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### The German Reformation and Sumptuary Laws

On October 31, 1517, Martin Luther, as an Augustinian monk, forever changed the course of German history by posting his *Disputation of Martin Luther on the Power and Efficacy of Indulgences*, written in Latin, on the door of the Castle Church of Wittenberg according university custom for airing grievances (Luther, Editor's Note). Luther's posting became better known as the 95 Theses. With the help of the printing press and the translation of the 95 Theses to German by friends of Luther, in January 1518, copies were widely distributed. Within two weeks, copies had spread through Germany, and within two months, throughout Europe (Brecht). The Lutheran confession began to take hold throughout the Holy Roman Empire, forcing burghers to address the shift in the people's viewpoints as reflected in the changes to sumptuary laws of the city-states.

### The Confession and History

To understand the impact the Lutheran Reformation had on sumptuary laws, a brief understanding of the changes desired by Luther and the historical events faced by the burghers is required. Above all else, it was Luther's desire for reform that prompted the infamous posting. He was greatly concerned by practices of the church, which he believed to be against the will and intent of God (Luther). While he posted the 95 Theses to address these concerns, the main points of reform he espoused are:

- the elimination of indulgences,
- salvation is a gift of God's grace,

- salvation is not earned through good deeds,
- the Bible is the only source of divinely revealed knowledge,
- all baptized Christians are part of the holy priesthood and thus can communicate directly with God,
- confessions should be private thus eliminating the need for confession to a priest,
- services should be done in the common tongue,
- marriage was important to the faith both for the congregation and the church figures,
- the rejection of the existence of Purgatory, and
- based on historical interpretation of Bible prophecy since the papacy wasn't part of the biblical Church concluded that the papacy was the Antichrist (Luther).

The beliefs of Luther empowered the common man, by including them as a part of the theological debate, something that had not been a part of religious or secular life until the posting of the *Theses*.

Suddenly those suppressed, not only by their station in life but by the Church in which they were to receive salvation and promise of a better life to come, were proclaimed to be part of the elite priesthood with direct access to God. A freedom was found by the citizens who could now confess directly to God and ask forgiveness without the need to confess for a priest or to be seen performing a public repentance.

These ideas spread through the Holy Roman Empire in the form of other doctrines, pamphlets, letters, etc. that were widely distributed thanks to the printing press and aided by Luther's close friendship with Lucas Cranach the Elder. Cranach printed, made woodcuts, distributed and marketed Luther and his reforms (Ozment 107).

The combining of religious instruction with entertainment in the form of satirical broadsheets and pamphlets aimed at a broad audience further assisted in the dissemination of Luther's teachings (Tlusty 3). The use of the printed word became an important tool, especially since the literacy level appears to have been historically underestimated. Recent data indicating that in the early 16<sup>th</sup> century, nearly one-third of the populace was literate with an increasing literacy rate throughout the century (Tlusty 3).

While the reform proposed by Luther began to spread and gain popularity, the church began its own inquiries into Luther and his Theses. On January 3, 1521, Martin Luther was excommunicated by Pope Leo X. Four months later, Luther was required to attend a Diet in Worms to defend his Theses. He refused to recant and on May 25, 1521, Martin Luther was condemned by Emperor Charles V, a loyal Catholic, as an outlaw and heretic. Giving Luther aid or shelter was a crime and anyone could kill him without legal consequence (Bratcher).

The Duke of Saxony's men, who learned from Lucas Cranach of an assassination attempt sanctioned by the Church, intercepted Luther on his return from Worms and ensured his safety. Luther went into hiding, often donning a disguise and going by the name Junker Georg, or Squire George. He hid in Wartburg Castle at Eisenach where he continued to write pamphlets promoting his desire for reforms and condemning the Bishop and Pope (Ozment 135-137).

By September 1522, Luther finished his translation of the *New Testament* from Latin to German and, with the help of Cranach, began production of these copies, which sold out in a few months. Cranach's printing press was also responsible for all legitimate and trademarked copies of the Lutheran/German Bible (Ozment 112). The empowerment of the individual under the Lutheran confession helped the movement rise in popularity with the lower classes that felt

oppressed, not only religiously but also secularly by the upper classes. This tension led to the revolts in 1524 and 1525 often referred to as the German Peasant Wars (Dickens 132-133).

Luther's refusal to support the peasants in the wars, and specifically his writings telling the peasants to put down their arms citing the nobilities rights under the law, caused a rift in the emerging reformation. The Anabaptist movement became a byproduct of the German Peasant Wars (Pettegree 102-103). Ultimately, this tumultuous religious ground fueled concerns of lawmakers who had historically looked to the Church to provide moral guidance with social structure and were now faced with growing movement for religious as well as secular reforms, especially from the peasant and merchant classes.

A premier secular intrusion on what had been strictly a religious celebration was further pushed by Luther when on June 13, 1525, he married Katharina von Bora with Johannes Bugenhagen, Justus Jonas, Philipp Melancthon, and Lucas Cranach the Elder and his wife serving as witnesses, along with Johann Apel, a notary public. This, the first secular wedding, was performed and sanctioned by Elector John of Saxony (Ozment 114).

Five years later, in 1530, the Lutheran confession was officially adopted at Augsburg in presence of the Elector John of Saxony, the Landgrave Philip of Hesse, the Margrave George of Brandenburg, the Dukes Ernest and Francis of Lüneburg, the representatives of Nuremberg and Reutlingen, and other counselors, as well as twelve theologians. It was signed by the Elector John of Saxony and Margrave George of Brandenburg. This marked the first official "Lutheran" church founded in the Electorate of Saxony. After this first "Lutheran confession" was adopted, Luther then acted as an adviser only to other churches in new territories who wished to follow the Lutheran confession, many of which followed the Saxon model. Luther continued to hope for reform of the Catholic Church in accordance with his *Theses*. Therefore, he was quick to respond

to those who proclaimed reform in his name, especially if he felt his ideals and reforms were being misrepresented.

Luther died on February 18, 1546, but it was not until September 25, 1555, that the Peace of Augsburg helped bring peace to Germany as each prince and city was then legally permitted to choose between Roman Catholicism and Lutheranism. Succinctly described in Latin: *cuius regio, eius religio* (whoever has the kingdom chooses the religion), this was not a new or novel idea as it had been the case throughout the Holy Roman Empire, especially in the Northwest (Gascoigne).

### **Study of City-States Secular Authority as Seen Through Sumptuary Laws: Augsburg and Nuremberg**

Although the official Lutheran doctrine and church were not solidified until 1530, and formally accepted as religious doctrine by the Holy Roman Empire in 1555, the effects of Martin Luther's reform were felt shortly after the posting of the *95 Theses* by lawmakers whose citizens quickly adopted the call for change.

The reform of the church and the new empowerment of the lower classes to access the theological debate, the scripture, and the ability to have a direct connection to the divine robbed the ecclesiastical authority of its awe. With the change in religious authority, and the shift in focus in both religious and secular life, the German city-states were also left trying to maintain the hierarchy of secular power, while allowing the citizens the sense of secular reform and appeasing the new sense of entitlement inspired by Luther's reform. The secular magistrates felt obligated to step in after the Reformation in order to maintain moral discipline as seen by a sharpening of the sumptuary laws (Greenfield 37).

In addition to moral discipline, sumptuary laws also served to protect the social order by ensuring social class distinctions, which became increasingly important with the redistribution of wealth after the Black Plague (Muzzarelli 608). The reinforcement of social class was also important for social order as there was a “prevalent belief that dressing above one's social rank was prelude to disobedience and rebellion” (Ozment 105). This was seen in Wittenberg where fights often occurred between students and non-students due to a ban on wearing deadly weapons (daggers), which was strictly enforced by the burghers against students, but not the non-students (Ozment 104).

The social need for order, as well as individual aggrandizement due to increased access to wealth, caused fashion to be continuously subjected to restriction as part of this newly re-structured society (Simonson 66). Along these same lines, lawmakers often justified the implantation of stricter sumptuary laws as for the benefit and welfare of the citizens, indicating to the controlled social classes a constant need for guidance to avoid indebtedness for extravagant and frivolous purposes.

The increased adornment of the classes was observed by Aeneas Sylvius while visiting Nuremberg. He noted the fine wares of the citizens of all classes and exclaimed “the kings of Scotland would consider themselves fortunate if they could live like a simple citizen of Nuremberg” (Greenfield 66).

Clothing was an essential way of declaring one's station and a considerable amount of money for the fabric was spent to showcase an individual's place in society. Albrecht Dürer noted in his diary in 1520 that he purchased a fur-collared, velvet-trimmed camlet coat for 37 florins, more than four times the eight florins he was paid for his portrait in oils of Bernard van Orley. Daily gowns in Florence around 1449 would cost 269 to 289 florins, with more expensive fabrics

selling for 20 to 40 florins for an 18 to 20 inch wide fabric. A typical gown of such fabrics could use 10 to 15 yards per gown (Simpson 69).

Another aspect of sumptuary laws was the encouragement to use local textiles in favor of foreign imports. “Fear of the foreign – for fashion in many places came from abroad – and fear of change itself contributed to the enactment of sumptuary legislation” (Freudenberger 37). The fear of the foreign is a prevalent theme seen by the limitations or outright prohibitions of foreign imports, especially Italy, as seen in the exemplary city-states discussed later.

Of course, not all the reasons for sumptuary laws had a laudable purpose. It should be noted that royal courts through out Europe created some of the greatest ostentation, with members constantly competing with each other regarding overall display of wealth and uniqueness. For example, “Queen Elizabeth I of England forbade emulation of her style of dress and at her death left 6,000 fine garments behind” (Freudenberger 40).

Several Holy Roman Emperors, including Maximilian I, put forth sumptuary laws restricting the citizens of the Holy Roman Empire as a whole as seen in Appendix A. Much like the United States Federal and State legal system, the Emperor’s sumptuary laws served as a base and framework that was universal, and the city-states were then responsible for further honing the sumptuary restrictions to suit their needs. For purposes of this paper two city-states, Augsburg and Nuremberg, will be reviewed. This is due to limited numbers of examples and the availability of existing sumptuary laws that have been translated to English from Middle High German.

In Augsburg, examinations of the sumptuary laws are assisted by an understanding of the makeup of the government which implemented them. Augsburg’s government was comprised of two Councils, the Great Council, which was the base structure, and the Small Council, which

formed the innermost circle. As a result of a guild rebellion in 1368, Augsburg's "guild constitution" (*Zunftverfassung*) consisting of seventeen craft guilds, gained representation for the first time in the Great Council (Plummer). Each of the guilds was permitted to send twelve representatives, greatly outnumbering the patricians (ancient and noble families) and provided a majority in favor of the guilds (Heal 15).

In 1478, the *Zunftverfassung* was also permitted to send thirty-four guild masters to the Small Council. In addition to the guild representatives, the Small Council was also comprised of fifteen patricians (Plummer). Here, the guild still out represents the ancient families; however the guild members chosen for the Small Council were usually drawn from among the most elite group of wealthy merchants (Heal 15).

This government structure remained in place until 1548 when Emperor Charles V, a Catholic supporter against the Lutheran Confessions, laid siege to the city which supported the growing Reformation. This is as seen by Augsburg's participation in the formation of the Lutheran church in 1530, and later in the negotiations of peace that occurred within its walls in 1555 (Plummer).

The Emperor's victory over Augsburg brought home the deep religious divides of the empire. In a city where religion became a defining point of each individual, the City Council was forced to create policies to suppress religious tirades and promote civic responsibility and cooperation (Creasman).

The review of the government structure shows that the Merchant and Guild class had a strong and controlling role in the creation and administration of the laws meant to govern the city, and in turn their own class, until the mid sixteenth century, when Augsburg fell. While the Council had various obligations from rule making to adjudicating, a primary responsibility was



to police the citizens through various sumptuary laws. These laws included not only clothing, but also applied to social activity, foods to be served, gifts given, and the daily behaviors of the people -- thus providing insight into the daily habits and the acceptability of various traditions of the people of the city.

For example, a Council decree of 1438 states prostitutes not in the public whorehouse may no longer wear trains or silk, nor rosaries made of coral. Further, the veils worn by such women must have a green stripe, two fingers wide. The failure of the women to abide by these restrictions resulted in the penalty of the taking away the clothing and jewelry the woman is wearing when found in violation of the sumptuary stricture (Tlusty 99). This decree made those considered on the outskirts of society easily identifiable by their clothing, and it changes what was fashionably acceptable in society. Presumably, the women who were in the public whorehouses were identifiable as well, thus requiring a way to identify those who were not so affiliated. The decree also shows that the world's oldest profession was something that was at least tolerated and regulated by the city and not outright banned.

With the influence of the Lutheran Confession, behavior which was tolerated and regulated by the Council for the benefit of the citizens now becomes the target of sumptuary reform. An example of such is chronicled by Clemens Sender, a Catholic monk, who on September 4, 1532, noted the Council of Augsburg did away with the two public common whorehouses on the instruction of the Lutheran pastors (Tlusty 99). The removal of the public whorehouses was just the beginning of the Lutheran influence.

One of the primary focuses of the Lutheran Confession was to stress the importance of maintaining the sanctity of marriage. Five years later, the Council put into place the Police Ordinance of 1537 (Tlusty 100-102). The Ordinance is summarized as follows:

- 1) No betrothals without parent/guardian approval
- 2) No forced betrothals, parent/guardian's should be looking for betterment in marriage.
- 3) No marrying of direct lineage, siblings, half siblings, aunts, cousins.
- 4) No marrying step relations or in-laws, or foster family.
- 5) Marriage requires church blessing
- 6) Marriage must be announced from the pulpit, publicly, on 3 different occasions.
- 7) Loyalty and love should be in a marriage
  - a) Husband can't leave wife against her will and move out or improperly treat her
  - b) Wife should keep house, children and not leave husband.
- 8) No divorce or separation, unless Christian or legal reason.

The Ordinance places an importance on marriage for being more than a way to gain earthly wealth and title. By stressing marriage as a way to increase the overall happiness and fruitfulness of the faithful, the Ordinance promulgates the teaching of the Lutheran Confession.

It should not be overlooked that while the law banned forced betrothals and familial relationships and placed a focus on love and loyalty, it did still require approval of both parent/guardian and the church proving the historic traditions of marriage were still included in the doctrine of the Lutheran Confession. Thus, while the Lutheran Confession focused on new perspective and focus on relationships for its practitioners, it did not do so without limitation and deference to tradition. The inclusion of such ideals as the importance of marriages was a way to force the city states to act on the reform started by Luther (Tlusty 93).

In Augsburg, the Lutheran influence carried even further than the implementation of Lutheran ideals into the governing laws by a Council that was presumably followers of Luther. A ban was set on leaving the city to engage in Catholic ceremonies. In the ten year span from 1537-

1547, followers of the Catholic Confession faced the threat of repercussions, such as arrest and interrogation, for violating the ban. Frequently, though, the actual punishment in such cases was nothing more than a warning based primarily on the individual's failure to heed the Council's decree than based on the individual's chosen religious confession (Tlusty 2).

The modern idea of class, which was referred to as estates in early modern Europe, was generally divided into three estates: Nobility, Clerical, and Sub-nobility. For members of the sub-nobility, which was further divided amongst itself into divisions referred to as Rooms, the Council established the Clothing Ordinance of 1582 with the stated purpose of having the citizen act in accordance with their estate based on their manner of dress and adornment, and to assist the members of those estates to avoid unnecessary expense. While this Ordinance came long after the death of Martin Luther and almost 30 years after the Peace of Augsburg, his reformation can still be seen in the Council's attempt to curtail the secular progression of an increasingly wealthy merchant class and to halt the lower classes' attempts to rise and mimic those above them by emulating them on the basis of their clothes and jewelry. Such embellishment was the utmost dictation of status and while it is presumed to have predecessors, this is the only Augsburg Clothing Ordinance available in English for examination.

For members of the Lord's Room, or the uppermost estate of the sub-nobility, the men were permitted to wear marten or lower level furs for lining, velvet, silk, damask and lesser cloths were permitted for the rest of their dress. Clothing for men at this social level were not permitted to be embroidered. Men of the Lord's Room were permitted to wear gold chains, jewels, pearls, bracelets, rings, brooches.

Similarly, women were permitted to wear marten back fur, but nothing better. Women could wear traditional dress, but were not permitted to wear embroidery or decorative stitching,

or to wear velvet shoes or slippers. The wearing of gold chains, jewels, pearls, gilded belts, and things of lesser quality was permitted, but the pearls and/or gold bonnets could not be worth more than 100 gulden. Members of the Lord's room who violated these mandates were subject to a penalty of ten gulden. Appendix B addresses the monetary conversion for modern purposes, as well as the value of contemporary conversions in 16<sup>th</sup> century Germany.

The next estate down was the Merchant's Room, which is the first room that has a restriction on clothing that permits the use of a material, but limits the amount that may be used. Such measurements were typically referred to as an "elle," as further addressed in Appendix C (Tlusty 70). Further, as part of the agreement with the Council, men who were named in a settlement and listed as such in the Ordinance could wear jerkins with marten back fur, everyone else may wear marten underbelly fur with woolen cloth on the outside with one or two rows of decorative stitching, and no trim, and no better lining, under penalty of ten gulden.

Doublets and pants of silk and damask are acceptable, but without embroidery or edging and with no more than two rows of decorative stitching. Paned pants that are lined may use watered silk, double taffeta, or other less valuable silk, but no more than fourteen elle of narrow taffeta under the penalty of four gulden. Men of the Merchant's Room were further prohibited from wearing outer garments of silk, damask, watered silk, or taffeta. Velvet Polish bonnets lined with marten and velvet hoods were permitted as well as the wearing of a silver dagger. Likewise a coat or jerkin may be lined or edged with one and a half elle of velvet. However, the men were forbidden to wear a good velvet cap, hose made entirely of silk, velvet scabbards, velvet shoes, and velvet slippers. They were also forbidden to have gilded hilts, pommels, or chapes on their swords. Men were also prohibited from wearing pearls, clasps, brooches, bracelets and

necklaces, golden chains and other jewels not expressly authorized to wear; however they were permitted to wear gold rings.

Women of the Merchant's Room were prohibited from wearing watered-silk or anything better for capes. Double taffeta or something of lower value, without embroidery, was permitted and no furs better than marten underbelly were allowed. A woman's bodice may use at best silk and damask with one and a half elle of velvet trim. For caps, petticoats, etc. only watered silk, taffeta or that of lower value was permitted, and like the women of the Lord's Room, the wearing of velvet shoes and slippers was forbidden.

Also included in the Merchant's Room were Counts, Knights, Mayor of the city, Doctors, and Academics who were permitted to wear solid gold, all kinds of silk clothes, or anything else without restriction. Likewise military officers might dress according to custom without regard to the sumptuary restrictions of the city-state.

Next was the Craftspeople's Room. Here, men could wear jackets with nothing better than wolf and fox belly or back fur for lining, and the covering nothing better than arlesian cloth, fustian, satin, machey, grosgrain, or woolen cloth. Unlined jackets previously mentioned could be trimmed with no more than half an elle of velvet, but with no ornamental stitching or embroidery. Doublets could be made of camlet, double taffeta, fustian, or material of lesser value. Men could wear paned pants from wool or leather and lined with eight ells of arlesian cloth, fustian, machey, simple taffeta at twenty-four kreuzer, or grosgrain. Men were prohibited from wearing rings, pearls, chains, or other of solid or spun gold or plated with gold, but might wear a crest ring if granted a coat of arms. Exceptions to these restrictions were for men elected to the Council who were then permitted to dress as members of the Merchant's Room.

Women were permitted to wear capes unlined, and simple capes and bodices, caps, skirts, and underskirts from arlesian cloth, fustian, machey grosgrain or woolen cloth. If the capes were lined, they were limited to fox or lesser. Skirts could be trimmed with one elle of velvet, an underskirt with two elles of mock velvet, and a bodice and cap with one woolen cloth or a half elle of plain velvet, but no embroidery or decorative stitching were allowed. Gold rings were permitted, as well as a belt decorated in silver costing no more than eight gulden. They could also wear a pair of scissors decorated with silver and silver buttons on a bag or coin purse, each up to three gulden, a pearl hair band of approximately four gulden, and a wool cap or double taffeta hood. They were no longer permitted to wear golden bonnets, strings of pearls, or belts entirely of silver chains. For both men and women of the Craftspeople's Room, tall high ruffs were "abolished and forbidden" (Tlusty 72).

The servant estate was to be satisfied with the clothing given to them by their masters. If they were buying clothing at their own expense they could purchase nothing better than London wool, leather, fustian, machey and lesser, with a limit of an eighth of an elle for lining pants, but silk was prohibited (Tlusty 69-72).

The Clothing Ordinance makes a distinct differentiation by Room based on clothing material, decoration, and valuation alone, making it easy to identify the social status of anyone walking the streets. The Council's focus on highlighting the estates so prominently by the clearest class differentiator, clothing, shows a shift in power from the primarily Merchant and Guild base to the more aristocratic and presumably more Catholic, Council makeup in 1582. A sense that these Rooms should be clearly defined and separated, with the ability to wear furs and fabrics above others of their Room granted to specially named Merchants indicates that these men were highly likely to be influential and obviously wealthy enough to have negotiated for

their status. This shows a need for the Council to repress the growing sense of entitlement among the citizens who continued to push their social station with displays of wealth.

The Clothing Ordinance also highlights the importance of what was likely commonplace prior to the implementation of the Ordinance-- the use of embroidery. The ban on embroidered clothing, including decorative stitches, is reiterated in each of the Rooms. Embroidery would have been a relatively cost effective way to enhance clothing, especially if the individual was skilled in the art.

In the case of Nuremburg, a wider availability of laws both before and shortly after the reformation afford a broader understanding of the impact of the German reformation on the applicable laws of a city-state. The main governing law in Nuremburg was the Nürnberg Hochzeits-büchlein of 1485, which was later revised in 1526; the year after the Council committed itself to the Lutheran Confession. This continued to be amended as late as 1557 (Greenfield 95).

In Nuremburg, legislative power of the Council was comprised of forty-two members of the small Council, eight deputies of the crafts, and thirty-four aristocrats. These are divided and marked ascending grades of power.

The eight deputies of the crafts had minimal power compared to the aristocrats, who were further divided by ascending amounts of power within the Council. Of the aristocrats, eight members formed the *alte genannten*, and the remainder known as *burgomasters*. Thirteen of the burgomasters were *Schöpfen*, who sat as jurors in the criminal court. The burgomasters were also divided into thirteen senior and thirteen junior burgomasters.

Senior burgomasters were further divided into seven elders, called *eletern herren*, who created the real heart of the government. In yet a further division, out of the *eletern herren*, three

headmen, or *haubtmänner*, were selected, two of whom were made into Treasurers, known as a *losunger*, with a final distinction of the *losunger* with the most seniority in office as being recognized as formal head of the administration (Greenfield 21-22). Positions were elected, annually, in the spring (Greenfield 24).

Understanding the governmental structure helps highlight that those making the laws in Nuremburg were not primarily the ones the laws were meant to govern, a distinctive difference from Augsburg. In addition to the makeup of the Council, in 1521, after a champion of Martin Luther at the Diet of Worms indicated his position as a deputy of Nuremburg, Nuremburg became the seat of the new experiment in imperial administration and the Reichsregiment (Empire Council) and Reichskammergericht (Empire Superior Court) were installed in a chamber of the Rathaus (City Hall) where they were separated only by partitions from Council deliberations (Greenfield 112). Such action by the Emperor in a city that was sympathetic to the perceived heresies of Martin Luther's teaching was meant to send a message and curtail the acceptance of the new religious movement. Despite this attempt, civil unrest continued in the streets as more priests preached the teachings of Martin Luther, despite the edict declaring him a heretic. The Council remained neutral trying to find a middle ground between brewing factions of the new Confession favored by the citizens and that of the Imperial expectations. Finally in March of 1525, after public discussion, the Council made the commitment to switch from Catholicism to the Reformation. Laws were made to include aspects of the ecclesiastical now under secular rule as there was no formal church.

A review of preambles to laws put in place after 1527 when the Confession was formally adopted shows that, while the Council was willing to accept a Confession whose main appeal was to the non-aristocratic estates, they also feared that the lack of continuous church



involvement in the new Confession would lead to amoral behavior and a lack of societal responsibility. With all of the responsibilities of running the city, the fact that authorities of Nuremberg felt that it was their daily duty to turn to the personal account books and wardrobe of the citizens in order to monitor against excessive spending, vanity, and moral improprieties shows the strong moral conviction and concern the Council had over the loss of the Catholic church as a moral compass (Greenfield 37).

An example of this can be seen in the Nuremburg Council's commentary on dancing.

'Inasmuch as it has not only been definitely made known to the Honorable Council but also is manifest to the eye and in plain sight of day in what measure at weddings and other dances here an altogether unseemly and immodest abuse prevails, in that women and maidens are excessively whirled and swung around by those who dance with them, wherefrom no small mischief and scandal proceeds, with the result that it is not improperly displeasing to all modest, honoring persons to behold it; Therefore the Honorable Council recognizing themselves responsible by virtue of their bearing office to plant and to further whatever is conducive to modesty and honor, but on the contrary to prevent and extirpate all that is opposed to this, they our Lords have resolved to longer to look upon this unbecoming abuse', but herewith command 'that everyone, of whatsoever rank, at all dances which shall be held ... in the gardens and other places about the city" and suburbs, "in and outside the houses, shall wholly refrain from all immodest dancing, besides all swinging round and whirling, likewise from dancing in breeches and jacket only, without any garment put on over them.' (Greenfield 138-139)

The penalty for failing to follow the laws on dancing was a fine of two gulden. If the accused makes light of the matter, the Council may increase the fine at their discretion (Greenfield 139).

The form of dancing mentioned by the Council was certainly nothing new, although without comment may have grown a bit more exaggerated. The Council's need to comment so adamantly regarding modesty in both the manner of dance and the removing of additional layers of clothing presumably to remain cooler and/or eliminate interference when dancing shows an increasing concern regarding a lack of such guidance from other sources of authority.

Also apparent is the Council's awareness that the citizens may joke at the enforcement of the dancing law but included a method that would encourage the citizens to adhere to the law, regardless of their personal opinions by striking at the pocketbooks.

Another such example can be seen with the use of profanity where the Council decreed

In order to increase all blessedness and to the praise of God, that all loose usage with words shall be done away with, and especially they will not that anyone henceforth shall swear by God's corpse, His head, His head, His heart, His blood, and also by his other members, and by other creatures, in connection with which God is named in dishonor, nor with the new oaths, which now are many in the world. (Greenfield 139)

The fine for such an indiscretion was six hallers; half went to the Council and half to the informer (Greenfield 139). Again, the Council steps into the role of moral compass for the citizens by decreeing the elimination of swearing. The Council's commentary of "now many in the world" shows this was an increasing problem in the eyes of the Council.

An interesting aspect of the sumptuary laws lies in the ability of the citizens to find ways around the stated laws. Such acts forced the appropriate Counsel to either further refine the laws to discourage the offending behavior, or simply permit the citizens their offense. Such an example of a loophole correction can be seen in the ban on swearing. The ban is not only the ban on God's name, but also that the swearing was used in conjunction with various body parts and that the Council had the foresight to expand the prohibition to include any new oaths that could become popular.

The Council's ability to close loopholes, such as those noted under the regulations against swearing were a hard-learned lesson of the citizen's ability to creatively interpret the sumptuary laws and ways to continue to push for secular freedom from repression, such as they received by the new religious doctrines. This is not seen to the same extent in Augsburg. The difference could be due to many reasons such as the pre-1548 composite of the Council, a lack of prior

ordinance available for comparison, or the Council's position that it need not be the moral compass for the population in place of the church.

Regardless of the reason, it is clear from the reiteration of the Nuremburg sumptuary laws that the citizens were good at finding technical loopholes in the law.

One example of this can be found in the laws governing weddings. In the 1485 laws, the Council provides a list of permitted gifts which may be exchanged of the morning of the wedding. When the laws were revised in 1526, the list and applicable values was revised. The law further forbid the bride and groom from borrowing the articles named as legitimate presents or, in order to avoid the penalty of the law, to borrow from another items costlier than the law permitted and to retain them (Greenfield 98).

However, the Council was not successful in regulating all things and eventually had to bow to the dictates of fashion which continued to move at its own pace without heed to the desires or concerns of those who felt responsible for the moral integrity of the citizens of Nuremburg. During the revision in 1526, the Council conceded that complete control over the sway for fashion was beyond their grasp and modified the existing laws.

In men's fashion, the 1485 law required garments to extend downward to the length of the outstretched arm as fashion leaned toward shorter coats and doublets with an increasing focus on the codpiece. However, the Council's restrictions did not deter the trend and the shorter coats remained fashionable. When revising the laws in 1526 the Honorable Council decided it will "therefore suffer that henceforth clothes may be worn shorter than as before decreed...." However, unwilling to let fashion go completely unchecked, the Council did insist upon "a length that will conceal the fly and the man's shame, a requirement of decency" (Greenfield 180-181).

This can also be seen in footwear for both men and women where the earlier law required shoes to be worn in proportion to the foot and without points, which were popular and growing to excessive lengths in the late 15<sup>th</sup> century. The penalty for using fabrics in excess of that provided by law was paid not only by the individual who violated the law but also the tailor, furrier, and cobbler who provided the offending item (Greenfield 163-164). However ever creative in a desire to show wealth the now proportionate to the foot shoes became wider at the toes and in some cases included additional protrusions at the sides of the toes, which can be seen in extant finds and contemporary art work.

As the citizens continued to grow in wealth and as the Reformation continued to spread granting citizens a new feel of entitlement to stretch beyond their social status, the citizens of Nuremburg continued to push the boundaries of the laws regarding fashion by finding loopholes to the restrictions placed on them. For example, men were previously forbidden to wear plaited shirts and breast-cloths. In following the letter of the law, men began wearing unplaited shirts and/or breast-cloths that were just “as costly as or more costly than the [ones] plaited with embroidery, borders, and other needless and senseless contrivances” (Greenfield 167). To counter the new trend, the Council lifted the ban, but forbid the wearing of shirts worth, with all ornamentation, over six pounds, and breast-cloths plaited or not worth over three pounds (Greenfield 168).

Similarly, in the 1485 laws women were prohibited from wearing garments of silk, Roman jackets (from Italy), garments trimmed with sandal (a light silken fabric), or garments made with gold or silver or bordered with these materials. Women were also prohibited from wearing ear ornaments made with beaten gold or silver or fine pearls or precious stones, silver girdles worth more than half a mark, silver bags, silver knives from Italy, fine pearls, or slashed

shoes, slashed coats, or coats slashed under and on the sleeves in order that the undergarments of brighter color or precious material might show. Further, restrictions were placed on paternosters of any sort worth more than twelve haller. Paternosters were not to be worn in the back, but in the front to the side as was traditionally and historically done in the Holy Roman Empire. Also, women were only permitted to have two garments made wholly of fur (Greenfield 160).

The Council did not limit the restrictions to just the gender, but also based on social class by prohibiting certain headwear as quoted below:

Lady-burghers, married, unmarried or widows, must not put on veils or a headdress that have in them more than a certain measure of material, and are not worn in such a way that the ends in front lie upon the head. If they wished to put on more veil or headtire on account of sickness or cold, they might do it provided that they put it on over twerch (possible definition is diagonally crosswise), and shall not pile two or more one upon the other. (Greenfield159)

The unusual restriction on headwear ensures the women are not flouting wealth by extravagant veiling that would further showcase access to wealth. It also seems to take into account possible abuses of the limitations as well as practical reasons, such as cold or sickness, for why a woman may legitimately desire the extra layers while still placing restrictions.

By the revision of the law, women were then lawfully permitted to wear silks and precious cloths previously prohibited but only as a border on the collar and sleeves of their cloaks and coats, but were limited to nothing wider than the standard measure given to the tailors, and could not use more than half an ell of goods. Similarly, borders of fur were now permitted on clothes, but again were subject to the restriction of the measure given by the furriers and could not have fur around the bottom of their coats and undergarments.

The further loosening of the 1485 laws as revised in 1526 also permitted taffeta and silk as lining on mantles made of zendal, schylher, or taffant in moderation and not to cost over five Rhenish gulden on any one mantle. Cloaks could also be lined with fur, so long as the overall

cost of the cloak did not cost more than eighteen gulden with all buttons, coverings, clasps, and other accoutrements. Women could also line a cloak with buckram or the like, but the cost of the cloak could not exceed ten gulden (Greenfield 165).

Not only did the new law relent on the use of silks and furs, but veils were permitted to have up to six folds and with all attachments could not cost more than six gulden. A Stewchlein (substitute veil with pouches on the sleeves into which to stick the hands) could also be worn in place of a veil as long as it was worth a Rhenish gulden or less. A maiden might wear pearl fringes, tiaras, and fillets, but the overall value of her headwear could not cost more than forty gulden (Greenfield 166).

The advancement of new designs in fashion and the grand display of wealth through clothing by a population who felt enlightened and entitled by the new Confession and a Council who feared a loss of moral compass with the decline of the Catholic Confession meant that the Council, governing social behavior, was only willing to countenance the fashionable indulgences for so long.

The Nuremberg Council continued to patrol for instances of fashionable immorality among the citizens as can be seen by forbidding women to wear garments cut too low at the neck, defined as anything exceeding one finger's breadth below the throat in the front and in the back was permitted to be a half quarter-ell lower (roughly 3.25 inches). Furthermore, women were not to wear their coats and other clothes standing open at the girdle, but have them clasped with catches or completely closed. If the clothing could not be altered to conform to the law, women were permitted to wear a breast-cloth and closed collar, costing not more than a half gulden to modify the offending garment and bring it into compliance (Greenfield 169).

Presumably the restriction was placed by the Council to ensure modesty and thus the moral integrity of the women. While the women adhered to the new law, they also began wearing shirts made of fine sheer cloth which was, in practice, not as modest as one might expect.

## **Conclusion**

Martin Luther set out to reform the Church. Instead he formed a new religious doctrine that not only empowered the people through ecclesiastical endeavors, it reformed the secular world granting new freedoms and a voice to citizens. The Holy Roman Empire of Charles V became divided at a time where the merchant class was gaining wealth, and as a result of the shift in religious and secular power the governing Councils were required to find new ways to stabilize the social structure in conformity with its heritage. The ingenuity of the people these laws sought to govern show a people not easily contained in their desire to be free from the social oppression by the government.

## **Appendix A**

The sumptuary dress code of Emperor Maximilian I was published in 1518. This dress code was applicable for the Holy Roman Empire, which included Germany and the city-states referenced in this paper. Below is the translation of the Dress Code from its published format in 1836 for reference.

### **Dress code for the Austrian Emperor Maximilian I. Countries in 1518<sup>1</sup>**

Is after the hereditary lands treffentlich (come together) the more exhausted by abundance of clothes and other valuables, and it wasted big money to foreign countries, so we have to make such abundance off, get recognized and held even between people of high and low state of the difference fürgenommen (made?), organized, and set:

First, that no one, yet spiritually secular, to swords, spurs, spears and weirs or other implements to carry or wear brass and other chivalrous characters or gems; {sey} beaten because he knighted.

Also, the prelates and clergy to keep gebührlich (as in their due) in their state with such a chivalrous character.

Item that are noble and not like knights, clothed with cloth as well as they want deßgleichen (of the kind that) with damask, satin and other silks, with deer, marten and other furs, but also their clothes do not embellish about one and a half cubits velvet. From the hoods, which they carry no more than three guilders may being worth.

Pearls, gold chains and gold rings around the neck are they, so not a knight or Drs are not publicly wear; also, shall no one a plume/crest carry, which is worth over ten florins, however, Rosse (knight's horse or saddle?) and harness have a plume as much as he wants according to his ability.

It may wear a velvet coat or screws completely unzerstückt (a piece) a robe of honor, a noble man, but the knights and princes of the counselors and servants, and those of the nobility who would go outside the country, are now bemeldete (reputation) clothes Being without hindrance.

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1



Deßgleichen (Of the kind that) which Noble or other persons, as knights are not, would be of the princes of his graces court or otherwise required in other countries that may be the Prince honor, with the exception of gold, sable and ermine, dress according to their will, to but not publicly wear gold chains or rings on the neck.

The women of the nobility, they being Knights women or not, may wear chains of gold to one hundred florins, a pearl cap (Perlenhaube) to forty florins, and alternatively other hoods (Haubes) and breast cloths (Brusttücher) to six guilders, but not higher. It may also each have one velvet and two silk dresses out of damask and satin, but golden skirts or purely/wholly golden chest (Brust) they should not wear, except for when they want to embellish a velvet or silk skirt it, but should not be over half Prätschen (even claw? – form of measurement) are used. But what they wanted to embellish with velvet, they are not to use more than half an Ellen.

It should also henceforth no woman neither to weddings, dances, nor other merrymaking more than three clothes to take along, wear, or dress up in more clothes.

Item citizens in cities that are not of the nobility, knights and gentlemen, are neither gold, pearls, velvet, silk or scarlet, nor sable or ermine lining, but they may safely replace velvet or silk with Wammassen (?) or Schamlot (fine wool, possibly similar to camlet or something similar to an imitation silk) clothes wear. But gold and silver hoods ought to be, forbidden them. Thus, their wives and children may embellish, transfer, or adorn their dress with velvet or silk, but shall not be more than an Ellen such Bräm (?), and not also happen with gold or silver pieces. It shall also be that their daughters and young women have Pearlhaubes or Portl(?) to show purity, but may not have Pearlhaubes or Portl (?) worth more than 10 guildens.

Item the troopers servants (horsemen) shall neither gold, silver or silk, neither breast cloths, hoods, yet another of gold and silver wear made, not embellish their clothes so, but sword and dagger they like so it away in their wealth is well shod with silver, and clothing bestowed upon them by their masters to wear being pure.

The workmen and their servants and boys, and the citizens and merchants of the servants should no cloth a yard costs about three guilders a place to wear, neither gold, pearls, silver, velvet, marten, silks still wear Schamlot (fine wool, possibly similar to camlet or something similar to an imitation silk). The same is to be understood by the workmen women, children and Maidenhead to keep up with their clothing so.

The common peasant and other working people in the cities and in the countryside should not wear cloth, the costs of a cubit about half a guilder increase Aryan. It should also bear their children gold, pearls, velvet and silks not be allowed, but half a yard or other silk velvet being allowed to trimmings.

But lindisches (clumsy, awkward) cloth after this has been the common man hours before a useful clothes, and where you do it in the previous grade and width, or may be, no one is quite being forbidden.

It should füran all crafts people, horsemen and service servants deßgleichen (of the kind that) the peasant folks, no "Panet" (?) costs so about 24 cents, after such a over splendidly large estimate, be allowed to carry, and so the money may the more remain in our land, one should fürnehmen in our dominions order to make cloth, Panet and silks.

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[1] Even claw (fem) = measure of length. Example: But all Silk waar like to obgeschribner Newen Elen / or after Venedigischer Praetschen / vmb the ainen Fünfften tail kürtzer then the eland is / Vnd sunst bey kainem anndern Mass / measured / kaufft vnd be sold it. From: New Reformed Order of Princely country Graff shaft Tyrol. Enter into ... Jnnsprugg, Viertzehenden on the day of the month Decembris ... Fünffzehenhundert, vnd in Dreyundsibentzigisten Jar.

[2] schamlot, Old-French m.,. camelot, mlat. camelotum, a medieval esteemed fine wool fabric, a first brewed from camel's hair. From: German dictionary by Jacob Grimm and Wilhelm Grimm

However, a contrary opinion represents Walter Endrei in his essay "Old Fabric: Name and identification" (in Uwe Bestmann [ed], high finance, utility rooms, innovations in honor of Wolfgang Stromer (Trier 1987), 997-1011.). It says: "camlet or as in the 16th Century has been called, is not Schamlott should own pleasure as a camel-hair, but - before it was imitated silk and worsted - from the hair of the Angora goat. Its preparation has already been described in 1555 by Hans Dernschwam conscientiously, and is still sometimes still given as camel hair product. Besides the good characteristics of Savary and Jacobsson convinced of visual best, both in Paris and in Vienna and Warsaw a number of Kamelotmustern are preserved. There is a rip in plain weave with a beautiful satin finish, the effect is due to its thicker or double shot and the high warp density / eg 310x210 / caused, a Camelot "demy soy" Fabrique de Land Reform, so silken half retained in the 18th Century setting 320x200. Camlet is often moire - what each rep is - so are Muchaier etc. / So to understand Mires / often embossed Kamelotte / =. ar. Muchaijar hair of Angora goat mohair today / . "

## **Appendix B**

### **Money Conversion**

- 1 gulden = 60 kreuzer or 15 batzen or 20 shilling or 420 heller
- 1 gulden = around 210 pfennig with variation (at the beginning of the 16<sup>th</sup> century) later (during 17<sup>th</sup> century standardized at 240 pfennig)
- 1 batzen = 4 kreuzer or 14 pfennig
- 1 kreuzer = about 3.5 pfennig in coin
- 1 schilling (aka groschen or plappart = 3 kreuzer (10 ½ pfennig, later 12 pfennig) or 21 heller
- 1 heller = ½ pfennig
- 1 thaler (Reichsthaler) = 90 kreuzer or 1 ½ gulden (Tlusty xxii)

Determining what this meant in modern monetary terms has proven challenging. Based strictly on the price of gold, a goldgulden from Nuremburg c.1507, pictured below, weighed 3.28 grams (Holy Roman Empire). At the gold prices as of December 16, 2013, the goldgulden is worth \$142.46.



Obverse



Reverse

Another possible conversion method is based off of the Dutch gulden. Per the calculator a Dutch gulden was worth \$514.67 in 1500, \$450.34 in 1517, \$568.25 in 1525 and \$514.67 in 1530 (Historic Calculator). This calculation is somewhat plausible, however seems fairly high, putting these values in place of fines or maximum values of clothing and fines.

Finally, another historical conversion of currency performed by the University of Wyoming would indicate that £1 (one pound) in 1500 was equal to £705 in 2012. The conversion from pound to US dollars is equal to \$1,142.10. Since an English pound and a

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gulden are equal, the gulden would be worth \$1,142.10 under this calculation (Nye). This calculation seems particularly high, especially when looking at values of clothing and fines.

## **Appendix C**

### ***Widths***

Unlike modern fabrics, period fabrics varied drastically in width based on where the cloth was from. However, a sound example is provided by the English cloth, which was required to follow standard widths as follows (Tlusty ):

- wool broadcloth = 63 inches
- kersey (a type of wool) = 36 inches
- cottons and friezes = 27 inches
- silks = 20 to 22 inches

### ***Lengths***

An elle was a subjective measurement of length determined by the seller. Typically, the elle was determined by the distance between elbow and fingertip. The shortest known measurement was 15.86” and the longest was 31.93”. The standard modern conversion is 23.62” (Convert Elle). In Augsburg, the elle measured 60 cm, or 23.62 inches, where in Nuremburg, the elle measure 66 cm, or 25.98 inches (Tlusty 70).

## **Works Cited**

- Bratcher, Dennis, Ed. "The Edict of Worms (1521)." *The Edict of Worms (1521)*. The Voice: Biblical and Theological Resources for Growing Christians, 27 Mar. 2013. Web. 04 Sept. 2014.  
<<http://www.crivoice.org/creededictworms.html>>.
- Brecht, Martin. *Martin Luther His Road to Reformation: 1483-1521*. Trans. James Lewis Schaaf. Philadelphia: Fortress, 1985. 204-05. Print.
- "Convert Elle to Inches - Conversion of Measurement Units." *Convert Elle to Inches*. N.p., n.d. Web. 06 Apr. 2016.  
<<http://www.convertunits.com/from/elle/to/inches>>.
- Creasman, Allyson F. *Scandal and Punishment: The Holy Roman Empire*. Folger Institute. Web. 16 Dec. 2013.  
<[http://www.folger.edu/html/folger\\_institute/religious\\_conflict/scandal.htm](http://www.folger.edu/html/folger_institute/religious_conflict/scandal.htm) 12/16/13>.
- Dickens, Arthur Geoffrey. *The German Nation and Martin Luther*. London: Edward Arnold, 1974. Print.
- Freudenberger, Herman. "Fashion, Sumptuary Laws, and Business." *Business History Review* *Bus. Hist. Rev.* 37.1-2 (1963): 37-48. Web. 6 April 2015.  
<<http://smg.media.mit.edu/library/Freudenberger.sumptuary.pdf>>.
- Gascoigne, Bamber. "History of Germany." *History of Germany*. HistoryWorld, 2001. Web. 08 Oct. 2015.  
<<http://www.historyworld.net/wrldhis/PlainTextHistories.asp?ParagraphID=hqb#3173>>.
- Greenfield, Kent Roberts. *Sumptuary Law of Nürnberg; a Study in Paternal Government*. Thesis. John Hopkins University, 1915. Baltimore, MD.: n.p., 15 Dec. 2008. *Internet Archive*. Web. 8 Mar. 2013.  
<<https://archive.org/details/sumptuarylawofn00gree>>.
- Heal, Bridget. *The Cult of the Virgin Mary in Early Modern Germany: Protestant and Catholic Piety, 1500-1648*. Cambridge: Cambridge UP, 2007. Print.
- "Historic Calculator." *Dutch Ancestry Coach*. N.p., n.d. Web. 22 July 2013.  
<<http://www.dutchancestrycoach.com/historic-calculator.php>>.
- Holy Roman Empire, City of Nuremberg, Goldgulden 1507*. N.d. Sunflower Foundation, Zurich. *Coins*. Web. 16 Dec. 2013.  
<<http://www.moneymuseum.com/moneymuseum/coins/periods/coins.jsp?pageIndex=1&pageSize=10&paginatorPages=6&aid=6&gid=16&cid=94>>.

- Luther, Martin. "Disputation of Doctor Martin Luther on the Power and Efficacy of Indulgences." Trans. Martin, Adolph Spaeth, L. D. Reed, and Henry Eyster Jacobs. *Works of Martin Luther. 1915. MS. Philadelphia*. Book of Concord. Web. 04 Apr. 2016.  
<<http://bookofconcord.org/95theses.php>>.
- Maximilian I. "Kleiderordnung Kaiser Maximilians I. Für Die österreichischen Länder 1518." Trans. Jamie Pience. *Kleiderordnung Kaiser Maximilians I. Für Die österreichischen Länder 1518* 2 (1836): 410-11. *Kleiderordnung Kaiser Maximilians I. 1518 – Universität Innsbruck*. Universität Innsbruck, 4 Feb. 13. Web. 22 July 2013.  
<[http://www.uibk.ac.at/urgeschichte/projekte\\_forschung/abt/quellen/kaiser-.html](http://www.uibk.ac.at/urgeschichte/projekte_forschung/abt/quellen/kaiser-.html)>.
- Muzzarelli, Maria Giuseppina. "Reconciling the Privilege of a Few with the Common Good: Sumptuary Laws in Medieval and Early Modern Europe." *Journal of Medieval and Early Modern Studies* 39.3 (2009): 597-617. Print.
- Nye, Eric. "Pounds Sterling to Dollars: Historical Conversion of Currency." *Currency Converter, Pounds Sterling to Dollars, 1264 to Present (Java)*. University of Wyoming, n.d. Web. 22 July 2013.  
<<http://www.uwyo.edu/numimage/currency.htm>>.
- Ozment, Steven E. *The Serpent & the Lamb: Cranach, Luther, and the Making of the Reformation*. New Haven: Yale UP, 2011. Print.
- Pettegree, Andrew. *Europe in the Sixteenth Century*. 1st ed. Oxford: Wiley-Blackwel, 2002. Print.
- Plummer, Marjorie E., "Augsburg." *The Columbia Encyclopedia*, 6th Ed.. 2016, and "Augsburg." *World Encyclopedia*. 2005. "Augsburg." *Encyclopedia.com*. HighBeam Research, 01 Jan. 2004. Web. 05 Apr. 2016.  
<<http://www.encyclopedia.com/topic/Augsburg.aspx>>.
- Simonson, Lee. "Fashion and Democracy." *The Metropolitan Museum of Art Bulletin* (Nov 1944): 65-72. Web. 26 March 2013.  
<[mkbagonlines.us/pubs/bulletins/1/pdf/3257228.pdf.bannered.pdf](http://mkbagonlines.us/pubs/bulletins/1/pdf/3257228.pdf.bannered.pdf)>.
- Tlusty, B. Ann. *Augsburg during the Reformation Era: An anthology of Sources*. Indianapolis: Hackett Pub., 2012. Print.