelinghborch sic obsessam pristinae liberatati restituit.”

amounted to little more than a status quo ante bellum.³⁹ In this, Count Albrecht II was evidently less than satisfied. If his actions in the subsequent feud are anything to go by, he was clearly willing to escalate the level of violence.

At this point, we enter the second phase of the conflict. Here, the feud starts to take on almost a compulsive character. Both the Albrechts now took every pretense to reinitiate hostilities, resulting in an ever-escalating cycle of violence. This second phase began with Count Albrecht II's fully concerted effort to finally bring the town of Quedlinburg to heel. To this end, he organized a surprise raid on the townsmen while they and their menials were toiling in the fields. Having sent men ahead to dupe the town watchmen into believing his troops were simply traveling to visit a friendly lord, the count and his son, Bernhard, fell upon the townsmen, cutting them down and then riding off with many captives, including a head of cattle and over a hundred horses.⁴⁰ What followed next was an exceptionally brutal feud, as the count unleashed a campaign of plunder and pillage, sacking any church or religious institution obedient to the bishop and leading their monks and nuns away into captivity.⁴¹

The following year he undertook a siege against the old quarters (*Altstadt*) of Quedlinburg from his fortifications outside of the town.⁴² However, during one of the regular skirmishes that had come to characterize the siege, he was captured on July 7, 1337. Presumably, as a precondition for his release,⁴³ he acknowledged Bishop Albrecht II's protective lordship

³⁹ *UB des Hochstifts Halberstadt*, vol. 3, nr. 2276, 380-384.

⁴⁰ The Quedlinburgers' account of this remarkable event is recorded in a letter to the town of Goslar. *UB der Stadt Quedlinburg*, vol. 1, nr. 127, 98.

⁴¹ *Gesta Alberti II*, 124: "...comites de Reghensteyn ad vomitum, sicut canes, redientes, ecclesiam Halberstadensem nimium crudeliter invaserunt, ecclesias confregerunt, clericos captivos in vinculis detinuerunt, et quod miserabilis est dicere, nec religiosi viris nec sanctimonialibus pepercerunt."

⁴² Mehrmann, 171f.

⁴³ Although no documentary sources connected with the peace treaty mention Count Albrecht II's capture, the *Gesta Alberti II*, along with a set of later sources, claim he was held as a prisoner for around half a year before being released on the condition that he would hand over the protection of the town to Bishop Albrecht II. C. von Schmidt-

over the town and bestowed Quedlinburg with a number of privileges (March 20/22, 1338).⁴⁴

The count's defeat before Quedlinburg signaled the transition to the third and final phase of the conflict.

Although the third phase began with politicking on both sides, it signaled a perceptible shift in the locus of conflict from Quedlinburg to the center of Bishop Albrecht II's authority itself, his episcopal see. On one side, the bishop busied himself fomenting unrest among Count Albrecht II's subjects (the monks of Walkenried and town of Osterwiek) and forming an alliance with Landgrave Frederick of Thuringia and Count Conrad of Wernigerode.⁴⁵ On the other, Count Albrecht II, along with the Counts of Mansfeld, machinated with the adherents of the anti-bishop of Halberstadt, Giselbert of Holstein (r. 1324-1343), and his supporter, the papal vicar, Bishop Louis of Brandenburg, to intimidate those episcopal abbeys and nunneries loyal to Bishop Albrecht II into obedience to their candidate.⁴⁶ Now that Count Albrecht II had decided to directly attack the seat of his opponent's power, his episcopal office, the stakes of the feud had clearly risen.

Hostilities erupted sometime in early spring 1343 as both sides engaged in "a proxy war" against the ecclesiastic supporters of their opponents. It soon devolved into a brutal campaign of

Phiseldeck, "der Kampf um die Herrschaft in Harzgau während der ersten Hälfte des vierzehnten Jahrhunderts," *Zeitschrift des Harz-Vereins für Geschichte und Altertumskunde* 7 (1874), 312f. For a more in depth look at the later sources and legends surrounding this event, see H. Lorenz, "Die Besiegung der Grafen von Regenstein durch die Bürger von Quedlinburg," *Zeitschrift des Harz-Vereins für Geschichte und Altertumskunde* 35 (1902), 440-443.

⁴⁴ *UB der Stadt Quedlinburg*, vol. 1, nr. 133-136, 101-106; *UB des Hochstifts Halberstadt*, vol. 3, nr. 2296, 396. These privileges concerned rights of fortification and holding court.

⁴⁵ *UB des Hochstifts Halberstadt*, vol. 3, nr. 2327, 423ff, nr. 2344, 433f.

⁴⁶ *Gesta Alberti II*, 126; Mehrmann, 176f; Bishop Albrecht II's election was a highly contested one. Ludwig von Neindorf, a canon at Halberstadt, was first elected by the majority of the cathedral chapter. The soon-to-be Bishop Albrecht, also a Halberstadt canon, challenged this decision, who, with the support of his brother, Duke Otto of Braunschweig, and despite a papal interdict, managed to secure the election. A great many religious institutions however adhered to the papal interdict and supported the newly chosen papal candidate, Giselbert von Holstein.

chevauchees and strong-arm intimidation.⁴⁷ Signaling this stage of the feud's importance, Bishop Albrecht II personally made expeditions to oversee the destruction of several abbeys still loyal to his rival claimant. We even have an account recorded by the officials of the Counts of Mansfeld of the bishop setting aflame the nunnery of Helsta by his own hands. According to the nuns, Bishop Albrecht II exhorted his apparently less than willing brother and men to follow suit: "after they resisted, as much as they dared, to carry out a wicked deed, he proclaimed in a loud voice: 'follow me! come after me! you are about to do what I shall do.' Having picked up the torch, he set fire to the mill and granary by his own hands; then, he hurled the fire into the dormitory, where the nuns were accustomed to sleep."⁴⁸ No sooner had the feud begun than the Counts of Regenstein and Mansfeld were struck by misfortune. Conrad of Wernigerode captured Henry IX of Regenstein⁴⁹ and the ransom was so exorbitantly expensive that the count had to cede a significant portion of his lordship to pay for it.⁵⁰ However, these setbacks did little to dissuade either Count Albrecht II or his ally, Count Burchard of Mansfeld, from further hostilities.⁵¹

As soon as the anti-bishop, Giselbrecht of Holstein, died in 1344, the counts sought out another candidate, Count Burchard's son, Albrecht of Mansfeld (a canon at Merseburg). As luck would have it, Pope Clement VI (r. 1342-1352) was more than willing to provide Canon

⁴⁷ Mehrmann, 177. Hermann Größler, "Das Werden der Stadt Eisleben," *Mansfelder Blätter: Mitteilungen des Vereins für Geschichte und Altertümer der Grafschaft Mansfeld zu Eisleben* 20 (1906), 203-211.

⁴⁸ *UB des Klosters der Grafschaft Mansfeld*, ed. Max Kruehne. *Geschichtsquellen der Provinz Sachsen und des Freistaates Anhalt*, vol. 20 (Halle, 1888), nr. 95, 179ff: "qui cum tale nefas facere, quantum audebant, contradicerent, clamavit voce magna: sequimini, venite post me facturi, quod ego faciam. Assumptoque igne incendit propria manu pistrinum et horreum, misit quoque ignem in stratum dormitorii quo sanctimoniales consuerunt dormire."

⁴⁹ Schmidt-Ewald, 74.

⁵⁰ *UB des Hochstifts Halberstadt*, vol. 3, nr. 2355, 454f, nr. 2356, 455f, nr. 2360, 459f. Count Albrecht II had to sell twenty-two villages to the bishop, while Heinrich himself had to cede a significant portion of his land for next to nothing to the bishop's brothers, Dukes Otto, Magnus and Ernst of Braunschweig-Lüneburg.

⁵¹ Steinhoff, 81.

Albrecht with a provision for the bishopric of Halberstadt.⁵² Although our contemporary narrative source, the *Gesta Alberti II*, reports rather vaguely about the events of the later 1340s, it is clear that the counts were once again feuding with the bishop as they worked to advance and install their own candidate not only with the support of the pope, but even Emperor Louis the Bavarian and, later, Charles IV.⁵³ By all accounts, it was a particularly brutal feud.⁵⁴

For the first time, Bishop Albrecht II found himself at a proper disadvantage. Doing what he could, he struck out at the counts' local allies, namely the imperial city of Nordhausen, with the aid of his brother, Bishop Henry III of Hildesheim. Undoubtedly responding to the escalating stakes of the feud, the siblings met out a gruesome fate to those burghers of Nordhausen who were unlucky enough to find themselves face to face with their men: "where they came across the townsmen of Nordhausen on the roads or fields, they struck them down, mutilated them, cut off their extremities, and did truly great damage to them."⁵⁵ The Counts of Mansfeld and Regenstein responded in turn—a raid into Halberstadt on the night of Christmas Eve 1349.⁵⁶

⁵² Mehrmann, 179; Steinhoff, 82.

⁵³ Mehrmann, 179. Emperor Louis the Bavarian and then Charles IV both lent their support to the anti-bishops.

⁵⁴ *Gesta Alberti II*, 126. Thymo writes that "in their accustomed manner they began to cruelly invade the church of Halberstadt, their holy mother in Christ, most grievously devastating the towns and others fortifications of the church, just like nocturnal ravagers, with burning arrows and fiery javelins, as much as they could; troubling (the church) with sundry and nearly innumerable vexations, they killed as many widows and new comers as possible, they made not a few orphans, and held clerics and priests in cruel chains. In this way, they persecuted the poor and needy so that as many sons were ejected from their homes as were living there before and were forced to beg for bread with their fathers." Latin: "modo consueto in Christo matrem suam sanctam ecclesiam Halberstadensem iterato crudeliter invadere ceperunt, sagittisque ardentibus et ignites iaculis tamquam nocturni populatores ecclesie civitates municionesque alias, quantum in eis fuit, gravissime devastantes; molestiisque variis et fere innumerabilibus molestando, viduas et advenas quam plurimos occiderunt, pupillos et orphanos non paucos fecerunt, clericos et religiosos captos et duris vinculis detinebant. Sic igitur persecuti sunt inopes et mendicos, ut de habitacionibus suis eieci filii quam plures prius habundantes una cum patribus cogerentur panem hostiatim mendicare."

⁵⁵ Heinrich Bünting, *Braunschweig-Lüneburgische Chronik* (Magdeburg, 1584), 103f: "wo sie die northeusischen Burger auf der Strassen, zu Felde oder in Waldern überkamen, schlugen sie weidlich drauf, verstumleten sie, hauten ihnen ihre Flieder ab und thaten ihnen grossen mercklichen Schaden."

⁵⁶ Detmar, "Detmar-chronik," in *Die Chroniken der niedersächsischen städte Lübeck*, vol. 1, ed. K. Koppmann, *Chroniken der deutschen Städte* 19 (Leipzig, 1884), 523; Herman Korner, "Nova Chronica" in *Corpus Historicum Medii Aevi*, vol. 2, ed. Georg Eccard (Leipzig, 1723), 1089f. Although our two sources, Detmar of Lubeck (†1395) and Herman Korner (1365-1438), disagree as to the exact date of the raid, they both follow roughly the same

Although night raids (*Mordnachte*) were by no means uncommon, they represented one of the most intense forms of enmity that could transpire in feuding and were frequently accompanied by extreme violence.⁵⁷ A high risk, high reward endeavor, such raids depended on surprise, secrecy, and not a little luck. This one proved a success. On Christmas Eve, the counts approached the city late at night while all the townsfolk were in their churches and silently broke through the walls.⁵⁸ After breaching the walls, the counts and their men split up into groups, one for each church, and burst in upon the unsuspecting burghers at worship. Catching their enemies unawares, they “took many captives, [and] killed even more,” and then escaped back through the walls with their prisoners, taking a great many horses with them as well.⁵⁹

The ensuing confrontation between Count Albrecht II and episcopal knight and advocate of Halberstadt Rudolf of Dorstad not only proved portentous for the final outcome of the feud but allows us to catch a glimpse into how cultural and affective factors could manifest into concrete, violent action. Our authorities on the event, the chroniclers Detmar of Lubeck (†1395)

narrative, which sets the raid chronologically before the killing of Count Albrecht II. Detmar dates the raid to 1352, while Korner provides us with no date, but from context he clearly sets it at the end of 1340s or beginning of the 1350s. Albert Krantz, wrote just a hundred years later and seems to have drawn from both of these authorities, as well as the *chronica saxonorum* mentioned by Korner. He does not, however, mention the name of the advocate, Rudolf Dorstad. Nevertheless, he follows their chronology of events (that Albrecht is killed by Rudolf after the raid), while dating the raid to 1349. The preceding chapter (c. XXVII) is dated to “*quadragesimus nonus post mille trecentos*,” while c. xxviii begins with “*per idem tempus*.” Albert Krantz, *Saxoniarum rerum libri tredecim* (Cologne, 1596), c. xxviii., 679f. This chronology is supported by Steinhoff, “Zum Tode des Grafen Albrecht II. von Regenstein,” *Zeitschrift des Harz-Vereins für Geschichte und Altertumskunde* 31 (1898), 342-350.

⁵⁷ Hans Georg Wackernagel, “Fehdewesen, Volksjustiz und staatlicher Zusammenhalt in der alten Eidgenossenschaft,” *Schweizerische Zeitschrift für Geschichte = Revue suisse d'histoire = Rivista storica svizzera* 15, 3 (1965), 293-296. Two prominent examples from fourteenth century, central Germany are the attempted storming of the town of Hersfeld, the so called Vitalisnacht, in 1378, and the destruction of the town of Dammstadt on Christmas Eve by the neighboring burghers of Hildesheim and Graf Erich von Schaumburg-Holstein in 1332. Heinrich Butte, *Stift und Stadt Hersfeld im 14. Jahrhundert: mit einem Anhang, Die Stadt Hersfeld bis zum Beginn des 15. Jahrhunderts, und 14 Urkundenbeilagen* (Hersfeld: Rich. Trömmner, 1911), 63-75. Nathalie Kruppa and Jürgen Wilke, *Das Bistum Hildesheim, vol. 4: Die Hildesheimer Bischöfe von 1221 bis 1398*, Germania Sacra: Die Bistümer Der Kirchenprovinz Mainz 46 (New York: De Gruyter, 2006): 399ff; *Chronicon Hildesheimense*, ed. Georg. H. Pertz, MGH SS 7 (Hannover, 1846), 869.

⁵⁸ Korner, 1089: “*silenter muros civitatis perfoderunt, civibus communiter in suis Ecclesiis existentibus et divina audientibus*,” Detmar, 523: “*an hilgen nacht to winachten do quemen viande over de graven to Halverstadt unde breken dor de muren der stad*.”

⁵⁹ Korner, 1089.

and Herman Korner (1365-1438), assure us that both men were already inveterate enemies of one another. We can confidently assume that they had faced one another before, given the count's propensity to find himself in the thick of it and the important military-administrative roles that Rudolf would undoubtedly have undertaken as a late medieval advocate. Catching sight of his foe during the retreat, the count challenged Rudolf, saying that, as soon as he had him in his grasp, he would string him up from a tree. Rudolf replied in kind, promising that he would do the same whenever the opportunity presented itself.⁶⁰ Although neither Detmar nor Korner employ the specific vocabulary of mortal enmity (*mortalis inimicitia*, *Todtfeindschaft*) itself, the count and Rudolf's mutual declaration to kill one another was "manifest," namely made publicly, clearly initiating a state of mortal enmity between them.

These were no mere idle threats. Later the following year, Rudolf took the count up on his challenge. Garrisoned at the episcopal fortification of Derenburg, as soon as Rudolf caught word that his enemy was riding with his retinue through the vicinity, he immediately set out in pursuit with his men.⁶¹ Caught unawares, the count saw his retinue quickly routed. This was to be his final battle; encircled by enemies, he was cut down in a hail of sword strokes by none other than Rudolf. True to his word, Rudolf strung the dead count up by his neck. As there were no trees in the vicinity, Rudolf used his lance as a makeshift gallows.⁶² Even if Bishop Albrecht II, accused of ordering the killing by the count's sons, went so far as to publicly exculpate

⁶⁰ Korner, 1089f: "comminatus namque fuerat dictus comes advocato illi, quod quamcito illum habere posset, suspensio ipsum afficeret;" Detmar, 523: "wente die sulve greve, den he floch, hadde eme drouwet, queme he wor boven em, he wolde ene hengen; do lovede dat de voghet, he wolde eme des gelicke don."

⁶¹ *Gesta Alberti II*, 127. Count Albrecht II was killed sometime before May 31, 1349, Merhmann, 180.

⁶² Korner, 1089f; Detmar, 523. A good deal of the secondary literature discards these events because they are neither mentioned in the extant documentary sources nor in the *Gesta Alberti II*. The *Gesta Alberti II* has proven to be less than dependable on certain points of fact, particularly the killing of Count Albrecht II, which it falsely attributes to a rabble of "low born men." More likely than not, the author folded in the raid with other events occurring during the feud of the later 1340s.

himself according to canon law, it takes little imagination to see him somewhere at work behind all of this.⁶³ With the count's death, Bishop Albrecht II had finally rid himself of his inveterate foe, who was poised to lead a coalition of the Harz counts to drive him from his see and install a rival episcopal claimant. With the one figure that could have possibly united the bishop's enemies against him now dead, the comital alliance began to unravel. One by one his enemies sought peace, until only Count Albrecht II's sons, incensed at the killing of their father, persisted in their feud for another four years.⁶⁴ Finally, on February 25, 1353, all of the count's sons made peace with the inveterate foe of their house, who by all accounts had triumphed.⁶⁵

2.2. Analysis

This culminating brisance of violence concluding the final act of this conflict poses a serious challenge to the standard model of the feud. Instead of observing norms channeling violence into a "processual march toward peace," we have instead encountered more heterogeneous patterns of violence to which the dominant juridical model has little to offer except the label of dysfunctionality. As discussed in the introduction, alternative frameworks are available, namely the cultural and concomitant affective underpinnings of violence derived from a late medieval enmity-honor culture. Taking both seriously, I think, provides us with a better set of tools to grasp the patterns of violence that we have seen unfolding here. To this end, two particular incidences of violence from this feud will be examined in closer detail.

⁶³ *Gesta Alberti II*, 127. Thymo, the presumed author of the *Gesta Alberti II*, went so far as to claim that "a rabble of common born men cut down the count there in the meadow of Tanstadt after he had been deserted by his terrified men who had been put to flight by the will of God;" Latin: "in campo Tanstedde a personis humilibus et paucis, nutu divino suis famulis territis et in fugam conversis, ipso tamen comite solo relicto, est illic interfectus."

⁶⁴ *UB des Hochstifts Halberstadt*, vol. 3, nr. 2439, 538.

⁶⁵ For the feud of Count Albrecht II's sons, along with their Anhaltiner and Mansfelder allies, against Bishop Albrecht II, see Mehrmann, 180-185; Steinhoff, 83; *UB des Hochstifts Halberstadt*, vol. 3, nr. 2439, 537f.

Let us begin with the confrontation at the court of Gersdorf. Not only does this incident afford a rare look at how escalating levels of violence could lead up to the outbreak of a feud, but it also calls into question the verities surrounding the nature of violence in feuding and contemporary attitudes toward it.⁶⁶ Count Albrecht II's decision to have the peasant and then the episcopal priest killed was not determined by a juridical model, but rather a culture of violence that demands further contextualization to be understood. This contextualization is sorely needed because the violence met out by German aristocrats in their feuds has been portrayed as somehow more restrained than that of other European nobles.⁶⁷ That is to say, German aristocratic violence was supposedly bounded by a moderating set of norms derived from both customary and territorial law and thereby distinct. Any investigation into analogous cases of late medieval violence tells a very different story, both within and outside of the Empire. One way we can make sense of this act of violence at Gersdorf is by contextualizing it in a larger culture of aristocratic violence and warfare.

Ego documents in which German nobles reveal their thoughts on violence are scarce, but those of their French peers prove more plentiful.⁶⁸ The famous *routier* captain Amerigot Marchès (†1390) admitted that he had “done all those things, which a man can and ought to do in a just war, such as taking Frenchmen and putting them to ransom, living off the country and despoiling it...and burning and firing places in it.”⁶⁹ Another French cause célèbre, Jourdan de l'Isle

⁶⁶ We are fortunate enough to possess a *Klageschrift* (complaint) composed by Duke Albrecht of Braunschweig-Lüneburg that details the actions of Count Albrecht II of Regenstein and his allies. *UB des Hochstifts Halberstadt*, vol. 3, nr. 2271, 376ff.

⁶⁷ Reinle, ““Fehde” und gewaltsame Selbsthilfe in England und im römisch-deutschen Reich,” 131f.

⁶⁸ European aristocrats and knights belonged to a wider pan-European chivalric culture that, despite the very real regional variations, ultimately demonstrated an astounding degree of coherence and similarity in attitudes in regard to violence and warfare, cultural conventions, and even lay piety. Richard W. Kaeuper, *Medieval Chivalry* (New York: Cambridge University Press, 2016), 155-205; Werner Paravicini, ed. *Noblesse: Studien zum adeligen Leben im spätmittelalterlichen Europa; gesammelte Aufsätze*, (Ostfildern: J. Thorbecke, 2012).

⁶⁹ Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages* (New York: Oxford University Press, 1988), 85.

(1323), Lord of Casaubon, admitted that he had many men, women, and children killed by his men and put many places to the torch, alongside plundering many churches, abbeys and priories. In his defense, he “said that it was in war...to sustain himself and his people and that he had done it in his pays (country).”⁷⁰ One can imagine that if we had the count and bishop before us today, they would respond in like manner when confronted by criticism for their conduct in feud and war. Indeed, the *Gesta Alberti II* explicitly praises Bishop Albrecht II for the death, destruction, and suffering he brought upon his enemies, harrying their lands, putting their villages and towns to flame, and besieging their castles.⁷¹ Both Jourdan and Amerigot may have been high profile cases, belonging to the handful of noblemen executed by the French crown for their “misdeeds,” but as those scholars working on “private war” in Late Medieval France have shown, such violence was routine, and pervasive well into the early modern period.⁷² At best it was channeled but never truly extinguished by royal sanctions.

A perusal of the so-called damage reports, records of losses sustained during a feud, indicate that German nobles had similar attitudes toward violence and showed little hesitation at inflicting it either on social inferiors or even on their fellow aristocrats.⁷³ Moreover, this evidence belies that the reigning idea that feud violence was almost exclusively restricted to

⁷⁰ *Confessions et jugements de criminels au Parlement de Paris (1319-1350)*, ed. Monique Langlois, Yvonne Lanhers (Paris, S.E.V.P.E.N., 1971.), 37ff quoted in Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages*, 226.

⁷¹ *Gesta Alberti II*, 127.

⁷² Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages*, 225-267; Firnhaber-Baker, *Violence and the State in Languedoc, 1250–1400*, 180- 184; Raymond Cazelles, “La réglementation royale de la guerre privée de Saint Louis a Charles v et la précarité des ordonnances,” *Revue historique de droit français et étranger* 37, 4 (1960), 530-548; Stuart Carroll, *Blood and Violence in Early Modern France* (New York: Oxford University Press, 2006); Carroll, “The peace in the feud in sixteenth- and seventeenth-century France,” *Past and Present* 41 (2003), 74-115. It should be noted that Amerigot was executed for treason, his conduct in war was not at issue, while Jourdan lost his head not for his incessant private wars, but rather for having overseen the killing of two royal sergeants. This represented a felony against the King himself, not simply a more minor infraction like waging war while the Kingdom of France was at war or breaking a royal safeguard.

⁷³ Hans Patze, “Grundherrschaft und Fehde,” in *Die Grundherrschaft im späten Mittelalter*, vol. 1, ed. Hans Patze, *Vorträge und Forschungen* 27 (Sigmaringen: Jan Thorbecke Verlag, 1983), 263-292.

physical things and property is false.⁷⁴ The feuds that raged between the advocates (imperial stewards) of Weida, margraves of Meissen, and John III, Burgrave of Nuremberg, around the turn of the fourteenth-century provide ample evidence thereof. According to a damage report drawn up by John III's officials, two vassals of Margrave William of Meissen, Rudolf of Bünau and Heinrich of Lichtenheim, had been tasked with carrying out a number of raids into the burgrave of Nuremberg's territory.⁷⁵ They allegedly slew at least seven men, going so far as to beat one man to death and place him in the stocks as an example, and then slay a nobleman, who pursued them after a raid. They plundered and fired four villages, ransomed and forced peasants to labor for them, and ended up causing over three thousand mrks. in damages. A year later, other vassals of the advocates of Weida raided into north-eastern Franconia. Here, they captured nuns from the Convent of Osseck/Ossegg (outside the modern town of Hof), slew their dependents at the village of Dreissendorf, and then went on to plunder and fire fourteen surrounding villages and ransom innumerable peasants and burghers.⁷⁶

Violence against people was not simply incidental, but often intentional. We saw ample evidence of this during the Regenstein-Halberstadt feud: Count Albrecht II's raid on the burghers outside of Quedlinburg, the incessant killings and depredations meted out by his men as chronicled by the *Gesta Alberti II*, the mutilation and killing of the Nordhausen burghers, the Christmas Eve raid on Halberstadt, and even Bishop Albrecht II's own hand in personally burning down a convent. Another choice example from around the same region consists in the

⁷⁴ Christine Reinle, "Bauern und Macht der Herren. Bauernfehden zwischen Gewohnheitsrecht und Verbot," in *Gewalt im Mittelalter: Realitäten-Imaginationen*, ed. Manuel Braun, Cornelia Herberichs (Munich: Wilhelm Fink, 2005), 105.

⁷⁵ *Urkunden der Markgrafen von Meissen und Landgrafen von Thüringen. 1396-1406.*, vol. 2, part. 2, ed. Otto Posse, Hubert Ermisch, Codex diplomaticus Saxoniae I, 2, (Leipzig: Giesecke & Devrient, 1902), nr. 475, 316-320.

⁷⁶ *Urkundenbuch der Vögte von Weida, Gera und Plauen, sowie ihrer Hausklöster Mildenerfurth, Cronschwitz, Weida und z. h. Kreuz bei Saalburg*, vol. 2, ed. Berthold Schmidt (Jena, 1892), nr. 433, 360-363.

depredations met out by Bishop Simon II Paderborn and Duke Albrecht of Braunschweig on Walkenried Abbey when they plundered and fired its granges in 1389. According to the abbot, the princes ordered their men to “wound, shoot with arrows, and mutilate the lay brothers of the aforementioned monastery.”⁷⁷ This type of violence was not limited solely to the aristocracy. Farther south, in Swabia and the Swiss lands, we can read of a litany of horrors committed by Swiss troops in a witness protocol composed by the town of Zurich during the Old Zurich War (1440–46). The Swiss ransacked and burnt churches, cut down those seeking shelter in them, desecrated the sacrament, mutilated high profile enemies and put their corpses on public display, and even raped women.⁷⁸ The Swiss may have acquired a particular reputation for savagery, but deliberate violence against people, even sexual violence, in feuds seems to have been taken as *de jure*, if the evidence from the Soest Feud (1444-1449) between the town of Soest and archbishop of Cologne can be taken as representative.⁷⁹ At the outset of the feud, the archbishop’s captain of cavalry issued a warning to the town of Soest that if their women were found outside the town’s walls by the archbishop’s men, “they would be attacked, captured and raped (*mishandelt*) as one customarily (*als gewöhlich*) does to one’s enemies.”⁸⁰ This was not an idle threat; the archbishop’s men were good to their word with at least two cases of rape being reported.

⁷⁷ *Die Urkunden des Stiftes Walkenried*, vol. 3, part. 2, ed. Karl Ludwig Grotefend (Hannover, 1855), nr. 982, 235.

⁷⁸ Konstantin M. Langmaier, “Hass als historisches Phänomen: Gräueltaten und Kirchenschändungen im Alten Zürichkrieg am Beispiel einer Luzerner Quelle von 1444,” *Deutsches Archiv für Erforschung des Mittelalters* 73, 2 (2017), 639-686.

⁷⁹ “Kriegstagsbuch der Soester Fehde,” in: *Die Chroniken der westfälischen und niederrheinischen Städte: Soest*, vol. 2, ed. Karl Lamprecht, *Die Chroniken der deutschen Städte* 21 (Leipzig, 1889), 41f, 50.

We also have other evidence sexual violence against women in Göttingen’s *liber dampnorum*, StadtA Göttingen, B 7, Ms 1.10, 11r, 15r: “da schindeden Diederich von Stoghuse Brechte, eine fruwen von Hameln...;” “da schindede und beroube Heise Olenhusen, eyne frowen genatte Grethe...”

This was then the culture of violence in which Count Albrecht II operated. Here violence was commonplace, ubiquitous even, and perhaps even a reflexive response to situations like at the court of Gersdorf, where the count's lordship and authority were openly put into question. We would do well not to forget that he was a member of a broader chivalric culture in which violence was intimately tied to the exercise of lordship,⁸¹ along with honor and physical prowess—two key attributes of Europe's warrior aristocracy.⁸² Within such a context, we can also understand the Gersdorf incident as a classic act of lordly violence, explicitly crafted to brutally imprint upon other peasants that rejecting the count's lordship in favor of the bishop's accrued serious and immediate consequences. Peasants or even townsmen who challenged their lord's authority by turning to another lord would often face, as their lord saw it, a violent, if just chastisement.

An incident at the village of Kindelbrück (1359) offers an excellent example. Suffering under the new corvees imposed by Count Herman of Beichlingen, to whom the village had been pledged, the peasants of Kindelbrück petitioned the Landgrave of Thuringia for assistance. Upon hearing this, Count Hermann, enraged at their contumaciousness, raised a band of men-at-arms to remind the villagers exactly whose lordship they stood under. Although intending only to plunder the village, resistance from the peasants apparently infuriated the count's men to such a

⁸¹ Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter*; ——— “The Social Use of Private War: Some Late Medieval Views Reviewed,” 253-274; across the Rhine see Nicholas Wright, *Knights and Peasants: The Hundred Years War in the French Countryside* (Rochester, NY.: Boydell & Brewer Ltd, 1998). For an earlier period, see Thomas N. Bisson, “Medieval Lordship,” *Speculum* 70, 4 (1995), 743-759; Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton: Princeton University Press, 2009).

⁸² Kaeuper, *Chivalry and Violence in Medieval Europe* (New York: Oxford University Press, 2001).

degree that they killed those who resisted, mistreated the rest, ransacked the village and burnt down what they could.⁸³ Such demonstrative acts of violence were commonplace.⁸⁴

Building on the idea of violence as a major part of the repertoire of lordly domination, the argument can also be made that killing the peasant in the presence of the bishop and one of his priests was also a direct, personal provocation. It called into question the bishop's ability to successfully exercise the kind of protective lordship that his subjects expected. This violence had the touch of the personal about it for this very reason, designed, as it was, to goad, incite, and humiliate. Why else would have Bishop Albrecht II specified that the count had "killed one of the same peasants in our presence."⁸⁵ Such acts of violence, designed as they were to be public facing, could become powerful markers not only for delimiting spheres of lordship and authority, but also expressions of enmity in themselves.

Mortal enmity, as touched upon in the introduction, exercised a powerful influence on the minds and behavior not just of the aristocracy, but on late medieval society writ large. Indeed, the concluding act of the Regenstein-Halberstadt feud, the killing of Count Albrecht II, cannot be explained without it or the concomitant issue of honor. Both men belonged to an honor and status obsessed, aristocratic warrior class. As such, they knew not only to demonstrate to foe and friend alike their willingness to challenge their enemies, but also to never permit challenges to

⁸³ Friedrich Bernhard von Hagke, *Urkundliche Nachrichten über die Städte, Dörfer und Güter des Kreises Weißensee: Beitrag zu einem Codex Thuringiae Diplomaticus* (Weißensee, 1867), 149-159; "Chronica Thuringorum," in *Illvstrivm Vetervm Scriptorvm, Qvi Rervm A Germanis Per Mvltas Ætates Gestarvm Historias Vel Annales Posteris Reliquervnt*, vol. 1, ed. Johann Pistorius (1583), 942; Johannes Rothe, *Duringische Chronik*, ed. R. von Lilienron (Jena, 1859), ch. 700, 605f. The village of Kindelbrück was originally held by the Landgraves of Thuringia, who had pledged it to the Counts of Beichlingen. After this occurrence, the Landgraves bought the village back from the counts.

⁸⁴ Algazi, "Pruning Peasants: Private War and Maintaining the Lords' Peace in Late Medieval Germany," in *Medieval Transformations: Texts, Power and Gifts in Context*, ed. Esther Cohen, Mayke de Jong (Leiden: Brill, 2000), 245-274.

⁸⁵ *UB des Hochstiftes Halberstadt*, vol. 3, nr. 2271, 377: "entliveden einen der sulven buro in unse iegenwardicheit."

their honor to go unanswered. The raid on Halberstadt was the perfect venue where these potent forces of honor, status, enmity, anger, and revenge could be activated. The count had not only shamed Rudolf by sacking the town that he, as its advocate, had been responsible to defend, but had added to this indignity by publicly threatening him with the most shameful death of hanging, reserved only for common criminals. Inaction before such a degrading threat would imperil a knight's honor and status amongst his peers and social superiors if left unavenged. It demanded a response, a violent one. Both the count and Rudolf would have heartily agreed with the great anthropologist of honor, Julian Pitt Rivers, when he said: "the ultimate vindication of honor lies in physical violence."⁸⁶

Within such a highly confrontational, honor based political culture, feuds and violence could easily arise from even relatively minor cases of *honneur blessé*. The Dohna feud (1385-1402), for example, was allegedly sparked off by a scuffle at a dance house in Dresden when a noble from the von Körbitz family intentionally tripped the young lord Jeschke Heyde of Dohna, who promptly responded by punching him the face.⁸⁷ While in Frankfurt am Main, a nobleman declared a feud against the city after having merely been spurned by a woman at a dance there.⁸⁸ Even allegations of dishonorable conduct were enough to spur men on to avenge their wounded honor. At the outbreak of the Appenzeller Wars (1401-1429), the Swiss launched a feud against the Swabian towns around Lake Constance just for allegedly having called them "murderers

⁸⁶ Julian Pitt Rivers, "Honour and Social Status," in *Honour and Shame: The Values of Mediterranean Society*, ed. J.G. Péristiany (Chicago: University of Chicago Press, 1966), 29.

⁸⁷ Hubert Ermisch, "Die Dohnasche Fehde," *Neues Archiv für Sächsische Geschichte und Altertumskunde* 22 (1901), 242f. Later retellings of the story also place honor at the center of the conflict. They either report that the Margrave of Meissen kissed the betrothed of Jeschke during the same dance, which led to a scuffle, or that Jeschke made a rude comment to Rutzschel von Korbitz's wife at the dance, which led to Rutzschel tripping him. Also see Andermann, "Adelsfehde zwischen Recht und Unrecht. Das Beispiel der Dohna-Fehde," 151-166.

⁸⁸ Elsbet Orth, *Die Fehden der Reichsstadt Frankfurt am Main im Spätmittelalter Fehderecht und Fehdepraxis im 14. und 15. Jahrhundert* (Wiesbaden, Steiner, 1973), 45.

(*Mörder*).” A contemporary wrote that “they took this [insult] badly and did not want to let it rest any longer, they wanted to get to it and avenge [this insult].”⁸⁹ For such men, honor was not a mere idea, but something tangible, intensely felt, and worth killing and dying for. The wounds of battle could heal, but as Henry of Bayern-Landshut said to the fellow prince whom he had nearly beaten to death for insulting him: “your injuries may have long healed, but those that you inflicted upon my honor bleed still!”⁹⁰ We can even wrest out other examples from the feud under investigation, where honor played a crucial role for the participants. For example, the knight Asquin van dem Stenberghe, who led the assault on Gutekenberg Castle and scaled its walls, was specifically named and lauded with honors in the document recording the event.⁹¹ There are then the multiple instances where the count himself led his men into battle at risk to his own life in order undoubtedly to display his own prowess and honor. In light of these examples, we should not see these “motivations” of honor, mortal enmity, and political expediency as in anyway mutually exclusive in the killing of Count Albrecht II. Rather they worked as mutually reinforcing components of a political culture, underpinned by notions of honor, enmity, and vengeance, which in turn fed the feud itself.⁹²

⁸⁹ *Reimchronik des Appenzellerkrieges (1400–1404)*, ed. Traugott Schieß *Mitteilungen zu vaterländischer Geschichte*, 35 (St. Gallen: Fehr’sche Buchhandlung, 1913), lines 1933-1940 cited in Hans Fehr, *Das Recht in der Dichtung* (Bern: A. Francke A.-G. Verlag, 1923), 258: “das namentz uff gar schwaer,/ und weltind niemer laen,/ sie weltind daruff gaen,/ sie weltind das rechen.”

⁹⁰ Jean Marie Moeglin, “Fürstliche Ehre und verletzte Ehre der Fürsten im Spätmittelalterlichen Deutschen Reich,” in *Verletzte Ehre: Ehrkonflikte in Gesellschaften des Mittelalters und der Frühen Neuzeit*, ed. Klaus Schreiner and Gerd Schwerhoff (Cologne: Böhlau Verlag, 1995), 88. Henry was a prince with an especially keen and prickly sense of honor who was known to have told an enemy that he would rather lose his body than his honor: “ihm seine Ehre leiber lassen seyn als seinen leib.”

⁹¹ *UB der Stadt Quedlinburg*, vol.1, Fol.24a, 248.

⁹² Peter Schuster, “Ehre und Recht. Überlegungen zu einer Begriffs- und Sozialgeschichte zweier Grundbegriffe der mittelalterlichen Gesellschaft,” in *Ehrkonzepte in der Frühen Neuzeit*, ed. Sibylle Backmann, Hans-Jörg Künast, Sabine Ullmann (Berlin: De Gruyter, 1998), 40-69.

To conclude, the Regenstein-Halberstadt feud portrays a conflict very much at odds with the traditional characterization of the feud as a norm-driven institution by which disputes were adjudicated by an appeal to the circumscribed use of force and mediation. What we find instead is a conflict that entailed a surprising degree of unpredictability, the violence of which could quickly escalate and even take on a highly affective quality, directed not merely at social inferiors, but at other aristocratic opponents as well. Its violence has proven altogether too heterogeneous to be squeezed into the restricted conception of the feud without amputating those elements that do not fit into the conventional, feuding register. We are confronted with a conflict whose underlying patterns and motivations of violence cannot easily be expressed in the idioms of property rights and law so central to the standard model of feuding. In the end, adhering to this model obscures more than it reveals. This should give us good reason to wonder if it was ever truly suitable for exhausting the entire significance of organized, violent conflict within late medieval Germany's order of violence in the first place.

3. The Berchter Feud

3.1 An Overview of the Feud

The Berchter feud arose far afield from the lordly antagonisms and territorial struggles that characterized the preceding feud. Its setting was a thoroughly urban one in which an exiled family's failure to receive justice for the killing of their scion at the hands of the town council of Nordhausen compelled them to wage a deadly, decade long feud against their former town. However, this proved to be no ordinary killing; instead, it was the result of a conspiracy of councilmen, who had instigated a judicial execution of one of their own number for reasons that remain unclear. Our story begins on September 15, 1430, when a former mayor and member of the town council, a certain Hans Kirchhof, was hauled before a jury of his peers and summarily

convicted of having allegedly stolen sixty shock groschen and three silver bowls from the city's town hall two years earlier. Two accomplices had also supposedly aided him in this theft, the town's syndicus, Hermann Liebenrod and his scribe, the cleric Johann Schulze of Frankenhausen. Following highly irregular trial proceedings, Hans was immediately executed by hanging.⁹³ His immediate family and relatives (this included the Kirchhofs, as well as the family of Curt Berchter, Hans' brother-in-law) faced banishment and the confiscation of all their goods and property by the town council. To further their punishment, they were forced to submit to the humiliating ordeal of seeing Hans' corpse hung up in an iron gibbet before the town's walls, left to rot, and forbidden burial. Instead of acquiescing to this verdict, Hans' father, Apel Kirchhof the Older, his brothers, Apel the Younger and Gerke, and Curt Berchter immediately sought the protection of Count Henry of Honstein zu Lohra and Klettenberg. A week later, they rode out with the count's men to retrieve and bury Hans' corpse.⁹⁴

All of the surviving documentation indicates that Hans was most likely the victim of a conspiracy of some kind and his execution not merely a miscarriage of justice, but in fact a judicial murder. While the details remain murky, the contemporary chroniclers Johannes Rothe (1360-1434) and Hartung Cammermeister (†1467), who reported on the case, leave no doubt to the reader that in their minds Hans was innocent. Rothe clearly states that a few of the council members bore grudges against Apel the Elder—a highly respected former member of the town council and mayor.⁹⁵ Instead of conspiring against Apel directly, they incited each other to go

⁹³ The basic narrative is provided by Förstemann, who was working on the basis of Friedrich Christian Lesser's earlier narrative, along with the Nordhäuser Fehde- und Sühnebuch and those archival material available to him. Ernst Günther Förstemann, Friedrich Christian Lesser, *Historische Nachrichten von der ehemals kaiserlichen und des heil. röm. Reichs freien Stadt Nordhausen gedruckt daselbst im Jahre 1740. Umgearbeitet und fortgesetzt* (Nordhausen, 1860). Henceforth cited as Förstemann, *Historische Nachrichten*.

⁹⁴ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 15v.

⁹⁵ Apel Kirchoff is mentioned numerous times as the mayor of Nordhausen in the documents pertaining to the Junge Process: StadtA Nordhausen, 1.1., IR 18.

after and convict his son Hans, their fellow council member.⁹⁶ Cammermeister, writing later and unquestionably better informed as a former mayor of Erfurt and an official of the Landgraves of Thuringia, expands upon Rothe's narrative by providing even more damning testimony of Nordhausen's misconduct during the trial. Cammermeister writes that after obtaining Hans' confessions through torture, the town councilors brought him before a court as a thief; however, since they refused him an advocate, the presiding official, a sheriff (*Schultheiß*), declined to pass judgement.⁹⁷ Here we have all the makings of a court room drama. Not to be denied, the town council convened their own "kangaroo court," sentenced Hans to death, refused his requests to offer a defense, and summarily had him hung. Slowly expiring as he was throttled between two iron chains, we are told, he protested his innocence to the many onlookers who cried out in pity at this wretched spectacle.⁹⁸ There was even a sufficiently strong enough current of public opinion disposed to hold Hans as innocent. According to Cammermeister, it was even rumored (*die sage ging*) that after the Kirchhofs had retrieved the head of Hans nearly two weeks after his execution, it remained fresh, free of decomposition, and still dripping fresh blood until it was buried.⁹⁹ "This was," Cammermeister proclaims, "as the people said, a sign of his innocent death" (*is wer ein zzeichen sines unschuldigen todes*)!¹⁰⁰

With this opening act, all the components are present for the beginning of any classic "blood feud" narrative: an "unjustified" killing of a family member setting our protagonists onto

⁹⁶ Rothe, 669, "*dem selbin waren yn den rethin etzliche weder unde gehas, als man meynte, unde storeten zu wo sie mochte, das der junger Kirchouf wart begriffen.*" The Kirchhofs also allege something similar in their letter to the town council of Cassel, StadtA Nordhausen, 1.1 IR 22 (Summer 1431): "wy daz wir uff nicht en gehen, wen daz wir unseres lieben bruders und swagers selig hans kerchoff, den sie mit berüchtigter logeude oren dyp schreiben obeltad gerne bedegken wolden, biddin wir uch gutlich wissin, daz wir anders uff nicht en gehen."

⁹⁷ Cammermeister, 34.

⁹⁸ *Ibid.*, 35.

⁹⁹ *Ibid.* Since Hans' corpse was held in an iron gibbet, his family could only cut his head off for burial in Cammermeister's narration.

¹⁰⁰ *Ibid.* Förstemann gives the date of September 21, 1430; see Förstemann, *Historische Nachrichten*, 299.

the path of enmity with his killers, and the miraculous portent of Hans' fresh corpse ensuring both the innocence of the slain and the righteous, even divinely sanctioned vengeance of his kinsmen. They would eventually glut this thirst for vengeance on the burghers of Nordhausen in a series of gruesome killings, which verged on the gratuitous. But this was not simply a "blood feud." The Kirchhofs simultaneously incorporated many of the legal practices considered essential to the feud proper, namely a deference for pursuing litigation before resorting to an open declaration of enmity (and feud letters there were a many), a slow escalation of hostilities, where "violent self-help" was employed to persuade their opponents to accede to their demands, and, finally, attempts at receiving an imprimatur for their feud from the most important power holders of central Germany, the Landgrave of Thuringia and Welf princes to their north.

To reiterate, dissecting this conflict into membra that belong to this or that corpus of feud amounts to nothing more than telling us what we already know. Mortal enmity by contrast provides a better vector through which we can identify the affective, ethical, and jural-political impetuses, that is to say, the mentalités, at work in this conflict. Our analysis will be divided into three sections. The first examines the Kirchhof family's position within Nordhausen and the surrounding locality. This background will hopefully offer some clues as to how they could muster support from the regional and local power holders, escalate their feud to such an intense degree, and also acquire legitimacy for their cause in the process. The second centers on the legal backdrop of the ensuing feud as it played out at various courts across central Germany. Well documented, these lawsuits let us catch glimpses through the laconic formalism of feud letters and settlement documents into those ethical and affective convictions that not only spurred on and sustained the Kirchhofs in their feud, but additionally informed the "public's" response thereto. The third concerns the progress of the feud itself with a particular emphasis on casting

the conflict in terms of a continuum of violence conditioned by degrees of enmity. Here, our analysis will first demonstrate the shortcomings of the standard, disjunctive typology separating the feud proper from the blood feud, and, finally, it will advance a positive reading of this violence in place of the standard model.

Although information on the Kirhhofs is scarce, they clearly belonged to the upper strata of Nordhausen society. Apel the Elder had served as the mayor of Nordhausen numerous times from 1418 to 1425 and was counted as an upright, honorable man, who maintained close ties with the town council well after the tenure of his office.¹⁰¹ From what can be cobbled together, the family apparently possessed substantial properties both in and outside of the city. The peace settlement of 1443 lists Apel the Elder as having possessed an estate free of feudal dues or taxes (*Sattelhof*), a vineyard, significant real estate outside of the city proper (valued at 216 Schock groschen), an estate with a pond, and farmland with taxes and feudal dues (*frohnpflichtes Ackerland*).¹⁰² We also know that Apel the Elder held land at Weißensee and the younger brothers were living or working abroad, but their holdings remain unknown. Hans also served in the town council, and, like his brothers, possessed more than enough wealth to serve in the front lines of the Nordhausen militia in full plate armor. Combat roles in the town militia imposed a heavy financial burden and were thus reserved for only the wealthiest of Nordhausen's burghers.¹⁰³ The family was also particularly active in litigation, especially Apel the Younger. In

¹⁰¹ Förstemann, *Historische Nachrichten*, 201, 296. Due to a lack of evidence, acquiring the exact dates of office prove difficult without mining every charter or letter issued by the town council for this period.

¹⁰² Conrad Fromann, *Collectanea Northusana oder vermischte Nachrichten zur Nordhäuser Geschichte*, vol. 4 ed. Peter Kuhlbrodt (Nordhausen: Atalier Viet, 2015), nr.49, 238-242, see 239-241: "alle liegende Erbe als Hauß, Hoff, Weingarten, Teichhoff, Acker und Erbzinsen..."

¹⁰³ We know that Apel had 700 silvers marks in the city, which the town council had confiscated from him. Karl Meyer, "Die Reichstadt Nordhausen als Festung," *Zeitschrift des Harzvereins für Geschichte und Altertumskunde* 21 (1888), 335f. At the highest level, 50 marks, which their total wealth certainly exceeded, one was expected to possess a full panoply of arms: "eyne Schopen, Crayn, Grusenir, Schoz, Beingewant mit Roren edir ane Roren, eyne swebische Plate, Tarsche, Isenhut, Helm, Wapenhenschu, eyne Gleveni edir Spiz und eyn Swert." Although armor costs varied widely according to quality, a full piece of plate armor during the first half of the fifteenth century could

the first half of the 1420s, he became entangled in an extensive lawsuit with a woman and her guardian from the neighboring city of Mühlhausen, which drew in the city of Erfurt and the Counts of Gleichen.¹⁰⁴

For their level of wealth, it should not be surprising that the Kirchhofs cultivated close connections with other burgher families, along with the lower and princely nobility. The close ties that they fostered with their fellow townsmen are well attested to by the steadfast support that they received from their extended family and in-laws, especially Curt Berchter, after whom the feud is named. We know very little about Curt except that he was married to one of the Kirchhofs' daughters, had two brothers, and was most likely not a member of Nordhausen's ruling families. Indeed, it is unclear whether he was even a citizen of the city. At any rate, he was one of the fiercest defenders of the Kirchhofs, along with a mysterious Claus Hafferung. Appearing frequently in the Nordhausen feud book, Claus may have been a member of the Hafferung or von Hafferung family, who served as members of the town council and militia.¹⁰⁵ Evidence is unfortunately even sparser when it comes to their ties with particular noble families, but we do find the Counts of Schwarzburg and Gleichen closely involved in the lawsuits that Apel the Younger was pursuing against Mühlhausen.¹⁰⁶ Moreover, it was Count Henry of Schwarzburg who mediated the final peace settlement putting an end to the feud in 1443. Certainly, it was not unheard of for certain burgher families from the neighboring Erfurt, namely

cost well over one hundred days wages. This indicates that the Kirchhofs were a particularly wealthy family. See Alan R. Williams, *The Knight and the Blast Furnace: A History of the Metallurgy of Armour in the Middle Ages & the Early Modern Period* (Boston: Brill, 2003), 908f.

¹⁰⁴ StadtA Mühlhausen, 10 / W 1, Nr. 4: 88r, 106v, 109v, 112r, 120r, 127v, 130r/v, 133r/v, 141v, 155r/v, 156r, 158v, 161v, 168r/v, 171r.

¹⁰⁵ Fromann, *Collectanea Northusana oder vermischte Nachrichten zur Nordhäuser Geschichte*, vol. 4, nr. 49, 239. Claus Hafferung is listed as part of the friends and supporters of the Kirchhofs. Förstemann, *Historische Nachrichten*, 201f; Meyer, "Die Reichstadt Nordhausen als Festung," 335f; StadtA Nordhausen, 1.1., IR 4; StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 16v, 17rv, 18v, 19r, 18v, 20r, 21v, 26v.

¹⁰⁶ *Ibid.*, 96r, 120r, 130r, 158v.

the von Paradise, to build up significant ties to the lower nobility through a combination of inter-marriage, pledge holding, and other strategies.¹⁰⁷ However, given that such ties with the nobility were expressly forbidden to the Nordhausen burghers by the new guild constitution of 1375 (*Zunftverfassung*), we are left grasping at straws.¹⁰⁸ What we do know for certain is that the Kirchhofs were, at a moment's notice, able to call upon members of the lower nobility from the Harz region and beyond, and even more impressively gain the support from some of the most powerful members of the comital and princely nobility. In two particular cases, they were even able to get Duke Henry of Braunschweig to lead plundering raids against Nordhausen for them.¹⁰⁹ All of this suggests that they not only possessed some ties of importance to the surrounding noble community, but also sufficient wealth to attract their attention and support.¹¹⁰

Thus, when the Kirchhofs found themselves exiled from their native city, they were already a “known quantity” to the surrounding political community, which was surprisingly ready to offer them succor and aid. It was in fact with the backing of Otto II, Duke of Brunswick-Göttingen (1394-1463), and Louis I, Landgrave of Lower Hessen (r. 1413-1458), that the Kirchhof party was able to initiate a series of lawsuits to apparently obtain some form of recompense from the Nordhausen town council. “Apparently” is used here given that the Kirchhofs, as members of Nordhausen's ruling elite, knew full well that the town would deploy

¹⁰⁷ This particular family will be treated in chapter two. Robert Gramsch, *Erfurt - die älteste Hochschule Deutschlands: vom Generalstudium zur Universität* (Erfurt: Sutton Verlag, 2012), 72f; Gerhard August von Witzleben, *Geschichte des Geschlechts von Witzleben*, vol. 2 (Berling: A. Bath, 1880), 22f.

¹⁰⁸ Antje Diener-Staekling, *Der Himmel über dem Rat: Zur Symbolik der Ratswahl in mitteldeutschen Städten* (Halle: Mitteldeutsch Verlag), 47ff.

¹⁰⁹ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 24r, 25r.

¹¹⁰ *Ibid.*, 15v, 17v, 24r, 25r, 28r. They were Duke Henry von Braunschweig and Lüneburg, Dukes Otto und Frederick von Braunschweig und Lüneburg, Count Henry von Honstein, and Count John V von Hoya, along with Bishop Magnus of Hildesheim, Bishop Albert of Minden, and Archbishop Gerhard of Bremen.

their *privilegium de non appellando* to effectively stymie any of their attempts at receiving justice at a regular court.¹¹¹

Consequently, the following court proceedings must be read as a pro-forma technicality to raise the public visibility of the case and establish its legitimacy before the most important members of central Germany's political community. To indulge in anachronism, the Kirchhofs were cleverly waging a "public relations campaign" for their impending feud with Nordhausen. They initiated their first case against the town at the Vehmic court of Kreuzberg zum Wolfhagen (Hessen) and then later switched their venue to the Landgraviate court at Weißensee (Thuringia).¹¹² That the lawsuits were largely fruitless due to Nordhausen's refusal to either obey the court summons or accept their verdicts was immaterial to the Kirchhofs, since by the end of their legal travails, they had not only disseminated their morally charged narrative of events to vindicate their later actions, but also acquired the positive, legitimating response to them by the princely authorities necessary to effectively wage such a feud. Therefore, it is crucial that we read these documents explicitly as they were intended.

In order to explain why our protagonists encountered repeated difficulties bringing Nordhausen to justice at regular courts, a note must be made about the highly fragmented nature of juridical authority in the late medieval Empire. As previously noted, Nordhausen could simply choose to flaunt the rulings of these courts. Why was that so? First, unlike, for example, the kings of England, German emperors never possessed original jurisdiction across the Kingdom of

¹¹¹ One of the persistent issues that plagued late medieval Germany was the proliferation of the granting of *privilegium de non evocando et appellando* (*Appellations- und Evokationsrecht*). The first gave a lord the right to forbid his subjects from making an appeal to the Emperor's *Hofgericht* as a court of the first instance. The second permitted a lord to forbid his subjects from making an appeal to the *Hofgericht* as a court of a higher instance. Ulrich Eisenhardt, "Appellations- und Evokationsrecht," in *Historisches Lexikon Bayerns* (Munich, 2009), https://www.historisches-lexikon-bayerns.de/Lexikon/Appellations-_und_Evokationsrecht.

¹¹² For a basic overview of the lawsuits see Förstemann, *Historische Nachrichten*, 299f.

Germany. Instead, it was splintered into a mosaic of overlapping jurisdictions held by princes, dukes, counts, burgraves, advocates, members of the lesser nobility, towns, bishoprics, and, yes, the emperor.¹¹³ These in turn could be parceled out in the form of pledges or fiefs, further complicating an already dizzyingly complex situation. Consequently, courts faced profound difficulties enforcing their rulings, given the diffuse and splintered nature of their authority.¹¹⁴ Further compounding these issues, was the proliferation of privileges (*privilegium de non evocando et appellando*) that exempted their holders — often urban lordships — from being summoned to certain courts. Even appeals to the imperial high court (*Hofgericht*) proved unreliable; at best, they only offered the plaintiff the emperor's backing of a claim, which often required armed force to be executed. Some attempts were made to cut through this jurisdictional spider web by the introduction of the Vehmic courts (originating from the Westphalian free courts). Claiming jurisdictional competency across the empire by virtue of their status as royal courts with explicit imperial support, even these courts had difficulties, as shall be seen, securing their rulings in the face of stiff opposition.¹¹⁵ Moreover, even within the more coherent German territorial polities, their rulers fell far behind the administrative advancements of their French and English peers.¹¹⁶ There can be little wonder then that, where regular courts often proved ineffective, informal arbitration and, more importantly, feuding thrived.¹¹⁷

¹¹³ Dietmar Willoweit, "Die Entwicklung und Verwaltung der spätmittelalterlichen Landesherrschaft," in *Deutsche Verwaltungsgeschichte*, vol.1: vom Spätmittelalter bis zum Ende des Reiches, ed. Kurt G. A. Jeserich, Hans Pohl, and Georg-Christoph von Unruh (Stuttgart: Deutsche Verlags-Anstalt, 1983), 70f.

¹¹⁴ Willoweit, "Die Entwicklung und Verwaltung der spätmittelalterlichen Landesherrschaft," 71.

¹¹⁵ The classic work remains Theodor Lindner, *Die Veme* (Paderborn, 1896). For an overview of the current state of research on the Vehmic courts see Eberhard Fricke, "Die Feme: Ein Beitrag zur Rezeptionsgeschichte mit neuen Anmerkungen zur Geschichte der spätmittelalter- und frühneuzeitlichen Frei- und Vemegerichtsbarkeit," *Westfälische Zeitschrift* 156 (2006), 24-65.

¹¹⁶ Patze, "Die Herrschaftspraxis der deutschen Landesherren während des späten Mittelalters," in *Ausgewählte Aufsätze von Hans Patze*, ed. Peter Johanek, Ernst Schubert, and Matthias Werner, *Vorträge und Forschungen* 50 (Stuttgart: Jan Thorbecke, 2002), 108.

¹¹⁷ Orth, *Die Fehden der Reichsstadt Frankfurt am Main im Spätmittelalter. Fehderecht und Fehdepraxis im 14. und 15. Jahrhundert*, 9-26.

Let us begin after the failed court case at Kreuzberg zum Wolfhagen (July 27, 1431-February 27, 1432)¹¹⁸ with the letter that the Kirchhofs addressed to the town council of Cassel.¹¹⁹ Most likely written in response to Nordhausen's failure to comply with the court's summons and ensuing communications with Cassel (February 27, 1432), Apel und Curt Berchter (presumably) went to great lengths in explaining to the councilmen of Cassel that Hans' execution was something altogether more than just a simply miscarriage of justice.¹²⁰ Their choice of language is imbued with the conviction that Hans' unjust murder, carried out under the guise of a judicial execution, and their subsequent treatment at the hands of the Nordhausen town council, were an outrageous affront that demanded compensation.

To describe the litany of injustice and wicked deeds meted out upon them by the town council of Nordhausen, the Kirchhofs deployed three particular couplets or phrases that demand further attention. They describe the execution itself as "a wretched, evil-deed and unjust *Selbstgewalt* (*grosse jemerliche ubeltad und unrecht selbsgewalt*).¹²¹ Defined in this context, the term *Selbstgewalt* means an illicit act of violence, which violates established norms of legal behavior. The Kirchhofs used this term to imply with little subtlety that the execution was akin to murder.¹²² They go on to reiterate not only that this was "a great evil and despicable injustice"

¹¹⁸ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 16v.

¹¹⁹ The Kirchhofs had sought the protection of the Landgrave of Hessen who along with the Duke of Braunschweig.

¹²⁰ Contested judicial executions, perceived by one side as outright murder, were by no means an uncommon occurrence. See the cases of Conrad Brügkener in Norbert Oelsner, Wilfried Stoye, "Die Zwickauer Ereignisse anno 1407 und die Hinrichtung '... etzlich Erbarb bürger der stat...' am 10. Juli selbigen Jahres in der Burg zu Meissen. Konturen eines spätmittelalterlichen Konfliktes im Spannungsfeld von Stadt und Stadtherrschaft," *1407. Rat kontra Landesherr?: Tagungsband des Wissenschaftlichen Kolloquiums "1407. Rat kontra Landesherr?" am 28. September 2007 in Zwickau*, ed. Wilfried Stoye (Zwickau: Städtische Museen; Stadtarchiv, 2011), 68-109; Hans von Hedersleben in Vollmuth-Lindenthal, "Henning Strobot, Stadthauptmann von Halle und Magdeburg," in *Mitteldeutsche Lebensbilder. Menschen im späten Mittelalter*, ed. Werner Freitag (Cologne: Böhlau, 2002), 159; Johann Christoph von Dreyhaupt, *Pagus Neletici Et Nudzici*, vol. 1 (Wäysenhaus, 1755), nr. 43, 10ff.

¹²¹ StA Nordhausen, 1.1., IR 22.

¹²² "Selbstgewalt/Selbgewalt and Selbwalt" in *Deutsches Rechtswörterbuch: Wörterbuch der älteren deutschen Rechtssprache*, vol. 13, part. 1/2 – *Schwefel-selbwölft*, ed. Andreas Deutsch (Weimar: Hermann Böhlau, 2014), 298f, 317f. All the examples given therein, concern illicit acts of violence that violate legal norms. For further examples, see "Selb-walt" in C.G. Haltaus, *Glossarium Germanicum medii aevi*, vol. 2 (Leipzig, 1758), 1676f. For a

(*ore grossen bosheid und jemerliche unrecht*) that Nordhausen had committed against Hans, but that they intended to “rectify this injustice with the help of the Almighty himself, along with, of course, their lords and friends” (*daz wir auch mit hulfe des almechtige und anderes unser herren und freunde also hoffen zuthun*).¹²³

The Kirchhofs were, as mentioned earlier, also politically savvy enough to know how to wield the stratagem of invoking “public opinion.” In order to make the town council of Cassel think twice about siding with a party that was already sliding into disrepute, the Kirchhofs reminded them that there were more than a few people who were reportedly aghast that Nordhausen would have inflicted “so many wicked deeds and unjust violence upon them.”¹²⁴ And the Kirchhofs did not stop in impugning Nordhausen’s reputation. They continued to heap accusation upon accusation on them for their duplicitous and deceitful behavior as it concerned the previous court case at Kreuzberg zum Wolfhagen.¹²⁵ As the Kirchhofs undoubtedly expected, the litigation ground to a halt as soon as Nordhausen invoked its *privilegium de non appellando*.¹²⁶ On the one hand, the Kirchhofs’ attempts at wringing some form of compensation from Nordhausen ended in failure, as they knew it would, but, on the other, their stratagem of bringing “public opinion” to bear by staging their case before the regional power holders soon bore fruit.

contemporary, geographically proximate example used in reference to robbery and horse theft, see Stadt Mühlhausen, 10 W-1, Nr. 5, 73v.

¹²³ StadtA Nordhausen, 1.1., IR 22.

¹²⁴ Ibid., “uns eynlitzigen persone solden sere leyt sin, daz wir ye so vele ubeltad und unrecht gewalt an ymandes geleid hetten.” Who they are referring to is unclear, however, we may presume they meant the various princes who supported the Kirchhofs and their own supporters.

¹²⁵ The Kirchhof party make it clear that they wanted to inform the town council of Cassel that “waz von en schreiben oder geschriben habin, daz wahr ist und nicht gelogen sundern, waz sie schreiben, das ist getucht und gelogen und wir biddin uwer ersamen wisheid god und daz recht an seyn und eren unwarhaftig schrifte nicht gloubin;” StadtA Nordhausen, 1.1., IR 22.

¹²⁶ This privilege allowed them to dismiss the case as unjusticiable. *Urkundliche Geschichte der Stadt Nordhausen bis zum Jahre 1250: Nachträge und Verbesserungen*, ed. E. G. Förstemann (Nordhausen, 1840), nr. 33, 32ff.

Undiscouraged by their defeat, the Kirchhofs selected the more powerful Landgraviate Territorial Court of Weißensee as their new venue (May 4 to November 21, 1432).¹²⁷ At Weißensee, the home of Apel the Elder, the Kirchhofs found a court that was altogether more favorable to their case and willing to press home a verdict in the face of Nordhausen's intransigence. Not only was this court willing to rule in their favor and enforce its decisions with the authority of Landgrave Frederick of Thuringia IV (r. 1406–1440), but it also offered them a safe haven of sorts, from where they could sally out to apply extra-judicial pressure in the hopes of inducing a settlement of some kind with Nordhausen.¹²⁸ According to Landgrave Frederick IV's letters, the Kirchhofs merely demanded a modest, monetary settlement as compensation for their exile and the restitution of their impounded property.¹²⁹ As beforehand, the town council of Nordhausen ultimately rejected the ruling of the court by making recourse to their imperial privileges, but not before committing serious breaches of protocol at Weißensee and incurring Landgrave Frederick's wrath for sullyng his princely honor.

According to Frederick, the town council of Nordhausen had accepted the citation from his court on the condition that he provide them safe conduct to Weißensee, since the Kirchhofs had apparently taken a number of hostages ransom after the fiasco at Kreuzberg zum Wolfhagen.¹³⁰ Having received the Landgrave's safe conduct, the Nordhausen delegates and their leader, Dietrich von Badung, arrived at the appointed date. Then, much to the judges'

¹²⁷ Hans Eberhardt, "Die Gerichtsorganisation der Landgrafschaft Thüringen im Mittelalter," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte/ Germanistische Abteilung* 75 (1958), 148f.

¹²⁸ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 16rv, 17r.; StadtA Erfurt, 1-1, 21 1a- 1a, Libri dominorum II, 1r, nr. 2 (1431).

¹²⁹ StadtA Nordhausen 1.1. IR 25: Apel... "zu denselben von Northusen geclaget, wy dass sie yn widder got ane gericht und rechte an eygen an erbe und an f (illegible) v habe uss sinen gewahren entpfremdet und genommen habe sibenhundert lotig marke wert sines silbers."

¹³⁰ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 16r/v. A letter to Erfurt mentions that the Kirchhofs were already taking prisoners ransom and that a "vede" existed between them and Nordhausen. StadtA Erfurt, 1-1, 21 1a- 1a, Libri dominorum II, 1r, nr. 2.

chagrin, they dismissed the case out of hand as an infringement on their imperial privileges and argued that even to respond to Apel Kirchhof's plaint would consequently be impermissible. The judge, disgruntled and unimpressed, ruled in the Kirchhofs' party's favor regardless. That same night, under cover of darkness, the Nordhausen delegates fled the court in order to avoid acknowledging the justiciability of Apel Kirchhoff's monetary restitutions, which would imply that his party's version of Han's execution was correct.¹³¹

Frederick responded to this breach of protocol by immediately issuing a series of letters. These letters proved to be the culmination of the Kirchhofs' public relations campaign. Not only did the Landgrave's missives serve the "practical" function of taking Nordhausen to task, but additionally they sought to shape the regional political community's opinion on the Kirchhof case.¹³² Why else then would the letters reiterate that Nordhausen's illicit absconding from court (*Dingsflucht*) was not merely a violation of protocol, but an actual breach of the peace (*Friedensbruch*), a criminal act, that also infringed upon Frederick's princely honor? What other purpose would the inclusion of the Kirchhofs' account of Hans' execution as the approved narrative serve? The account is not couched in terms of the hypothetical or subjunctive — supposed to, according to, it is said that — but rather in morally charged terms sure in the conviction that Hans was indeed the victim of an unjust death:

we have proven that the townsmen of Nordhausen have subjected Hans Kirchhof to a trial by their own authority; and against all justice, their imperial privilege, and the proper proceedings of every court [they] have out of true hatred and without a proper trial hung him (Hans) between two iron chains, once in the morning, then again later in the day; by doing this, they have horribly trespassed against our court and justice

¹³¹ StadtA Nordhausen, 1.1., IR 25: "gewann Apel Kirchhof uf die von Northusen sine clage."

¹³² StadtA Nordhausen, 1.1., IR 25-29. Erfurt, the towns of Halberstadt, Quedlinburg, and Aschersleben, Count Henry von Schwarzburg zu Arnstadt and Sunderhausen, Count Gunther of Beichlingen, and his vassalage throughout Thuringia were all enlisted to wring an answer from Nordhausen.

itself with their violence and arbitrary authority and have also taken this man's property and goods against God.¹³³

Given that Nordhausen issued only one letter offering an alternative narrative, we may conclude that for wide swathes of the political community of northern Thuringia and southern Lower Saxony the Kirchhofs' version remained the dominant one.¹³⁴ Their public relations campaign at court had paid dividends.

Thus, when the Kirchhofs officially initiated hostilities in the winter of 1432, they soon found a myriad of supporters from all walks of life — be they noble or commoner — who were all willing to flock to their banner. After the last overtures at peace were made during the month of November,¹³⁵ Gercke, Curt, and Claus began the feud in earnest. Their feud letters were sent to Nordhausen, and twenty-five noble feud helpers were gathered from across north eastern Hessen, northern Thuringia, and southern Lower Saxony, along with a core of commoners.¹³⁶

Up to this point, the Kirchhofs had pursued a course of action that would fit into the traditional typology of a typical feud. They even adhered to the principle of subordinating their feud to a normal legal process, patiently biding their time until they could acquire a form of “sovereign” authority to endorse their feud. In fact, the Berchter feud exhibits many of the characteristics we are told to expect of the late medieval feud proper: a damaged “right,” an

¹³³ Ibid. “herbracht haben, dass sich dieselben von northusen mit dem Hans Kirchhofe von eigener gewalt underzogen und den widder alle recht freiheit keiserlicher gabe und louffte eynes iglichen gerichtes in rechtem hasse ane rechte orteil zwer gehanden haben an zwei iseren kethyn eyns vor mittage und eyns darnach, darinne sie widder unser gerichte groubelichen gefrevelt und widder recht eigener thorst und gewalt, dieselben gehanden manes gute und habe widder got.”

¹³⁴ StadtA Göttingen, Briefe IV, nr. 31(October 7, 1432); StadtA Mühlhausen, 10 / W 1, Nr. 5: 62r, 73v. Erfurt and Mühlhausen can be excluded since we know that they met in 1432/3 to discuss the Kirchhof case in person.

¹³⁵ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 16v, 17r; HstA Weimar, EGA, Kopialbuch F1, 61rv.

¹³⁶ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 17v: Dec 9, 1433.

attempt at the restitution of this right by the means of a court ruling, obtaining the support of a regional power holder, and, finally, the formal declaration of the feud with letters of defiance.

What we would expect next, according to the standard scholarly account of the German feud, would be a back and forth of burning, pillaging, and kidnapping with incidental killings. This would last until a third party intervened to reconcile both parties. The Kirchhofs would then return from exile, their status as burghers restored, and compensation would be paid for Hans Kirchhof's death, while the town of Nordhausen would also receive some form of monetary compensation for the damages they incurred during the feud. Nothing of the sort happened.

Instead, the feud commenced with an explosion of violence. On the night of March 22, 1433, Curt Berchte, Gerke Kirchhoff, and Claus Hafferung snuck into the guard posts outside of the town's walls and slit the throats of eight watchmen in cold blood. And then, while making their escape, they came across two older men, whom they also cut down.¹³⁷ A few days later, Curt, Gerke, and Claus, along with a band of their supporters, ambushed and killed another Nordhausen burgher.¹³⁸ What we can make of this extreme violence is that the Kirchhofs had now announced to Nordhausen that they had entered into a state of mortal enmity. Though we do not possess their feud letters, it can be surmised that they formally declared their mortal enmity in them. This reading can be supported by the fact that no killings occurred before the Kirchhofs had officially announced their feud in the winter of 1432, although both parties were already considered to be in a state of enmity and the representatives of Nordhausen still had to request safe passage (*Geleit*) from the Landgrave of Thuringia to travel unmolested to Weißensee.

¹³⁷ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 17v.

¹³⁸ Ibid. For one of the few discussions on the role of "atrocities" in feuding, see Reinle, *Bauernfehden*, 192f. The mutilation of enemies or threats thereof were apparently not unheard of, especially the removal of their hands, noses, and ears. No studies pertaining to this aspect of the feud have to my knowledge been published.

As we shall see, killings in this feud were not incidental, but rather integral, designed to elicit terror and fear, endowed with a public-facing quality, and clearly understood as a form of vengeance killing in retribution for the death of Hans. Indeed, throughout the feud, the Kirchhofs repeatedly sought out and targeted Nordhausen burghers, along with anyone who offered them support. The violence that they dealt out was often extreme and gratuitous. It ranged from killings to mutilations and even burning their enemies alive.¹³⁹ When they could not reach high-profile targets, such as the mayor Heinrich Badung, they instead attacked their property.¹⁴⁰ As the feud progressed, the Kirchhofs' depredations grew so frequent and damaging that Nordhausen even erected new fortifications to ward off their incursions.¹⁴¹ The ten workmen who constructed these fortifications paid for it with their lives, being burnt alive in front of the town by the Kirchhofs.¹⁴² Lasting just over ten years in all, this feud had the touch of the interminable about it. And yet despite the appalling violence, disruption, and almost ceaseless nature of the feud, the Kirchhofs found ample assistance and eventually reconciled with Nordhausen.

By the beginning of the 1440s, the town of Nordhausen could see the writing on the wall. If they did not accede to the Kirchhofs' demands, the Welf princes would continue to raid into their lands and perhaps even lay siege to the town itself. The nobles that Nordhausen could bring to their side were no match for these powerful, warlike princes of the north, who had never been on friendly terms with the town in the first place. Thus, on August 4, 1443, Count Henry of Schwarzburg zu Arnstadt and Sonderhausen and his son arranged a settlement between Nordhausen and the Kirchhofs: the latter regained their citizenship, nearly the entirety of their

¹³⁹ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 20r.

¹⁴⁰ *Ibid.*, 21v.

¹⁴¹ *Ibid.*, 20r.

¹⁴² *Ibid.*

expropriated property, and even the feudal dues that had accrued on their rural holdings during their exile. To ensure that the relationship between the Kirchhofs and Nordhausen remained amicable, the Counts of Schwarzburg would arbitrate all future disagreements between the two parties.¹⁴³

3.2. Analysis

To make better sense of the particular qualities of this feud in terms of mortal enmity, let us return to the language of the court letters treated above. Certainly, the Kirchhofs employed language that was rhetorically designed to elicit support and sympathy; however, there also seems to be a degree of continuity throughout these documents that, when read together with our narrative sources, points to an underlying affective and ethical impulse that legitimated the Kirchhof's mortal enmity both in their eyes and, as importantly, those of the surrounding political community. Not only did they suffer a "a wretched evil deed, a great wickedness and appalling injustice," a "wretched, evil-deed and unjust violent act," and "a great evil and despicable injustice" with Hans' execution and their expulsion, but all of this was done "out of true hatred without a fair trial and against God (himself)."¹⁴⁴ These are strong words imbued with an obvious ethical message. The Kirchhofs were retaliating against an objective, moral injustice, clear to even God himself, and also responding to an affective one, "true hatred" (*in rechtem hasse*).¹⁴⁵

¹⁴³ Fromann, *Collecteana Northusana oder vermischte Nachrichten zur Nordhäuser Geschichte*, vol. 4, nr. 49, 238-242; StadtA Nordhausen, 1.1., IJ 59.

¹⁴⁴ StadtA Nordhausen, 1.1., IR 22.

¹⁴⁵ *Ibid.*, 25, 26, 27.

In short, the Kirchhofs established that they had an obligation, be it legal, ethical, or affective, “to rectify this injustice with the help of the Almighty himself, along with our lords and friends.”¹⁴⁶ Moreover, Cammermeister’s inclusion of the tale of Hans Kirchhof’s still fresh and continuously bleeding, severed head said something more than just about Hans’ innocence. More specifically, it alluded to older topoi concerning vengeance, which we find throughout medieval literature: the still bleeding corpse of a slain family member shows that the deceased still cries out for vengeance. Body parts, particularly severed hands in northern Germany, could serve as visible tokens, when displayed publicly, demanding that vengeance be taken.¹⁴⁷ The oral retellings of the feud, which Cammermeister consulted, focused on this element of the tale exactly because it reflected how medieval Germans understood the Berchter feud as fulfilling an obligation of vengeance. Such obligations of vengeance wielded tremendous influence in late medieval German society, expressed in the Middle High German proverb: “he who the wolf has finished off, has paid the price of vengeance, thus your obligation is settled” (*wen der wolf richet, der is errochen also wol daz manz niht furbaz rechen sol*).¹⁴⁸

Thus, we can see where attempts to shoehorn this conflict into the traditional model of the feud would have gotten us, a place where we have already been. When we analyze this feud in terms of mortal enmity though, the Berchter feud not only begins to make sense within its objective juridical setting, but also with regards to the affective elements that so clearly imbued the feud with an almost interminable quality of spinning out into extreme acts of violence for

¹⁴⁶ Ibid., 22.

¹⁴⁷ His, *Der Totenglaube in der Geschichte des germanischen Strafrechts* (Münster: Aschendorffsche Verlagsbuchhandlung, 1929), 14f.

¹⁴⁸ This proverb alludes to the situation where, if your enemy happens to be killed, you no longer have to seek vengeance, implying up to that point that one had an obligation (*sollen*) to do so. It can be found throughout Middle High German literature. See *Deutsches Sprichwörter-Lexikon: Weib bis Zwug. Zusätze und Ergänzungen*, ed. Karl Friedrich Wilhelm Wander (Leipzig: F. A. Brockhaus, 1880), nr. 375, 367. While far from literal, this translation strives to express the spirit of the proverb above all else.

nearly over a decade. First, it explains why the Kirchhofs took such great pains to portray the execution of Hans as akin to a murder during the judicial proceedings prior to the outbreak of the feud. Such a manner of killing was considered a standard reason within the lay jurisprudence of enmity for justifying a party to become mortal enemies of their opponents. In fact, all of the urban legal material from this region regulating violent conflicts confirm this, highlighting, as they do, the necessity of proving a malicious intent to a killing or wounding (*in rechte[m] Hasse*).¹⁴⁹

Secondly, we have clear evidence that the Kirchhofs distinguished gradations of enmity from the fact that they refrained from actual killings until they formally declared their enmity (mortal enmity) in 1432 by delivering numerous feud letters to Nordhausen. Despite already being categorized as Nordhausen's enemies, they constrained themselves to non-deadly force (kidnapping, beatings, theft and arson) and only proceeded to extreme acts of violence (killings and mutilation) when they formally became mortal enemies of their former town. On the level of the conventions of mortal enmity, killings were held as an essential element, as the Cologne feud letter illustrated above. While, on another level, mortal enmity, permeated, as Caesarius' story has shown, with strong affective drives also renders sensible the emotional frame of mind in which men could carry out such extreme acts.

To all of this, the traditional model of the feud can only say so much. Certainly, it provides an elegant explanation of why the Kirchhofs turned to feuding in a political landscape where jurisdictional authority was highly splintered and lacked the ability to effectively enforce

¹⁴⁹ "Weistümer für den Rat der Stadt Nordhausen und von demselben aus dem 14. und 15. Jahrhunderte," ed. E. G. Förstemann, *Neue Mitteilungen aus dem Gebiet historisch-antiquarischer Forschungen in Namen des thüringisch-sächsischen Vereins* 1, 3 (1834): § 21, 36f, § 24, 40-57, §8, 62; *Die Gesetzsammlungen der Stadt Nordhausen im 15. und 16. Jahrhundert*, ed. E. G. Förstemann (Nordhausen, 1843), §45, 29.

rulings without extrajudicial pressure. But beyond this juridical framework, it is more confounding than explanatory with respect to many elements of the Berchter feud. Perhaps the Kirchhofs represented a dysfunctional variety of feuding at its very worst, influenced by the more primitive accretions of customary vengeance that still somehow lingered on in the Harz region and afflicted the citizens of Nordhausen with a particular tendency to brutality? And yet, as mentioned earlier, Nordhausen was all together average in terms of the middling towns that comprised the majority of German urban centers in the early fifteenth-century. No evidence, which we have, shows the Harz region as any more violent than other localities of the empire. Moreover, as Rothe and Cammermeister's sympathetic retellings of the feud illustrate, posterity had judged the Kirchhofs as the just party in this feud. This assumption is further supported by the staggering level of support they received all the way from the lowliest peasants to the most distinguished noblemen. Indeed, no noble house as illustrious as the Welfs or Wettiner would have lent their support to the Kirchhofs if their conduct during the feud had been considered as some sort of illegitimate relic from a bygone age. If the Kirchhofs had really acted so aberrantly, theirs would have been a tragic, cautionary tale, sternly warning where men taking violent vengeance would end up: isolated, shunned, and eventually hunted down and killed like the infamous Hans Thomas von Absberg.¹⁵⁰ And, finally, would such a prominent noble family as the Counts of Schwarzburg have mediated the peace that finally reconciled the Kirchhofs with the town of Nordhausen if this were really the case? One thinks not.

4. Conclusion

¹⁵⁰ Reinle, "Fehden und Fehdebekämpfung am Ende des Mittelalters: Überlegungen zum Auseinandertreten von „Frieden“ und „Recht“ in der politischen Praxis zu Beginn des 16. Jahrhunderts am Beispiel der Absberg-Fehde," *Zeitschrift für Historische Forschung* 30, 3 (2003), 355-388.

To conclude, the standard interpretation of the late medieval feud offers us only a limited means of getting at what medieval Germans actually experienced and categorized as feuding, violence, and enmity. Instead of highly formalized conflicts bounded by ritual and restraint with the propensity to inevitably gravitate toward peaceful resolutions, we have discovered something altogether different in the preceding case studies. Where we were supposed to find feuds that could be explained solely in terms of conflicts over legal rights, we discovered a host of other factors playing just as powerful a role: honor, enmity, rancor and hatred, and vengeance. In place of restrained codes of knightly violence, we uncovered conflicts with an existential dimension, whose violence could easily spill over, engulf whole communities, cost many lives, and acquire a particularly personal, even vindictive edge with clear affective undertones. Indeed, the violence that we have encountered thus far has proven obstinate to attempts either at sanitization, integration into the system of juridical norms that supposedly regulated it, or explanation in terms of function versus dysfunction. Certainly, the model of feuding as an interminable cycle of bloodshed and brigandage, which Brunner rightly rejected, ignored the very real conventions of violent conflict that medieval Germans recognized; however, by that same token, reconstruing these conventions to transform the feud into a highly ritualized, recreational form of warfare, a *bellicosum ludum*, draws the distinction too far. For each one of these deficits exposed in the standard model of the feud, we have tentatively advanced alternative frameworks in order to analyze feuding outside of the rigid confines imposed by this model and say something more about whether a feud adheres to its “essence” or “function.”

In short, we have thrown down our own letter of defiance before the feet of the reigning paradigm of the late medieval feud and shown that it illuminates just certain parts of what constituted organized conflict in late medieval Germany. Now, we are ready to advance with a

new interpretation of violence and conflict that recognizes the strengths of this older model, while filling in the many gaps that it has left.

CHAPTER 2: PLUNDER AND PILLAGE: FEUDING FROM THE GROUND UP

“Behold from your walls the lands laid waste with fire and sword, booty driven off, the houses set on fire in every direction and smoking.”

-Livy (3.68)

“In the village of Isernhage, two estates burned down along with the women and children inside. Damages assessed: 200 pounds, not counting the women and children.”¹

-Plaint of the dukes of Braunschweig-Lüneburg against the lords of Cramm (1438)

One day in the year 1421, a mendicant monk found himself preaching before the court of the counts of Wurttemberg. In his sermon, he complained bitterly of the nobility’s propensity to commit acts of brigandage and robbery. “Ho, ho, that would be a fine sight to behold, those robber-knights hung on gallows and left to thrash about!”² Many nobles, foremost among them the Franconian knights, took great umbrage at the monk’s audacious tirade, proud of that “old, alleged privilege that permitted them to pillage and plunder on the highways with impunity.” Some became so incensed that one, an Ernst von Tautenberg, came close to killing the monk, who, we are told, barely escaped with his life. The narrator of this tale, Froben Christoph of Zimmern (1519-1566), ends on a plaintive note, bemoaning how “in that dark age such an unchristian and unbecoming attitude about robbery was at that time defended by many of the most eminent and powerful families (his among them).”³

¹ HStA Hannover, Celle Or. 9, VII 43 Nr. 8a.

² *Die Chronik der Grafen von Zimmern*, vol. 2, ed. K. R. Barack (Tübingen, 1869), 434.

³ Currency abbreviations: Mark Silber = mrk.; Lübisches Mark = L. mrk.; Gulden/Florins = fl.; Schock Groschen = s. gr.; Groschen = gr.; Pfennige = pf. For the exchange of currencies, I have used *Das Landbuch der Mark Brandenburg von 1375*, vol. 1., ed. Johannes Schultze (Berlin: Gsellius, 1940) and William D. Craig, *Germanic Coinages: Charlemagne through Wilhelm II* (Mountain View, CA, 1954): 1 Schock groschen = ¾ silver mark circa. 1400 in central Germany; 1 s. gr. = 3 fl.; 1 s. gr. = 60 gr.

Our mendicant monk was not the only one to vent his dissatisfaction at the nobility's mania for plunder, pillage, and, to switch to a modern idiom, violent resource extraction from their rural subjects. His contemporary, the Eisenach clerk, canon, and chronicist Johannes Rothe (1360-1434), warned in his *Ritterspiegel* of the spiritual perils that awaited those knights who would lapse "into this order of wicked knights who pillage and murder...[and] nourish themselves through nothing but robbery and other dishonorable things / when they swiftly ride into a village, they steal the peasants' cows and rob them of their livelihood and possessions."⁴ These "cow knights," as Rothe derisively names them, "rob and always want to draw a wicked profit from this / they are neither loyal nor pious/ rather they commit pillage and murder / whereby they acquire booty and (all) take their equal share of it/ and they dress themselves in beautiful vestments with gold."⁵ Rothe's fulminations were not merely those of a cloistered monk aimed at marginal elements of the nobility, but rather of a secular cleric firmly embedded in both the urban and aristocratic milieu of his native Eisenach.

The above should neither be taken as merely the moralistic diatribes of a few disgruntled clerics, nor simply a few exceptional anecdotes of fringe aristocratic conduct culled from the historical record. It was the norm. Above all else, feuding meant in terms of its application the systematic devastation of an enemy's territory by sending bands of horsemen throughout the countryside to plunder and burn unfortified villages and towns, lay waste to crops and houses, steal livestock, ransom peasants, and generally disrupt and terrorize rural society.

⁴ Johannes Rothe, *Der Ritterspiegel*, ed. and trans. Christoph Huber, Pamela Kalning (Berling: Walter de Gruyter, 2009) 124, 961: "in desir boesin ritter orden...die do strutin und ouch mordin...si nerin sich andir nicht wan roubin und mit andirn unerlichen sachin, wan si vor eyn dorf gerinnen/ und nehmen armen luthin er vihi/ und lip und git en angewinnen..."

⁵ Rothe, *Der Ritterspiegel*, 124f, 925-974: "di also gar unerlichin roubin/und boesis genizis allezid walden/und wedir er truwe noch den gloubin/sundirn dibe und morder haldin/mit den si bute glichin teil nehmen/und cleidin sich schoen und tragin golt."

Feuding, as I shall argue in this chapter, acted as more than merely an axial mechanism of resolving political and legal conflicts in the late medieval Holy Roman Empire as the historiography has for so long adamantly insisted. It was also a fundamental determinant in the Empire's economic and demographic landscape, creating, on one hand, conditions of extreme insecurity and facilitating, on the other, a vertical transfer of wealth. It could quickly transform regions from prosperous abodes of industrious peasants to wastelands littered with burnt out villages and towns, devastated agricultural systems, and rural refugees exposed to the callous and brutal violence of warrior elites and their lackeys. Simultaneously, this immense amount of devastation fed a continuous process of violent resource extraction that witnessed reserves of rural wealth not destroyed in the course of a feud finding their way into the hands of noble and even urban feuders.

To demonstrate that these aspects of the feud were not merely ephemeral, but rather fundamental to its role in shaping the economic and demographic landscape of the late medieval Empire, this chapter pursues two aims. The first is to quantify, as far as is possible, the damages that endemic feuding and warfare wrought on the economic, agricultural, and demographic landscapes subjected to this manner of endemic conflict and the long-term consequences that they carried with them. The second is to explain the ubiquity of plundering by determining if feuding could in fact form an economically viable aspect of noble lordship. A broader claim about how we study the feud underlies both of these questions. It contends that the dominant historiographical tradition has undervalued the quotidian experiences of those who participated in feuds whether they be the men actively waging them or those who were exposed in the process to their depredations and violence. It is the economic record of the feud that forms the most concrete, even palpable set of evidence with which we can reach these experiences. At its

center, then, this chapter aims to rewrite a history of late medieval feud “from the bottom up,” striving to recover the violence and suffering occluded by a tradition dominant from the inception of feud studies.

1. Historiography

1.1. Late Medieval Crisis: the Crisis of the Nobility and the Raubritter Thesis

German scholarship has predominantly addressed the economic aspects of feuding as a component of the so-called “Crisis of the Late Middle Ages.” In the German lands of the empire, this crisis entailed a series of wider, agricultural disasters into which western and central Europe as a whole were plunged from roughly 1300 onward, demographic stagnation with the attendant wide scale abandonment of rural communities, an economy of depreciating currency and rising grain prices, and, finally, the struggles of the nobility to adjust to increasingly inclement socio-economic conditions.⁶ In attempts to explain the ubiquity of feuding during this period, historians latched onto this alleged crisis of the German nobility in what has been termed the *Raubritterthese* (robber knight thesis).⁷ This thesis contends that in response to their faltering economic and political status and limited opportunities to secure new forms of revenue, noblemen, particularly those of the lower nobility, were compelled to turn to brigandage under the legal guise of the feud to supplement their declining seigniorial incomes.⁸

⁶ Wilhelm Abel, *Agrarkrisen und Agrarkonjunktur in Mitteleuropa vom 13. bis zum 19. Jahrhundert* (Hamburg: Paul Perey, 1966), 42-54, 92-96; ——— *Geschichte der deutschen Landwirtschaft vom frühen Mittelalter bis zum 19. Jahrhundert* (Stuttgart: E. Ulmer, 1962.), 103-137; ——— *Die Wüstungen des ausgehenden Mittelalters* (Stuttgart: Gustav Fischer, 1955), 72-112.

⁷ Friedrich Lütge, *Deutsche Sozial- und Wirtschaftsgeschichte; ein Überblick* (Berlin: Springer Verlag, 1966), 208ff; Luise von Winterfeld, “ruten und roven“ Ein Beitrag zur Geschichte des Fehdeunswesens und Straßenraubes in Westfalen,“ *Beiträge zur Geschichte Dortmunds und der Grafschaft Mark* 46 (1940), 69-109; Werner Rösener, “Zur Problematik des spätmittelalterlichen Raubrittertums,” in *Festschrift für Berent Schwineköper*, ed. Helmut Maurer, Hans Patze (Sigmaringen 1982), 469-488. We can already find the *Raubritterthese* in its embryonic form taking shape in F. Engel, “Der deutsche Bauernkrieg” in *Werke*, vol. 7 (Berlin, 1960), 333f.

⁸ Rösener, “Zur Problematik des spätmittelalterlichen Raubrittertums,” 485ff.

The term *Raubritter* remains deeply laden with the cultural and political interests that set it and the late medieval institution of the feud in the center of nineteenth-century antagonisms between the ascendant power of bourgeois liberalism and those remnants of an older, aristocratic order, fighting a rearguard action against it.⁹ In the image of the feuding *Raubritter* two figures emerged: from the vantage point of the liberal bourgeoisie, a historical stand-in for the persisting, aristocratic “feudal” order, which mirrored the feuding *Raubritter* in his addiction to the capricious and corrupt exercise of force, or for those cast in the reactionary mold, a romantic hero (look no further than Goethe’s *Götz von Berlichingen* or Justus Möser’s “von dem Faustrecht”), battling against the alienating forces of a swiftly industrializing modernity.¹⁰

Despite the appeal of the lone robber knight, heralded either as a romantic hero raging against the modernizing forces of aristocratic dispossession or condemned as a decadent retrograde, the *Raubritterthese* has provoked extensive criticism from the publication of Otto Brunner’s *Land and Lordship* onwards. While Brunner never denied that the right to feud could be and was at times abused, he vigorously defended it as a lawful practice by which noble lordships could defend and uphold their rights and those of their subjects.¹¹ Sanctioned by a transcendent order of justice (*Recht*), the feud was as an integral component of the territorial communities of noble lordships arrayed around their princes just as today “war is to the modern state and international law.”¹² The recourse made by his predecessors and contemporaries to reports of illegal knightly brigandage and robbery in medieval and above all urban narrative

⁹ Klaus Graf, “Feindbild und Vorbild: Bemerkungen zur städtischen Wahrnehmung des Adels,” *Zeitschrift für die Geschichte des Oberrheins* 141 (1993), 121-154; Peter Johanek, “Mittelalterliche Stadt und bürgerliches Geschichtsbild im 19. Jahrhundert,” in *Die Deutschen und ihr Mittelalter. Themen und Funktionen moderner Geschichtsbilder vom Mittelalter*, ed. Gerd Althoff (Darmstadt: WBG, 1992), 81-100, 192-202.

¹⁰ Dominik Reither, *Rechtsgeschichte und Rechtsgeschichten: Die Forschung über Fehde, autonome Gewalt und Krieg in Deutschland im 19. Jahrhundert* (Marburg: Tectum Verlag, 2009).

¹¹ See Introduction.

¹² Brunner, 90.

sources overlooked, he argued, the biased nature of these texts, which sought to delegitimize the feuding of their adversaries and more importantly the constitutional import of the feud.¹³ Still there have been contemporary historians, like Werner Rösener, who have challenged Brunner's position. Despite facing a mounting tide of criticism, Rösener maintained that the term robber knight (*Raubritter*) accurately describes key characteristics of the late medieval nobility.¹⁴ Particularly damning to Rösener's thesis has been the lack of any convincing evidence that suggests that noblemen were impelled by their worsening economic status to engage in "criminal" behavior under the legal cover of the feud.¹⁵ Combing through the late medieval evidence from southern Westphalia, Regina Görner could not unearth a single case where poverty was a central factor in a nobleman deciding to initiate a feud.¹⁶ More recently, Hilla Zmora has shown that, if anything, the most well-to-do families of the lower nobility, at least in Franconia, tended to feud the most, turning the robber knight thesis on its head.¹⁷ Furthermore, studies on one of the great feuders of the mid-fifteenth century, Hans von Rechberg, have only produced more evidence that those who feuded the most often enjoyed a relatively high degree of economic security.¹⁸

Eventually, attempts at explicitly situating the feud in a broader socio-economic context did bear fruit with the revisionist work of Gadi Algazi in the early 1990s. Putting forth one of the

¹³ Ibid.

¹⁴ Rösener, 488.

¹⁵ Regina Görner, *Raubritter: Untersuchungen zur Lage des spätmittelalterlichen Niederadels, besonders im südlichen Westfalen* (Munster: Aschendorff, 1987); Kurt Andermann, "Raubritter, Raubfürsten, Raubbürger? Zur Kritik eines untauglichen Begriffs," in *Raubritter oder Rechtschaffene vom Adel? Aspekte von Politik, Friede und Recht im späten Mittelalter*, ed. Kurt Andermann (Sigmaringen: Jan Thorbecke, 1997), 9-29.

¹⁶ Görner, *Raubritter*, 229-233.

¹⁷ Hilla Zmora, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440–1567* (New York: Cambridge University Press, 1997), 68-86.

¹⁸ Thomas Marolf, "Er was allenthalb im spil": *Hans von Rechberg, das Fehdeunternehmertum und der Alte Zürichkrieg* (Menziken: Widmer-Dean, 2006); Niklas Konzen, *Aller Welt Feind: Fehdenetzwerke um Hans von Rechberg († 1464) im Kontext der südwestdeutschen Territorienbildung* (Stuttgart: Kohlhammer, 2014).

first, truly comprehensive critiques of the Brunnerian conception of the feud, Algazi surpassed Rösener's efforts to sheer the feud of its constitutional façade. The ubiquity of feuding, according to Algazi, could not simply be accounted for as merely an expression of the naked self-interest and moral turpitude of a violent, indigent lower nobility; rather, it held the position of keystone in the edifice of lordly exploitation and violence that characterized the social structures of late medieval Germany. The feud's importance, therefore, consisted neither in its use to pursue and assert legitimate rights, nor to protect honor through violence and force, but instead in how it underlay a structure of lordly exploitation; that is to say, a protection racket that functioned coercively to extract surplus product from a dependent peasantry while simultaneously reinscribing their subordinate status vis-à-vis the lords.¹⁹ Such a social structure, as Algazi points out, was a result of the unintended and systemic consequences of the feud, which functioned as an indirect form of class warfare against the peasantry, reproducing their need for external protection while reinforcing the internal seigneurial bonds of dependence. The feud contained a latent function because its violence was, allegedly, not primarily directed at fellow warring noblemen, but rather their dependent peasantry and economic assets.²⁰

While Algazi's thesis may be a model of theoretical flair and complexity, it left much to be desired, particularly on empirical grounds. As his critics have pointed out, Algazi's reduction of the feud to an indirect form of noble class warfare against the peasantry rests on only a few scraps of tendentiously read evidence, some highly questionable reinterpretations of key historical terminology, and a gross oversimplification of late medieval seigneurial lordship.²¹ In

¹⁹ Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter. Herrschaft, Gegenseitigkeit und Sprachgebrauch*, 92f.

²⁰ Ibid., 131f. Although I have discovered multiple instances where noblemen explicitly intended to kill their noble adversaries and did so, this does not undermine Algazi's thesis in the slightest. By and large, peasants bore the brunt of feuding violence.

²¹ Sigrid Schmitt, "Schutz und Schirm oder Gewalt und Unterdrückung? Überlegungen zu Gadi Algazis Dissertation „Herrengewalt und Gewalt der Herren im späten Mittelalter“,“ *VSWG: Vierteljahrschrift für Sozial- und*

spite of these evident weaknesses, Algazi's sociology of the feud could have given a reinvigorating fresh start to a field still engrossed in a purely legalitarian framework of study. It did not. Aside from an initial flurry of criticism there has been a deafening lack of engagement with Algazi's thesis. Those few scholars who have taken inspiration from Algazi to uncover those latent social functions of the feud working below its ostensible legal purpose have likewise found themselves at the margins.²²

There were certainly excellent reasons to take a critical eye to Algazi's thesis especially in light of its weak empirical basis. However, as subsequent research into the questions he raised would have shown and, I believe, mine does, there exists copious evidence that confirms his model of the feud functioning on one level as a structure of lordly exploitation (in which not just noble, but also urban elites partook). The damage reports graphically illustrate in unflinching detail how feuding, while indeed costing many a life of its active participants, did in fact disproportionately impact rural communities. Peasants depended on their lords both to protect them in a feud and to some extent recoup their losses, which were often significant.

Simultaneously, feuding and endemic warfare contributed to a system of vertical wealth transfer from peasants to noble and urban elites. One may object by pointing out that peasants could and

Wirtschaftsgeschichte 89, 1 (2002): 72-78; Alexander Jendorff and Steffen Krieb, "ADEL IM KONFLIKT: Beobachtungen zu den Austragungsformen der Fehde im Spätmittelalter," *Zeitschrift für Historische Forschung* 30, 2 (2003): 179-206; Klaus Graf, *Gewalt und Adel in Südwestdeutschland. Überlegungen zur spät- mittelalterlichen Fehde*. Online-Preprint eines Beitrages auf dem Bielefelder Kolloquium „Gewalt“ am 29. 11. 1998, <http://hsozkult.geschichte.hu-berlin.de/BEITRAG/essays/grkl0500.htm> ; Christine Reinle, *Bauernfehden. Studien zur Fehdeführung Nichtadliger im spätmittelalterlichen römisch-deutschen Reich, besonders in den bayerischen Herzogtümern* (Stuttgart: Steiner Verlag, 2003); ——— "Bauern und Macht der Herren. Bauernfehden zwischen Gewohnheitsrecht und Verbot," 105- 122.

²² The one exception has been the work of Joseph Morsel. Joseph Morsel, ""Das sy sich mitt der besstenn gewarsamig schicken, das sy durch die widerwertigenn Franckenn nitt nidergeworffen werdenn" Überlegungen zum sozialen Sinn der Fehdepraxis am Beispiel des spätmittelalterlichen Franken," in *Strukturen der Gesellschaft im Mittelalter*, ed. Dieter Rödel, Joachim Schneider (Wiesbaden, 1996), 140-167; Morsel, "Die Erfindung des Adels. Zur Soziogenese des Adels am Ende des Mittelalters - das Beispiel Frankens," in *Nobilitas: Funktion und Repräsentation des Adels in Alteuropa*, ed. Otto Gerhard Oexle and Werner Paravicini (Göttingen: Vandenhoeck & Ruprecht, 1997), 332-340.

frequently did participate in this economy of feuding violence. Sometimes they were levied by their lords to accompany them in their feuds or in defense of their own communities, other times, as Reinle has illustrated on the basis of fifteenth-century Bavarian evidence, they waged their own feuds against other peasants, burghers, neighboring monasteries and, yes, even their own lords. Peasants were also not adverse to plundering neighboring rural communities in the wake of their lord's armies such as when the peasants of the duke of Braunschweig and his noble allies joined them in ravaging the environs of Göttingen in 1387.²³ However, the peasant's capacity to feud never reached that of his aristocratic or urban social superiors who could lead armies numbering in the thousands into the field for years on end. At best, a peasant could depend on a very localized feuding infrastructure, a few direct helpers, sympathetic neighbors, and a lordly patron or two. Peasant and noble-urban feuds were anything but isomorphic; there was a vast difference in scope, scale and feuding capacity between the two, a point that has largely been lost.

Thus, despite the many valid criticisms leveled against Algazi's approach, in this reader's opinion, it proves instructive for its ability to unveil the latent social and economic significances of the feud lurking behind its ostensibly manifest functions as a para-judicial mode of resolving conflict. Furthermore, Algazi's work provides a useful corrective in respect to the continued dearth of emphasis put on the economic aspects of feuding, intentionally pushed aside in favor of questions pertaining to the legality of feuding and its political dimensions.²⁴ Consequently, the questions raised in this chapter dovetail quite well with Algazi's insights, digging, as they do,

²³ Ferdinand Wagner, *Die Göttinger Fehde von 1387* (Göttingen: Lange, 1922), 31f.

²⁴ Werner Hechberger, *Adel in fränkisch-deutschen Mittelalter: zur Anatomie eines Forschungsproblems* (Ostfildern: Jan Thorbecke, 2005), 508f.

under the surface of the feud's apparent role as a political and legal mechanism to unveil the concrete experiential and economic consequences that it brought along with it.

1.2. Noble Economics

To adequately address the questions raised at the beginning of this chapter, we need to acquaint ourselves better with the economic status of the late medieval German nobility. The issues surrounding the profitability of feud and the potential economic incentives surrounding it are ineluctably tied up with how the nobility faced up to the very real economic challenges confronting them from the first half of the fourteenth-century onwards. Simply put, treating feud as a component of lordly economics requires familiarity with the economic status of the late medieval German nobility.

Within the traditional narrative of the “Crisis of the Late Middle Ages,” the predicament facing the nobility assumed a triptych in form.²⁵ On the center fold stood deteriorating economic conditions. Here, the nobility found their seigneurial revenues on which they depended for a great part of their income either stagnating or decreasing due to the sinking grain prices of the fourteenth and fifteenth centuries.²⁶ Worsening matters still was an increasing cleft between the value of agricultural and commercial products that contributed to a rise in wages, prices, and demand.²⁷ In such a dire situation, where traditional forms of seigneurial income contracted and the economic demands placed upon seigneurial lordships increased, many noble families lost their footing and quickly spiraled into poverty.²⁸ Simultaneously, peasant communities also

²⁵ For a recent, historiographical overview of the late medieval crisis of the nobility see Hechberger, *Adel in fränkisch-deutschen Mittelalter*, 472-510.

²⁶ Abel, *Agrarkrisen und Agrarkonjunktur in Mitteleuropa vom 13. bis zum 19. Jahrhundert*, 83f; ———, *Geschichte der deutschen Landwirtschaft vom frühen Mittelalter bis zum 19. Jahrhundert*, 128f.

²⁷ Abel, *Die Wüstungen des ausgehenden Mittelalters*, 94-104.

²⁸ A classic case study in support of the economic crisis remains Hans Peter Sattler, *Die Ritterschaft der Ortenau in der spätmittelalterlichen Wirtschaftskrise: Eine Untersuchung ritterlicher Vermögensverhältnisse im 14. Jahrhundert*, PhD Dissertation. University of Heidelberg (1962). Also see Rösener, “Zur Problematik,” 484f.

became better organized, more ready to collectively assert their demands, and began to turn away from the local holders of lordship to the increasingly powerful princes and territorial lords for protection.²⁹

Thus, with no new forms of income available and peasant communities less likely to concede to the traditional excesses of lordly resource extraction, family after family began to fade from the historical record, sinking either into the mass of commoners or failing to find marriages due to their deteriorating status and wealth. To either side lay the impending threat of military obsolescence and “professional” displacement. Innovations in military technology and tactics increasingly placed the armored knight at a disadvantage before well-armed and disciplined bodies of infantry that had managed to win a string of victories against better armored and numerically superior, knightly armies be it with pikes, longbows, halberds, or war wagons and firearms.³⁰ Off the battlefield, the nobility faced upwardly mobile burghers and wealthy peasant sons who began to enter into princely administrations with their university educations, edging out noblemen who possessed neither the administrative skill nor expertise in law, literacy, and numeracy to compete with these parvenues. To add insult to injury, these increasingly powerful, princely administrations gradually usurped the traditional roles of the nobility in their localities as dispensers of justice, governance, and political authority.

The historiographical tide began to change in the 1960s as a body of regional studies began to find such a one-dimensional model incapable of explaining the genuine social changes

²⁹ Rösener, “Grundherrschaften des Hochadels in Südwestdeutschland im Spätmittelalter,” in *Die Grundherrschaft im späten Mittelalter*, 170f. Roger Sablonier, “Zur wirtschaftlichen Situation des Adels im Spätmittelalter,” in *Adelige Sachkultur des Spätmittelalters*, ed. Heinrich Appelt (Vienna: Verlag der Österreichischen Akademie der Wissenschaften 1982), 22f.

³⁰ For the traditional narrative, see Hans Delbruck, *Geschichte der Kriegskunst im Rahmen der politischen Geschichte*, vol. 3 (Berlin: Georg Stilke, 1923). A more complex picture has emerged with J. F. Verbruggen, *The Art of Warfare in Western Europe during the Middle Ages from the Eighth Century to 1340*, trans. Sumner Willard and R. W. Southern, 2nd ed. (Rochester, N.Y.: Boydell and Brewer Press, 1997).

experienced by the German nobility during this period.³¹ The three horsemen of economic decline, professional and military displacement, and political obsolescence in the face of the territorial princely state were all placed under scrutiny and found wanting.³² Nonetheless, none of this is to say that the nobility did not grapple with significant economic and socio-political challenges. Between 1330 and 1470, nearly every level of the nobility faced decreasing seigneurial incomes to some degree, an economic reality that has been confirmed by numerous, regional studies across the Empire.³³ In regard to noble demographics, there can be no denying that this period saw the number of non-princely, noble families contracted or lose significant status.³⁴ As Sablonier discovered in his study of the nobility of eastern Switzerland during the first half of the fourteenth-century, the majority of the free noble families either simply disappear from our sources or fall into obscurity; the remainder of the knightly nobility experienced an internal process of stratification at the end of which an upper layer, tied to the Habsburg territorial lordship, emerged as an elite.³⁵ Expanding territorial lordships of the princely nobility, like the Habsburgs, unquestionably posed equal parts opportunity and peril to the independence, integrity, and continued existence of lesser, noble lordships. For central Germany we can look no further than the sad fate of the advocates of Weida, Plauen, and Reuss and the burgraves of

³¹ This turn was initiated by *Deutscher Adel, 1430-1555*, ed. Hellmuth Rössler (Darmstadt: Wissenschaftliche Buchgesellschaft, 1965).

³² Hechberger, 522-527, esp. 524.

³³ Sablonier, "Zur wirtschaftlichen Situation des Adels im Spätmittelalter," 13.

³⁴ The high or free nobility (*Adelfrei/Hochfrei*) seem to have been hit most severely by this contraction in their ranks, the lower nobility (*Niederadel*) markedly less so. Some lower noble families even thrived, resulting in a significant progeny like the von Mandelsloh of Lower Saxony, who could count one hundred living members by around 1500! See *Deutscher Adel, 1430-1555* Gensicke, 128; Theuerkauf, 154; von Lenthe, 179f. For a comprehensive summary of the literature on this topic see Hechberger, 484-487.

³⁵ Sablonier, "Zur wirtschaftlichen Situation des Adels im Spätmittelalter," 25-30; — *Adel im Wandel: Eine Untersuchung zur sozialen Situation des ostschweizerischen Adels um 1300* (Göttingen: Vandenhoeck and Ruprecht, 1979).

Dohna, to name but a few, whose status as formerly independent houses of the free nobility gradually withered under the pressure of Wettiner hegemony.³⁶

While many once eminent noble families withered away, others found ways to thrive through princely service across the fourteenth and fifteenth centuries. Some, like the von Vitzthum of Thuringia, even outpaced their comital betters in terms of wealth, power, and influence, experiencing a meteoric rise through service to the Wettiner that made them perhaps one of the most important noble families in this region by the mid-fifteenth-century.³⁷ Other lower noble families like the von Witzleben also secured their status, rank, and influence by proximity to the Wettiner.³⁸ Farther north within the ambit of the Welf dukes, the lower nobility also emerged as a potent political force to be reckoned with in their own right to the extent that no Welf dukes could expect to effectively rule without their support.³⁹ This ascent through princely service was intimately connected to the ascent of members of the lower nobility as pledge holders and creditors to the territorial princes.⁴⁰ Chronically in need of infusions of liquid cash, the rulers of these expanding territorial principalities turned to their noble subjects, pledging out offices, governorships, towns, and other rights in return for sums of cash. The truly impressive sums that the lower nobility could loan out give every indication of economic wealth

³⁶ Joachim Schneider, "Dynastengeschlechter zwischen Saale und Elbe vom 14. Bis zum 16. Jahrhundert. Das Spannungsfeld zwischen adliger Selbstbehauptung, Landesherrschaft und Reichsunmittelbarkeit," *Archiv für sächsische Geschichte* 78 (2007), 1-26; Patze, *Geschichte Thüringens*, vol. 2, part. 1, 174-179; Andermann, "Adelsfehde zwischen Recht und Unrecht. Das Beispiel der Dohna-Fehde," 151-166.

³⁷ Heinz Quirin, "Landesherrschaft und Adel im wettinischen Bereich während des späteren Mittelalters," *Festschrift für Hermann Heimpel*, vol. 1, part. 2, ed. Mitarbeiter des Max-Planck-Instituts für Geschichte (Göttingen: Vandenhoeck & Ruprecht, 1971), 87-98.

³⁸ Schneider, *Spätmittelalterlicher deutscher Niederadel: ein landschaftlicher Vergleich* (Stuttgart: Anton Hiersemann, 2003), 504-529; for the Witzleben, see Brigitte Streich, *Zwischen Reiseherrschaft und Residenzbildung: der wettinische Hof im späten Mittelalter* (Cologne: Böhlau, 1989), 138ff, 160-3.

³⁹ von Lenthe, "Niedersächsischer Adel zwischen Spätmittelalter und Neuzeit," 184ff.

⁴⁰ Götz Landwehr, "Mobilisierung und Konsolidierung der Herrschaftsordnung im 14. Jahrhundert," in *Der deutsche Territorialstaat im 14. Jahrhundert*, vol. 2, 484-505.

and prosperity.⁴¹ The von Vitzthum, for example, after having become one of the major creditors of the margraves of Meissen, co-financed their acquisition of the title of the electoral duke of Saxony to the tune of 12,000 fl.⁴²

Echoing Franz Irsilger's verdict on the state of the field some forty years ago, Enno Bünz correctly noted in his study on noble entrepreneurs of the Late Middle Ages that "the sum of (all) the hitherto existing monographs on the nobility still do not permit us to draw an overall picture of their economic status."⁴³ Thus, faced with a historiographical situation where conclusive answers remain pending and no unified picture of the late medieval German nobility can be drawn due both to the diversity of the late medieval German nobility and the uneven nature of our sources, we must content ourselves with the bare minimum consensus of the field. What nearly all of the literature has reached a unanimous point on is that the non-princely nobility, and particularly the lower nobility, faced mutually reinforcing economic and socio-political challenges, which they strove to adapt to, and as a consequence thereof underwent a process of internal stratification in regard to the distribution of wealth, status, and rank. Why some families seamlessly accommodated themselves to these new-found realities, attaining staggering levels of wealth in the process, while others struggled to merely maintain their noble status still eludes us. Those who lost at this game, as Mark Mersiowsky remarked, "preserved no archives."⁴⁴ If we are

⁴¹ Markus Bittman, *Kreditwirtschaft und Finanzierungsmethoden Studien zu den wirtschaftlichen Verhältnissen des Adels im westlichen Bodenseeraum 1300-1500* (Stuttgart: F. Steiner, 1991). For regional examples see Thomas Vogtherr, *Wirtschaftlicher und Sozialer Wandel im Lüneburger Landadel während des Spätmittelalters* (Hildesheim: Verlag Lax, 1983), 44, 72f, 216; Morsel, *La noblesse contre le prince: L'espace social des Thüngen à la fin du Moyen Âge (Franconie, v. 1250-1525)* (Stuttgart: Jan Thorbecke, 2000), 218-231; Zmora, *State and Nobility in Early Modern Germany*, 42-62.

⁴² Quirin, "Landesherrschaft und Adel im wettinischen Bereich während des späteren Mittelalters," 89f.

⁴³ Enno Bünz, "Adlige Unternehmer? Wirtschaftliche Aktivitäten von Grafen und Herren im späten Mittelalter," in *Grafen und Herren in Südwestdeutschland vom 12. Bis ins 17. Jahrhundert*, ed. Kurt Andermann, Clemens Joos (Epfendorf: Bibliotheca academica Verlag, 2006), 44: "ein Gesamtbild der wirtschaftlichen Lage des Adels lässt sich deshalb als Summe der bislang vorliegenden Adelsmonographien nicht ziehen."

⁴⁴ Mersiowsky, "Niederadel, Großbauern und Patriziat. Soziale Dynamik im spätmittelalterlichen Westfalen," in *Zwischen Nicht-Adel und Adel*, 275.

then to speak of a crisis at all, it must be a crisis of adjustment to the new economic and socio-political adversities of the Late Middle Ages.

How this period of readjustment interfaced with the feud and in particular its economic facets remains opaque. Cycles of success in feuding certainly seemed to have had a cumulative effect in upholding the economic status of prominent families of the lower nobility, as Zmora has demonstrated on the basis of Franconian evidence, yet a great reticence persists in treating the feud as anything but a legal and socio-political determinant. Thus, the idea that feuding and warfare could have possibly formed an economically viable aspect of noble lordships or were even partially conditioned by economic concerns has found little to no purchase among contemporary historians. Undoubtedly, this reluctance to take an economic point of view under serious consideration can be traced back to a justified backlash against the *Raubritter* thesis. Indeed, when historians went seeking a simplistic one-to-one correspondence between the purported economic status of the nobility and their propensity to feud, they found little in support of the thesis in a body of evidence that permits nothing of the sort. However, perhaps taking this simple one-to-one correspondence between economic status and the propensity to feud as a metric for the economic import of feuding overlooks the structural realities of a cumulative process of resource extraction deeply embedded in the practice of the feud itself.

2. The Feud as a Form of Resource Extraction

One of the few historians who has examined this topic, Markus Bittmann, has excluded the possibility that feuding represented anything more than an irregular source of income for the nobility at best.⁴⁵ Bittman comes down strongly on the side that feuds represented a losing,

⁴⁵ Bittmann, *Kreditwirtschaft und Finanzierungsmethoden*, 96-110

economic bargain for the nobles and professional soldiery who participated in them.⁴⁶ The risks, like capture, the devastation of one's own territory, and even logistical expenses, particularly for the less powerful noble lordships, could never outweigh the rewards. Economic winners were always the exception, never the norm. Thus, "wars and feuds, whether led collectively or individually, almost always lead to a negative balance" for their participants.⁴⁷ The force of Bittmann's argument rests upon his reading of certain compensation claims drawn up in the wake of feuds.⁴⁸ Whereas these documents certainly do highlight the excessive costs incurred by noble feuders exposed to the vagaries of war, they only touch upon the surface of the plunder-based extraction process inherent to the late medieval feud. Moreover, other established historians, such as Hans Patze and Ernst Schubert, have raised dissenting voices.⁴⁹ Both have underscored the enormous importance that plundering held for feuders at all levels of the socio-political hierarchy, both in terms of the immense economic harvest that it could yield and the great efforts feuders would go to acquire it. In Schubert's pithy formulation, "the feud knew its own self-generating principle: plunder."⁵⁰

Thus, Bittmann's approach fails to address on one level the broader economic subtext of feuding that both Schubert and Patze have already gestured at, which facilitated a steady flow of rural wealth to warring, aristocratic and urban elites, and on the other the ubiquitous concern for plunder within our sources. By initiating a dialogue of what we know about extra-seigneurial forms of noble income with relatively untapped forms of feud-related evidence, we can not only

⁴⁶ Ibid.

⁴⁷ Ibid., 110.

⁴⁸ Ibid., 106-110.

⁴⁹ Patze, "Grundherrschaft und Fehde," in *Die Grundherrschaft im späten Mittelalter*, vol. 1, 281; Ernst Schubert, *Geschichte Niedersachsens*, vol. 2, 1, ed. Hans Patze, Ernst Schubert (Hannover: Hahnsche Buchhandlung, 1997), 646ff.

⁵⁰ Schubert, *Geschichte Niedersachsens*, vol. 2, 1, 647.

reveal this process of resource extraction, but also demonstrate that it could in fact form a meaningful stream of income for noble and urban feuders.

In the following section, I will provide a general overview of the different forms of income that the nobility made use of to supplement their traditional manner of seigneurial revenue. Then, with the rudiments of noble economics established, we can move on to the set of feud related evidence. These range from traditional narrative sources to the plunder provisions (*Beuteordnungen*) of alliance treaties and of course the damage registers (*Schadenverzeichnisse*), which record, often in meticulous detail, the losses sustained in the course of feuds.

2.1. Noble Economics: Beyond Seigneurial Revenues

The nobility found myriads of ways to successfully adapt to the adversities outlined above. Many members of the nobility showed themselves to be particularly adept at exploiting new forms of income to supplement their seigneurial rents. These ranged from building on traditional modes of seigneurial income by entering into regional commercial and agricultural markets to securing offices and administrative positions within the expanding territorial lordships of the great princes, as well as military service both at home and abroad.⁵¹ The first of these was perhaps the most dependable. By simply reinvesting surplus produce into market ventures, many noble lordships established reliable, if modest, streams of additional revenue.⁵² Perhaps the most

⁵¹ For a more comprehensive assessment of noble income from Swabian evidence see Rolf Köhn, "Einkommensquellen des Adels im ausgehenden Mittelalter, illustriert an südwestdeutschen Beispielen," *Schriften des Vereins für Geschichte des Bodensees und Seiner Umgebung* 103 (1985), 33-62.

⁵² Bünz, "Adlige Unternehmer? Wirtschaftliche Aktivitäten von Grafen und Herren im späten Mittelalter," 35-69; Andermann, "Adel und Geld: Beobachtungen zu den Einkommensverhältnissen des Kraichgauer Adels an der Wende vom Mittelalter zur Neuzeit; (Zusammenfassung)," *Arbeitsgemeinschaft für Geschichtliche Landeskunde am Oberrhein e.V.*, 319 (1992), 15-21; ——— "Grundherrschaft, Fürstendienst und Kreditgeschäft. Zu den wirtschaftlichen Grundlagen des Kraichgauer Adels am Ende des Mittelalters," in *Die Kraichgauer Ritterschaft in der frühen Neuzeit*, ed. Stefan Rhein (Sigmaringen, 1993), 65-121; Franz Irsigler, "Die Wirtschaftsführung der Burggrafen von Drachenfels im Spätmittelalter," *Bonner Geschichtsblätter* 34 (1982), 87-116.

famous instance of this approach are the burgraves of Drachenfels. They offer a stunning example of what a modest lordship, with little to no opportunities for territorial expansion, could accomplish under effective, well-organized and market-oriented management. Due to the fortuitous preservation of an account record from 1395 to 1398, we can reconstruct how the burgraves turned their formerly humble holdings, scattered across both sides of the Rhine, into an economically robust lordship. Above all else, the burgraves focused on bringing their excess wine, livestock, and grain production to market in Cologne and other locales for often quite substantial sums.⁵³ Through the careful husbanding of their resources and skillful entry into the agricultural and commercial market on the Middle Rhine, the burgraves could boast 1,279 mrk. 6 s. for their annual seigneurial income.⁵⁴ While their seigneurial income amounted to only a sixth of their income from taxes (6,166 mrk. 8 s.), the burgraves put these profits to good use.⁵⁵ Indeed, the capital that they managed to amass from both revenue streams proved so substantial that they soon found themselves as major creditors for the archbishops of Cologne and their daughters potential candidates for marriage into the wealthiest of Cologne's patrician families.⁵⁶ Whether the burgraves can be taken as representative for the economic status of the high nobility in general cannot be said with certainty. Nonetheless, when compared with families of a comparable status, such as the burgraves of Altenberg who only enjoyed 1672, 5 mrk. of total annual income, the burgraves of Drachenfels did quite well.⁵⁷ To exhibit a further contrast, the yearly income of smaller lordships, such as those from the Pleissenland (now the border region between southern Saxony and Thuringia), amounted to a bare minimum of just 200 mrk. around

⁵³ Irsigler, "Die Wirtschaftsführung der Burggrafen von Drachenfels im Spätmittelalter," 98-108.

⁵⁴ *Ibid.*, 109.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, 115f.

⁵⁷ Thieme, *Die Burggrafschaft Altenburg: Studien zu Amt und Herrschaft im Übergang vom hohen zum späten Mittelalter*, 582.

the turn of the thirteenth-century.⁵⁸ Another excellent metric for assessing economic status in lieu of income is dowries. Outside of purchasing power, perhaps the best metric for wealth among the nobility was the dowry that was given in a connubium between two aristocratic families. Karl Heinz Speiß, in his groundbreaking work on the free and comital nobility of the middle Rhine, established three tiers of dowries.⁵⁹ He estimated the average dowry for the low nobility (*Ritteradel*) at 450 fl., the comital and high nobility (*Hochadel*) at around 4,350 fl., and princely nobility (*fürstlicher Adel*) at 30,888 fl.⁶⁰

Success stories like that of the burgraves of Drachenfels can be multiplied across the Empire as shown by the regional studies on the economic state of non-princely noble lordships for the western region of Lake Constance, the counts of Katzenelnbogen, the Rhineland-Palatinate, the environs around Göttingen, Holstein, and the southern Tyrol (Bozen).⁶¹ There are then the individual careers of the noble financiers par excellence, Conrad of Weinsberg (1370-1448) and Reinhard of Schönau, Lord of Schönforst (1310-1376), who rose from relative obscurity to respectively acquire influential positions at the imperial court of Emperor Sigismund and the administration of the archbishops of Cologne through their commercial acumen and administrative abilities.⁶²

⁵⁸ Dieter Rübsamen, *Kleine Herrschaftsträger im Pleissenland: Studien zur Geschichte des mitteldeutschen Adels im 13. Jahrhundert* (Cologne: Böhlau, 1987), 204.

⁵⁹ Karl Heinz Speiß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters: 13. bis Anfang des 16. Jahrhunderts* (Stuttgart: Franz Steiner, 1993), 344-400.

⁶⁰ Speiß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters: 13. bis Anfang des 16. Jahrhunderts*, 361.

⁶¹ Winfreid Reichert, *Finanzpolitik und Landesherrschaft zur Entwicklung der Grafschaft Katzenelnbogen vom 12. Bis zum 14. Jahrhundert* (Trier: Auenthal Verlag, 1985); Andermann, *Studien zur Geschichte des pfälzischen Niederadels im späten Mittelalter. Eine vergleichende Untersuchung an ausgewählten Beispielen* (Speyer: Verlag des Historischen Vereins der Pfalz, 1982); Hans Gerhard Risch, *Der holsteinische Adel im Hochmittelalter: eine quantitative Untersuchung* (Frankfurt a. M.: Peter Lang, 2010); Heinrich Maulhardt, *Die wirtschaftlichen Grundlagen der Grafschaft Katzenelnbogen im 14. und 15. Jahrhundert* (Darmstadt: Selbstverlag der Hessischen Historischen Kommission, 1980); Josef Dolle, *Studien zur Geschichte der Herren von Bovente* (Göttingen: Goltze, 1994).

⁶² Both men are exceptional examples not only for their meteoric rise to prominence, but also the enormous body of source material they left behind for us, particularly in the case of Conrad. Bernd Fuhrmann, "Adliges Wirtschaften

Earlier iterations of historiography viewed this type of entry into princely officialdom as a symptom of decline, signaling a loss of noble political autonomy and function to the developing territorial state. With the regional studies of Sablonier, Görner, and more recently Zmora, this perspective has been decisively overturned. In the place of the mono-dimensional picture in which a withered aristocratic particularism ceded to the triumphant princely state, these scholars ushered in a new perspective; here, noble and the princely authorities worked together in a mutually beneficial dialectic where the inclusion of the lower nobility into princely governance not only became an essential marker for their success and power but also a means thereto.⁶³ Hence, while office holding proved to be particularly lucrative for many members of the lower nobility, providing them with additional sources of regular income, it also opened up new paths for political advancement, an expansion of their own authority, and a stake in the expansion of these territorial principalities.⁶⁴ Although concrete numbers are difficult to come by due to the fragmentary nature of our evidence, regional studies have sleuthed up enough information on the salaries of lower noble office holders to provide us with a general sense of what office holding meant financially for members of the lower nobility. On the basis of Westphalian evidence, Görner has estimated that by the middle of the fifteenth-century a noble office holder could expect around 100 fl. (30 s. gr.) annually from their positions on average.⁶⁵ To put this sum in comparison, the income derived from the benefice of a cathedral canon amounted to a mere 30 fl. at best.⁶⁶

im Spätmittelalter. Das Beispiel Konrad von Weinsberg,” *Zeitschrift für Württembergische Landesgeschichte* 68 (2009), 73-102; Irsigler, “Reinhard von Schönau – financier gentilhomme: Eine biographische Skizze,” in *Hochfinanz im Westen des Reiches 1150-1500*, ed. Fr. Burgard et al (Trier: THF Verlag, 1996), 281-305.

⁶³ Hechberger, 490f.

⁶⁴ Görner, 57-63; Zmora, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440–1567*, 38-42.

⁶⁵ Görner, 50-63.

⁶⁶ *Ibid.*, 62f.

Connected to office holding, which often entailed military capacities, were the opportunities for enrichment that military service presented. Whilst certainly a high risk-high reward venture, military service proved a particularly popular and, with some luck, an effective means of shoring up a noble household's financial state. Well known is the advice given by Conrad of Megenberg to the younger sons of impoverished noblemen to seek their fortunes abroad as mercenaries in northern Italy.⁶⁷ As Stephan Selzer has demonstrated, generations of German knights found sufficiently lucrative mercenary careers there to ensure a steady flow of their peers across the Alps throughout the fourteenth-century.⁶⁸ While extraordinary success stories were rare, the number of German nobles who were able to return from Italy with sufficient capital to elevate their aristocratic status and power at home clearly proves that the Italian mercenary market was as a profitable one.⁶⁹

All together less well studied, but equally as lucrative was soldiering within the Empire. Unlike the other aspects of noble economics treated above, military service is widely documented. Service contracts, which defined the terms of service and payment, abound in the fourteenth and fifteenth centuries. Pay of course depended on the duration of service, the number of troops under one's command, their quality, along with other factors, such as the nature of the conflict. The figures that I have gleaned from service contracts in this period all converge upon a standard rate of pay for commanders of a lance (Grm. *Gleve*), the standard late medieval military unit,⁷⁰ and mounted men-at-arms that hovered between 5 to 7 mrk. for the former and 3 to 5 mrk.

⁶⁷ Conrad of Megenberg, *Die Werke des Konrad von Megenberg: Ökonomik*, vol. 1 ed. Sabine Krüger, MGH Staatsschriften des späteren Mittelalters III (Stuttgart: Anton Hiersmann, 1973), 98ff.

⁶⁸ Stephan Selzer, *Deutsche Söldner im Italien des Trecento* (Tübingen: Niemeyer, 2001); ——— “Sold, Beute und Budget: Zum Wirtschaften deutscher Italiensöldner des 14. Jahrhunderts,” *Adel und Zahl. Studien zum adligen Rechnen und Haushalten in Spätmittelalter und früher Neuzeit*, ed. Harm von Seggern, Gerhard Fouquet (Ubstadt-Weiher: Verlag Regionalkultur, 2000), 219-246.

⁶⁹ Selzer, *Deutsche Söldner im Italien des Trecento*, 301-337.

⁷⁰ Werner Schulze, *Die Gleve. Der Ritter und sein Gefolge im späteren Mittelalter* (Munich: Beck, 1940).

for the latter per month.⁷¹ Although the financial viability of noble military service has faced a fair degree of criticism, this criticism often does not account for the generous terms of service included in these contracts. For nobles or even professional soldiers under contract, demanding restitution from their employers to cover significant damages, particularly in horse flesh, they incurred during the course of a feud was the norm and often stipulated in their contracts.⁷² As an auxiliary to military service, nobles could also “open” up their castles to other lords for use during times of war, promising to serve from the castle at the behest of the lord or allowing him to garrison troops there. Termed *Öffnungsrecht* (rendability), these arrangements could prove financially advantageous for many members of the lower nobility. Some nobles, like Hans of Rechberg, even made a career out of this violent entrepreneurship.⁷³ Although he died in his saddle while conducting a raid, by the end of his life he had amassed a considerable fortune, established his very own lordship, and even managed to build one of the last great castles of the Late Middle Ages in Germany, the Hohenschramberg. With his motto reading: “*Gottes Freund— aller Welt der Feind,*” Hans may have been an extreme example of this professionalization of

⁷¹ For a collection of figures see: Ch. L. Weber, “Graf Engelbert III. von der Mark 1347-1391,” *Beiträge zur Geschichte Dortmunds und der Grafschaft Mark*, 18 (1910-1911), 29f cited in Görner, 42: commander of a lance contracted by the archbishop of Cologne in the Dortmunder feud (1388-89) at 6 mrk. per month; *Erfurt UB*, vol. 2, nr. 147, 116ff: Henry, Lord of Salza, contracted at 15 mrk. from the archbishop of Mainz for three months of service against the city of Erfurt with ten helmeted men-at-arms at 4 mrk.; *Urkundenbuch zur Landes- und Rechtsgeschichte des Herzogthums Westfalen*, vol. 3: 1400-1800, ed. Johann Suibert Seibertz, (Arnsberg, 1854), 107, nr. 952: Duke Magnus of Braunschweig Lüneburg hired knights at a 3 mrk. per month; *Erfurt UB*, vol. 2, nr. 1375, 557. Reinhard of Wechmar, contracted with a unit of 37 men-at-arms by Erfurt at 24 fl. over three months, his men at 20 fl.

⁷² HStA Dresden, 1004 Kopiale, nr. 0031, 20r: the lords of Hanstein received a down payment of 200 mrk. to cover any damages from the landgrave of Thuringia and margrave of Meissen as part of their contract. For a series of damage recoveries pertaining to horses see *Hennebergisches Urkundenbuch.*, vol. 3: Die Urkunden des gemeinschaftlichen Hennebergischen Archivs zu Meiningen von 1356-1385, ed. Georg Brückner (Meiningen, 1857), nr. 108, nr. 111, nr. 181, nr. 815, nr. 832.

⁷³ Uwe Tresp, *Söldner aus Böhmen Im Dienst deutscher Fürsten: Kriegsgeschäft und Heeresorganisation im 15. Jahrhundert* (Paderborn: F. Schöningh, 2004); *Thüringische und böhmische Söldner in der Soester Fehde: Quellen zum landesherrlichen Militärwesen im 15. Jahrhundert aus thüringischen und sächsischen Archiven*, ed. Heinz-Dieter Heimann, Uwe Tresp (Potsdam: Verl. für Berlin-Brandenburg, 2002); for an excellent biography of one of these violence entrepreneurs, see Michael Vollmuth-Lindenthal, “Henning Strobot, Stadthauptmann von Halle und Magdeburg,” In *Mitteldeutsche Lebensbilder: Menschen im späten Mittelalter*, vol. 1, ed. Werner Freitag (Cologne: Böhlau Verlag, 2002), 157-179.

warfare sweeping the late medieval Empire, but there were many more like him.⁷⁴ War sold; everyone was buying.

As incomplete as this reconstruction of noble economics is, we have been able to draft a very basic outline of how the nobility, particularly the lower nobility, responded to the economic challenges of the Late Middle Ages and what methods they devised to bolster their traditional seigneurial forms of income. Nonetheless, very real difficulties persist when confronted by relatively simple questions such as the average wealth of the average noble of a particular rank. Notwithstanding this inability to deliver a satisfactory picture of noble economics, we have collated enough evidence on various forms of noble revenue and annual incomes to establish a few points of comparison with both the potential resources extracted and the devastation inflicted in the course of feuding and warfare.

2.2. Pillage and Plunder or Feud-Based Resource Extraction at Work: Damage

Registers and Plunder Ordinances.

When the poet Michael Beheim (c.1416-1472) likened the nobility to the eagle, his intent was not flattery but rather to compare them to a savage bird of prey that having left the forest now “flew over the villages and fed upon the chickens and hens.”⁷⁵ Just like the ravenous eagle who descended upon the defenseless fowl, so too did the nobles ravage the land “with pillage and fire and horribly devastate the peasants. They took their food, cows and calves, their

⁷⁴ For the origin of this motto, see Erhard W. Kanter, *Hans von Rechberg von Hohenrechberg* (Zürich: Schulthess & Co., 1903), 122.

⁷⁵ Michael Beheim, “Die historischen und politischen Gedichte Michel Beheims,” ed. Hans Gille in *Palaestra. Untersuchungen und Texte aus der deutschen und englischen Philologie*, vol. 96 (Berling: Mayer & Mueller, 1910), 233, nr. 49: “fleug nun ob den dorffern hin und neret sich der hanen und der Hennen.”

household items and movables and turned them into beggars and made many a widow.”⁷⁶ The central metaphor at work in these strophes, that of the raptor feasting on the defenseless hens and fowl, reveals an underlying assumption about the conduct of the nobility during their feuds and wars — it fed and nourished them at the expense of the peasantry.⁷⁷ And a feast it was, for the quantity of plunder and loot extracted during feuds could reach immense proportions. In 1384, Count Henry II of Holstein and Duke Albrecht of Braunschweig-Lüneburg found themselves locked in a feud that would by its culmination see the former plunder 209 horses, 750 heads of cattle (*Rinder*), 5480 sheep, 1334 pigs, and 525 heads of cows (15,000 mrk.) and the latter 660 horses, 834 heads of cattle, 1080 sheep, and 110 pigs (7234 mrk., 200 L. mrk.).⁷⁸ The Everstein feud (1404-1409) between the lords of Lippe and Dukes Henry and Bernhard of Braunschweig-Lüneburg also produced comparable levels of plunder and destruction. One of the dukes’ allies, the bishop of Paderborn, alone sacked and put to the torch over 105 Lippe towns and villages, winning significant amounts of plunder and tributary exactions (*Dingtal, Brandschatzung*).⁷⁹ The quantity of plunder acquired in these two feuds was no mere anomaly as we can draw similar numbers from across the Empire. One army of noblemen allied to the Habsburgs pillaged, for example, 1200 heads of cattle from the Swiss during one raid while in 1445 the city of Basel looted 1100 heads of cattle on an incursion into the Markgräflerland.⁸⁰ Although these figures do give a general sense of the vast quantity of plunder taken during feuds, they do not provide much insight into how plundering could function as a collective accumulation of profits both at the

⁷⁶ Beheim, “Die historischen und politischen Gedichte Michel Beheims,” 231, nr. 33: “mit rauben und auch brand verheret und arme leut iemerlich verheret. Ir narung, ku und kelber, ir hausgeret und armen hab nympt...in da mit unreht ab und weisst sie zu dem betelstab und machet witwen...”

⁷⁷ Note that Rothe uses the exact verb in the line cited at the beginning of this chapter: “si nerin sich andir nicht wan roubin mit andirn unerlichen sachin.”

⁷⁸ Patze, “Grundherrschaft und Fehde,” 281.

⁷⁹ “Das Schadensverzeichnis aus der Eversteinschen Fehde (c.1409),” ed. Erich Sandow, *Lippische Mitteilungen aus Geschichte und Landeskunde* 23 (1954), 52-107.

⁸⁰ Bittmann, 97f.

level of the group and in terms of an individual's opportunities for enrichment. For that we must turn toward the damage registers.

2.2.1. Damage Registers

Damage registers, at their most basic, were documents drawn up to record and monetize damages that had been incurred by a lord's subjects in the aftermath of a feud. Despite their vital role in the archivization of feuding and warfare, which began to gain momentum from the fourteenth-century onward, historians have largely neglected this class of documents. To this date, only Hans Patze has devoted an article length study to them. Patze located their genesis in an increasingly monetized economy and the proliferation of complex forms of record keeping that came to characterize late medieval lay governance. With these advances in record keeping, lords finally had the means to draft a type of document with which they could effectively demand monetary restitutions at the mediated settlements customarily concluding a feud.⁸¹ Although Patze's interpretation of these documents as fulfilling a crucial legal function was undoubtedly correct, he still neglected to situate them within a broader body of feud-related documents like urban feud books, which clearly served both legal and internal administrative functions.⁸² By adhering to a rigid typology where damage registers could serve only one very specific function, Patze all but preordained that this documentary genre, qua its role as legal evidence, would become assimilated into the dominant legal paradigm of modern feud research. A broader reading of this genre, I think, reveals the two-fold function of validating claims for financial restitution, while also assisting in the inevitable recovery efforts needed to effectively cope with the often-significant losses in property, agricultural output, livestock, and human lives

⁸¹ Patze, "Grundherrschaft und Fehde," 263-294.

⁸² Ibid., 280, fn. 56. An excellent example of an urban equivalent to the damage register can be found in Göttingen's *liber dampnorum civitatibus illatorum*

in the wake of a feud. If not for explicit humanitarian reasons, lords had a vested interest in accurately assessing the economic and demographic damages inflicted on their lordships since they represented a very real threat to their revenue streams, be it feudal dues in kind or through taxation.⁸³

With their comprehensive aims and purpose, damage reports went far beyond the mere itemization of feud related losses. They recorded not only the names and professions of the subjects who experienced losses during a feud, be that in property, livestock, movables, or their own lives, but also the men who perpetrated this destruction and when, where, and how they did so. Moreover, interspersed within the itemization of damages, one can also find micro-narratives gathered from the reports of eyewitnesses and participants. Brimming over with an almost unmanageable amount of detail, ranging from the minutia of household objects taken to the obscure place names of incinerated villages and everything in between, damage reports give us the raw material with which to reconstruct a history of feuding-from-below that few other sources can match and permit us to quantify, albeit only partially, the resources extracted in the course of a feud.

Objections may be raised that the peasants and their lords had a vested interest in inflating the number of items taken during a feud and even the monetary value thereof. Medieval Germans were well aware of such issues as the credibility of witness testimonies gathered in the process of composing these damage registers. This is exactly why they would often enlist a third-

⁸³ If damage reports were drawn up solely to serve a limited legal purpose (to provide evidence for restitutions at an arbitration court), it would make little sense to copy them into hefty cartularies. Let us take as an example the damage report copied into a collection of miscellaneous documents entitled “Copie literarum” (c. 1438 to 1454) by the chancellery of Landgrave Frederick III of Thuringia. Dated to 1437/9, it records the damage inflicted by a Sigismund of Wartenburg on ducal subjects in the governorship of Blankenstein. HStA Dresden, 1004 Kopiale, nr. 0001, 1v-2r.

party to either perform the inquests for these registers or oversee the arbitration courts in which the contending parties would tender these documents as evidence. Even the structure of the registers themselves took this matter into account, with many of them being drawn up as two parallel columns for either party to assist in scrutinizing the veracity of their figures.⁸⁴ Nonetheless the inflation of damages must have occurred, but not to the extent that they discredit this class of sources as a valid body of evidence. We have more than enough ancillary evidence in the form of chronicles and provisions governing the distribution of plunder to demonstrate that the amount of plunder taken during feuds was vast enough for it to possess significant economic value.⁸⁵

In this section, I will treat a selection of five damage registers only in so far as they bear upon establishing the manner in which feuding could facilitate a steady flow of rural wealth into the hands of warring, aristocratic and even urban elites. To further underline the centrality that plunder held for feuders as an economic net positive, we will examine another body of neglected sources, plunder ordinances (*Beuteordnungen*), which were drawn up in the prospect of distributing plunder won in the course of a feud.

A cursory inventory of the damage registers themselves reveals a stunning diversity of documentary protocols and forms, teeming with masses of facts, numbers, peoples, events, and things. This abundance of details contained within, coupled with their lack of standardization, can certainly prove unwieldy. Taking these registers in hand, we step into a world far removed from the formulaic and highly standardized documentary protocols of royal charters and

⁸⁴ For an example, see Schleswig-Holstein-Lauenburgische Regesten und Urkunden, vol. 6, 1, ed. Werner Carstens, Heinrich Kochendörffer (Neumünster: L. Voss, 1971), nr. 554, 396-378.

⁸⁵ It should also be noted that we have urban sources which record the plunder taken and damages inflicted by a town or city in the course of a feud. See StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 23r.

privileges, papal bulls and rescripts, and imperial diplomata. Nevertheless, like with any genre of documents we can establish a certain coherence by subjecting them to an interrogation: quis, quid, quomodo, cur, ubi et quando? Instead of subjecting all five registers to a diplomatic analysis, I shall focus primarily on those that will feature in this particular section, the second and third, while also attending to relevant features of the others when necessary.

2.2.1.1. The Documents Themselves: a Brief Look

Both damage registers date to around 1402 and concern a series of incursions that vassals of the margrave of Meissen launched into the environs of the town of Hof, which was then under the lordship of the Burgraves Frederick VI and John III of Nuremberg. The incursions were a part of a long-running series of feuds that the burgraves of Nuremberg, the margraves of Meissen, and the advocates of Weida, Gera, and Plauen, along with numerous lower noble families from both Upper Franconia and the Vogtland were all waging over possession of the Regnitzland.⁸⁶ This region had become something of a flashpoint of sorts ever since the 1370s when the original possessors, the advocates of Weida, had sold it to the burgraves of Nuremberg, while never receiving the agreed upon payment (8000 s. gr. = 24,000 fl.).⁸⁷ The Wettiner princes had also developed an interest in the region upon acquiring a number of fiefs there from the

⁸⁶ Damage register 1: Curt von Raab "Zur Fehdezeit im Vogtland. Ausgang des 14. Jahrhunderts," *Mitteilungen des Altertumsvereins zu Plauen* 13 (1900), 1-13; registers 2 and 3: *Urkunden der Markgrafen von Meissen und Landgrafen von Thüringen 1396-1406*, vol. 2, 2, ed. Hubert Ermisch, CDSR I, 2 (Leipzig: Giesecke & Devrient, 1902) nr. 475, 316-320; StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160, L 590, nr. 3217, fol.1-2; register 4: StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160, L 590, nr. 3218, fol. 1; register 5: *UB der Vögte von Weida, Gera und Plauen* vol. 2: 1357-1427, ed. Berthold Schmidt (Jena: Gustav Fischer, 1892), nr. 433, 360-363; StA Bamberg, Markgraftum Brandenburg-Bayreuth, GHAP, nr. 5350, fol. 1-9.

⁸⁷ Patze, *Geschichte Thüringens*, vol. 2, part. 1, 173f. The advocates of Weida finally gave up their claim to Hof in 1447 when the duke of Saxony paid them the full 8000 s. gr. The burgraves seemed to have paid the advocates only 2100 s. gr. for Hof in 1373. StA Bamberg, GHAP, nr. 5348, fol. 2.

advocates.⁸⁸ The presence of a large number of powerful lower noble families, who also had their own territorial ambitions, only exacerbated this already volatile situation.

The first document represents how a damage register would have most likely appeared when tendered as documentary evidence at an arbitration court. Its *promulgatio/narratio* appears to confirm this by stating that the document was intended to be presented before Margrave William of Meissen, who was to serve as the arbitrator between the burgracial and margrivial vassalage and towns at feud with one another. The *dispositio*, containing the record of damages, is divided into two main sections, each dedicated to the respective witness statements taken from the subjects of the two Franconian nobles, the von Feilitsch and von Kotzau, whose lands were ravaged during this feud. Each section is then further subdivided by village, head of household, and any other individual who suffered damages within that locale. Within these entries, the scribe composing this register also interspersed eyewitness testimonies from the lords of von Feilitsch and von Kotzau regarding particular events, such as the melee that took place over captured plunder, as well as the names of the margrivial vassals who participated in these raids.⁸⁹ The inclusion of personal testimony within these documents was by no means uncommon. Our fourth register, composed for the advocates of Gera, actually has a Leipzig burgher enter testimony in the first person with his own hand (also with a darker colored ink) on the goods that were stolen from him in the course of the feud as he was traveling through the region.⁹⁰ The second register concludes with a monetary valuation of the damages and what appears to be a series of instructions pertaining to the impending settlement; however, given the

⁸⁸ Patze, *Geschichte Thüringens*, vol. 2, part. 1, 174f.

⁸⁹ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 319f.

⁹⁰ StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160, L 590, nr. 3218.

fragmentary nature of this portion of the document the intended purpose of this material remains unclear.

The third register seems to have been part of the preliminary documentation leading up to the second damage register. The notion that it was intended only as a rough draft finds credence in that whoever composed the document chose to write it on a palimpsest and then recorded only an abridged version (a brief title and four entries) of the entries exclusively pertaining to the holdings of the von Feilitsch, which, as seen above, was subject to an exceedingly lengthy entry in the second damage register. That many damage registers as they exist today are simply snapshots of a point in the composition process of a final document can be further supported by specific features of the fifth register, seeing that it was drawn up as a portable, ten-page booklet whose contents are of an incomplete and disorganized nature.⁹¹

2.3. Assessing the Significance of Plunder

The second damage register, as the most extensive and meticulous, provides us with detailed enough figures to estimate with reasonable accuracy how much plunder could be extracted during one action in a feud. We know that margravial vassals were led by two captains, Rudolf of Bünau and Heinrich of Lichtenheim, who together commanded a band of roughly one hundred men.⁹² From the place names mentioned in the register, we can determine that they

⁹¹ I have excluded the first document from this analysis because I do not yet have an actual copy of the original document held in the Hauptstaatsarchiv Dresden.

⁹² Captains or principal feuders: Rudolf of Bünau and Heinrich of Lichtenheim; feuders: Henry and Cunzen, Nickel the Pister, Albrecht of Gabellencze, Herman Lonychen, Reinhardt of Malthycz, Little Henry of Heym, Dietrich and Sweidinger the Mewer, Henry of Haym, , Hansen Possecken, Gunther von Bünau, Advocate at Arnshaug, Schenken von Tautenberg, all the other Schenken of the Vester, all the Schenken of Salecke, Herman Naler, Henry of Ritte, Henry of the Gasse and his son, Jan von der Hasal, and Heinzchen Wylden, Streune of Sparnweg and all his sons, Gundram and Henry, Nickel and Otto of Hayn, , Henry of Haym, Nickel of Obernycz zu Tawsa . Hans of F—— (illegible), the Schencken of Tautenberg, Conrad Notleichen, advocate at Ziegenruck (Naumburg), Ludwig of Moson, the Lichtensteiner, Lord Claus of Weyssenbach, Lord Puffen of Weyssenbach and his son Nickeln of Obernnicz of Tangkaw, Nickel of Obernnicz at Tauslawe.

focused their ravaging on a five-by-five mile zone around the town of Hof.⁹³ Circling around the town, they began at Köditz, lying directly to the north-west, and then burned their way east through the villages of Schollenreuth and Hartmansreuth to the lordships of the von Feilitsch and then south to that of the von Kotzau. In their wake, they left a string of smoking, burnt out villages and returned laden with booty, innumerable livestock, and captives. Their plunder amounted in livestock to 230 horses, 537 cows, 313 pigs, and 392 sheep as well as 9 goats. Along with this staggering amount of loot, they also killed eight men (although the third register indicates far more men were slain), ransomed six peasants, and extracted forced labor twice from the local peasants. As for property damages, they torched a total of three villages while committing eight other incidents of arson. The burgraves' officials reckoned these damages to amount to a total of 3000 s. mrk.⁹⁴

What did this quantity of plunder actually mean for the 41 margravian vassals named in the registers? Since no additional information can be garnered to accurately assess how many men actually composed these auxiliary troops (helpers) outside of a very rough estimation using a hypothetical lance unit as a stand-in, I have restricted myself exclusively to the named individuals. If we proceed on the assumption that the captains followed the customary practice of equally distributing plunders among the mounted knights and men-at-arms (*gewappnete Leute*), we arrive at the following figures: each vassal would have received 13 cows (20 s. gr.), 7 pigs (4 s. gr.), 5 horses (10 s. gr.), 8 sheep (4 s. gr.), and 4 s. gr. from ransoms, which amounted to a total

⁹³ Patze, "Grundherrschaft und Fehde," 281. The systematic ravaging of a relatively defined area seems to have been the norm.

⁹⁴ The editors of the *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen 1396-1406*, vol. 2, 2, nr. 475, chose not to include the whole of this damage report, despite it containing additional material pertaining to the raid. Certainly, it is more formulaic, reiterating in a summarized form information from the first report. However, the use of formula "*beschadigt an totslagen*" indicates that more killings were committed than recorded in the first report.

of 42 s. gr. per mounted vassal (this does not include the additional plunder that they would have acquired from ransacking the village houses).⁹⁵ For those men lucky enough to have participated in the skirmish mentioned in the register that took place between the men of Hildebrand von Zedwitz on one side and Ludwig von Moson on the other, they could have enriched themselves even more from the captured horses, armor, and weapons in the aftermath of the skirmish.⁹⁶ We then have to factor in the monthly pay they would have probably received for their military service on behalf of the margrave of Meissen. This would, as we have calculated in the preceding section, have averaged out at around 5 mrk. /3.75 s. gr. /11.25 fl. for the fully armored knights, while the captains, like Henry of Lichtenheim and Rudolf of Büнау, would have received upwards of 10 mrk. (= 7.5 s. gr. /22.5 fl.). They would have also had the opportunity to seek reimbursement from the margrave for any losses they suffered during the feud, ensuring that, even if they were unlucky enough to lose their horses or equipment, they would return home without a deficit.⁹⁷ At the end of this engagement, each one of these men would have been around 42 s. gr. richer after, not counting the additional 5 mrk. (3.75 s. gr. /11.25 fl.) to 10 mrk. (7.5 s. gr. /22.5 fl.) in payment. For a few days on campaign, 42 s. gr. (= 126 fl.) was a significant sum of cash, particularly when we compare it with other forms of income, such as office holding. At best, according to Görner's figures for Westphalia, a nobleman would receive per annum 100 fl. in wages for each office. Thus, even the modest 42 s. gr. (126 fl.) would have

⁹⁵ StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3218. The fourth damage report, as an example, records by item the movables taken from the homes of the peasants, which ranged from beds and bedding, clothing, dining and cooking utensils, and anything else of value that an enemy could acquire.

⁹⁶ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 320. Hildebrand's sons mention that after he was slain his armor had been taken, which presumably, as a full suit of plate armor, would have fetched a considerable price. Although armor costs varied widely according to quality, a full piece of plate armor during the first half of the fifteenth-century could cost well over one hundred days wages. See Alan R. Williams, *The Knight and the Blast Furnace: A History of the Metallurgy of Armour in the Middle Ages & the Early Modern Period* (Boston: Brill, 2003), 908f.

⁹⁷ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1407-1418*, vol. 3, ed. Hubert Ermisch, CDSR I, 3 (Leipzig: Giesecke & Devrient, 1909), nr. 160, 120f.

represented a meaningful, economic asset to members of the lower nobility. It would have, to take one example, been enough to substantially contribute to their daughter's dowry (estimated at 450 fl. for the lower nobility) and perhaps, for the poorer ones, even counted for around half of their yearly income.⁹⁸ When we factor in that these men were serial feuders who engaged in this type of activity multiple times a year, there can be no doubt that the material resources they garnered through plunder could be a significant part of their lordly income.

Enormous sums were not necessary then for the cumulative extraction of resources via feuding to be a net positive for feuders. We know from the additional damage reports along with other documentary evidence from this region that this type of raiding was a persistent element in these men's lives and that this one damage register represented just one minor action in a greater succession of ongoing conflicts that they had been participating in since their youth.⁹⁹ The wealth accrued from undertaking raid after raid, even if modest in scope and scale, undoubtedly accumulated over time, a point that Bittmann fails to realize. We can also not forget examples of serial feuders like Hans of Rechberg, who amassed small fortunes from their plundering activity. In fact, Thomas Marolf went so far as to describe Hans of Rechberg as a "feud entrepreneur" whose motives lay "rather in the accumulation of plunder than in enforcing his justice and rights."¹⁰⁰ Nilkas Konzen has seconded this characterization of Hans as an economically minded feuder by drawing attention to how he was relatively disinterested in solving the legal conflicts

⁹⁸ Rübsamen, *Kleine Herrschaftsträger im Pleissenland*, 204; Spieß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters*, 344-400.

⁹⁹ Many of these men also appear in the other damage reports as well as in the following sources: "Das "Buch der Gebrechen" am Egerer Schöffengericht," ed. Heinrich Gradl, *Archiv für Geschichte und Altertumskunde von Oberfranken* 15, 2 (1882), 215-274; *Das Egerer Achtbuch aus der Zeit von 1310 bis 1390*, ed. Karl Siegl (Prague: Verein für Geschichte d. Deutschen in Böhmen, 1901); *Das Achtbuch II des Egerer Schöffengerichts vom Jahre 1391 bis 1668*, ed. Karl Siegl (Prague: Verein für Geschichte d. Deutschen in Böhmen, 1903). Also note, for example, that one of the aforementioned Hildebrand's relatives or perhaps even father participated on the raid into the lord of Raschau's land roughly fifteen years earlier mentioned in the first damage report. Raab, 13: "Heinrich von Zcedewicz seine helfer."

¹⁰⁰ Marolf, 221-228, citation 228.

with which he justified his feuds yet sought to maximize his opportunities for plundering and pillaging.¹⁰¹ Moreover, to these ends Hans also entered into numerous plundering agreements with his allies exactly like the ones we shall treat below.

In view of the massive quantity of resources that could be extracted over the course of multiple feuds we should not be surprised to find that both noble and urban feuders were intensely concerned with how to properly distribute loot, plunder, and captives.¹⁰² These concerns were evidently so important that they became the object of precise provisions in nearly every manner of document that was drawn up in the anticipation of a feud. At the most basic level, the provisions of these agreements regulating the distribution of plunder (*Beuteordnungen*) sought to clarify the inevitable question of who got what on a collective and individual basis. To this end, specific categories were employed to decide under which conditions what type of plunder was to be distributed and to whom. An alliance treaty, drawn up between the Welf dukes and Wettiner landgrave and margrave in 1402 for their feud against the archbishop of Mainz, provides a typical set of provisions highlighting the three basic categories of plunder:

that which should be distributed according to the number of
armed men is that which is won from the enemy, namely
the harness, horses, and armor; we also take plunder in the
form of prisoners, protection money/tribute, and livestock

¹⁰¹ Konzen, 35.

¹⁰² Little has been written on this subject save for by Uwe Tresp. See Tresp, *Söldner aus Böhmen im Dienst deutscher Fürsten: Kriegsgeschäft und Heeresorganisation im 15. Jahrhundert*, 293-300. Also in an urban context see Max Mendheim, *Das Reichsstädtische besonders Nürnberger, Söldnerwesen im 14. und 15. Jahrhundert* (Leipzig, 1889), 88-92.

or any other sort of thing, except that which belongs in the common pool of plunder.”¹⁰³

This tripartite classification seems to have been the customary protocol for how plunder was distributed throughout imperial lands. The first category, namely the arms and armor, horses, and harnesses won from the enemy on the field of battle (*reisiger habe*), naturally remained in the possession of the man who had acquired them there from an enemy.¹⁰⁴ By contrast, the second category, literally the profits or winnings (*die frumen/fromen*), was to be distributed equally according to the number of the mounted and armed knights and men-at-arms, be it prisoners, ransoms, livestock, protection money, and anything else of value, such as the miscellaneous household items briefly mentioned in the proceeding section.¹⁰⁵ The assumption that plunder was supposed to be equally distributed among the fighting members of a military band/unit was deeply rooted in customary norms that reached as far back as the Early Middle Ages.¹⁰⁶ By the Late Middle Ages, these customs surrounding plunder had undergone a process of formalization as they became a fixed body of “law” and were increasingly regulated in written contracts and ordinances for various types of armed forces.¹⁰⁷ This tendency toward formalization found its strongest expression in the idea of the common pool of plunder (*waz in die bute gehorit, gemeine bute*). “*Was in die bute gehorit,*” reads the provision in the treaty

¹⁰³ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1407-1418*, vol. 3, nr. 529, 359-362: “uff de viende erworben/ erworben abir die waz von reisiger habe/nemen wir auch denne fromen (Gewinne) an gefangen, an gedingnisse, an viehname adir wilcherlei der were, daz sol man teilen nach mantzal gewopinder lute, uzgescheiden waz in die bute gehorit.” For the Middle Low German version see *Urkundenbuch zur Geschichte der Herzöge von Braunschweig und Lüneburg und ihrer Lande*, vol. 9, ed. H. Sudendorf (Hannover: Carl Rümpler 1877), nr. 163, 227ff.

¹⁰⁴ “REISIG, adj. und adv.,” *Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm*, vol. 8 (Leipzig, 1893) 744-747.

¹⁰⁵ “Fromen,” *Deutsches Wörterbuch von Jacob und Wilhelm Grimm*, vol. 4, I, I (Leipzig, 1878), 245, 10.

¹⁰⁶ Hans-Michael Möller, *Das Regiment der Landsknechte: Untersuchungen zu Verfassung, Recht und Selbstverständnis in deutschen Söldnerheeren des 16. Jahrhunderts* (Wiesbaden: F. Steiner, 1976), 86ff.

¹⁰⁷ Möller, *Das Regiment der Landsknechte*, 88f.

between King Ruprecht and the imperial cities of the Wetterau, “*das blibe als buterecht und gewonheit ist.*”¹⁰⁸ What distinguished the *gemeine Beute* from *frumen* seems to have been less an issue of the particular nature of the plunder, but rather that it was intended in advance to be pooled in a collective stock of plunder before being distributed. Details about how exactly this category of plunder was to be distributed prove scarce or ambiguous. What little additional information that I have been able to track down in two plunder ordinances from Nuremberg (c. 1388 and 1449-50) seems to suggest that “*waz in die bute gehorit*” referred to all the plunder that was to be sold and then redistributed in cash.¹⁰⁹

Besides these three basic categories, noble and urban feuders would often draw even finer distinctions within each category. Often the location of where the plunder could be taken from, that is, where it “fell,” was specified: “profits in prisoners should be distributed according to the number of armed men who were on the field of battle where the profits ‘fell’.”¹¹⁰ Deciding who could and could not take a share of the plunder was also of crucial importance. In a contract drawn up by Lords Werner and Ditmar of Hanstein with the margrave of Meissen, the lords of Hanstein agreed only to render an account to the margrave of the “*reisig habe*” that they took, while the plunder that they had taken from townsmen and peasants was to remain exclusively theirs.¹¹¹ The issue of ransoms was also of critical importance since high-status ransoms represented enormous financial profits, which were often comparable to the dowries given in the

¹⁰⁸ *Deutsche Reichstagsakten: Unter König Ruprecht, 1400-1410*, vol. 5., ed. Julius Weizsäcker (Göttingen: Vandenhoeck & Ruprecht, 1956), 630.

¹⁰⁹ Mendheim, *Das Reichsstädtische besonders Nürnberger, Söldnerwesen im 14. und 15. Jahrhundert*, 88; *Die Chroniken der fränkischen Städte: Nürnberg*, vol. 1, *Die Chroniken der deutschen Städte 1* (Leipzig, 1862), 176; *Die Chroniken der fränkischen Städte: Nürnberg*, vol. 2, *Die Chroniken der deutschen Städte 2* (Leipzig, 1864), 259f.

¹¹⁰ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1407-1418*, vol. 3, nr. 81, 57f: “neme man do fromen an gefangen, den fromen sal men teilen nach manczal wafender lute, die denne uff dem velde weren, da vrome geveile.”

¹¹¹ HStA Dresden, 1004 Kopiale, nr. 0031, 20r/v.

connubia of the wealthiest high and princely nobility.¹¹² Thus, when Duke Magnus I of Braunschweig-Lüneburg and the counts of Everstein were making ready for an impending feud, they determined that while the Welfs may take the best prisoners for themselves, the counts could still lay claim to any princes or counts that fell into their hands.¹¹³ Trying to allot prisoners in the aftermath of a victorious feud could prove an incredibly complicated and delicate affair as both the prickly honor of noblemen and enormous sums of cash were on the line.¹¹⁴

In addition to this moveable plunder, castles, fortifications, and settlements were also the subject of specific regulations. For example, in the above-mentioned service contract between the lords of Hanstein and margrave of Meissen, the former agreed to hand over any fortifications or villages that they would capture.¹¹⁵ Even the specific, legal status of captured fortifications and settlements could inform how they were to be distributed. In one treaty, Archbishop Albrecht IV of Magdeburg, Duke Wenzel of Saxony, and Landgrave Balthasar of Thuringia devised the following arrangement: those captured fortifications (*vesten*) that were held as a fief (*unser einem zu lehene gingen*) should go to the holder of the fief; any fortifications that one of them had made a prior claim to (*vorsactzt*) was naturally to be held by the claimant, while the gold that the claimant had invested in the said claim was to be distributed equally among the armed men who had stormed and taken the said fortification; finally, those fortifications held neither as a fief nor claimed beforehand should be held in common or razed to the ground.¹¹⁶

¹¹² Frank Huisman, “Die Eversteinische Fehde,” in *Stupor Saxoniae inferioris: Ernst Schubert zum 60. Geburtstag*, ed. Wiard Hinrichs, Siegfried Schütz, and Jürgen Wilke (Göttingen: Duehrkohp & Radicke, 2001), 59-82. The counts of Lippe held Duke Henry of Braunschweig-Lüneburg at a ransom of 100,000 Gulden/fl.

¹¹³ *Urkundenbuch zur Geschichte der Herzöge von Braunschweig und Lüneburg und ihrer Lande*, vol. 4, ed. H. (Hannover, 1865), nr. 186-187, 131f.

¹¹⁴ The importance of ransoms is highlighted in the two following documents drawn up in the wake of the Battle of Winsen (May 28, 1388) by the leaders of the victorious forces of Henry I the Mild, Duke of Braunschweig-Lüneburg in *Urkundenbuch zur Geschichte der Herzöge von Braunschweig und Lüneburg und ihrer Lande*, vol. 6, ed. H. Sudendorf (Hannover, 1867), nr. 205, 219ff, nr. 211, 227f.

¹¹⁵ HStA Dresden, 1004, Kopiale, nr. 0031, nr. 38, 20r.

¹¹⁶ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1407-1418*, vol. 3, nr. 81, 57f.

The question of how resources obtained during a feud were then to be reinvested into the conflict also attracted the attention of feuders. Despite the logistical efforts undertaken to ensure that one's forces were kept well supplied while deployed in a feud, everyone recognized that *la guerre nourit la guerre*.¹¹⁷ Consequently, we commonly encounter provisions specifying how contingents in the field were to make use of plunder to cover their costs incurred during a feud. As an example, take the treaty drawn up between John, Bishop of Hildesheim, and Bernhard and Henry, Dukes of Braunschweig-Lüneburg (July 29, 1398). It specifies not only that whenever the dukes' men came to the aid of the bishop during a feud they were to be supplied with fodder and food at the bishop's own expense, but that they were also permitted to reinvest a portion of all their plunder to cover their costs: "plunder that is taken from harness, horses, and armor or fortifications we should share according to the number of armored men...plunder from peasant holdings and protection money should however be kept to help our expenses."¹¹⁸

So ubiquitous were these types of provisions that it would not be unreasonable to cite them as evidence that feuds could serve as collective plundering ventures. Why else would feuding nobles and urban elites have painstakingly written down in document after document how they expected plunder of every sort and type to be distributed amongst themselves and their men unless this plunder actually represented a meaningful source of income for them? Moreover, as our damage registers show, feuders went far beyond merely destroying the economic base of their opponents; they actively tried to extract as many resources as possible all the way from high-status prisoners and expensive livestock down to the measliest household item. They were

¹¹⁷ For a fairly elaborate "war plan" from 1378 that treats logistics and even financial concerns. see HStA Dresden, 1004, Kopiale, nr. 0031, nr. 1v-3r.

¹¹⁸ *Urkundenbuch zur Geschichte der Herzöge von Braunschweig und Lüneburg und ihrer Lande*, vol. 9, nr. 93, 142: "vromen an reysegerhue eder borgheren dat scholde wij delen na antale wapender lude...vromen an burhaue name eder dingtal dat scholden se beholden to hulpe oren kosten."

less like Beheim's ravenous eagles than swarms of locusts intent on stripping rural communities bare of anything of wealth and value. It is exactly this type of violent extraction of rural resources that, despite the fickleness of Mars, ensured the vertical flow of wealth from the peasantry to the grasping hands of noble and urban elites. Feud could function as an economically viable aspect of lordship because over the long term it did accumulate economic wealth, while also resonating with aristocratic mores about coercive, resource extraction connected to raiding, plunder, ransoming, and tribute taking.¹¹⁹ All of this embossed the flip side of the systematic devastation inherent to feuding, which we will treat in the following section.

3. “rob und brand gand durch div land, es ist gross schand:” the implications of endemic feuding and warfare on the Empire's economic and demographic landscape¹²⁰

If there was to be one persistent feature most associated by contemporaries with feuding it would have been ravaged rural landscapes of burnt-out villages and towns left in the wake of plundering armies. “Burning embellishes war” remarked Margrave Albrecht Achilles of Brandenburg “just as the Magnificat vespers,” as he approvingly took in the sight of his men setting ablaze six settlements at the opening stages of the Second Towns War (1449-1450).¹²¹ This conflict, which pitted Albrecht Achilles of Brandenburg-Ansbach and the imperial city of Nuremberg against one another, engulfed the whole of central Franconia, subjecting the entire

¹¹⁹ Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter*, 129-223; Bisson's characterization of patrimonial lordship holds just as well for the Late Middle Ages as his period of study (eleventh- to twelfth-centuries) Thomas N. Bisson, “Medieval Lordship,” *Speculum* 70 (1995), 743-759; ——— *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, NJ.: University of Princeton Press, 2009).

¹²⁰ *Lieder Muskatbluts*, ed. Eberhard von Groote (Cologne, 1852), nr. 100, line 61.

¹²¹ See the quote in Ludwig von Eyb, *Denkwürdigkeiten brandenburgischer (hohenzollerischer) Fürsten*, ed. Carl Adolph Constantin von Hoefler (Bayreuth, 1849), 77: “der prant dem Kriege zyre, wie das Magnifikat die Vesper;” for background on the quote, see Joseph Würdinger, *Kriegsgeschichte von Bayern, Franken, Pfalz und Schwaben von 1347 bis 1506*, vol. 1 (Munich, 1868), 305.

region to nearly a year's worth of devastation that left hundreds of villages and towns destroyed and the respective combatants burdened with debts for decades to come.¹²² Even in the seemingly endless lesser conflicts that continually permeated the empire's political landscape the devastation could be immense. A minor scuffle between Duke Bernhard of Lüneburg and the bishopric Osnabruck in 1391 that would have otherwise been consigned to historical obscurity if not for a mere three lines within Detmar of Lubeck's chronicle left eighty villages completely burnt to the ground.¹²³ Years earlier in that same region, Bishop Simon of Paderborn (r. 1380–1389) bemoaned the fate of the Premonstratensian Abbey of Bredelar, caught up in his feuds with the Bengler knightly league: “In such a manner was this aforementioned monastery diminished by the devastations, violence, and pillaging done to it and its people, possessions, and riches by these wicked men and it was weighed down with debts so that it succumbed to ruin; thus, it would happen that the solitude of the Lord God and the cells of the monks would be transformed into sanctuaries of wild animals chiefly because this monastery was established in the regions where conflict is continuous and peace rare, where perverse men of iniquity are free and difficult to set right.”¹²⁴ Far to the south west, Abbot Nicholas (r. 1349-1356) of the Roggwil Abbey bewailed how “the cloister and its estates, after having been built up over many years

¹²² Gabriel Zeilinger, *Lebensformen im Krieg. Eine Alltags- und Erfahrungsgeschichte des süddeutschen Städtekriegs 1449/50* (Stuttgart: Franz Steiner Verlag, 2007); — “Kleine Reichsstadt - großer Krieg. Der süddeutsche Städtekrieg 1449/50 im Spiegel der Windsheimer Stadtrechnungen,” in *Städtische Finanzwirtschaft am Übergang vom Mittelalter zur Frühen Neuzeit*, ed. Harm von Seggern, Gerhard Fouquet, and Hans-Jörg Gilomen (Frankfurt a. M.: Peter Lang, 2007), 169-181.

¹²³ Detmar, *Chronik des Franciscaner Iesemeisters Detmar*, vol. 1, ed. F. H. Grautoff (Hamburg, 1829), 356.

¹²⁴ Michael Drewniok, “Das Kloster Bredelar und die Herren von Padberg. Eine komplizierte Nachbarschaft im Mittelalter,” in *Bene vivere in communitate. Beiträge zum italienischen und deutschen Mittelalter. Hagen Keller zum 60. Geburtstag überreicht von seinen Schülerinnen und Schülern*, ed. Thomas Scharff (Munster: Waxmann, 1994), 199, citing Bredelar Urk. 345/BUB 433, Sept. 30, 1384: “qualiter dictum monasterium pridem fuit per illatas sibi in suis hominibus, rebus et possessionibus malignorum iniuras, violencias et rapinas facultatibus diminutum et debitis aggravatum, ut ruinis succumberet ut fiat, solitudo domus Domini et cubilia monachorum vertantur in delubra bestiarum, presertim cum dictum monasterium sit in finibus constitutum, ubi lis continua et pax est rara, ubi inquieti sunt libri et perversi difficilime corriguntur.” Bishop Simon should not be read as a pacifist here. He gave as good as he received, dying from a crossbow bolt to his groin while conducting a siege against the neighboring lord of Brobecke.

through the great efforts of the lay brothers, were entirely destroyed in eighteen days of pillaging by English mercenaries under the command of the lord of Cuzon, and then only a few year later the land was left such a desolate waste by a war between the Habsburgs and lord of Kyburg that it did not feel the touch of a plough for seven whole years.”¹²⁵

That this manner of systematic devastation formed an integral feature of warfare and feuding that was not only endemic but expanding in scope and scale over the Late Middle Ages has been long recognized by German historians.¹²⁶ However, they have given very little attention to drawing out the long-term implications that this destruction and devastation had for the Empire’s economic and demographic landscape.¹²⁷ This stands in marked contrast to Anglo-French scholars of the fourteenth- and fifteenth-centuries who have long busied themselves with the task of trying to understand the transformative effects that these destructive conflicts had on economic and demographic patterns, financial and governmental institutions, and society writ large.¹²⁸ My intent here is not to remedy this historiographical lacuna, but rather to reposition

¹²⁵ Jacob Grimm, *Weisthümer*, vol. 1 (Göttingen, 1840), 176f.

¹²⁶ For the directions now being taken in German medieval military history see *Der Krieg im Mittelalter und in der Frühen Neuzeit. Gründe, Begründungen, Bilder, Bräuche, Recht*, ed. Horst Brunner (Wiesbaden, 1999); Jörg Rogge, “Das Kriegswesen im späten Mittelalter und seine Erforschung. Neuere englische und deutsche Arbeiten zu Krieg, Staat und Gesellschaft,” *Militär und Gesellschaft in der Frühen Neuzeit* 8 (2004), 20-33. For two of the studies taking after the English “war and society” approach, see Zeilinger, *Lebensformen im Krieg* and Micheal Jucker, “Rauben, Plündern, Brandschatzen: Kriegs- und Fehdepraxis im Spannungsfeld von Recht, Ökonomie und Symbolik” in *Fehdeführung im spätmittelalterlichen Reich: zwischen adeliger Handlungslogik und territorialer Verdichtung*, 261-284.

¹²⁷ The few historians to treat this subject seriously have largely been economic and agricultural historians concerned with the late medieval phenomenon of rural abandonment (see ft. 12), although Brunner did devote a significant attention to it within his larger treatise on the feud in *Land and Lordship*, 79-95.

¹²⁸ Richard Kaeuper, *War, Justice and Public Order. England and France in the Later Middle Ages* (New York: Oxford University Press, 1988); Wright, *Knights and Peasants*; Philippe Contamine, *War in the Middle Ages*, trans. Michael Jones (New York: Blackwell, 1984); ——— “L’impact de la guerre de Cent Ans en France sur le « plat pays » et sur la vie au village,” in *Les villageois face à la guerre, XIVe-XVIIIe siècle: actes des XXIIes Journées internationales d’histoire de l’Abbaye de Flaran, 8, 9, 10 septembre 2000*, ed. Christian Desplat (Toulouse: Presses Univ. du Mirail, 2002), 15-34; Robert Boutruche, *La crise d’une société: seigneurs et paysans du Bordelais pendant la Guerre de cent ans* (Paris, Belles Lettres, 1947); ——— “The devastation of rural areas during the Hundred Years War and the agricultural recovery of France,” in *The Recovery of France in the Fifteenth Century*, ed. P. S. Lewis; trans. G. F. Martin (London: Macmillan, 1971), 23–59.

our perspective on the feud to better grasp in concrete terms what this devastation meant for the rural communities chronically subjected to it and the long-term economic, agricultural, and demographic consequences they suffered as a consequence. To this end, we will once again turn to the damage registers, but this time in tandem with the settlement and demographic evidence garnered by the body of literature concerned with the process of late medieval rural abandonment (*Wüstungsforschung*).

The registers may concern only localized feuds of a modest scope and scale, but they document the type of conflicts that typified warfare across the late medieval Empire in which chevauchée style tactics of serial raiding and economic devastation played the central role. No other body of sources concerned with the feud comes as close to the combination of granular detail with quantitative evidence than the damage registers, making them the ideal form of evidence for answering the central questions of this section. To recapitulate, our registers all document feuds occurring between 1384 to 1402 within the zone of territory historically known as the Regnitzland (see figure. 2 below). The conflicts they record, as mentioned above, amounted to little more than a series of raiding campaigns carried out by armed bodies of men amounting to a few hundred at most. And while they may have garnered at best only a few lines within modern histories of the period and region, they represent the most persistent feature of late medieval warfare within the Empire, a nearly ceaseless series of low-scale conflicts among local noble and urban power holders.¹²⁹

The first of these registers, dated to around 1384, records a brief flare up in hostilities between two factions of lower nobility and their urban allies which were grouped respectively

¹²⁹ Patze, *Geschichte Thüringens*, vol. 2, part. 1., 174f.

around the burgraves of Nuremberg on the one side and the margrave of Meissen and the various branches of the advocates Weida , Gera and Plauen on the other.¹³⁰ The next two, as touched upon earlier, concern an expedition carried out by two prominent margravian vassals, Rudolf of Bünau and Heinrich of Lichtenstein, against the environs of the town of Hof in 1401.¹³¹ The fourth register relates a very minor raid into the territory of the advocates of Gera organized by the lord of Waldenfels with the aid of several members of the Franconian lower nobility and the burghers of Hof.¹³² Although undated, the prosopographic evidence suggests it was drawn up sometime around the turn of the fourteenth-century.¹³³ The final damage register was drawn up at the behest of the burgraves of Nuremberg in 1402 to record a particularly violent incursion of the advocates of Weida into Hof's hinterlands.

Before jumping into this body of evidence, it is worthwhile to undertake a closer examination of what is meant by “chevauchée” tactics. While the term *chevauchée* has primarily been employed to describe the English strategy during the Hundred Year's War of sending out long columns of troops to systematically devastate and terrorize large swathes of French territory, these techniques were not unique to this theatre, but rather common to warfare across fourteenth- and fifteenth-century Europe as a whole.¹³⁴ Whether it be in the innumerable

¹³⁰ The advocates of Weida, Gera and Plauen had their origins as ministerial administrators for the modern territory of the Vogtland in the twelfth century. They acquired high noble rank by the beginning of the fourteenth century but lost their power and territory gradually in the later half of the fourteenth-century to the Wettiner and Luxembourgers. Nonetheless, they remained important in local terms.

¹³¹ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 316-320; StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3217. For background on the Bünau family see André Thieme, “Die frühen Herren von Bünau: Entwicklungen und Strukturen bis zum 14. Jahrhundert,” in *Die Familie von Bünau: Adels Herrschaften in Sachsen und Böhmen vom Mittelalter bis zur Neuzeit*, 97-150.

¹³² StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590 Nr. 3218. The advocates of Gera were one of the numerous branches of the advocates originating from the stem lineage of the family, the advocates of Weida. For the Waldenfels, see Eckard Lullies, *Die Fehde der Guttenberg gegen die Vögte und die Adelsfehde gegen Eger* (Kulmbach: Freunde der Plassenburg, 1999), 58f.

¹³³ Eckard Lullies, *Die Fehde der Guttenberg gegen die Vögte und die Adelsfehde gegen Eger* (Kulmbach: Freunde der Plassenburg, 1999).

¹³⁴ Clifford J. Rogers, *War Cruel and Sharp: English Strategy Under Edward III, 1327-1360* (Rochester, N.Y.: Boydell, 2014); Firnhaber-Baker, *Violence and the State in Languedoc, 1250-1400*, 17-20; ——— “Techniques of

‘private’ wars waged by the nobility, urban elites, or ecclesiastical lords throughout France, or the large-scale warfare conducted by royal armies of the period, all made use of these basic techniques.¹³⁵ Our evidence for German feuding and warfare shows a strikingly similar picture of low to mid-scale conflicts typified by serial raiding and extensive economic devastation. The objectives of feuding German nobles, townsmen, and lord bishops and abbots were identical to those of their counterparts further west. The devastation and terror that they sowed aimed to divest their enemy of his material base necessary to wage war in the first place, while in affective terms they sought to punish him and take vengeance for perceived injuries by “manifesting” their own power through humiliating and terrorizing his helpless subject population.

Despite the frequent recourse made to the alleged restraints imposed upon feuding by the promulgation of territorial peace-ordinances (*Landfrieden*), nothing in any of the evidence examined thus far suggests that feuders paid them any real heed, for to abstain from the customary acts of war would have rendered feuds practically meaningless.¹³⁶ As long as a feud was declared publicly in such a way that the opponent received the *diffidatio* one to three days before the initiation of hostilities, it was generally considered licit regardless of the conduct therein.¹³⁷ What feuders craved above all else were the means to legitimize their violence, which

seigneurial war in the fourteenth century,” *Journal of Medieval History* 36, 1 (2010), 90-103; Kaeuper, *War, Justice, and Public Order*, 80-88. These manners of tactics were common across the medieval period as a whole, but its scope and scale did increase during our period in question.

¹³⁵ Firnhaber-Baker, “Techniques of seigneurial war in the fourteenth century,” passim; Wright, 68f. As Wright correctly points out the vast majority of chevauchées conducted during the Hundred Year’s War took place in the multitude of “private” wars that characterized the conflict more than any of the great campaigns and battles.

¹³⁶ Certainly, the convention of informing one’s foe of the beginning of a feud with a letter of defiance was often adhered to. However, numerous provisions prohibiting particular behavior during feuding or excluding specific groups and economic forms of production from attack seemed to have been largely ignored or deployed opportunistically at arbitration courts in order to determine the monetary restitution owed after the conclusion of a feud. For the problems treating the *Landfrieden* as source of law, see Hanna Vollrath, “Probleme um die *Landfrieden*. Fragen an Geschichte und Rechtsgeschichte,” in *Landfrieden. Anspruch und Wirklichkeit*, ed. Buschmann, Elmar Wadle (Paderborn: Schöningh, 2002), 11-30.

¹³⁷ For examples of legal rulings upholding that the presentation of the *diffidatio* was sufficient to ensure the legality of a feud, see Reinle, “Legitimation und Delegitimierung von Fehden in juristischen und theologischen Diskursen

they certainly did not acquire by adhering to the normative constraints on violence drawn up in the *Landfrieden*. Certainly, allegations of “unjust” conduct were often bandied about by parties in the concluding phases of a feud’s settlement. However, it bears to remember that they would have both employed exactly the same type of indiscriminate violence against one another’s subjects and were consequently not calling into question the manner of violence inherent to the feud itself. Rather, they sought to depict their violence as possessing the patina of “legitimacy” that their adversary lacked.¹³⁸

One of the first features of these raiding expeditions documented within the damage registers is the degree to which they would maximize the geographically limited scope of their chevauchées by focusing on a very concentrated geographic radius. As these expeditions were neither equipped for, nor it seems intended to embark on long-range chevauchées deep into an opponent’s territory, they could not undertake the sort of extensive devastation so characteristic of the great princely feuds (cf. The Second German Towns’ War). In fact, they seem to have been so logistically limited that they were forced to depend heavily on local allies, usually friendly towns, as bases of operation from which they could launch their raids. The margravian vassals under Rudolf of Bünau, for example, found not only a safe haven in the towns of Neustadt and Tryptiz where they could rest and resupply, but also a market in which to sell the goods that they had plundered.¹³⁹ Likewise, the Franconian nobles of the burgraves would often

des Spätmittelalters.” In *Frieden schaffen und sich verteidigen im Spätmittelalter/Faire la paix et se défendre à la fin du Moyen Âge*, ed. Gisela Naegle (München: Oldenbourg, 2012), 94f.

¹³⁸ Herbert Obenaus, *Recht und Verfassung der Gesellschaften mit St. Jörgenschild in Schwaben. Untersuchungen über Adel, Einung, Schiedsgericht und Fehde im fünfzehnten Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 1961). I use legitimacy here according to Tilly’s definition in Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back*, ed. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985), 171.

¹³⁹ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 319.

turn to the city of Hof, its surrounding towns, and even other noble families for succor as they led their expeditions into the Vogtland.¹⁴⁰

¹⁴⁰ Raab, 11.

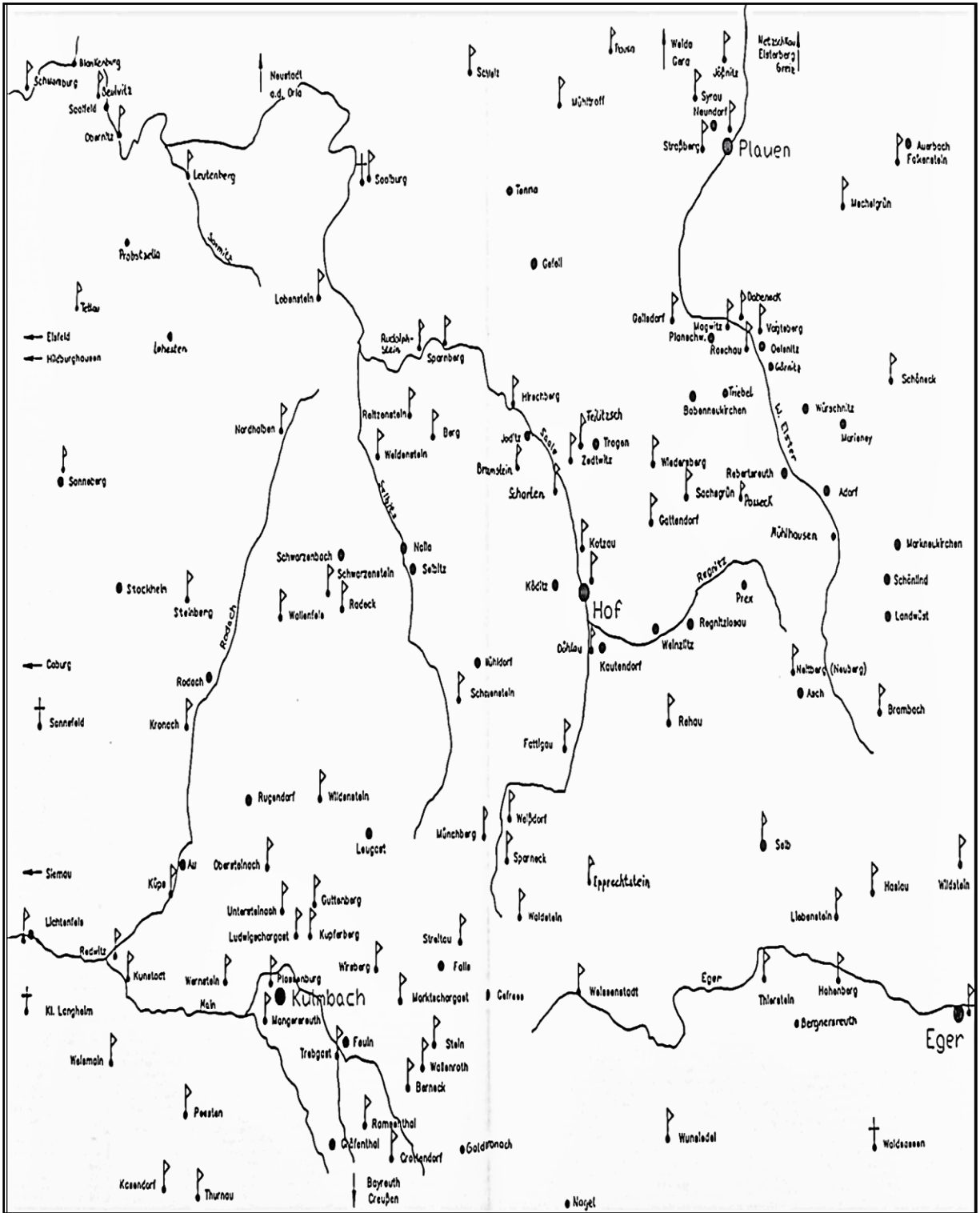


Figure 2. The Regnitzland c. 1400 (Lullies, *Die Fehde der Guttenberg gegen die Vögte und die Adelsfehde gegen Eger*, 1999)

Charting out the targets of these raids highlights the inherent limitations of this form of serial raiding. In the case of the first register, we can see how the two major Franconian noble families caught up in the feud, the Guttenbergs and Kautendorfs, escaped relatively unscathed compared to their opponents. The margravian vassals could only penetrate as far as the villages of Ruchendorf and Kautendorf, which they sacked and burned nonetheless.¹⁴¹ By contrast, the Vogtland was exposed to much more extensive devastation, especially the lands of Eberhardt of Raschau (along the River Elster) and the town of Adorf, which were situated directly on the Franconian border.¹⁴² Six of Eberhardt's villages were plundered and set aflame (Raschau, Triebel, Schönbrun, Burckhardsgrün, Görnitz, and Würschnit), while in the environs of Adorf four villages suffered the same fate (Wirsenciz, Goppoldesgrüne, Schönlined, and Mühlhausen); even the town itself seemed to have endured an attack during a night raid.¹⁴³ The further north the burgraves' vassals pushed, first raiding around the town of Oelsnitz and then the estates of the advocates of Plauen and lords of Jößnitz, the more sporadic their incursions became before they finally petered out at Elsterberg.¹⁴⁴

The remaining damage registers all confirm the geographically limited scope, yet intensive and systematic nature of these chevauchée tactics. The second, third, and fifth registers, which detail the two raids led respectively by Rudolf of Büнау and advocates of Weida into Hof's hinterland, illustrate this particularly well. Rudolf had his men concentrate their pillaging on a five-by-five-mile zone that swept around Hof in a crescent formation. Beginning at Köditz, lying directly to the north-west, they then proceeded to burn and plunder their way eastwards through the villages of Schollenreuth and Hartmansreuth to the governorship of Feilitzsch and

¹⁴¹ Ibid., 7f.

¹⁴² Lullies, 82f.

¹⁴³ Raab, 9ff, 12f.

¹⁴⁴ Ibid., 11f; Lullies, 74ff.

then south to the lordship of Kotzau.¹⁴⁵ The advocate of Weida and his men followed a near identical pattern, this time concentrating their attacks on a large swath of territory curling down around Hof from the governorship of Schauenstein to the southwest through the town of Moschendorf and then all the way up to the governorship of Gattendorf, situated below the governorship of Feilitsch.¹⁴⁶ In total, they pillaged over twenty-five settlements, fourteen of which they burnt to the ground.

Although the scope and scale of these raids may have been limited, the destruction they wrought certainly was not. Even with a relatively modest expedition of men, not numbering more than 300 at the greatest, our feuders were able to effectively inflict long lasting damages on their enemy's economic base. They intended to strike quickly while wreaking the maximum amount of economic damage they could in the shortest amount of time by fire and sword. When these villages were put to the torch, this meant their complete incineration save for the few stone buildings like a church. Konrad Stolle, an Erfurt chronicler, lived through just such an event, when his village of Zimmern, outside of Erfurt, fell victim to a raid launched by hostile noblemen. As soon as the alarm was sounded, he gathered his parents and headed toward Erfurt, while the remaining peasants gathered whatever they could and fled into the city. "All that remained of the Erfurt villages," after the nobles had left, "was the stone which they had not been able burn" he remarked.¹⁴⁷

¹⁴⁵ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 316-320; StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3217.

¹⁴⁶ *UB der Vögtei von Weida, Gera und Plauen*, nr. 433, 361ff.

¹⁴⁷ Konrad Stolle, *Memoriale - thüringisch-erfurtische Chronik - von Konrad Stolle*, ed. R. Thiele, *Geschichtsquellen der Provinz Sachsen und angrenzender Gebiete* 39 (Halle: Otto Handel, 1900), 238.

This systematic arson was so central to feuding that lords would frequently employ a master burner (*Brandmeister/Brandamt*), who was tasked with overseeing the firing of villages and towns.¹⁴⁸ The lords von Cramm, oft foes and sometime allies of the Dukes of Braunschweig-Lüneburg, had in their employ a particularly vicious one, named Hans Dickman of Lauenstein.¹⁴⁹ Set to work in a feud with the Welf governor of Celle, he was accused by Duke Otto and Frederick of Braunschweig (Dec 20, 1438) of the following: in Mellendorf he burnt down fourteen manors, along with a rectory, in Brelingen a house, in Gailhof one manor, the manor of Burgwedel with its outlying holdings, in Otze another manor, at Burgdorf a mill, in Schillerslage a manor and a hovel, in Iserhagen two manors with the children and women inside (who were burnt to death), and finally one last manor at Gailhof. During this one feud alone, this “*openbaren und lantwitliken mortbarnere*” could boast of having fired twenty-six buildings and killed an undisclosed number of innocent women and children. In monetary terms, he had inflicted 2,120 L. mrk., 450 h. lb., 100 fl. worth of damage to his lord’s enemies.¹⁵⁰ What makes Hans Dickman of Lauenstein unique lies not in the immense amount of devastation and suffering he wrought, but that it was documented in such fine detail at all. Moreover, the Dukes of Braunschweig-Lüneburg plaint belied neither a concern for their peasantry nor a moral distaste for such brutal methods, but rather a desire for monetary restitution. In fact, they showed themselves no less adverse in their feuds to the indiscriminate application of arson than the von Cramm.¹⁵¹

¹⁴⁸ Brunner, *Land und Herrschaft*, 90ff.

¹⁴⁹ Heinrich Dormeier, *Verwaltung und Rechnungswesen im spätmittelalterlichen Fürstentum Braunschweig-Lüneburg* (Hannover: Hahnsche Buchhandlung, 1994), 443.

¹⁵⁰ Dormeier, *Verwaltung und Rechnungswesen*, 443.

¹⁵¹ “Das Schadensverzeichnis aus der Eversteinschen Fehde (c. 1409),” ed. Erich Sandow, *Lippische Mitteilungen aus Geschichte und Landeskunde* 23 (1954), 52-107; J. F. Heinrich Müller, *Bremisch-lüneburgische Fehden des 15. Jhs. und ihre Auswirkungen auf die bäuerliche Bevölkerung: Quellen zur Geschichte des Fehdewesens* (Hamburg-Harburg: Helms-Museum, 1980).

Perhaps even more destructive than the incineration of a rural community's physical infrastructure was the extraction of its economic and agricultural resources. This meant above all else livestock. The raiders led by Rudolf of Bünau in the second and third register managed to seize 230 horses, 537 cows, 313 pigs, and 392 sheep along with 9 goats from the five communities that they struck.¹⁵² Not every expedition would of course haul in so much plunder. The Franconian nobles who raided the territory of the advocates of Gera only returned with a paltry 27 horses, 4 foals, 98 sheep, 25 cows, 3 calves, 5 oxen, 11 goats, and 9 pigs, while the advocates of Weida took only 47 horses, 30 sheep, and 17 cows in their raid.¹⁵³ Denuding the peasantry of their livestock not only took away sources of food and income, but more importantly in the case of draught livestock their ability to effectively till and cultivate their land. Draught oxen and horses were incredibly expensive, not easily replaceable, and represented one of the single most important investments of capital that a peasant family could make.¹⁵⁴

Livestock, however, were not the only object of plunder. Often, homes would be stripped bare of any moveable item of value. The peasants of the advocate of Gera complained of how the men of lord of Waldenfels broke into their homes and took pots, pans, clothing, bedding, farming equipment and utensils.¹⁵⁵ In the village of Banschergasse, Eberhardt Tristan, for example, lost “2 axes, a bart, sneitmesse, 1 nuhel, 3 clokes, 4 dresses, numerous belts, a bed, 3 lilach, 2 loaves of bread, 2 seig, and 1 sachel.” Others, like Ditzel Wayner, had 30 yards of linen stolen from them, while an Oswald and Albrecht of the same village even had their shoes taken from them!

¹⁵² *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 316-320; StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3217.

¹⁵³ *UB der Vögtei von Weida, Gera und Plauen*, nr. 433, 360-363. The entries in this register are far less detailed and often only give a monetary evaluation of the livestock taken but not the actual number of them.

¹⁵⁴ Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. Cynthia Postan (Philadelphia: University of Pennsylvania, 1998), 115f.

¹⁵⁵ StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3217.

The physical labor of the peasants was also another resource to be exploited. As we see in multiple incidences, villagers were violently coerced to labor by hostile nobles and their assistants.¹⁵⁶ Ransoms, lucrative as they were, were also an integral component to these incursions, particularly if higher status individuals could be captured. All of the returning raiding parties would have returned with a tail of bound prisoners trailing alongside it.¹⁵⁷

Along with this intent to sow economic devastation throughout the lands of their enemies, these manner of chevauchée tactics also had an affective component. First and foremost, inflicting violence on an enemy's subjects dishonored him and called into question his ability to protect his subjects. As we saw in the first chapter, this type of violence had a personal edge; it was designed to shame, humiliate, and incite. This seems particularly to have been the case in the expeditions launched by the advocates of Weida. Not only did they make it a point to capture the nuns of the Closter of Saint Clare, whose abbess happened to be the sister of the Burgraves John III and Frederick VI of Nuremberg, but they also killed their dependents in the neighboring village of Dreissendorf, which they then plundered and burned to the ground.¹⁵⁸ This type of "demonstrative" violence can be found throughout nearly all of our damage registers. Often it would be connected with symbols of high justice such as the stock or gallows. Rudolf von Büнау's men beat one man to death and then placed him dead in the stock of the village of Wyrä for all to see, while the men of the advocates made an example by stringing up a burgher from

¹⁵⁶ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 316-320; StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3217, line. 42: "Henry of Hayn, Henry of Holbach, named the horrible, and Nikel of Obernycz zu Tausa have impelled our poor folk to work in the village of Godicz at xxx sg"; *UB der Vögtei von Weida, Gera und Plauen*, vol. 2, nr. 433, 363: "The poor folk at Heide were forced to work at a cost of 9 SG."

¹⁵⁷ Register 1: 18; Register 2/3: 6; Register 4; Register 5: 7. Burgravess Kathrine of Nuremberg, Abbess of Saint Clare's, had to pay 50 gulden and 18 sg for her nuns.

¹⁵⁸ *UB der Vögtei von Weida, Gera und Plauen*, vol. 2, nr. 433, 361, 363: "so ist den closterfrawen zu dem Hoffe in dem dorff Ossecke genumen und ir lewte erslagen zu Dreissendorff in dem dorffe."

Hof despite the fact that he had received security (*Geleit*) from the margrave of Meissen to travel there.¹⁵⁹ This type of interpersonal violence has often been played down within the literature, but we have ample evidence that the killings of noncombatants was a typical aspect of these raids. In the course of the feud narrated by the first register, eight peasants were killed, while the second and third registers mention eight specific killings but allude to far more with numerous mentions of “totschlagen” in the third register. These affective components of violence were not lost on the scribes and officials composing our registers. As the scribe of the fourth register wrote, the men of Waldenfels had “humiliated, shamed, and harmed” the subjects of the advocate of Gera to the tune of 30 s. gr.¹⁶⁰

¹⁵⁹ *Urkunden der Markgrafen von Meißen und Landgrafen von Thüringen. 1396-1406*, vol. 2, 2, nr. 475, 318; StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3217, line. 42; *UB der Vögtei von Weida, Gera und Plauen*, vol. 2, nr. 433, 362.

¹⁶⁰ StA Bamberg, Markgraftum Brandenburg-Bayreuth, A 160 L. 590, nr. 3218: “da sye ire smachheit schander und schaden achten an xxx schok g.”



Figure 3. Village being plundered under the sign of Mars (Tübingen, Universitätsbibl., Cod. Md 2 Tübingen Hausbuch, 269r)

What did all of this devastation, arson, pillaging, and violence amount to in quantitative terms and how can we assess its long-term effects on the Regnitzland's economic and demographic landscape?

Table 1 Damages in monetary terms

Damages	Register 1 (1384)	Register 2/3 (1401)	Register 4 (c.1400)	Register 5 (1402)	Total
villages attacked	11		7	25	42
villages burnt	10	3	0	14	27
cows	2	537	33	17	589
sheep	x	392	98	30	520
pigs	x	313	9	0	321
horses	16	230	31	47	324
goats	x	9	11	0	20
killings	8	8	2	1 village, 1	19, 1 village
ransoms	18	6	4	4	32
monetary valuation of damages	303 sg	3000 mrk. 3600 sg	443 sg	7100 sg	13,696 sg (41,008 fl.)

In the roughly twenty-year period between the composition of our first and last damage registers, the Regnitzland experienced a total of nine full-scale feuds that we know of along with a near persistent state of conflict between the local nobility (nearly all of whom participated in the feuds documented in these damage reports) and the town of Eger until 1389.¹⁶¹ For this community and indeed for the broader rural population, this endemic feuding and serial raiding would have assumed almost a rhythmic pattern, akin to the other, less volatile features of rural life. And in such a region where rural communities were exposed to such devastation a few times every decade, rebuilding damaged villages would have proved particularly difficult.¹⁶²

Another way to approximate the scope and scale of this devastation is to compare the total amount of damage assessed in monetary terms (13,696 sg. / 41,008 fl.) with other metrics of noble wealth. Only one of them, the average price of a princely dowry, 30,888 fl., comes close to surpassing it at 75 %.¹⁶³ Even the total income of a wealthier high noble family, like the burgraves of Drachenfels, standing at 5,584 sg. (= 16,753 fl./ 7, 445 mrk.), amounts to just 41 % of the total monetized damages.¹⁶⁴ That a mere four small-scale raids undertaken by no more than around 500 men in total could inflict sufficient economic damages to exceed either the yearly income of an incredibly productive lordship or the average dowry price of the princely nobility should underline the immensely destructive capabilities that this manner of chevauchée tactics could unleash even in the course of relatively minor feuds.

¹⁶¹ *UB der Vögte*, vol. 2, nr. 354, 298; Rothe, c. 749-750; for a prosopographic study on these nobles with a discussion of their feuding participation, see Lullies, *Die Fehde der Guttenberg gegen die Vögte und die Adelsfehde gegen Eger*.

¹⁶² We catch glimpses of the long-term effects of these feuds on this region from occasional mentions of wastes in the region from time to time. See “Das Lehnbuch des Burggrafen Johan III. von Nürnberg,” in *Quellen zur Geschichte der Stadt Hof*, vol. 2, ed. Rudolf von Stillfried and Traugott Märcker (Hof: Rud. Lion, 1896), 409.

¹⁶³ Spieß, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters: 13. bis Anfang des 16. Jahrhunderts*, 361.

¹⁶⁴ Irsigler, 109.

These monetary comparisons can only take us so far since the Regnitzland has not been subjected to an extensive study of its late medieval settlement patterns like that of other regions of Upper Franconia.¹⁶⁵ Consequently, any broader conclusions drawn about the long-term effects of endemic feuding and warfare on the region remain limited. Other regions experiencing similar levels of endemic feuding do give us comparative evidence to draw upon. The evidence they provide is grim, with the large-scale abandonment of regions subjected to regular feuding being the norm and resettlement not moving forward until the sixteenth-century.

Two regions that have received significant attention by scholars who have taken the role of feuding seriously in the formation of late medieval wastes are the Leine and Sintfeld districts, respectively situated to the south of Göttingen and Paderborn.¹⁶⁶ Much like the Regnitzland, the Leine developed into a contested border zone, torn between the great princes of the region, namely the archbishop of Mainz, the Welf dukes of Braunschweig-Lüneburg, and the landgraves of Hessen, and a myriad of intermediate power-holders. Surveying the extensive literature on this district, H. J. Nitz connected the development of wastes in certain locales to periods saturated by endemic feuding and warfare.¹⁶⁷ By meticulously triangulating contemporary charter and narrative evidence with later geographic and archaeological studies, Nitz found that in the course of the fourteenth and fifteenth-centuries upwards of sixty percent of all the arable land was

¹⁶⁵ Wilhelm Müller, "Mittelalterliche Wüstungen in Oberfranken," *Archiv für die Geschichte von Oberfranken* 35, 3 (1951), 40-68.

¹⁶⁶ H. J. Nitz, "Spätmittelalterliches Fehdewesen und regionale Wüstungsmassierung. Eine Untersuchung ihres Zusammenhangs am Beispiel der umstrittenen welfisch-kurmainzisch-landgräfllich-hessischen Territorialgrenzzone im oberen Leinegebiet," in *Genetische Ansätze in der Kulturlandschaftsforschung: Festschrift für Helmut Jäger*, ed. Wolfgang Pinkwart (Würzburg: das Institut für Geographie der Universität Würzburg, 1983), 135-154; Gerhard Henkel, *Die Wüstungen des Sintfeldes. Eine historisch-geographische Untersuchung zur Genese einer alten westfälischen Kulturlandschaft* (Cologne: Geographisches Institut der Universität zu Köln, 1973). This territory lies along the river Leine where the modern federal states of Thuringia, Hessen, and Lower Saxony meet directly south of Göttingen.

¹⁶⁷ Nitz, "Spätmittelalterliches Fehdewesen und regionale Wüstungsmassierung," 138-142.

abandoned as human habitation gradually become unsustainable under increasingly adverse conditions, a great deal of which were linked to the endemic warfare of the district.¹⁶⁸

The desertion of a series of villages connected to the so-called Mainz Fehde (1400-1403) stands as a paramount example of this approach. It began as a classic instance of how readjustments in feudal ties could quickly destabilize an entire region; smarting at a defeat from the town of Göttingen, the lords of Bodenhausen accepted the archbishop of Mainz as their feudal overlord in return for aid against their urban neighbor.¹⁶⁹ Giving the archbishop another foothold in the region upset the delicate balance of power there to such an extent that the Duke of Braunschweig-Göttingen, his vassals, and the town of Göttingen banded together to stamp out Mainz's influence forming to their south. In short order, they conquered the castle of Bodenhausen, along with the archiepiscopal stronghold at Gieboldehausen. The damage to the surrounding settlements was so significant that nearly all of the villages south of Göttingen held either directly or in fief by either the lords of Bodenhausen or the archbishopric of Mainz were completely destroyed and show up as wastes in this feud's aftermath, while those villages surrounding hotly contested, strong points such as Gieboldehausen, became completely deserted.¹⁷⁰

The long-term effects of feuding on settlement patterns are even more stunning in the case of the Sintfeld district. Finding itself the scene of vicious feuding between the bishops of Paderborn and neighboring nobility, its rural communities were crushed by repeated raids and

¹⁶⁸ Ibid., 136.

¹⁶⁹ Ibid., 146ff.

¹⁷⁰ Ibid., 147. These villages were: the villages of the Abbey of Reinhausen, those under the lordship of Bilzingsleben, Etzenborn, Freienhagen, Besenhausen, Rodenbach, Rengelrode, and those villages around Gieboldehausen.

devastation from 1370 onward.¹⁷¹ So destructive was this continuous exposure to feuding that over a thirty-year period forty out of forty-one settlements were permanently abandoned.¹⁷² Eventually, by the mid-fifteenth-century Sintfeld had transformed into an almost completely uninhabited wasteland. Even contemporaneous narrative and documentary sources clearly noted how this process of village abandonment was brought about by the district's continual exposure to feuding.¹⁷³ Contemporaries, as we read in Bishop Simon's lament at the beginning of this section, were keenly aware of the enduring effects that warfare and feuding had on the region. For those in positions of administrative authority, responsible for collecting taxes or seigniorial dues, it became an object of consternation and serious concern. In 1411, the Komtur (the commander or bailiff of a bailiwick) of Westphalia, replying to a tax request from the grand master of the Teutonic Knights, wrote that from all the holdings of his bailiwick he could not even scrounge up a mere 500 fl. since Westphalia "is daily devastated by pillage and burning as the land is never without war."¹⁷⁴

4. CONCLUSION

That endemic feuding and warfare created circumstances in the imperial lands comparable to those experienced by the kingdom of France during the Hundred Year's War seems indisputable on the basis of the evidence presented above. Despite the fact that the vast majority of feuds amounted to little more than serial raiding with occasional clashes of armed

¹⁷¹ Henkel, *Die Wüstungen des Sintfeldes*, 138. Although feuds can be documented as having been waged in the Sintfeld from the first half of the fourteenth century, it was the Bengler (1390-1394) and Korbach-Padberger feuds (1413-1418) that left the longest lasting scare on the region's demographic and economic landscape. Gerhard Streich, "Der Oberweseraum im späten Mittelalter: Stift Corvey und Höxter im Spiegel der Territorialgeschichte," in *Höxter und Corvey im Spätmittelalter*, ed. Michael Koch, Andreas König, and Gerhard Streich, *Studien und Quellen zur westfälischen Geschichte* 72 (Paderborn: Bonifatius, 2015), 118-128.

¹⁷² Henkel, 141.

¹⁷³ *Ibid.*, 138, 141, 148. For particular settlements see 38-41, 51-54, 54-58.

¹⁷⁴ Abel, *Die Wüstungen des ausgehenden Mittelalters*, 140: "noch taglich verderbt wird durch Raub und Brand, indem das Land nimmer ohne Krieg ist."

men and brief sieges, the manner in which these conflicts were waged, with the extensive use of chevauchée tactics, ensured that economic devastation was maximized. This endemic feuding not only fostered conditions of extreme insecurity, but also negatively impacted the economic and demographic landscape to such an extent that once prosperous regions could be altered into no man's lands of sorts. Even those localities not exposed to the more extreme devastation, as seen in the Sintfeld and Leine districts, could expect a cascade of enduring, negative consequences in respect to their settlement patterns, agricultural systems, and overall economic prosperity. Thus, neither the enduring scars inflicted on the empire's demographic and economic landscape, nor the human suffering entailed in feuding, should be counted as mere ephemera. They were as much a determinant in the everyday reality of the feud as was its role as the axial mechanism whereby powerholders violently resolved their legal and political disputes.

Furthermore, in all of this feud-induced devastation, pillaging was not merely an incidental feature, but rather an integral component that served as more than just a means to economically undermine the enemy. It functioned as an effective mode of forcefully extracting large bodies of resources from rural populations. And while not every action in a feud may have produced large amounts of plunder, over the long term this continual process of resource extraction could accumulate significant bodies of wealth for noble and urban feuders alike in the form of livestock, agricultural products, miscellaneous household items, ransoms, and protection money. Feuders were keenly aware of the reserves of wealth waiting to be tapped at the outset of feuds. This is exactly why they not only expended a great deal of effort to obtain plunder, but deliberately formed alliances and unions for the express purpose of obtaining it in preparation for a feud. Often as not, feuds were waged in which the expressed legal or political objective neatly

dovetailed with the intent to obtain resources be they material or non-tangible in the sense of honor, renown, and experience.¹⁷⁵

On this note, it is fitting to end with a story culled from Rothe's inexhaustible reservoir of feuding tales, the *Thüringische Weltchronik*. Sometime in the year 1389, an official of the archbishop of Mainz at Eichsfeld, Dietrich of Hartenberg, decided that he would go plunder the wood wagons leaving from the outskirts of the woods of Hainich.¹⁷⁶ His neighbor, two Wettiner advocates from Cruzberg and Eisenach, caught wind of Dietrich's escapade. And for no other reason than wanting to be the strongest (*fso sie sterckste mochten*), as Rothe says, rode out to ambush Dietrich and take the wood wagons for themselves, which they did along with Dietrich and sixty of his men as captives. In this yarn, we find no underlying legal ground nor even a political dispute as an incitement to feud. Rather, it was the simple desire for loot, renown, and honor. Perhaps the figure of the *Raubritter* may after all not just be a figment in the fever dreams of the nineteenth-century German Bourgeois eagerly devouring volume after volume of Gustav Freytag's *Bilder aus der deutschen Vergangenheit*;¹⁷⁷ perhaps it is an all too close, if highly imperfect, approximation of that pattern of violently extractive behavior ingrained within both aristocrats and even non-noble, urban elites, which found its ultimate expression in the highly destructive capacities of the feud.

¹⁷⁵ Marolf, 224-230.

¹⁷⁶ Rothe, *Thüringische Weltchronik* c. 738, 639.

¹⁷⁷ For his treatment of the feud, see Gustav Freytag, *Bilder aus der deutschen Vergangenheit*, vol. 2: vom Mittelalter zur Neuzeit (1200-1500) (Leipzig, 1889), 273-311.

CHAPTER 3. TOWNS AT WAR AND FEUD

In the year 1406, the townsmen of Zerbst issued a challenge in the form of a satirical song to their particularly hated and longstanding rival, the town of Magdeburg.¹ The women of Zerbst, as the song went, were manlier in their weaving skirts than the townsmen of Magdeburg girded with their swords, given that the only success they would have in a coming feud would be to trample on Zerbst's onion gardens and raise the price of the onion market. Enraged at this affront to their honor, the townsmen of Magdeburg gathered together four hundred of their best men and led a raid into Zerbst's territory, burning and laying waste to every village in their path, taking hundreds of cattle, and capturing notable members of Zerbst's town council. Although such exploits of burgher feuding and violence abound in the late medieval historical record, there remains an underlying assumption that the townsman and the nobleman possessed distinct and mutually antagonistic attitudes toward feuding, violence, and honor.

This distinction cannot, as I shall argue, be sustained by a judicious reading of the extant archival, documentary, and narrative material. Noble and urban lordships employed the same feuding strategies, jointly participated in the contentious feud driven territorial politics that characterized late medieval political life and were equally implicated in an economy of violence typified by rural resource extraction. Certainly, distinctions can be drawn between the particular goals, interests, and political and economic realities faced by noble and urban lordships while feuding, yet they were not two "ontologically different socio-political groups."² Townsmen and

¹ "Magdeburger Schöppenchronik," in *Die Chroniken der niedersächsischen Städte. Magdeburg*, vol. 1, ed. K. Janicke. *Die Chroniken der deutschen Städte 7* (Leipzig, 1869), 321ff. The chronicler also notes that "the townsmen of Magdeburg had become particular enemies of Zerbst" (*sunderlike viende*).

² Duncan Hardy *Associative Political Culture in the Holy Roman Empire: Upper Germany, 1346-1521* (New York: Oxford University Press, 2018), 180.

nobles participated in a common form of political life, one of whose shared features happened to be feuding and warfare.³ Thus, as Otto Brunner forcefully noted, the medieval burgher was no less a *homo oeconomicus* than his noble counterpart, both of whose natures were formed by an “involvement in political and military activity.”⁴ Urban feuding itself transpired at two different levels: that of the town council or urban government and that of particular families, the political affiliations to which they belonged, and, often as not, individuals who operated at the interstices between the two. Although participating in a common enmity-feuding political culture, where the use of violence was routine for political actors, there were sharp distinctions between urban governments and their burgher citizens when it came to their particular interests, capacity to feud, and infrastructural support required to do so. Even so, on the individual to family-faction level, townsmen were just as adept as their governments at wielding the feud to achieve their desired ends.

This chapter will take a top-down approach, beginning with urban governments or lordships and then moving onto a number of townsmen feuds that were waged either by family groups with their extended network of noble and non-noble supporters or more “independent” actors. As to the first, we will focus on the towns of Göttingen, Nordhausen, and Duderstadt with supplementary evidence drawn from other towns of central Germany (southern Lower Saxony, Saxony-Anhalt, and Thuringia) and, where appropriate, the Empire as a whole. Blessed with a particularly rich inheritance of feud related documentation, Göttingen, Nordhausen, and Duderstadt stand as excellent counterexamples to the historiographic assumption that urban feuders were above all reactive, conditioned by profoundly different conceptions of violence,

³ Hardy, *Associative Political Culture in the Holy Roman Empire: Upper Germany, 1346-1521*, 180f.

⁴ Brunner, *Land and Lordship*, 291.

political power, and law than their noble counterparts, and were less implicated in the rural resource extraction that accompanied feuding.

1. Historiography: Past to Present

1.1. Nineteenth-Century Social Imaginaries of Noble-Burgher Violence

This tendency to treat urban governments and townsmen as begrudging and reactive feuders remains prevalent to this day despite the growing recognition that feuding was ensconced at every level of the late medieval German social order. As Reinle rightly noted in her groundbreaking study of commoner and peasant feuds, there exists more than enough evidence to show that “burgher feuding must have been a well-established practice” and consequently a worthy object of research in its own right.⁵ With this senior scholar’s imprimatur, one would expect that studies on urban and burgher feuding would be flourishing, yet it continues to be a topic of only marginal interest within the larger body of contemporary feud research, with a few exceptions granted. Part of this neglect undoubtedly lies in the nature of the evidence; the majority of burgher feuds are buried away in sources (feud books, letter collections, court books, etc.) demanding extensive and time-consuming archival research and often flew under the radar of urban chroniclers except in exceptional circumstances.

Perhaps of even greater relevance are the cultural and intellectual assumptions that still continue to exercise a profound influence on how modern historians have chosen to treat the topic of the late medieval German town’s relationship with feuding and warfare. These assumptions have been nurtured by a nineteenth-century social imaginary of late medieval German political and cultural life that allotted medieval townsmen the role of incubators of post-

⁵ Reinle, *Bauernfehde*, 357. Brunner noted that townsmen restored to feuds as well but just as in his assessment of peasant feuds he deemed them to be illegal, Brunner, *Land and Lordship*, 56f, 291.

Enlightenment bourgeoisie values. This social imaginary arose not merely a result of popular engagement of the educated German bourgeoisie with medieval history but was inextricably linked to the very birth of the German historical profession itself in the second half of the nineteenth-century. For the former, the world of the late medieval town and nobility came to form a tableau upon which they could impress their concerns and anxieties about a contemporary aristocracy that from their perspective had retarded the inevitable triumph of bourgeoisie liberalism and national unity enjoyed by other European nations. While the latter found in “urban history” a form of “bourgeois self-assurance,” discovering “themselves on the way to the roots of nineteenth-century democracy [and] the educated middle-class.”⁶

Nurtured by a popular engagement with the medieval past and tempered by contemporary anxieties, this dichotomy of mutual antagonism between nobility and town ossified into a historiographic orthodoxy of sorts by the turn of the twentieth-century.⁷ However, the mid-twentieth-century saw its hold beginning to loosen. Otto Brunner struck the first blows in the 1950s with a series of publications highlighting the commonalities between the worlds of burghers and nobility in late medieval Austria.⁸ Other historians soon followed suit, chipping away even further at those now increasingly brittle historiographical tenets identifying the late medieval burgher with the liberal bourgeois of the nineteenth and early twentieth centuries; Phillip Dollinger produced a number of fine studies on the aristocratic patriciate of his own

⁶ Vogtherr, “Die Stadt und ihr Recht—Stadtrecht in Nordwestdeutschland,” in *Die Macht der Städte, Von der Antike bis zur Gegenwart*, ed. Michael Gehler (Hildesheim: Georg Olms-Verlag, 2011), 125f.

⁷ Karl H. Roth von Schreckenstein, *Das Patriziat in den deutschen Städten, besonders Reichsstädten als Beitrag zur Geschichte der deutschen Städte und des deutschen Adels* (Tübingen, 1856); ——— *Die Ritterwürde und der Ritterstand* (Freiburg, 1886).

⁸ Otto Brunner, “Bürgertum und Adel in Nieder- und Oberösterreich,” *Österreichische Akademie der Wissenschaften*, 86 (1949), 495-517; ——— “Zwei Studien zum Verhältnis von Bürgertum und Adel. 1. Das Wiener Bürgertum in Jans Enikels Fürstenbuch; 2. Bürgertum und Adel in Nieder- und Oberösterreich,” in *Neue Wege der Verfassungs- und Sozialgeschichte*, ed. Otto Brunner (Göttingen: Vandenhoeck & Ruprecht, 1980), 242-265, 266-280.

Strasbourg,⁹ while Erich Maschke, K. Schulz, and J. Fleckenstein all pioneered research into the role of the ministerials in the development of the urban elites and governance, a direction of research subsequently elaborated upon by Thomas Zotz.¹⁰ As the this dichotomy between the mutually antagonistic worlds of the “town” and “rural nobility” has started to crack under the accumulated weight of evidence, a new picture has emerged that underlies the common ties binding aristocratic and urban elites together over purported ideological and political hostility.¹¹ Urban elites, and the patriciate in particular, not only held much in common with the nobility, but in fact belonged to a shared aristocratic culture, a noble-burgher *Lebenswelt* which urban elites cohabited together with their noble counterparts.¹² Naturally, one would expect that this cultural and social cohabitation would extend to the practice of the feud and attitudes around violence and conflict.

⁹ Philippe Dollinger, “Patriciat noble et patriciat bourgeois à Strasbourg au XIVe siècle,” *Revue d'Alsace*, 90 (1950/51), 52-82; — “Le patriciat strasbourgeois au XVe siècle” in *Etudes rhénanes: mélanges offerts à Raymond Oberlé* (Geneva: Slatkine, 1983), 42-58.

¹⁰ Erich Maschke, “Verfassung und soziale Kräfte in der deutschen Stadt des Mittelalters, vornehmlich in Oberdeutschland,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 46 (1959), 289-349, 433-476; Knut Schulz, “Richterzeche, Meliorat und Ministerialität in Köln,” in *Köln, das Reich und Europa. Abhandlungen über weiträumige Verflechtungen der Stadt Köln in Politik, Recht und Wirtschaft im Mittelalter*, ed. Hugo Stehkämper (Cologne: Paul Neubner, 1971), 149-172; — “Die Ministerialität als Problem der Stadtgeschichte. Einige allgemeine Bemerkungen, erläutert am Beispiel der Stadt Worms,” *Rheinische Vierteljahrsblätter* 32 (1968), 184-219; Josef Fleckenstein, “Bürgertum und Rittertum in der Geschichte des mittelalterlichen Freiburgs,” in *Freiburg im Mittelalter. Vorträge zum Stadtjubiläum 1970*, ed. Wolfgang Müller (Freiburg: Verlag Konkordia, 1970), 77-95; — “Stadtadel im spätmittelalterlichen Deutschland,” *Zeitschrift für siebenbürgische Landeskunde*, 3 (1980), 1-13, — “Über Ritter und Rittertum: Zur Erforschung einer mittelalterlichen Lebensform,” *Mittelalterforschung: Forschung und Information*, vol. 29, ed. Ruprecht Kurzrock (Berlin: Colloquium-Verlag 1981), 104-114; Thomas Zotz, “Adel in der Stadt des deutschen Spätmittelalters. Erscheinungsformen und Verhaltensweisen,” *Zeitschrift für die Geschichte des Oberrheins* 141 (1993), 22-50.

¹¹ Werner Paravicini, *Die ritterlich-höfische Kultur des Mittelalters* (Munich: Walter de Gruyter, 2011); Rainer Demski, *Adel und Lübeck: Studien zum Verhältnis zwischen adliger und bürgerlicher Kultur im 13. und 14. Jahrhundert* (Frankfurt a. M.: P. Lang, 1996); Arend Mindermann, *Adel in der Stadt des Spätmittelalters: Göttingen und Stade 1300 bis 1600* (Bielefeld: Verlag für Regionalgeschichte, 1996); Ben Pope, “Nuremberg’s Noble Servant: Werner von Parsberg (d. 1455) between Town and Nobility in Late Medieval Germany,” *German History* 36, 2 (2018), 159–180.

¹² Hechberger, 518f.

1.2. Contemporary Analogues

Surprisingly, this broader question of the urban role in the late medieval German economy of organized violence has only just begun to find purchase in the general program of feud research.¹³ Indeed, many of the assumptions derived from nineteenth-century historiographical models continue to linger on albeit more subtly, contributing to a historiographic landscape where studies on urban feuding remain either incomplete or poorly integrated in the larger corpus of modern feud research.¹⁴ Despite this rather disjointed historiography, three general tendencies can be discerned within it: (1) towns were passive feuders reacting to a noble dominated order of violence; (2) towns were active opponents of the “noble” feud, employing force on the basis of proto-criminal law to combat and eventually criminalize it; (3) the townsman was a distinct collective identity molded by an antagonism toward the nobility and its championing of the feud in the late medieval Empire’s political order.

The first is by far the most pervasive and abiding tendency. Even those historians like Reinle, who underscore how the feud was embedded at every level of late medieval German society, tend toward the notion that townsmen and urban governments were reactive feuders who preferred to employ “methods of conflict resolution in the furtherance of their political agenda

¹³ For a growing appreciation of the militarization of late medieval urban life and commonalities between urban and noble feuders, see Stephanie Rüter, “Reichsstädte als Kriegsunternehmer? Ratsherren, Bürger und Büchsenmeister als Profiteure der süddeutschen Städtekriege (1376-1390),” in *Die Kapitalisierung des Krieges. Kriegsunternehmer in Spätmittelalter und Früher Neuzeit*, ed. Matthais Meimhardt, Markus Meumann (Berlin: Lit Verlag, 2021), 47-60;

¹⁴ Thomas Vogel, *Fehderecht und Fehdepraxis im Spätmittelalter am Beispiel der Reichshauptstadt Nürnberg* (Frankfurt a. M.: Lang, 1998); Christoph Terharn, *Die Herforder Fehden im späten Mittelalter: Ein Beitrag zum Fehderecht* (Berlin: E. Schmidt, 1994); Orth, *Die Fehden der Reichsstadt Frankfurt am Main im Spätmittelalter*; Brigitte Maria Wübbecke, *Das Militärwesen der Stadt Köln im 15. Jahrhundert* (Stuttgart: Steiner, 1991); Thomas Schilp, “„Krieg, Verschuldung und Stadtpolitik: die Reichsstadt Dortmund im Umfeld der “Großen Fehde” (1388/1389),” in *Reichsstadt und Geld: 5. Tagung des Mühlhäuser Arbeitskreises für Reichsstadtgeschichte*, ed. Michael Rothmann, Helge Wittmann (Petersberg: Michael Imhof Verlag, 2018), 169-200; Dieter Neitzert, *Die Stadt Göttingen führt eine Fehde. Untersuchung zu einer Sozial- und Wirtschaftsgeschichte von Stadt und Umland* (Hildesheim: August Lax 1992); Uta Lindgren, “Kölner Fehden als Problem der Verwaltung und Verfassung (1370-1400),” *Jahrbuch des Kölnischen Geschichtsvereins*, 54 (1983), 1-134; Zeilinger, *Lebensformen im Krieg. Eine Alltags- und Erfahrungsgeschichte des süddeutschen Städtekriegs 1449/50*; Heinz-Dieter Heimann, *Die Soester Fehde. Geschichte einer erstrittenen Stadtfreiheit* (Soest: Mocker & Jahn, 2003).

that avoided open feuding.”¹⁵ This perspective had already found a strong resonance in those scholars undertaking regionally specific case studies of the feuding histories of prominent late medieval cities such as in Elsbeth Orth’s treatment of Frankfurt-am-Main and Thomas Vogel’s of Nuremberg. While both Orth and Vogel acknowledge that Frankfurt and Nuremberg’s town governments recognized the feud as a licit means by which disputes could be settled by force, they underline how urban elites regarded feuding as a last resort that was ideally subsidiary to regular legal proceedings. This urban distaste for feuding, they argue, was born from a particular set of socio-economic interests that encouraged the formation of cultural and legal norms among townspeople distinct from their aristocratic counterparts. Feuding not only jeopardized the networks of trade and commerce on which the towns’ economic livelihood depended, but also fundamentally violated the regimes of “Justice and Peace” (*Recht und Frieden*) that they were working so tirelessly to erect.¹⁶

This alleged variance between urban and noble feuding values has also contributed to a vein of scholarship that allots the roll of protagonist in the “civilizing process” to towns and cities. The foremost advocate of this approach has been Ulrich Andermann. Drawing heavily upon the city chronicles of the northern Hansa towns, Andermann argues that town governments spearheaded “the criminalization knightly violence,” thereby contributing to the “gradual bourgeoisification of late medieval society.”¹⁷ Deeply influenced both by Norbert Elias’ theory of the civilizing process and historical criminology, Andermann maintains that the upper strata of

¹⁵ Reinle, *Bauernfehde*, 226; Orth, 7, 72–77, 105.

¹⁶ On the point of Nuremberg’s concern for rural security, see Ben Pope, “Finding safety in feuding: Nobles’ responses to Nuremberg’s rural security in the mid-fifteenth century,” *Virtus: bulletin van de Werkgroep Adelsgeschiedenis* 23 (2016), 11-32.

¹⁷ Ulrich Andermann, *Ritterliche Gewalt und bürgerliche Selbstbehauptung. Untersuchungen zur Kriminalisierung und Bekämpfung des spätmittelalterlichen Raubrittertums am Beispiel norddeutscher Hansestädte* (New York: P. Lang, 1991), 39.

urban society came to possess specific conceptions of what constituted a proper legal and socio-ethical order fundamentally at variance with that of their noble counterparts.¹⁸ The former consequently strove to usher in a change of norms whereby the aristocratic violence of the feud, even in its “legal” form, would be criminalized and eventually replaced by a new normative criterion of bourgeois values.¹⁹ The most glaring issue with this thesis, aside from its casuistic smuggling in of nineteenth-century anachronisms subtly and not so subtly, is the flattening out of a far more heterogeneous medieval reality by a rather ham-fisted application of the “civilizing thesis.”²⁰ This flattening in turn underlies an oversimplified schemata of the mutually exclusive and hostile world of the town and “feudal” nobility, which either ignores the former’s participation in a broader culture of feuding or reconstrues it merely as “a detail of a broader phenomenon, namely the formation of a statist monopoly on force.”²¹

A more sophisticated elaboration on the theme of urban-noble antagonism can be found in the work of Klaus Graff and Joseph Morsel. Both returned to the questions that so animated their nineteenth-century forebearers: what lay behind the frequent and often bitter enmity between the nobility and towns in the southwestern lands of the Empire from the late fourteenth-century onwards? Graff located this enmity (*Stadtfeindschaft*) in the mutual resentment and distrust festering between the urban elite of imperial cities and towns, like Nuremberg, and the lower nobility with their princely allies that eventually culminated not only in an enduring ideological polarization, but also a series of urban-noble political conflicts throughout the latter

¹⁸ U. Andermann, *Ritterliche Gewalt und bürgerliche Selbstbehauptung. Untersuchungen zur Kriminalisierung und Bekämpfung des spätmittelalterlichen Raubrittertums am Beispiel norddeutscher Hansestädte*, 43f, 114ff, 153f.

¹⁹ *Ibid.*, 245-62, 306-15; also see Isenmann, *Die deutsche Stadt im Mittelalter*, 448ff.

²⁰ As exemplified by his approving quotation of Hegel’s *Philosophie der Weltgeschichte*, see Andermann, 114f. For contemporary criticisms of the “civilizing thesis” in regard to violence and its resurrection in popular histories of the subject see Stuart Carrol, “Thinking with Violence,” *History and Theory* 56, 4 (2017), 23-43.

²¹ U. Andermann, 122: “ein Ausschnitt eines Gesamtphänomens war, nämlich der Ausbildung des staatlichen Gewaltmonopols.”

half of the fifteenth-century.²² Morsel builds upon Graff's "ideological polarization" by treating it as a larger process of a discursive formation of two new mutually antagonistic, collective identities— nobility and burgher, with two markedly different ideas about the role of feuding in the late medieval political order.²³

Together these historiographical currents have fed a tendency to assess burgher and noble violence according to two distinct criteria. Thus, when urban governments feuded, they did so reactively, either begrudgingly forced to accommodate themselves to the leitmotifs of organized violence orchestrated by a warlike nobility, or actively opposed it on legal grounds, prosecuting feuding behavior that they deemed illicit. As a corollary to this juridification of urban feuding, towns and cities have also been removed from the ruthless process of territorial expansion in which their aristocratic peers were furiously engaged.²⁴ Instead, they established parameters of peace and security in a defensive capacity, and shied away, unlike their noble counterparts, from participating in an economy of violence characterized by rural resource extraction. Finally, unlike the nobility, individual burghers rarely waged feuds of their own accord and particularly not against their own civic communities; rather, they submitted themselves, in the ideal case, to the town council's "monopoly" on licit feud violence by which feuds were initiated, conducted, and concluded. Cases of intra-civic feuding are then treated as marginal cases at best or construed more often as semi-criminal behavior, tiptoeing the line between the licit and illicit.

²² Graf, "Feindbild und Vorbild," 124-128.

²³ Morsel, "'Das sy sich mitt der besstenn gewarsamig schicken,'" 154f, 160ff.

²⁴ In an email correspondence with Dr. Dieter Nietzert, he expressed that the historiography has tended to treat the feuding of towns with kid gloves (*mit Samthandschuhen behandelt*) (email, 11.17.2021).

2. Late Medieval Urbanism in the Holy Roman Empire: the Central German Context

Before proceeding further, it is worth drawing out the basic features of urbanism of the late medieval Empire and explain in the selection criteria for why the cities of Nordhausen, Göttingen, and Duderstadt were chosen outside of the specific body of evidence they provide. Above all else, they represent two distinct types of cities representative of the upper echelons of the Empire's urban landscape from the fourteenth-century onward, namely modestly sized towns with either free imperial or dependent lordly status: Nordhausen as an imperial town of modest size with around 10,000 inhabitants and Göttingen (6,000) along with Duderstadt (4,000) as lordly cities with populations falling roughly at 5,000.²⁵

The urban landscape characteristic of the Late Middle Ages in the German lands took shape between 1250 to 1400 when the Empire experienced a sudden proliferation of towns and cities, jumping from around 1,500 at the end of the Staufen era (c. 1250) to roughly 4,000 by 1400.²⁶ One cannot emphasize enough how drastically they varied in their size, manner of government, legal status and political rank, and relationship to the surrounding rural noble and peasant populations. The overwhelming majority (around 95 percent) were no more than oversized villages of around 500 people (referred to as *Zwergstädte* and *kleine Kleinstädte*) with merely the legal title of a town. True metropolises reaching the level of Paris, Florence, or London were a rarity in the Empire with only Cologne and Nuremberg approaching them. "These cities," as E. Isenmann noted, "were the exceptions in respect to the overwhelming mass of small towns which in their reduced functions were often barely able to sustain themselves."²⁷

²⁵ Eberhard Isenmann, *Die deutsche Stadt im Mittelalter 1150–1550: Stadtgestalt, Recht, Verfassung, Stadtrecht, Kirche, Gesellschaft, Wirtschaft*, 2nd Ed. (Vienna: Böhlau, 2012), 62. For Nordhausen, see Werner Mägdefrau, *Europäische Stadtgeschichte in Mittelalter und früher Neuzeit* (Weimar: Böhlau, 1979), 187.

²⁶ Isenmann, *Die deutsche Stadt im Mittelalter*, 53f.

²⁷ *Ibid.*, 50: "sind diese Städte Ausnahmen im Hinblick auf die überwältigende Masse kleiner, in ihren Funktionen reduzierter und oft kaum lebensfähiger Städte."

With such a wide spectrum of characteristics the question of how we are to define a town naturally presents certain difficulties. Take for example one of the most common definitions of a western medieval city as formulated by Max Weber: a city, as an ideal type, should be a centralized settlement with strong mercantile characteristics possessing fortifications, a market, a court with its own law, a communal or corporative character, partial to full political autonomy, and finally a government composed of an authority in which a section of the citizens may participate.²⁸ Many of these characteristics, however, hold true for other late medieval settlement patterns as well. For example, by the Late Middle Ages, many villages had come to develop their own corporative characteristics replete with their own self-governing institutions, law (*Weistümer*), and sense of the common good (*gemein Wohl*), albeit within the framework of rural structures of seignorial lordship.²⁹ The same could be said of noble estates and courts, abbeys and monasteries, and fortified settlements (*Burgfrieden/Gannererben*) controlled by noble family groups and associations.

Instead of delving into the labyrinthine definitional problems briefly outlined above, it is more fruitful to turn towards the various classes of towns as they relate to our case studies. Nordhausen belonged to those classes of towns and cities which were counted as being the direct subjects of the emperor (*Reichsunmittelbarkeit*), the so-called imperial free cities (*civitas imperii, libera civitas imperialis*).³⁰ There were also de facto free cities like Erfurt that had managed to achieve an extraordinary degree of independence and political power within a regional context despite still formally recognizing a superior authority (*superiorem cognoscente*) in the person of

²⁸ Ibid., 48.

²⁹ Ibid., 51f.

³⁰ Peter Bühner, *Die Freien und Reichsstädte des Heiligen Römischen Reiches* (Petersberg: Michael Imhof, 2018), 217-226.

their hereditary lord (*dominus haereditarius*), in Erfurt's case the archbishop of Mainz.³¹ Göttingen and Duderstadt were, by contrast, cities directly subject to the rule of a territorial lord, respectively the Welf dukes of the Göttingen- Lüneburg line and the archbishop of Mainz.³² In academic German parlance, Göttingen would belong to the category of a territorial or seigneurial towns (*Territorialstädte/landesherrliche Städte*), which were towns that served as the administrative center for a territorial lord with military, financial, judicial, and political functions.³³ The extent to which these lords actually exercised direct rule over their towns was by no means uniform or consistent, although usually a limited autonomy was permitted by the lord through the bestowing of privileges and a degree of self-governance. In many cases, this accumulation of privileges and autonomous institutions of self-governance drew itself out in a gradual process that in some cases could foster a commonality of interests between lord and town or spiral into mutual hostility as both sides sought to exert ever more authority at the expense of the other.

Göttingen's late medieval history is representative of this dynamic. For the first three quarters of the fourteenth-century, the citizens of Göttingen were blessed with a convergence of interests with their Welf rulers, facilitating a period not only of internal consolidation, but also

³¹ Carl Beyer, Johannes Biereye, *Geschichte der Stadt Erfurt von den ältesten bis auf die neueste Zeit*, vol. 1, (Erfurt: Keyser'sche Buchhandlung, 1935); Beyer, *Geschichte der Stadt Erfurt bis zur Unterwerfung unter die mainzische Landeshoheit im Jahre 1669* (Halle, 1893). For a more recent study on Erfurt's political status, see Peter Bühner, "War Erfurt eine Freie Stadt?," *Mitteilungen des Vereins für Geschichte und Altertumskunde von Erfurt* 80 (2019), 5-30.

³² Duderstadt: Julius Jaeger, *Duderstadt gegen Ende des Mittelalters* (Hildesheim, 1886); — "Die Verfassung und Verwaltung der Stadt Duderstadt." *Unser Eichsfeld* 2-5, 7-8 (1907-1912): 129-135, 166-175; 18-30, 117-127, 166-174; 97-107, 152-163; Peter Aufgebauer, "Wie Duderstadt und das Untereichsfeld an Mainz kamen," *Eichsfeld Jahrbuch* 6 (1998), 24-38. Göttingen: Olaf Mörke, "Göttingen im politischen Umfeld: Städtische Macht- und Territorialpolitik," in *Göttingen: Geschichte einer Universitätsstadt*, vol. 1, ed. Dietrich Denecke, Helga-Maria Kühn (Göttingen: Vandenhoeck & Ruprecht, 1987), 260-293.

³³ Isenmann, *Die deutsche Stadt im Mittelalter*, 280-285; Peter Moraw, "Reichsstadt, Reich und Königtum im Späten Mittelalter," *Zeitschrift für Historische Forschung* 6, 4 (1979), 411-415; Jürgen Sydow, "Zur verfassungsgeschichtlichen Stellung von Reichsstadt, freier Stadt und Territorialstadt im 13. und 14. Jahrhundert," in *Les libertés urbaines et rurales du XIe au XIVe siècle* (Brussels: Pro civitate, 1968), 281-309.

external expansion in both economic and political terms.³⁴ Under the rule of Duke Otto III the Wicked, this symbiotic relationship began to fray as Göttingen started to view its prince less as a protective overlord (*Schutzherr*) than an obstacle to its pretensions to political autonomy and authority over its hinterland.³⁵ These tensions eventually spilled over into an open feud in the Spring of 1387 when one of Otto's officials kidnapped a few Göttingen townsmen during negotiations over the Walkenried tithes of the village of Rosdorf. Despite suffering up to 8000 marks of damage to their rural holdings, Göttingen vanquished Otto's army at the Battle of Rosdorf in late July of that year, not only permanently driving their hereditary Welf lords out of the town's walls, but also establishing itself as an "autonomous" city.³⁶ This in turn launched Göttingen into becoming a more active participant in the late medieval economy of feuding violence through its attempts to round out its territorial acquisitions.³⁷ Duderstadt, by contrast, remained more tightly bound to its feudal lord, the archbishop of Mainz. Their relationship was for the most part symbiotic with the town dutifully supporting its liege lord in his numerous conflicts in the region, while experiencing a boost in its commercial fortunes until the mid-fifteenth-century when shifts in trade routes and the declining importance of the Hansa reduced it to a more limited economic role.³⁸

³⁴ Mörke, "Göttingen im politischen Umfeld: Städtische Macht- und Territorialpolitik," in *Göttingen*, vol. 1, 267.

³⁵ Mörke, 273f; Paul Ehrenpfordt, "Otto der Quade, Herzog von Braunschweig zu Göttingen (1367-1394)," PhD Dissertation, Friedrichs-University Halle-Wittenberg (1913), 11ff.

³⁶ Mörke, 281f; Wagner, *Die Göttinger Fehde von 1387*.

³⁷ Mörke, 280-288. One should note that although Göttingen was technically an autonomous town it still chose to deliberately portray itself as subject to its princes, despite at times coming into conflict with them. Regardless of how powerful a town could become, the prince still controlled the hinterlands in which the town and its burghers had holdings, not to mention the many roads they depend on for their trade. It was about maintaining a balance between autonomy and dependence, the defining mark of any good town council's ability to rule.

³⁸ Ewald Genau, "Die wirtschaftliche Entwicklung in der Goldenen Mark Duderstadt vom 10. bis ins 15. Jahrhundert," *Die Goldene Mark* 25 (1974), 5-14. By the fifteenth-century, Duderstadt found itself under the lordship of the archbishop of Mainz who acquired the town in 1366 from the bankrupted Grubenhagen line of the Welf ducal house. The town flourished under Mainz's lordship, acquiring by 1400 a significant extramural territory of a 10 km radius with 16 villages.

3. Case Studies: Urban Lordships at Feud

This section will begin with a reappraisal of one of the key sources for urban feuding, namely the so-called feud books, with a reading of Göttingen's *liber dampnorum*. The earliest feud book of its kind, the *liber dampnorum* has traditionally been interpreted as judicial in nature; that is, as an extended series of damage registers in cartulary form composed in response to noble aggression which was intended to be employed as justiciable legal evidence. I reverse this interpretation by presenting a reconstruction of how the *liber dampnorum* could have also possessed an "offensive" function in the town government's drive to establish an extensive extramural zone of influence (*Stadtmark*) in the face of noble opposition. Next, this section directly addresses urban feuding in practice by drawing attention to the similarities between urban and noble feuding, specifically the premium put on inflicting the greatest amount of damage on an enemy's economic infrastructure, while simultaneously extracting resources from rural communities through the violence of plunder, arson, kidnapping, and establishment of tributary relationships (Middle Low German: *Dingetale*, Middle High German: *Huldigung*).

The second section will focus on feuds waged at the level of individual burgher families on the basis of evidence pulled primarily from the town of Nordhausen along with relevant sources drawn from other neighboring urban communities. Nordhausen, by some chance of history, experienced a series of feuds in quick succession during the first half of the fifteenth-century with former citizens, who had either been exiled or voluntarily left in order to declare feuds against the town. All of these feuds, three in all, possess as burgher feuds an above average body of documentation that includes charter evidence, correspondences, court documents, and, of course, Nordhausen's feud book.

3.1. Göttingen's *Liber Dampnorum*

The urban feud books of the fourteenth and fifteenth centuries stand, along with the damager registers of the preceding chapter, as one of the most relevant yet understudied bodies of evidence that we have for feuding and warfare in the late medieval Empire. Traditionally they have been interpreted as a reactive response on the part of towns and cities to the aristocratic feuding violence that threatened their economic livelihood and ran against their opposition to the practice of the feud itself. However, a study of one of the earliest of these feud books, Göttingen's *liber dampnorum civibus illatorum*, suggests that they could encompass more than just a reactive and defensive purpose. As I shall argue, the *liber dampnorum* served as more than just an instrument for recording damages suffered by Göttingen's citizens to serve as justiciable evidence for subsequent demands of restitution or to legally prosecute and punish noble feuders. Rather, it was also composed with an eye to assist in a broader policy undertaken by Göttingen's town government to expand and secure Göttingen's *Stadtmark* in the face of a myriad of noble power holders who looked on with suspicion as their urban neighbor slowly extended the tendrils of its influence into the rural hinterland.³⁹ Thus, instead of arising merely as a response to the aggression of noble feuders infringing upon urban order, the *liber dampnorum* was created to address a reality in which noble and urban lordships were both equally matched political actors attempting to claim "space" at the other's expense.⁴⁰ This reading in turn calls into question the assumptions about urban governments as begrudging feuders whose feuding strategies and practices were of a completely different order than their aristocratic counterparts.

³⁹ Mörke, 280-288; Gerhard Bartel, *Der ländliche Besitz der Stadt Göttingen. Entwicklung, Bewirtschaftung und Verwaltung vom 13. Jahrhundert bis zu der Gegenwart* (Hildesheim: August Lax, 1952), 63-68.

⁴⁰ Schubert, *Geschichte Niedersachsens*, vol. 2, 1, 652f.

Before proceeding further to the finer details of this argument, it is worth bringing attention to how the feud books fit into a broader revolution in lay record keeping and the extant historiography on these remarkable documents, meager though it may be. These feud books arose in the context of a veritable documentary revolution among the towns and cities of the Empire. Advances in the techniques of urban governance dovetailed with the spread of urban literacy to produce a profusion of municipal registers, books, muniments, and various types of written instruments that continued to expand as the Late Middle Ages progressed.⁴¹ Thus, just like the myriad of other increasingly sophisticated political, financial, and legal competencies entailed in effective urban governance, so too did the expanding scope and scale and intensity of feuding and warfare require more robust documentary practices for towns to keep pace. Göttingen seems to have been one of the most forward-thinking towns in this regard as it was there that we find the earliest feud books to my knowledge, the *liber dampnorum civibus illatorum* and *Sune-Bok: Liber de damnis nobis nostris comburgensibus et commorantibus per infra scriptos factis et illatis*. The first spans respectively in its two sections from 1331 to 1346 and then 1417 to 1456, while the second runs from 1366 to 1391.⁴²

By the turn of the fifteenth-century, more and more towns began to engage in similar documentary practices regarding feuding, compiling various types of books and cartularies with which they could generate an effective record of the various actors that their town was at feud with.⁴³ In one document, they could compile detailed information and documentation pertaining to the initiation, course, and resolution of their various feuds and enmities.⁴⁴ Despite the feud

⁴¹ Isenmann, *Die deutsche Stadt im Mittelalter*, 434-441.

⁴² StadtA Göttingen, B 7, Ms 1.10, *liber dampnorum civibus illatorum*; — Ms 1.12. *Sunebok. Liber de damnis nobis nostris comburgensibus et commorantibus per infra scriptos factis et illatis annis a nativitate domini et diebus subscriptis*.

⁴³ Isenmann, *Die deutsche Stadt im Mittelalter*, 436f.

⁴⁴ Evelien Timpener, “Die Verwaltung der Fehde: eine Studie zum Nordhäuser Fehdebuch,” *Beiträge zur Geschichte aus Stadt und Kreis Nordhausen* 40 (2015), 25-42. Timpener is concerned foremost with how feud

books' prevalence in urban archives and evident importance to urban feuding practices, they have remained woefully understudied when compared to the rich and still growing scholarship on the late medieval proliferation of urban documentary practices and literacy as a whole.⁴⁵ Consequently, we possess only a superficial understanding of how this documentary type evolved to interface with urban feuding strategies and practices.⁴⁶ In his study of late medieval documentary types, H. Patze framed feud books simply as a new form of written instruments to “serve the upholding of peace,” which was tightly connected to changes in legal thought among an urban population that increasingly viewed the feud as semi-legitimate at best.⁴⁷ Timpener expands upon Patze's analysis in her study of the Nordhausen feud book by demonstrating how it functioned as an effective instrument of conflict management that in tandem with other forms of political communication (*Briefbücher*) was employed “to curb, control, and regulate everyday regional conflicts.”⁴⁸

books fit into a larger process of political communication between urban governments; Andrea Boockmann, *Urfehde und Ewige Gefangenschaft im mittelalterlichen Göttingen* (Göttingen: Vandenhoeck & Ruprecht, 1980), 18f.

⁴⁵ Boockmann, “Fehdebücher,” in *Lexikon des Mittelalters*, vol. 4 (Munich: J.B. Metzler, 2020), col. 335; Joachim Ehlers, “Historiographie, Geschichtsbild und Stadtverfassung im spätmittelalterlichen Braunschweig,” in *Rat und Verfassung im mittelalterlichen Braunschweig. Festschrift zum 600jährigen Bestehen der Ratsverfassung, 1386-1986*, ed. Manfred R. W. Garzmann (Braunschweig: Stadtarchiv Braunschweig, 1986), 99-134; *Die Acht-, Verbots- und Fehdebücher Nürnbergs von 1285-1400*, ed. Werner Schultheiß (Nürnberg: Selbstverlag des Stadtrates, 1960); “Fehdebuch 1377-88,” in *Die Chroniken der niedersächsischen Städte: Braunschweig*, vol. 1, ed. Ludwig Hänselmann, *Die Chroniken der deutschen Städte 6* (Leipzig, 1868), 9-120; Volker Zapf, “Braunschweiger Fehdebuch,” in *Deutsches Literatur-Lexikon: Das Mittelalter*, vol. 3: Reiseberichte und Geschichtsdichtung, ed. Wolfgang Achnitz (Boston: De Gruyter, 2011), 405f; Klaus Naß, “Braunschweiger Fehdebuch,” in *Die deutsche Literatur des Mittelalters. Verfasserlexikon*, vol. 11, ed. Wolfgang Stammer, Karl Langosch, and Kurt Ruh (Berlin: De Gruyter, 2004), 281. It should be noted that the “Braunschweiger Fehdebuch” is actually a later nineteenth-century compilation from entries in the Braunschweig memorial book.

⁴⁶ Evelien Timpener, “Die Verwaltung der Fehde: eine Studie zum Nordhäuser Fehdebuch,” 25-42; Isenmann, *Die deutsche Stadt im Mittelalter*, 436f; Patze, “Neue Typen des Geschäftsschriftgutes im 14. Jahrhundert,” in *Der deutsche Territorialstaat im 14. Jahrhundert*, vol. 1, ed. Hans Patze, *Vorträge und Forschungen 13*, 2nd ed. (Sigmaringen: Jan Thorbecke, 1982), 56f.

⁴⁷ Patze, 56f.

⁴⁸ Timpener, “Die Verwaltung der Fehde: eine Studie zum Nordhäuser Fehdebuch,” 29.

Unlike the Nordhausen feud book, the *liber dampnorum* has received only one serious treatment, namely that in Peter Hoheisel's study of Göttingen's late medieval chancery. Hoheisel situates the *liber dampnorum* within the documentary practices arising from the town council and judges' jurisdictional responsibilities pertaining to the town's feuds and conflicts with the neighboring nobility.⁴⁹ Although the content of the *liber dampnorum* differs from the later iterations of Göttingen's feud books in that it does not contain copies of the *Urfehde* treaties (oath of peace), feud letters, and notifications (*Verwahrungen*) sent to non-hostile lordships regarding Göttingen's intent to feud with other political actors in their vicinity deposited in the town's archive,⁵⁰ Hoheisel implies it served a similar juridical function and should subsequently be categorized as a species of court protocol book (*Gerichtsbücher*).⁵¹ Hoheisel's interpretation of the *liber dampnorum* fits into the general understanding that feud books were urban governments' reaction to an increasingly complex and feud-filled political landscape that they stood in opposition to. Here, we return to the image of urban lordships as reactive feuders who found themselves buffeted about in raging storms of aristocratic violence through which they had to perilously navigate rather than one in which they themselves took on an active role in the economy of violence.⁵² Thus, even many of the best studies on urban feuding fall back into articulating iterations of the well-worn narrative that it was the wealth of urban merchants that awoke the desire, the "*Fehdelust*," of a feud hungry nobility.⁵³ Even the fruit of exceptional

⁴⁹ Peter Hoheisel, *Die Göttinger Stadtschreiber bis zur Reformation* (Göttingen: Vandenhoeck & Ruprecht, 1998), 57-65. Literature on the *liber dampnorum* remains exceedingly scarce. See Ferdinand Wagner, "Aus dem Stadtarchiv zu Göttingen," *Zeitschrift des Historischen Vereins für Niedersachsen: Jahrgang, 1907* 1 (1907), 27ff.

⁵⁰ Hoheisel, *Die Göttinger Stadtschreiber bis zur Reformation*, 35f. *Verwahrungen* were letters sent to announce to uninvolved parties that they may potentially suffer damages from Göttingen in the course of a feud. The aim of these letters was to forestall future conflicts in the case that these parties suffered damages in the course of Göttingen's feuds.

⁵¹ *Ibid.*, 61ff.

⁵² Boockmann, *Urfehde und Ewige Gefangenschaft im mittelalterlichen Göttingen*, 15f.

⁵³ Orth, 179.

scholarship like Dieter Nietzert's treatment of Göttingen's role in the Hildesheim Beer Feud (1484-86) and Gabriel Zeilinger's book on the Second German Town War, which have not succumbed to this narrative, have not been taken up by other historians to extend their insights beyond the original scope of their given studies.⁵⁴

At the first perusal, the *liber dampnorum* seems to confirm the traditional image of the feud book and by extension urban engagement with feuding as primarily reactive and defensive. The first page recounts how a contingent of knights (*officiales et familiares*) of the count of Waldeck plundered the village Kerstenhausen and other settlements on the outskirts of Göttingen. They stole expensive fabrics, bread, livestock, and all other manner of goods along with forcing some of the townsmen to labor for them, the monetary costs of which the chancery scribe neatly tallied up at the end of every entry.⁵⁵ Moreover, the few scattered references to the use of feud books do appear to confirm this view. One such can be found in a statute, entitled *Quod duo de Consulibus conscribere facient dampna*, issued by the town council of Mühlhausen around 1330 which ordered that:

Likewise, all the members of the town council elected at this time ought to elect two from their member to see to it that the damages and injuries, which have been inflicted by whosoever upon citizens, inhabitants, or anyone else, are written down. It is likewise to be arranged that they record how and in what manner it was decided at court regarding whosoever's damages and injuries.⁵⁶

⁵⁴ Nietzert, 128ff.

⁵⁵ StadtA Göttingen, B 7, Ms 1, 10, 1-3. Due to the poor quality of the imaging and damage to the parchment itself it was impossible to determine the total sum of the damages listed on folios 2-3.

⁵⁶ Ernst Lambert, *Die Rathsgesetzgebung der freien Reichsstadt Mühlhausen in Thüringen im vierzehnten Jahrhundert* (Halle, 1870), 124f: "item omnes consules pro tempore constitui duos debent constituere ex eis ad ordinandum, quod conscribantur dampna civitati et civibus aut incolis quibuscumque irrogata per quoscunque. ordinatur similiter, quod qualiter et quomodo a placitis super dampnis quorumcunque receditur, conscribatur /alle iar der...rad czwene uz en setzen, die da sullen beschrieben waz schaden...burgern odir mitewonern wyderferet und von weme. Ouch sullen die selben schicke, daz beschriben werde, wu und welche wiis man von den tagen scheyde, die man heldet umb schaden, die der stadt odir im burgeren widerfarn ist."

This statute itself does not however provide an exhaustive explanation of how these documents could function, while the inclusion of non-citizens (*incolis quibuscumque*) actually gestures as to how they could assume a less than defensive capacity. A closer reading of the *liber dampnorum*, however, challenges both the assumptions with respect to the nature of urban feuding and the role of feud-books therein.

Before laying out this argument in detail, we should also attend to the diplomatic aspects of this remarkable document and potential drawbacks it could entail. Despite the misleading title, the *liber dampnorum* itself is in fact two discrete “books” whose content, while superficially similar, differ significantly from each other in terms of their actual documentary forms and information.⁵⁷ The first book spans from 1331 to 1346, contains 30 double sided folios of parchment, and is composed almost exclusively in Latin in a gothic cursive script. The town’s chancery scribe, most likely a John of Suwerkeshusen, arranged nearly all the folios of the *liber dampnorum* with line ruling and justification.⁵⁸ While his entries are by no means consistent in their form, they roughly conform to a standard formula: the date by year and liturgical calendar, the names of the offending noblemen, their status, rank, and their lord if applicable, the locale they attacked, followed by a list of the inhabitants whom they had robbed, which items had been robbed, and, finally, their estimated monetary value. Often a tally of the total loss of stolen goods in monetary terms is attached at the end of an entry (Fig. 1 Ms 1, 10, 18). A few other entries were composed with detailed headings or prologues containing a basic “quis, quid, ubi, quomodo, quando,” followed directly below by a vertical list of named persons with the damages

⁵⁷ StadtA Göttingen, B 7, Ms 1, 10.

⁵⁸ Hoheisel, 61f, 237f.

they sustained, or items lost to robbery (see below Fig. 2 Ms 1 10, 22).

Anno dñi 1000...
 nome et sive Ludolphus de...
 Offic' Domoelli in duas...
 Hic sibi nris in dñis pmo dno...
 bano in dñis filio in...

Figure 4. StadtA Göttingen, B 7, Ms 1, 10, 18

Anno dñi 1000...
 bñ Thome apli. allens de...
 abstrahit in...
 agen et eis...
 pmo dno...
 v. x. d. h. konemud una...
 juuenciam qd dicit...
 h. er mamo...
 h. obdani proffer...
 h. Antifabio...
 v. h. ero pluce...
 h. hadrido de melendis...
 h. mamo...
 h. om' de...
 h. em' longi...
 h. em' de...
 h. i. longi...
 h. i. apade...
 h. o. corradon...
 h. i. sapientia...
 h. i. de matomode...

Figure 5. StadtA Göttingen, B 7, Ms 1, 10, 20

Other more miscellaneous information was also affixed to the book's pages, such as a letter whose addressee's name had been scrubbed out, the names of citizens who had been banished along with the monetary sureties they had given to the town council, and two strips of parchment, entitled "computando," glued onto two separate pages which contain a tally of all the damages commuted into their monetary value.⁵⁹

The second book, composed by the chancery scribe Dietrich Winkel, follows a similar format to that of the first book. However, it contains entries of far greater detail and diversity, which gives the overall impression of a miscellany of documentation relevant to Göttingen's feuds collated together. 52 pages in length, its entries reach from 1417 to 1456 and are written in Middle Low German, while occasionally making limited recourse to Latin as well in certain circumstances.⁶⁰ While a full treatment of the various documentary forms composing the entries lies outside the scope of this limited study, a sample thereof should suffice. They range from the typical damage reports, comparable in their form to those of the first book, to highly detailed witness depositions, confessions of nobles and their supporters who had been at feud with Göttingen, and even narrative accounts and series of correspondences between the town council and various members of the Welf ducal house and the neighboring nobility.

These materials are not without their disadvantages. Often as not, Göttingen's feud books are the only sources of evidence that we have for cases of inter noble-urban feuding and violence. It is a rarity to have access to a corresponding series of documents to confirm or deny the entries within Göttingen's feud books, particularly for the first section. This preponderance

⁵⁹ StadtA Göttingen, B 7, Ms 1,10, 4, 6.1, 6.3, 6.4, 29.

⁶⁰ Hoheisel, 61f, 244. It is worth noting that Dietrich Winkel also took an active role in many of the cases he recorded in the *liber dampnorum*. For example, he was sent to intervene in the case of the brothers Vogelberks and Hild Hoppenen who were captured by the advocate of Moringen, Herman Sarmerssen. See StadtA Göttingen, B 7, Ms 1, 10, 8, 2.

of evidence from exclusively urban sources belies the larger challenge that we face in mapping out the topography of noble-urban feuding, namely achieving a parity in perspectives between noble and urban feuders. This challenge is, however, not insurmountable. For the earlier period, more often than not we can identify the loci of dispute that underlay seemingly senseless acts of violence by making recourse to charter evidence and historical surveys of Göttingen's late medieval and early modern landholdings. While, as the entries progress into the fifteenth-century, they not only become more detailed and varied but concern larger scale feuds whose noble participants issued their own body of corresponding documentation. These drawbacks are also compensated by two advantages: the exceptional, often granular level of detail that the *liber dampnorum*'s entries contain and the access that such a source gives us into the inner workings of an urban lordship at feud. This granular level of detail in turn has a two-fold advantage. On one hand, it allows us to glimpse into the everyday experiences of Göttingen's citizens caught up in feuding violence in way that few other sources permit, while on the other it provides a quantitative picture of the economic consequences entailed in feuding for Göttingen itself. As an administrative document, the *liber dampnorum* can also shed light on how the technical advances in record keeping interfaced with the practical demands of Göttingen's extramural political endeavors. However, exactly how the town council instrumentalized this new documentary type to better wage, manage, and resolve its myriad of feuds, conflict, and enmities, still remains opaque.

Nevertheless, it is no coincidence that the composition of the *liber dampnorum* (1331-1341) coincided with the beginning of Göttingen's endeavors to establish a zone of influence in its immediate hinterland, referred to in German as the *Stadtmark*, and to pursue a separate policy

of territorial consolidation.⁶¹ This process of expanding the *Stadtmark* and consolidating a dependent landed territory (*Landesgebiet*) began for Göttingen around the turn of the fourteenth-century; by the second half of the fourteenth-century, it had picked up momentum in earnest as the town began an aggressive campaign of clearing away those noble strong points standing in its path and wringing privileges from the dukes of Braunschweig-Göttingen.⁶² Göttingen's *Stadtmark* and landed territory represented two distinct territorial policies. The former can be best described as something akin to a porous membrane that emanated out from the town's walls to secure its market area by embracing a diverse collection of estates and rights.⁶³ In Göttingen's case, this included roads and highways, mines, numerous estates and courts, various manners of mills, rents from villages, fisheries, and orchards and meadows.⁶⁴ These were held either directly by the town in commune or by enterprising private citizens who by their own accord or at the behest of the town council had acquired real estate in locales deemed of interest.⁶⁵ By contrast, Göttingen's land territory was constituted by a coherent mass of possessions, which the town had direct ownership of. To the east, it consisted of three villages of Ombron, Roringen, and Herberhausen along with the woods, while the villages of Holtensen, Grona, Ellershausen, and Rosdorf formed a protective bulwark to the west.⁶⁶ The medieval German town, we should remember, was anything but an urban island cut off from its rural surroundings. For it to flourish, it needed a degree of integration with its rural hinterlands, not only as a resource of agricultural

⁶¹ Jürgen Köppke, *Hildesheim, Einbeck, Göttingen und ihre Stadtmark im Mittelalter. Untersuchungen zum Problem von Stadt und Umland* (Göttingen: August Lax, 1967), 2ff.

⁶² On this period of Göttingen's history, see Köppke, *Hildesheim, Einbeck, Göttingen und ihre Stadtmark im Mittelalter*, 165f.

⁶³ Tom Scott, "Town and country in Germany 1350-1600," in *Town and Country in Europe, 1300-1800*, ed. S. R. Epstein (New York: Cambridge University Press, 2001), 215f. ——— *Town, country, and regions in Reformation* (Boston: Brill, 2005), 243f.

⁶⁴ Köppke, 143-164.

⁶⁵ Bartel, *Der ländliche Besitz der Stadt Göttingen*, 8f.

⁶⁶ Mörke, 279.

produce and trade upon which urban communities depended, but also to ensure safe passage for the vital traffic of merchants, their wares, and agricultural produce to and from the town along the network of highways connecting it to the larger economic world.⁶⁷

Establishing a productive *Stadtmark* in a town's rural hinterland and dependent landed territory of course necessitated the use of force. Certainly, many acquisitions of property, rights, and jurisdictions could be acquired through purchase and pledges, yet the displacing of these noble claims to ownership and lordship was often accompanied by protracted conflicts. "The legal lay of the land outside the town's walls was," as Köppke noted, "a question of power before all else."⁶⁸ The inevitable consequence of this was that nearly all of the significant towns around Göttingen and the Harz region upon which this chapter is centered were caught up in extensive conflicts throughout the fourteenth-century with neighboring noble power holders over exactly who would lay claim to the urban hinterlands.

Exactly how the *liber dampnorum* served the needs of an urban government intent on actualizing a project of extra-mural territorial expansion may be best illustrated by drawing attention to one of the more enigmatic aspects of this document. This is the appearance of villages and settlements not yet possessed by Göttingen either fully, in part, or through pledge. The question that we must naturally ask is: why would these settlements over which the town exercised no authority or influence in terms of formal rights feature so prominently in the *liber dampnorum*'s entries? A hasty reader of these entries may well conclude that the *liber dampnorum* was simply making a point of identifying those settlements and villages in which its citizens had suffered damages to their properties and person, yet within many entries there are

⁶⁷ Köppke, 202-220.

⁶⁸ *Ibid.*, 179: "Die extramurale Rechtslage stellte vor allem eine Machtfrage dar."

numerous individuals who clearly have no particular connection to the town as far as can be discerned from the information contained within the entries themselves.

The answer to this conundrum lies in how the *liber dampnorum* served as both a legal resource and an instrument with which Göttingen's government could in effect lay some sort of claim upon these settlements, which could later be actualized by formal acquisition through purchase, pledge, or, often enough, outright force.⁶⁹ Entering settlements into the *liber dampnorum* was not a neutral act; it represented the town council making a claim on locales that, as we shall soon see, were often the loci of conflict between Göttingen on one side and either the dukes or neighboring nobility on the other. Moreover, the non-citizens of these locales, like the *incolae/mitbewohner* of the Mühlhausen statute, were also offered an opportunity to recoup their losses by turning to the intercessory power of Göttingen, which would represent them in the legal proceedings that often arose in the wake of the feud-inflicted damages.⁷⁰ Just as princes interceded into feuds in a manner that they saw fit with respect to their own political ends and their role as upholders of the territorial peace, so too did Göttingen by taking on the claims of non-citizens in locales that it deemed of interest.⁷¹ This intercession had a recursive effect because it increased the demand among princely subjects for the effective resolution of their feuds, or in the case of Göttingen non-citizens for the town's protection. This in turn would cement the authority of both princes and town, drawing ever more affiliated/non-affiliated nobility and non-citizens into their orbit.⁷²

⁶⁹ Ibid.

⁷⁰ There are numerous instances in the *liber d.* of restitution being made by the noblemen. These restitutions are usually appended to the end of an entry. For examples, see StadtA Göttingen, B 7, Ms 1, 10, 7: "...qui valuerunt iii marcas puri argenti et illos nobis restituit;" 22f: "...de istis vaccis restituit ali xxiiii."

⁷¹ Rothmann, "Adlige Eigenmacht und Landesherrschaft: Die Fehde als politisches Instrument in Thüringen und Meißen," 145-164.

⁷² Thieme, "Zum Fehdewesen in Mitteldeutschland. Grundlinien der Entwicklung im 15. und 16. Jahrhundert," 66f.

To better grasp how the *liber dampnorum* functioned as an instrument of extra-mural urban expansion, we will turn to one of the myriads of unassuming settlements that feature prominently in its entries and would later fall within the *Stadtmark*. One such settlement is the village of Diermarden. Lying approximately six kilometers southeast of Göttingen on the banks of the river Garte, Diermarden and its inhabitants found themselves the subject of multiple entries within the *liber dampnorum*. Originally, the village had been connected to the bishopric of Hildesheim. By the beginning of the fourteenth-century, it fell under the jurisdiction of the Welf governorship of Friedland (est. 1289), based around the castle of Friedland, which the Welf dukes had built around 1280 to secure their southern borders along the River Lien.⁷³ At this point in time, Göttingen held no rights to, nor any properties in the village itself and would not until the beginning of the fifteenth-century when it started to exercise a more formal degree of control there.⁷⁴ This region in general, including the castle of Friedland, would later come to form an essential part of Göttingen's *Landwehr*, or system of defenses, in the first quarter of the fifteenth-century when it was integrated into them through a series of purchases and fortifications.⁷⁵

The *liber dampnorum*'s entries on Diermarden themselves recount how the village suffered two successive raids in 1331 and in 1333. The first of these was carried out by the knight Albrecht of Stockhausen, a castellan and official of the castle of Friedland.⁷⁶ To Albrecht

⁷³ Gertrud Wolters, *Das Amt Friedland und das Gericht Leineberg: Beiträge zur Geschichte der Lokalverwaltung und des welfischen Territorialstaates in Südhannover* (Göttingen: Vandenhoeck & Ruprecht, 1927).

⁷⁴ Mörke, 277, fig. 1. Göttingen would not even exercise lower and high courts of justice along with possessing any real estate and forest rights until the 1550s.

⁷⁵ Burg Friedland fell into Göttingen's hands in 1425 when Duke Otto was forced to pledge it to remedy his worsening financial situation. See Köppke, 146; Bartel, 17; *Urkundenbuch der Stadt Göttingen vom Jahre 1401 bis 1500*, vol. 2, ed. Gustav Schmidt (Hannover, 1863), nr. 106, 66-70. A *Landwehr* is a system of defensive embankments, fortifications, ditches, and watch towers designed to provide a first line of defense against enemies raiding into a town's direct hinterland. Towns often developed relatively elaborate systems of defense replete with watchmen, patrols, messenger systems, and even spies (often women due to their more inconspicuous nature). Köppke, 189-191.

⁷⁶ StadtA Göttingen, B 7, Ms 1.10, 25.

we will shortly return below. Albrecht burnt down four houses and eight fishing ships (amounting to 8 marks worth of damages) and seized provisions from a granary, while also seizing 50 head of cattle from an adjoining settlement of Gheysinana. Only two Göttingen burghers appear in the entry, an Ernst Sartus (*Ernesto Sarto nostro conburgensi*), whose losses consisted in the two houses that had been burnt down, and a Johan Syfridus whose granary Albrecht had ransacked. The other named individuals, Henry of Dymerden and Johan Proffer, both appear to have been members of the village of Diermarden. The scribe took care not to refer to them as *noster conburgens* or *conmorans* in the entry for Diemarden itself. This is an important point given that even in entries introduced with *nostris conburgensibus et nostris conmorantibus in villam* distinctions are drawn between citizens and non-citizens by the appending of the term *noster conburgens* to the former.

The second raid that Diermarden suffered was conducted by the young Duke Ernst I of Braunschweig-Göttingen (r. 1344-1367) and one of his officials, Ludof of Oldershausen, another castellan of Castle Friedland. In total, they took 17 cows, 1 bull, 2 calves, 4 goats, 20 horses, a container of dried fish, and caused 22 marks worth of miscellaneous damages.⁷⁷ Exactly like the proceeding entry, the scribe makes distinctions between citizens and non-citizens; the former amount to the village dean Henry, the fisherman Johan Syfridus, a Hermann of Herste along with

⁷⁷ Ibid., 18f. “Item anno domini ccc xxxiii festivity ante symonis et Judae Ludolphus de Oldewordeshus familiaris officialis domicelli nostri ducis Ernesti _/_/_/_/ (illegible) abstulit conburgensibus nostris in Dymerden primo domino Henrico Plebano in Dymerden filio nostri conburgensi et duas vaccas et unum virulum et tres capras. Item Wysselimo pistori ibidem Unam vacam, Theodorico molochinario duas vaccas, Conrado corriatori et Johanae Syfridi pistori suo etiam burgensi nostra residera in Dymerden VI vaccas et unam capram Henrico de Wolprechtshus unam vaccam, Henrico Sellatori duas vaccas Hyldegundae Layne de Stochuss unam vaccam. relictis quibusdam et Kehara Seysensinodis unam vacca. Item Ernesto Sartori duas vaccas et unam lyncam quae dicitur eyn Sterke. Item Ieghenhardo de Bodenhuss duas vaccas et iuvenccam. Item officialis alii eiusdem domicelli abstulerunt seniori Hyldeghero unam tunicam alletium. Item viginti equii ablati in ber_/_felde. Item idem dux ernestus quibusdam intulit Hermano de Herste nostri conburgensi et suo fratri in Villa Histain domicelli orieam et in annona in aplia dampna quae est estimata ad viginti marcas. Item Henrico opidioni ibidem nostro conburgensi dampna quae est estimata ad duas marcas.”

his brother Henry, and the aforementioned Ernest Sartor (the tailor),⁷⁸ while the latter, who were in the majority, were the fisherman Wysselimus, Theodoric Molochinarius (the mallow-dyer), Conrad Corriator (the leather binder), Henry of Wolbrechtshausen, Henry Sellator (the saddler), Hildegund Layne of Stockhausen, Kehara Seysensinodis, Egenhardt of Bodenhausen, and Hildegard the Elder.⁷⁹

Properly contextualizing these two entries demands further elucidation in respect to the relationship between the aforementioned noblemen and Diermarden and what the inclusion of non-citizens implies about the function of the *liber dampnorum*. Albrecht of Stockhausen was no mere penurious knight attracted to Diermarden and its adjoining settlements' wealth; rather, he was, as mentioned above, a castellan of the castle of Friedland and member of the powerful Stockhausen family whose members had become increasingly important retainers of the Göttingen line of the Welf dukes of Braunschweig-Lüneburg in the course of the fourteenth-century.⁸⁰ One particularly important tie between this branch of the Welf dukes and the Stockhausen was the governorship of Friedland and the castle of Friedland, in which the Stockhausen family held castellanies since at least the second half of the thirteenth-century.⁸¹ Thanks to a charter dated to 1317, Albrecht along with his brothers can be identified with certainty as castellans there, with all of them listed in the charter's witness list as "*castrenses in*

⁷⁸ Since Ernst is mentioned as being a citizen in the 1331 entry it could be that the scribe did not feel the need to note his status or that this was a different Ernst, which strikes me as unlikely.

⁷⁹ A definitive proof that Göttingen entered the complaints of non-citizens who lay under a different lordship in the *liber. d.* can be seen most clearly in the case of a laywoman servant, named Gertrud, who belonged to St. Aycoldius, who had a cow stolen from here. StadtA Göttingen, B 7, Ms 1, 10, 5: "item Gertiud ancilla quondam plebani ecclesiae sancti Aycoldi... unam vaccam."

⁸⁰ Ludwig Armbrust, "Göttingens Beziehungen zu den hessischen Landgrafen," *Zeitschrift des Vereins für hessische Geschichte und Landeskunde* 41 (1908), 102. Albrecht appears multiple times as a leader of raids. See StadtA Göttingen, B 7, Ms 1.10, 22f.

⁸¹ August Seidensticker, *Rechts- und wirtschaftsgeschichte Nordeutscher Forsten Besonders im Lande Hannover*, vol. 1 (Göttingen, 1896), 286; *Kunstdenkmale und Alterthümer im Hannoverschen*, vol. 2: Fürstenthümer Göttingen und Grubenhagen, ed. Hector Wilhelm Heinrich Mithoff (Hannover, 1873), 60.

Fretelant.”⁸² Ludolf of Oldershausen can also be assumed to have been a castellan at the castle of Friedland both on account of his title, “*familiaris officialis domicelli*,” and due to the fact that numerous members of his family held castellan fiefs (*Burglehen*) there, surfacing in our sources as castellans as well.⁸³ Albrecht and Ludolf were not the only castellans of Friedland to surface in the *liber dampnorum*, in fact, castellans of this ducal governorships seem to have been some of the most troublesome for Göttingen.⁸⁴

Oftentimes when we encounter such lordly violence directed against dependents it occurs in a situation where one party’s claim to lordship has been placed into question by another. We saw analogous situations earlier in the incident between Bishop Albrecht II of Halberstadt and Count Albrecht of Regenstein at the court of Diftfurt, the fate of the “town” of Kindelbrück, which had been pledged to the lord of Beichlingen,⁸⁵ or the villages caught up in the border struggle between the Welf Dukes and Bishops of Hildesheim over the course of the 1370s and 1380s.⁸⁶ Such violence was often demonstrative in nature, brutally marking out spheres of lordly domination and authority by reminding social inferiors under whose lordship they lay. Although we cannot conclusively say if the raids suffered by Diermarden and its villagers fell into this category of lordly violence, the fact that the villagers chose to turn to Göttingen in response to these depredations suggests that we have a case in which ducal castellans were responding to

⁸² Seidensticker, *Rechts- und wirtschaftsgeschichte Norddeutscher Fürsten Besonders im Lande Hannover*, 60: “Henricus de Stafforte miles, Her. et Alb. nec non Detmar, et Herm. de Stoghusen et Lodewicus de Mengerhusen, castrenses in Fretelant.”

⁸³ L. Armbrust, “Göttingens Beziehungen zu den hessischen Landgrafen,” 214; Heinrich L. Harland, *Geschichte der Stadt Einbeck nebst geschichtlichen Nachrichten über die Stadt und ehemalige Grafschaft Dassel, die um Einbeck liegenden Dörfer, Kirchen, Kapellen, Klöster, Burgen und adeligen Sitze*, vol. 2 (Einbeck, 1859), 513. Other members of the Oldershausen family along with Ludolf appear again in the *liber d.* at StadtA Göttingen, B 7, Ms 1, 10, 24.

⁸⁴ StadtA Göttingen, B 7, Ms 1, 10, 5.

⁸⁵ For the status of Kindelbrück, see Leiniger, *Mittelalterliche Städte in Thüringen: Eine Untersuchung ihrer Entstehung und Entwicklung*, 422.

⁸⁶ *UB zur Geschichte der Herzöge von Braunschweig und Lüneburg und ihrer Lande*, vol. 10, ed. H. Sudendorf (Hannover, 1880), nr. 120, 297-308.

what they saw as an infringement upon their lord duke's lordship over Diermarden. It was often at these unclear boundaries between various jurisdictional competencies held respectively by Göttingen and ducal officials where conflicts and violence were continually generated. While the dispute over the Walkenried tithes at the village of Rosdorf that led to the outbreak of the great Göttingen Feud of 1387 may have been one of the more spectacular examples, these frictions were like dry kindling, easy to light, and liable to flash up into greater conflagrations in the right conditions.⁸⁷

By situating the incidents at Diermarden as part of the broader disputes between noble lordships and Göttingen's expanding influence into its hinterland, it becomes clear that the *liber dampnorum* was not solely intended as a record of justiciable evidence against those nobles with which Göttingen found itself at odds. When non-citizens in locales where Göttingen exercised some form of influence turned to the town to complain about damages and hopefully find some form of restitution, they were effectively acknowledging that the town exercised, or was at least making a pretense to, a protective lordship over them and their community. The *liber dampnorum* was by extension wielded by Göttingen's town council not merely as a written instrument that served legal purposes. Rather, as I contend, it also served the purpose of a long-term policy of expanding the town's extramural lordship either in terms of its *Stadtmark* or dependent territory. In the case of Diermarden, this would eventually be the role that it came to play in Göttingen's *Landwehr*, stretching out to bolster the south-western and eastern reaches of the town's *Stadtmark*.

⁸⁷ Wagner, *Die Göttinger Fehde von 1387*, 11ff; Schubert, *Niedersachsens Geschichte*, vol. 2, 592-603. For a later example over a toll station, see a letter addressed to Duke William in 1459 regarding a burgher who was nearly killed by one of his officials over a toll dispute. See StadtA Göttingen, B 7, Ms 1, 10, 39. Violence, while routine in the establishing, patrolling, and enforcing of the jurisdictional boundaries, did not of course inevitably lead to a feud in incidents in which it was used.

From the beginning of the fourteenth-century onward, Göttingen had had an active interest in drawing Diermarden into its center of orbit. Private citizens of Göttingen, as evidenced in the *liber dampnorum*, had been acquiring properties and rights of various kinds in Diermarden for quite some time. Whether they did so at the behest of the town council cannot always be said with certainty, but the town council did have a well-established practice of commissioning wealthy citizens to buy up properties, rights, and jurisdictions in locales it held to be of interest.⁸⁸ In 1305, a certain Göttingen burgher, Theodoric Herwic, appears to have held two and a half *mansi* in fief in Diermarden, while in 1340 a Göttingen patrician by the name of John of Dimerden, perhaps a relative of the John of Dimerden mentioned in the *liber dampnorum*, found himself tied up in dispute with the Abbey of Wende over two courts he held there.⁸⁹ This piling up of Göttingen's claims only started to truly gain momentum in the first half of the fifteenth-century when the town acquired the rights to first build a watchtower there (the still standing Diemardener Warte) in 1402. In 1415, the town purchased further rights to extend the *Landwehr* through the village's fields, and, finally, in 1424 it acquired both the governorship and castle of Friedland as a pledge from Duke Otto II of Braunschweig-Göttingen.⁹⁰

It is within the entries concerning Diermarden that we can faintly trace out the vestigia of this conflict into which the village had found itself drawn. On the one side stood the town of Göttingen intent on integrating the village into the south-eastern expanses of its *Stadtmark*; on the other, the knightly officials of the ducal governorship of Friedland who were as determined on holding it under the lordship of their lord dukes. The *liber dampnorum*, far from merely

⁸⁸ Mörke, 274-280; Köppke, *Hildesheim*, 169f.

⁸⁹ *Urkundenbuch der Stadt Göttingen bis zum Jahre 1400*, vol. 1, ed. Gustav Schmidt (Hannover, 1863), nr. 61, 48.; Joachim Meier, *Origines Et Antiquitates Plessenses. Das ist: Pleßischer Ursprung und Denkwürdigkeiten* (Goslar, 1713), 239.

⁹⁰ *UB der Stadt Göttingen*, vol. 2, nr. 22, 12f nr. 45, 27f, nr. 48, 28f.

functioning as a reactive instrument drawn up in the face of noble aggression, possessed an “offensive” capacity in Göttingen’s venture to secure its influence over rural communities within its hinterland, which already fell under noble lordships. By recording for posterity those moments of conflict in which these communities had acknowledged in the town council some form of jurisdictional authority, the town government was amassing a body of de facto claims that could later be actualized through formal possession.

There was, however, far more to Göttingen’s successful extramural politics than merely the effective instrumentalization of record keeping, the deployment of its financial resources, and its intercessory role as a legal resource to non-citizens caught up in the growing pains of the town’s *Stadtmark*. To secure their political aims, take vengeance, and protect their honor, the townsmen of Göttingen and neighboring towns were no less averse to employing the violent means of the feud than their neighboring noble lords, dukes, and princes.⁹¹

3.2. Urban Feuding Practices: Göttingen and Duderstadt

Rather than plod through the countless feuds that Göttingen participated in during the course of the late fourteenth and fifteenth-centuries, I have instead chosen to focus on two aspects of urban feuding that have thus far received very little attention: how urban lordships participated in the process of violent resource extraction and their issuance of the so-called “feud ordinances.”⁹² Integral to the habitual plundering and arson of the late medieval feud was the practice of establishing tributary relationships within the rural communities of one’s enemies for

⁹¹ See Ernst Schubert’s remarks in Schubert, *Geschichte Niedersachsens*, vol. 2, 1, 653.

⁹² To give a sense of the extent to which Göttingen participated in feuding and warfare, take one of its feud books that contains over 370 pages of documentation in the form of feud letters, peace treaties, and miscellaneous documents. See StadtA Göttingen, B 7, Ms 16.8, Feyde unde verwarunge. Between the years 1380 and 1500, the sixteenth-century chronicler Franciscus Lubecus recounted twenty-three major feuds in his *Göttinger Annalen von den Anfängen bis zum Jahr 1588*, edited by Reinhard Vogelsang (Göttingen: Wallerstein Verlag, 1994), 554f.

the duration of a hostilities. In northern Germany and those lands bordering on the Harz region (northern Thuringia, Saxony-Anhalt, northern Hessen), this practice of tribute taking was referred to as *dingtale*. Roughly equivalent to the term *Huldigungen* more common in the south, *dingtale* signified the establishment of a tributary relationship between a lord and his enemy's population through the threat of plundering and burning.⁹³ Like *Huldigungen* treaties, *dingtale* amounted to a compact made between a peasant community and their lord's enemy to render him tribute in money or kind in order to ensure that the villagers would remain spared from plundering and burning for the duration of a feud.⁹⁴ Villages that entered into these protection treaties were also expected to remain "neutral" by refraining from assisting their own lord against the enemy.⁹⁵ Göttingen, as D. Neitzert discovered, seems to have kept particularly thorough records of the *dingetal* tribute that it levied on the surrounding villages during its many feuds with the Welf dukes and other noble power holders in the course of the fifteenth-century.⁹⁶

A fair number of *dingetal* treaties and entries in Göttingen's annual financial accounts exist for the so-called Hildesheim Beer Feud (1486-7) that arose on account of Bishop Berthold II of Hildesheim's attempt to better his precarious financial situation by raising a beer tax on the town of Hildesheim. By 1486, what had once been a localized dispute between town and bishop assumed the proportions of a great feud that quickly drew in all of the power holders of the region in the constellation of alliances traditional for the Harz: the bishop of Hildesheim with the

⁹³ Brunner, *Land and Lordship*, 75-79; *Deutsches Rechtswörterbuch*, vol. 2, 1006f; *Mittelniederdeutsches Wörterbuch: A - E*, vol. 1, ed. Karl Schiller, August Lübben (Bremen, 1875), 521. Whether there were significant differences in the content of the *Dingetal* and *Huldigung* protection treaties, I cannot say since they remain relatively understudied topics in the broader feud literature.

⁹⁴ Neitzert, 68. It was not unusual for lords to attempt to transform a *Huldigung* treaty into a more permanent arrangement where a village or community would even after the cessation of the feud be required to continue to pay him tribute. Brunner, *Land and Lordship*, 76f.

⁹⁵ Neitzert, 132, appendix. nr. 2.

⁹⁶ It is noteworthy that these *dingetale* treaties were only discovered due to their inclusion in a set of documents accompanying the financial registers that contained promises of shares in the *dingetale* for Göttingen's allies. Email, Neitzert, 11.17.2021.

Welf dukes of Braunschweig-Lüneburg and Wolfenbüttel-Calenberg-Göttingen arrayed against the Saxon town league of which Göttingen was a member.

During the course of this feud, Göttingen exacted *dingetal* from fourteen villages and seven named individuals (male heads of household).⁹⁷ The methods Göttingen employed to levy this tribute on the rural populace were identical to those used by its noble opponents: the threat of plunder, arson, and violence. Those villages that did not pay were burnt and sacked, while any individuals stubborn enough not to submit found themselves held captive at Göttingen until they did. The village of Gladebeck, for example, was plundered twice before it finally submitted to pay a tribute of 100 gulden and 50 malter of oats, while those two villagers who refused to submit were held in the stocks and had their properties burnt and sacked.⁹⁸ In the case of the village of Hettensen, the damages it sustained after its first sacking by Göttingen were so significant that the chancery scribe noted that “the *dingetal* [of 30 gulden for four months] was so paltry on account of that it [the village] had been plundered and burnt by our men.”⁹⁹ Even those villages that did not enter into formal treaties of protection during a feud could find themselves being extorted as soon as the opportunity presented itself to Göttingen (*Brandschatzung*). Such was the fate of the inhabitants of Wierhausen and Varlosen, who, left with the option of seeing their villages and churches burnt to the ground like their neighbors had just suffered, promptly paid off Göttingen’s men with 10 gulden.¹⁰⁰

Dingetal, as indicated above, also applied to the level of individual heads of household who could be expected to pay for their safety and that of their household. Anyone within the

⁹⁷ Neitzert, 71.

⁹⁸ *Ibid.*, 69f.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*, 70. Note that this “*dingetal*” held only for that one incident and would not protect the two villages from further depredations.

ambit of the feud, who valued their and their family's livelihood, could be found entering into protection agreements with Göttingen. One such man was a lay brother from the cloister Bursfeld who had to pay Göttingen 1 gulden to ensure that his wife could live in Heßbecke unmolested by Göttingen's men for the duration of the feud.¹⁰¹ The extent to which individuals could be caught up in these treaties of protection during a feud could at times be truly astounding. For example, one register of accounts from the Welf ducal governorship of Lauenbrück (1442) contained twenty-two pages of the names of peasants and their *dingetal* payments for the course of just one feud alone.¹⁰²

The payment of tribute in a *dingetal* agreement was not in itself sufficient to safeguard a community from the ravages of Göttingen's troops. Both villages and individuals that entered into a tributary relationship with the town were also expected to refrain from providing their original lords with any manner of aid or succor as would be expected of any of Göttingen's subjects.¹⁰³ The extensiveness and detail of these provisions in *dingetal* treaties indicate not only their importance in practical terms of removing the said village as a base of economic and logistical support from an enemy, but also the extent to which such tributary relationships behaved as de facto lordly ones. In the *dingetal* compact made with the town of Hedemünde, we read that:

In order that they should from this time on be left in peace together with their folk by us and our aforementioned (men), they (must) not receive our enemies, neither protect nor warn them, but rather allow us and our men to ride, go, and return as we please unchallenged and without announcing ourselves beforehand. If they however receive, protect, or warn our enemies or we learn of this, then this *dingetal*

¹⁰¹ Ibid., 72.

¹⁰² Müller, *Bremisch-Lüneburgische Fehden des 15. Jahrhunderts und ihre Auswirkungen auf die bäuerliche Bevölkerung*, 60-64.

¹⁰³ *Göttingen Statuten: Akten zur Geschichte der Verwaltung und des Gildewesens der Stadt Göttingen bis zum Ausgang des Mittelalters*, ed. Goswin Freiherr von der Ropp (Göttingen: Hahnsche Buchhandlung, 1907), nr. 209, 204.

will be permanent. If the folk of Hedemünde were to be forced to serve our enemies, to supply them, or do something else helpful to them and are caught by us or our men or else are found by our enemy and are then captured and ransomed so that some or others are harmed, for this we should and want to remain without blame and want that this be removed from consideration in this *dingetal*.¹⁰⁴

Gladebeck, already having been sacked twice, had the further misfortune of serving as a brief base of operations for ducal troops, for which it faced harsh retribution from Göttingen.¹⁰⁵ Even being violently coerced into ducal service was no excuse, and those individuals who found themselves in such an unenviable position could expect no leniency if caught by Göttingen's mounted contingents. One cannot help but to find the perilous situation faced by these rural communities of fifteenth-century Germany redolent of what we read in the pages of Jean de Venette concerning the plight of the French peasantry during the Hundred Year War or the brutality of twentieth-century counterinsurgency warfare where the rural populations found themselves torn between two sides demanding submission on pain of violent reprisals.¹⁰⁶ Towns were as wont to violently mistreat rural populations in the course of feuds as any noblemen was.

Thus, by any measure, the attitude that Göttingen showed toward those rural communities that it considered as under the lordship of its enemies in the course of a feud can only be described as adhering to normative patterns of noble feuding behavior that we detailed in the proceeding chapter. Indeed, beyond the exacting of tribute, Göttingen's armed contingents also

¹⁰⁴ Neitzert, 132, Appendix, nr. 2: "so dat se sodanne tid over vor uns und de unser vorgemelt mit dem oren felich und umbesorget schullen sin, so furder se unser vigende gud nicht ynnemen, ock nicht weren noch warnen, sunder uns und de unse unverbodet und arges ungeirdet riden, gan und vorkeren laten. Eff se averst dar boven unser vigende gud ynnemen, wereden, warden edder uns jeniges irgen gewarden, also denne schal desse dingetal nicht, sunder alle tid umme sin. Worden ock de luven von Hedemyne darto gedrunge, unsern vigenden to deynen, totoforen edder ander fullestinge to doynde und von uns edder den unsern dar over betreden edder sust mangk unser vigenden gefunden und dannen se dar over fangen, geschattet, da noch manc edder anders beschedigt, des schullen und willen wy von ohnen unvordechtlick bliven und willen dat in desser dingetal authbescheiden hebben."

¹⁰⁵ Ibid., 70.

¹⁰⁶ Wright, 62-79.

demonstrated themselves equally apt at devastation. By the feud's end, they had pillaged and burnt 35 villages and settlements.¹⁰⁷

While the implementation of these tributary relationships appears exceedingly callous and cruel, they were admittedly conditioned partly by military necessities, particularly the pressing need for horse fodder on which Göttingen's mounted contingents depended.¹⁰⁸

Simultaneously, there was also the pure economic gain that came from such exploitative resource extraction, which undoubtedly helped defray the cost of feuding. By the feud's end, Göttingen had raked in 388,5 mrk. and 3 sch. with 260 malter of oats (48,597 liters of oats) from *dingetale* alone, surpassing its income from plunder, 219, 5 mrk. 16,5 sch. 5 dn., by over a hundred marks.¹⁰⁹ There was also another aim to all of this that lay far beyond the purely economic and was embedded in the very fabric of medieval lordship and feuding itself. The exaction of *dingetal* tribute was simply another way that one could violently assert their lordship over rural populations within the framework of a tributary relationship that always held the potential for a more permanent arrangement.¹¹⁰

Göttingen was of course not the only town to make use of this practice. Strewn throughout central and northern German urban archives are traces of *dingetal* treaties, demonstrating their ubiquity among urban feuders, along with records of the plunder and captives won by towns in their feuds.¹¹¹ In Goslar, there still exists a small paper book containing

¹⁰⁷ Letzner, *Dasselische und Einbeckische Chronica* (Erfurt, 1596), 41v, 43r, 43v, 44r, 46r, 50r: Hardsesse, Heddenhausen, Ellingerode, Lichtenborn, Schlerbeck, Ertingehausen, Lesenrode, Dannenberg, Heddenhausen, Bishausen, Gladebeck, Noerten, cloister of Steine, Luttichenroda, Gandersheim, Witzenburg, five villages in the lordship of Humberg, Immessen and seven surrounding villages, Fremissen, Scheden, Obern Scheden, Furburck, and Schoningen.

¹⁰⁸ Nietzert, 72.

¹⁰⁹ Nietzert, 71, 73.

¹¹⁰ Brunner, 77.

¹¹¹ For towns in the more northerly regions of Lower Saxony, see "Stadtrechnung von Osnabrück aus dem 13. und 14. Jahrhundert," ed. Johann C. B. Stueve, *Mitteilungen des Vereins für Geschichte und Landeskunde von Osnabrück* 15 (Osnabrück, 1890), 75-164.

records of the town's feuds, *dingetale*, and plunder.¹¹² One entry, detailing a raid led into the lands of the count of Wernigerode that the townsmen participated in, relates how in 1421:

The governor of our lord with his servants searched out the town of Drubeke where we also had to ride so that they had 36 horses; and there they took cows, horses, pigs, and sheep, and that which belonged to the nuns and their cloister was returned to them as it was reported to me; and that which was not demanded (to be returned) was (held as) plunder: 10 pfennig for each horse; two cows, six pigs, and three sheep. They took their share as did we.¹¹³

Further east in what is now Saxon-Anhalt, we also find further evidence of towns engaging in *dingetale* with neutral or enemy villages during feuds. In one of the peace treaties concluding the 1426 feud between Duke Bernhard VI of Anhalt and an alliance of towns led by Magdeburg, we read how one of the preconditions for peace was the repayment of the *dingetal* which “the men of Magdeburg and their allies, the men of Halle and their allies had taken on the Sunday after the day of the visitation of our Lady from Count Bernhard and his subjects.” The treaty was even more specific in the case of Halle, which had to return all the *dingetal* they exacted from various religious institutions under the duke's lordship: “if the men of Halle had exacted *dingetal* from the churches or their courts on that same day, the *dingetal* should then be given up; what they plundered from the church courts or in the churches themselves, they should also return.”¹¹⁴ The town of Osnabrück also maintained records of the income garnered from the

¹¹² Eduard Jacobs, “Wernigeröder Nachlese (1317-1438),” *Zeitschrift des Harz-vereins für Geschichte und Altertumskunde* 24 (1891), 503.

¹¹³ *Ibid.*, “sochten unses heren ammeechtman mit synen deneren vor Drubeke, unde dar weren unse denere to gereden, so dat se hadden xxxvi perde; unde dar nemen se koye, perde, swine unde schapp, unde wad der juncefruwen was unde was to deme clostere horde, dat gaffe one wedder, wad me des berichten konde, dat ore was; unde wad dar enboven was, dat ward gebutet, unde do wart jowelkem perde to der bute x penninge. ok worde to der bute II koye, VI swin unde III schapp. Ok grepen se dar men, dar hebbe we unsen del ane.”

¹¹⁴ Franz Kindscher, “Zur Fehde des Fürsten Bernhard VI. zu Anhalt mit der Stadt Magdeburg 1426,” *Geschichts-Blätter für Stadt und Land Magdeburg: Mittheilungen des Vereins für Geschichte und Alterthumskunde des Herzogthums und Erzstifts Magdeburg*, 12 (1877), 64f; Landeshauptarchiv Sachsen-Anhalt, Abteilung Dessau, Z 2 Anhaltisches Gesamtarchiv. Urkunden II, Nr. 214: “de vogenanten van Meydeborg unde ore frund, de van Halle unde ore frund am sundage na unsere frauwen dage visitationis uppe den vogenanten greven Bernde und syne undersaten verdinged hebben. hedden ok de van Halle unde de ore uppe den sulven dag kercken edder kerckhove

dingetale treaties that it imposed on surrounding villages and settlements during the numerous feuds it waged with the local nobility and above all the Welf dukes.¹¹⁵

Financial records, as we saw in the case of Göttingen, often contain more detailed information about a town's feuding activities particularly in regard to the resource extraction elements than can be culled from more traditional sources such as feud letters, peace treaties, and narrative sources. One of Göttingen's neighbors, the town of Duderstadt, maintained particularly meticulous records about its feuding activities for the first quarter of the fifteenth-century. The town's finance register (*Kämmereiregister/Annalen*) contains a number of rubrics under which one may find all manner of information on plunder (*de rapina*), captives (*de captivis, von gefangen*), tribute, and other feud related miscellany (*von totsclag, ad reysas*).

The entry for the first year alone, 1396, makes it abundantly clear just how much Duderstadt conformed to Johannes Letzner's dictum that "the poor folk of the country suffer feud and war, while the lords and town make profit from it."¹¹⁶ That year a contingent of Duderstadt's men, the chancery scribe noted, fell upon the village of Dalem where "they beat the peasants, killed a portion of them, and then took their cattle (*"in dussen dorpen hadden unsse dienere die bur vorhouwen unde en deyl dot geslagen und dat vie genomen"*).¹¹⁷ How Dalem found itself in this wretched situation cannot be determined from the entry alone. The preceding entry, which records that "Cruzborn, a servant of Rottingen Abbey, paid one mark for the claim to Dalem (*Cruczeborne, der von Rottingen Knechte, Imk vor de ansprake to Dalhem*)," does

verdinged, sodane dingetal scal los wesen; wat se ok uppe kerckhove edder in kercken genommen hedden...wedderkeren."

¹¹⁵ "Stadtrechnungen von Osnabrück aus dem 13. und 14. Jahrhundert," 78, 111, 112, 114, 132, 145, 150, 152.

¹¹⁶ Letzner, *Dasselische und Einbeckische Chronica*, 49v.

¹¹⁷ Stadtarchiv Duderstadt, Rep 10 - AB3, 5 - Annalen, 007.v; *Allgemeines historisch-statistisch-geographisches Handlungs-Post-und Zeitungs-Lexikon für Geschäftsmänner, Handelsleute, Reisende und Zeitungsleser enthaltend in alphabetischer Ordnung*, ed. Theophil Friedrich Ehrmann, D. Heinrich Schorch (Erfurt, 1805), 1119. Dalem was a village in the governorship of Bilderlach within the archbishopric of Hildesheim.

however seems to suggest that there was some question as to who exercised lordship over the village.¹¹⁸ Within a limited territorial sphere, Duderstadt was as covetous as any of its noble neighbors in acquiring lucrative rights over local villages and assuming the mantle of protective lord (*Schutzherr*).¹¹⁹ And as we have discovered in the preceding chapters, such displays of violence were often tied to one side's attempts to mark out their lordship in the face of competition. Dalem was not the only rural community caught up in these squabbles, nor the last that Duderstadt terrorized and plundered in its many feuds.

From 1402 to 1450, the chancery scribes scribbled in 12 entries pertaining to the plunder and captives (often the two categories are listed together in one entry) that Duderstadt won during its feuds. These entries by no means represent the entirety of what the townsmen and their hired arms won in the course of feuds, since we know that there were years during which the town was engaged in extensive feuding and warfare (1440s) for which the chancery scribe did not record any plunder or captives won from them.¹²⁰ Nonetheless, these entries offer a glimpse into urban feuding rarely afforded to us by either feud books or the feud letters and *Urfehde* that have hitherto formed the bulk of evidence made use of by historians.

¹¹⁸ Ibid. "*Ansprake*" (*Anspruch*) could be a synonym for conflict or feuding or a contested claim to some property or right. For an example, see *Urkundenbuch der Stadt Göttingen bis zum Jahre 1400*, vol. 1, nr. 369, 396-399.

¹¹⁹ Christoph Lerc, "Die Stadt Duderstadt und ihre Dörfer," *Die goldene Mark: Zeitschrift für die Heimatarbeit im Kreise Duderstadt*, 27 (1976), 6.

¹²⁰ *Urkundenbuch der Stadt Duderstadt*, ed. Julius Jäger 2nd edition (Osnabrück: Wenner, 1977), 203f.

Table 2. Duderstadt's feud-related income

entries	Plunder	captives	total
1402 ¹²¹	Morrigen: 4 marks, 16 solidi of sheep. Northeim: 3 marks, 17 solidi, 3 denari of cattle. Lords of Plesse: 3 marks, 1 solidi of plunder.	6 captives: 39 mrk, 2 fl, 3 lot, 13 sol. (note: this was only a part of those captured; they fell upon those before the town)	49 mrk., 45 sol., 3 d., 2 fl., 3 lot mrk.
1403 ¹²²	Evergerdesse: 6 mrk of plunder. Angersteyn: 2 mrk of plunder. The lords of Plesse 6 mrk, 7 sol, 2 dn, 11 fl of plunder. The lords of Hyde: 28 sol of plunder. Luttenberg: 10 mrk, 21 dn of plunder .	Lutterburg: 28 sol. of captives.	24 mrk., 56 sol., 23 dn., 11 fl.
1404 ¹²³	-1 mrk, 37 solidi plunder -3 mrk, 20 solidi of plunder	Claus von der Hyde: 3 fl, 5 sol. Henry von Cumesleynen: 10 fl, ii sol. Reygursdorf: 1 mrk. Bovold: 14 sol. captives from Plochen: viii fl., iiiii sol. captives from Gottingen: iii mrk. Reyneman Wuwer: iii fl, iii d. captives from Schussen and Oberhausen: iii mrk. 1 fl. Mathias: xiiii sol.	24 mrk., 56 sol., 23 dn., 11 fl.
1404 ¹²⁴	armor: 3 fl. 1 sword: 1 fl. misc. weapons: 3 mrk. A belt and purse: 5 lot. mrk. 1 iron helm: 5 lot. mrk. 1 spear: 2 fl. misc: 1 fl. 1 harness: 1 lot. mrk.		7 fl., 11 lot. mark., 3 mrk.

¹²¹ Stadtarchiv Duderstadt, Rep 10, III, 5 Annalen, AB6, 1402, Michaelis 1401-Michaelis 1402, 6v.

¹²² Ibid., AB7, Michaelis 1402-Michaelis 1403, 5v.

¹²³ Ibid., AB7, Michaelis 1402-Michaelis 1403, 5v.

¹²⁴ Ibid., AB8, Michaelis 1403-Michaelis 1404, 8v.

Table 2 Continued

1408 ¹²⁵	Syboldehausen: 3 mrk, 6 lot. mrk of plunder. Boytreburg: 10 mrk of plunder. Zatenhausen: 1 mrk of plunder.	Bertold Wegener: 8 fl. (illegible): 5 fl. 8 sol.	14 mrk., 6 lot. mark., 13 fl., 8 sol.
1439 ¹²⁶		25 captives: 456 gld.	456 gld.
1440 ¹²⁷		12 captives: 55 mrk.	55 mrk.
1441 ¹²⁸		3 captives: 22 mrk, 2 fl, 13 dn, 10 lot mrk.	22 mrk., 2 fl., 13 dn., 10 lot mrk.
total sum:			217 mrk., 33 lot. mrk., 160 sol., 39 dn., 62 fl., 456 gld.

Another indication of how Duderstadt possessed an offensive mentality in respect to feuding are the entries that its chancery scribes kept for the costs that Duderstadt expended to track down its enemies, which the town council had deemed “marked men.”¹²⁹ The compiling of registers of a town’s enemies by town governments was by no means uncommon by the late fourteenth and fifteenth centuries.¹³⁰ Listed under the rubric, “*pro captivis capiendibus*,” literally “[expenses] for captives who are to be captured,” we learn that for the year 1403 the town council had its eyes on six men in particular. All were captured as the scribe informs us with the addition of “they were captured (*isti fuerunt capti*)” at the end of the entry for price of 7 marks

¹²⁵ Ibid., AB12, Michaelis 1407-Michaelis 1408, 4v.

¹²⁶ Ibid., AB22, Michaelis 1438-Michaelis 1439, 67r.

¹²⁷ Ibid., AB23, Michaelis 1439-Michaelis 1440, 77r.

¹²⁸ Ibid., AB24, Michaelis 1440-Michaelis 1441, 85r.

¹²⁹ Ibid., AB7, Michaelis 1402-Michaelis 1403, 7r.

¹³⁰ Reinle, *Baunerfehde*, 231-227; Karl-Friedrich Krieger, Franz Fuchs, “Ehemalige Amtsträger als Feinde ihrer Heimatstadt. Problematische Folgen innerstädtischer Machtkämpfe am Beispiel der Auseinandersetzungen Heinrich Erlbachs mit der Reichsstadt Augsburg (1459-1469),” in *Regensburg, Bayern und Europa. Festschrift für Kurt Reindel zum 70. Geburtstag*, ed. Lothar Kolmer, Peter Segl (Regensburg: Universitätsverlag Regensburg, 1995), 359-362.

and 14 solidi. What fate befell these captives we do not know. It is certainly possible that they could have been forced to swear Urfehde oaths to be ransomed back, like the six men listed under the rubric *de capiendibus* from whom Duderstadt wrung 65 solidi collectively.

Alternatively, they could have also been executed, as such harsh measures were by no means uncommon for towns dealing with inveterate enemies.¹³¹

For Göttingen, effectively waging feuds was like any other military enterprise undertaken by medieval lords and sovereigns. It not only demanded serious investments in capital, manpower, and military planning, but also required a great deal of internal solidarity among the townspeople as a collective body. With feuding studies often focusing exclusively on the prime political actors, we forget that feuds, particularly for towns, were collective endeavors that involved the entire community and exposed them to all the dangers and uncertainties feuding brought along with it. To better meet these challenges, the town council of Göttingen began in the fifteenth-century to issue statutes, here termed feud-ordinances, that regulated conduct among the citizenry and its allies during times of feud. These feud-ordinances addressed four major concerns: the maintenance of moral and internal solidarity, military discipline both in the field and within the town's walls, the distribution of plunder and captives, and, of course, the safety of Göttingen's citizens and allies.¹³²

¹³¹ Reinle, *Bauernfehde*, 213-227. Rothe relates the case of a certain Jena burgher, named Thalman, whom Erfurt deemed a mortal enemy and consequently captured and executed in 1429 when the opportunity presented itself: Rothe, *Thüringische Chronik*, ed. R. v. Lilencron, *Thüringische Geschichtsquellen* 3 (Jena, 1859), ch. 744, 622; Nicolai de Siegen, *Chronicon Ecclesiasticum*, ed. Franz X. Wegele, *Thüringische Geschichtsquellen* 2 (Jena, 1855), 420. From the sixteenth-century Erfurt chronicler, Hogel, we learn additionally that: "steht er [Hans Thalmann] in der Stadt Erfurt altem Feindesregister, genannt das rothe Büchlein, darin ihr feinde und räuber, die ihr vom J. 1409 und ff. von jahren zu jahren abgesagt haben, angeschrieben, ferner mit seine Sträfer abgemahlt" in Hofrath Messe, "Rothe Bucher," *Serapeum. Zeitschrift für Bibliothekwissenschaft, Handschriftenkunde und altere Literatur* 21 (1862), 326f.

¹³² *Göttingen Statuten: Akten zur Geschichte der Verwaltung und des Gildewesens der Stadt Göttingen bis zum Ausgang des Mittelalters*, nr. 120, 136; nr. 202, 197f; nr. 203, 198f; nr. 208; 203, nr. 209, 204; nr. 210, 204f; nr. 288, 499f; nr. 303, 523, nr. 304, 523f.

Göttingen's town council's prescription for guaranteeing moral and solidarity among its ranks, namely forbidding the performance of satirical songs and poems, may come as a surprise to us. However, as we witnessed at the beginning of this chapter in Magdeburg's violent and immediate response to Zerbst's satirical poem composed at their expense, it becomes clear why such legislation was important; it, as the Göttingen town council explained, ensured that "no suspicion, harshness, or irritation may arise" (*jenighe vordacht ungelimp edder vordryet von entstan mochte*) amongst either the town council, the community of Göttingen as a whole, or the town's princely and noble allies. To this end, the town council issued a succession of prohibitions in the 1460s against such satirical songs and poems, even going so far as to forbid the performance of any songs touching on an ongoing feud publicly or privately.¹³³

The ordinances directly regulating the military aspects of feuding display striking similarities with the plunder treaties of Chapter Two as well as modern notions of military discipline with their emphasis on order, chain of command, and preparedness. All military decisions lay with the town council, which expressly forbid any type of individual initiative during a feud: "In the course of this feud, no one should go on their own expedition or plunder and harm our enemies except with the knowledge of the town council" (*nymand schal in dessen krigesgeloufften uppe syn eigen aventhur unse vigende roven edder beschedigen anders danne myt weitm des rades*).¹³⁴ Such disobedience could have drastic consequences for a town's chances at success in a feud, as the town of Zerbst learned in 1393 when they disregarded the orders of their prince, Duke Sigismund, to not engage with the nobles of the Altmark about to raid their

¹³³ Ibid., nr. 203, § 1, 198; nr. 288, § 2, 449: "neyne sage noch word seggen edder singen schulle von heren und forsten, steden edder reden edder dar dem rade edder stad ungelimp edder vodreyet komen mogen; von dussen krigessaken edder jenigerleye anderen gheloufften...uppe heren fursten ritterschup edder stede noch nymande anders."

¹³⁴ Ibid., nr. 303, 523; nr. 209, § 2, 204.

territory. Pursuing them in the aftermath of the raid, the townsmen found themselves caught in an ambush and lost nearly 200 men either killed, wounded, or captured.¹³⁵ High military standards of readiness were also expected of the town's commanders (*Reitmeister* and *Hauptman*), their horsemen, and the armed citizenry. According to an ordinance dated to 1415, both were expected to be prepared at a moment's notice to assemble in the town square day or night as soon as news of an enemy attack surfaced:¹³⁶ the horsemen mounted and fully armed, the armed citizenry organized by guild in the village square with their banners unfurled and fully armed.¹³⁷

The town council also strove to control and centralize the exaction and distribution of plunder. In similar fashion to other extant urban ordinances regulating plunder, Göttingen's ordered that plunder or captives won by burghers, servants, or allies directly in the town's service were to be directly reported to the town council so that it could be registered.¹³⁸ One's share of plunder was directly related to his level participation in the forays, raids, and skirmishes. Thus, those servants who had ridden out with the town council or by their orders against the enemy could take plunder, while those who either did not participate directly in an action but were still present on the field (*were dat men to der tyd up dem velde*), were on watch duty, and were prepared to ride out in a foray (*de warde to rydende odir so up der warde were*) also received a good portion of the plunder (*guden deyl anne hebben*).¹³⁹

The town council even concerned itself with matters of military intelligence by issuing ordinances for the town watch and acquisition of military troops movements. To this end, not

¹³⁵ Reinhold Specht, *Geschichte der Stadt Zerbst*, vol. 1 (Zerbst: Anhaltische Verlagsgesellschaft, 1998), 70.

¹³⁶ *Göttingen Statuten* nr. 120, 136.

¹³⁷ *Ibid.*, nr. 71, ii., 81-84; nr. 102, vii. van wapen to hebbende unde von der jacht, § 66-81, esp. 66-71, 119ff.

¹³⁸ *Ibid.*, nr. 203, § 2; nr. 303, 523.

¹³⁹ *Ibid.*, nr. 225, D., "Deynere," § 1-2, 233f.

only had it established a system of scouts and watch towers, but also offered considerable monetary enticements (ranging from 50 to 100 Gulden) along with threats to induce both citizen and non-citizen alike to provide valuable information about the town's enemies, particularly those intent on committing arson (*unse mortberners unde oveldeders*).¹⁴⁰ Citizens who obstructed the acquisition of such information faced harsh consequences, namely execution or the expropriation their goods and property at the hands of the town council (*wolden wii on, wo wii des hinder se kemen, na live unde gude stan*).¹⁴¹

These ordinances were no mere prescriptive window dressing. They were issued to ensure that Göttingen could effectively wage feuds and come out on top in situations where it had to contend with the extensive devastation of extramural holdings, the loss of life and property of its citizens and allies, and a numerically superior enemy.¹⁴² A prime example of these ordinances' effectiveness in action can be seen in Göttingen's feud with Hans of Boventen and Herman of Haus in 1486.¹⁴³ The town of Göttingen and these two nobles were already well-established enemies and it was not the first time they had come to blows with one another.¹⁴⁴ On the night of February 9th, Hans and Herman led a night raid into the village of Dramfeld, which they promptly burnt and plundered, driving the captured peasants and plunder back to their castle at Jühnde.

As soon as the town council learned of the attack, it summoned 400 men on horse and foot under the leadership of the town captain Detmar of Adelepsen and that night ordered them

¹⁴⁰ Ibid., nr. 19, § 5, 38; nr. 304, § 1-5, 523f.

¹⁴¹ Ibid., nr. 304, § 7, 524.

¹⁴² The level of devastation that Göttingen's extramural territory and population could face in a feud may be amply illustrated in its feud with the lords of Spiegel (1462-63), in which over 40 villages were attacked and burnt. StadtA Göttingen, B 7, Ms 1, 10, 40.1- 40.3. Noteworthy in these entries is the killing of a woman, a widow by the name of Maglate, a "rarity."

¹⁴³ Neitzert, 16ff; *UB der Stadt Göttingen*, vol. 2, nr. 351, 326ff (the report on the feud itself); nr. 359, 343ff; nr. 357, 336-341; nr. 356, 334f (documentation pertaining to Göttingen's acquisition of Jühnde in the aftermath of the feud).

¹⁴⁴ Letzner, 41v; Lubecus, 233, f.145r.

to storm Jühnde at morning's light. Göttingen's response was so swift that Detmar and his men "found the watch unguarded" (*die Wache unbestellet funden*).¹⁴⁵ The town council's scribe lays great emphasis here on how swiftly and efficiently Göttingen's troops carried out their task: "at the order of the town council, they endeavored so earnestly in this outstanding and heroic work that by providence and through the help of God Jühnde was taken" (*de sick denne daranne an bevele des rades mit ernstlickeme vornehmende unde drepleckeme arbeide so vele vorsochten, dat se na schickinge unde dorch hulfe godes June mechtlich worden*).¹⁴⁶ Both Hans von Boventen and Herman vom Haus were discovered hiding in the castle's cell and captured, one of their men killed, the captured peasants returned to their village, and the castle of Jühnde burnt to the ground after the townsmen had plundered it of all its contents.¹⁴⁷ A peace was quickly wrung from Hans and Hermann with Hildesheim acting as a mediator. The townsmen of Göttingen, thankful for their victory, instituted that a yearly mass to be held in thanks on Saint Scholastica's day.¹⁴⁸

While none of this should come as a surprise that Göttingen legislated on military matters and conduct just as it did for any other domain of human activity, the extent to which it did, however, indicates that urban life was far more militarized than has been hitherto appreciated.¹⁴⁹ And, if anything, these ordinances further underline how feuds were not trivial affairs for towns any more than they were for the nobility. Feuds represented massive investments in manpower,

¹⁴⁵ Letzner, 41v.

¹⁴⁶ *UB der Stadt Göttingen*, vol. 2, nr. 351, 327.

¹⁴⁷ *Ibid.*; Letzner, 41v.

¹⁴⁸ *UB der Stadt Göttingen*, vol. 2, nr. 351, 327. The instituting of masses or religious festivities in thanks for victories in feuds and wars was by no means uncommon among towns and bishoprics. See *UB der Stadt Göttingen*, vol. 2, nr. 368, 349.

¹⁴⁹ One of the few works to emphasize the importance of the martial ethos for German town law is B. Tlusty, *The Martial Ethic in Early Modern Germany: Civic Duty and the Right of Arms* (New York: Palgrave Macmillan, 2011). For a broader study of late medieval and early modern urban violence, see Gerd Schwerhoff, *Köln im Kreuzverhör: Kriminalität, Herrschaft und Gesellschaft in einer frühneuzeitlichen Stadt* (Berlin: Bouvier, 1991), 265-312, 327-342.

financial and economic resources, and often strained the capacities of urban and lordly governments alike.¹⁵⁰ Even if not every feud attained the scope and scale of Göttingen's role in the Hildesheim Beer Feud, they nonetheless remained inseparable from the fabric of late medieval urban life.

This held just as much for individual townsmen, families, and political factions. While all of these could be found partaking in exactly the same feuding culture as noblemen or urban governments, their feuds were often of a vastly different scope and scale. They tended to arise out of political and legal dynamics particular to urban life and came with a specific set of infrastructural requirements upon which the successes of their feuds could easily rise and fall. And as such, they demand a separate treatment.

4. Townsmen at Feud: the Junge Brothers, the Segemund Family, and the Berchter feud

The subject of burghers waging feuds against other urban actors or their own towns has been given short shrift in contemporary research, although it was by no means an uncommon feature in the landscape of late medieval urban feuding and violence. Partly this lies in how, as touched upon briefly at the start of this chapter, a great many burgher feuds simply slipped under the radar of town chroniclers. Only the most exceptional cases caught their interest, such as the Rebstocke-Rosheim feud for Jakob Twinger of Königshafen in Strasbourg and Henry Erlbach's feud against Augsburg for Burchard Zink.¹⁵¹ Even the Berchter feud garnered just two pages in Rothe and Cammermeister's work combined, despite the fact that it generated an immense amount of documentation all the way up to Emperor Sigismund's court and remained in

¹⁵⁰ Neitzert, 114-127; Schilp, "Krieg, Verschuldung und Stadtpolitik: die Reichsstadt Dortmund im Umfeld der "Großen Fehde" (1388/1389)," 169-200.

¹⁵¹ Jakob Twinger von Königshafen, "Chronik des Jakob Twinger von Königshafen," 786f; Bernhard Zink, "Chronik des Burkard Zink: 1368 - 1468," in *Die Chroniken der schwäbischen Städte*, vol. 2, ed. F. Frensdorff, *Die Chroniken der deutschen Städte* 5 (Leipzig, 1866), 284f, 320-323.

Nordhausen's popular consciousness well into the second half of the fifteenth-century. Locating townsmen's feuds often entails sifting through countless documentary sources, the majority of which remain as unedited archival sources or ferreted away in obscure antiquarian, regional history journals. Besides the documentary evidence, one may also approach burgher feuding via the copious body of legal material devoted to regulating intramural conflicts among urban communities. As Marco Bellabarba pointed out, "well into the sixteenth-century the texts of German statutory rubrics define at length the legal profiles of a phenomenon [that is, feuding and customary vengeance] not at all marginal in the disputes among council factions and which were a source of distraught comments on the irrepressible disorder of urban politics."¹⁵² This material is quite heterogeneous, ranging from urban statutes and law books to collections of lawsuits and rulings (urban customals), and does not always treat "feuding" under the rubric of a clear cut legal profile that one would expect. Nonetheless, this material deserves our attention, since it determined the normative legal framework in which burghers would declare their enmity, pursue their feuds, and resolve them with each other or, often as not, their own town governments.

Before proceeding further, we need to address some of the longstanding historiographical assumptions that have impeded serious investigations into burgher feuding. One of the first is the supposed abolition of feuding and mortal enmity among townsmen. Late medieval urban governance has often been depicted as the "hothouse of the modern state," with its emphasis on the institutional regimentation of urban life and upholding of peace for the common good of its citizens (*gemeiner Nutzen*, *bonum commune*, *utilitas publica*); this entailed, obviously, the

¹⁵² Bellabarba, *La giustizia ai confini: principato vescovile di Trento agli inizi dell'età moderna*, 29. For examples in the central and northern German lands, see Duderstadt's and Göttingen's peace ordinances for regulating violence between citizens and non-citizens: Stadtarchiv Duderstadt, Rep 10, III, AB8081, Stadtbuch I, 007r-008r, 030r-031r.; *Göttingen Statuten: Akten zur Geschichte der Verwaltung und des Gildewesens der Stadt Göttingen bis zum Ausgang des Mittelalters*, nr. 30, 43-45, nr. 13, § 39-44, 26-29.

abolition of less civilized practices such as the feud, customary vengeance, and compensation. However, there exists an abundance of evidence that urban environments were by no means excluded from the broader enmity-honor culture that underlay the feud.¹⁵³ Certainly, urban legislation and statutes sought to ensure peace and order within a town's walls, yet as the abundance of various types of treaties of reconciliation show (*Urfehde*, *Totschlagsühne*, *Sühnevertrag*), feuding remained a widespread practice among townsmen well into the sixteenth- and seventeenth-century.¹⁵⁴ Far from relying on forms of public prosecution, town governments inclined to institutionalized mechanisms of dispute resolution that sought to coax, persuade, and, at times, compel parties at feud with another or the town itself to reconcile. These regulations, far from inhibiting the feuding of townspeople, sought rather to corral what remained a customary right (if technically illegal in certain urban jurisdictions) with widespread social and legal support.¹⁵⁵

4.1. Burgher feuding: the Legal Perspective

While not restricting myself solely to central German material, my focus here lies on a survey of town law and other legal material from Nordhausen, Mühlhausen, Göttingen, and Duderstadt. The most common device by which townsmen could be reconciled with their town

¹⁵³ This teleological interpretation no doubt lies in how German historical criminology has taken up the late medieval German city as the prefiguration of the modern unitary state both in absolutist and liberal democratic form. See W. Ebel, *Lübisches Recht*, vol. 1 (Lübeck: Max Schmidt Römhild 1971), 382: "Treibhaus des modernen Verwaltungsstaates," quoted in Isenmann, *Die deutsche Stadt im Mittelalter*, 449.

¹⁵⁴ Bertha Surtees Phillpotts, *Kindred and Clan in the Middle Ages and After: A Study in the Sociology of the Teutonic Races: Kindred and Clan in the Middle Ages and After: A Study in the Sociology of the Teutonic Races* (New York: G. P. Putnam's Sons, 1913), 168-172.

¹⁵⁵ The notion that towns and cities were havens of peace and incubators of bourgeois civility can easily be dispelled by simply consulting the various *Verfestungsbücher* (*libri proscriptorum*) which contained extensive records of killings and bodily injuries perpetrated by citizens. Frauenstadt, 45f, ft. 32. Homicide rates were incredibly high, and most killings were not punished per se but rather resolved through compensation or exile.

after an episode of enmity or feud was the *Urfehde*.¹⁵⁶ In its purest form, the *Urfehde* entailed a settlement in which peace was granted on the condition that the defeated or captured party foreswear by a solemn oath from taking vengeance on the other party. An *Urfehde* from 1323 between Hermann of Urbach (a member of the patrician family von Urbach of Nordhausen) and the town council and town of Nordhausen provides an example of the typical form these treaties would take:

I, Herman of Urbach, a burgher of Nordhausen, recognize in this public letter that I have sworn before the council, before the four, and the guild masters as well as the community of the burghers of Nordhausen and recognize that I, on account of the damages that befell me on their account, should neither pursue lawsuits nor be hostile to us [Nordhausen]. To this I swear to hold by this letter on which I have hung my seal to a charter pertaining to this case.¹⁵⁷

Within an urban context, the *Urfehde* developed into a more complex legal act that was by the late fourteenth-century nearly always documentarily authenticated in formal *Urfehde* treaties and remained a fixture of German and Austrian law until the eighteenth-century.¹⁵⁸

While quite similar to the *Sühneverträge* (treaties of reconciliation) in that both served as devices to resolve feuds and cases of mortal enmity, the urban *Urfehde* was distinct in that it made no

¹⁵⁶ The French equivalent was the *asseurement*, Italy had the *rinunze*, English common law the *recognizance*, while its medieval Anglo-Saxon antecedent had the *Unfaehde*. In a broader western European context, all of these peace-making devices can be understood as particular species of a more general legal pact defined as the *composition*: Kiril Petkov, *The Kiss of Peace: Ritual, Self, and Society in the High and Late Medieval West* (Boston: Brill, 2003), 93f; Carroll, "Peace-making in Early Modern Europe: towards a comparative history," in *Stringere la pace Teorie e pratiche della conciliazione nell'Europa moderna (secoli XV-XVIII)*, ed. Paolo Briggio, Maria Pia Paoli (Rome: Viella, 2011), 86-88.

¹⁵⁷ Theodor Perschmann, "Die mittelalterlichen Kunstdenkmäler Nordhausens: Die Urbachschen Tafeln," *Zeitschrift des Harz-vereins für Geschichte und Altertumskunde* 6 (1873), 11ff.

¹⁵⁸ The *Urfehde* also found application as a disciplinary measure in ensuring legal compliance in all spheres of urban life and consequently eventually became a central aspect of early modern German law.

pretense of a parity between the two parties and often required the accused to acknowledge their misdeeds and foreswear their right to appeal the verdict issued by the town council. Compliance to the terms of an *Urfehde* was then often secured by the addition of pledges made either in the form of sworn oaths or monetary sureties by family members or other interested parties, as well as temporary imprisonment and banishment, house arrest, and monetary fines.¹⁵⁹ *Urfehde* were a bedrock of the various legal devices and strategies deployed by both town and seigneurial governments to manage internal strife and regulate their external conflicts and feuds. Consequently, thousands were carefully preserved by town governments either as single treaties or entered into various registers and thus remain one of the best-preserved traces of urban feuding.

Beside the *Urfehde*, towns also developed other procedures to assist in the reconciliation of townsmen at feud with one another. While towns in this region employed slightly different terminology to describe these peace-making procedures (Göttingen: *krige user borghere/vom dem vrede*; Duderstadt: “*von frede der bestellng und der broke*”), they all conformed to a general set of principles that hinged upon the incremental application of social and legal pressure to bring feuding townsmen to reconciliation. In Duderstadt, the town council functioned as the authority by which one party could reconcile with another (*welck unsere medeborger eunen vrede mochte eyschen ome to bestellende vor weme hie sek entsyte*). Those stubborn enough to reject the other party’s appeal to reconciliation would face a series of escalating measure that ranged from monetary fines, temporary exile, and even involuntary imprisonment (in certain cases, citizens were expected to voluntarily take themselves to a tower accompanied by a town servant where they were to wait until the conflict was resolved).¹⁶⁰ To ensure a reconciliation,

¹⁵⁹ Boockmann, *Urfehde und ewige Gefangenschaft im mittelalterlichen Göttingen*, 15f.

¹⁶⁰ Stadtarchiv Duderstadt, Rep 10, III, AB8081, Stadtbuch I, 030rv.

both parties were expected to meet before the town council on Saint Martin's Day to reestablish the peace with their guarantors.¹⁶¹ Göttingen and Nordhausen's town councils by contrast more explicitly invested friends and family of the parties at feud with the authority to resolve conflicts and only intervened after these peace efforts had failed.¹⁶² On such an occasion, both parties would have to appear before the town council and submit themselves to arbitration. While both Urfehde and peace-agreements have been copiously preserved in these town's registers, they often provide little to no concrete details on the cause and course of the enmities or feuds which led to their creation in the first place. The peace-agreements prove particularly laconic, usually following a standard formula, and even in those few entries of greater length and detail, we only come away with a very opaque picture of what these internal enmities and conflicts could actually entail.¹⁶³

For procedures specifically tailored to cases of feud between towns and its own citizens we must turn to a collection of fourteenth- and fifteenth-century statutes from Nordhausen.¹⁶⁴ They show a nearly two-hundred-year continuity of procedural forms of how a burgher may enter into and out of a feud with his town. Despite the limitations placed on a burgher's application of violent self-help, these statutes clearly demonstrate that the feud persisted throughout the Late Middle Ages as a legitimate, albeit riskier option to the route of the courts for townspeople. If a burgher of Nordhausen should so choose to challenge the town council and feud with the town, he had to along with his family (more specifically, all of those under his

¹⁶¹ Ibid.

¹⁶² "II Die alten Gesetze der Stadt Nordhausen," ed. E. G. Förstemann, *Neue Mittheilungen aus dem Gebiet historisch=antiquarischer Forschungen* 3, 1 (1836), 30f, § 60-61; *Göttingen Statuten: Akten zur Geschichte der Verwaltung und des Gildewesens der Stadt Göttingen bis zum Ausgang des Mittelalters*, nr. 13, § 39, 26f.

¹⁶³ Stadtarchiv Duderstadt, Rep 10, III, AB8081, Stadtbuch I, 031rv, 44v.

¹⁶⁴ *Die Gesetzsammlungen der Stadt Nordhausen im 15. und 16. Jahrhundert*, §41-43, 27f ; "II Die alten Gesetze der Stadt Nordhausen," §91, 56, §163, 66 ; "I. Die alten Gesetze der Stadt Nordhausen," ed. E. G. Förstemann, *Neue Mittheilungen aus dem Gebiet historisch=antiquarischer Forschungen*. 3, 2 (1837), §52, 12.

guardianship) leave the town for the duration of the feud.¹⁶⁵ Only when the feud was settled, could he return after a year's time and having paid the town council a five mark fine.¹⁶⁶

Townsmen who ended up supporting enemies at feud with the town were also subject to the same penalties if they were caught providing them with aid, such as offering lodging, buying or selling items to them, or even visiting them without the permission of the town council.¹⁶⁷

Besides the inconvenience of being forced to temporarily renounce one's citizenship and residence, a Nordhausen burgher intent on feuding with his town also had to reckon with the possibility that his property and goods would be confiscated. Again, like in the preceding statutes the town council ensured a mechanism existed by which these goods could be returned to a reconciled burgher, but the decision ultimately was at their discretion and the particular nature of the case.¹⁶⁸

At least as can be garnered from the legal material of this period and region, towns appear to be rather far from the harbingers of modern penal law and bourgeois ethics that some historians have made them out to be. They inclined to retain quite conservative laws in regard to feuding, mortal enmity, and violence throughout the Late Middle Ages, which readily facilitated townspeople's participation in a broader feuding culture that they readily engaged in.

4.2. The Burgher Feud par excellence: Henry Erlbach and Augsburg

Properly analyzing our three case studies requires a certain level of context in order to grasp the contours of burgher feuds insofar as they have garnered attention in the existing literature. This is partly to serve as a reference point for further contextualization but also to

¹⁶⁵ *Die Gesetzsammlungen der Stadt Nordhausen im 15. und 16. Jahrhundert*, § 41, 27.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*, § 42, 27.

¹⁶⁸ *Ibid.*, § 43, 28.

underline the larger point that burgher feuds were far from marginal in the broader landscape of late medieval German feuding and violence. Holding this in mind, Henry Erlbach's feud with the town of Augsburg (1459 to 1469), standing as one of the few intensively studied cases of burgher feuding, proves highly instructive.¹⁶⁹ Although it falls far outside of the geographic purview of our present study, Erlbach's feud contains salient elements of what constituted many a burgher feud in the late medieval Empire. These are: an infrastructural support system outside of an exclusively urban power base, the importance of third parties as legitimating actors or patrons for one side or another, the intersection of feuds with matters of urban governance, and, finally, the deep-seated enmities between political elites that often lurked behind the outbreak of feuds.

Erlbach's story begins with his employment by the town of Augsburg on March 14, 1450, as a town scribe. Such a position meant that Erlbach was entrusted with direct participation in Augsburg's governance and politics affairs, which he took on with a particular vigor. By 1456, he had become an important member of a reformist faction that sought to challenge the dominance of three patricians, Henry Langenmantel, Andreas Frickingner, and Leonhard Radauer, whose enmity he quickly garnered.¹⁷⁰ The trio soon concocted a plot to remove Erlbach from his office. To ensure that he would be unable to defend himself against the charges they were laying in his absence, they orchestrated his imprisonment by sending him on a mission into the territory of one Augsburg's foremost enemies, Prince Louis of Bayern-Landshut (1458).¹⁷¹ Putting aside the question as to whether Erlbach's removal technically conformed with Augsburg's municipal

¹⁶⁹ Karl-Friedrich Krieger, Franz Fuchs, "Ehemalige Amtsträger als Feinde ihrer Heimatstadt. Problematische Folgen innerstädtischer Machtkämpfe am Beispiel der Auseinandersetzungen Heinrich Erlbachs mit der Reichsstadt Augsburg (1459-1469)," 335-364.

¹⁷⁰ Krieger, Fuchs, 337f.

¹⁷¹ *Ibid.*, 339.

statutes, it seems that the town council's decision was heavily influenced by an internal political struggle that Erlbach evidently lost.

Despite finding powerful patrons willing to intercede on his behalf, Augsburg was not interested in settling with their former scribe. Accordingly, in 1459 Erlbach took his case to the imperial court of Emperor Frederick III at Vienna, where he succeeded in not only gaining imperial protection for himself and family but also entered into Emperor Frederick's service. Finding a band of exiled burghers and officials at court ready to unite in the furtherance of their grievances, Erlbach joined the "chapter of the despondent" ("*capitel der verzweifelten*") as they were called.¹⁷² Here, Erlbach initiated a propaganda and legal campaign in a manner quite reminiscent to how the Kirchhof family had taken advantage of their ties with the territorial court at Weißensee to craft their own self-legitimizing narrative against Nordhausen. Erlbach's efforts, however, far exceeded those of the Kirchhofs, assuming a scope, scale, and complexity of Byzantine proportions.

Emperor Frederick III's court also allowed the enterprising Erlbach to leverage his insider knowledge of Augsburg's internal political affairs to entice Duke Louis the Rich of Bavaria-Landshut, an inveterate foe of Erlbach's former employer, to take him into his service.¹⁷³ Another important figure for Erlbach at the imperial court was the court judge (*Hoffrichter*) Burgrave Michael of Maidburg and Count of Hardegg, who would become his patron (*Gönner*) in the impending feud with Augsburg.¹⁷⁴ Erlbach also enlisted other disaffected

¹⁷² Fuchs, Krieger 344. For an abridged version of the act, see *Regensburgische Chronik*, vol. 2, ed. Carl Theodor Gemeiner (Regensburg, 1824), 502, f. 976. For another example of an emperor providing protection for a feuding burgher, see the case of Seicz of Ingolstadt, "Die kleine Klosterneuburger Chronik (1322 bis 1428)," ed. Hartmann Josef Zeibig, *Archiv für österreichische Geschichte* 7 (1851), 243.

¹⁷³ Fuchs, Krieger, 346.

¹⁷⁴ *Ibid.*, 347f; For Maidburg, see Holger Vogelmann, "Burggraf Michael von Maidburg († 1483), Graf zu Hardegg am Hof Friedrichs III. Vorarbeiten zu einer Biographie," in *König, Fürsten und Reich im 15. Jahrhundert*, ed. Franz Fuchs, Paul -Joachim Heinig, and Jörg Schwarz (Cologne: Böhlau, 2009), 59-74.

Augsburg burghers whose family members had also found themselves at the losing end of internal political strife. Both Krieger and Fuchs in their study of Erlbach's conflict with Augsburg concluded that these unfortunates were caught up not in matters of "normal criminal procedure but rather...with a political process unfolding in the context of a power struggle, which had as its goal the destruction of political opponents."¹⁷⁵

Unfortunately for Erlbach, even after he succeeded in summoning Augsburg's representatives to the imperial court in 1459, the legal proceedings did not unfold in his favor or that of his patron, Burgrave Michael of Maidburg. Only one choice remained, to formally declare a feud against Augsburg in 1462.¹⁷⁶ The support of Burgrave Michael of Maidburg proved crucial, giving Erlbach access to the aid of six hundred helpers according to the Augsburg chronicler Bernhard Zink.¹⁷⁷ Erlbach and Maidburg's feud fit into a larger conflagration then engulfing the southern lands of the Empire that saw the imperial party of Margrave Albrecht Achilles of Brandenburg-Hohenzollern and Count Palatine Frederick the Victorious (along with many southern imperial towns) confronting Duke Louis of Bavaria-Landshut. Naturally, Erlbach and Maidburg fought on the side of Duke Louis, who remained an important ally of Erlbach on account of his long-standing enmity with Augsburg.¹⁷⁸ Although the war formally ended with the intercession of Emperor Frederick in 1464, Duke Louis along with Erlbach and Maidburg continued, albeit more covertly, their feud with Augsburg at varying degrees of intensity. Augsburg also did not shy away from more direct means by sending out "secret agents" (*heimliche Knechte*) to commit murders, arson, sabotage, and espionage in an attempt to capture

¹⁷⁵ Fuchs, Krieger, 350.

¹⁷⁶ *Ibid.*, 355.

¹⁷⁷ Zink, "Chronik des Burkard Zink: 1368 - 1468," 284f.

¹⁷⁸ Krieger, Fuchs, 356f.

the ducal towns of Rain and Neuburg.¹⁷⁹ Unsurprisingly, Erlbach became a target of Augsburg's agents in 1467 after Radauer hired a grocer, named Gebhard Keppler, for 200 Gulden to carry out a hit on Erlbach.¹⁸⁰ Although the plot on Erlbach's life was discovered and the assassin forced to confess under torture, Augsburg did not offer compensation to Erlbach's lord, Duke Louis;¹⁸¹ instead, they justified their attempted murder by claiming that "day and night he (Erlbach) unceasingly sought after their lives, goods, and honor from his customary hate and disloyalty and thus deserved death."¹⁸² Duke Louis promptly tightened the ongoing trade blockade against Augsburg and expelled all its citizens from his lands.

After a decade of expensive litigation, byzantine political machinations and plots, and embittered feuding, a settlement was finally reached between Erlbach and Augsburg by the intercession of an imperial commission in the summer of 1469. As part of the peace treaty, Erlbach received in compensation 500 gulden from the town of Ulm, which had been most likely commissioned by Augsburg.¹⁸³ Augsburg by contrast had, at least according to Erlbach's later estimates, expended at least 100,000 Gulden in their decades long struggle with him. Evidently, the financial costs far outweighed the political damage that Augsburg's prestige and reputation would have suffered by quickly settling with such an embittered foe.

From Erlbach's feud we can discern a number of salient features that will bear importance in the following case studies from Nordhausen: (1) the importance of internal political strife within town governments in producing disaffected "losers" and exiles who turned

¹⁷⁹ Zink, 320-323.

¹⁸⁰ Ibid., 322; "und ain kramer soll auch der von Augspurg haimlicher knecht sein, der hat verjehen, die von Augspurg haben in bestelt und im daruber gelt verhaissen, dass er soll dem Hainrich Ellerpacher, der unser statschreiber gewesen ist, den hals abschlahen oder in erstechen;" ft.3: Keppler confessed that Radauer had hired him "aber auf den Erelbach, de zu erstechen oder sunst wie er mochte umbzubringen."

¹⁸¹ Ibid.

¹⁸² Ibid., 322f, 325.

¹⁸³ Fuchs, Krieger, 362f.

to the feud as a way to redress their grievances ; (2) and, as a corollary, the strong emotional valences and intractability that these feuds could assume due to the highly personal nature of the enmities that seem to have arose in the context of jockeying for political power, prestige, and influence that characterized a great deal of late medieval German town life (all of which points to a thriving honor-enmity culture in towns); (3) the necessity of finding or having already established patronage and support among noble elites who could bolster the preexisting infrastructure already available to many burgher feuders on a restricted level and effectively legitimate a feud by providing formal protections or sanctioning it through rulings at courts of law.

4.3. Nordhausen

Nordhausen, as we have touched upon earlier, was one the nearly two hundred imperial free cities that made up only a small portion of the Empire's towns and cities. Numbering at around five thousand souls, it, along with the other neighboring imperial free towns of Mühlhausen and Goslar, belonged to the small medium-sized towns (*kleine Mittelstädte*) of the Harz region: towns of a modest size that were usually agriculturally oriented while also remaining indispensable nodes of commercial and industrial activity for the surrounding districts. By chance, Nordhausen's archive has transmitted three cases of urban feuding in which former citizens declared and waged feuds with the town; all three, it should be noted, involved family groups from the upper echelons of the town's social hierarchy.

These are the Junge Feud, the Segemund Feud, and the Berchter Feud (Chapter One). All three fell in the first quarter of the fifteenth-century and involved prominent members of Nordhausen's ruling elite who turned against their former town either in exile or self-imposed "banishment" and organized themselves on the basis of immediate or extended kinship ties. They

are, however, quite unevenly sourced. Only the Berchter feud (1432-1442), which saw the prominent Kirchhof family wage an exceptionally vicious and violent feud against Nordhausen in response to the execution of one of the family patriarch's sons, Hans Kirchhof, produced a copious body of detailed evidence across a variety of sources. The Junge feud (1414-1434) arose in similar conditions when two brothers Henry and Bruno Junge, from one of the many exiled patrician families on the losing side of the 1376 guild revolt sought restitution from Nordhausen for their father's death and their family's exile at the hand of the new regime. While it left behind an extensive record of litigation at the imperial and regional courts, we possess only a few scraps of information on the course of the feud itself scattered between the Cologne and Nordhausen city archives. The Segemunde feud also featured two brothers of patrician stock who had unlike the Junge family, somehow managed to find their way back into Nordhausen's citizenry and make peace with the new regime. The feud itself arose out of the brothers' quarrel with the Cistercian Convent of Neuwerk (also called Frauenberg convent or St. Maria auf dem Berg) over rights to St. Martin's hospital, which the Segemund family had acquired from the convent in 1389. Eventually, the town took the side of the convent, thereby forcing the brothers to temporarily renounce their citizenship to pursue their feud against the convent. Our body of evidence for this feud is by far the most fragmentary and problematic despite the fact that it remained a fixture of popular memory well into the 1460s as a series of witness depositions attests to.

4.3.1. The Segemund Feud (1400-c.1420)

While on the surface the Segemund feud may appear as a minor quarrel over religious governance and rights, blown out of all proportion, a closer analysis shows a deeply layered conflict embedded within multiple points of contention between Nordhausen, the neighboring

aristocratic lineages and religious institutions, and its own citizenry. Its origins lay in the joint founding of St. Martin's hospital with an adjoining chapel in 1389 by Mechtild Segemund and her two sons, John and Symon, from land purchased from the convent of the Cistercian Monastery Neuwerk (directly outside Nordhausen's walls next to the Sundhäuser Gate).¹⁸⁴ The Segemund family were one of the few patrician lineages that managed to escape the fate of many of their peers during the 1375 uprising. While the details remain murky, the family seems to have voluntarily left Nordhausen for the neighboring Duderstadt, while still maintaining a degree of connection to their hometown that allowed them to reenter its citizenry.¹⁸⁵ Despite losing their patrician rank and status, the family remained incredibly wealthy, as their donation of St. Martin's hospital and chapel attests to. The brothers John and Symon also displayed a rather avaricious streak, wringing out a number of important concessions from the nuns despite the assurances made that the donation would remain closely affiliated with the cloister. And it is exactly here in the jockeying over lucrative religious rights and privileges that the feud found its genesis.

The specific issue that sparked off the feud appears to have been a dispute over the right to burial that the brothers Segemund claimed since 1389 via the archbishop of Mainz's confirmation and that the sisters of Neuwerk vigorously contested.¹⁸⁶ Despite John issuing a charter on September 8, 1399, to protect the hospital and chapel's burial rights from the infringement of the convent, the nuns would not relent, and the brothers declared a feud

¹⁸⁴ Hans Silberoth, "Kap. 8 Soziale und kulturelle Strömungen zu Nordhausen im Ausgang des Mittelalters," in *Geschichte der freien Reichsstadt Nordhausen* (Nordhausen: Magistrat der Stadt Nordhausen, 1927) https://nordhausenwiki.de/wiki/Soziale_und_kulturelle_Str%C3%B6mungen_zu_Nordhausen_im_Ausgang_des_Mittelalters.

¹⁸⁵ StadtA Nordhausen, 1.1., I G 9 a. This assumption is supported by the fact that even after the establishment of the new regime the Segemund could be found buying property from the exiled Junge family in 1378. See StadtA Nordhausen, 1.1., I Ni 2.

¹⁸⁶ StadtA Nordhausen, 1.1., I Ni 10.

sometime around 1400. Details on the course and dating of the feud unfortunately remain scarce and hazy at best, but we can string together something of a narrative from our sources.

The town of Nordhausen immediately took the side of the convent, whose protector (*Schutzherr*) it styled itself. In response, the brothers left the town and turned to Count Botho of Stolberg, who provided them with the castle of Ebersberg from which they could direct their feud.¹⁸⁷ The brothers then hired a notorious enemy of Nordhausen, a petty nobleman from Eichsfeld by the name of Henry of Tastungen, who took to periodically harassing Nordhausen, pillaging and plundering its extramural holdings.¹⁸⁸ While the end of the feud has been traditionally dated to 1403 on the authority of a confirmation charter between the brothers and convent, the 1416 entry in the Nordhausen feud book that records Heinrich von Tostung as having become the town's enemy for the sake of Symon Segemund clearly makes this date untenable.¹⁸⁹ There is, however, evidence to suggest that the Segemund family did eventually arrive at some form of compromise with the abbess and nuns of the convent given that John Segemund bequeathed St. Martin's hospital to Symon upon his death in 1421 with both of them being identified as citizens of Nordhausen in the charter.¹⁹⁰

¹⁸⁷ These details are transmitted only through two imperial inquests taken in July 30 and October 2, 1464. In them, an imperial official gathered testimonies regarding a longstanding conflict over the rights to fortification on Nordhausen's town meadows between the town and the counts of Honstein and Stolberg. While sparse on the Segemund feud, they are particularly revealing as to why the count of Stolberg chose to support the Segemund brothers. Fromann, *Collectanea Northusana oder Vermischte Nachrichten Zur Nordhäuser Geschichte*, vol. 2, ed. Peter Kuhlbrodt (Nordhausen: Atalier Viet, 1999), 177, 180f: witness 1: "daß Hans Segemundt uff die zeit, da her kryg mit dem genannten closter, da vertheidigte der rath von Northausen alleine das closter, so daß Hans Siegemund floh uß Northausen, und dy hern nahmen on uff zu dem Ebersberge wedder das closter etc;" witness 2: "hett er [Count Botho of Stolberg] ichts geboths oder gerechtigkeit am closter gehat, dy Segemunde müssen die nunnen wol unbedranget gelassen haben;" witness: 3 "hette der von Stolberg obir die jungfrawen gesat, sie müsten es um sine schrift wol abgestalt haben."

¹⁸⁸ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 15r/8r: "Heinrich von Tostung ist unse fient wordin um symo(n) segemund wille an suntage vor jacobi ano xvi;" Fromann, *Collectanea Northusana*, vol. 2, 181f: "etliche die hießen dy von Tostungen, dy fügeten der stadt grossen schaden, dy ranten zu wylen in einer wochen zwey oder drey wet vor die stadt." StadtA Mühlhausen, 10 / W 1, Nr. 4, 61r, 62r.

¹⁸⁹ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 8r, 15r.

¹⁹⁰ The confirmation charter exists only as a transcript printed in Lesser, *Historische Nachrichten*, 125-128; StadtA Nordhausen, 1.1., I Ni 26, June 27, 1421.

4.3.2. The Junge Feud (1415-1434)

The origins of the so-called Junge feud or process, as it has also been called can be traced back the events on the night of February 13, 1375, when the common citizens and guild members of Nordhausen overthrew their patrician led government and instituted a new political regime. Three patricians lost their lives that night, two of whom belonged to the Junge family, Berthold the Elder, the exiled Henry and Bruno's father, and their uncle, Henry the Shorter. In the aftermath of this successful uprising, the victorious party exiled all the remaining patrician families, confiscating their wealth in the town, while also forcing them to swear an oath (*Urfehde*) never to pursue vengeance against their former town nor set foot within it again.¹⁹¹ Henry and Bruno, like the vast majority of the exiled patricians, emigrated to neighboring towns to begin new lives. After a short sojourn in Erfurt, they eventually settled in the bustling metropolis of Cologne where they received citizenship in 1387.¹⁹² Thirteen years later, both brothers had established themselves there as prominent and well-to-do merchants and members of Cologne's new elite through their participation in the toppling of the old patrician regime (*Geschlechterherrschaft*) in 1396.¹⁹³ By all accounts, the Junge brothers had done well as scions of an exiled patrician lineage, displaying a ruthless political opportunism and mercantile ability that propelled them into Cologne's new ruling class.¹⁹⁴

Although having attained the social and political status they had so craved since stepping foot in Cologne some twenty years ago, the brothers could evidently not forget their family's

¹⁹¹ For the Junge family's *Urfehde*, see StadtA Nordhausen, 1.1., I R 4-5.

¹⁹² Klaus Militzer, "Die Kölner Neubürger Bruno und Heinrich Junge aus Nordhausen in Thüringen," *Jahrbuch des Kölnischen Geschichtsvereins* 50 (1979), 99.

¹⁹³ Militzer, 109.

¹⁹⁴ *Ibid.*, 110. Bruno in particular seems to have taken a leading role in the uprising. Not only was he a member of the new provisional town council, the so-called *nomina xv*, but he later went on to be elected to the town council twice, once in 1402 and again in 1407.

humiliation and exile at the hands of Nordhausen's now firmly entrenched regime. Since 1414 or earlier, Henry and Brun had initiated a lawsuit against the town of Nordhausen at the imperial high court (*Hofgericht*) to seek restitution for the killing of their father and subsequent exile of their family in 1375. By violating the *Urfehde*, the brothers effectively entered into a state of enmity with Nordhausen, which not only jeopardized their lucrative business interests in Thuringia, but also allowed Nordhausen to declare open season on them, their family, and any of their associates doing business in the region. We can only speculate at what drove them to break the *Urfehde* oath they had sworn to never pursue legal action or hostilities against Nordhausen for their father's death and exile, since we possess no documents produced by this particular lawsuit.¹⁹⁵

Despite a brief lull in hostilities effected by a generous peace treaty (*Sühnevertrag*) in 1415, the brothers, around sixty years old, would devote the remaining years of their life to the pursuit of wringing out an enormous compensation of 100,000 gulden from Nordhausen for their father's death.¹⁹⁶ While the brother's tireless litigation at both regional and then imperial courts is exceptionally well documented, we are left grasping at straws for the actual course of the feud itself, dependent on the few vestigia of the violence surfacing ever so often in the meticulously documented lawsuits. The general outline of the feud from 1415 is however clear enough.

The Junge brothers initiated hostilities with a series of lawsuits before the local court of Mühlhausen and ecclesiastical court at Nordhausen, while simultaneously targeting Nordhausen's trade caravans and merchants. In this trade "war," Nordhausen went so far as to

¹⁹⁵ StadtA Nordhausen, 1.1., IR 4-5.

¹⁹⁶ The peace treaty (*Sühnevertrag*) resolved the current lawsuit and long-standing enmity between the two parties by: guaranteeing the brothers and their children safe conduct to undertake business about Nordhausen and that their goods would no longer be impounded; permitting both Henry and Bruno along with their children the right to residency in Nordhausen; the instituting of an arbitration procedure overseen by the town councils of Mühlhausen and Goslar (where one of the Junge brothers' relatives lived) to avoid any future conflicts; and, finally, imposing a 1,000 gulden penalty on either side that happened to break the terms of the peace agreement.

kidnap one of the Junge's associates in Lombardy, while the Junge brothers' helpers inflicted 1,300 gulden worth of damages on Nordhausen by pillaging its caravans.¹⁹⁷ From 1418 onwards, both parties were frequent visitors the imperial high courts, the brothers or their representatives bringing their cases to Regensburg in 1418, to Breslau in 1420, and, finally, to Vienna in 1426. Each time they received the same verdict: Nordhausen had done right by the Junge brothers and was not liable to pay compensation due to the Urfehde of 1375 and later peace treaty (Sühnevertrag) of 1415.¹⁹⁸

Even when Henry died in 1429 at 73 years of age, his brother, Bruno, would continue with a bitter intransigence these fruitless lawsuits until 1434, when in his eightieth year he finally renounced the demands for compensation from Nordhausen that he and his brother had devoted the last twenty years of their life to.¹⁹⁹ This was, thus, in the end a tale of two sons consumed by deeply embedded emotional and moral compulsions to seek justice for the death of their father. It was an obsession that drove them not only to jeopardize their newly won position in Cologne's ruling elite, but even the wealth and welfare of their own families.²⁰⁰ When given the ultimatum by Cologne's town council to either renounce their enmity with Nordhausen or renounce their citizenship, they chose the latter by sacrificing a lifetime's accumulation of wealth, prestige, and status to an endeavor that failed spectacularly.²⁰¹

4.3.3. The Berchter Feud (1432-1443)

¹⁹⁷ For the itemization of damages compiled by Nordhausen, see StadtA Nordhausen, 1.1., IR 20a-c.

¹⁹⁸ StadtA Nordhausen, 1.1., IR 9, 10, 11, 12a, 20, 21; — 1.1., IC 19.

¹⁹⁹ Militzer, 110; Silberborth, 167.

²⁰⁰ Militzer, 110-113. Bruno reestablished himself at Rudesheim am Rhein, where he quickly ascended into the town's elite, and Henry preserved his status as resident (*Eingesessener*) in Cologne.

²⁰¹ It was customary for new citizens of a town to swear that they had forsworn all enmities with any parties they had been at feud with. See Brunner, *Land and Lordship*, 291.

Although the Berchter feud was treated at length in the first chapter, it is worth reprising it for the sake of our analysis. We can trace it back to the execution of a town council member by the name of Hans Kirchhof on September 15, 1430, for his alleged role in the theft of sixty shock groschen and three silver bowls from Nordhausen's town council's house two years earlier.²⁰² The trial was highly irregular to say the least. Not only were the confessions of Hans and his alleged accomplices extracted by torture, but due to the town council's refusal to provide Hans with an advocate, even the presiding official, a sheriff (*Schultheiß*), declined to pass judgement. Forced to convene their own "court," the town council summarily convicted and executed Hans without even permitting him the right of a defense. In the wake of the execution, the entire Kirchhof family and their in-laws were exiled from Nordhausen and their goods and property within Nordhausen confiscated. To heap humiliation on humiliation, Hans' corpse was hung up on an iron gibbet before the town's walls, forbidden a proper burial, and left to rot. Our authorities on this matter, the chroniclers Johannes Rothe (1360-1434) and Hartung Cammermeister (†1467), both agree that it was a conspiracy of councilmen at work behind Hans' execution, all of whom bore grudges against Hans' father, Apel the Elder—a highly respected former member of the town council and mayor.²⁰³

As wealthy members of the ruling strata of Nordhausen society with close ties to the neighboring nobles and princes of the Harz region, the Kirchhofs were not exactly the type of family to leave the death of one of their members unavenged.²⁰⁴ However, instead of feuding immediately with Nordhausen, they patiently bided their time, displaying a remarkably keen political sense and foresight in their bid to publicize and establish the legitimacy of their case

²⁰² See Chapter One.

²⁰³ Rothe, *Düringische Chronik*, 669; Cammermeister, 34f; Förstemann, *Historische Nachrichten*, 201, 296.

²⁰⁴ Fromann, *Collectanea Northusana oder vermischte Nachrichten zur Nordhäuser Geschichte*, vol. 4, nr. 49, 238-242, 239-241; Meyer, "Die Reichstadt Nordhausen als Festung," 335f.

before the most powerful members of the Lower Saxon, Thuringian, and North-East Hessian aristocratic community. With insider knowledge that Nordhausen would stymie any of their attempts to obtain justice at courts by citing its *privilegium de non appellando*, the Kirchhofs employed litigation in two ways. The first was to disseminate their morally charged narrative of events to vindicate their later actions, while the second was to secure the positive legitimating response from the princely authorities necessary to effectively wage such a feud.²⁰⁵

It was in 1432 at the Landgraviate court of Weißensee that the Kirchhofs' "public relations campaign" by litigation culminated when the judge ruled in the Kirchhof's party's favor, defying Nordhausen's imperial privileges. Nordhausen's delegates, instead of contesting the verdict and thereby acknowledging the justiciability of the Kirchhof's demands for restitutions and the illegality of Hans' execution, promptly fled during the night.²⁰⁶ Landgrave Frederick of Thuringia IV (r. 1406–1440) swiftly responded to the delegates illicitly absconding from his court (*Dingsflucht*). Not only did he accuse them of a breach of the peace (*Friedensbruch*), a criminal charge, but also distributed a series of missives to the broader political community of the region.²⁰⁷ Within these missives, the Landgrave corroborated the Kirchhofs' account of Hans' execution, explicitly describing it as a judicial murder, and thus ensuring that patina of legitimacy that the Kirchhofs required to mobilize effective support for the feud that they would initiate in the winter of 1432.

While the Kirchhofs has resorted to violent, if non-deadly, self-help during the legal proceedings of the preceding year, the feud itself was characterized by an extreme degree of

²⁰⁵ *Urkundliche Geschichte der Stadt Nordhausen bis zum Jahre 1250*, nr. 33, 32ff; One of the persistent issues that plagued late medieval Germany was the proliferation of the granting of *privilegium de non evocando et appellando* (*Appellations- und Evokationsrecht*).

²⁰⁶ StadtA Nordhausen, 1.1., IR 25-29.

²⁰⁷ *Ibid.*

violence that bordered on the gratuitous.²⁰⁸ Its opening act alone consisted in Curt Berchte, Gerke Kirchhoff, and Claus Hafferung slitting the throats of eight watchmen on the night of March 22, 1433, then killing two elderly men whom they happened upon during their escape, and a few days later ambushing and killing another Nordhausen burgher. The Kirchhofs' exploited the full repertoire of what this terroristic, public facing violence had to offer — from killing and mutilating their opponents to burning them alive — along with more common methods of feuding: robbery, arson, intimidation and kidnapping, and the plundering and pillaging of Nordhausen's extramural holdings and territory.²⁰⁹ But there was another, equally important aspect to this feud as well, the extraordinarily high degree of noble support that the Kirchhof family and their supporters enjoyed from the feud's beginning to its end in 1443.

Even before their formal declaration of enmity, the Kirchhof family could count on support from key figures among the noble "who's-who" of early fifteenth-century central Germany: Count Henry of Gleichen gave the family protection to retrieve and bury Hans' corpse, sending his own men with them; Otto II, Duke of Brunswick-Göttingen (1394-1463), and Louis I, Landgrave of Lower Hessen (r. 1413-1458), supported them in their first bid at court against Nordhausen; and, finally, Landgrave Frederick of Thuringia IV (r. 1406–1440) permitted them to use Weißensee, the home of Apel the Elder, as a safe haven of sorts for the duration of the feud, and, ultimately, endowed their feud with princely sanction with his confirmation of the Landgraviate court's ruling in favor of the Kirchhofs. As for the course of the feud itself, not only did the Kirchhofs immediately have twenty-five noble feud helpers along with a core of commoners from across northeastern Hessen, northern Thuringia, and southern Lower Saxony at

²⁰⁸ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 16r/v. A letter to Erfurt mentions that the Kirchhofs were already taking prisoners ransom and that a "vede" existed between them and Nordhausen. See, StadtA Nordhausen, 1-1, 21 1a- 1a, Libri dominorum II, 1r, nr. 2 (1431).

²⁰⁹ StadtA Nordhausen 1.2., II/Na 18, Fehde- und Sühnebuch, 17v, 20r, 21v, 24r, 25r.

their beck and call,²¹⁰ but could even count members of notable princely and comital families in the ranks of their helpers.²¹¹ Such noble assistance consisted not merely in a public show of support via the numerous feud letters sent to Nordhausen, crucial as this was, but actual concrete acts of feuding violence. In fact, it seems to have been the large-scale raids led by the bellicose Welf princes against Nordhausen in the early 1440s that finally convinced the town to settle with the Kirchhofs, not willing to risk a further escalation of hostilities with such dangerous and powerful princely foes.²¹² Even behind the settlement finally reconciling the Kirchhofs with Nordhausen and facilitating their reentry into the citizenry on August 4, 1443 distinguished members of the Harz nobility can be found at work, namely Count Henry of Schwarzburg zu Arnstadt and Sonderhausen.²¹³

4.4. Analysis

At first glance, the Junge brothers' feud would seem to have had the best prospects for success. The brothers were incredibly wealthy, firmly ensconced in the ruling elite of their adopted city Cologne, gifted with a ruthless political adroitness, adept at navigating the Empire's jurisdictions, and enjoyed extensive connections across its width and breadth due to their flourishing mercantile activities. Moreover, they displayed the same type of extreme tenacity in their conflict with Nordhausen that had allowed the Kirchhofs and Erlbach to succeed in their own feuding endeavors. Sustained by the moral conviction that Nordhausen must be held accountable for the death of their father and their family's subsequent exile, they had the will to

²¹⁰ StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 17v.

²¹¹ Ibid., 15v, 17v, 24r, 25r, 28r. They were Duke Henry von Braunschweig and Lüneburg, Dukes Otto und Frederick von Braunschweig und Lüneburg, Count Henry von Honstein, and the Count John V von Hoya, along with Bishop Magnus of Hildesheim, Bishop Albert of Minden, and Archbishop Gerhard of Bremen.

²¹² StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 24r, 25r.

²¹³ Fromann, *Collectanea Northusana oder vermischte Nachrichten zur Nordhäuser Geschichte*, vol. 4, nr. 49, 238-242; StadtA Nordhausen, 1.1., II. 59.

play the long game and endure until their opponent would relent from sheer fatigue. Yet, for all that, Bruno and Henry failed miserably. Why?

They lacked the *sine qua non* for a successful burgher feud, namely a local feuding infrastructure underwritten by aristocratic patronage and support. As far as can be gleaned from the extant documentation of this feud, Bruno and Henry seem to have completely forgone any overtures to noble power holders in the Harz region or simply failed at their attempts to do so. By feuding infrastructure, I mean the elements that allowed feuders to effectively exert physical force on their opponents to either compel them to accede to some form of negotiated settlement or achieve other ends. Nobles, unlike many burghers (with certain patricians excepted), were already outfitted with this infrastructure. They had physical bases of operation — castles and fortifications — from which they could plan, organize, and execute feuding activities and defend against the counter attacks of their opponents. Moreover, they were already embedded in aristocratic networks of fief-holding, pledges and governorships connected to princely service, and familial bonds. These networks gave them access to military aid in the form of family members, allies, and mercenaries along with nodes of support amongst the rural populace of allied or friendly lords who could provide lodging, food, and valuable information to them in the field.

A burgher intent on defying his own town and entering into a feud with it could acquire these components only through noble support and patronage. Prior connections to the neighboring nobility seem to have also been a prerequisite for success in securing such support and patronage. That is to say, one needed to be a known quantity. Erlbach already had powerful friends, like the noble Conrad of Heideck and Duke Albert of Bavaria-Munich, who undoubtedly

assisted his entry into imperial service with Frederick III.²¹⁴ For John and Symon Segemund, it was St. Martin's hospital that served as such a nexus point for developing ties to the surrounding nobility, who would lavish donations on it to secure burial rights or other religious services such as masses.²¹⁵ Moreover, they were keen enough to also link their enmities and feud onto a concatenation of conflict that foreran their own, a quarrel festering between Nordhausen and a comitial coterie — in whose ranks we find the counts of Schwarzburg, Stolberg, and Honstein — over the meadows (*Stadtflur*) bordering to the south-east of the town²¹⁶ and Frauenberg Cloister.²¹⁷ Finally, the Kirchhof family already had ties to important regional power holders, namely the counts of Honstein, Gleichen, and Schwarzburg, that provided them with access to a vast network of noble and princely patronage.²¹⁸

Each of our feuders put these ties to good use. While at Emperor Frederick III's court, Erlbach found a willing ally in Burgrave Michael of Maidburg and found service by one of Augsburg's most hated enemies, Duke Louis of Bavaria-Landshut. The Segemund brothers turned to Count Botho of Stolberg, who promptly offered his protection and provided them with the castle of Questenberg, and hired a nobleman with a long history of enmity with Nordhausen, Henry von Tastungen.²¹⁹ The Kirchhofs activated these ties to the fullest extent; not only did

²¹⁴ Fuchs, Kruger, 343.

²¹⁵ StadtA Nordhausen, 1.1., I Ni 5, 7, 9, 15, 22, 23, 34, 35.

²¹⁶ These three comitial lineages were in essence a series of extended families bound together by ties of matrimonial alliance. See Schubert, "Harzgrafen im ausgehenden Mittelalter," 21-39 (families), 94-98 (relationship with Nordhausen); For a summary of these disputes over the town's meadows see Silberoth, "Kap. 6: Nordhausens innere und äußere Politik im 15. Jahrhundert," in *Geschichte der freien Reichsstadt Nordhausen*.

²¹⁷ Although Nordhausen considered the cloister to be a possession of the town, the counts of Honstein-Heringer still claimed and exercised protective rights over the cloister. The counts of Stolberg, as immediate relatives to the Honstein-Heringer line, also had a vested interest in thwarting Nordhausen's efforts to "usurp" the mantle of protector of the cloister.

²¹⁸ StadtA Mühlhausen, 10/ W 1, Nr. 4: 88r, 96r, 106v, 109v, 112r, 120r, 127v, 130r/v, 133r/v, 141v, 155r/v, 156r, 158v, 161v, 168r/v, 171r.

²¹⁹ Henry von Tastungen had already feuded with Nordhausen in 1414. See StadtA Nordhausen, 1.2., II/Na 18, Fehde- und Sühnebuch, 7r, 7v.

they secure princely sanction of their feud and a safe haven at Weißensee through the explicit support of Landgrave Frederick, but they also assembled an extensive body of noble and princely helpers who clinched the feud in their favor.

Thus, what distinguished burgher feuds from those waged by nobles, princes, and town governments was less a matter of aims, practice, or legality but the triggers and the means. Many burgher feuds seemed to have been sparked by disgruntled members of the ruling elite exiled on account of intramural political struggles or the numerous revolts and revolutions that came to characterize late medieval German urban politics around 1400.²²⁰ The up-close and personal aspect of urban life and politics meant that these types of feuds were often as rooted in deep seated personal animosities as in any type of generalized enmity toward a town as corporative entity. Consequently, they tended toward intractability and high levels of violence, yet were rarely comparable to the intramural vendettas or factional street battles common to towns in Italy, Spain, or the Low Countries due to the fact that by German urban statutes any citizen wishing to feud with his own town had to give up his residency for the feud's duration.²²¹ Feuding would thus occur for the most part outside of a town's walls, the effective execution of which required in the case of the feuding burgher an infrastructure.

5. Conclusion: “the poor folk of the country suffer under feud and war, while the lords and towns profit from it.”

²²⁰ Gisela Naegle, “Revolts and wars, corporations and leagues: remembering and communicating urban uprisings in the medieval Empire,” in *The Routledge History Handbook of Medieval Revolt*, ed. Justine Firnhaber-Baker, Dirk Schoenaers (New York: Routledge 2017), 243.

²²¹ Naegle, “Revolts and wars, corporations and leagues: remembering and communicating urban uprisings in the medieval Empire,” 244f. The exception was the town of Strasbourg which was riven by internal vendettas and feuds among the aristocratic patrician lineages throughout the fourteenth and early fifteenth centuries.

The urban element in the late medieval Empire's landscape of organized violence was far from marginal. Towns, as the above dictum implies, crafted the leitmotifs of late medieval feuding violence as much their aristocratic counterparts, were equally implicated in the process of rural resource extraction so characteristic of the feud, and drove their own brand of territorial politics in a fashion no less ruthless and violent than that of their aristocratic allies and competitors. Towns did not represent islands of proto-bourgeois rationality, progress, and morality in the midst of retrograde aristocratic violence, but were rather, to adopt a phrase of the Iberianist James F. Power, societies organized no less for war than trade, industry, and cultural achievements.²²² Moreover, amongst its citizens, not only did town governments recognize the feud as a licit means of dispute resolution within certain boundaries, but they remained remarkably conservative in how they dealt with intra-communal violence, preferring monetary compensations, ritualized acts of reconciliation, and exile over public prosecution. And, thus, we would do well to remember the words of the archivist Wilhelm. E. Giesers uttered nearly a hundred and fifty years ago that: "where there used to reign in all the districts of Germany a tendency to feud, plunder, and pillage, there was not only a great number of robber knights, but robber townsmen...as well."²²³

²²² James F. Power, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000-1284* (Berkeley: University of California Press, 1987).

²²³ "VII. Chronik des Vereins für Geschichte und Alterthumskunst Westfalens. Abteilung Paderborn," *Zeitschrift für vaterländische Geschichte und Alterthumskunde* 39 (1881), 198: "wo eine allgemeine Rauf und Raublust in allen deutschen Gauen herrschte, nicht allein Raubritter, sondern auch Raubbürger und Raubbauern in der großen Anzahl gegeben hat."

CHAPTER 4: FEUDING AT THE CUSP OF THE EARLY MODERN PERIOD AND BEYOND?

The year was 1717. Johann Sebastian Bach was busily at work composing some of his most accomplished secular pieces as the director of music for Prince Leopold of Anhalt-Köthen, the polymath philosopher Gottfried Wilhelm Leibniz had just died the year before; and that epitome of enlightened absolutism Frederick the Great was still a young boy. The lands of the Holy Roman Empire were in the spring bloom of the Enlightenment. Or were they? On December 14 of that year, Augustus II the Strong Elector of Saxony and King of Poland, issued a mandate entitled “against the larcenous burglaries, robbery, arsonists and feuders, as well as wandering soldiers, beggars, and other suspicious rabble.”¹ There were, he lamented, continued reports of robberies and arsons being committed around Leipzig and moreover “feud letters were being sent to the inhabitants there (*Brand=Droh=und Fehde=Briefe ausgeworffen und denen Inwohnern zugeschicket worden*).”² Worse still were those local judges and officials who not only refused to properly prosecute such arsonists, robbers, and feuders, but even hid and protected them. What was the feud doing of all places in the heartland of German Baroque culture?

The question of how the late medieval feud transformed into its early modern guise remains to this day a poorly understood and rarely asked one. This is not for want of evidence. German historians of crime, while often treating the feud as an explicitly illicit activity, have

¹ *CODEX AUGUSTEUS, Oder Neuvermehrtes CORPUS JURIS SAXONICI*, vol. 1, ed. Johann Christian Lünig (Leipzig, 1724), 1879-1882, quotation. 1879.

² *Ibid.*

assembled ample evidence of its persistence in early modern German society well into the seventeenth-century.³ Brunner to his credit did acknowledge the persisting practice of the feud into the seventeenth-century, particularly among commoners, and even drew attention to the extenuating circumstances' clause for the feud within the Theresian Criminal Code of 1768.⁴ Few followed the trail of evidence that Brunner had brought to light until the article length studies of Jan Peters and Monika Mommertz on commoner feuds in sixteenth and early seventeenth-century Brandenburg and Mikkel Leth Jespersen's examination of the persistence of medieval forms of compensation, vengeance, and feuding behavior in early modern Schleswig-Holstein.⁵

Answering the daunting historical question of how the late medieval feud or modalities thereof persisted early modern form far exceeds the scope of this chapter. The problematic itself, though, provides us with an opportunity, that is to say, an encouragement for reconsidering how we should think about the "late medieval" feud as part of a broader "pre-modern" European culture of violence and conflict. This chapter's aim then is to contribute to this rethinking and hopefully elicit further research into this this question by bringing new evidence to light, while also revisiting one of the loci classici of the sixteenth-century feud. Such a *longue durée*

³ Schwerhoff, *Kriminalität, Herrschaft und Gesellschaft in einer frühneuzeitlichen Stadt*, 328-335; Monika Spicker-Beck, *Räuber, Mordbrenner, umschweifendes Gesind: Zur Kriminalität im 16. Jahrhundert* (Freiburg im Breisgau: Rombach Verlag, 1995); Jürgen Hans Karl Duffner, "Über Landzwang. Eine strafrechtliche Untersuchung zu Artikel 128 der Carolina," Jur. Dissertation. University of Marburg (1982).

⁴ Brunner, *Land and Lordship*, 56-59; *Constitutio Criminalis Theresiana* (Vienna, 1769), art. 73, § 14, 205 (cited incorrectly in the English trans.!). An extenuating circumstance is recognized "if the defier proves that a great injustice was committed against him by the one defied (Da der Absager beweiset, daß ihme von dem Bedroheten ein gar grosses Unrecht beschehen)."

⁵ Jan Peters, "Leute-Fehde Ein ritualisiertes Konfliktmuster des 16. Jahrhunderts," *Historische Anthropologie* 8, 1 (2000), 62-97; Monika Mommertz, "Von Besen und Bündelchen, Brandmahlen und Befehdungsschreiben. Semantiken der Gewalt und die historiographische Entzifferung von "Fehde" Praktiken in einer ländlichen Gesellschaft," in *Streitkulturen. Gewalt, Konflikt und Kommunikation in der ländlichen Gesellschaft (16.-19. Jahrhundert)*, ed. Magnus Eriksson, Barbara Krug-Richter (Cologne: Böhlau, 2003), 197-234; Mikkel Leth Jespersen, "Die Fehdekultur in den Herzogtümern Schleswig und Holstein im Übergang vom Spätmittelalter zur Frühen Neuzeit," *Zeitschrift der Gesellschaft für Schleswig-Holsteinische Geschichte* 134 (2009), 17-57.

approach that treats the feud as an integral component of the structures of pre-modern European life certainly evokes resonances with Brunner's Old Europe (*Alte Europa*); this is not by chance, but by design.

Despite the pretense to a *longue durée* approach, this chapter primarily restricts itself to a seventy-year period from 1470 to 1540, whilst occasionally venturing past the year 1600. The first section briefly sketches the changes in governance, administration, and law within the late fifteenth- and sixteenth-century territories of Albertine and Ernestine Saxony as they pertain to the feud. A great deal of attention will be paid to district governorships, for these were the nexus points through which princely governance concretely unfolded to clamp down on feuding among Wettiner vassals and subjects.

Next will follow a series of case studies of feuds dating to around 1480 reconstructed on the basis of administrative documents concerning these district governorships and their noble officeholders. Although we will draw upon numerous sub-holdings of the Wittenberger Archiv in the Hauptstaatsarchiv Dresden, our main focus lies in the collection, *Befehdung und Rauberei*.⁶ For the second half of the fifteenth-century, they are divided into two sub-collections. The first, labeled Loc. 4319/02-04, consists of a 223-leaf collection of miscellaneous feud related documents, ranging across the late 1460s to 1485. The second, Loc. 4319/05, covering roughly the same time period, bears the name "*Fehde- und Gefangenenbuch und was für Zugriffe*

⁶ HStA Dresden, 10005 (Wittenberger Archiv), 008. *Befehdungen, Räubereien*. For the Wettiner chancery of the fifteenth and early sixteenth centuries, see: Woldemar Lippert, "Die ältesten wettinischen Archive im 14. Und 15. Jahrhundert. Dritter Teil der Studien über die wettinische Kanzlei," *Neues Archiv für sächsische Geschichte*, 44 (1923), 71-99; Rolf Gold-Friedrich, "Die Geschäftsbücher der kursächsischen Kanzlei im 15. Jahrhundert," PhD Dissertation, University of Leipzig (1930); Karl-Heinz Blaschke, "Urkundenwesen und Kanzlei der Wettiner bis 1485," in *Landesherrliche Kanzleien im Spätmittelalter*, vol. 1, ed. G. Silagi (Munich: Arbo-Gesellschaft, 1984), 193-202. The Wittenberger Archiv contains those archives held in common by both branches of the family (Ernestine and Albertine) up till the Leipzig Partition of 1485 which were held in first at Leipzig and then Wittenberg.

geschehen” and contains 158 leaves of documents, mostly official reports, legal proceedings, communiques to and from officials and princes, and confessions extracted from captured “criminals” and feuders. A significant portion of these documents are composed by, sent to, or concern in some fashion noble governors (Amtmänner) and district governorships (Ämter). Their contents — annual reports on feud related incidents, communiques between prince and governor, and directives ranging from military preparations against enemies external and internal to the apprehending of malefactors and providing of oversight in the resolution of local feuds and conflicts — all highlight the centrality of governorships in translating princely rule into concrete governance in their territories.

Moving past the year 1500, the chapter ends on one of the most notorious feuders of sixteenth-century Saxony, the infamous Hans Kohlase. For Kohlase’s feud we are treading fields altogether less fallow. Reentering modern historical consciousness with Heinrich von Kleist’s novella *Michael Kohlase* (1810), historians have been graced by an abundance of fine scholarly works devoted to Kohlase’s feud ever since its initial scholarly treatment by C. A. H. Burkhardt (1864).⁷ The two most notable contributions Kohlase scholarship have been Christoph Müller-Tragin’s study and Malte Diebelhorst and Arne Duncker’s joint effort, which extensively transcribes in its appendix the voluminous archival documentation concerning the feud now held in the Dresden and Weimar Staatsarchiv.⁸ It is on these studies that my analysis of Kohlase’s feud will be primarily based, along with C. Reinle’s more recent treatment in her 2003 *Bauernfehde*.⁹ The only complete narrative description of the feud is found in Peter

⁷ C. A. H. Burkhardt, *Der historische Hans Kohlase und Heinrich von Kleists Michael Kohlhaas* (Leipzig, 1864).

⁸ Christoph Müller-Tragin, *Die Fehde des Hans Kohlase: Fehderecht und Fehdepraxis zu Beginn der frühen Neuzeit in den Kurfürstentümern Sachsen und Brandenburg* (Zürich: Schulthess Polygraphischer, 1997); Malte Diebelhorst and Arne Duncker, *Hans Kohlase: Die Geschichte einer Fehde in Sachsen und Brandenburg zur Zeit der Reformation* (Frankfurt a. M.: Peter Lang, 1999).

⁹ Reinle, *Bauernfehde*, 173-187.

Hafftiz's (c. 1525 – c. 1601) *microcronicon Marchium* (a synthesis of earlier fifteenth and sixteenth-century Brandenburg chroniclers). It remains an indispensable source of additional information, particularly on Kolhase's trial, the records of which have been lost.¹⁰

1. Wettiner Hegemony Realized: the Feud in Central Germany from 1451 to 1550.

As outlined in the dissertation's introduction, the territories of the Margraviate of Meissen, Landgrave of Thuringia, and Electorship of Saxony assumed their distinctive form as coherent polities in the second half of the fifteenth-century in the wake of Saxon Fraternal War (*Sächsischer Bruderkrieg*) (1446-1451). Despite its incredibly destructive nature, the Saxon Fraternal War did resolve the particularly vexing issue of partible inheritance by taking the first steps toward establishing the permanent division of the Wettiner territories into two independently ruled parts. In 1485, this development towards a permanent division would become fixed with the Treaty of Leipzig, which saw Albert the Bearded (1443-1500) establish Albertine Electoral Saxony and Ernst (1441-1486) Ernestine Ducal Saxony (see map).¹¹ With the disputes over questions of inheritance and partition resolved, the Wettiner princes could direct their energies to the internal consolidation of their own authority and power. Both brothers set about laying down the foundations for what would become the early modern princely state of the sixteenth and seventeenth-centuries: princely jurisdiction was centralized around the high court at Leipzig, administrative and bureaucratic apparatuses were expanded and professionalized, governorships were established to bring princely governance to a local level, increasingly

¹⁰ *Codex diplomaticus Brandenburgensis*, vol. 4, 1, ed. Adolph Friedrich Johann Riedel (Berlin, 1862), 101-104.

¹¹ For the later medieval and early modern period of Saxon history, see: Karl-Heinz Blaschke, *Geschichte Sachsens im Mittelalter* (Berlin: Union Verlag, 1990), 292-297; ——— "Kanzeleiwesen und Territorialstaatsbildung im wettinischen Herrschaftsbereich bis 1485," *Archiv für Diplomatik* 30 (1984), 282-302; Thomas Klein, "Politik und Verfassung von der Leipziger Teilung bis zur Teilung des ernestinischen Staates (1485-1572)," in *Geschichte Thüringens*, vol. 3, ed. Hans Patze, Walter Schlesinger (Cologne: Böhlau, 1967), 148-151; Rudolf Kötzschke, Hellmut Kretzschmar, *Sächsische Geschichte. Werden und Wandlungen eines Deutschen Stammes und seiner Heimat im Rahmen der deutschen Geschichte* (Frankfurt a. M.: Wolfgang Weidlich, 1977), 143.

modern forms of governmental policy were introduced through the territorial law codes (*Landesordnungen*), and the interests of the regional urban, noble, and episcopal power holders were more tightly aligned with those of the Wettiner through the participation of the territorial estates in governmental policy. Simultaneously, the long-standing dynamic of princely intercession into the feuds of the Wettiner's own subjects and aligned lords was rapidly picking up pace. The Wettiner princes had ascended to the role of de-facto mediators to whom feuding nobles, towns, and even commoners in Central Germany all increasingly turned. The most prominent evidence thereof would be the document entitled, "arbitration and judgement concerning the land and people of Thuringia made by (Landgrave) Willian and a record thereof," which contains 297 folios of peace treaties with related documentation overseen by the Wettiner princes for Thuringia from 1452 to 1482.¹²

Together these developments would provide the Wettiner princes with the necessary infrastructure and authority to effectively intercede into local feuds in a manner unimaginable to their predecessors. It was specifically at the level of the aforementioned district governorships, with their noble officials and servitors, that princely governance brought the aspirational claims of their predecessors into reality. And thus, perhaps more than any other institutional development it would be the district governorships that reshaped the relationship between local feuders and Albertine and Ernestine governance. The rise of district governorships, like nearly all late medieval institutional advances, was underwritten by progressively sophisticated record keeping and communication techniques. An immediate effect thereof was not only an increasing volume but also quality of feud related documentary output. Feuders seem to have quickly

¹² HStA Dresden, 10004 Kopiale, Nr. 0003, Schied Richtung und spruch das lant und inwoner zu Doringen belangend beyh Wilhelm gemach und ist hirinne eyn vorzeichnis; Gold-Friedrich, *Die Geschäftsbücher der kursächsischen Kanzlei im 15. Jahrhundert*, 131, 160, ft. 37.

followed suit; their feud letters lost the characteristic laconic quality for an altogether more ornate style that placed a premium on inserting extensive justificatory passages. The feud, as André Thieme so succinctly expressed it, experienced a “bureaucratization” of sorts.¹³

¹³ Thieme, “Zum Fehdewesen in Mitteldeutschland. Grundlinien der Entwicklung im 15. und 16. Jh.,” 73.

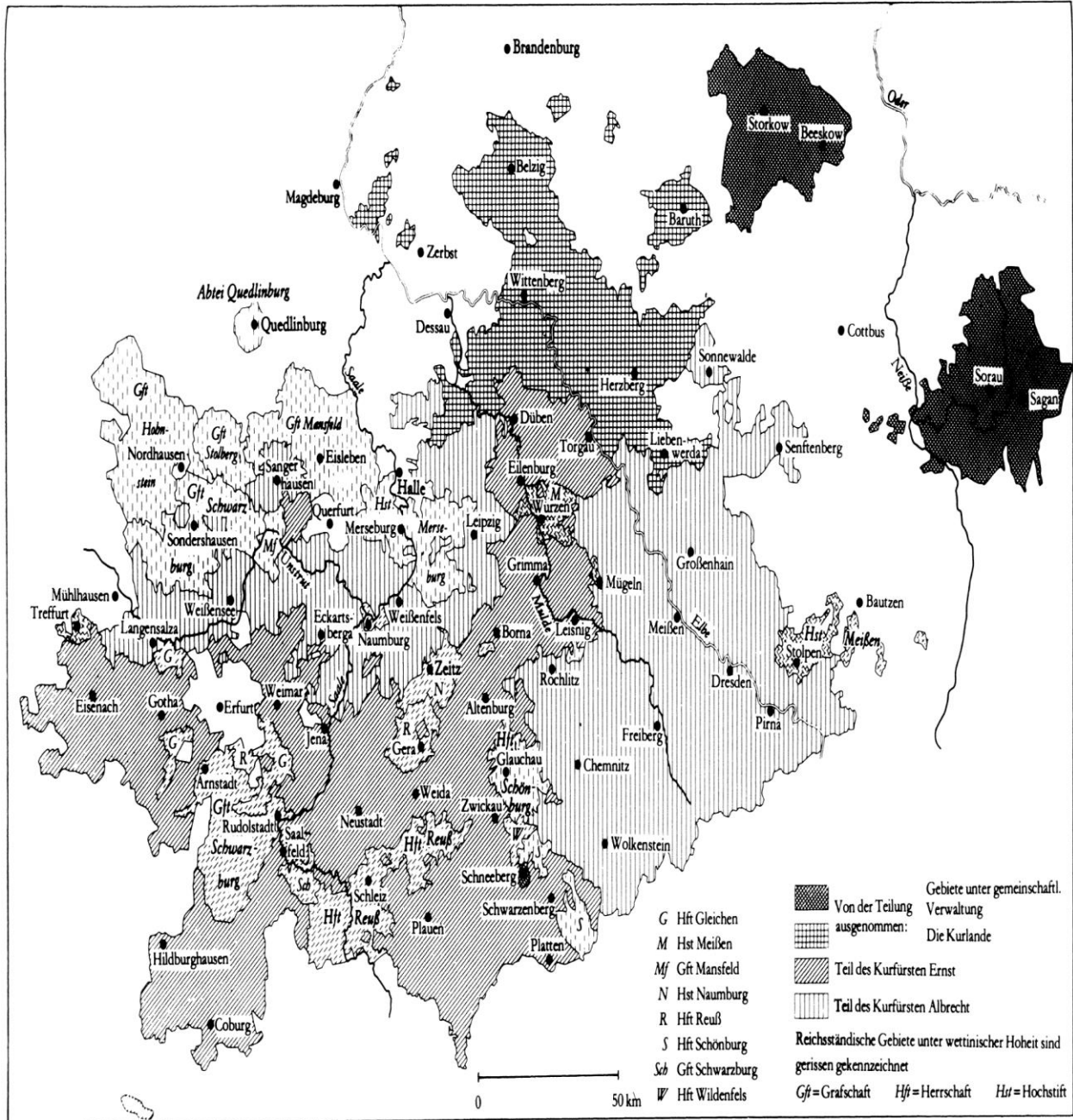


Figure 6. The Leipzig Partition 1485 (Blaschke, *Geschichte Sachsens im Mittelalter*, 295)

1.1. District Governorships and Territorial Law Codes: The Sinews Of Fifteenth- And Sixteenth-Century Electoral Governance.

The rising importance of district governorships dovetailed with a shift in how the Wettiner rulers realized their traditional duties of upholding the general peace as the moved from the

rather ad-hoc territorial peace agreements to a more permanent foundation in their territorial law codes (*Landesordnungen*).¹⁴ The first series of territorial law codes from 1446 and 1482 were certainly more aspirational than operational in their ability to translate policy into effective governance. Nonetheless, they distinguished themselves from earlier princely legislative efforts in their concern for establishing a permanent institutional basis for securing internal order and security.¹⁵ In this manner, they gestured toward the formal abolition of the feud, or at the very least provided blueprints on which their successors could draw. Landgrave William III's territorial code of 1446, for instance, very clearly inches toward what could be termed the "structural elements" of the early modern princely state.¹⁶ Thus, in contrast to the territorial peace agreements or regional alliances that rested on more consensual notions of rulership and required periodic renewal, the territorial code of 1446 was intended to be a permanent piece of legislation.¹⁷ Very much an intermediary document displaying both medieval and early modern characteristics, the code — while not explicitly forbidding the feud — requires all subjects to turn only to the territorial courts to resolve their disputes and enjoins all of the estates to prosecute those who would break the general peace internally or externally (*beschediger unser lande*).¹⁸ The 1482 territorial law code by contrast remains silent on the feud. However, its provisions that forbid ducal subjects from providing any sort of aid to those accused of certain crimes (*Todtschlag...oder dergleichen peinlichen Sachen*) while also regulating the lodging of

¹⁴ For an overview of these early modern territorial law codes and ordinances in relationship to the feud and criminal law more generally, see: Andreas Roth, *Kollektive Gewalt und Strafrecht: Die Geschichte der Massedelikte in Deutschland* (Berlin: Erich Schmidt Verlag, 1989), 141-144.

¹⁵ Woldemar Goerlitz, *Staat und Stände unter den Herzögen Albrecht und Georg, 1485-1539*, 193-228, esp. 199-204; Gregor Richter, *Die Ernestinischen Landesordnungen und ihre Vorläufer von 1446 und 1482* (Cologne: Böhlau, 1964).

¹⁶ Gerhard Müller, "Die thüringische Landesordnung vom 9. Januar 1446," *Zeitschrift des Vereins für Thüringische Geschichte* 50 (1996), 9-36.

¹⁷ Müller, "Die thüringische Landesordnung vom 9. Januar 1446," 13f.

¹⁸ Müller, 21, 28.

classes of people deemed prone to involve themselves in local feud like itinerants (*Müßiggänger*) at taverns and, all prefigure the more intrusive anti-feud legislation of the sixteenth-century that aimed toward a “social disciplining” of ducal subjects.¹⁹ Just as central to the increasing capabilities and desire of the Wettiner to curtail or at the very least strictly regulate the feud within their domains were intra-territorial agreements with neighboring lords and princes that permitted the signatories the right to pursue suspected feuders into each other’s territories (the ability of feuders to escape away into another lord’s territory was a particular vexing problem faced by ducal authorities). Termed *Plackereiverordnung*, the Wettiner would enter into four of these agreements; one with the archbishop of Magdeburg (1491) and three more with the king of Bohemia (1495, 1495/96) in an attempt to gain better control over the notoriously unruly and violent Bohemian-Saxon border lands.²⁰

Ducal aspirations at enforcing the general peace would have remained just that if not for expansions of district governorships in the course of the fifteenth and early sixteenth-centuries. These district governorships, as the foundations of late medieval and early modern German princely polities, became essential to the Wettiner princes’ efforts to clamp down on and eventually suppress feuding in their domains. They evolved out of clusters of earlier seigneurial complexes centered around a castle, from which a princely representative (*Amtmann*) governed.²¹ Throughout the thirteenth and fourteenth-centuries, the governors exercised a mixed bundle of fiscal-economic, military, and juridical competencies, which by the fifteenth-century had become increasingly delineated, subject to regulation, and laid down in writing by princely

¹⁹ Reinle, *Bauernfehde*, 175; Müller-Tragin, 108f. The later *Plackereiverordnungen* also order ducal subjects to pay particular attention to itinerant persons, categorized as *landschädliche Leute*.

²⁰ Uwe Tresp, “Erbeinung und Fehde zwischen Sachsen und Böhmen: Die Fehde des Jan von Lobkowitz auf Hassenstein gegen die Albertiner (1493–96),” 181f; Müller-Tragin, 110.

²¹ The best summary of late medieval German governorships and officeholding remains that of Dietmar Willoweit, “Die Entwicklung und Verwaltung der spätmittelalterlichen Landesherrschaft,” 66-142.

authorities.²² In the period treated by this chapter, governors were increasingly tasked exclusively with military/policing duties, hence the increasing prevalence of the term “captain” (Hauptmann). He also assumed a supraordinate role over the other officials (Schösser) who exercised specific financial and legal competencies.²³ Simultaneously, the Wettiner had begun to implement a regime of accountability through more direct princely oversight, the introduction of annual accounting for governorships, and visitations.²⁴ Undergirding the growing centrality of district governorships in the Wettiner’s centralizing system of governance was the late medieval revolution in record keeping that we have already discussed earlier in some detail.²⁵

This hastening pace of communication between the hubs of princely governance and governorships underlined how they were becoming an ever more effective apparatus for princely rule and authority. This is no more evident than in how governorships were coming to form the sinews of an increasingly effective military-security system at the disposals of the Wettiner princes. They stood at the front line of the Wettiner’s ever more strenuous measures to ensure internal security and order in their domains from the later fifteenth-century onward. For instance, at the 1523 territorial diet of Altenburg, Elector Frederick and Duke John explained to the Thuringian knighthood, disgruntled at the disorder and insecurity apparently running rampant, that they knew of no better solution than for the knighthood and governors (Ämter) to be armed and ready to proceed against feuders and peace-breakers. For as the princes emphasized, it was

²² Willoweit, 81-104.

²³ Hesse, *Amtsträger der Fürsten im spätmittelalterlichen Reich*, 132ff; Streich, *Das Amt Altenburg Im 15. Jahrhundert: Zur Praxis Der Kursächsischen Lokalverwaltung Im Mittelalter* (Weimar: Springer-Verlag, 2000), 54f.

²⁴ Streich, *Das Amt Altenburg Im 15. Jahrhundert: Zur Praxis Der Kursächsischen Lokalverwaltung Im Mittelalter*, 56.

²⁵ *Ibid.*, 13f, 17ff. From roughly 1400 onward, the Wettiner governorships in Meissen and Thuringia started to receive their own financial registers, while simultaneously the output of documents to and from district governorships and the Wettiner chancelleries also quickened pace.

these governors that the peace breakers feared the most (*die von den Plackern am meisten gefürchtet*).²⁶

2. District Governorships and Feuding in The Fifteenth-Century Saxon-Bohemian Borderlands: Fritz Beck, the Schlicks of Lazan, and the Case Of Little Martin Peczenhofer.

What did this pronouncement that set governorships at the forefront of princely measures to subdue feuders and peace breakers mean concretely? How did district governors conduct their growing role in princely efforts against feuding? How did feuding and feuders adjust to an increasing proximity to the local institutions of princely governance? And what can we glean about feuding on the cusp of the early modern period as we plumb a sprawling mass of documentation now exceeding both in volume and granularity of detail what we have encountered up till this point? These questions can begin to be addressed by turning to one of the prominent Albertine governorships in the Erzgebirge region of southwestern Saxony during the early 1480s: Schneeberg.

2.1. The District Governorship of Schneeberg

Schneeberg was very much part of that broader frontier zone that we visited in chapter two, encompassing the Vogtland, northeastern Franconia, Bohemia, and southwestern Saxony. The Saxon-Bohemian borderland here along the Erzgebirge had by the fifteenth-century acquired quite the reputation as an especially dangerous and insecure region where feuding, as the Wettiner princes oft lamented, and general criminality predictably flourished.²⁷ Here feuders

²⁶ *Ernestinische Landtagsakten*, ed. Carl August Hugo Burkhardt (Jena: G. Fischer, 1902), nr. 295, § 13, 164.

²⁷ Reinle, "Gefährliches Umland: Räuberisches Volk und adlige Räuber vor Passaus Toren (1517)," in *Stadt und Land. Bilder, Inszenierungen und Visionen in Geschichte und Gegenwart. Wolfgang von Hippel zum 65. Geburtstag*, ed. Sylvia Schraut, Bernhard Stier (Stuttgart: Kohlhammer, 2001), 33-53.

could not only exploit the territorial rivalries typical of such border regions, but also find in Bohemia a safe retreat, allowing them to secure protection, recruit supporters, and, perhaps most importantly, maintain their mobility.²⁸ Consequently, the district governors of Schneeberg faced an especially challenging security landscape in this border region, which by its very nature tended perhaps not just to appeal to feuders but encourage them as well.

The governorship of Schneeberg lay nearly equidistant from the town of Zwickau and the Bohemian border. It had its origins in one of the numerous silver mining settlements of the Erzgebirge region that had sprung up into fully fledged towns in the course of the fifteenth-century.²⁹ From the 1460s onward, the Wettiner princes took an ever more active role in what was quickly becoming a lucrative mining operation. In 1477, they appointed Henry of Starschedel (1435-1499) as governor and captain. By the time of his appointment, Henry was already an experienced official and intimate of the Wettiner court; he had previously overseen a prior mining operation and was regarded highly enough by Duke Albert to accompany him on his pilgrimage to Jerusalem in 1476.³⁰ Until his departure from the office of governor and captain in 1485, Henry faced the task of bringing order and stability to an especially fractious governorship.³¹ Not only did Schneeberg suffer from internal strife between the various factions within, as any mining boom town is wanting to have, but also from threats of hostile nobles and robbers from without.³² It would not be an understatement to refer to the Erzgebirge region during the late fifteenth and early sixteenth-centuries as Saxony's "Wild South."

²⁸ Reinle, *Bauernfehde*, 320ff. Feuders often intentionally chose to retreat to these border regions.

²⁹ Oswald Hoppe, *Der Silberbergbau zu Schneeberg bis zum Jahre 1500* (Freiberg: Gerlachsche buchdr., 1908).

³⁰ For Henry von Starschedel's career in ducal service, see Streich, *Zwischen Reisherrschaft und Residenzbildung: der Wettinische Hof im späten Mittelalter*, 133f, Hesse, *Amtsträger*, 638, nr. 2596.

³¹ Hoppe, *Der Silberbergbau zu Schneeberg bis zum Jahre 1500*, 33.

³² *Ibid.*

2.1.1. The Role of Commoners in the Schlick- Schönburg Feud: Fritz Beck

One of the more notable feuds that Henry had to deal with during his tenure set members of the Schlick family of Lazan, the brothers Niklas and Matthias lord of Weissenkirchen and Elbogen, against Ernst I of Schönburg.³³ Sparked by a dispute over Ernst I of Schönburg's castles of Eichtig and Schöneck, this conflict was just one in a string of feuds that the Schlicks were waging throughout the 1470s and 1480s.³⁴ The feud itself seems to have commenced sometime in the early fall of 1480. Given that both parties belonged to especially important noble families with extensive holdings across the Saxon-Bohemian border, their respective lords, Duke Albert and King Matthias Corvinus of Bohemia, took swift action in ensuring a resolution. By late February of 1481, "a lasting peace had been secured."³⁵ The intra-noble aspects of this feud do not concern us here; rather, we cast our attention "below" to the interface between the ducal governorship of Schneeberg and the local feuding networks that the Schlicks assembled. Mainly, but not exclusively these networks were composed of burghers and peasants who saw in the feud of their superiors a means to advance their own agendas.

The central role of commoners immediately becomes clear upon the perusal of the one of Henry's communiques (November 18, 1480) sent to Duke Albert for further instructions regarding the Schlick-Schönburg feud. Ernst I of Schönburg, Henry relates, had complained that there were men of Matthias Schlick staying at Schneeberg in the process of gathering vital

³³ Tresp, "Art. Schlick," in *Höfe und Residenzen im spätmittelalterlichen Reich. Ein dynastisch-topographisches Handbuch*, vol. 4: Grafen und Herren, ed. Werner Paravicini et al (Ostfildern: Thorbecke, 2012), 1300-1317; Constantin von Wurzbach, *Biographisches Lexikon des Kaiserthums Oesterreich*, vol. 30 (Vienna, 1875), 102-106; Franz Heisinger, "Die Stadt Elbogen und die Herren von Schlick Elbogen," in *Jahres-Bericht der Ober-Realschule in Elbogen* (Prague, 1870), 1-21. The Schlicks of Lazan originated from a Franconian burgher family in Eger which entered the nobility by the enterprising efforts of the merchant Henry Schlick through his marriage to the Contessa of Collato. The family distinguished itself through faithful service at the imperial court under the Luxembourg and Habsburg emperors.

³⁴ HStA Dresden, 10005, 015. Böhmen, Loc. 4326/03, Fol.191; 090. Schönburg, Nr. Loc. 4373/03, fol.028.

³⁵ HStA Dresden, 10005, 090. Schönburg, Nr. Loc. 4373/03, fol.021, 022, 025.

information that the Schlicks could employ in the case of an attack on Ernst.³⁶ There were two men in particular who had awoken Henry's suspicion: one named Rosenbaum, the other Reichenstein. In a scene reminiscent of a modern police procedural, Henry had both men cross-examined before Schneeberg's judge to ferret out their respective confessions' discrepancies. Rosenbaum seems to have been the weak link; he divulged to Henry how Reichenstein had used a ducal safe passage (*Geleit*) to travel not to Nuremberg as he had claimed, but instead to Elbogen where he had met with the Schlicks.³⁷ Thrown in prison, Reichenstein quickly divulged the extent of the Schlicks' machinations in Schneeberg. They had two more "agents" there (perhaps the Hans Gehes and Fritz Beck appearing in the *Fehde- und Gefangenenbuch und was für Zugriffe geschehen sind*) while eleven local big shots (Hanssen = big Jacks) under the leadership of a Hans of Reine were planning to raid around Zilsen.³⁸ What Henry of Starschedel had discovered in his governorship was only the outer branches of an extensive network of feuders that had coalesced around the Schlicks.³⁹ In a manner redolent of what Hilla Zmora uncovered for the lower nobility and princely rulers in late fifteenth- and early sixteenth-century Franconia, commoners would — just like the lower nobility — serve as proxies in the feuds of their superiors, often using them as cover to prosecute their own feuds as well.⁴⁰

This dynamic becomes most apparent in the figure of Fritz Beck, a commoner who had found common cause with the Schlicks' feud against Ernst I of Schönburg. According to a series of testimonies and confessions contained in the *Fehde- und Gefangenenbuch*, Beck had assumed

³⁶ HStA Dresden, 10005, 008, Loc. 4319/03, fol.124b.

³⁷ Ibid., fol.r124b. The town of Elbogen was one of the centers of the Schlicks' power bases across the western Bohemian-Franconian border.

³⁸ Ibid.

³⁹ Ibid., fol.124c. Duke Albert's instructions to Henry in the following directive (December 11,1480) were mild — banishment and a revocation of the privilege of ducal safeguard.

⁴⁰ Zmora, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440-1567*; ——— *The Feud in Early Modern Germany*.

the position of ringleader for the Schlicks' band of commoner feud helpers.⁴¹ We know little about Beck except that he was originally from Elbogen and stayed at Schneeberg for some time, where he had presumably cultivated contacts among its residents who may have been sympathetic to the Schlicks' cause. Beck, as we glean from the confessions of his accomplices, Reichenstein and a Hans Gehe, was very much his "own man," proactively seeking out the Schlicks at Elbogen to clinch a *do ut des* agreement.⁴² For Beck, as he confessed under torture upon his capture, was already nursing his own enmities that partially aligned with the Schlicks' present feud.⁴³ What he primarily desired was support in his feud against the bishop of Bamberg; however, he was also more than willing to join the Schlicks' feud against a Wettiner vassal (and by extension the princes themselves) since Henry of Starschedel had confiscated some of his goods, while he had been at Schneeberg.⁴⁴ Both parties evidently came to an agreement as Beck assembled a band of commoners, eight in all, to prosecute the Schlicks' feud across southwestern Saxony. They plundered, pillaged, and committed arson as the opportunity presented itself.⁴⁵

Exactly how and from which demographic of commoners Beck formed his band we do not know. There was most likely a strong local element given that all the named commoners involved in the feud were locals or temporarily resided at Schneeberg. Later evidence from the early sixteenth-century does provide a few well attested cases of residents of Schneeberg defying the governorship in disputes ranging from issues of inheritance to unpaid wages.⁴⁶ There was then certainly no shortage of locals who would have seen the Schlicks' feud — like Beck — as an opportunity to redress previous wrongs and grievances. No doubt there were opportunists as

⁴¹ HStA Dresden, 10005, 008, Loc. 4319/05, fol.151-fol.154.

⁴² Ibid., fol.151-2.

⁴³ Ibid., fol.153b.

⁴⁴ Ibid., fol.151.

⁴⁵ Ibid., fol.153b.

⁴⁶ Carl Lehmann, *Chronik der freien Bergstadt Schneeberg*, vol. 1 (Schneeberg, 1837), 117, 121.

well. One indication thereof is a slip attached to the communiques to and from Henry of Starschedel and Duke Albert. It mentions the apprehension of a few robbers, perhaps acting as helpers of the Schlicks, who were using the town of Elbogen as a place to store and sell their stolen goods.⁴⁷ Another is the only member of Beck's band mentioned by name, a certain Martin Peczenhofer. Bearing the nickname Little Martin (klein Mertin/Mertil), he had prior feuding experience, surfacing in Wettiner documents covering the princes' easternmost possessions in Lower Lusatia and the Duchy of Sagan.⁴⁸ Little Martin also had a direct connection to Schneeberg through his former master, Frederick Blanken, a notable princely official there, whom he had fallen out with that same September.⁴⁹ Mertin thus fits the profile of a demographic that princely authorities identified as particularly liable to disorder, violence, and participating in feuds — a class of commoners who lived a highly precarious existence of itinerant employment which often brought them into military service and professional criminality.⁵⁰ Referred to as *schadliche Leute*, *Gartenknechte*, or *Landsknechte*, they were considered to be one of the most pressing securities problems by the territorial law codes and imperial decrees of the late fifteenth and sixteenth-century.⁵¹ The extent to which this class of people contributed to the feuding infrastructure around Schneeberg cannot be said with certain, but undoubtedly there must have been other itinerants of this sort who had found their way to the quickly expanding mining towns in the Saxon Alps.

⁴⁷ HStA Dresden, 10005, 008, Loc. 4319/03, fol.161.

⁴⁸ HStA Dresden, 10005, 056. Lausitzische Sachen, insbesondere Niederlausitz, Loc. 4353/01, fol.034; 087. Sagan, Loc. 4371/04, fol.329.

⁴⁹ HStA Dresden, 10005, 008, Loc. 4319/03, fol.128-fol.131, fol.133-fol.136.

⁵⁰ Marius S. Reusch, "'Bedrohliche Mobilität.' Das Problem der 'Gartknechte' für die Landfriedenswahrung im Südwesten des Alten Reiches im 16. Jahrhundert," in *Landfrieden - epochenübergreifend. Neue Perspektiven der Landfriedensforschung*, ed. Hendrik Baumbach, Hort Carl (Berlin: Duncker & Humboldt, 2018), 209-232.

⁵¹ Roth, *Kollektive Gewalt und Strafrecht*, 159-164.

2.2. Little Martin Peczenhofer

The case of Little Martin Peczenhofer illustrates the thin line between criminality and functional legitimacy that commoner feuders tiptoed before ducal authorities. The ducal response to such commoner feuders was by no means uniform. Ducal authorities were certainly willing to accommodate them in certain circumstances, yet they also, as the use of torture in Beck's case implies, tended less towards leniency than with burghers or especially their noble peers. In a word, they remained "flexible" as to whether they would grant the patina of legitimacy that would permit a mediated settlement, or the brand of criminality, the possibility of which often depended as much as on concrete political realities as legal norms.⁵²

Martin's feud arose from a simple breach of contract when his former employer the ducal official Frederick Blancken,⁵³ refused to honor a promise of as yet unpaid wages (*Lidlohn*).⁵⁴ Due to Frederick's status as a ducal official, Martin faced a rather delicate situation since there was no way to defy his opponent without also defying Dukes Albert and Ernst, Frederick's sovereign lords. His demands, encapsulated in his feud-letter (July 22, 1481), were straightforward: the payment of 15 Reichsthaler as *Brandschatzung* fourteen days after the date of his letter, or an assurance that the ducal official Jorge of Reizenstein in the locale where he was staying would meet with him to discuss the case.⁵⁵ Despite the initially harsh response of the local governors in the Erzgebirge region, who aimed to hunt down and capture Martin, the dukes evidently saw

⁵² A distinction does in many cases have to be drawn between peasant and commoner feuds, which often centered around specific legal issues, and the aristocratic and burgher feuds that often assumed very explicit political dimension.

⁵³ HStA Dresden, 10005, 008, Loc. 4319/03, fol.127; Hesse, *Amtsträger der Fürsten im spätmittelalterlichen Reich*, 624, nr. 2392. Frederick Blancken held the following offices: governor of Scharfenstein, 1469-76; advocate of Ehrenfriedersdorf/Thum/Geyer, 1472-1476, Bergrichter at Schneeberg, 1476-?.

⁵⁴ Often lords would promise payment for those services that they could not pay for in a lump sum. The payments were then deferred or divvied out over a certain period of time. This was a *Lidlohn*.

⁵⁵ Martin seems to have been traveling about the Saxon-Bohemian borderlands for he not only composed his feud letter at Hirschstein (a mountain close to the town of Schwarzenberg), but also mentioned that Jorge had been at the Bohemian town of Elbogen recently.

merit in Martin's case.⁵⁶ Their accommodating response no doubt had something to do with the fact that Frederick's conduct reflected very poorly on ducal authority. The dukes not only understood their governors and office holders as the local representatives of their very own authority (hence the formula "an Staat meiner gnädigen Herrn"), but also demanded a higher degree of accountability from them as the fifteenth-century progressed.⁵⁷ This was a sensitive point and one that Little Martin very much emphasized in his feud-letter by reminding the dukes of their responsibility to ensure the proper conduct of their officials.

Thus, in early September 1481 Thieme of Hermannsgrün (Vogt of Plauen and Voigtsberg), Hermann of Weissenbach, and Martin Römer were instructed to hold a hearing between Little Martin and Blanken at Zwickau.⁵⁸ Underlining their willingness to see justice done on Little Martin's behalf, the dukes also accorded him safe passage (*Geleit*) to Zwickau. The issuing of safe passage to feuders was a common means employed by ducal authorities to permit feuders the opportunity to deescalate and resolve their case before a court.⁵⁹ And, in fact, often as not the aim of authorities was less to punish than to reintegrate feuders through some form of ducal pardon (*Landshuld*).⁶⁰ Nevertheless, Blanken proved obstinate; he not only refused to fulfill his promise of unpaid wages, but even disregarded the additional citation after the initial hearing at Zwickau (September 7-8).⁶¹ Despite the best efforts of the ducal officials overseeing Martin's case, the settlement proceedings predictably ground to a halt, leading Martin to reinstate his feud sometime later that fall. This round, he contented himself with terrorizing noble ducal subjects and their peasants across the Vogtland and Erzgebirge regions with threats

⁵⁶ HStA Dresden, 10005, 008, Loc. 4319/03, fol.1271.

⁵⁷ Hesse, *Amtsträger der Fürsten im spätmittelalterlichen Reich*, 102-106.

⁵⁸ HStA Dresden, 10005, 008, Loc. 4319/03, fol.128.

⁵⁹ *Ibid.*, fol.129.

⁶⁰ Reinle, "zur bäuerlichen Fehdeführungen im Altbayern im Spätmittelalter," 122.

⁶¹ HStA Dresden, 10005, 008, Loc. 4319/03, fol.130, fol.131.

of *Brandschatzung*: from Eberhard Dosen of Erlbach he demanded 20 rheinische Gulden, from Lady Sithing of Zabitz 15 Gulden, to free the peasants he had ransomed from Conrad of Zebitz, 15 rheinische Gulden, and from the family of Siebenbrunn, 6 Gulden.⁶² As his final appeal to Thieme of Hermannsgrün makes clear, Martin was aiming to “coax” the local ducal authorities to ensure some equitable settlement on his behalf.⁶³ If Thieme and the knights of his district deemed his feud against the dukes of Saxony and their subjects to be unjust, they could swiftly end it by restoring his injured right. Where Martin’s feud finally led him unfortunately remains unknown to us. However, the longer such commoner feuds persisted, the less likely authorities were to issue a pardon or strike a compromise with an *Urfehde*. And although it cannot be said for certain if Little Martin was reaching a point of no return, the last documentary vestigia of Little Martin’s feud, a report composed by the prominent official Martin Römer (October 4, 1481) seems to suggest just that: one of his supporters had been captured, even confessed, and the authorities had no intention of ceasing their investigations against him.⁶⁴

Little Martin’s feud offers us insight into how commoners approached and conceived of feuds with lordly authorities before the formal proscription of the feud in 1503 within Wettiner territory.⁶⁵ One of the most prominent aspects in Little Martin’s thinking that we can discern is the assumption that there was a sufficient probability that ducal and lordly authorities would within certain bounds be amenable to some form of compromise. This assumption hinged on their being an inter-subjective order of justice shared by “all” (a pre-legislative body of customary norms and values) that both transcended and complimented positive law, bridging the

⁶² Ibid., fol.132, fol.133, fol.134, fol.135.

⁶³ Ibid., fol.136.

⁶⁴ HStA Dresden, 10005, 063. Malefizsachen, Loc. 4357/07, fol.013.

⁶⁵ Richter, *Die Ernestinischen Landesordnungen und ihre Vorläufer von 1446 und 1482*, 57.

vast asymmetry between commoner and duke. Hence, Martin appeals to both the abstract concept of justice (*uber alle pillikeit*) and more specifically the dukes' positive duties to ensure the upright conduct of their governors and officials. Martin proves to be especially direct in this regard: "I would have thought," he writes, "that the princes of Saxony (would) have held their official Frederick Blancken responsible after he had not fulfilled his promise to me of my unpaid wages (*Lidlohn*) because he is liable and should have paid me; this has not yet happened."⁶⁶ Martin, in so far as he understood the rules of the game, was completely justified to make recourse to the feud in this case (*gelt mir denn mit gewalt uber alle pillikeit fur*). There was some form of assurance — be it warranted or not — knowing that if one's case is just than so too the authorities should recognize it as so. Illustrative of this mode of thinking is the instance of the Leipzig burgher Jacob Alschauer. Jacob, so he alleged, had only begun his feud (1491) against the Bohemian noble Jan of Lobkowitz due the assurance of a ducal counselor, Doctor Johann Wilde: "because Alschauer had a just case, he would bring no disgrace to my dear lord Duke Georg (*kein ungenad kegin mein g. h. Herzog Jorgen brengin, denn Alschawer hab ein gerechte sach*)."⁶⁷

Martin also was aware of the profound political and social asymmetries that entering into such a feud entailed. Whether Martin played to a "script," reminiscent of contemporary French petitions for letters of remission, is difficult to substantiate.⁶⁸ However, he clearly had enough sense to play up his part as an aggrieved subject unwillingly forced to take the path of the feud,

⁶⁶ HStA Dresden, 10005, 008, Loc. 4319/03, fol.127.

⁶⁷ Tresp, "Erbeinung und Fehde zwischen Sachsen und Böhmen: Die Fehde des Jan von Lobkowitz auf Hassenstein gegen die Albertiner (1493–96)," 180.

⁶⁸ Natalie Zemon Davis, *Fiction in the Archives Pardon Tales and Their Tellers in Sixteenth-century France* (Stanford: Stanford University Press, 1987); Claude Gauvard, "*De Grace especial*" crime, état et société en France à la fin du Moyen Age, 59-110; Carroll, *Blood and Violence in early modern France*, 214-221.

reminding them repeatedly that he had previously never desired to be their enemies.⁶⁹ Although he may now be an enemy of the dukes and their subjects, it was only on account Blanken's refusal to fulfill his promise that "I want to commit arson against Frederick, the most serene princes, and their subjects, which I then have never desired to do, so take it to heart that I come for you all and your servants."⁷⁰ Simultaneously, a pretense to parity with ducal and lordly authorities also manifests itself, not an uncommon occurrence commoners' feud letters of the sixteenth and early seventeenth centuries.⁷¹ "After this I may burn you and your people me;" perhaps, it goes too far to attribute this sense of parity to Martin's selection of "*durfen*," but the modal verb implies above all else permission of a sort and permission implies a degree of parity.⁷² Martin's tone at the letter's closing, I think, speaks for itself in this regard: "If you desire to safeguard your subjects from my burning and to permit them all the means to defend themselves from my ways, then send me the money!"⁷³

The political and legal landscape that Little Martin faced had been drastically changing over the course of the fifteenth-century. The transformation was a multifaceted one and would impact feuders regardless of their social status. On one hand, it represented a culmination of the traditional intercessory role that the Wettiner had been exercising since the middle of the fourteenth-century in the feuds unfolding within the intensifying and expanding ambit of their political authority. This pattern in turn presented the Wettiner, especially with their acquisition of hegemonic status across central Germany in the second half of the fifteenth-century, with more

⁶⁹ HStA Dresden, 10005, 008, Loc. 4319/03, fol.127.: "previously, I never wanted to commit arson (against you) (vorder nye hab wollen prannen)."

⁷⁰ Ibid.: "darumb ich friderichen dye durchlauchten fursten und alle dy irene untertehnern will mith pranth, das ich denn nye hab wollen thun, werd euch nehmen etwas zu synne mit mir alle zu kommen fur euch und dye dienern."

⁷¹ Peters, "Leute-Fehde," 73.

⁷² HStA Dresden, 10005, 008, Loc. 4319/03, fol.127: "darnoch ich euch und dye ewere mich prannen dorff."

⁷³ Ibid.

opportunities for managing, corralling, and eventually curtailing the practice of feuding by the sixteenth-century. Undergirding this pattern were the two interconnected innovations in ducal governance touched upon at this chapter's beginning: the proliferation of governorships and technical advances in record keeping for governmental management and administration (an expanded and professionalized chancery). District governorships, despite their decentralized nature, were firmly ensconced in a highly functioning communication network that bound them tightly to the nodes of ducal governance. Thus, they formed a conduit through which local feuds, enmities, and conflicts could come to the attention of the dukes, which thereby forced feuders to accommodate themselves to a new institutional framework that was starting to develop "bureaucratic" characteristics.⁷⁴ A bureaucratization of feuding not only led to a multiplication of documentation by ducal authorities but also found feuders change their own documentary practices.⁷⁵ Feud letters became longer, rhetorically more complex, and provided more extensive and elaborate legal justifications. For instance, Little Martin's feud letter, while by no means voluminous, contains far more information, justificatory rhetoric, and legal argumentation with respect to his feud than is contained in many feud letters of the fourteenth and fifteenth-centuries concerning large-scale princely conflicts. This trend would continue to quicken during the beginning of the sixteenth-century where just a single feud could produce a body of documentation reaching immense heights. Fifty years after Little Martin's feud, Wilhelm of Haugwitz' feud with Duke George left three codices of documents numbering up to two thousand pages, to cite but one example.

⁷⁴ Thieme, 56ff.

⁷⁵ *Ibid.*, 73.

3. Crossing the Year 1500

3.1. Persistence and Precarity

There can be no contestation that the sixteenth-century ushered in new socio-political, legal, and confessional realities that would eventually birth a world in which the feud no longer held its former place. Nonetheless, this was not the foreordained conclusion of a unilateral process of modernization; for the feud or at the very least its vestigia, displayed a tenacious tendency to persist across all social distinctions far into the early modern period. As the feud of Hans Kohlhasse illustrates, the position of feuding vis-à-vis the initiatives (social discipline) of the emerging modern state remained ambiguous and even tolerated despite the legal proscriptions directed against it.

The feud's persistence of course neither diminishes the significance of the formal abolition of the feud in 1495 with Emperor Maximilian's passage of the Perpetual Peace (*Ewiger Landfriede*), nor of its counterparts in the legislative endeavors of the territorial princes and rulers. These were certainly aspirational at the outset, yet they undeniably laid the foundations for a modern system of penal law and monopolization of licit force in the hands of the early modern princely state. In Albertine and Ernestine Saxony, the feud began to face harsher proscriptions from the Landesordnung of 1503 onward with the introduction of the death penalty for "unjustified" feuds (*mutwillige Fehden*).⁷⁶ As the qualification "unjustified" suggests, the exact legal status of the feud remained ambiguous. The initial series of these proscriptions, for instance, contain qualifying clauses that imply feuding could be permissible in the case of a denial of justice ("*so ohne Weigerung des Rechtens*").⁷⁷ Despite the removal of these qualifying

⁷⁶ Richter, *Die Ernestinischen Landesordnungen und ihre Vorläufer von 1446 und 1482*, 57.

⁷⁷ Müller-Tragin, 111ff. Note how this qualification mirrors the extenuating circumstance's clause in the CCC's art. 129 regulating the feud.

clauses with the unequivocal criminalization of the feud, the Wettiner would continue to issue anti-feud legislation up to the early eighteenth-century.⁷⁸ The famed Saxon jurist Benedict Carpzov's (1595-1666) treatment of the feud in his *Practica nova Imperialis Saxonica rerum criminalium* (1634) further underlines the extent to which feuding continued to persist in defiance of the legal system of early modern electoral Saxony.⁷⁹

Quantitative evidence further bolsters the idea of the feud as an early modern phenomenon. As Müller-Tragin uncovered, the cases of *recorded* feuds in no way declined during the first half of the sixteenth-century. Within the Malefizhandeln of the Hauptstaatsarchiv Weimar, there exist 300 feud cases concerning nobles, towns, and peasants from 1500 to 1550; similarly, a survey of the Hauptstaatsarchiv Dresden's registers between 1500 and 1588 turns up copious evidence.⁸⁰ Quantitative evidence alone can be misleading since we could very well be dealing with a situation of more feuds being recorded on account of a heightened ducal will for criminally prosecuting feuds. And, as Müller-Tragin himself concedes, these 300 cases have not yet been submitted to any extensive case-by-case study, leaving us with little qualitative evidence to measure the feud's early modern guise against its late medieval forerunner. The following analysis of Hans Kohlhasse's feud supplemented by a selection of other sixteenth-century cases, aims to provide such an account by identifying some the cardinal shifts in the nature of the feud as it weathered the modernizing territorial polities of the sixteenth-century Empire.

Although taking the path of the feud was by its nature always a risky endeavor, the feud had by the sixteenth-century become defined by its precariousness. Its formal legal status was

⁷⁸ Richter, 70, 103; *Codex Augusteus*, vol. 1, 1767f, 1843f, 1879f.

⁷⁹Benedict Carpzov, *Practica nova Imperialis Saxonica rerum criminalium*, vol. 1, 7th ed (Wittenberg, 1677), q. XXXVII. De Diffidationibus & Minitationibus, Bevehdungen und Draungen/ earumque poenis, 213-223.

⁸⁰ Müller-Tragin, 175; Roth, 153.

insecure and ambiguous— at once forbidden by the *Ewiger Landfriede* of 1495 and numerous territorial law codes, while also permitted in certain, albeit ill-defined, instances by the *Constitutio Criminalis Carolina* (1532).⁸¹ This legal ambiguity further compounded the feud's dependence on the vagaries of imperial and regional politics, now thrown into a state of turmoil with the arrival of the Reformation.

3.2. Hans Kohlhase's Feud (1532-1540)

The case of Hans Kohlhase (1532-1540) realizes the sixteenth-century feud's precarity in terms of the interface of the politics of Reformation era central Germany, the increasingly ambiguous legal norms around the use of force, and the social-cultural ethos underlying the continuing practice of the feud. Each one of these categories will be analyzed in greater detail, but first a synopsis of Kohlhase's feud.

3.2.1. The Course of the Feud

Hans Kohlhase (c. 1500-1540) was a merchant of the Brandenburg town Cölln an der Spree. By all accounts, he was an educated man, able to write in both the vernacular and Latin, well respected both within his own community and abroad, and, moreover, a fervent adherent to Luther; yet, on the morning of March 22, 1540, he was executed by being broken on the wheel as a *Landfriedensbrecher* and *mutwilliger Fehder* by the authority of Joachim II Hector, Elector of Brandenburg (r. 1535-1571). The origins of Kohlhase's feud can be traced back to the Brandenburg merchant's lawsuit against the nobleman Günter von Zschwitz, whom Kohlhase accused of illegally impounding two of his horses on a false suspicion of horse theft.⁸² In the

⁸¹ *Deutsche Reichstagsakten unter Maximilian I.*, vol. 5 Reichstag von Worms 1495, 1,1, ed. Heinz Angermeier (Göttingen: Vandenhoeck & Ruprecht, 1981), 359-91; *Die peinliche gerichtordnung kaiser Karls V. Constitutio criminalis Carolina*, ed. J. Kohler, Willy Scheel (Halle: Buchhandlung des Waisenhauses, 1900), Art. 129, 66f.

⁸² Müller-Tragin, 29-31, 23-25; Diebelhorst, Duncker, *Hans Kohlhase: Die Geschichte einer Fehde in Sachsen und Brandenburg zur Zeit der Reformation*, 23-27.

beginning of October 1532, Kolhase had been on his way to the Leipzig fair when he passed through the Saxon village of Wellaune belonging to Günter von Zschwitz. The peasants who had been tasked with the governance of the village suspected Kolhase and his servants of having stolen the two horses that they were leading with them. Kolhase's harsh, perhaps even haughty reaction to their questioning only arose their suspicions further, so that they forcibly took possession of the horses which were then handed over to the local judge.

Kolhase's trouble began to compound. A delayed arrival at the Leipzig fair resulted in significant financial losses, while his visit paid to von Zschwitz on the return journey failed to effect a return of Kolhase's horses due to a disagreement over the cost of fodder demanded of Kolhase. Through the intercession of a fellow merchant from Leipzig, Hans Blumentrost, Kolhase was able to air his grievances before the governor of Bitterfeld (Bastian of Kotteritzsch) who arranged an arbitration meeting of the two litigants on March 30, 1533, before the judge and official at Düben.⁸³ Kolhase demanded that the accusation of horse theft be retracted, compensation for his financial losses, and double the price of the horses still being held at Wellaune. Von Zschwitz continued to insist that Kolhase cover the cost of the horses' fodder. While an agreement was not reached, Kohlase did eventually receive his horses back, but they were in such horrible condition that one died soon after, while the other was worthless. Despite his refusal to pay for the horse fodder, Kohlase declared that he would be satisfied with just 4 Gulden as compensation from von Zschwitz for the horses.⁸⁴ Kolhase proved persistent in his endeavor to resolve his case at the courts by appealing directly to Elector John Frederick,⁸⁵ von

⁸³ Diebelhorst, Duncker, 27-30.

⁸⁴ Diebelhorst, Duncker, 28.

⁸⁵ Müller-Tragin, 33; Diebelhorst, Duncker, 30-33.

Zaschwitz, however, remained obstinate, refusing to compromise even after his remonstrations by the ducal official authorized to conclude the case, Landvogt Hans Metzsch.⁸⁶

Thus, after having been frustrated at every instance within Electoral Saxony's jurisdiction, Kohlhasse finally declared a feud against von Zaschwitz and the entirety of Saxony.⁸⁷ Kohlhasse's feud letter (March 12, 1534) centers the legitimacy of his feud on two points, which would like *ein roter Faden* throughout. The first is his deployment of the classical feuding topoi of honor; the second is his claim that he suffered a denial of justice (*Rechtsverweigerung*), supported by a narrative account of unusual length and comprehensiveness. The first appeals to the moral ethos that slights to honor must be "avenged" through forms of violent "self-help:"

Now, having done nothing more than offer up my person, it is right that I, as an honor loving man deserves, protect out of necessity my honor and good name, which can be bought with neither gold nor silver, and I using all the swiftness and stratagems in the world want to as God's and all the world's friend be a publicly declared enemy of Gunter von Zaschwitz and the entire lands of Saxony.⁸⁸

The second fulfills the legal criterion for a just feud, namely the denial of justice (*Rechtsverweigerung*) that Kohlhasse had suffered through his lawsuit against von Zaschwitz. This insistence on the denial of justice proved to be a crucial point, since it could allow Kohlhasse

⁸⁶ Müller-Tragin, 31f; Dießelhorst, Duncker, 33-37.

⁸⁷ Müller-Tragin, 32-35; Dießelhorst, Duncker, 40ff.

⁸⁸ Müller-Tragin, 34: "also das ich nhun nicht mehr, dann mein leib and leben vortzsetzen habe, so will sich gebuere, das ich mein ehre unnd glimpf, wie das einem ehrlibenden zustehet, welche mir mith keinem golde, noch silber zubetzalen, zur nothurfft vorteidigen, unnd will aller welt list unnd behendigheit geprauchten, will sein gottes und aller welt freundt, Gunter von Zaschwitz und dem gantzen lande zu Sachssen ein offentlicher abgesagter feindt." For commentary, see Dießelhorst, Duncker, 186-190.

to invoke both the customary norms still prevailing in Electoral Saxon legal practice and the exception clause of art. 129 of the *Constitutio criminalis Carolina* that would permit a feud in the instance that sufficient evidence could be provided that the feud was a just one. The authorities of Electoral Saxony felt themselves so vulnerable in this respect that the aforementioned Hans Metzsch went as far as to claim that the Saxon courts were so well run that no one would ever have to wage a feud to receive justice.⁸⁹

On these grounds, Kolhase initially enjoyed the support of Margrave Joachim I of Brandenburg, sharing the current opinion common among his subjects that Kolhase's cause was a just and honorable one.⁹⁰ The feud's legal grounds, however, do not fully explain Joachim I's favorable disposition toward Kolhase. For that one must turn to the confessional rivalries and resentments between the Catholic Joachim and Lutheran John Frederick that had been simmering since the aftermath of the Lutheran knight Niklaus von Minckwitz's feud against one of the former's vassals, the catholic bishop of Lebus half a decade earlier. Having sacked the town of Sonnenwald in a bungled attempt to kidnap and ransom the bishop, Niklaus managed to evade the wrathful Joachim I through the protection of John Frederick.⁹¹

Thus, Kolhase could rest assured that for the time being Joachim I., seeing in his subject's feud a means to slake this rancor, would allow him to use Brandenburg as the staging ground for the feud. Although it would be another month until Kolhase would actually launch any raids across the Brandenburg-Saxon border, he did not remain idle. In the intervening time, he had sold his property and given up his citizenship in Cölln an der Spree, while also gathering a band

⁸⁹ Reinle, *Bauernfehde*, 181f.

⁹⁰ Burkhard, 24.

⁹¹ Reinle, 179f. Joachim I. was also no longer bound by the *Erbeinigung* that his father had signed and thus was under no obligation to aid his Wettiner neighbors.

of men from across central Germany through his network of contacts and supporters.⁹² This network was vast, amounting to at least 115 named persons from across the social spectrum, and it proved crucial in allowing Kolhase to preserve his mobility as he moved from one location to the next, launching raid after raid to the frustration of Saxon pursuers.⁹³ Kolhase's approach was impetuous, his persistence was unrelenting, and his commitment to "justice" bordered on the ferocious. Little surprise then that his first target was the residence of none other than the elector himself; from April ninth to the tenth, he and his men set fires throughout Wittenberg in three locations.⁹⁴ As the perception of Kolhase as a serious threat grew, so too did the clamor of the Saxon towns and nobility for John Frederick to come to a settlement.

Wise to the elector's intention of using the enticement of a settlement as a means to capture him, Kolhase selected the border town of Jüterbog for the court meeting on November 18, 1534.⁹⁵ His demands were twofold: financial compensation for the costs he had incurred through the previous lawsuits and restitution for the defamation of his honor and good name, namely a public apology from the Wellaune peasants.⁹⁶ After much evasiveness, an agreement was eventually reached between Kolhase, the elector's representatives, and the recently widowed Sophia von Zschwitz and her children.⁹⁷ The peasants would publicly retract their statements, while Kolhase would receive a sum of 600 Gulden as compensation from Sophia von Zschwitz. The outcome of the arbitration settlement did not sit well with John Frederick who immediately had it revoked, fearing that these financial concessions to Kolhase would embolden others to turn

⁹² Burkhardt, 23f; Müller-Tragin, 37; Dießelhorst, Duncker, 55f.

⁹³ Burkhardt, 53-56; Müller-Tragin, 91f, 154-168; Dießelhorst, Duncker, appendix, 363-379, 404f.

⁹⁴ Burkhardt, 24f; Müller-Tragin, 41f; Dießelhorst, Duncker, 54f, appendix, 197f.

⁹⁵ Burkhardt, 26-29; Müller-Tragin, 43-49; Dießelhorst, Duncker, 59-68.

⁹⁶ Müller-Tragin, 47f; Dießelhorst, Duncker, appendix, 204-222.

⁹⁷ Burkhardt, 28; Müller-Tragin, 47f.

to the feud as some sort of extortion mechanism from below.⁹⁸ In response, Kolhase promptly resumed his feud.

From the winter of 1535 on, Kohlase contented himself with a mixture of verbal threats, intimidations, and raids into northern Saxony. Rumors spread that Kohlase would amputate the hands of Wittenberg burghers, castrate priests, and torch the Annaburg heath with gunpowder. He even went so far as to send playing cards with threats written upon them to mayor of Wittenberg.⁹⁹ Kohlase's band then went on in early May to burn down the mills at Gommig and Belzig, plunder further villages, and continued with their streak of arson.¹⁰⁰ As before, the Saxon authorities stood helpless despite their continued efforts to apprehend Kohlase and promises of aid from the principalities of the archbishopric of Magdeburg, Anhalt, and Lower Lusatia.¹⁰¹ The further attempts to resolve the feud at the court days held respectively in Jüterbog (1537) and Zerbst (1538) also proved to be abject failures with both parties displaying an increasing lack of readiness to compromise.¹⁰²

Kohlase's willingness to escalate showed no sign of abating. This becomes no more apparent than in Kohlase's incredibly risky decision to kidnap the Wittenberg merchant Georg Reiche, the brother-in-law of the secretary of Joachim I's successor, Joachim II (July 23, 1538).¹⁰³ If the intention was to encourage the now Lutheran elector of Brandenburg to provide greater aid to his feuding subject, it effected only the opposite; his patience running thin and more sympathetic to John Frederick on confessional grounds, Joachim II agreed to allow Saxon

⁹⁸ Burkhardt, 29; Müller-Tragin, 49f; Diebelhorst, Duncker, 68ff.

⁹⁹ Müller-Tragin, 53; Diebelhorst, Duncker, 74-77.

¹⁰⁰ Müller-Tragin, 56f; Diebelhorst, Duncker, 77f.

¹⁰¹ Müller-Tragin, 54f; Diebelhorst, Duncker, 95.

¹⁰² Müller-Tragin, 58-61; Diebelhorst, Duncker, 82f.

¹⁰³ Müller-Tragin, 61-67; Diebelhorst, Duncker, 88-92. Kohlase did not help matters by threatening to amputate the breasts of Reiche's wife.

contingents to pursue Kohlhasse and his men into the Mark of Brandenburg. The following two years until Kohlhasse's eventual capture and execution in March 1540 were marked by an ever-intensifying escalation of violence. On November 7, 1538, the town of Marzahna was plundered and torched by Kohlhasse's band; he himself killed one man (a servitor who aided in the capture of his men) and then extorted the local priest and populace with threats of arson (*Brandschatzung*).¹⁰⁴ This act, among many others, finally forced Joachim II to actively aid in Kohlhasse's apprehension. Acquiring a list of suspected helpers and supporters of Kohlhasse from Electoral Saxony, Joachim executed a drag net; 115 persons were apprehended and brought to court; all were interrogated, some tortured, others executed, all forced to swear an oath to offer no further aid or abetment to Kohlhasse.¹⁰⁵ In retaliation, Kohlhasse plundered a Brandenburg silver wagon on its way from the Mansfeld mines to Berlin and hurled the silver into a river no doubt as a symbolic act of defiance to make good on his boast that his honor could never be bought with silver.¹⁰⁶

This act seems to have been the finishing one for Kohlhasse. Not only did it turn large swathes of the populace against him, but it made Kohlhasse the enemy of his very own lord, who took the final steps to put a definitive end to the feud altogether. Luring Kohlhasse into Berlin with the false promise of safe conduct for a hearing before the margrave himself, Joachim II finally orchestrated the capture of Kohlhasse along with a few of his men, who were swiftly apprehended in a house raid on the night of March 8, 1540.¹⁰⁷ Having lost the acta of the case, we only possess the faintest outlines of what must have had the makings of a court room spectacle. The chronicle account depicts Kohlhasse as undaunted in the face of his certain death,

¹⁰⁴ Müller-Tragin, 76f; Dießelhorst, Duncker, 109-117.

¹⁰⁵ Müller-Tragin, 79-84; Dießelhorst, Duncker, 123f.

¹⁰⁶ Müller-Tragin, 90; Dießelhorst, Duncker, 139ff.

¹⁰⁷ Dießelhorst, Duncker, 141ff; *Codex diplomaticus Brandenburgensis*, vol. 4, 1, 103.

his demeanor measured as he recounted the feud from its beginning to the present moment in a three-hour long recitation; so eloquent was he that “many were astonished and must have applauded him.”¹⁰⁸ Convicted of breaking the general peace and robbery by the Saxon judge present there, Kohlhasse, unlike his accomplices who were to be broken on the wheel, was offered the mercy of death by beheading. Instead, he chose to join his men bound to the wheel, “for as brothers they should wear the same hat.”¹⁰⁹ The last words he repeated, before his body was mangled into a writhing heap of torn bone and flesh, were reportedly: “never, saw I a just man forsaken” (*nunquam vidi iustum derelictum/ nie sah ich einen Gerechten verlassen*).¹¹⁰

3.2.2. Analysis

We introduced this section on Kohlhasse with the term “precarious” to express how the feud existed in a “legal no-man’s-land,” where its formal legal status according to both territorial and imperial law was subject to ambiguity. This legal ambiguity was additionally complicated by the honor-based ethos deeply rooted in early modern German society, which looked favorably upon “private” forms of conflict resolution and violent self-help, thereby providing the feud with a strong “social” sanction long after it had been reduced to a criminal act.¹¹¹ Then, muddying the waters even further were the confessionally driven politics of the period that could at once offer feuders a great deal of space in which to maneuver, while also at a moment’s notice upend their field of play. This skein of ambiguities that feuders and authorities found themselves facing as the sixteenth-century progressed is beautifully illustrated in the two following aspects of Kohlhasse’s feud.

¹⁰⁸ *Codex diplomaticus Brandenburgensis*, vol. 4,1, 104.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ Frank Dierkes, *Streitbar und Ehrenfest: zur Konfliktführung im münsterländischen Adel des 16. und 17. Jahrhunderts* (Munster: Aschendorff, 2007), 23-37.

The first concerns the ambiguous legal status of the feud and centers around the contention over whether Kolhase had indeed suffered a denial of justice (*Rechtsverweigerung*) at the Electoral Saxon courts.¹¹² This would have entitled him to the option of the feud as a way to enforce his claim for financial compensation and restoration of his tarnished good name and honor. A denial of justice as a justification for a feud remained both an unspoken assumption in terms of customary legal norms that still informed legal practice and was permitted as an extenuating circumstance according to art. 129 of the *Constitutio criminalis Carolina*. To quote, those who would have the permission to feud granted by the emperor “or else would have a lawfully pressing cause for such a feud, they should not be punished upon the presenting of evidence of the just cause.”¹¹³ Kolhase, as mentioned earlier, seems to have been well aware of the legal grounds that the *Constitutio criminalis Carolina* offered him in this respect, informing John Frederick in a letter that he “declared an open feud against the electors of Saxony on account of their maliciously negligent judgement.”¹¹⁴ However, art. 129 does not specify what a just cause to feud consisted of, leaving the question up to debate and interpretation as to its application, and could also be contested by citing the feud’s proscription in the *Ewiger Landfrieden* of 1495.¹¹⁵ Still, that feuds could receive official sanction from authorities in such cases was not unheard of. In 1542, the Dithmarsch peasant Wiben Peter, who had been waging a feud since 1540 over the payment of a 40 Gulden debt imposed upon him by a local court, found his feud receive sanction from the criminal court in Rendsburg.¹¹⁶ This somewhat

¹¹² Dießelhorst, Duncker, 43-49.

¹¹³ *Die peinliche gerichtsordnung kaiser Karls V. Constitutio criminalis Carolina*, Art. 129., 66f: “...oder sunst zu solcher vhede rechtmessig gedrungen vrsach hett, so soll er uff sein aussfuring der selben guten vrsachen, peinlich nit gestrafft werde.”

¹¹⁴ Müller-Tragin, 188: “dem churfursten zu Saxon eyne offentliche vhede durch jre nachlessige mutwillige vorursachunge zugeschrieben.”

¹¹⁵ Dießelhorst, Duncker, 48f.

¹¹⁶ Roth, 157f.

unsubstantiated assertion's aims were three-fold. It sought to not only to defang the legal basis of Kolhase's feud in terms of the territorial jurisdictions of Electoral Saxony and Brandenburg, but also to defend against the looming possibility of Kolhase bringing his case before the imperial high court. Additionally, it also strove to undermine the popular support that Kolhase had among his fellow Brandenburg subjects and undoubtedly a few Saxon ones as well.

This popular support for Kohlase across all social classes brings us to our second aspect, namely the strong social and ethical sanction that feuding still received in many sectors of early modern Germany society. Kohlase placed such a strong emphasis on his honor exactly because of the social and moral norms that deemed violent self-help an acceptable recourse in protecting one's honor and reputation. And while this ethos stood in an unresolvable tension to the legal and social disciplining aspirations of the early modern princely state, it persisted to mark out its own "legal" order that as we have seen in Kohlase's feud and even governing authorities sympathized and were forced to compromise with it.¹¹⁷ This manner of unofficial legal pluralism strongly embossed early modern Germany social and legal life; even nearly a half a century later, this dynamic can still be seen at play in Kohlase's own Brandenburg, where peasant and commoner feuds continued to flourish and find legitimation among noble elites and even legal authorities.¹¹⁸ To take just one minor case, in 1585 a Hans Tacke could receive a compensation of 60 Reichsthaler from his lords the Bartensleben auf Wolfburg. Even after Tacke had declared a feud and threatened them with arson, the Bartensleben auf Wolfburg were advised by the

¹¹⁷ Schuster, "Ehre und Recht. Überlegungen zu einer Begriffs- und Sozialgeschichte zweier Grundbegriffe der mittelalterlichen Gesellschaft," 40-69; Andreas Blauert, *Das Urfehdewesen im deutschen Südwesten im Spätmittelalter und in der frühen Neuzeit* (Tübingen: Bibliotheca Academica, 2000); *Urfehden für den Raum Pforzheim : württembergische Quellen zur Kriminalitätsgeschichte 1416-1583*, ed. Christine Bührle-Grabinger, Konstantin Huber (Ubstadt-Weiher: Verlag Regionalkultur, 2003); Susanne Pohl-Zucker, *Making Manslaughter: Process, Punishment and Restitution in Württemberg and Zurich, 1376-1700* (Boston: Brill, 2017).

¹¹⁸ Peters, "Leute-Fehde," passim.

judges themselves to settle with their subject.¹¹⁹ That the authorities of John Frederick were able to identify 115 persons in Brandenburg across all social classes from peasant to nobleman who directly aided Kohlase only further underlines the point that this “secondary” legal order continued to define attitudes toward feuding and violent self-help. Clearly Luther’s admonition to Kohlase to take to heart Rom. 12,19: “Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord,” found only limited traction amongst many of his contemporaries be they Lutheran or Catholic.¹²⁰ However, whether governing authorities would legitimate these legal and social norms derived from an earlier particularist medieval inheritance, depended heavily on political and confessional factors. This is the last aspect of Kohlase’s feud that we will now discuss.

Lurking in the background during the entirety of Kohlase’s feud were the ongoing confessional divides between the Catholic Joachim I of Brandenburg and the fervently pro-Lutheran John Frederick.¹²¹ The lack of any manner of firm inter-princely solidarity due to confessional rivalries offered feuders a great deal of latitude if they managed to play their hands right.¹²² Kohlase, despite his firm Lutheran convictions, artfully exploited these rivalries up to the point when the pro-reform Joachim II succeeded his father in 1535. This change in rule proved decisive since Joachim II instituted a harsher policy toward Kohlase in coordination with John Frederick, resulting in the spiral of escalating violence that would eventually spell the Brandenburg merchant’s doom. Kohlase’s non-noble status unquestionably did nothing to help this situation, eliciting none of the intra-aristocratic sympathy that Nickel von Minckwitz had

¹¹⁹ Ibid., 74, ft. 60.

¹²⁰ Dießelhorst, Duncker, 70-73; KJV, Rom. 12, 19.

¹²¹ Dießelhorst, Duncker, 49f.

¹²² Thieme, “Zum Fehdewesen in Mitteldeutschland. Grundlinien der Entwicklung im 15. und 16. Jh.,” 74-77.

enjoyed, nor providing him with pan-imperial connections that aristocrats could draw upon.¹²³

As soon as these confessional rivalries were largely put to rest by the treaty of Augsburg in 1555, these types of intra-territorial feuds became even for noblemen increasingly dangerous affairs. The princes now offered a unified front that offered few cracks and chinks to exploit. The abortive, if tragically heroic, feud of Wilhelm of Grumbach (1503-1567) amply illustrates this new reality as his attempt to revenge himself on the catholic bishop of Wurzburg faltered before an alliance of princes and emperor despite the support of Duke John Frederick II of Saxony (r.1554-1566).¹²⁴

Overall, the feuds of the sixteenth-century were an altogether different beast than those of the preceding fifteenth and fourteenth centuries. Yes, the customary norms that demanded a public declaration of enmity along with a premium placed on mediated settlements persisted, yet sixteenth-century feuds were subject to so many shifting variables that feuds became increasingly precarious in terms of their outcome. Feuding was indeed always a risky business, where one placed life and limb on the line not to mention wealth and fortune; however, the fluctuating legal, political, and confessional framework that so characterized a great deal of the sixteenth-century situated the feud in a no-man's-land where a customary legal order and moral ethos clashed with — but could also find sanction occasionally — within the judicial apparatus of the burgeoning early modern state. One thus speaks of the feud's decline as a consequence of its growing dysfunctionality in the face of a modernizing legal system with the attendant juridification of conflict and social disciplining regimes aimed at stamping out the vestiges of the

¹²³ Dießelhorst, Duncker, 54.

¹²⁴ For Grumbach's feud and broader importance, see: Friedrich Ortloff, *Geschichte der Grumbachischen Händel*, vols. 1-4 (Jena, 1868–1870); Franz Xaver von Wegele, "Wilhelm von Grumbach," *Allgemeine Deutsche Biographie*, vol. 10 (Leipzig, 1879), 9–22; Volker Press, "Wilhelm von Grumbach und die deutsche Adelskrise der 1560er Jahre," *Blätter für deutsche Landesgeschichte* 113 (1977), 396–431.

ethos and values that nurtured and sustained the feud in the first place.¹²⁵ Nonetheless, for all that, the feud in stubborn defiance of the forces of “progress” lingered on.

4. Conclusion: A Return to the Eighteenth-Century

This chapter began with the fulminations of Elector August the Strong against the prevalence of feuders and their supporters around Leipzig in the 1720s. It ends with a near contemporaneous account of feuding in the form of a short entry in Christian Meltzer’s *Schneeberger Chronik*. In early April 1715, a band of Roma wintering in Streitwald had fallen into a conflict with the neighboring communities around Schneeberg.¹²⁶ The Roma, in proper form, issued a series of feud letters (*wegen abgeschickter Bedrohungs=voller Brand=oder=Fehde=Brieffe*) and set about robbing and burning down buildings in the town of Oelnitz. The authorities immediately assembled a unit of armed men to hunt them down and deliver them to the court at Zwickau. After having surrounded the Roma in their hideout, the Saxons soon found themselves in a fierce fire fight that left one of them dead and thirteen of the Roma. The rest, we are told, were taken into captivity. This incident was clearly not a case of brigandage or criminality, at least in the eyes of the Roma, who faithfully adhered to the customary norms governing the feud and enmity.

That such a marginalized group as the Roma could be found engaging in the practice of the feud at such a late date in a manner so redolent of our late medieval examples raises fundamental questions about the persistence of the feud or feud-like-behavior far beyond the

¹²⁵ Christian Wieland, *Nach der Fehde: Studien zur Interaktion von Adel und Rechtssystem am Beginn der Neuzeit; Bayern 1500 bis 1600* (Eppendorf: Bibliotheca Academica, 2013), 40-49; Isenmann, “Weshalb wurde die Fehde im römisch-deutschen Reich seit 1467 reichsgesetzlich verboten? Der Diskurs über Fehde, Friede und Gewaltmonopol im 15. Jahrhundert,” in *Fehdeführung im spätmittelalterlichen Reich*, 472ff.

¹²⁶ Christian Meltzer, *Historia Schneebergensis renovata – Erneuerte Stadt- und Berg-Chronica der im Ober-Ertz-Gebürge des belobten Meißens gelegenen wohl-löfol.Freyen Berg-Stadt Schneeberg* (Schneeberg, 1716), 1501f.

cordon sanitaire of the sixteenth-century. More specifically this draws our attention to the incredible tenacity of the pre-modern legal and ethical order underlying the feud and other “medieval” forms of “private” vengeance, compensation, and violent self-help. And, thus, notwithstanding the two-hundred-year difference, both Little Martin and Hans Kohlhase would have found something readily recognizable in the Roma’s feud, which they would have understood as a *Fehde* and *Feindschaft*. The evidence seems clear that despite the enormous pressure exerted by the transformations in governance, law, political, and social disciplining that would come to typify the modern state, the norms, practices, and expectations around violence, honor, and resolution of conflicts that typified the late medieval feud and enmity found ways to survive and adapt.¹²⁷ Explaining the tenacity of these “medieval” forms into the “modern” requires its own study, the first step towards which this chapter has hoped to prepare.

CONCLUSION

In the first chapter, I presented an “un-sanitized” account of the late medieval German feud with the examples of the Halberstadt-Regenstein and Berchter feuds. By utilizing the concept of mortal enmity to account for those aspects of feuding violence that the conventional models failed to take into consideration, we discovered that feuding violence cannot always be explained in terms of function (locative) versus dysfunction (autotelic). The former is directed in a restrained capacity against an opponent’s economic base in the furtherance of compelling him to settle over a contested legal issue, while the latter consists in violence for its own sake, impeding the eventual resolution of the conflict through escalation.¹ Rather, as my examples suggest, feuding violence occurred along a continuum of enmity that, while informed by customary norms, had just as much to do with the affective drives such as honor, rancor and hatred, and vengeance. And far from being proscribed (despite the fervent admonition of clerics like Caesarius of Heisterbach), these affective drives found strong cultural and social sanction. While this dimension of feuding does not vitiate Brunner’s original analysis, it did force us to go beyond the conventional feud-as-legal-institute perspective that has defined the past century and a half of research.

The second chapter expanded on this perspective by rethinking the so-called robber knight thesis (*Raubritterthese*) on the basis of a rather neglected documentary type, namely, damage reports (*Schadenverzeichnisse/berichte*). While we found no direct one-to-one connection between the German nobility’s alleged failure to adapt to the “Crisis of the Late

¹ These categories were introduced in the phenomenology of violence developed by Jan Philip Reemtsma and have become widely adopted in historical studies of violence. Jan Philip Reemtsma, *Trust and Violence: An Essay on a Modern Relationship*, trans. Dominic Bonfiglio (Princeton, NJ.: Princeton University Press, 2012).

Middle Ages” and their abuse of the feud to supplement their declining seigneurial incomes, we did demonstrate that there was much to be discovered by locating the socio-economic consequences beneath the feud’s ostensible legal function. Thus, if not altogether endorsing either the robber knight thesis or its more contemporary iteration in Gadi Algazi’s argument, we did demonstrate that these instincts were fundamentally sound. In this respect, the quotidian reality of the feud proved as significant as its role as the primary means of dispute resolution among the Empire’s powerholders. Due to the pervasive use of chevauchée tactics in conjunction with the increasing scope, scale, and frequency of conflict, endemic feuding and warfare left an indelible imprint on the Empire’s demographic and economic landscape, the consequences of which are still not fully understood. The wages of such destruction, however, often proved profitable for those in the position to wage larger-scale feuds. Despite the costliness and risks entailed with feuding, noble and urban feuders *over the long term* could accumulate significant capital from the habitual plundering, ransoms, and tributary extractions that accompanied feuds. To what degree plunder constituted a particular aspect of the aristocratic habitus connected to feuding and warfare and incentive structures, still remains an open question that future research will have to address. However, there was an undeniable, violently extractive behavior deeply ingrained in the practice of feuding that resonates with modes of warfare as far back as antiquity. At one level, we must approach this aspect of the late medieval feud with respect to those deeper cultural patterns of warfare that possess trans-historical significance; on the other, the role of violent resource extraction has to be understood as contributing to the late medieval matrices of monetization, military specialization, and increasingly sophisticated means of governance. Both avenues demand further exploration.

Urban feuding formed the subject of the third chapter. Here I challenged the assumption that urban governments and their citizens were somehow less implicated in the late medieval order of violence in the Empire. In case studies based upon archival evidence from the towns of Göttingen and Duderstadt, we reversed the traditional narratives around urban government's relationship to feuding. To this end, Göttingen's *liber dampnorum*, the earliest extant feud book, was reinterpreted as an "offensive" document intended to aid Göttingen's town council in laying claims on territories and properties in two ways: first, through recording moments of conflict and, secondly, by establishing a de facto protective lordship over neighboring communities by providing their members some form of legal representation in the face of noble feuding aggression. Göttingen's intentions were not purely altruistic, but rather lay in a desire to expand its extramural territories and holdings. This process was accompanied by a great deal of conflict. In this regard, urban lordships acted no differently than their aristocratic counterparts and readily participated in the process of violent resource extraction that characterized feuding. The tributary relationships (*Dingetal/Brandschatzung*) that town governments systematically imposed on rural communities during feuds were one of the most distinctive aspects of urban feuding. With town governments' command over sophisticated and centralized record-keeping practices, they perhaps had an advantage over their noble complements in their ability to systematically exploit and, when necessary, terrorize rural communities with the imposition of tribute. At the level of burghers and townsfolk, feuding was anything but uncommon. Nourished by the highly confrontational and often personal nature of urban politics, burgher feuds often tended toward intractability and elevated levels of violence, yet the dependence on feuding infrastructure for urban feuders often presented difficulties in the actual execution of a feud. The aspirational ideal of *Friede und Recht* remained just that for many urban communities, where an honor culture

fused with fairly conservative legal systems, while not encouraging, certainly allowed urban feuds to flourish well into the beginning of the sixteenth-century.

The final chapter represented an exercise in reframing the “late medieval” feud as part of a broader “pre-modern” European culture of violence and conflict. With evidence ranging from the late fifteenth to the early eighteenth-century, I elucidated, albeit provisionally, how “medieval” norms around violence and conflict resolution persisted in the face of the new political realities ushered in by the early modern period — confessionalization, the absolutist state, modern armies, and social disciplining regimes to enumerate but a few. In this sense, we read against the grain of the “civilizing process” by drawing attention to the continuities rather than the ruptures in how pre-modern Germans thought and went about employing violence in the pursuit of righting wrongs, defending honor, and claiming their right (*Recht/Ius*).

Despite the assortment of themes explored in this dissertation, embracing it has been one aim: to break the late medieval feud free from the legal mode of analysis that continues to define the field to this day. In this sense, it returned to what proved pivotal in Brunner’s analysis of the feud in the first place, namely his insights into how the feud fit into the broader architectonic of late medieval political and legal life. The feud was not merely a mode of dispute resolution, it was rather the axial mechanism by which the Empire’s political constituents, that is lords — be they secular aristocratic, ecclesiastical, or urban — lawfully decided conflicts with violent force. As such, it was a necessary determinant of the fundamental realities/structure of medieval politics and law, their underlying ethical and moral convictions, as well as their cultural and economic underpinnings.

This totalizing vision of the feud as an integral component of historical structures has been lost. The feud qua legal institution has become whittled down to such a specific concept,

specifically in regard to violence, that it remains closed off from other structures that cannot be encompassed by a legal mode of analysis. This whittling down, so to speak, has been a result of the fraught reception of Brunner's concept of the late medieval feud that has inclined to seek to retain the specific concept, while not engaging with the vision of violence underlying Brunner's original analysis: "in which conflict is not a dysfunctional factor and peace not necessarily the foundation of human historical progress."² Giving an account of feuding violence, I have argued, that distinguishes it as fundamentally rule-governed, hence limited, and therefore fulfilling a purposive-rationality, resolves the tension inherent in Brunner's reception; this was not pace Körtum for the rehabilitation of violence and warfare, but rather its refashioning into a force that if not harmless is eminently functional, controllable, and relatively innocuous. With the violence of the feud so reformulated, the underlying vision accompanying Brunner's analysis becomes less threatening and more assimilable to a post-war German program of research. This has however been at a cost, namely the kind of *histoire totale* of the late medieval feud that an approach more willing to seriously engage with Brunner's vision of violence has to offer.

Looking forward to what a such a *histoire totale* of the late medieval feud would entail concretely can only be delineated here briefly. I would mean integrating the German experience of war vis-à-vis state and society into the broader debates over the so-called Crisis of the Late Middle Ages that have already featured in this dissertation (Chapter Two). This approach would be architectonic, analyzing the broader consequences of how the interlocking nexus of governmental, fiscal, and economic developments characteristic of the fourteenth- and fifteenth-centuries transformed the landscape of feuding and warfare within the lands of the Empire. At one level, this would focus on the relationships between warfare and concurrent advances in

² Patschovsky, "Fehde im Recht. Eine Problemsskizze," 147.

governance and administration, increasing access to liquid capital driven by monetization and credit finance, the mobilization of seigneurial property and rights partially behind these economic developments, and, finally, military professionalization. At the other, it would treat the foremost consequences originating from synergistic interaction between late medieval organized violence and state formation. This interaction created a paradox in which the kings, princes, lords, prelates, and urban lordships at the forefront of these advances in governance acted as agents in creating, sustaining, and profiting from the endemic violence of the feud, while simultaneously providing or claiming to security structures to manage these conditions of insecurity that they had created.

This dissertation has thus been in one sense a *diffidatio*, challenging the dominant paradigm of analyzing the feud from a decidedly legal perspective, while in another an *invitatio*, encouraging a reckoning with a vision of human historical life which is fundamentally agonistic and embraces conflict holistically.

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