

Constitution [Schwörbrief] of the Imperial City of Strasbourg (1482)

Abstract

This text is the final revision (valid until 1789) of Strasbourg's fundamental law. It documents the settlement of a common problem in medieval German urban history: the struggle for dominance between urban nobles (called "patricians") and the leaders of merchant and craft guilds. At Strasbourg, the law [*Schwörbrief*] trod a middle way between the path of Nuremberg, where the crafts (something less than guilds) had no role in governance, and that of Basel, where nobles and wealthy merchants were excluded from the magistracies. At Strasbourg in 1482, the number of guilds was reduced from 28 to 20, a move that reflected both the peace attained between the nobles and the guild elite, and the combination (for practical reasons) of two or more old guilds into one new guild. The nobles and the guild representatives held one-third and two-thirds of the magistracies, respectively. This kind of sharing between nobles and guild elites—made possible by the cessation of the medieval guild revolts—was common in Imperial cities of the southern German lands. Also noteworthy is the relatively great power of the privy councils (in Strasbourg the XV and the XIII), whose members were co-opted for life. Strasbourg's *Schwörbrief* functioned as a kind of civic charter or constitution. As such, it includes language about the obligations of citizens to the magistrates, of magistrates to the citizens, and of both to the commune. Each year in January, the magistrates and the burghers, the latter ordered by the guilds, gathered before the cathedral to renew their oath to abide by this agreement.

Source

[1] In the name of God, Amen. We, the masters, magistrates, knights, squires, burghers, crafts, and commune, rich and poor, of Strasbourg approve and confirm with this charter that we are in unanimous agreement and have established a common judgment [*geriht*]. We have done this to the praise of God and his estimable mother Mary, to the honor and welfare of the city of Strasbourg, and for the guidance and improvement of the poor and the rich. And this is the judgment. Namely, the council shall consist of thirty-one persons: in the first place, 10 patricians[1] and an ammeister from the guilds;[2] furthermore, 20 persons from the guilds. And when, during the first eight days [of the new year], before the old councilors leave office and when an entirely new council and ammeister have been selected, so that the new council shall be aware and know about the business handled and dealt with by the old council, half of the council shall stay in office each year.[3]

[2] Each year half of the council and the ammeister shall be selected according to the ordinance as follows. The Schöffen[4] of each guild of a departing councilor shall assemble in their guildhall early in the morning on the Thursday after Epiphany, and there they shall elect another honorable, honest man from their guild in place of the departing one. And they shall select from among themselves the one whom, in accordance with their oaths and the laws, they believe to be most able and useful to the city of Strasbourg. Then the whole old council, both the patricians and the guildsmen who have been sitting that year, shall gather in the large, old council chamber in city hall, and there they shall elect to the council, in place of the departing patricians, other pious, honest men from among the knights, squires, and burghers,[5] whom, in accordance with their oaths, they believe to be most able and useful to the city of Strasbourg. And from among the same patricians they shall elect two stettmeisters from the patrician societies to join the two who remain from the old council, and each of them shall be stettmeister for a quarter of a year and not longer.

[3] And if among the same stettmeisters or other patricians or guildsmen who sat on the old council, one or more has died, left the city, or become unsuitable for some other reason, on the same aforementioned Thursday others shall be elected, and they shall sit and remain on the council for one year in the places of those who have died, left the city, or become unsuitable for some other reason. Thereafter, the ten continuing councilors from the guilds shall go into the back room to join the ten who have been elected to the new council that morning, making all together twenty. These twenty councilors from the guilds shall then elect an able, honest, wise, prominent man as ammeister, whom they, according to their oaths, believe to be most honorable and useful to the city and the commune of Strasbourg. He shall be a guildsman, but he may not come from a guild that already has an old ammeister, nor anyone who has been ammeister within the past five years.

[4] Such elections shall be conducted according to the laws previously approved by the Schöffen and the ammeister, and which are recorded in the civic register and the register of the XV.[6] These ordinances shall be read annually to the same twenty councilors, who shall swear to uphold them.

[5] The aforementioned patricians, namely, the remaining ones from the old council plus those who are elected on the aforementioned Thursday, making together ten patricians, and then the aforementioned twenty men from the guilds, namely, ten from the old council and ten elected that morning, shall comprise the council for the coming year, and they and the ammeister shall proceed in the customary way. They shall swear in person to God and the Saints to uphold all the measures, points, and articles that are written down, and to accept no gift or donation while they hold office. And whoever accepts a gift or allows one of his dependents to do so, shall be regarded as having perjured himself.[7] And if the stettmeister and the council shall ever learn that this has happened, they shall judge the matter, according to their oaths, as is prescribed in the register of the XV.

[6] And the ammeister, who is now elected as an ammeister, shall also swear in person to God and the Saints that he will accept no present, gift, or donation, whether few or many, small or large, nor allow any of his dependents to do the same, but he shall always conduct himself in an honest and upright fashion, upholding all the measures, points, and articles recorded in the civic register and in the register of the XV. These are read to the ammeister each year on the day of his election. And if an ammeister shall violate this rule and not conduct himself in this manner, in any way whatsoever, his life and property shall be forfeited to the city of Strasbourg. And the stettmeister and the council shall swear not to let him get away. If the stettmeister and the council do not do this, the said ammeister who has broken the laws will be a traitor and be an outlaw in the eyes of all burghers.[8] Every councilor shall, on his oath, censure a crime as though it were a blood crime.

[7] From now on, too, no ammeister shall be allowed to have building done on or in his house or elsewhere, whether small or large, at civic expense. He shall do such things at his own cost and not by means of city workmen or city equipment. Further, from now on an ammeister shall not be paid more than sixteen shillings per week for the drinks for the watch [*scharwachter trunck*], which he shall on his oath give to the watch as is customary.

[8] If an ammeister shall die in office, the aforementioned twenty councilors from the guilds shall elect a fellow guildsman as ammeister, just as before, and the one elected shall be ammeister for the rest of the year. Similarly, if an ammeister falls ill, the same twenty shall elect another in his stead in the prescribed manner. And such an ammeister shall receive while in office the ammeister's ounce [the 16 shillings]. And when an ammeister is chosen to replace one who has died or fallen ill, the oath to him shall be sworn just as it was to the old ammeister at the beginning of the year in front of the cathedral, and the new ammeister shall be bound and must swear to uphold everything that the councilors and the old ammeister who has died or fallen ill had sworn on their oath to uphold during this year in front of the cathedral, all without any reservations.

[9] The ammeister, four stettmeisters, councilors, knights, burghers, guildsmen, and commune, both rich and poor, at Strasbourg shall swear to be loyal and obedient, to promote and increase the city's honor, welfare, and moral character, to warn it of dangers and ward them off, to the best of their abilities, all without any reservations. Everyone shall swear to the aforementioned ammeister, the four stettmeisters, the council, and their guild courts to obey loyally their commands and prohibitions against all who oppose them or their judgments.

[10] Yet, it shall be understood about the oath to the ammeister that no ammeister shall have authority or power to dispense anyone from or to cancel or change any part of anything established by the stettmeister and the council or the assembly of the Schöffen without their knowledge and consent. The aforesaid ammeister, the four stettmeisters, and the councilors shall also swear loyally to protect and guard [*getrūwelich zu behüten und zu bewaren*] the knights, burghers, guilds, and commune, rich and poor, of Strasbourg, as best they can with life and limb, and to judge poor and rich alike, without any difference.

[11] We, the knights and burghers declared that we renounce our right to elect to the council, which we formerly possessed, and that we shall never again demand or claim this right in any form whatsoever.^[9]

[12] When a lad turns eighteen, whether he is a knight, squire, burgher, or guildsman, he shall swear to uphold this charter. And if anyone learns of someone who has not sworn, he shall on his oath report [*rügen*] this to the ammeister and the council, and if it is found that such a person has not sworn, the ammeister and the council shall determine what he shall do to make up for it.

[13] Each year, after the old council is dissolved and the new council is sworn in at city hall, everyone shall swear in front of the cathedral to uphold this charter. If, God forbid, the bells have to be rung, no one shall take up arms except if the murder bell is rung, and no one except the ruling ammeister shall have the authority to have this bell rung. Otherwise, when the bells are heard, everyone shall come into the square before the cathedral on foot, gather before the ammeister and other masters, and obey them. And when the ammeister and the other masters dismiss them, they shall on their oaths go quietly to their homes. When, however, there is a fire, the guildsmen shall arm themselves and gather in front of the cathedral and then move wherever they are sent and obey the ammeister and the other masters. The patricians, however, shall not take up arms unless the ammeister and the other masters tell them on their oaths to arm themselves and to assemble, and then they shall immediately do whatever they are commanded to do. If a nobleman rides to the square before the cathedral, he shall send his horse back home immediately.

[14] If anyone shall have bound himself to another with oaths, declarations of loyalty [*truwe*], or letters, they shall on their oaths release one another from such engagements, and no one, high or low, poor or rich, shall make any alliance. Whoever violates this in any way shall be considered perjured and outlawed. He shall be banished for twenty years, day and night, from this city, and after the twenty years he shall not be readmitted without the consent of the sitting stettmeister and the council. And whoever knows of such an agreement, shall on his oath report it immediately to the stettmeister and the council.

[15] If any of our burghers wants to renounce his citizenship, he shall appear before the sitting stettmeister and the council, announce his intention to them, and renounce his citizenship orally, as is the ancient custom, and not in writing. And the stettmeister and the council shall then release him from his civic rights and obligations. If, however, the one who wishes to renounce his citizenship has committed a felony or is charged therewith or has "grasped the staff," he must stand trial before the sitting stettmeister and the council. And no one shall renounce his citizenship except as prescribed and on his oath.

[16] The stettmeister and the council, the Schöffen and the ammeister, and everyone else at Strasbourg

are to obey and uphold loyally [*getruwelich*] the aforementioned Council of XV, to whom the laws and affairs of the city of Strasbourg are entrusted, in all things commanded or to be in the future commanded, and shall aid and support them against all foes, as best they can and on their oaths.

[17] If anyone acts against this charter and against this judgment or any article written in this charter, and if this becomes known to the incumbent stettmeister and the council, such a person shall be declared perjured and stripped of his citizenship, and he shall never again come within the jurisdiction, nor become a burgher. His life and goods shall be forfeited to the stettmeister and the councilors, who shall confiscate all of his property and holdings, in the city or in the countryside, as much as they can, on their oaths and without fail. And if a stettmeister and the council fail to order this against the criminal, they shall be declared perjured und dishonored and shall never again be stettmeister or councilors of the city of Strasbourg.

[18] To confirm all these above written stipulations, we append the great seal of the city of Strasbourg, together with the seals of the [twenty] knights, squires, burghers, and [fifty-two] guildsmen whose names are recorded as follows: Sir Hans Böckel, Sir Hans Rudolff von Endingen, Sir Hans von Kageneck, Sir Friderich Bock, Sir Ludwig von Kageneck, Sir Hans Wilhelm zum Riet, Sir Hans Spender, Sir Claus Wormsser, Sir Hans von Seckingen, Sir Caspar Buman, Sir Caspar von Vrendorff, Hans Hüffel, Hans Sturm, Peter Rebestock, Steffan Sturm, Hans Erlin, Hans Voltsch, Jorge Berer, Caspar Klobeloch and Paulus Hüffel, who seal this letter on behalf of the knights and the burghers.[10] And we, Peter Schott, the ammeister; Jacob Amlung, Claus Bomgarter, Conrat Riffe, Marx Kerling, the old ammeisters; and Hans Berlin, Gotze von Hohemburg, Hans Jörger, Hans Erhart von Rotwil, Behtolt Offenburg, Adam Mesener, Conrat von Duntzenheim, Walther von Rore, Conrat Armbroster, Claus Renner, Matern Trachenfeile, Andres Hapmacher, Claus Brune, Syfrit Bietenheim, Hans Vendenheim, Lienhart Ammeister, Claus Weidelich, Diebolt Otteman, Heinrich Schott, Andres Selig, Claus Duntzenheim, Hans von Odratzheim, Behtolt Vogelsberg, Rulin von Druhtersheim, Hans Flösze, Wyrich Burggrafe, Marx Rebestock, Andres Trense, Hans Leytgast, Jacob Muge, Heinrich Henicken, Heinrich Gerung, Peter Renner, Peter Vendenheim, Adam Hapmacher, Ulrich Sebott, Hans Waltener, Peter von Erffort, Claus Vetter, Oberlin von Büre, Heinrich Egel, Heinrich Muller, Claus Knyebusz, Erhart Gisebreht, Martin Leheman, Hans Duheler and Claus Wirich, who are to sign and approve on behalf of the guilds. And each of us allows his seal to be affixed to this letter, which is proclaimed on Christmas Eve, 1482.

NOTES

[1] From the 16th century on, the Roman term “patricians” was used to denote the urban nobles [*constofeler*] of Strasbourg. They were usually members of old, prestigious families of the untitled or “lesser” nobility, among whom the possession of a purchased charter of ennoblement [from the emperor] was no guarantee of social acceptance. In most towns, the nobles, formerly the city’s sole rulers, came to have a reduced (sometimes even minority) share of public offices—trans.

[2] The office of ammeister was introduced during the guild revolts of the 14th century, and all ammeister [also called ammann] had to be guild members. Five of them were in office at any one time; the position of ruling ammeister—de facto head of the regime—rotated among them. The ceremonial head of the regime was the stettmeister. An older office reserved for patricians, the position of stettmeister rotated among four persons every three months—trans.

[3] This clumsy formulation means that half of the council was renewed each year for two-year terms, after which a former magistrate was ineligible for one year. In Strasbourg, they apparently were selected by the ruling court [*Zunftgericht*] of the guild—trans.

[4] Each of the twenty guilds was governed by a council of fifteen senior masters, called “Schöffen”—trans.

[5] In Strasbourg, the word “burgher” could have the usual, general meaning of a member of the commune, and it could also refer to wealthy non-nobles who stood socially somewhere between the

patricians and the guildsmen, but who had been admitted to the patrician societies—trans.

[6] The XV were one of two privy councils whose members, all of them former councilors, were co-opted for life. The XV handled domestic affairs, the other, the XIII, foreign affairs. Together, they sat with the council as the supreme deliberative body, called “the Council & XXI”—trans.

[7] The modern English “perjured” does not begin to convey the solemnity and terribleness of *meinedig*, which was originally used in a religious context. It means “oath-breaker”—trans.

[8] This is the other, more general meaning of “burgher.” See note 5—trans.

[9] Note above that the patrician councilors were elected not by the patrician societies but by the patrician and guild councilors—trans.

[10] Here “burgher” is used in its restricted sense (see note 5). The title “sir” here represents the term “knight” [*Ritter*]
—trans.

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