

Urban Laughter as a “Counter-Public” Sphere in Augsburg: The Case of the City Mayor, Jakob Herbrodt (1490/95–1564)

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SUMMARY: Social movement scholarship has recently focused on “popular” media of protest; reading and singing provided a forceful communicative structure in semi-literate urban society, especially in Augsburg, the largest city of Reformation Germany. The case of Jakob Herbrodt (1490/95–1564) combines the antagonisms of political, social, and religious movements; a rich Calvinist, he climbed the social ladder from a lowly regarded profession to the highest office of the imperial city in a precarious time of confessional armed conflict. Herbrodt’s conduct triggered a life-long series of accusations, polemics, satires, humorous ballads, and songs, material that allows a reassessment of the early modern discourse of *Öffentlichkeit*, as well as of urban laughter in the “public sphere” before its modern elevation to the central doctrine of bourgeois society. The sources suggest that humour was of essential importance to the public in the early modern city, a counter-public in the sense of an independent political arbiter.

The presence of Augsburg’s mayor Jakob Herbrodt (1490/95–1564) was meaningfully expressed by his famous and luxurious garden outside the city gate, Vogelort. According to a polemical summary of Herbrodt’s life,¹ this garden was much unlike castles beyond or houses within the city limits purchased by other merchant families in the sixteenth century. Such residences often concealed their true value to those passing by and were much more elaborate in their inner courts and interiors, but the considerable opulence of Herbrodt’s garden was, by contrast, not so well concealed. The unknown author of the polemic assumes that the “fountains, houses for amusements and baths, rare trees and plants must have cost several thousand *gulden* and it exceeded other gardens in Augsburg by far”.²

1. Paul Hektor Mair, “Paul Hektor Mairs 1. Chronik von 1547–1565”, in *Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert. Die Chroniken der schwäbischen Städte*, 36 vols (Göttingen, 1967), XXXII, pp. 3–498.

2. “[...] dermassen mit wasserwerck, lust- und badheusern erbauen und mit allerlai seltzamen baumen und pflantzen zuerichten lassen, dergleich kain solcher garten in der stat Augspurg nit gewesen, welchs in alles vil tausent gulden costet hat”; *ibid.*, p. 421.

The garden mirrors the elevated social position of the Calvinist Herbrodt, by origin a furrier and merchant who, against the opposition of the Catholic patricians, had been appointed by the guilds as city mayor in 1545. The antagonism of these two parties in the imperial city was aggravated by the opposition of Protestant princes in the Schmalkaldic League fighting against the Catholic Emperor, to whom Augsburg was an immediate political subject with strong economic ties to the Habsburg dynasty. With the exception only of some months in office in 1552, Herbrodt's political career ended after the League's defeat, and he was held responsible for Augsburg's joining the League. His critics commented on the war as well as on his unnatural ascent to the highest civic office and, with his garden as an example, his suspicious wealth. In the sixteenth century, exotic plants were extraordinarily expensive and highly regarded by the elite because they symbolized wealth and its consequential social and political influence. Gardens were exceptional forms of conspicuous consumption, because they were fixed in one place. There has been debate recently as to whether the display of wealth was an extravagant or necessary intention of Herbrodt in installing his garden.³ After the garden had been burnt down by an act of vandalism in 1552, polemical texts like the one cited above contrasted the opulence of his garden with Jakob Herbrodt's lowly origins.

Because they were in the process of ossification, the powerful patricians, who until 1545 had dominated Augsburg's politics, were threatened by an emerging merchant class, and by the mid-sixteenth century they had reached the zenith of their economic achievement. Like other imperial cities, Augsburg was an immediate subject to the Emperor, but in an especially privileged way. The famous Fugger had strongly supported the election of Charles V and in 1547, during the Schmalkaldic War, even lent him money when he was nominally at war with Augsburg. For a long time Augsburg had refrained from joining the Protestant princes in their opposition to the Emperor. Despite confessional debate, the Reformation was introduced only reluctantly by the traditionally Catholic patriciate, which had certainly taken into account its dynastic ties with the Habsburgs. In 1545 Herbrodt was elected city mayor, a dramatic development followed by the evangelicalization of urban life. After the Schmalkaldic League's defeat in 1547, Augsburg remained important for the Empire; so even though it was defeated in the end, Augsburg was the place of the Imperial Diet of 1547, despite the city having so recently been hostile to the Emperor.

In 1549 Charles V replaced the city council led by the guilds and reconstituted patrician rule before resolving the confessional dispute in

3. Joachim Kühnert, "Einige Überlegungen zum tradierten Bild des Augsburger Zunftbürgermeisters Jakob Herbrodt", *Zeitschrift des Historischen Vereins für Schwaben*, 93 (2000), pp. 43–50.



Figure 1. Narziss Renner, Augsburgur Gartenfest. Photograph of the copy, Berlin, destroyed 1945.

Kunstsammlungen und Museen Augsburg. Used with permission.

1555 by recognizing the Lutheran confession. These measures remained powerful for centuries, apart from the interruption occasioned by the uprising among Protestant princes in 1552, an event that briefly put Herbrodt in office again. After that interlude, Herbrodt's garden was burnt down, an event put into writing to be transformed into a satirical literary text. Augsburg was of signal importance to the Empire, and so the position of the mayor was crucial to political proceedings and their reflection in popular media.

The *Herbrodt-Buch*, a manuscript of some 300 pages, is a collection of satires related to this former Augsburg mayor. Selections only have been published from it, including the Panurgus satire cited below, while but three copies of the entire *Herbrodt-Buch* exist today, rather few in comparison with the dissemination of handwritten genealogical information or printed matter. Both the declared intention of an effort to collect satirical texts regarding Herbrodt, as well the textual qualities of the material presented, suggest that the circulation of the content must have been higher than one would expect in the light of the number of surviving

copies. The source allows an analysis of the early modern public sphere and its use of humour as a means to communicate views to a wider audience.

Habermas's master narrative of the bourgeois public does not deal with earlier incarnations of the public but concentrates on the eighteenth and later centuries, when individuals could render judgement on what they read in the newspapers then available through new forms of sociability such as coffeehouses. Moreover, Habermas presumes that the impact of the public as an independent political arbiter was predominantly, if not exclusively, positive. The material presented here seeks to add nuance to Habermas's position. To alter the dichotomy between absolutist representation and the Enlightenment's public sphere, methods of literary criticism are needed. In the urban milieu, there was a book market, a flexible print culture, and a critically minded, diverse audience, creating an environment where literary techniques were not limited to elites, but stimulated the rapid production of single-leaf prints, news-sheets, and other popular media, all of which can be regarded as an informal institution, whose potential as a counter-public will be assessed here.⁴

Herbrot's image was generally unflattering, as the private chronicle of Paul Hektor Mair for the years 1547–1565 suggests. The chronicler was more a collector of "facts" (i.e. contemporary perceptions) than an aggravated pamphleteer when quite frequently he deals critically with Herbrot who, according to the text, bribed political officers in Augsburg in 1548, used his own unlawful office to act as a ringleader of rebellion, and infuriated His Majesty the Emperor during the Imperial Diet by cheating him in a fur deal.⁵ Mair's biography suggests a certain degree of neutrality at least in the confessional debate;⁶ his testament asserts that the chronicles were intended for use only within the family. Mair, like so many others, had been one of Herbrot's financial creditors, but he did at least convey the arguments characterizing a critical debate.

The confessional, political, and economic controversies attached to Herbrot, and the wealth of source material from libellous public communications, are what make this sixteenth-century case so valuable for an analysis of the role of an early modern "public sphere".⁷ The chronicle implicitly applies social doctrines similar in essence to those applied in songs or ballads against Herbrot. The most important is the concept of limited availability of capital. According to this contemporary

4. Mair, "Chronik", pp. 416–428.

5. *Ibid.*, pp. 64f., 129, 193–195.

6. Wilhelm Vogt, "Mair Paul Hektor", in *Allgemeine Deutsche Biographie*, 56 vols (Leipzig, 1875–1912), XX, p. 121.

7. For a prosopographical overview of Herbrot's career see Mark Häberlein, "Jakob Herbrot 1490/95–1564. Großkaufmann und Stadtpolitiker", in Wolfgang Haberl (ed.), *Lebensbilder aus dem Bayerischen Schwaben* (Memmingen, 1997), pp. 69–112.

theory, the limited wealth available was lawfully distributed among the citizenship's classes, the *habnits*, craftsmen, wealthy merchants, and patricians. To some extent therefore, the concept implied for the rich a responsibility towards the poor, and imposed limits on how much capital could be gained in short periods of time. Ethical aspects of trading had been fiercely highlighted by Martin Luther, but by the mid-sixteenth century the concept had entered more generally into the urban environment. A social climber like Herbrot had to be regarded as a violator of the rule of common good, a leading category of economic discourse.⁸ This stereotypical element could, of course, be used as an argument to diverse ends; nevertheless, this rule was especially applicable when capital was amassed rapidly or presented conspicuously, as is suggested by Mair's list of luxury goods owned by Herbrot, and which follows the description of his garden.

The garden is an excellent starting point with which to contrast the historiographical viewpoint on Herbrot's actions with the exemplary satirical lamentation of the destruction of the garden, and then with the victim's own perspective as presented by justifications from Herbrot himself to the council. We shall then go on to present an overview of the spectrum of different genres of texts provoking socially relevant laughter, before finally drawing a conclusion about the early modern public sphere seen in the light of the discourse of *Öffentlichkeit*, found in the concluding remarks of the *Herbrot-Buch*, the contemporary collection of the best satires against Herbrot.⁹

PROVOCATION, SCEPTICISM, AND REFLECTION: THE PUBLIC IN THE LIGHT OF THE "GARTEN CLAG"

In the scenes of the long satirical ballad "Jacob Hörbrots Garten Clag",¹⁰ the dying garden blames Herbrot for causing its destruction, while Herbrot unfeelingly laments the economic loss. The text suggests that Herbrot is not special merely because he owned a summer house. He was criticized for creating an overwhelmingly splendid, exotic, and therefore expensive garden. Nature was often corralled into the cultural sphere of a garden for botanical reasons,¹¹ but also in the social context of conspicuous "recreation" and representation. During the fifteenth century foreign

8. Jörg Rogge, *Für den Gemeinen Nutzen. Politisches Handeln und Politikverständnis von Rat und Bürgerschaft in Augsburg im Spätmittelalter* (Tübingen, 1996).

9. Only a few have been published in Mair, "Chronik", pp. 416–428.

10. Apart from the exceptions noted, all citations of source material in this section are from unpaginated material from Stadtarchiv Augsburg, Personenselekt Hörbrotho.

11. In the wake of European expansion, botany became an increasingly important discipline; Leonhard Rauwolf's travels and research led this development to its first climax only a few years after Herbrot's death. See Friedrich Ratzel, "Leonhard Rauwolf", in *Allgemeine Deutsche Biographie*, XXVII, pp. 462–464.

plants began to be appreciated as a sign of high social or political status,¹² and urban elites might maintain *horti elegantes* with fountains and exotic trees, while members of the high nobility and imperial cities installed artificial mountains and extensively collected exotic plants in their *horti magnifici*. It seems that such a garden had been the object of the violence that had destroyed Herbroth's property. At the beginning of the "Garten Clag", the speaker ironically motivates "my family and all my friends" to mourn for the destruction of his garden.¹³

The imagined community of sympathizers consists of persons who were, like the super-rich Calvinist city mayor of 1545–1548, leading members of the guilds, led by the Council of Twelve, the "Zwellffer" mentioned in the text. Their social group was opposed to the Inner Council, the institution dominated by individuals of highly privileged standing who ruled Augsburg, many of whom had been critical of Herbroth's style of life because it resembled that of a nobleman.¹⁴ The furriers' guild especially is invited to express sympathy for the owner of the wrecked garden by dressing in black clothes, and Herbroth offers material help to those who had none, apparently hinting thereby at populist action among the lowest social strata. His stock is not a neutral item but is connected to the lowness of the furrier's trade; present furriers should turn outward the black side, the dirty and stinking fleshy side of the fur. This inversion of mourning, as well as Herbroth's position in the imperial city, must have provoked to laughter any individuals of all social groups who read or heard the text.

When well-known configurations of antique or biblical classical literature were applied, texts became visible as a product of citations and the use of patterns. The text claims authority because it was "correctly translated from Latin", but, more importantly, argues using classical citations by ancient writers such as Livy. The destruction of the garden, a reference to the fictitious murder of Herbroth, is paralleled in the attempt to kill the "traitor Mezentius", according to Virgil an Etruscan king, exiled for his cruelty in battle, for being a savage when fighting and, most importantly, a contemptor of the gods.¹⁵ This part of the song seems to have been intended for social groups distinguished by their erudition, a second satirical layer confined to the urban elite. But in more general terms of blasphemy and ruthlessness, the qualities of the antique figure resemble confessionally motivated criticism in the sixteenth century.

12. Wolfgang Metzger, *Quellen zur Gartenkultur des Heidelberger Humanismus: Gedichte und Pflanzenkatalog zum Garten des Hofapothekers Philipp Stephan Sprenger von 1597* (Heidelberg, 2006), p. 2, also accessible at <http://archiv.ub.uni-heidelberg.de/artdok/volltexte/2006/1/> (last accessed 29 May 2007).

13. "[...] all mein geschlecht, Wer mein freündt ist vnnd gundt mir guets".

14. Häberlein, "Herbroth", p. 101; "[...] vast ain Grafenstand".

15. Virgil, *Aeneid* VII.648 and VIII.482.

Bi-confessional Augsburg was a centre of early modern German language printing and religious criticism had been especially fierce after the Schmalkaldic War, responsibility for the disastrous end of which was attributed to Herbroth as city mayor.¹⁶ The inseparable religious dimension is visible in the songs about his “blasphemous” person, which were written to the tunes of religious songs. Such elements are the implicit background to the satirical polemic about the garden.¹⁷ Ruthlessness, the second stereotypical quality of Mezentius’s character, is also mirrored in the text of the “Garten Clag”; the character representing Herbroth exclaims regarding the garden’s annihilator: “I wished he be hung, because he hurt me so much, O I should wash my hands in his blood to cool my heart”. In contrast to the biblical Pilate, whose symbolic washing of the hands is implied here, the impersonated Herbroth performs ruthless actions and accepts the guilt.

Imitating classical literature to narrate stories of contemporary circles was an established literary technique of humanists to increase the authority of their texts, a technique here turned into a joke, alongside the inversion of allegorical “garden literature”. It is debatable whether descriptions of gardens were factual, because there was an allegorical tradition of the ideal garden. Herbroth himself mentions the fountains, kitchen, several pavilions in a defence letter and supplication sent to the council, but not the plants. The figure Herbroth in the “Garten Clag” is in praise of the pleasure his garden had given him, a garden that was so “excessively filled” with “flowers, herbs and trees”, such as “cypresses, box tree, rosemary and fruit”. The attribute of “*iberflüssig*” combines excess and splendour, evidence of the intention to display status: “I had these things brought here from far places and at great cost”. The figure explains that he had visitors, to whom he gave fruit from “the largest fig tree that he had been able to find in Italy and received great recognition for this”.¹⁸ The garden was obviously created as the mimesis of ethical considerations.

The report of the garden is poetically structured into the four seasons, for each of which the strength and representational value is pointed out. Structure, figuration, and rhyme scheme suggest that the text was tailored to be attractive to readers or even players and singers. The audiences of a performance probably had knowledge of the context that went beyond what is said. The descriptions clarify that Herbroth was perceived by many of those for whom the text was intended as showing off beyond the limits within which he should have represented his wealth. The superficial meaning of the text does not explain further why Herbroth became the

16. Häberlein, “Herbroth”, p. 84.

17. Rebecca Wagner Oettinger, *Music as Propaganda in the German Reformation* (Aldershot, 2001), pp. 327–329.

18. “[...] Vnnd wellcher frucht damit ich prangt/Vnnd wem ichs geschennckht groß Ehr erlanngt/Der aller grossset feigenbaum/den man im welschlandd findenn khan”.

object of ballads in 1552, the year in which he was briefly reinstated as city mayor and again forced to resign, but the political tension in the Empire, specifically the 1552 upheaval of the Protestant princes, might have been related to Herbrod.

The “Garten Clag” satirically inverts humanist writing traditions to attract an audience, but rather than supporting a polemical voice the public seems to have been imagined as an independent third observer and judge of the past, present, and future. In this limited sense, the evidence suggests that the source’s concept of a public is similar to the qualitative concept of the bourgeois public in Habermas’s pioneer study, in other words a social room where the free exchange of different views is possible.¹⁹ The “gruesome destruction of such costly and beautiful things did not do him any good”, which implies that just protest, unlike the protest in this case, was lawful if it served the public good. The role of the public is discussed by the dramatis personae, and therefore on the distancing metalevel of literature it is possible to confront different biases in a fictitious, literary room. The Herbrod figure then underlines that he might even have perceived his situation with a certain bias, namely “help me mourn my garden, although I hope that the damage is not too great, I, like everybody in my place, probably perceives his own misfortune to be much more gruesome than it actually is”. This openness allows the character to develop and makes the “Clag” more interesting to readers.

The garden explains that “Herbrod was only a furrier”,²⁰ and that “anyone is hostile to you [i.e. Herbrod] and extremely envious [...] that you used immoral capital to create this garden with such arrogance that you even attempted to surpass the nobility, a project for which you are now punished”. Arrogance (*Ibermutt*), a vice that could be found in the popular late-medieval moralizing mirror *Das Narrenschiff* by Sebastian Brant, had here found a new social meaning: the amassing and exposition of a private share of the entire capital within the city boundaries which was perceived as fixed and demanded even distribution. The garden argues that modesty could have helped avoid his misery as well as that of the “furrier”. Now that his luxury had found violent opposition, even Herbrod himself was in danger, as rumour and reputation suggest: “your life is in danger, because you have done such bad things, that everybody sings and talks and [...] complains about you”.²¹ Herbrod’s misbehaviour sufficed to punish him with death; public songs, satires, and the sneers of all citizens are declared to

19. Jürgen Habermas, *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft* (Frankfurt, 1990); Jürgen Schiewe, *Öffentlichkeit. Entstehung und Wandel in Deutschland* (Paderborn, 2004).

20. “[...] Dieweill du nu[r] ein Kürsner bist”.

21. “[...] du must doch khomenn gar vmb dein/Leib lebenn was Du hast/Weill Du dich so pöser stuhk ann mast/das alle welltt vonn Dir sinngdt vnnd sagt/vnnd iber Dich vast schreidt vnnd Clagt.”

be evidence for these claims. The public is here considered truthful, a reliable social and political arbiter. The “Garten Clag” justifies the violence as ethically correct if not legally so by claiming accordance with the entire population of Augsburg: “stop lamenting, I know for sure that not one in a hundred Augsburgers would be sorry if your family were to be killed”.

Other exaggerations regarding the public consensus claim that the “entire world was full of criticism and sneers” against Herbrodt and that many would be pleased and amused to laughter to see Herbrodt hung.²² Laughter is central to the public image of Herbrodt, as the scenic setting indicates with surprising turns. The garden declaredly stops narrating its sufferings for which Herbrodt as its proprietor was responsible, because it assumed that the audience knew Herbrodt already; therefore there was no need to continue the description.

The impersonated garden too ends its botanical existence and dies. Even those with whom Herbrodt was sympathetic and had received as guests had contributed to his negative public image and were “provoked to laughter when you [i.e. Herbrodt] tried to impress them”; a fact the garden had encountered, but “was not allowed to tell Herbrodt earlier” in person. The garden knew, in the light of the negative image of Herbrodt, that its plants and trees would one day have to answer for their owner’s sins as a merchant, namely that he is blamed by “anyone” for having made others dependent on him by lending them money and by usury.²³ The garden receives a gravestone to remind the reader that the garden’s death was the fault of the pernicious behaviour of its owner and his foul reputation; the commemorative aspect of the *Herbrodt-Buch* is here referred to, so that it could be read as critical historiography. In the concluding remarks, luxury is directly related to mercantile practices that seem illicit in the light of their success, a perception Herbrodt reacts to in two supplications.

THE PUBLIC SPHERE AS AN INDEPENDENT CULTURAL ARBITER: THE VICTIM’S VIEW

The first supplication to the city council regarding the garden is from before 1552.²⁴ Herbrodt justifies the fact that he had built a bath house with a kitchen attached, for which he had demolished a summer house that had included a “splendid kitchen”. He had received permission for his plans from the city council, but had, as he admits, built a house “considerably larger than he had been allowed”. This was “not a malign act”, he claims,

22. “[...] alle welttt deß geschrais ist foll”; “glechter meniglich”.

23. “[...] iedermann ein Daurenschulldt/Vnnd Zeucht Dich das du all dein gelttt/Abgewuechertt schenndtlih aller welttt/Vnnd damitt tribenn grossenn Pracht.”

24. Unless indicated otherwise, citations in this section are from unpaginated material from Stadtarchiv Augsburg, Personenselekt Hörbroth.



Figure 2. City Mayor Jakob Herbroth (1490/95–1564) and his wife. Photograph of unknown private property. *Kunstsammlungen und Museen Augsburg (Sammlung Alfons von Rothschild Wien)*. Used with permission.

and therefore did not discriminate against the public good.²⁵ Herbroth uses this dominant social and political discourse as an argument,²⁶ underlining that his investment was neutral to the urban economy by offering, a second time as he declared, voluntarily to “immediately demolish the buildings” if his claims were not true. This first supplication is therefore witness to the political pressure he was exposed to, whereas the second supplication sheds light on the role of the public sphere in the early modern city.

Already by the sixteenth century, there must have existed in cities a differentiated sphere of communication; the *Herbroth-Buch* suggests as much by its very existence, regardless of its equally relevant content, since it contains a published copy of Herbroth’s supplication. Both convinced and sceptical readers were given an opportunity to form an “independent” opinion of Herbroth’s “perceived innocence”, as the editors remarked. Herbroth defends himself against anonymous written libel. The preface by the contemporary editors distinguishes that as being a form of satirical

25. “On alles arg”; “meniglich On nachtail, des ich Zum Hechsten nemen möchte bescheiden, dan So das [...] gemainer Statt Zu nachthail were.”

26. Rogge, *Gemeinen Nutzen*, pp. 284–289.

comment (*pasquillus*) rather than, as Herbroth claimed, judicially relevant libel. Ironically, the supplication against polemical ballads was published in a collection of such criticized texts. The supplication's arguments imply that such forms of clandestine communication worked efficiently and were even a recognized means of public protest. Herbroth claims that in his case this mechanism would "not really have been necessary, because he could have been sued or publicly criticized by any honourable individual in the normal legal way and be held accountable for this". The prosecution of anonymous libel was necessary "to secure honour, good police and all bourgeois rules, as written in laws for centuries",²⁷ but, one could add, only to prohibit deceitful libelling, not to render impossible opposition and just protest.

A whole series of ballads aimed at Herbroth had been effective enough to do serious harm to the standing of the merchant and his family, his economic success, and reputation. Herbroth reminds the council that anyone, whether from the lower or higher social classes, was in danger of similar pasquils if the violators were not found and punished now. The *corpora delicti* were not cited by the editors, but, in the light of the other material, frequent comments allow the conclusion that these were satirical texts. Herbroth argues that when they began to be circulated, he had not reacted to them; in the meantime he seems to cast suspicion on the members of the city council, because after his first supplication there had been even more anonymous accusations; a fact of which he reminds the council's members. By now, the laughter of his fellow citizens had apparently put so much pressure on him that he felt the need to defend himself. In the present letter to the city council Herbroth threatens with legal action anyone who was involved in turning him into a joke.

HERBROT AS RABELAIS' PANURGUS

The Panurgus satire seems to be the most effective satire in the *Herbroth-Buch*. It encodes in its seven or so pages the social, economic, and confessional relations of 1552 into a classical Christian story, which brings Lucifer and the Furies into the birth house of a furrier, Jakob Herbroth the Elder, in Augsburg.²⁸ The name Herbroth is not mentioned throughout the play, but the central charge resembles other criticisms of Herbroth: "Panurgus is called the one man who is not ashamed to do all evil things."²⁹ He is raised by the "hellish entourage" and is taught to become a dreadful social climber, which describes the socio-political circle of Augsburg's inner politics as was relevant to Herbroth's case, the complex

27. "[...] zu Erhaltung d[er] Erberkait guetter policey vnnnd aller Bürgerlicher ordnung, die gemainen Recht vor vill hundert Jarn."

28. The quotations from the Panurgus satire are taken from Mair, "Chronik", pp. 424–429.

29. "Panurgus haist ainer, der sich weder scheucht noch schempt, alle böse stuck zu thun."

antagonism of patricians and craftsmen's elites with conflicts in 1548. Panurgus must be read as a reaction to the re-inauguration of Herbroth for a few months in 1552.

Despite the antique roots of the literary character Panurgus, it was extremely popular in the sixteenth century because of its appearance in the first book of Rabelais' *Gargantua et Pantagruel*.³⁰ Rabelais was a major humanist author who used a great deal of earthy humour in his work. He was very popular in France, so it can be expected that he was among the literary productions present in the vast book trade market in Lyon. Even Catholic patricians such as the Fugger were involved in the fairs at Lyon, where they purchased goods through brokers because political restrictions hindered them from going there in person. There is certainly room for the hypothesis that this work of Rabelais could have found its way to Augsburg; the Fugger's vast book collections indicate access to the French book market as well as a certain restriction in what was eventually kept in the collection – libellous, indecent, and controversial material was not retained on the shelves.³¹

Gargantua, an extremely surprising, inconsistent, and satirical novel, was not translated into German until 1575, but the resemblance of the character suggests that actually Rabelais motivated the appropriation of Panurgus here. In Rabelais' novel, as the companion of the giant Gargantua, Panurgus helps him survive many adventures. His complex character combines extremes of courtly behaviour and vulgarity, learning and deceitfulness. His main traits as a character coincide with those in the satire of Herbroth: handsome and elegant, he, like the early Herbroth family, suffers from lack of money and uses sixty-three different ways of getting it, a character whose emergence the *Herbroth-Buch* satire frames with the return of Satan to earth just before the Apocalypse: Satan intends to cause "the greatest evil that has ever happened on earth". Therefore Satan, his entire court of servants and devils, the three Furies, and the female devil Erinyes, who had never before set foot on earth set out to search the entire world for an appropriate place and, when in Germany, stayed in Augsburg at the house of "one of the most evil men in town, who was a furrier". Augsburg seemed the best place to stay because its size and population offered so many opportunities to Satan's ends.

The action is best summarized as a satirical inversion of the early modern household and merchant education. The Furies raise the child³² to

30. For the literary history of Panurgus see Ludwig Schrader, *Panurge und Hermes. Zum Ursprung eines Charakters bei Rabelais* (Bonn, 1958).

31. Paul Lehmann, *Eine Geschichte der alten Fuggerbibliotheken 1. Teil*, 2 vols (Tübingen 1954), I, p. 54.

32. Familial emotions have been a focus of Mathias Beer, *Eltern und Kinder des späten Mittelalters in ihren Briefen. Familienleben in der Stadt des Spätmittelalters und der frühen Neuzeit mit besonderer Berücksichtigung Nürnbergs (1400–1550)* (Nuremberg, 1990).

go beyond the social class of the father, namely to “become a mighty, rich powerful Lord who would never respect any authorities above him, not even the Emperor, not even God, qualities necessary for a rapid career and evil effect for humanity, which the son showed certain signs of already.”³³ The offer implies social pressure between the classes, because Erinyes and the Furies expect acceptance of their suggestion to elevate the son to the top of the highest class in the free imperial city. As a later passage will prove, the text was written before Herbroth’s death in 1563, and after 1552; when this text alludes to “andere oberkait, auch den kaiser”, the patrician rule warranted by the Emperor is meant.

Satan’s entourage immediately start to nurture the child. The names of the Furies are used in the report of how Panurgus is taught the cardinal sins greediness, arrogance, and ambition to arrange a proper marriage for him. They are also involved in securing him luck in all his devilish deeds as soon as he is grown up. Erinyes, the most important of Panurgus’s teachers, intends to make his success more reliable by teaching him her three “treasures” rebellion, hypocrisy, and cruelty. These qualities should help him overcome the sanctions of his superiors, apparently a term given in the official language, standing for the legitimate patriciate, certainly after 1552 at least. When those who were his rightful superiors put him back in his proper place, Erinyes argues, her vices should then help him to “fling himself back into the saddle”. His physical appearance is modelled with beauty to betray people more easily; he is given cunning to mislead others, and rhetorical skill to convince everybody. To ensure that Herbroth will not suffer from his conscience or any other doubts, Erinyes erases his emotions by giving him an unscrupulous heart.

All these measures invert what is appropriate in a Christian family; the Furies assume the tasks of women in lower-class households of the sixteenth century, so that the ethical content of the influential genre of housekeeping literature is almost exactly inverted.³⁴ Panurgus is designated for apprenticeship in Hell, an idea similar to what had determined the lives of merchant boys in the fifteenth and sixteenth centuries from as early as their thirteenth year until they were about nineteen years old.³⁵ The narrator continues this satirical inversion by the stereotypical words of reported obedience, “the

33. “[...] nit ain kürschner bleiben lassen, sonder dermaßen ain mechtigen, reichen und gewaltigen herren aus im machen, der kain andere oberkait, auch den kaiser nit, über in erkennen, ja umb Gott selber nichts geben sollt [...] erzaigete schon jetzund etwas zuversicht und warzaichens, dass es zur besen nessel werden und alles übel, sünden und laster, dardurch man zu solchem bracht und herligkait auffsteigen mueßt, fehig wurd.”

34. The role of women is studied in Ulrike Hörauf-Erfle, *Wesen und Rolle der Frau in der moralisch-didaktischen Literatur des 16. und 17. Jahrhunderts im Heiligen Römischen Reich deutscher Nation* (Frankfurt, 1991).

35. For a recent overview see Hanns-Peter Bruchhäuser, “Die Berufsbildung deutscher Kaufleute bis zur Mitte des 16. Jahrhunderts”, in Alwin Hanschmidt and Hans-Ulrich Musolff (eds), *Elementarbildung und Berufsausbildung 1450–1750* (Cologne [etc.], 2005), pp. 95–107.

son obediently followed the teachings”, a rhetorical formula that is central in letters written to their fathers by sons abroad.

The satirical inversion is continued when Satan, after he returns to the house of the furrier in the evening, adopts Herbroth as his son. The discourse that follows implies an image of the public as an independent arbiter. Since “rumour and common inquietude” would necessarily become critical of Herbroth’s practice, he should, with Satan’s help, “manipulate public opinion”, and therefore prevent it from becoming a reliable source of truth and fairness.³⁶ This remarkable recognition of the corrective social power of reasoning refers to lively media of public communication.³⁷ The language of official decrees is quite different. Here “the public” is conceived as a reliable, powerful force for justice, a conviction that is in direct opposition to the city council during the late sixteenth century.³⁸ The existence of public protest is interpreted as a sign of conflict between political conduct and norms related to the common good which structured urban life.³⁹

The city is here declared to be a community, rather than a horizontally structured society. To serve the purpose of ridiculing Herbroth, the text re-contextualizes protest, one of the main vices of urban life, as a just indicator of opposition to the city mayor.⁴⁰ Far from an ideological theorem, “the public” is conceived as positive in the rhetorical context of proving Herbroth’s crimes. The intertextual relationship between the “literary” text of Rabelais and the satirical political instrument sheds light on the medium and on the power of its literary means of social protest. The text under consideration here was not an outcry that was only momentarily relevant to public opinion;⁴¹ on the contrary, it used

36. “[...] er wolt jedermann solchermassen verzaubern und verblende, dass über alles böß geschrai, so von im ausgehn wurd, dannoch niemandt sein muessig gehen noch entschlachen kündte.”

37. For a systematic study of the pre-history of the bourgeois public see Martin Bauer, *Die “Gemein Sag” im späteren Mittelalter. Studien zu einem Faktor mittelalterlicher Öffentlichkeit und seinem historischen Auskunfts Wert* (Erlangen [etc.], 1981).

38. For official decrees see *inter alia* Bernd Roeck, *Eine Stadt in Krieg und Frieden. Studien zur Geschichte der Reichsstadt Augsburg zwischen Kalenderstreit und Parität* (Göttingen, 1989); for the judicial context see Günther Schmitt, *Libelli famosi. Zur Bedeutung der Schmähschriften, Scheltbriefe, Schandgemälde und Pasquille in der deutschen Rechtsgeschichte* (Cologne, 1985).

39. For pragmatic aspects of one possible use of the common good as an argument see Winfried Eberhard, “‘Gemeiner Nutzen’ als oppositionelle Leitvorstellung im Spätmittelalter”, in Manfred Gerwing (ed.), *Renovatio et reformatio-Wider das Bild vom ‘finsternen’ Mittelalter* (Munster, 1985), pp. 195–214.

40. For methods after the “pragmatic turn” see Francisca Loetz, “How to Do Things with God: Blasphemy in Early Modern Switzerland”, in Mary Lindemann (ed.), *Ways of Knowing: Ten Interdisciplinary Essays* (Boston, MA, 2004), pp. 137–152.

41. Many pasquils seem to have been of general relevance only for a shorter period, as Schmitt shows. Nevertheless, contemporaries perceived honour as a very fragile quality that could be adversely affected for a longer period: Ulinka Rublack, “Anschläge auf die Ehre. Schmäh-

established literary models of satire that help defend political interests expressed beyond the immediate clash of interest groups.

The Panurgus satire also incorporates, and mediates, elements of earlier songs and ballads against Herbroth such as the fictitious Last Will and the fictitious inscription on his gravestone. In opposition to the Panurgus satire, these texts correspond more directly and more exclusively to the early modern semi-literate culture and its dominant orality. Texts were read by individuals and groups in face-to-face contexts, were gossiped about, performed and sung; rhymes taking their tunes from well-known church songs, extreme metaphors, or unexpected contents provoked laughter and were the means to spread the content orally. The text of a song about Jakob Herbroth contains, in substance, the same criticism as the Panurgus satire, but is clearly focused on a different social group. “Simple folk” (Robert Scribner) could be reached by the short lines arguing that his conduct was sinful without example, he should be hanged, and so on.⁴²

Due to its broader audience, the song creates a negative image of independent public opinion, the “rabble and the dumb crowd/were again incited to oppose their superiors”.⁴³ The main distinction is drawn between lawful patrician rule and its subjects. The songs “O du arger Herbroth” or “Der arm Judas vom Herbroth” are similar;⁴⁴ here the public is cast in the role of a manipulated social group, because “the citizenship could be easily misled” by Herbroth.⁴⁵ The Panurgus piece is therefore not only a more coded or “literatized” account of Herbroth’s life, but is also intended to have a more lasting impact on public opinion.

THE DISCOURSE OF “THE” PUBLIC IN THE LIGHT OF THE *HERBROT-BUCH*’S PREFACE

In different sources we see different roles attributed to the public. The *Herbroth-Buch* manuscript had presumably been put together after Herbroth’s death; it invites the reader to form his own view of different expressions of public opinion. The preface and the last piece in the collection best summarize the criticism the former city mayor had been exposed to. The preface to the reader playfully claims to offer an

schriften und -zeichen in der städtischen Kultur des Ancien Regime”, in Klaus Schreiner (ed.), *Verletzte Ehre. Ehrkonflikte in Gesellschaften des Mittelalters und der frühen Neuzeit* (Cologne etc., 1995), pp. 381–411.

42. Robert W. Scribner, *For the Sake of Simple Folk: Popular Propaganda for the German Reformation* (Oxford, 1994).

43. “Der povel und ainfeltig hauf/ward wider durch in gwigelt auf,/von newem abzufallen,/wiewol die loblich obrigkait/[...] trug dessen hechst misfallen.” Rochus von Liliencron, *Die historischen Volkslieder der Deutschen vom 13. bis zum 16. Jahrhundert*, 6 vols (Leipzig, 1869), IV, pp. 576f.

44. Oettinger, *Music as Propaganda*, p. 327; Liliencron, *Volkslieder*, p. 576.

45. “[...] du verkauft mit liste hast die burgerschaft”; Liliencron, *Volkslieder*, p. 576.

“authentic account that is just” and not libellously described, a claim that is somewhat “militantly ironic”⁴⁶ in the light of the negative term for Herbroth’s original profession. “Furrier Lineage” is in obvious contrast to the urban elite’s attempts to legitimize their political privileges by writing their families’ long and proud histories, something not possible for the Herbroth.⁴⁷ So a genealogy is sketched, with the stereotypes of the rapid social ascent, the enormous accumulation of wealth, the consequent precipitous downfall in life as well as – currently – placement in Hell, to give the reader with biographical interest an outline of the collection. More importantly, the satirical literary voice is said to be the Pasquin figure, a “talking statue” in Rome where anonymous messages were frequently posted during the sixteenth century.⁴⁸ The practice of handwritten libel remained important throughout the early modern period in German cities; but especially in the sixteenth century new forms of public communication had been devised, first by Reformation activists. The contemporary recognition of anonymous written accusations is mirrored by its inclusion in imperial law, where libelling is punished, and somewhat redressed, with exactly the same measure as was illegitimately demanded in the libel.⁴⁹ Satirical literature about Herbroth could therefore have verged on libel.

The preface to the *Herbroth-Buch* must therefore protect itself from a charge of libel; it argues that throughout the satires Pasquin is speaking, giving new meaning to the claim to present a true report, not an insulting one. Now that Herbroth is dead, his misery is clearly visible (“warlich zu sehen”). Herbroth’s actions as steps towards this end are the work of the voice of the public that “reports all actions truthfully”.⁵⁰ In contrast to judicially relevant cases humour is here no longer the weapon of immediate political protest that it was in its original context. Rather than that, laughter was now a means to make the public voice attractive to readers, to please or to provoke debate among them. The remembrance of Herbroth, like all historical accounts, serves particular interests, in this case those of the traditional urban elite, which the sources suggest by the top-down perspective on the furrier’s profession as well as by its confessional nature (distanced from but respectful to Calvinism). More importantly,

46. Peter L. Berger, *Erlösendes Lachen. Das Komische in der menschlichen Erfahrung*, (Berlin [etc.], 1998), p. 186.

47. Verena Kessel, *Die Grafen von Henneberg. Eine illustrierte Genealogie aus dem Jahr 1567* (Wiesbaden, 2003), pp. 66–68.

48. “Talking fountains” were numerous in Rome, but it was Pasquin who attracted most attention from observers and commentators; one of the main authors of the French Renaissance, Joachim du Bellay, referred to Pasquin as a “publique voix” as strong as Hercules; Joachim du Bellay, *Recueils romains. Œuvres Poétiques*, 2 vols (Paris, 1993), II, p. 93.

49. “Straff schriftlicher vnrechtlicher peinlicher schmehung”; Gustav Radbruch, *Die Peinliche Gerichtsordnung Kaiser Karls V. von 1532 (Carolina)* (Stuttgart, 1991), p. 79.

50. “Pasquilinus [...] wirte ain[em] woll durch sein dichten/Aller Handlung treulich berichten.”

trust is highlighted as the basis of all successful commerce.⁵¹ Only patricians and merchants could both have laughed at Herbrot's would-be "noble lifestyle" due to unlawful practices that were his undoing.⁵²

The final piece in the collection, Herbrot's "gravestone", reiterates all his wrongdoings in his own voice. More than before, he describes the religious consequences of his mistakes, and the consequential lack of an uplifting memorial to him as citizen, merchant, and politician. Since the reader might, in the light of his painful end, forgive Herbrot for what he had done, his characterization insists on an unscrupulous judgement, "that you, the reader not feel sorry for me/that such punishment from God falls on me/because I myself have chosen this fate". These lines were written when the social pressure on the privileged urban elites had increased considerably. An urban, self-conscious bourgeoisie had developed which was sometimes just as flexible as the patricians in choosing its careers and means of representation.⁵³

The sources allow the conclusion that the early bourgeois is criticized for his social mobility and that the static social order within the free imperial city is reaffirmed. As in the cases discussed above, the discourse about the potentials and limits of the public sphere was used as an argument in different contexts. Good as well as bad qualities could be attributed to free independent communication, so the central nineteenth-century social doctrine of the public sphere has its roots in early modern culture. As early as the sixteenth century, *Öffentlichkeit* was a possible practice in the form of sometimes clandestine and almost entirely humorous communication.

51. "[...] kumen vmb all sein glauben". For the pivotal economic relevance of trust see Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Basingstoke, 1998).

52. "[...] an werungen gleich/Ainem Graffen."

53. Mark Häberlein, "Sozialer Wandel in den Augsburger Führungsschichten des 16. und frühen 17. Jahrhunderts", in Günther Schulz (ed.), *Sozialer Aufstieg. Funktionseliten im Spätmittelalter und in der frühen Neuzeit. Büdinger Forschungen zur Sozialgeschichte 2000 und 2001* (Munich, 2002), pp. 73–96.