

Department of History and Civilization

Kinship, Gender, and Business Failure:
Merchants' Bankruptcies
and Social Relations
in Upper Germany, 1520-1620

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HEC No. 98/6

EUI WORKING PAPERS



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Printed in Italy in July 1998
European University Institute
Badia Fiesolana
I – 50016 San Domenico (FI)
Italy

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Kinship, Gender, and Business Failure: Merchants' Bankruptcies and Social Relations in Upper Germany, 1520-1620

In 1564, the Swabian *Landvoigt* Georg Ilsung, a high-ranking imperial official from a patrician family in the imperial city of Augsburg, came to his native town to negotiate with the merchant Melchior Manlich about a new lease on the mercury production of the mines at Idria in lower Austria. Another Augsburg merchant firm, Hans Paul and Hans Heinrich Herwart, had let their lease contract expire after 15 years in 1563, and Manlich, who had established his own trading firm after almost two decades of experience as a partner in the powerful Haug-Langnauer-Linck company, seemed a highly qualified and able successor to the Herwarts. Before the negotiations were completed, however, the firm headed by Melchior Manlich's cousin Christoph went bankrupt, and his relative Melchior was suddenly faced with a number of nervous creditors who demanded their deposit capital back. According to Georg Ilsung, Melchior Manlich had to repay the considerable sum of 80.000 florins within eight days. This sudden contraction of his credit and loss of confidence in his solvency effectively killed Manlich's negotiations with Ilsung, and the *Landvoigt* remarked: „Neither father nor son nor brother or cousin trusted each other in these terrible times, nor would they have patience with one another.“¹ Ilsung's remark points to the centrality of kinship ties in business relationships in sixteenth-century upper Germany. As his experience in this case indicates, the business failure of a close relative could have important consequences for a merchant's economic

¹ „Weder Vater noch Sohn noch Bruder und Vettern trauten einander in jener schlimmen Zeit, noch wollten sie miteinander Geduld haben ...“ Quoted in Jakob Strieder, *Studien zur Geschichte kapitalistischer Organisationsformen. Monopole, Kartelle und Aktiengesellschaften im Mittelalter und zu Beginn der Neuzeit*, 2nd ed. (New York, 1971), 339. On Georg Ilsung, see Friedrich Blendinger, „Ilsung,“ in *Neue Deutsche Biographie*, vol. 10 (Berlin, 1974), 141-143; on Melchior Manlich, cf. Hermann Kellenbenz, „Manlich, Melchior,“ in *ibid.*, vol. 16 (Berlin, 1990), 37-39; Gerhard Seibold, *Die Manlich. Geschichte einer Augsburger Kaufmannsfamilie* (Sigmaringen, 1995), André-E. Sayous, „Le commerce de Melchior Manlich et Cie d'Augsbourg à Marseille et dans toute la Méditerranée entre 1571 et 1574,“ *Revue Historique* 176 (1935), 389-411.

fortunes, and trust and confidence among relatives were decisive for the stability of urban merchant communities. According to Ilsung, an insolvency like Christoph Manlich's in 1564 was more than a financial crisis; it was, in effect, a crisis in social relations.

The bankruptcy of Christoph Manlich was but one in an astonishing series of business failures which brought down dozens of major trading houses in the imperial city of Augsburg between the 1520s and the outbreak of the Thirty Years' War. In 1528/29, the firm of Ambrosius Hoehstetter spectacularly collapsed after a failed attempt to gain control of the European mercury market. The international credit crisis caused by the Spanish and French state bankruptcies in 1557 was followed by a number of insolvencies of Augsburg firms which included the Weyer, Kraffter, Zangmeister, Baumgartner, Herbrot, and Meuting companies, and the recession of the early 1570s resulted in the collapse of the Haug-Langnauer-Linck company as well as Melchior Manlich's and Hans Paul Herwart's firms. Konrad Rot went bankrupt in 1580 after the breakdown of his effort to monopolize the distribution of Indian pepper in Europe, and a further round of business insolvencies in the 1590s and 1600s culminated in the failure of the prestigious Welser company in 1614. While this long series of merchants' bankruptcies has no parallel in the other major upper German trading center, the imperial city of Nuremberg, whose merchants obviously took a more cautious attitude toward financing their business ventures

² The first major study that recognized the significance of these bankruptcies was Richard Ehrenberg, *Das Zeitalter der Fugger. Geldkapital und Creditverkehr im 16. Jahrhundert*, 2 vols. (Jena, 1896). There are a number of studies on individual bankruptcy cases: see Johannes Müller, „Der Zusammenbruch des Welserschen Handelshauses im Jahre 1614,“ *Vierteiljahrsschrift für Sozial- und Wirtschaftsgeschichte* 1 (1903), 196-234; Johannes Müller, „Der Verlauf des Welserschen Gantprozesses von 1614-1618,“ *Zeitschrift des Historischen Vereins für Schwaben und Neuburg* 30 (1903), 42-74; Ascan Westermann, „Die Zahlungseinstellung der Handelsgesellschaft der Gebrüder Zangmeister zu Memmingen 1560,“ *Vierteiljahrsschrift für Sozial- und Wirtschaftsgeschichte* 6 (1908), 460-516; Friedrich Hassler, *Der Ausgang der Augsburger Handelsgesellschaft David Haug, Hans Langnauer und Miterwandte, 1574-1606* (Augsburg, 1928); Ernst Kern, „Studien zur Geschichte des Augsburger Kaufmannshauses der Höchstetter,“ *Archiv für Kulturgeschichte* 26 (1936), 162-198; Reinhard Hildebrandt, „Wirtschaftsentwicklung und Konzentration im 16. Jahrhundert. Konrad Rot und die Finanzierungsprobleme seines interkontinentalen Handels,“ *Scripta Mercaturae* 4/1 (1970), 25-50; Hermann Kellenbenz, „Der Konkurs der Kraffter in Augsburg,“ *Die alte Stadt* 16 (1989), 392-402; Hermann Kellenbenz, „Le banqueroute de Melchior Manlich en 1574 et ses répercussions en France,“ in *Mélanges offerts à Bernard Chevalier* (Tours, 1989), 153-159. For a survey of merchant capitalism and economic development in sixteenth- and early seventeenth-century Augsburg, see Hermann Kellenbenz, „Wirtschaftsleben der Blütezeit,“ in Gunther Gottlieb et al., eds., *Geschichte der Stadt Augsburg von der Römerzeit bis zur Gegenwart*, 2nd ed. (Stuttgart, 1985), 258-301.

with outside capital, a number of prominent Nuremberg firms did break down between the 1570s and the beginning of the Thirty Years' War,³ and the imperial cities of Strasbourg and Frankfurt experienced their own series of business failures in the latter half of the sixteenth century.⁴ These bankruptcies have repeatedly been noticed by economic historians who have connected them to shifting regional and international economic patterns and tried to assess their impact on south German economic development.⁵ Only very little work has been done, however, on upper German business failures as a social phenomenon, i.e. on their impact on social relations, family ties, and gender roles.⁶ Drawing on a wide array of sources mainly from Augsburg, this paper seeks to explore this neglected dimension of merchants' bankruptcies.

Augsburg's sixteenth-century business failures are documented in various kinds of records. Of particular importance are the files of the municipal court (*Stadtgericht*), which was responsible for civil cases, the papers of the criminal court (*Strafamt*), which pursued cases of delinquent behavior, and the books of the city council (*Rat*), which functioned as a court of appeal for the city's courts, but often

³ Hermann Kellenbenz, „Wirtschaftsleben zwischen dem Augsburger Religionsfrieden und dem Westfälischen Frieden,“ in Gerhard Pfeiffer, ed., *Nürnberg - Geschichte einer europäischen Stadt*, 2nd ed. (Munich, 1982), 295-302, esp. 301; Lambert F. Peters, *Der Handel Nürnbergs am Anfang des Dreißigjährigen Krieges. Strukturkomponenten, Unternehmen und Unternehmer. Eine quantitative Analyse* (Stuttgart, 1994).

⁴ Strasbourg: François-Joseph Fuchs, „Richeesse et faillite des Ingold, négociants et financiers strasbourgeois du XVI^e siècle,“ in *La bourgeoisie alsacienne. Etudes d'histoire sociale* (Strasbourg and Paris, 1954), 203-223; François-Joseph Fuchs, „Heurs et malheurs d'un marchand-banquier strasbourgeois du XVI^e siècle: Israel Minckel (vers 1522-1569), baillieur du fonds du Roi de France et des Huguenots,“ *Revue d'histoire et de philosophie religieuses* 54 (1974), 115-127; Jean-Pierre Kintz, *La société strasbourgeoise du milieu du XVI^e siècle à la fin de la guerre de trente ans 1560-1650. Essai d'histoire démographique, économique et sociale* (Paris, 1984), 375-380; Frankfurt: Alexander Dietz, *Frankfurter Handelsgeschichte*, 4 vols. (Frankfurt, 1911-1926).

⁵ Jakob Strieder, „Der Zusammenbruch des süd- und mitteleuropäischen Frühkapitalismus,“ in Heinz-Friedrich Deininger, ed., *Das Reiche Augsburg. Ausgewählte Aufsätze Jakob Strieders zur Augsburger und süddeutschen Wirtschaftsgeschichte des 15. und 16. Jahrhunderts* (Munich, 1938), 45-49; André-E. Sayous, „La déchéance d'un capitalisme du forme ancienne: Augsburg au temps des grandes faillites,“ *Annales d'histoire économique et sociale* 10 (1938), 208-234; Friedrich Lütge, „Die wirtschaftliche Lage Deutschlands vor Ausbruch des Dreißigjährigen Krieges,“ in Lütge, *Studien zur Sozial- und Wirtschaftsgeschichte. Gesammelte Abhandlungen* (Stuttgart, 1963), 336-395; Reinhard Hildebrandt, „The Effects of Empire: Changes in the European Economy after Charles V,“ in Ian Blanchard et al., eds., *Industry and Finance in Early Modern History. Essays Presented to George Hammersley to the Occasion of his 74th Birthday* (Stuttgart, 1992), 58-76.

⁶ For a pioneering approach to these topics, see Lyndal Roper, *Oedipus and the Devil: Witchcraft, Sexuality, and Religion in Early Modern Europe* (London, 1994), chap. 4.

became actively involved in bankruptcy proceedings before the case had even formally gone to court. The only institutions to which the sentences of Augsburg's city council could be appealed were the imperial courts, especially the *Reichskammergericht* in Speyer, and some cases of business failure were finally settled there.⁷ In addition, contemporary chroniclers often commented on notable bankruptcies, and their remarks provide us with a perspective on outsiders' perceptions of merchants' insolvencies.

My examination of the kinship and gender dimensions of business failures will proceed in three parts. The first part will point out the importance of kinship ties for sixteenth-century merchant capitalism in general; kinship will emerge as a central variable in trading partnerships, outside financing, and various forms of „crisis management.“ Building on this foundation, the second part of the essay will explore the impact of bankruptcies on kinship ties as well as on the discourse on kinship. The third part will analyze the ways in which business failures contributed to an inversion of established gender roles. The central argument I pursue is that an understanding of the social and normative content of kinship and gender relationships—the expectations, behavioral patterns, and discursive meanings associated with kinship and gender roles—is essential for capturing the social significance of business failures in the early modern period. This argument draws on the conceptual framework of social network theory, which has been applied to historical studies by scholars like Wolfgang Reinhard and Andrejs Plakans. As proponents of the network approach have emphasized, social interactions like kinship, financial, and legal ties decisively shaped behavior and influenced careers in early modern societies.⁸ While the concept has been successfully applied to urban elites,⁹ a study of bankruptcies provides us with an opportunity to broaden the conceptual framework by focusing on par-

⁷ Augsburg's court records and city council books are in the Stadtarchiv Augsburg, the relevant imperial court records in the Bayerisches Hauptstaatsarchiv Munich.

⁸ Wolfgang Reinhard, *Freunde und Kreaturen. „Verflechtung“ als Konzept zur Erforschung historischer Führungsgruppen. Römische Oligarchie um 1600* (Munich, 1979); Andrejs Plakans, *Kinship in the Past: An Anthropology of European Family Life, 1500-1900* (Oxford, 1984), esp. chap. 10.

⁹ See Katarina Sieh-Burens, *Oligarchie, Konfession und Politik im 16. Jahrhundert. Zur sozialen Verflechtung der Augsburger Bürgermeister und Stadtpfleger 1518-1618* (Munich, 1986); Wolfgang Reinhard, „Oligarchische Verflechtung und Konfession in oberdeutschen Städten,“ in Antoni Maczak, ed., *Klientelsysteme im Europa der Frühen Neuzeit* (Munich, 1988), 47-62; John F. Padgett and Christopher K. Ansell, „Robust Action and the Rise of the Medici, 1400-1434“ *American Journal of Sociology* 98 (1993), 1259-1319.

ticular crisis situations in which the nature and limits of social relations were tested, challenged, and re-assessed.

Kinship and sixteenth-century merchant capitalism

Students upper German merchant capitalism have repeatedly noted the family character of trading firms. Sixteenth-century merchant companies - if they were not owned by a single person - typically consisted of a small group of two to eight partners who joined in a company contract (*Gesellschaftsvertrag*) and invested a fixed amount of capital „at gain or loss“ (*zu Gewinn und Verlust*) in the joint enterprise. Although company contracts were usually limited to a specified period—mostly from three to eight years—they were commonly renewed after the expiration of the contract.¹⁰

Nearly all trading firms in south German cities like Augsburg were either owned by single individuals or consisted of persons with close kinship connections to one another. A good indicator are Augsburg's *Unterkaufbücher*, in which the city's two official brokers recorded several thousand monetary transactions (credits or exchanges) between 1551 and 1558. Excluding the city treasurers and the imperial mint master at Kaufbeuren, there are 82 individuals and firms who appear in more than ten business transactions on the Augsburg money market during that time period; apart from a handful of firms from Munich, Ulm, and Memmingen, the large majority were based in Augsburg.¹¹ 49 of these 82 most active participants in the city's money market apparently were single individuals or sole owners of firms, but we can expect that a number of these had sons, sons-in-law or nephews working for them.¹²

¹⁰ For an exhaustive study of sixteenth-century company contracts, see Elmar Lutz, *Die rechtliche Struktur süddeutscher Handelsgesellschaften in der Zeit der Fugger*, 2 vols. (Tübingen, 1976); cf. also Herman Kellenbenz, „Handelsgesellschaft,“ in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 1 (Berlin, 1971), 1936-1942.

¹¹ A listing of these individuals and firms can be found in Friedrich Blendinger and Elfriede Blendinger, eds., *Zwei Augsburger Unterkaufbücher aus den Jahren 1551 bis 1558. Älteste Aufzeichnungen zur Vor- und Frühgeschichte der Augsburger Börse* (Stuttgart, 1994), 543-568; for detailed prosopographical information on Augsburg merchants, see Wolfgang Reinhard, ed., *Augsburger Eliten des 16. Jahrhunderts. Prosopographie wirtschaftlicher und politischer Führungsgruppen 1500-1620* (Berlin, 1996).

¹² In 1551, for example, the merchant Jakob Herbrodt employed his son-in-law Konrad Schleicher in his firm: cf. Valentin Mayer, *Die „Fürlegung“ in den Handelsgesellschaften des Mittelalters und des*

Of the other 33 firms, about half (16) consisted of two or more brothers working together. Sometimes brothers represented branches of the firm in different places; examples would include the firms of Hans, Eberhard, and Kaspar Zangmeister in Augsburg and Memmingen, Sebastian and Hieronymus Imhof in Augsburg and Nuremberg, or Hans and David Weyer in Augsburg and Lyon. Some merchants like Jakob Herbrodt or Sebastian Neumair took their sons into trading partnerships, and the firms of Wolfgang Paler and Konrad Herbst, Hans Österreicher and Ulrich Waiblinger, or Anton Weiß and Wolfgang Wild were partnerships of brothers-in-law. In a few cases, the internal structure of the firm is not known, but the very use of a family name like „Hans Stierlins Erben“ or „die Roten von Ulm“ indicates that the company consisted of close relatives.

Occasionally, trading companies were formed out of more complex kinship groups. Thus the Haug-Langnauer-Linck company—an important firm that combined long-distance trade between Antwerp, Venice, and upper Germany with mining activities in the Tirol and, after 1560, in England and East-Central Europe—consisted in 1547 of Anton Haug the elder, his sons Anton the younger, Ludwig, and David, his sons-in-law Melchior Manlich and Ludwig Hörmann, his nephew Ulrich Linck, and Linck's son-in-law Hans Langnauer the younger, whose sister was married to Ludwig Haug.¹³ In the company contract concluded in 1547, the two main associates Anton Haug the elder and Ulrich Linck repeatedly emphasized their mutual trust and confidence as long-time partners and close relatives.¹⁴

While kinship ties were a central criterion of membership in sixteenth-century trading companies, it was not the only one. Instead, upper German merchants usually expected their partners to possess business acumen and to prove their diligence and capability in years of hard work for the company. A famous expression of this „achievement principle“ is the decision of Augsburg's leading merchant at the beginning of the sixteenth century, Jakob Fugger, to entrust his nephew Anton

Frühkapitalismus (Diss. jur., University of Munich, 1925), 124-129. In 1571, Marx Rehlinger became a „company servant“ (*Handeldiener*) in his father Hieronymus Rehlinger's firm: Reinhard Hildebrandt, ed., *Quellen und Regesten zu den Augsburger Handelshäusern Paler und Rehlinger 1539-1642. Wirtschaft und Politik im 16./17. Jahrhundert. Part 1: 1539-1623* (Stuttgart, 1996), 109-112 (No. 67).

¹³ Ehrenberg, *Zeitalter*, I, 230-231; Seibold, Manlich, 127-130. Cf. also Fritz-Wolfgang Ringling, *Sixteenth-Century Merchant Capitalism: The Haug-Langnauer-Linck & Relatives of Augsburg as a Case Study* (Ph.D. diss., University of Rochester, 1979).

¹⁴ Lutz, *Struktur*, II, 125', 128'.

with the direction of the Fugger company after his death. Jakob Fugger himself was childless, and he carefully weighed the abilities and inclinations of his nephews before deciding that only Anton Fugger was qualified enough to oversee the firm's extensive trading, banking, and mining activities.¹⁵ While Jakob Fugger's commercial success was unparalleled, other merchants shared his concern for competent partners and successors. Thus Pankraz Böcklin, an upwardly mobile Augsburg trader with strong business connections to the Tirol and upper Italy, drew up a will in 1543 in which he left all of his commercial operations to his son Christoph in recognition of his obedience, faithfulness, and hard work for the benefit of his business, while Christoph's brothers Pankraz the younger and Hieronymus had demonstrated no inclination or ability to contribute to the firm's fortunes. More than three decades later, Christoph Böcklin left his firm and extra shares of his private property to his four sons Christoph, David, Daniel, and Tobias to reward them for their contributions to the family's continuing commercial success. His son Jeremias, on the other hand, was excluded from the family business on account of his disobedience to his father and carelessness in his affairs.¹⁶ Similarly, the merchant banker Jakob Herbrodt in 1557 rewarded some of his sons according to their efforts and achievements in commerce while excluding other children from the succession to the firm he had founded.¹⁷ In 1580, finally, the copper merchant Wolfgang Paler the elder entrusted his firm to his son Wolfgang, because his other son Matthäus had lost his eyesight and the younger Wolfgang had already proved his usefulness in business affairs. Since the Hungarian copper trade (Paler's major investment) was a highly complex and risky affair, the testator asked his son to enter into a partnership with his experienced uncle Franz Wagner.¹⁸ While sixteenth-century upper German merchants attached central importance to kinship ties in choosing their

¹⁵ Jakob Strieder, „Die Geschäfts- und Familienpolitik Jakob Fuggers des Reichen,“ *Zeitschrift für die gesamte Staatswissenschaft* 82 (1927), 337-348; Georg Simnacher, *Die Fuggertestamente des 16. Jahrhunderts* (Tübingen, 1960), 106-108.

¹⁶ Mark Häberlein, „Familiäre Bindungen und geschäftliche Interessen. Die Augsburger Kaufmannsfamilie Böcklin zwischen Reformation und Dreißigjährigem Krieg,“ *Zeitschrift des Historischen Vereins für Schwaben* 87 (1994), 39-58.

¹⁷ Stadtarchiv Lauingen, Akten, No. 3943. Cf. Mark Häberlein, „Jakob Herbrodt (1490/95-1564), Großkaufmann und Stadtpolitiker,“ in Wolfgang Haberl, ed., *Lebensbilder aus dem Bayerischen Schwaben*, vol. 15 (Weißenhorn, 1997), 69-111, esp. 95-96.

¹⁸ Hildebrandt, ed., *Quellen*, 187-188 (No. 152).

business associates, family trading firms were flexible structures that took account of the abilities and achievements of individual family members.

The significance of kinship ties in sixteenth-century upper German merchant communities was not limited to the structure of trading partnerships, but extended to other aspects of their business operations as well. Of particular importance was the role of family members and kinfolk in providing outside capital. As Reinhard Hildebrandt has noted, the extensive mining activities of Augsburg's large merchant firms, who controlled a significant part of the European copper market throughout the sixteenth and early seventeenth centuries and were also engaged in the mining of gold, silver, tin, lead, and mercury, would have been inconceivable without reliance on large sums of deposit capital.¹⁹ Depositors did not share in a firm's profits, but received a fixed interest rate that typically ranged from five to eight per cent. Analysis of the sources of capital deposited in sixteenth-century Augsburg merchant firms reveals that a high proportion—often more than one-half—of these firms' deposit capital came from the owners' relatives. When the Haug-Langnauer-Linck company was founded in 1531, it took in a total of 211.000 florins in outside capital from 73 different creditors. Only 82.000 florins were deposited by persons who neither worked for the Haug-Langnauer-Linck nor were related to the firm's associates. Fourteen years later, 61 percent of the company's outside capital of slightly over 200.000 florins belonged to relatives and a further 17.5 percent to employees. In 1553, relatives and employees again accounted for two thirds of the Haug-Langnauer-Linck's deposit capital, which now amounted to over 250.000 florins and in 1557 the share of depositors neither related to nor employed by the Haug-Langnauer-Linck dropped to merely one-sixth.²⁰ When the firm of Hans and David Weyer, which had specialized in trading and banking activities in France, collapsed on account of their involvement in the French money market in 1557, their Augsburg branch owed 71.000 florins to 29 creditors; about three fifths of this sum belonged to close relatives like their mother Magdalena Weyer, their uncle Ulrich

¹⁹ Reinhard Hildebrandt, „Augsburger und Nürnberger Kupferhandel 1500-1619. Produktion, Marktanteile und Finanzierung im Vergleich zweier Städte und ihrer wirtschaftlichen Führungsschicht,“ in Hermann Kellenbenz, ed., *Schwerpunkte der Kupferproduktion und des Kupferhandels in Europa 1500-1650* (Cologne and Vienna, 1977), 190-224, esp. 216, 222.

²⁰ Ringling, *Merchant Capitalism*, 73, 94, 95, 102, 116, 119, 129, 131.

Linck, and their cousin Christoph Manlich.²¹ After Christoph Manlich's firm had to close its books with debts in excess of 100.000 florins in 1564, they also owed about sixty percent of that amount to a wider circle of relatives.²² When the Zangmeister company of Augsburg and Memmingen failed in 1560 and the Welser firm broke down in 1614, the capital provided by relatives again accounted for large portions of their debts.²³ Finally, the largest long-distance trading company in early seventeenth-century Augsburg, the heirs of Hans Österreicher, relied almost exclusively on the capital of family members and employees.²⁴ This congruence of kinship ties and financial ties constitutes what social network analysis has termed the „multiplex“ character of social relationships.²⁵

Relatives also were important for the brokerage services they could provide. Social network theory has conceptualized brokers as persons who simultaneously belong to two or more different networks (kin groups, business connections, associations) and use their privileged position to provide nodes of communication between these networks.²⁶ The autobiographical account of the Augsburg merchant Christoph von Stetten (1506-1556) gives a good example of this kind of brokerage on behalf of relatives. In the 1540s Stetten used his connections to the important Rehlinger, Baumgartner, and Welser families to obtain employment for his nephews Markus, Matthäus, and Salomon Rem and get them started on mercantile careers.²⁷ When the Nuremberg merchant Michael Behaim had to inform his cousin Paul Behaim, who was then working in Breslau, about the death of his father in 1533, he

²¹ Reinhard, ed., *Augsburger Eliten*, 956-957; for a detailed examination of this firm's credit structure, see Mark Häberlein, *Brüder, Freunde und Betrüger. Soziale Beziehungen, Normen und Konflikte in der Augsburger Kaufmannschaft um die Mitte des 16. Jahrhunderts* (Berlin, 1998), chap. 3.1-3.3.

²² Stadtarchiv Augsburg, Kaufmannschaft und Handel, No. 17, fol. 13-14; Seibold, *Manlich*, 109; Reinhard, ed., *Augsburger Eliten*, 506-507.

²³ Westermann, *Zahlungseinstellung*, 511-514; Raimund Eirich, *Memmingens Wirtschaft und Patriziat von 1347-1551. Eine wirtschafts- und sozialgeschichtliche Untersuchung über das Memminger Patriziat während der Zunftverfassung* (Weißenhorn, 1971), 233-234, 237, 239; Müller, *Zusammenbruch*, 228-230, 233-234; Reinhard, ed., *Augsburger Eliten*, 947-948, 980-981.

²⁴ Robert Poppe, *Die Augsburger Handelsgesellschaft Oesterreicher (1590-1618)*, Augsburg 1928.

²⁵ Jeremy Boissevain, *Friends of Friends: Networks, Manipulators, and Coalitions* (New York, 1974), 30-32; Reinhard, *Freunde*, 26; J. Clyde Mitchell, *Cities, Society, and Social Perception: A Central African Perspective* (Oxford, 1987), 303-304, 309.

²⁶ Cf. Boissevain, 147-148, 153-158.

²⁷ Albert Hämmerle, ed., *Deren von Stetten Geschlechterbuch MDXXXXVIII* (Munich, 1955), 80-81.

assured him that he would do everything for Paul's family that could be expected of a faithful cousin.²⁸

Finally, members of the urban elite who were engaged in conflicts or stood trial for deviant behavior frequently relied on the support of their kin networks. Relatives submitted petitions or stood bail on behalf of merchants who had run into trouble. Thus Markus Pfister, a respected merchant and member of the Augsburg city council, successfully petitioned the council in 1544 for revocation of a heavy fine to which his son-in-law Hieronymus Wirsing had been sentenced for dealing with forged coins,²⁹ and Melchior Manlich in 1573 stood bail for his son-in-law Karl Neidhart, who had been imprisoned for embezzling his foster children's money.³⁰ Some critical contemporary observers even charged that groups of closely related merchants cooperated in such violations of the common good as the hoarding of grain or the issuing of inferior or forged coins.³¹ Gerd Schwerhoff's observation that the public support a deviant person received from relatives had a „signal function“ which demonstrated the degree to which that person was integrated into webs of social relationships therefore is particularly relevant in the case of sixteenth-century urban merchants, who participated in extensive social networks which provided them with potentially strong support in periods of crisis.³² Focusing on one particular type of such crisis situations, we will now turn to the role of kinship relations in bankruptcy cases.

Bankruptcies and social relations

Given the importance of relatives as trading partners, providers of capital, brokers, and supporters in conflict situations, their behavior received particular attention in

²⁸ Hanns-Peter Bruchhäuser, ed., *Quellen und Dokumente zur Berufsbildung deutscher Kaufleute im Mittelalter und in der frühen Neuzeit* (Cologne et al., 1992), 122-123.

²⁹ Stadtarchiv Augsburg, Ratsprotokoll 18/II (1544), fol. 49^r.

³⁰ Stadtarchiv Augsburg, Ratsprotokoll 38/I (1572), fol. 93^v, 95^r; 38/II (1573), fol. 32^r, 32^v, 67^r, 72^v, 84^r; 39/I (1574), fol. 40^r. For a similar example, see Reinhard, *Oligarchische Verflechtung*, 126.

³¹ See, e.g., the chronicler Jörg Breu's observations on two cases of grain hoarding in the 1530s: *Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert*, vol. 29 (Leipzig, 1906), 57-58, 67-68.

³² Gerd Schwerhoff, „Devianz in der alteuropäischen Gesellschaft. Umriss einer historischen Kriminalitätsforschung,“ *Zeitschrift für Historische Forschung* 19 (1992), 385-414, esp. 391.

bankruptcy cases. Since significant portions of a firm's outside capital usually came from the owners' circle of relatives, the firm's failure potentially threatened the loss of these relatives' investment and therefore strained kinship ties. On the other hand, the support of kin could be an important asset in settling insolvency cases. The potential for conflict within kinship groups as well as the role of relatives as mediators are evident in a number of Augsburg business failures.

The well-documented bankruptcy trials of Hans and David Weyer illustrate some of the expectations and behavioral patterns associated with kinship relations. After the Weyer brothers had been „overrun“ by their creditors in Lyon in 1557, David was imprisoned in Augsburg while Hans managed to flee. Attempts to settle the case through informal channels failed when two representatives of the creditors, who also belonged to the Weyers' kinship network, examined their books and discovered that the Weyers had been extremely negligent in their bookkeeping. When the bankrupt brothers petitioned the municipal court (*Stadtgericht*) for a settlement on account of their insolvency „through unfortunate circumstances,“ virtually all creditors protested that the Weyers had cheated them out of their money and hidden their assets. In their opinion, the brothers could not claim to have been victims of „unfortunate circumstances,“ instead, their failure was due to their own negligence and carelessness, and some creditors even demanded that criminal procedures be opened against the Weyers. Worse still, the bankrupt brothers even began to blame each other for ruining their firm. The case took a decisive turn, however, when five major creditors—four of whom were among the Weyers' close relatives—signaled their willingness to accept a settlement and write off a part of their investment in late 1559. While some other creditors, particularly those living outside Augsburg, remained adamant in their refusal to compromise with the Weyer brothers, four merchants—all of them brothers-in-law or cousins of Hans and David Weyer—managed to negotiate an extrajudicial settlement by the end of 1561. According to this contract, the Weyers were obliged to pay back one third of the sum they owed within three years; out of „Christian charity,“ their close relatives relinquished their claims to 30.000 florins due to them.³³

Although the Weyers were suspect of gross financial mismanagement and dishonest business practices, their relatives eventually worked out a settlement, thus pro-

³³ This paragraph summarizes Häberlein, *Brüder, Freunde und Betrüger*, chap. 4.1.

viding clear evidence that their social network still worked despite their financial debacle. In addition, these relatives may have been motivated not only by kinship obligations, but also by pragmatic considerations: attempts to recover the insolvent firm's assets and outstanding debts, after all, required the cooperation of the bankrupts themselves, since they knew the structure of their firms best. Moreover, bankrupt merchants often tried to accommodate their relatives by paying them off first, thereby dividing the ranks of the creditors along kinship lines. Such a division is evident in the case of Hans Paul Herwart's bankruptcy in 1576. Herwart, a prominent patrician merchant who had overextended his own resources when he lent Melchior Manlich the huge sum of 120.000 francs to support Manlich's ambitious attempt to enter the Levant trade via Marseille, initially mortgaged his entire property to a group of six persons that included his brothers Hans Heinrich and Hans Jakob and his brothers-in-law Stephan Endorfer and Heinrich Rehlinger. This settlement with his close relatives displeased Herwart's other creditors, who demanded to be treated on equal terms with this kinship group. Both parties settled their differences in a contract which specified Hans Paul Herwart's obligations to his creditors, his wife's privileged claims to her husband's property, and the mode in which Herwart's relatives as well as the other creditors were to be repaid from the bankrupt's estate.³⁴

In other instances, relatives were suspected of helping the bankrupts to hide some of their assets from their creditors' and the authorities' eyes. The creditors of the insolvent Zangmeister brothers of Memmingen, for example, became suspicious when the bankrupts' brother-in-law Hans David Ott was reported to have left the town with a Latin warrant for Venice, where he might try to sell the Zangmeisters' stored goods for the benefit of his relatives.³⁵ After the Herbroth firm's collapse in 1563, the elder Jakob Herbroth's son Hieronymus and his wife allegedly attempted to escape with a number of valuable possessions on a boat heading down the Danube. In a case before Augsburg's municipal court, Herbroth's daughters Marina Man-

³⁴ Hans Herwarth von Bittenfeld, „Fünf Herwarthische Urkunden,“ *Zeitschrift des Historischen Vereins für Schwaben und Neuburg* 9 (1882), 117-157, esp. 147-155. For Herwart's connection with Melchior Manlich, see Seibold, Manlich, 150-151. In the early seventeenth century, the bankrupt merchant Wilhelm Sitzinger aroused the ire of his creditors when he sold two houses in Augsburg immediately before his insolvency became public in 1602—one of them to his son-in-law Abraham Jenisch. *Stadtarchiv Augsburg, Stadtgerichtsakten*, No. 184, 194.

³⁵ Westermann, *Zahlungseinstellung*, 485-486.

lich and Sabina Schleicher were also accused of having sold or hidden many of their father's most valuable household goods.³⁶

For its part, the Augsburg city council found it hard to take a neutral stance in bankruptcy proceedings because a number of its members were usually related either to the insolvent merchants themselves or to their creditors. It was customary for partisan councillors to leave their seats when such cases came up for discussion, but after the failures of the Manlich and Ulstett firms, the council had to admit that it would not reach a quorum if the rule was strictly applied in these cases.³⁷ Therefore the council tended to encourage extra-judicial negotiated settlements even while it threatened insolvent merchants with punishment in several bankruptcy ordinances issued between 1564 and 1580,³⁸ and it is not surprising that external creditors often took a more uncompromising stance toward the bankrupts, while relatives, and fellow townspeople in general, tended to be more lenient. After Christoph Kraffter's insolvency in 1560, for example, his Strasbourg creditors insisted that he be taken into strict custody, while the imperial official Andreas Hannewaldt initiated legal proceedings against the bankrupt Welser brothers after 1614. Hannewaldt also insisted that the committee representing the Welsers' creditors did not include any of their relatives.³⁹

Finally, an examination of social relations and behavioral patterns in sixteenth-century bankruptcy cases has to take into account the importance of the notion of honor in early modern society. While his relatives described Hans Weyer as an honorable man (*Ehrn Mann*), some creditors had earlier insisted that Weyer had violated the basic principles of honor.⁴⁰ When a Munich merchant took Jakob Herbrodt and his sons to court for an unpaid debt of 5.000 florins in 1561, the younger Jakob Herbrodt protested that their creditor's suit constituted an unwarranted attack on his family's honor.⁴¹ In sixteenth-century urban society, honor was a complex concept

³⁶ Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert, vol. 33 (Stuttgart and Gotha, 1928), 233-234; Stadtarchiv Augsburg, Stadtgerichtsakten No. 109, fol. 28^r-29^v.

³⁷ StAA, Ratsprotokoll 33/II (1564), fol. 39^r.

³⁸ For these ordinances and their context, see Reinhard Hildebrandt, „Zum Verhältnis von Wirtschaftsrecht und Wirtschaftspraxis im 16. Jahrhundert. Die Fallitenordnungen des Augsburger Rates 1564-1580,“ in Anita Mächler et al., eds., Historische Studien zu Politik, Verfassung und Gesellschaft. Festschrift für Reinhard Dietrich zum 65. Geburtstag (Berne and Frankfurt, 1976), 153-160.

³⁹ Stadtarchiv Augsburg, Ratsprotokoll 31/II (1560), fol. 65^r; Müller, Verlauf, 43-44, 49.

⁴⁰ Stadtarchiv Augsburg, Stadtgerichtsakten No. 201, fol. 33^r; No. 30, fol. 32^r-33^r.

⁴¹ Bayerisches Hauptstaatsarchiv Munich, Reichskammergerichtsakten, No. 6579.

that not only pertained to an individual person's prestige, social standing, and creditworthiness, but to his family's and lineage's reputation as well.⁴² Thus, after the brothers Hans and Friedrich Rentz had become insolvent in 1544, their creditors insinuated that the bankruptcy might destroy the good name and reputation of the whole Rentz lineage,⁴³ and the brothers Hans, Eberhard, and Kaspar Zangmeister of Augsburg and Memmingen claimed that the collapse of their firm in 1560 had been caused by the failure of their distant cousins in Augsburg, who unfortunately had the same name as they did.⁴⁴ It was therefore not in the interest Hans Weyer's relatives that his honor and reputation be tarnished too much. Augsburg's city council was likewise concerned with maintaining the reputation of the city's leading families. When Hieronymus Welsler, a rather dissolute scion of a prominent patrician family, went bankrupt in the 1560s and it turned out that he had embezzled various sums entrusted to him, the council nevertheless decided not to punish him publicly on account of his family's name and standing. Welsler's family, in turn, had to fulfill their kinship obligations and provide for the bankrupt's sustenance.⁴⁵

Despite the value that contemporaries attached to kinship obligations, business failures sometimes caused the rupture even of close kinship ties. When Hans Georg Baumgartner became insolvent in 1565, for example, it was his brother Anton who consistently demanded that he be imprisoned and his goods sequestered until he had repaid all his debts.⁴⁶ After the Haug-Langnauer-Linck company expired in 1574, Ludwig Hörmann, who had married into the Haug family and had once been a member of the firm, worked hard for a mutually acceptable settlement with the firm's creditors, but his brother Anton Hörmann, who was allied by marriage to

⁴² There is a rapidly growing literature on the concept of honor in early modern society. See esp. Martin Dinges, „Die Ehre als Thema der Stadtgeschichte. Eine Semantik im Übergang vom Ancien Régime zur Moderne,“ *Zeitschrift für Historische Forschung* 16 (1989), 409-440; Martin Dinges, „Ehrenhändel als 'Kommunikative Gattungen.' Kultureller Wandel und Volkskulturbegriff,“ *Archiv für Kulturgeschichte* 75 (1993), 359-393; Klaus Schreiner and Gerd Schwerhoff, eds., *Verletzte Ehre. Ehrkonflikte in Gesellschaften des Mittelalters und der Frühen Neuzeit* (Cologne et al., 1995).

⁴³ Stadtarchiv Augsburg, Ratsprotokoll 22/I (1548), fol. 5^v-6^v.

⁴⁴ Westermann, *Zahlungseinstellung*, 476.

⁴⁵ Stadtarchiv Augsburg, Ratsprotokoll 36/I (1568), fol. 68^v. See also Stadtarchiv Augsburg, Urgichten, 1567c, Sept./Oct. (Hieronymus Welsler); Achilles Pirmin Gasser and Wolfgang Hartmann, *Der Weitberuempten Keyserlichen Freyen vnnnd des H. Reichsstatt Augspurg in Schwaben Chronica*. 3. Theil (Basle, 1596), 114.

⁴⁶ See Stadtarchiv Augsburg, Ratsprotokoll 34/II (1565), fol. 4^r-4^v as well as numerous entries in Ratsprotokolle 35/I-36/II.

the Manlich-Katzbeck group to which the Haugs owed a large amount of money, was strictly opposed to any compromise whatsoever. Conflicting kinship loyalties thus made opponents out of the two brothers in this particular case, and the exasperated Ludwig Hörmann could explain his brother's intransigence only in biblical terms: scripture, after all, taught that brothers were sometimes pitted against one another.⁴⁷

Business failures of urban merchants thus reveal the extent as well as the limits of kinship obligations in sixteenth-century upper Germany. While the bankruptcy of a merchant house and the accompanying loss of capital could be seen as a breach of trust and confidence vis-à-vis the bankrupts' own relatives, prevailing notions of familial honor and kinship solidarity as well as the close ties connecting the merchant community to the city council worked to promote mutual agreements and the restoration or maintenance of strained relationships. Nevertheless, a latent tension remained between individual economic interests and the requirements of kinship solidarity. In a famous episode in 1529, the elder Ambrosius Hoehstetter sent an urgent plea to his „dear cousin“ Anton Fugger to save his firm from imminent collapse. Anton Fugger was indeed related to Hoehstetter (both men had married into the patrician Rehlinger family), and he may have been the only person wielding enough financial power to avert his relative's downfall. Anton Fugger, however, evidently chose to remember Hoehstetter mainly for his aggressive attempts to push his own firm out of the European mercury market in the preceding years. Therefore he refused to see Hoehstetter's predicament in terms of kinship obligations and did nothing on his behalf.⁴⁸

Gender and business failure

One of the most striking impacts of merchants' bankruptcies on social relationships was their potential for inverting accepted gender relations. According to Lyndal

⁴⁷ „Ich hätt mich solches von meinem Bruder Anton auch nicht versehen, aber es muß die Schrift erfüllet werden, daß ein Bruder wider den andern sein muß.“ Hassler, Ausgang, 37-38.

⁴⁸ Götz Freiherr von Pölnitz, Anton Fugger, 5 vols. (Tübingen, 1958-1986), I, 159; Hermann Kellenbenz, „Anton Fugger (1493-1560),“ in Wolfgang Zorn, ed., Lebensbilder aus dem Bayerischen Schwaben, vol. 11 (Weißhorn, 1976), 46-124, esp. 68-69.

Roper, who in her studies of sixteenth-century Augsburg has emphasized the fundamental inequality of the sexes in the early modern city, the running of a business firm was closely associated with notions of masculinity. „In the early modern town,“ Roper writes, „maleness and business went together: the masculine sex was held to be the more rational, and the merchant exemplified rational decision-making.“⁴⁹ Wedding ceremonies in sixteenth-century Augsburg ritually articulated the asymmetrical relationship of men and women as well as social inequalities, and while a woman’s marriage portion (*Heiratsgut*) as well as her inherited property legally remained her own throughout her life, it was administered by her husband, who frequently invested it in his business. After the husband’s death, city law required the widow to be put under the care of two (male) guardians if the deceased had not explicitly exempted her from guardianship in his will.⁵⁰ With the advice of their guardians, wealthy widows frequently deposited their capital in merchant firms, often in those headed by their sons or sons-in-law.⁵¹ A firm’s failure therefore threatened not only its owners’ fortunes, but their wives’ and female relatives’ means of sustenance as well. Thus wives and widows often appeared in bankruptcy cases in the role of passive victims who were now threatened with poverty and social downgrading,⁵² and women who had lost their property in business failures were lucky if they could rely on the financial, legal, and emotional support of their kinship networks.⁵³

For bankrupt merchants, the failure of their firms could be an emasculating experience in the truest sense, an event that deprived them of their male rights and powers. Eberhard Zangmeister of Memmingen clearly sensed this when he protested against his brother-in-law’s appeal that the city council provide his wife with two guardians. According to Zangmeister, his reputation had already suffered severely

⁴⁹ Roper, *Oedipus and the Devil*, 125.

⁵⁰ Lyndal Roper, *The Holy Household: Women and Morals in Reformation Augsburg* (Oxford 1989), chap. 4.

⁵¹ In the case of the Weyer, Zangmeister, and Ulstett bankruptcies between 1557 and 1563, the insolvent merchants’ mothers were among the largest creditors: Stadtarchiv Augsburg, Stadtgerichtsakten No. 30, fol. 53^v; Notariatsarchiv Spreng I, No. 1; Westermann, *Zahlungseinstellung*, 511. Reinhard, ed., *Augsburger Eliten*, 850, 957, 980.

⁵² See, e.g., Paul Welsler’s appeal on behalf of his brother Matthäus in Johann Michael von Welsler *Die Welsler*, 2 vols. (Nuremberg, 1917), I, 254. Cf. also Müller, *Verlauf*, 62-65.

⁵³ In the wills they dictated in the 1570s, Christoph Mair’s widow Christina Hopfer and Ludwig Haug’s wife Lucia Mair acknowledged the support they received from their kinfolk in such situations. Stadtarchiv Augsburg, Notariatsarchiv Spreng XVI, No. 3; XVII, No. 62.

enough when his wife had turned the keys to their house over to the authorities, and he was unwilling to accept a further diminution of his male honor.⁵⁴ Similarly, the Augsburg city council's bankruptcy ordinance of 1580 associated business failures with the loss of male honor and male power when it decreed that bankrupts were to be excluded from „gatherings of honest people“ (*ehrlicher leuth Zusammenkünfften*) and had to take their seats among the women during weddings and funerals.⁵⁵

In his account of his brother Lukas' marriage, the merchant Christoph von Stetten also associated economic failure with notions of gender when he linked his brother's loss of business competence to his inability to assert his patriarchal authority over his wife. According to Stetten, his brother Lukas had embarked on a successful mercantile career in the 1520s, but had given up his commercial activities at the insistence of his wife. When he attempted to revive his business activities and engaged in some speculative ventures at Antwerp, he lost considerable sums in the bankruptcies of the Meuting and Hoechstetter firms and spent the rest of his days eating, drinking, and sleeping, while his wife domineered him and squandered their money. The implications of this account are clear: a merchant who failed to „rule“ his wife was bound to fail in business as well.⁵⁶

Yet despite women's inferior status before the law and contemporary associations of business with masculinity, merchants' wives often fulfilled important functions in their husbands' businesses. Their husbands routinely entrusted them with business transactions during their absence from home, and a number of merchants' wives kept the account books, participated in important commercial decisions, and even visited markets and fairs.⁵⁷ On the evidence of Nuremberg sources, Mathias Beer has emphasized the collaboration of husbands and wives as equal partners, the mutual respect and emotional warmth evident in family letters, and the support which husbands received from their wives in crisis situations.⁵⁸ Heide Wunder also

⁵⁴ Westermann, *Zahlungseinstellung*, 478-480.

⁵⁵ Stadtarchiv Augsburg, Ratsprotokoll 42/I (1580), fol. 39^r-40^r; cf. Hildebrandt, *Wirtschaftsrecht*, 159-160; Roper, *Holy Household*, 134.

⁵⁶ Hämmerle, ed., *Geschlechterbuch*, 71-75.

⁵⁷ Heide Wunder, „Er ist die Sonn', sie ist der Mond.“ *Frauen in der Frühen Neuzeit* (Munich, 1992), 125-130.

⁵⁸ 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), esp. 113-200; see also Mathias Beer, „Ehealltag im späten Mittelalter. Eine Fallstudie zur Rekonstruktion historischer Erfahrungen und Lebensweisen anhand priva-

characterizes the relationship between sixteenth-century husbands and their wives as one of reciprocal exchange.⁵⁹ Thus the inequality of upper German merchants and their wives was balanced by the requirements to cooperate in day-to-day activities and by the husband's recognition of his wife's business acumen. The wills of sixteenth-century provide glimpses of the resulting flexibility of gender relations.

Some merchants reaffirmed their belief in the inequality of husbands and wives in their wills. Thus the rich protestant merchant Hans Retzer named his son-in-law and his brother-in-law as guardians of his wife Antonia Occo in 1586 because in his view a woman was naturally unable to administer sizable property or decide important legal or economic matters on her own. Similar provisions were included in the wills of Andreas Possart and Hans Baptist Stenglin in 1588 and 1593.⁶⁰ Other merchants, however, were less hesitant to leave the management of their affairs to their widows. David Weiss, for example, named his wife Maria Stebenhaber as sole executor of his estate and explicitly freed her from the obligation to consult guardians on account of her proven abilities and good judgement.⁶¹ According to Augsburg's 1604 tax book, David Weiss' widow was among the richest inhabitants of the city at that time.⁶² Martin Zobel the elder, one of the most successful Augsburg merchants of his day, issued a general warrant to his wife Helena Occo shortly before his death in 1584.⁶³ Some merchants' widows even attempted to gain control over their deceased husbands' business affairs against their will. This seems to have been the case, for example, after the death of Lukas Rem in 1541.⁶⁴

The reciprocity and flexibility of gender relations in sixteenth-century upper German merchant families evident in these examples had important consequences in cases of business failures. Of crucial importance were the wife's property rights. The marriage portion, being legally her own property, was exempt from the bankrupt's estate, and the city authorities regarded wives' marriage portions, along with money

ter Briefe," *Zeitschrift für Württembergische Landesgeschichte* 53 (1994), 101-123; Stephen Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge/Mass., 1983), chap. 2

⁵⁹ Wunder, *Frauen*, 265.

⁶⁰ Stadtarchiv Augsburg, Notariatsarchiv Spreng XXXV, No. 99; XXXIX, No. 55; XLVII, No. 30. For biographical data on these merchants, see Reinhard, ed., *Augsburger Eliten*, 638-639, 697-698, 801-802.

⁶¹ Stadtarchiv Augsburg, Notariatsarchiv Spreng XXVI, No. 52.

⁶² Stadtarchiv Augsburg, *Steuerbuch 1604*, 99d. Cf. Reinhard, ed., *Augsburger Eliten*, 900-901.

⁶³ Reinhard, ed., *Augsburger Eliten*, 1002-1003.

⁶⁴ Wunder, *Frauen*, 126.

belonging to foster children or public institutions, as „privileged debts“ whose payment had priority over other claims to the bankrupt's estates. Therefore, if a wife claimed her whole property, she might be able to support her family from it; but if she relinquished part of it or yielded her claim to priority, she might aid the settlement of the case. The handling of the marriage portion consequently became a central issue in many bankruptcy proceedings and illustrates the flexible character of debt settlements in sixteenth-century imperial cities. When the bankrupt Hoehstetters offered to cede their property to their creditors after the failure of their business in 1529 on the condition that their wives' marriage portions be exempted, the creditors refused to comply, and one chronicler suggests that the Hoehstetter women's notoriously ostentatious life-style made the offer appear particularly offensive.⁶⁵ Eberhard and Kaspar Zangmeister's wives initially insisted that their „female liberties“ be recognized, but eventually relinquished their claims to their insolvent husbands' estates in the Zangmeisters' contract with their creditors.⁶⁶ The contract concluded between the merchants Anton and Wilhelm Sulzer and their creditors in 1590 struck a compromise between both sides: the Sulzers' wives relinquished 12.000 florins out of their privileged claims amounting to approximately 32.000 florins.⁶⁷ Two years later, the wives of the owners of the bankrupt Jenisch firm agreed to be treated equally with all other creditors.⁶⁸ Sometimes a wife's decision to cede her property claims to her husband's creditors led to conflicts with her own relatives. Thus Regina Sulzer aroused the ire of her mother when she relinquished her marriage portion of 3.500 florins on behalf of her indebted husband Ludwig Haug in 1574 and supported the imprisoned Haug financially. Since Regina Sulzer acted against her mother's advice and consent, her maternal inheritance was placed into the hands of guardians.⁶⁹

Like Regina Sulzer, Christoph Tiefstetter's wife Magdalena Herbrodt tried to assert her own economic competence after her husband's bankruptcy in 1571. Magdalena adamantly resisted the city authorities' orders that the family's estate be placed under guardianship and repeatedly complained that the guardians were not admini-

⁶⁵ Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert, vol. 23 (Leipzig, 1894), 223.

⁶⁶ Westermann, *Zahlungseinstellung*, 478-479, 498-502.

⁶⁷ Stadtarchiv Augsburg, Personensekt Sulzer.

⁶⁸ Stadtarchiv Augsburg, Kaufmannschaft und Handel, Fasz. VII, ad No. 28, 19-26.

⁶⁹ Stadtarchiv Augsburg, Notariatsarchiv Spreng XV, No. 41.

stering her children's affairs astutely and diligently. According to Magdalena Herbrodt, the two guardians had sold an Alsatian mine too cheaply, had wasted money on construction work at her family's house, and had made questionable interest payments. The angry wife was convinced that nobody could manage her family's affairs as well as she could. Not surprisingly, the city authorities sided with the guardians.⁷⁰

The wills of two merchants' wives, Lucia Mair and Barbara Haintzel, demonstrate how thoroughly sixteenth-century women understood the consequences of business failures for gender roles and social relations. When Lucia Mair, wife of the insolvent Matthäus Haug, dictated her testament in 1577, she left 100 florins annually to her husband for his maintenance and ordered that her children continue to respect and obey their father instead of blaming him for the unfortunate outcome of his mercantile career.⁷¹ In the will she prepared in 1576, Barbara Haintzel, the wife of Melchior Manlich the younger who had lost his property in his father's bankruptcy in 1574, gave her husband life-long possession of her property and threatened her children with sanctions if they should disobey their father, challenge his possession of her property, or blame him for ill his fortune. Reflecting on the consequences of her husband's bankruptcy, she considered it her duty to remain faithful and loyal to him even if he now had to leave his home town and seek employment elsewhere.⁷² Both women knew that a man's bankruptcy implied an inversion of accepted gender roles, but they apparently were unwilling to take full advantage of this situation.

Conclusion

Lucia Mair's and Barbara Haintzel's affirmations of the familial duties of wives and children to the head of the household in crisis situations like business failures highlight a crucial aspect of social relations in early modern central Europe. As this essay has attempted to demonstrate, merchants' bankruptcies can be interpreted as crises in social relations, incidents in which the dense, multiplex social networks of

⁷⁰ Stadtarchiv Augsburg, Kleines Pflugschaftsbuch 1572-1576, pag. 237-240, 249, 335.

⁷¹ Stadtarchiv Augsburg, Notariatsarchiv Spreng XVII, No. 62. Cf. Hassler, Ausgang, 33.

⁷² Stadtarchiv Augsburg, Notariatsarchiv Spreng XV, No. 44.

sixteenth-century upper German urban elites were strained and tested. While business failures shattered careers and frequently resulted in years of bitter conflict, examination of the records documenting bankruptcy proceedings in the city of Augsburg reveal many conscious attempts to maintain the honor of the insolvent persons' families and restore harmony within the kinship network. As often as not in sixteenth-century bankruptcy cases, merchants and their wives reaffirmed the traditional values of kinship solidarity, harmonious social relationships, and the patriarchal family. The crisis situation of a business failure thus provides the historian with a fresh, although hitherto neglected perspective on the meanings of kinship and gender in early modern societies.



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