Rebellion, Community and Custom in Early Modern Germany

NORBERT SCHINDLER

Translated by
PAMELA E. SELWYN
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Foreword to the English edition by Natalie Zemon Davis  

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3 Gottfried Werner, Count von Zimmern, and his wife Apollonia with their patron saints Martin and John the Baptist. Ibid., 49

4 ‘Purgatory’ (fifteenth century). Bayerisches Nationalmuseum, Munich, MA 3351

5 ‘Hell’ from the Nuremberg Schembart procession. Nürnberg Schembartlauf von 1539, fol. 68, Stadtbibliothek Nuremberg.


9 Parody of pulling the block (broadsheet, Cologne, ca. 1660). W. Bruckner (ed.), *Populäre Druckgraphik Europas. Deutschland vom 15. bis zum 20. Jahrhundert* (Munich, 1969), illus. 84
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Thus, when we speak of class habitus, we are insisting, against all forms of the occasionalist illusion which consists in directly relating practices to properties inscribed in the situation, that ‘interpersonal’ relations are never, except in appearance, individual-to-individual relationships and that the truth of the interaction is never entirely contained in the interaction.¹

. . . we cannot get to the peasant except through the lord.²

Count Gottfried Werner von Zimmern (1484–1554) belonged to a nobility in transition.³ He came from one of the most distinguished, if not the richest,


families in Württemberg with lands in Meßkirch in Upper Swabia. They could trace their ancestry far back into the Middle Ages, were made counts in 1538 and were connected by marriage to the Hohenzollerns.4 And yet the new era did not leave them untouched. When Gottfried was still a child the old knightly culture in Burgundy was crushed by the Swiss mercenary armies, and by the time he died territorial states, early capitalism, the Reformation and the Peasants’ War had changed the imperial landscape, while the distinguished and aloof courtly tone that was to usher in the courtly disciplining of the aristocratic body had begun to gain entry to aristocratic circles.

(Decker-Hauff), was not complete at the time of writing, I will generally cite Barack’s older edition. For a brief overview of the socio-economic development of Württemberg in the early modern period see Sabean, Power in the Blood, 4ff.

4 From around 1080 the Zimmern family, members of which are allegedly documented as early as 930 as deputies from Emperor Henry I to the Wends, had its ancestral seat at Herrenzimmern castle (Rottweil district). The dynasty died out at the beginning of the seventeenth century. Stammbuch des Adels in Deutschland, vol. 4 (Regensburg, 1866), 255; O. v. Alberti, Württembergisches Adels- und Wappenbuch, vol. 2 (Stuttgart, 1916), 1103. On their kinship with the Hohenzollerns, see W. K. Prinz zu Isenburg, Europäische Stammtafeln, new series vol. 1, ed. D. Schwennicke (Marburg, 1980), plates 147 and 148.
The social changes that framed his life span were serious enough to challenge even the high nobility. Gottfried’s father Johann Werner (1444–1495) had already had to pay tribute to them: placed under imperial ban and driven from his lands by an aristocratic feud, he died in exile in Munich in 1495 and was buried in the monastic church at Andechs. The fact that ‘no graven stone nor even any epitaph was erected to him’ meant lasting shame for the family. Gottfried Werner was only eleven when his father died and his two elder brothers had to assume the protection of the family’s interests. The older of the two, Veit Werner, died in 1499, also an outlaw and scarcely twenty years old, after an unsuccessful attempt to recapture their property. Not until 1503 did the younger brother, Johann Werner, succeed by force of arms in retaking the Meßkirch lands from the Werdenberger. The feud had so exhausted his financial resources, however, that he toyed for some time with the idea of marrying for money a daughter of the Strasbourg patriciate, ‘who was considered rich because of her fortune of sixty thousand gulden’. It was nothing unusual in those days for nobles to be forced by internal conflicts and the devaluation of the monetary value of peasant tribute to fall on their knees before urban wealth, and his kin emphasised stabilising the family economy over caste pride: after all, the three younger children, including two later-born sons, had to be properly looked after, and maintaining one’s jousting status or buying into a cathedral chapter were expensive affairs.

One of the two sons whose future particularly worried the family was Gottfried Werner. He was the seventh of eight children, but four of his siblings had already died in early adulthood, between the ages of twenty and thirty, which was also nothing unusual. The oldest sister, Katharina, had become princess-abbess of the Cathedral of Our Lady (Fraumünster) in Zurich. After the Reformation she adopted the new faith and married a wealthy citizen. Her sister Anna appears to have followed her to Zurich. After the great feud, however, the family could not finance a dowry for the two younger sisters. Their brother’s unsuccessful attempt to marry into the Strasbourg patriciate meant that they had to wed beneath them, into the lower nobility. The Zimmern family had seen better days, and now threatened to be dragged down into the more general economic decline of the nobility at the beginning of the early modern period. All around them debt-laden Swabian aristocrats were selling their lands and

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5 Zimmerische Chronik (Barack), 1: 284.
7 Zimmerische Chronik (Barack), 1: 358.
8 Ibid., 359.
Figure 1. Family tree of the Counts von Zimmern
Gottfried in Herrenzimmern
und in Segendorf vor dem Wald, d. 1508
(‘A pious old German Swabian’)

Georg, 1399

Gottfried in Herrenzimmern

Konrad (1427–1448)

Anna = Johann von Geroldseck (d. 1451)

Vesera = Ulrich v. Brandis, baron
= II in 1464 Jakob de la Scala (d. 1492)

Konradine

Manegadie, 1481–1513
= Wilhelm v. Affenstein, imperial knight
(d. ca. 1530)

Barbara, 1482–1513
= in 1506 Wilhelm v. Weittingen (d. 1530)

Gottfried Werner, 1484–1579
created an imperial count in 1538
Count v. Zimmern, in Herrenzimmern
= I in 1521 Katharina, Countess
= II in 1522 Amalia, Landgravine
von Leuchtenberg, daughter of
Landgrave Friedrich V, widow of
Leonard Frauenberger, baron

Konradine, 1552–1602
= I in 1570 Johann, imperial dapifer of Waldburg,
in Wolfegg (d. 1577)
= II Berthold Count
v. Königsegg

Elisabeth, 1554–1606
= I Lazarus, Baron v. Schwendi (d. 1584)
= II in 1586 Johannes Schenk zu Limpurg,
in Schmiedefeld (d. 1607)

Marie, b. 1555
= I in 1570 Georg Count v.
Thurn und Valsassina,
Baron zum Kreutz (d. 1591)
= II in 1595 Kaspar Baron
v. Lanthieri

Ursula, b. 1564
= in 1585 Berhard Count zu Freienstein und Karlsbach
(d. 1614)

Barbara, 1519–1560
= Gottfried Christoph, Canon in Strasbourg
and Cologne, 1545–1563

Anna, d. 1570
= in 1531 Joachim Nikolaus, Count v.
Zollern (d. 1538)

Figure 1. (cont.)
castles, forced to engage in an economic battle with urban buyers for which no one had prepared them.

From his earliest youth Gottfried had come into contact with an old aristocratic world in which rigid, relentless ceremonial had coexisted, in an apparently unconnected manner, with a life of unbridled jousting, brawling and drinking, a life that was approaching its irrevocable end. The expulsion of the family from their lands and the traditional upbringing as a page removed him at an early age from the narrowness of his Upper Swabian home. Assigned as a page to serve a knight who had no intention whatever of playing the tutor, he soon discovered the courtly world of his day with all its contradictions. In Burghausen, for example, a secondary residence of the Bavarian Wittelsbach dukes, he accompanied his lord every evening to church where the latter 'prayed for at least one hour on his knees before the Sacrament, his arms spread wide', and the boy, too, extended his arms and tried to follow his example. The implicit pedagogy that emphasised practice rather than theory, a practice of imitative learning, allowed him to grow into the ruling culture and the hierarchically structured participation in the ceremonial of the powerful, and it taught him always to consider himself, and more importantly to behave as, a member of the ruling class.

THE LIMITS OF TRADITION

After this 'apprenticeship' he travelled widely around the south German courts, sitting at the tables of the great and serving as their advisor, walking their daughters to the altar at High Mass and the like. To maintain composure at all times, as he had learned, remained his highest principle, even in the face of death. His cousin described him as a 'distinguished, dear gentleman . . . with the keenest of minds' and with remarkably 'courteous and pretty manners'. But although the long years at court had formed him and given him certain elements of education – all his life he was proud of his ability to 'speak well and read, in which he was well versed and experienced compared to his peers' – he quit court service and gladly exchanged the great world with its merciless hierarchy and intrigues for the smaller one of his Meßkirch lands, where his word was still law. Unlike the lower landed aristocracy, however, he did not thereby lose his contacts to the great world, which continued thanks to his status and kinship ties. The mode of socialisation among the high aristocracy, which functioned via the court, gave him a certain sophistication, to be sure, but it could not offer what really counted: it could not make him his own master.

The count often spoke of the capriciousness that his father had encountered at

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9 Zimmernsche Chronik (Decker-Hauf), 2: 174.  
10 Ibid., 184.  
11 Zimmernsche Chronik (Barack), 4: 248, 257.  
12 Ibid., 270.  
13 Ibid., 269–70.  
14 'The nobility generally regarded this process [the development of territorial states] with little enthusiasm; unrestricted rule over their own lands was, as it were, the counterweight to integration into the court; this was apparently a problem even for the counts.' Press, 'Führungsgruppen in der deutschen Gesellschaft', 39.
court, and he liked to express his distaste for court society, which only increased with age, in a verse:

Lordly favour, April weather,
woman’s moods and rose leaves,
Horses, dice and lures
Often turn, mark my words.\(^{15}\)

To be – and to remain – his own master was not easy given his expansion-hungry neighbours (who had already seized the Zimmern lands once), the growing power of the territorial princes and the early capitalist money economy, which undermined the sources of feudal revenue. After all, his cousin’s extensive notes are, not least, a chronicle of the economic decline of the nobility in the fifteenth and sixteenth centuries.\(^{16}\) Count Gottfried was also not particularly clever at managing money and at his death left behind some 8,000 gulden in active debts.\(^{17}\) The personal reasons for his lack of interest in financial matters will be taken up later. To be sure, noble rule was politically all but undisputed, but it did not go wholly unchallenged anymore. The social contours of the aristocracy were increasingly vague and heterogeneous; the chasm between the high and low nobility, court and country nobles grew ever deeper, and nobles found themselves more frequently confronted with the unpleasant alternatives of either denying their rank by marrying a commoner for money or relinquishing a portion of their freedom by entering the service of a lord. The contradictions already apparent in the aristocratic mode of socialisation persisted in the individual’s social character and produced a habitus that, apart from a certain confident sophistication, also possessed defensive, locally peculiar components, and through its inconsistencies brought forth a number of bizarre eccentricities.

The count is described as a ‘curious, unusual gentleman . . . who had a great many peculiar habits and manners’.\(^{18}\) What counted in the society of ‘gentlemen of quality’ (große Hannsen) may have appeared quite strange in Meßkirch – and vice versa. It was difficult to keep the proper balance, and an elegant solution in the form of a new way of life was nowhere in sight. He was no longer a warrior-knight of old, but not yet a courtier, nor was he a country squire like Wolf

\(^{15}\) ‘Herrengunst, Aprillenwetter,/Frawengemut und rosenbletter,/Ross, wurfel und federspill,/V erkern sich oft, wers merken will.’ Zimmernische Chronik (Barack), 4: 270. This saying has no claims to originality, though, since it can be found in Luther’s proverb collection of ca. 1530. R. Dithmar (ed.), Martin Luthers Fabeln und Sprichwörter (Frankfurt a.M., 1989), no. 24, 179; E. Thiele, Luthers Sprichwortersammlung (Weimar, 1900), no. 24, 51–3. A version is also contained in Johannes Agricola, Die Sprichwortersammlungen, ed. S. L. Gilman, vol. 1 (Berlin and New York, 1971), no. 281, 225–6.


\(^{17}\) Zimmernische Chronik (Barack), 4: 285.  
\(^{18}\) Ibid., 274.
Helnhard von Hohberg, a disciplined father figure to his family, servants and peasants and a contemplative scholar in private. The reality lay somewhere in between, and one had to live with it – indeed an ideal breeding ground for the cultivation of personal quirks. They helped one to handle what actually could not be handled.

Gottfried Werner von Zimmern did have some use for tradition. He cultivated his knightly mementoes: ‘cuirass, hunting spear, sword and tunic of chain mail… All his life he spent much effort on such possessions, cleaning and polishing them himself, sharpening, allowing no one else to touch them. The sword resembled half a battle-sword and he was specially fond of it.’

His self-portrait on the inner volet of the high altar of the parish church at Meßkirch is still wholly under the spell of tradition (illustration 2): a diptych, which still clearly reveals its roots in late medieval donor portraits and shows him in full armour kneeling and praying, his wife directly opposite, and both of them personally accompanied and watched over by their patron saints (illustration 3). This did not, however, prevent him from undertaking numerous assaults on tradition, which his cousin, with his highly developed historical and dynastic consciousness, recounts with a certain horror. He accuses him of having ‘repressed and put aside the memorials and mementoes of his forefathers as much as possible.’ Thus, he had ‘hacked apart and thrown away as useless old junk the old jousting arms and armour and also King László of Hungary’s gilded cuirass, which Duke Siegmund of Austria had once given as a gift to his late father…, and had anything of steel or iron melted down and rewrought’. To make matters even worse, he had also attacked the history of his family by ‘tearing up a great number of old letters from his ancestors and having them boiled down for glue’. At first sight, this disregard for tradition appears strange, but we should not forget that even among the high nobility, traditions only counted for something if they served a purpose. And they were no longer of much use to the count because – and this appears to me the key to his unorthodox behaviour – he remained without legitimate heirs. His marriage to Countess Apollonia of Henneberg produced only a few daughters, to whom he paid scant attention. ‘This upset him so much that there must often have been a strange conflict because of it… in his restless mind.’ The fact that he had no son was a great burden to him,

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20 Zimmerische Chronik (Barack), 4: 274.
22 Zimmerische Chronik (Barack), 4: 284.
23 Ibid.
24 Ibid.
25 Ibid., 286.
and the chronicler is doubtless correct in surmising that his life might have taken a different turn 'had God seen fit to grant him one or more legitimate sons'  

26 Ibid., 270.
3. Gottfried Werner, Count von Zimmern, and his wife Apollonia with their patron saints Martin and John the Baptist
A man without heirs has no history, and where there is no future, the past no longer matters. Perhaps we can understand the old count’s ‘lack of tradition-consciousness’ better now; unlike his younger cousin, who stepped outside practised tradition by recording it, for him tradition was conceivable only as practice, that is, as family history occurring in real life. If, however, the purpose of all dynastic objectivations of family tradition consists solely in its generative continuation, and is inseparable from it, then the extinction of a line is tantamount to an individual and collective catastrophe. For one thing, it changes one’s relationship to one’s kin, who no longer take one quite as seriously and – the opposite of group solidarity – suddenly assume the tense relationship of candidates for one’s inheritance. The old gentleman’s defiant reactions to this uncomfortable constellation are all too apparent: he paid diminishing attention to his financial affairs, made no attempt to put his house in order before he died, and took up expensive hobbies in his old age. This is a reference not so much to his sumptuous funerary monument, which could have passed as appropriate to his station in life, although its old-fashioned appearance gained it the sarcastic nickname ‘great apple Conrad’ (großer Opfelkonzen) in the Nuremberg workshop where it was made, as to his late rediscovery of a love of horses, his building mania and passion for collecting costly ivory compasses, which reflect the contemporary expansion of the aristocratic world-view in a characteristic manner. While the construction of riding stables might be passed off as a nostalgic recollection of the jousting days of his youth, his increasing tendency towards luxury and extravagance, which did not quite fit with his personal way of life, documents his displeasure with the unavoidable, namely, the fact that his lands would pass to his kinsmen after his death. It ‘was his opinion, that his dynasty should be preserved, but since this was not to occur through his line or the heirs of his body, he was reluctant to grant his agnates such a fortune. He was nonetheless of the opinion that they should receive the lands, but have their wings cut so well that they could not fly too high.’

It was above all his restless building activities – ‘what he had built one year he did not like at all the next, and had it taken down and put up in another style. He wasted well over 40,000 gulden on the castle . . . ’ – that proved a good means of getting back at his relations and protecting his own interests. If he invested his fortune in various construction projects at the end of his life, this meant not only a diminution of the estate, that is, a deliberate policy of extravagance towards his kin, but was also a desperate attempt to maintain his family identity

27 On the intensification of aristocratic funerary ritual since the second half of the sixteenth century, see R. Holzschuh-Hofer, ‘Kirchenbau und Grabdenkmäler’ in Adel im Wandel, 91–100.
28 Zimmerische Chronik (Barack), 4: 252.
29 Ibid., 248–9, 253, 286. See, more generally, R. Zedinger, ‘Sammeln, forschen, fördern – Aspekte adeliger Lebensgestaltung im konfessionellen Zeitalter’ in Adel im Wandel, 461–8.
30 Zimmerische Chronik (Barack), 4: 286.
31 Ibid., 275.
by founding a tradition, in stone if not in flesh, and to ‘preserve his memory’. 32 He was not, to be sure, wholly free of malicious ulterior motives, since he well knew that this same aristocratic duty to tradition would saddle his heirs with the expense of maintaining the buildings, whether they could use them or not. 33

Family tradition and kinship politics, which constituted his identity, had become a burden to him, indeed a trap, and he resisted as well as he knew how. There was no escape from the kinship ties that structured the world of the nobility – and not only of the nobility. They represented the immovable pillars in the structure of the aristocratic way of life. When Georg von Wertheim, an aristocratic leader of the peasant rebellion, arrived at the besieged castle of Würzburg to negotiate with the party of the prince-bishop in May 1525, his fellow noblemen on the bishop’s side simply could not believe that he was speaking on behalf of the insurgent peasants, and his brother-in-law Wolf von Castell confronted him with a question: ‘You wish to be my enemy and yet I am to remain your sister’s husband. How can that make sense?’ 34

Gottfried Werner also pushed the conflict with his relations and the threatened loss of his own identity to the limits of what aristocratic family politics and honour could tolerate. He had kept two non-noble concubines in addition to a wife of his own rank, and these misalliances had produced eight children, including two of the sons denied to him in his legitimate relationship. And the count without a future promptly set about creating a fictive tradition to make up for the missing real one. Without the consent of his family he gave his sons a noble coat-of-arms and his name: ‘Without his authorisation and orders they have written themselves von Zimbern up until now . . . ’ 35 It was not with his misalliances or even his ‘particular affection and love for all bastards, whom he favoured above others and supported wherever he could’, 36 but only in his unilateral transmission of the symbols of aristocratic status that he left the framework of aristocratic family politics. His relations were so outraged at his highhanded behaviour, and so vehemently denied his right to grant ‘such invented noble arms’ 37 that they would have put a stop to him or, as they put it, ‘tweaked his nose’ (ein nasenspil zugerust) 38 had he not fallen ill and died at this time. 39 Gottfried Werner von Zimmerm, however, a tradition-breaker in spite of himself, dreamt until the end that his wife would die, leaving him to legitimise his illicit and rank-inappropriate relationship, as was possible in some places. 40 However firmly he clung to this wish, though, it was to remain just that.

32 Ibid., 286.
33 Ibid. This fact took on a more piquant quality since the chronicler was also the heir.
35 Zimmerische Chronik (Barack), 4: 287.
36 Ibid.
37 Ibid. 38 Ibid. 39 Ibid. 40 Ibid., 288.
Habitus and lordship

VIOLENCE AND LAW: THREATENING GESTURES AND THE ‘OBJECTIFICATION’ OF RULE

Little of such familial dramas reached the ears of outsiders. The reason for this was not that the nobility regarded family politics as a private matter, and thus cut itself off. Rather, the internal affairs of lords belonged to a higher sphere and were for that very reason not the business of their subjects, however much they may have affected their concrete living conditions. Aristocrats were keen to maintain the façade of the strict but just master. Demonstrations of fearlessness were a major component of this habitus, a relic of the old martial representation of the body, and still an indispensable ingredient in the claim to authority. The old count could hide fear and pain 'skillfully and with a particular silence, so that one would not notice it at all', although this was a virtue he no longer had to display on the battlefield, but only when the barber-surgeon came to bleed him. 'Although his nose sometimes turned pale, no one was to pay any attention, much less act as if they had perceived it.' In the transitional period of the sixteenth century the noble habitus could not yet dispense completely with its more violent traits. In the case of Count Gottfried, whose arms displayed a lion with a halberd, his efforts to maintain his composure at all times were accompanied by a penchant for losing control, indeed for flying into wild rages, which often rendered his behaviour unpredictable, and which he shared with many of his contemporaries: 'when he once got in a passion he could not control himself'. It is difficult to tell to what extent this was considered a contradiction at the time. On the one hand, the apparently inconsistent coexistence of ceremonial formality with unconstrained emotionality had been considered the norm throughout the Middle Ages, and on the other, lords could not dispense with the habitus of violence and its threatening gestures as long as their authority had not yet been completely bureaucratized and regulated by law and still needed, to some extent, to be 'embodied', that is, dealt with in face-to-face interaction. It seems as if, in this transitional period, violent threatening gestures and aloofness were merely two sides of the same coin, that of the aristocratic assertion of status; indeed, that the elegant solution of cultural distancing by the ruling strata, whom court society was supposed to show to their best advantage, had its roots in the threatening gesture and its consequences, retreat before the stronger party.

One does not simply ‘keep’ one’s distance, as would become possible in bourgeois society, but rather one had to create it in the first place. Count

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von Zimmern still presented himself in public as a man prepared to enforce his rights not merely with force, but if necessary with his own fists. On at least one occasion, wielding an axe, he assaulted a man he happened to catch stealing wood. On the other hand, the traditional mode of embodying lordly qualities already displayed behavioural traits that were increasingly considered bizarre and inappropriate. For example, a dog once barked at the count and he became so violently enraged at the ‘hounds’, which he could not stand anyway, that he physically attacked the creature. A gentleman simply does not allow himself to be barked at, even by a dog. Certainly, he was also aware of the more dignified method of ignoring challenges inappropriate to his rank, as it was honed to perfection in court society, but it was often difficult to reconcile with his emotional make-up. Thus he often let himself get carried away, and committed deeds that did not exactly improve his reputation.

Apart from such overreactions, however, the old count was a master of the technique of defending his power with the threatening gesture and its sublimated form, the bluff of violence. He by no means considered challenges from his subjects to be beneath his dignity; he took them up, recognising them as opportunities to prove his superiority in the concrete situation. When it came to his ears that a servant whom he had chided for his carelessness had had the effrontery to say that the next time he would ‘tell him in Latin to leave him in peace’, he publicly challenged him on the way to church. The repetition of the challenge was well calculated. He was concerned here not merely to call a rebellious individual to account, but rather to re-establish the hierarchy that the servant’s cheeky words had called into question. For that reason the dramaturgy begins with a threatening gesture and only turns to the actual culprit in a second step, so that anyone present would be glad that he had kept his own mouth shut and escaped his vengeance.

‘I have been told that one of your number threatens me and says if I do not do as they wish, they will tell me in Latin that I will leave them alone the next time. Now, I would like to see that frightening and terrible man, what sort of face does he have that I am supposed to fear so much? Where is the man? Who is he?’ When he had said this, everyone was taken aback, nobody wanted to answer. The old gentleman spoke: ‘I’ve heard tell, Schmidt, that you were that man and you threatened me. Come here!’ With these words he ‘pulled out a hatchet’ and took a few ominous steps towards his rebellious subject. And ‘although it was not his intention to beat or injure

49 Zimmerische Chronik (Barack), 4: 276. 50 Ibid., 277.
the servant, the latter was so terrified by his lord’s wildly determined threat that he shrank back without thinking and tumbled backwards over the church bridge into the courtyard, much to the merriment of those present. For the count the matter was settled; his surprising confrontation had publicly unmasked the challenge as what it was, and what it had been in his eyes from the beginning, namely, ridiculously presumptuous, and he could now continue calmly and with dignity on his way to church, having demonstrated his common touch and joined in the gloating laughter over a braggart who had been put in his place.

The count believed that he could not afford to build the walls of rank too high in the social logic of affairs of honour. But although the chronicler, who already belonged to a different generation, recounts the old man’s physical theatre of power with a certain bemusement and attributes it with slight disapproval to ‘his highly peculiar manner’, such exemplary actions appear to have achieved the desired effect: ‘the subjects fear him so greatly that it is scarcely credible…Several times I have seen his subjects at Meßkirch doffing their hats to the windows of his castle and bowing many years after his death.’ The violent habitus pared down to threatening gestures that evoked such respect was not always easy to reconcile with the growing juridification of relations between lords of the manor and their subjects, and this too is a sign of transition. Contracts have the tricky habit of being equally binding on both sides. They guarantee feudal ownership by institutionalising it, but at the same time limit the lord’s sovereign exercise of his authority. Like many of his fellow noblemen, the count had also experienced the threatening aspects of the juridification of relations between lords and peasants. The elevation of the peasant’s role as partner in conflict, in particular, could prove quite dangerous to the image of lordship if he was only insistent and skilled enough in asserting his rights. ‘At times an insignificant, useless bird, a single man can cause much trouble for the authorities. This has occurred often in our days…’ Thus, for example, beginning in 1520, the peasant Ludwig Scheffer of Altoberndorf kept Gottfried’s brother Wilhelm Werner on his toes for many years with his poaching, refusals of services, and the like, and his lord could do little to stop him. In refusing to perform services for his lord, the feisty peasant invoked old customary laws of the village charter, and he adeptly turned the confusing legal

51 Ibid. 52 Ibid., 271.
53 Ibid., 273. ‘…open violence is masked by the practice of including it as only one alternative in a situation. Indirect or “gentle” forms of violence can be exercised alternatively with other forms of Herrschaft.’ Sabean, Power in the Blood, 22.
54 ‘A strong, if not the strongest pillar of feudalism was the necessity for legitimation: peasants only brought forward demands that could be justified in legal terms.’ P. Blickle, ‘Thesen zum Thema “Der Bauernkrieg” als Revolution des “Gemeinen Mannes”’ in Blickle (ed.), Revolte und Revolution in Europa (Munich, 1975), 129; see also his Die Revolution von 1525 (Munich and Vienna, 1975), 127ff. For illuminating case studies documenting the relative autonomy of peasant legal notions, see P. Blickle (ed.), Aufruhe und Empörung? Studien zu den Formen bäuerlichen Widerstands in Territorien des Alten Reiches (Munich, 1980), esp. 69–145.
55 Zimmerische Chronik (Barack), 3: 20.
relations between the city of Rottweil and the nobility to his own advantage and played the rival authorities against each other. Despite repeated attempts, the lord of the manor did not succeed in driving his low-born opponent from his lands. He was apparently motivated less by principle here than by the fear that this example of disobedience would encourage others – a worry that was not wholly unfounded in the years before the Peasants’ War. For that reason the measures he took aimed first – and this is the basic tenor of the chronicler’s account – at branding his peasant adversary as a quarrelsome and incorrigible loner and isolating him from his fellow villagers. 56 He seems in the end to have succeeded in this, although only after applying massive force; he did not, however, achieve his chief objective. Neither punitive measures nor trickery were able to drive the cotter off: ‘The peasant did not want to do that, nor would he move on, unless he had his rights.’ 57 When the lord escalated the conflict his subject also proved his solid legal consciousness. He appealed to higher authorities, sought the advice of jurists in the city and took the matter to the princely court at Stuttgart, ‘where Archduke Ferdinand of Austria was residing at that time’. 58 At this point, at the latest, the affair became embarrassing for the count, for the peasant ‘accused and defamed his upstanding lord there and everywhere, as much as he could’. 59 The peasant fearlessly insisted on his rights even before the assembled high nobility: ‘[he] did not want to serve him ever again, unless he first got his rights’. 60 The fact that this clearly did him no harm shows how undeveloped state conflict resolution still was and how fragile aristocratic solidarity proved in some cases. At any rate, a crafty subject could continue to lead his lord around by the nose, not missing a trick and deploying more or less legal means (among other things, ‘he petitioned Emperor Charles’) 61 to achieve his ends. Only an imperial arbitration commission composed of high nobles and princely officials managed after some time to make the rebellious subject listen to reason. They presented him with the contractual alternative of ‘five days’ and five nights’ punishment in Lord Wilhelm Werner’s prison, and nevertheless showing himself obedient henceforth’, 62 or leaving the manor forever within two months. Faced with the authority of the assembled lords, Scheffer chose to submit, but not without the sarcastic comment that ‘he had not wished to do his lord such a kindness by leaving the manor, for which reason the prison at Oberndorf was all the more welcome’. 63

57 Zimmerische Chronik, 3: 21. 58 Ibid., 23. 59 Ibid. 60 Ibid. 61 Ibid., 24. 62 Ibid., 25. 63 Ibid.
Gottfried Werner, too, must have suppressed his spontaneous reactions in such cases of conflict and kept to the legal path: ‘if someone did something wrong, he generally had him put before a court, so that he could invoke all of the extenuating circumstances and excuses. He accepted what the law decided, whether for or against the defendant.’ 64 Justice had to do with the legal concepts that had become rooted in people’s minds, and one had to take this into account if one wished to be regarded as a just ruler and avoid unpleasantness. True to the paternalist principle that it is sometimes appropriate to pair strictness with leniency, he occasionally allowed minor miscreants to go free, ‘to leave with permission or else be sent away secretly’. 65 Mercy, he had learnt, is only the more refined part of authority, and the exercise of the one and of the other culminates in the same objective: the sovereign power over life and death, the confirmation of lordly autonomy. Thus he could in good conscience advise not just his judges, but also his heirs, ‘to be merciful and lenient… in cases of misdeeds’. 66 This had little to do with kindness, but a good deal with power calculations. Thus Gottfried set great store by occasional acts of generosity so that his subjects might contrast him positively with the ‘despotic regime’ of his noble neighbours and rivals, and he also knew very well that it was best not to throw the baby out with the bath water and lend even more credence to the popular view ‘that they hang the petty thieves but raise up and honour the great ones’. 67

HABITUALISED RULE?

Out of all of this a specific strategy appears to emerge, with which the count sought to control the precarious relationship between law and force in his practice of lordship. It aimed habitually to counteract and mask the separation of legal concepts from personal circumstances, the objectification of law into an anonymous instance of rule *sui generis*, as it had revealed itself not only in the days of the Peasants’ War, but in a particularly spectacular manner there. It was the lord, not the law, who should rule, and it should at least appear as if the law had only been granted to people by his grace. At any rate Count von Zimmern worked hard at habitually ‘reincorporating’ the sphere of law, which was threatening more and more to restrict his sovereign exercise of power, and thus extinguishing its autonomy. We could interpret this as an exact counter-strategy to the behaviour of his peasant subjects, who did not place their hopes in the grace of their manorial lord, but rather insisted upon the observance of contractual regulations. From the lord’s point of view it was not a particular

64 Zimmermanische Chronik (Barack), 4: 273.
66 Zimmermanische Chronik (Barack), 4: 273.
67 Ibid.
legal content or the law as such that was at stake, but rather its place in the arsenal of practices of rule as a whole. It was important to create the impression that all of the strands of power still came together in the body of the lord, and that he could handle the law freely and as he saw fit. We must also view paternalist criminal justice from this perspective; the pretence that the ruler was above the law could be most impressively demonstrated and most lastingly maintained in the exercise of *Blutgerichtsbarkeit*, with its sensational crimes, frequently involving life or death. 68 Thus when the count let mercy go before justice every now and then there was method in his madness, since he thereby confirmed his autonomy in relation to the law. For this reason he consistently emphasised that what counted was not the law itself, but rather personal virtues that only he embodied and exemplified. Love of truth, rectitude and credibility, for example, were such habitual virtues, which he expressed not just in verbal assurances but also in practice: ‘once he said something, it had to be followed’. 69 A man’s word counted for much more than any invocation of tiresome formalised law, all the more so because the former was backed up not just by lip-service, but by attitudes, and entire complexes of opinions about oneself and one’s environment.

This is articulated most clearly in his efforts to dominate the legal dimension habitually and thus reintegrate it into his own personal practice of rule, in the conflicting opinions he held about affairs of honour with his subjects and their willingness to go to court. ‘In matters of insult, however, wherever he could, he held the parties to their honour, and did not wish their [conflicts] to be aired in a legal case or to end in court.’ 70 He had only the greatest understanding for the attitude that one could not permit anything to be said against one’s honour, and in many ways shared his subjects’ concept of honour. He was less sympathetic, however, to the idea of going to court to defend it. It only cost money and kept people away from work; in addition, it could all too easily happen that pettifogging lawyers rather than the symbolic capital of honour had the last word. The defence of honour obeyed its own laws, and for that reason every man should undertake it on his own power and with the means at his disposal. 71


69 *Zimmerische Chronik* (Barack), 4: 273.

70 Ibid., 274.

71 On honour and affairs of honour, see the numerous examples in the archival works of K.-S. Kramer, for example in his *Volksleben im Hochstift Bamberg und im Fürstentum Coburg*
We may consider the conduct of this elderly man of the mid-sixteenth century old-fashioned and obsolete, as his younger cousin and chronicler suggests, and we may ask ourselves with some justification whether the tendencies towards a growing anonymity, juridification and bureaucratisation of feudal rule in the emerging territorial states could be absorbed by a martial habitus or reintegrated into a modified concept of bodily representation.\(^2\) This may all have been more or less a fiction, but a real, effective and necessary one, since the noble ruling strata were reluctant to accept incorporation into the larger system of rule of the corporately organised territorial state and the restriction of their autonomy. It is virtually a signature of sixteenth-century aristocratic culture that it accepted the advantages offered by the new territorial state structure – the systematisation and securing of noble rule – more or less willingly, but was less enthusiastic about the accompanying disadvantages. In any case, nobles were anxious to preserve if not the reality, then at least the image of themselves as the undisputed ruling class.\(^3\) For that reason they nursed their obsolete violent habitus, which for so long had represented their almost unlimited qualities of dominance, well after it had become an anachronism. It is precisely in the cracks and fault-lines that these traditionalists were forced to accept that the transition becomes visible, and in the hopelessness of their clinging to the tried and true we see glimmerings of the new. Where the violent habitus was no longer immediately functional for the exercise of rule, but rather had become ‘denatured’ to a spectacular theatre of power and only served to conceal real historical changes, it already had to appear as a basically interchangeable quantity. On the basis of the legal and bureaucratic ‘objectification’ of rule, which was politically ensured by the power centres of the territorial state,\(^4\) it could now be gradually replaced by cultural distancing mechanisms which Elias has described – albeit not in the context sketched here – as the ‘civilising process’, which would ultimately culminate in the hegemonic lifestyle of an aristocratic leisure class, the elitist model of court society.\(^5\)


\(^3\) Not uninteresting in this context is the circumstance that in the aristocratic iconography of the sixteenth and seventeenth centuries, the image of the courtly cavalier (shaped by Renaissance ideas on heroes) only slowly asserted itself over the old knightly forms of self-representation. See U. Knall-Braskowsky, ‘Ethos und Bildwelt des Adels’ in Adel im Wandel, 485.

\(^4\) Van Dülmen, Entstehung des frühneuzeitlichen Europas, 158ff, 321ff.

Old Zimmern would doubtless only have shaken his head at such mannerisms. Although he, too, was compelled to lead a life befitting his rank, with ‘many weddings, journeys and other necessary expenses and purchases’, the obligatory castle ghost had almost as much place in his way of life as the master of ceremonies. To be sure, in 1537/38 he had followed the fashion for sumptuous urban living and acquired a comfortable, richly decorated house directly opposite the town hall (!) in Rottweil where he often lived for months at a time, cultivating sociability with the imperial city’s notable citizens, whom he offered free meals with musical accompaniment, serving ‘the best game birds, the best fish and poultry from his estate and other delicacies’. Behind this miniature version of court life, though, was the need to break through the isolation of the aristocratic way of life and participate in the variety, comfort and more attractive sociability of the city. Although he was certainly not above the competitive ambition to show the citizens of Rottweil a thing or two, Zimmern’s practice of representation was carried out less against the citizens than with them, at least the more distinguished segment among them. The demonstrative consumption of luxury goods was still wholly under the spell of the urban way of life and the newly accumulated stock of wealth and prestige. Its gravitational axis was formed by the competition between the old élites and the new, whose burgher wealth also set new, higher standards for the aristocratic way of life. One had to show that one could keep up, no more and no less. As long as the economic and cultural power of the cities remained unbroken, there was no place for the elitist independence of aristocratic culture in the closed sphere of the court. Thus it appears only logical that the Count von Zimmern later deployed his luxury consumption chiefly as a vehicle against the inheritance intentions of his close kin, although he was rather opposed to it as a means for creating new forms of cultural hegemony, that is, as a component of an exclusive way of life far removed from the common people, such as was already practised on the other side of the Alps. He was not extravagant with food and drink, and cared nothing for foreign dishes. He did not tolerate suchlike or anything of French food in his household, and following the old German custom there was only one course, or at most two if the guest was especially high born, of common dishes of fish and meat. For that reason, when he went abroad, he ate no pies, cakes or other foreign foods.

At the end of his life, like many old people, he became something of a strange and unreal presence. His strict regime over his subjects, which always sought to reinforce his personally embodied hegemony, assumed a tyrannical quality at times. Thus, for example, ‘several years before his death . . . he was much

troubled by the clocks at Meßkirch, which had to strike at his pleasure, and after it pleased him to stay awake or sleep late he wished [to hear them], and the sacristans had much work setting the clocks, winding them forwards or backwards.\textsuperscript{80} Doubtless, by the mid sixteenth century the attempt to subject time itself to his own bodily rhythms and habitus of rule already appeared to be a peculiar or even slightly ridiculous presumptuousness, a rather anachronistic measure in an epoch in which time was beginning to emancipate itself forcefully from its social bonds,\textsuperscript{81} clocks in public were on the rise and depictions of the dance of death drew their social attraction from the message to the powerful that the relentless passage of time set limits to even their power and magnificence.\textsuperscript{82} While his efforts at absorbing the objectification of the legal sphere habitually still had some real basis in the development-dependent contradictions of the aristocratic culture of his day, adopting the same strategy in regard to time was nothing short of quixotic. Even in those days, it was only a small step from the sublime to the ridiculous. Nevertheless, it would be wrong to make too much of the peculiar way in which he wielded aristocratic practices of rule; there is little doubt that they remained effective all the same. His was a paternalism tinged with patriarchalism; he by no means embraced a rigid concept of order, but rather built up around himself a web of gradated relations of dependence, which he could handle quite flexibly according to the given situation. The ruling culture was not limited to established economic and legal relations; it resembled instead a system of concentric circles with the lord at the centre, who guided the revolutions of the planets, their proximity to and distance from the sun, according to his own lights and in this way could express favour and disfavour beyond the boundaries of rank. In this system of gratifications there was much room for accentuating the particularity of individual relationships, for taking account of seniority, personal preferences and dislikes, and since the system worked mainly through interactions and was thus constantly in motion, even for subjects it by no means appeared to be a fixed quantity or eternal return of the same. Thus despite his rank the old count maintained especially close, even chummy relationships with the grooms who took care of his beloved horses.\textsuperscript{83} One of them, ‘called Hans Kolb, an odd fellow’,\textsuperscript{84} was apparently every bit as stubborn and peculiar as his master, which caused frequent tensions between them: ‘if the old gentleman wanted something one way, it displeased his groom, who wanted it another way, especially with the horses. Sometimes it made the

80 Ibid., 252.
83 Zimmereische Chronik (Barack), 4: 284.
84 Ibid., 249.