Princes and Townspeople: A Collection of Historical Statistics on German Territories and Cities

3: Town Charters and First Mentions

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1 Introduction

This dataset traces the development of the 2,390 cities listed in the *Deutsches Städtebuch* (Keyser et al., eds, 1939-2003). We record dates at which settlements are first referenced in writing, exhibit signs of city status, and all significant *de jure* and *de facto* changes to this status over time.

In the following, this document sketches the various forms of town charters encountered in the Holy Roman Empire (HRE). A description of the variables follows in Section 3. Section 4 then documents how we deal with specific issues that arise in the coding process.

2 General Approach

In a setting this expansive both temporally and geographically, "town charter" necessarily remains a broad term. It generally refers to a bundle of privileges granted to a settlement by a superordinate ruler. These include the right to hold markets or to raise tariffs, to erect fortification walls, or to hold official trials (Hirschmann, 2009). Frequently, the right to hold markets preceded a town charter (Schmieder, 2005). The establishment of cities is thus linked to the establishment of markets, which is traced in the **markets** data. The town charter was granted in physical form and was held in local institutions. For some cities, privileges would accumulate slowly, and over time morph into *de facto* town charters that were never granted officially. So-called *Gründungsstädte* were "founded" by a town charter. Nevertheless, most cities of this type were preceded by earlier settlements and the bestowal followed economic considerations (Isenmann, 2014).

Early town charters would serve as blueprints that were explicitly referred to in subsequent bestowals in a given region. Thus, it is possible to trace "legal families" of town charters. The case of Magdeburg illustrates this patchwork: its town charter comprised parts of the *Sachsenspiegel*, *Weichbildrecht*, and a bundle of case law (Schmieder, 2005). These "legal families" furthermore lowered transaction costs for merchants.

Issuing a town charter proved beneficial for rulers in a twofold sense: First, city immunity, ban, courts, customs and city law assured a secure basis for economic development and consequently cities were areas of increased production and market activity, leading to a rise in revenue for the ruler who held the right to profit from these earnings. In comparison to mere grants of market privileges, there was no limited time period during which economic interaction was allowed to take place. Cities were in some sense continuous markets (Keutgen, 1963). Second, the establishment of an official city assured and confirmed a ruler's claim of a settlement (Planitz, 1954).

In the HRE, the establishment of cities overwhelmingly is a phenomenon of the 12th century onwards. At the beginning of the Middle Ages, cities and commercial centers did not play a prominent role in European societies. Self-sufficiency was a dominant form of sustaining

needs, and the agrarian sector (Pirenne, 1974). No new urban centers had emerged since the fall of the Roman Empire (Humpert and Schenk, 2001, p.57), and the few Roman cities still existent were mainly seats of bishops, who due to ecclesiastical laws were only allowed to reside in cities(Fuhrmann, 2006, p.10). The European ruling class lived in fortresses in rural areas, which ainly had a military function and were seen as a way to protect land and people. In later periods, fortresses also held an administrative function, but this did not turn them into urban centres and their economic role was still limited to that of consumers (Pirenne, 1974).

Settlements that gradually turned into cities often originated in market settlements, which through a self-reinforcing mechanism of increased economic activity grew to city size. Other theories of origin stress the importance of castles, whose role as a focal point in security, commercial and social matters made surrounding settlements evolve into cities that took over these functions.

The legal establishment of cities was important over and above the grants of market privileges, since the *peace of the market* only offered a legal code that was constrained in scope and time.

Urbanization rates nevertheless remained moderate in Germany and did not experience substantial increases. The number of German cities increased, but these were mostly small in terms of population as well as size. Ammann (1956) estimates that out of approximately 4,000 German cities nearly 95% had less than 2,000 inhabitants. Only 5% had a population between 2,000 and 10,000. Cities that were founded in later periods, when the city network was much denser, were more likely to belong to the group of cities with a smaller population (Fuhrmann, 2006). City foundations in Germany should thus not be understood as the creation of urban centers with large populations. Especially during later periods of the Middle Ages, the number of small cities increased rapidly. Nevertheless, it would be wrong to underestimate the economic significance of these cities.

The base of our dataset are the cities listed in the *Städtebuch*. For each city, Article 3 contains information on the first recorded reference to a settlement in the location of the respective city. Article 3 is shown in Figure 1 and 2 for both the postwar and prewar editions, respectively.

3 Röm. Erdkastell 75–80 n. Chr., dann fränk. Meierhof, später befestigtes Dorf.

Figure 1: Groß Gerau (Postwar Edition). Article 3.

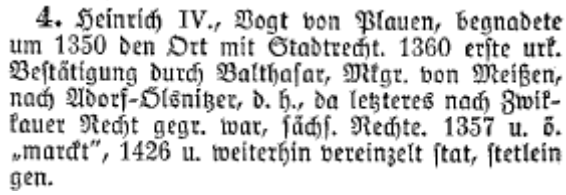
3. 1274 Siedlerdorf mit Kirche u. Rittersitz, aus wilder Wurzel, wohl um 1200, gerodet; wurde bald Marktsiedlung am Kreuzungspunkt zweier alten Handelswege (Eger-Zwickau u. Böhmen [Elbogen] -Plauen bzw. -Hof).

Figure 2: Markneukirchen (Prewar Edition). Article 3.

In addition, Article 4 traces the legal development history of a settlement in chronological order. This is shown in Figure 3 and 4 for both the revised and original editions.

4a-c Stadtrecht 1398 durch König Wenzel, erneuert 1663 durch Landgraf Ludwig VI. von Hessen-Darmstadt (Fronfreiheit). Später oft als Dorf, 1663 als Flecken bezeichnet.

Figure 3: Groß Gerau (Revised Edition). Article 4.



4. Heinrich IV., Vogt von Plauen, begnadete um 1350 den Ort mit Stadtrecht. 1360 erste urk. Bestätigung durch Balthasar, Mkgr. von Meißen, nach Adorf-Ölsnitzer, d. h., da letzteres nach Zwickauer Recht gegr. war, sächs. Rechte. 1357 u. ö. „marckt", 1426 u. weiterhin vereinzelt stat, stetlein gen.

Figure 4: Markneukirchen (Original Edition). Article 4.

A multitude of denominations hint, with varying clarity, at the legal status of a settlement. We classify them as follows:

Definite Indicators of City Status *Stat*, *Stadt*, and *burgensis*. *Civitas* also most definitely implies city status (Isenmann, 2014).

Ambiguous Terms *Civis*, *oppidum*, or *Weichbild* (in Westfalia) (Höfken, 1951) might describe a city, as does the presence of a court seal. A city seal often cannot clearly be distinguished from a family seal and we thus do not treat it as definitive indicator. Ministry officials, mayors (*Schultheiß* or *Bürgermeister*) and city councilmen are most likely indicators of city status but are also encountered in market towns.

Market Town Market towns (*Minderstädte*) command over limited town privileges, most centrally the right to hold markets. *Freiheit*, *Flecken*, or *Städtchen* and the like indicate market towns (Knittler, ed, 2006). *Villae* do not imply town character (Isenmann, 2014).

This dataset moreover documents the first written evidence of human settlement in an area of a later city in the HRE. Examples of different types of recorded settlements are castles, monasteries, Roman settlements, or villages.

3 Description of the Variables

city_id Unique identifier of each city, clustered by *Städtebuch* volume.

comment Relevant information copied from the city's *Städtebuch* entry.

time_point The year corresponding to the documented event.

type_origin Broad category of city development.

0 Evidence of city character prior to town charter

1 Formal bestowal of town charter

2 Withdrawal of town charter

3 Changes to town charter

4 No information on town charter

5 First recorded mention of a settlement

type_category Detailed description of city development.

0 Foundation of the city

1 Formal bestowal of the town charter (only compatible with type_origin $= 1$)

2 civitas

3 Stat, Stadt, Stet, Statt

4 Official court seal, city seal, mayor, *Rat*, civis, "city features"

5 Weichbild, Wigbold (municipal area)

6 Minderstadt, Städtchen, Flecken, Freiheit, Steddeken, Oppidum (small town)

7 Bestowal of town charter after withdrawal (only compatible with type_origin $= 3$)

8 Modification of town charter (only compatible with type_origin $= 3$)

9 Merger or amalgamation of two or more cities (only compatible with type_origin $= 3$)

10 Settlement is merely mentioned in writing. No evidence of city character (only compatible with type_origin $= 5$).

legal_family The legal family of the town charter. For a list of legal families, see legal_families.csv.

legal_family_own The legal family of the town charter, if a city served as a blueprint for other town charters.

unused A town charter was granted but never put to use.

uncertainty Indicator if the date is described as "at the earliest" or "at the latest".

0 This date is accurate.

1 The date is referred to as "at the earliest".

2 The date is referred to as "at the latest".

range The degree of imprecision in *time_point*:

0 Date is accurate.

1 Date is accurate up to 5 years.

2 Date is accurate up to 25 years.

3 Date is accurate up to 50 years.

4 Date is accurate up to 100 years.

5 Date is not accurate.

source Indicates the (main) source for the information in the entry.

3a, 3b	Section 3a or 3b in the *Städtebuch*.
4a, 4b, 4c	Section 4a,4b or 4c respectively in the *Städtebuch*.
neu/ 4 neu	Information from updated editions of the *Städtebuch*.
wiki	Information from www.wikipedia.org.

4 Specific Issues

Inaccurate Dates In case multiple dates or textual ambiguity, we chose the earliest possible date. Recurring cases are:

- "Beginning of the century": Set time_point =XX00 and range = 3.
- "Mid-century": Set time_point =XX50 and range = 2.
- "End of the Century": Set time_point =XX75 and range = 2.
- "Middle Ages": Set time_point = 1500 and uncertainty = 2.

Destruction of a settlement Generally, the earliest possible date of a first recorded mention was included in the data set, even if the city was destroyed at some point and was rebuilt later.

City Mergers The history of the older constituting part is documented in the data set. We do not document mergers or incorporations.

5 Contents of the Data Package

towncharter.csv Data on town charters for *Städtebuch* cities.

legal_families.csv List of legal families.

6 Collaborators

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