

Public Discourse and Political Content

The Narrative of *Good Governance* in Transylvanian Saxon Towns in the Second Half of the Sixteenth Century

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THIS STUDY examines the implementation of the ‘good governance’ paradigm, as denoted by the early modern German term ‘Gute Policey,’ in Transylvanian Saxon towns during the second half of the sixteenth century. To address issues arising in various areas of municipal administration, urban authorities created normative regulations. In more comprehensive urban statutes, individual measures were sometimes introduced by lengthy preambles in which the authorities stated the aims of their rule-making, and which also included concepts about governmental instruments and political narratives. Both Protestant theological concepts regarding the divine origin of the exercise of power and the legal-political argumentative toolkit of *Gute Policey* ordinances are among the urban governance principles listed in the normative texts. I will argue that the political elite consciously used the narratives of these two approaches depending on the emerging political context.

The term *Gute Policey* refers to early modern German imperial, princely, and also municipal laws, which were primarily embodied in administrative regulatory provisions, or often in private and criminal law norms as well.¹ As Wolfgang Wust pointed out, considering its historical development, the term first appeared in the regions of the German-Roman Empire, beginning with the imperial decree of 1495 (Worms), followed by the police ordinance titled *Der Römisch-Kayserliche Majestät Ordnung und Reformation guter Policey, zu Beförderung des gemeinen Nutzens* that was adopted at the Diet of Augsburg in 1530, and in its enlarged form in 1547/1548. The ordinance was again revised and amended in 1577—*Die Reichspolizeiordnung vom 9. November 1577. Der Römischen Keyserlichen Maiestat reformirte und gebesserte Policey Ordnung*—as a legal framework law,² to which the police regulations of individual territories of the empire had to be aligned.³ However, despite 30 years of intensive research, their genre classification remains an open question. Its roots lie in the imperial reform debate of the late fifteenth century, the principles of the Peasants’ War, and old collections of urban regulations, village laws and court decisions.⁴ Karl Härter, one of the legal historians who initiated the publication of repertoires of early

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modern police ordinances, demonstrated that urban regulatory provisions had been formulated in countless similar ways since the second half of the fifteenth century.⁵

As it was generally understood in the early modern period, the concept encompassed those governmental-political elements that the ruling authorities established for creating and maintaining security, good behavior, and external and internal social order, specifically for the general benefit of ‘civil life.’ Such provisions were aimed at the long-term regulation of social conduct; the concept of *Policey* meant not only the creation of order, but also the means of achieving it through the establishment of institutions exercising social control, as well as through the communication of symbolic messages dominating public discourse.⁶ During the nineteenth century, from the concept of *Policey*, which underwent a metamorphosis, developed *Policia*, the police force, when the spectrum of the early modern concept narrowed in content, losing its normative and legislative character, to become the executive organ of internal and external social security that deals with citizen safety and the maintenance of public order.⁷

Policey, a concept and a phenomenon, manifested itself primarily through normative documents. Within such texts, it most frequently appears as ‘order’ (*Ordnung*), but also as *articuli*, statutes, regulations, instructions and old customs (*gute Gewohnheiten*), without there being a strict typology of usage. These ordinances primarily served practical purposes, regulating issues that arose in various administrative areas, while also establishing the functioning and procedures of the institution responsible for its implementation. They had in common a revocable or repeatable nature; the authorities could change the text of the regulations flexibly and as often as necessary. At the same time, good order and policing were also instruments of political representation; it was also a means of communicating political narratives through which the authorities gained exposure in achieving their governmental goals. Reasons for rule-making and the use of regulatory tools to create social order are given in the preambles to overarching urban statutes (constitutions), as well as in reasonings for simple council decisions. According to Wolfgang Wüst, the *Policey* was essentially a new form of communicating general norms and values⁸—what we would today call political communication aimed at influencing the community’s value choices and identity construction. The ideal of a ‘good governance’ legitimized the exercise of power by the authorities, creating the image of a caring authority in the distribution of tax burdens and services, thus ensuring the common good and equitable justice.

Regarding the historical study of this par excellence early modern phenomenon in Transylvanian contexts, Mária Pakucs-Willcocks conducted groundbreaking research. She traced the forms of this conception of political order and its Saxon urban manifestations throughout the development of the Sibiu administration. She demonstrated that in the text of the statutes of Transylvanian towns, the term *gute Policey* appeared expressis verbis for the first time in 1581 in Sibiu, in the *Pollicey und Zuchtordnung vnd straffen allerley handtwerkßknechten vnd studenten auch kauffknechten ihñ der Hermannstadt*, in which the authorities ordered a series of disciplinary measures.⁹ The emergence of the term in Transylvanian Saxon towns, and its subsequent, albeit not simultaneous, implementation was, naturally, not unprecedented. The model spread from German-Roman territories and imperial cities, and it is no coincidence that the first Transylvanian examples emerged in Saxon urban centers, given the linguistic and customary law affinities. Nevertheless, the term it denotes first appeared in 1537 in the Upper Hungarian mining town of Kremnitz.¹⁰

The Hungarian equivalent of the term also appeared in Cluj in 1590 as *jó rendtartás* (good order),¹¹ and a few years later, we encounter it in the Szekler town of Târgu Mureş. The intention was to adopt the same model as that provided by the union of 'well-ordered towns' (i.e., those belonging to the Saxon University), in order to establish civil conditions in the settlement.¹² However, the term's later emergence in Transylvania does not negate the fact that the concept of political order and its iterations were similar to, and contemporaneous with, the realities experienced by urban communities in Germany and Western Europe.¹³ There are numerous documents showing that the Transylvanian town councils developed their own large-scale norms. Already at the beginning of the sixteenth century, we find regulations (at the level of urban and regional representation), which already formulate some typical prohibitions—no swearing, gambling, excessive drinking at baptisms and weddings—, but the statutes of the guilds and especially of the guild fraternity also contain numerous prescriptions regulating the behavior at festivities and on the streets.¹⁴ By the end of the sixteenth century, the range of measures taken in response to specific problems had broadened to cover almost the entire thematic realm of public order. This included the regulation of markets, public safety measures, tavern keeping, feast day celebrations, luxury and excess, the avoidance of work, the prohibition of gambling and fornication, nighttime curfews, price controls and wage limits, the standardization of weights and measures, public health and sanitation measures, and street cleaning. However, subject-specific regulations, such as those relating to luxury, clothing, neighborhoods, weddings and burials, only emerged in Transylvanian towns from the second half of the seventeenth century onwards (the neighborhood regulations of Sibiu and Sighişoara date from 1652 and 1665 respectively, the Braşov *Lohn-, Kleider-, Leichen-, Hochzeits- und Wein-Ordnung* of 1667 was already in circulation in printed form, the wedding limitations of Sibiu of 1685 and the *Policeyordnung* of 1697 are also notable).¹⁵ With the consolidation of the Habsburg administration and the adoption of a more sophisticated official language, comprehensive regulations also emerged (1723 and 1741: *Kleider Ordnung* and *Nachbarschafts Artikel* in Orăştie, 1752: *Kleyder und Policey Ordnung* in Sibiu, 1755: *Neü Stabilierte Kleider und Pollizey Ordnung der Stadt Schüz-Burg*, etc.).¹⁶ Due to the limited number of provisions relating to *oeconomica* that have survived in the council minutes, it is impossible to determine the exact number of similar regulations. However, countless records of this type are found in court minutes, guild registers, account books and church documents, sometimes in the form of marginal notes. These rules were enforced by the authorities, and violations were punished. The town government implemented its social security and welfare policies through repeated disciplinary measures.

Like the adoption of imperial German laws, the Reformation had a most significant impact on the creation of urban public order norms, especially with regard to public morality and disciplinary measures. Mária Pakucs-Willcocks demonstrated that the *Kirchenordnung aller Deutschen in Siebenbürgen* (the 'Church Order of all Germans in Transylvania'), an ecclesiastical ordinance compiled by Johannes Honterus and adopted by the Saxon University in 1547, influenced the political discourse and activity of town councils. A new political language emerged as a result of the cooperation between the political and ecclesiastical authorities of the Transylvanian Saxons—the language of political responsibility, in which the town leaders assumed their governmental role and divine mission for governance.¹⁷ Lutheran towns elsewhere experienced a similar and comparable scenario. The

articles of the 1546 Synod of Prešov, convened by the towns of Upper Hungary, clearly state that the town council should be the true guardian of divine law.¹⁸ In accordance with the new teachings, church administration (supervision of ecclesiastical property administration), poor relief, and school affairs came under the control of the town councils—the town’s account books preserve numerous traces of these tasks. The process culminated in 1572 with the adoption of the *Formula Pii Consensus*—a document that created the consolidation of Lutheran identity (the establishment of a unified Lutheran confession) for the Transylvanian Saxons—which invested political authorities with the task of implementing the new teachings in practice.¹⁹ Implementing religious change greatly increased the town council’s governmental power. Since Protestant legal thinking viewed unbridled behavior and disobedience as breeding criminality, the prohibitions covered a wide range of behaviors and actions. Regulations concerning public morals, which aimed to curb fornication, idleness, gambling, and nighttime revelry, commonly appeared in the ecclesiastical ordinances (*Kirchenordnungen*) of the last third of the sixteenth century.²⁰ At the same time, the two authorities—the secular and the ecclesiastical—issued ordinances on similar topics jointly (*Burzenländer Zucht, Ehe- und Erbbordnung*, 1572, *Gemeinsame Artikel der Generalkirchenvisitation*, 1577).²¹ The secular authorities punished and imprisoned those who violated moral norms,²² while pastors proclaimed the town council’s measures from the pulpit. Daniel Conrad of Engether, a preacher at the Sibiu hospital church, for example, would later record the sumptuary regulations of 13 July 1736, which he had read aloud from the pulpit, in his diary-like chronicle.²³

The self-aware Saxon elite were interested not only in practical matters, but also in the theoretical aspects of secular and ecclesiastical governance. ‘Good governance’ was a popular topic of public discourse, and participation in public affairs attracted considerable attention. In his sermons recorded between 1554 and 1578,²⁴ Damasus Dürr (1535/1537–1585), a former preacher in Sibiu and priest in Apoldul de Jos, gives voice to the ideal that wise, just and reasonable governance can only arise from a public official who holds divine laws in high regard.

God goes into the council house with righteous judges, and sits within at the side. He sees their deeds and hears their words. God remains with those who act rightly according to his will. He governs their hands and counsels them, giving them wisdom and understanding so that the land and its people are preserved from enemies and harm.

He holds a similar view on the administration of justice. “In all well-ordered governments—he says—an equal custom is maintained in defense, judgement, accusation and condemnation.” Secular authorities must act strictly when investigating crimes, and fornication and adultery must be punished.²⁵ At the same time, Dürr strongly condemns the abuse of power, the arrogance and exploitation of local leaders, and a manner of governance that is satisfied with mere appearances at all official levels, which are not aligned with God’s law.²⁶

The way in which Dürr links virtues and laws when explaining the profile of a public official resonates with patterns that dominated public discourse in other Lutheran urban communities in the former territories of the medieval Kingdom of Hungary. Leonhard Stöckel (1510–1560), a school rector and reformer in Bardejov, wrote school dramas, commentaries and sermons about the manner of governance, the tasks and responsibilities of the council, and the effective exercise of power, published in this period (1578).²⁷ Ad-

hering to the teachings of Melancthon, he defines the city council as a divinely ordained authority to which subjects must be obedient according to natural law. From this point onwards—as Barnabás Guitman explains—the magistracy, which derives its legitimacy from being elected by the citizens, could ascribe a more decisive divine origin to its office than ever before. In practice, this dual legitimization gave town councilors a powerful tool with which to exercise power effectively. After all, in keeping with this line of reasoning, anyone who disobeys the divinely ordained authority is disobeying God.²⁸ It cannot yet be demonstrated that Dürr was familiar with Stöckel's ideas. However, his private library that ended up in the Brukenthal Museum could provide good reference points for researching possible intellectual influences.²⁹ During his academic pilgrimage to Wittenberg, Dürr was accompanied by Christian Schesaeus (1535/1537–1585), who had previously been Stöckel's student in Bardejov,³⁰ and who compiled the most detailed information about Stöckel's life into an elegy (1563).³¹

In terms of the legitimacy of political governance, the town magistrates adopted the arguments of the reformers, incorporating the Protestant theological justification of political power into public consciousness. “Just as the divine testimonies bear witness that authority is an institution and order of God, so too should the annual installation and election of the same be conducted according to the will of God, who loves order and concord”—states the preamble to the 1555 statute of the Braşov Town Council. The town council's article book, the *Decretale Coronensium*, which was prepared during the judgeship of Johann Benkner (?–1565) in Braşov,³² was specifically drafted to cover statutes relating to urban governance.³³ The ordinance ‘On the Annual Election of Authorities or Council in Braşov’ (*Von der jährlichen Erwählung der Obrigkeit oder Raths in Kronstadt*) reiterates and supplements the city's old regulations, which were framed in line with the new governmental communications.³⁴ The decision to compile a book containing the city's fundamental laws is thus justified in the preamble to the council election decree:³⁵

*Holy and human laws and writings tell us that the primary duty of worldly authority is to establish good laws and to uphold and protect those that have been found useful, applying prudence and justice to serve everyone equally. It is also fitting that an authority should provide the people with a law or statute that they can understand and live by. Therefore, not without good counsel, one has wished to make and establish this article or ordinance concerning the manner and form of annually installing new councilors at the customary time as a beginning of this city decree book or common city ordinances. For it is also known and evident from experience that a God-fearing, united, and blessed beginning is followed by a praiseworthy and good government, with a just administration for the common good and the rights of all.*³⁶

That urban authorities kept separate books for preserving the city's fundamental laws can also be documented in Sibiu. The booklet established for this purpose, begun in 1541, was titled *Statuta ader Ordnungk der statt Hermanstatt* by the city's then clerk, and it also begins with a statute regulating the jurisdiction of the town council.³⁷ The 22-folio booklet also served representational purposes, as evidenced by its ornate parchment cover, indicating the intention to give the norms recorded here a special status compared to the other town books or protocols.³⁸ Only two other statutes were added to this Sibiu booklet later: the 1589 town constitution, which explicitly contains the wording *gute Ordnung und*

Policey, and the 1631 statute.³⁹ The city's two main representative institutions—the town council and the council of the Hundred, which provided broader representation of the citizenry—unanimously and irrevocably adopted all these statutes as binding regulations.⁴⁰

As well as the mandate received from the townspeople, other narratives supported the legitimacy of power by providing a theoretical basis for good governance. As evidenced by the political goals outlined in the preambles to town statutes—considered fundamental laws—alongside the constitutional meaning of legitimate governance, attention increasingly turned to the substance of governance. It was considered good when the authorities enacted laws that were 'good' and 'useful,' also in a moral sense. Enacting good laws was one of the primary duties of every town council, and in establishing 'common ordinances' (*gemeine Satzung*) the ideal and the practice of governance were not separated. In this regard, the council's mandate should also be viewed as an act of encouragement, given that the preamble to the 1555 *Decretale Coronensium* addresses local leaders in this way:

*For your common estates to flourish, for the government to be just and prosperous, and for internal or civil discord, which leads to the ruin of the common estate, to be avoided and prevented, so that a common union may be maintained, much will depend on you, yes, on you, who fulfil God's and the common duties and responsibilities.*⁴¹

The town leaders therefore take responsibility for maintaining the city's order through legislation. Political texts from Sibiu also emphasize the town council's role in enacting useful laws for this purpose. The Sibiu statute of 1589 sets out the complex theory of the urban policy in a lengthy preamble. It emphasizes the role of law in enabling the free development of society, and consequently in maintaining economic prosperity. Good public order fosters unity among citizens, and the establishment of good law and order is viewed as a political decision made for the benefit of the polis.⁴² Thus, the legislative power and latitude of the town leaders is considered an indispensable condition for the citizens' well-being, as the statute explains: "For he who does not use his freedom and privileges, misuses the same. *Qui non utitur, abutitur.*"⁴³ According to Mária Pakucs-Willcocks, we should recognize Albert Huet (1537–1607), the royal judge of Sibiu and Transylvanian Saxon *comes*, as the intellectual author of this charter, who played an outstanding role in introducing the new political terminology of good governance.⁴⁴ Presumably thanks to his long chancellery practice at the Habsburg court, his arguments feature the imperial principles of good governance more prominently than the usual Protestant theological ideas regarding the divine origin of the exercise of power. Outlining the ideal city, the text of the statute presents legal-political arguments. It identifies two conditions that underpin the unity of the Saxon nation: possession of royal land ("this German land"), granted by ancient kings and emperors in exchange for the loyal and courageous service of past generations (here, Huet is undoubtedly referring to the *Diploma Andreanum*);⁴⁵ and the upholding of old and useful laws and customs developed by the community. It lists the virtues that the authorities boasted of: they built towns, boroughs, and villages, which in some places were fortified, and they maintained good order, for which they received confirmation from the kings. In its interpretation of custom, the text of the statute links the concepts of good and old: a custom was good because it was old and had been practiced for a long time, and its long use proved that it met the expectations of society; it was

old because it was good, because if it had not been good, it would not have been used.⁴⁶ However, the Sibiu statute emphasizes the importance of passing on good customs “from father to son, from the beginning and from now on from heir to heir,” and good customs ensure the preservation of this transmission, thanks to which the town, which is the capital of the other Saxon cities, “remained in peace and unity.”⁴⁷ In this sense, good customs are part of the city’s own heritage, which entitles the legislator to adopt rules that ensure their protection, thus avoiding divisions among citizens. Such a determination of guidelines for urban governance was probably necessary because it incorporated a politically sensitive (and theologically inconclusive) issue into the regulatory ordinance, thereby making it a matter of public policy: the regulation of the situation of foreign settlers residing in the town. The statute made the settlement of non-citizens in the town dependent on the council’s approval and prohibited them from acquiring or disposing of urban real estate (particularly those with noble privileges and tax exemptions).

Regardless of the town ruler’s intentions, the spread of arguments and political narratives is also demonstrated by Damasus Dürr, in the examples used in his sermons. Speaking out against the arrogance and abuses of authorities and giving voice to the Protestant teaching that the government is not fulfilling its duty, and that God should be feared more than men, he states:

*Judges and officials burden subjects with extraordinary taxes, peculiar city privileges with harsh interest rates, and taxes on citizens and settlers. But, to ensure that no one smells the roast, they have something built in the city, repairing gates and walls so that one sees a purpose for which the money has been invested. Many councilors go diligently to church, hear sermons and partake in the holy sacraments, but are meanwhile skinners and oppressors of the poor; their own benefit rests more in their mind than the common good.*⁴⁸

Conclusions

Scholarly literature unanimously agrees that, although the term ‘police’ appeared relatively late in Transylvania, the Saxon towns, similar to the German-populated towns in the medieval Kingdom of Hungary, adopted the political ideal of public order indicated by the early modern imperial concept of *Gute Ordnung und Policey*, together with its governmental elements and political instruments, almost simultaneously. At the same time, the process of establishing urban social norms was influenced by the Protestant reformers’ ideas about the divine origin of town council power. The literate elite also played a significant role in promoting new ideas for governmental purposes. Many of them later became holders of high town offices and maintained relations with the imperial administrative circles—Albert Huet, royal judge of Sibiu and Saxon *comes*, is a particularly noteworthy example. Comprehensive urban statutes and constitutions were formulated in the urban chancelleries and entered into separate town books. As well as regulating emerging administrative issues, these articles reviewed, systematized, rewrote or reframed old regulations in accordance with new governmental objectives. The books containing the most important statutes of the towns were bound in ornate covers and preambles were written before articles as a sign that normative power was seen as a means of exercising authority.

Dating from an early period, two such town books reflect this governmental and political intent, as both began with the recording of statutes that regulated the authority and election of the town council. The analysis of the preambles preceding the comprehensive regulations demonstrates that town councils adopted Protestant theological arguments regarding the divine origin of exercising power to justify council election rules. However, when political decisions had to be justified, they turned to the legal-political toolkit of *Gute Policey* narratives. An example of this is Sibiu's 1589 statute, which regulated the settlement and property ownership of foreigners. The argumentation of the regulations also found resonance in other spheres that shaped public discourse. Damasus Dürr, a priest in Apoldu de Jos, often referred to the governmental narratives of urban authorities in his sermons, formulating their local, and by extension ecclesiastical, critique. □

Notes

1. Wolfgang Wüst, "Policeyordnungen," *Südwestdeutsche Archivalienkunde*, URL: <https://www.leo-bw.de/themenmodul/sudwestdeutsche-archivalienkunde/archivaliengattungen/texte/rechtstexte/policeyordnungen> (Stand: 24.01.2017. No. 267 PDF).
2. *Die Reichspolizeiordnung vom 9. November 1577. Der Römischen Keyserlichen Maiestat reformirte und gebesserte Policey Ordnung / zu befürderung gemeines guten, bürgerlichen wesen und nutzen / auff Anno Domini M. D. LXXVII. zu Franckfort gehaltenem Reichs Deputation tag verfast und auffgericht.*
3. For the current edition, which also provides an overview of the history of imperial police regulations and their printing, see: Matthias Weber, *Die Reichspolizeiordnungen von 1530, 1548 und 1577. Historische Einführung und Edition* (Frankfurt am Main: Klostermann 2001).
4. Wüst, "Policeyordnungen," 1.
5. Karl Härter, "Statut und Polizeyordnung: Entwicklung und Verhältnis des Statutarrechts zur Polizeygesetzgebung zwischen spätem Mittelalter und Früher Neuzeit in mitteleuropäischen Reichs- und Landstädten," in *Von der Ordnung zu Norm. Statuten in Mittelalter und Früher Neuzeit*, edited by Gisela Drossbach (Paderborn: Schöningh, 2010), 127–152, 127.
6. Karl Härter, "Security and 'gute policey' in early modern Europe: concepts, laws and instruments," *Historical Social Research* 35, 4 (2010): 42. DOI: 10.12759/hsr.35.2010.4.41-65.
7. Härter, "Security and 'gute policey,'" 42; Wüst, "Policeyordnungen," 5.
8. Wüst, "Policeyordnungen," 5.
9. Mária Pakucs-Willcocks, *Sibiul veacului al XVI-lea. Rânduirea unui oraș transilvănean* (Bucharest: Humanitas, 2018), 58. For the edition including the regulations, see: Franz Zimmermann, "Das Register der Johannes-Bruderschaft und die Artikel der Hermannstädter Schusterzunft aus dem 16. und 17. Jahrhundert," *Archiv des Vereins für Siebenbürgische Landeskunde* 16, 2 (1881): 415–416.
10. Béla P. Szabó, "Polizei in Ungarn und Siebenbürgen im 16.–18. Jahrhundert," in *Europäische Impulse in der Entwicklung der Rechtskultur im Karpatenbecken. Ausgewählte Studien*, edited by Béla P. Szabó (Budapest: Gondolat, 2023), 387.
11. Júlia Derzsi, "A városi statútumok és a közrendészeti szabályalkotás kapcsolata az erdélyi városokban a 16. század második felében," in *Certamen I. Előadások a Magyar Tudomány*

- nápián az Erdélyi Magyar Múzeum-Egyesület I. szakosztályában*, edited by Emese Egyed, László Pakó, and Attila Weisz (Kolozsvar: Erdélyi Múzeum-Egyesület, 2013), 225.
12. Árpád-Botond György, "A Szekler Town in Transylvania: The Statutes and Town Book of Târgu Mureş in the Seventeenth Century," in *Towns between Empires Good Governance and "Police" in Case Studies from Transylvania, Wallachia, and Moldavia, 1500s–1800s*, edited by Mária Pakucs-Willcocks and Julia Derzsi (Budapest–Vienna–New York: CEU-Press, 2025), 163.
 13. Pakucs-Willcocks, "Sibiul," 60.
 14. Julia Derzsi, *Delict și pedeapsă. Justiție penală în orașele săsești din Transilvania în secolul al XVI-lea* (Cluj-Napoca: Egyetemi Műhely Kiadó, Bolyai Társaság, 2022), 73–75.
 15. One such document, for example, was published in Braşov in 1677: *Schluss und Edict eines Ehrsahmen Fürsichtligen und Wohl-Weisen Senats in Kron-Stadt. Wie man sich in der Stadt und auff dem Lande des Burzenländischen Reviere, in gewissen Umständen, die Lohn-Kleider- Leichen- Hochzeit- und Wein-Ordnung betreffend verhalten soll dafern man ungestraft bleiben will. Von der löblichen Hundertmannschafft erwählten Stadt acceptieret und bewilliget. Gedruckt 1677 Kron-Stadt*.
 16. *Corpus Statutorum Hungariae Municipalium*, vol. I, edited by Sándor Kolosvári and Kelemen Óvári (Budapest: MTA Történelmi Bizottmánya, 1885), 607, 614, 616, 626.
 17. Mária Pakucs-Willcocks, "Honterus Reformációskönyve és ennek hatása az erdélyi városi magisztrátusokra," *Kelet-Közép-Európai Történelmi Tanulmányok* 2, 1 (2024): 39–55. DOI: 10.46438/ECEHS.2024.1.39.
 18. Barnabás Guitman, "A magisztrátus kötelességei és feladatai Leonhard Stöckel államelméletének tükrében," *URBS: magyar várostörténeti évkönyv* 15 (2020): 92.
 19. It was based on the unaltered version of the Augsburg Confession, edited by Philip Melancthon in 1530. According to Article XVI of the *Formula*, the main duty of a pious political magistrate was to preserve peace and order and defend the faith. Ulrich Andreas Wien, "Rezeption der Wittenberger Theologie in Siebenbürgen: Die Formula Pii Consensus 1572," *Zeitschrift für Siebenbürgische Landeskunde* 38 (2015): 37–47.
 20. Martin Armgart and Karin Meese, ed., *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts, 24. Siebenbürgen. Das Fürstentum Siebenbürgen. Das Rechtsgebiet und die Kirche der Siebenbürgen Sachsen* (Tübingen: Mohr Siebeck, 2012)
 21. Armgart, *Die evangelische Kirchenordnungen*, 326, 414.
 22. For specific examples, see: Pakucs-Willcocks, "Sibiul," 142.
 23. *Wegen allzugroßer Kleider-Pracht ist folgendes öffentlich. Cantzel der Hermannstädtischen großen Kirche Dominica 7. Trinitatis abgelesen werden. Fortsetzung der Chronik von Johann Seivert*. Serviciul Județean al Arhivelor Naționale (Romanian National Archives, hereafter SJAN) Sibiu, Colecția Brukenthal, DD3, No. 173, 128–129.
 24. Albert Amlacher, *Damasus Dürr: Ein evangelischer Pfarrer und Dechant des Unterwälder Kapitels aus dem Jahrhundert der Reformation* (Hermannstadt: Joseph Drotleff, 1883), 33–34. A complete critical edition of Damasus Dürr's sermons is forthcoming. For more information about this work, see: Martin Armgart, "Die Edition der Predigten von Damasus Dürr," in *Common Man, Society and Religion in the 16th Century / Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert*, edited by Ulrich A. Wien (Göttingen: Vandenhoeck & Ruprecht, 2021): 323–336.
 25. Amlacher, *Damasus Dürr*, 35.
 26. "However, where ambitious, self-serving loudmouths sit in office and do not have God's commandments and laws before their eyes, one might think that Almighty God has

- withdrawn from such rulers. They care little for justice and act like the tyrant who said: Sic volo, sic jubeo. ‘Thus I will it, thus I command: as I think, so shall it be. I now hold the mace, and it shall be as I will. When another comes into office after me and seizes the mace, let him also do as he pleases.’ When wealthy lords obtain offices and sit on high benches on carpets, they often become defiant and arrogant, thinking they are the wisest people in the world and that whatever they do is right and well done.” Amlacher, *Damasus Dürr*, 34. An analysis of Damasus Dürr’s sermons in relation to the relationship between the Church and the secular authority can be found here: Ulrich A. Wien, “Supervision of ‘Authority’ and ‘Community’ by the Church as a warden of order The Positioning of Damasus Dürr between demand and reality,” in *Common Man, Society and Religion in the 16th century / Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert*, edited by Ulrich A. Wien (Göttingen: Vandenhoeck & Ruprecht, 2021): 363–381.
27. Barnabás Guitman, “Politiae Sunt Opera Dei—Leonhard Stöckel’s Doctrine of the Government,” *Acta Universitatis Sapientiae, European and Regional Studies* 15 (2019): 47–61, 57.
 28. Guitman, “A magisztrátus kötelességei,” 89.
 29. Gustav Gündisch, “Die Bibliothek des Damasus Dürr,” in *Aus Geschichte und Kultur der Siebenbürger Sachsen*, edited by Gustav Gündisch (Cologne, Vienna: Böhlau Verlag, 1987), 340–350.
 30. Thomas Nögler, “Christian Schesäus,” in *Taten und Gestalten. Bilder aus der Vergangenheit der rumäniendeutschen*, edited by Dieter Drotleff (Cluj-Napoca: Dacia Verlag, 1983), 114–116, 114.
 31. Christianus Schesaeus, *Oratio Describens Historiam Vitae Praecipvam Clarissimi Viri Leonharti Stöckelij, Rectoris Scholae Bartphensis, fidelissimi, qui obiit Die VII. Iunii, Witebergae, Iacobvs Lucius Transylvanus, 1563*: Barnabás Guitman, *Hit, hatalom, humanizmus. Bártfa reformációja és művelődése Leonhard Stöckel korában* (Budapest: Szent István Társulat, 2017), 209–219.
 32. Gernot Nussbächer, “Johann Benkner,” in *Aus Geschichte und Kultur der Siebenbürger Sachsen*, edited by Gustav Gündisch (Cologne, Vienna: Böhlau Verlag, 1987), 85–90, 87.
 33. The article book has not survived in its original form, only in a copy made by Marcus Tartler in 1723 (*Decretale Coronensium hoc est Liber Senatus consultorum seu Plebiscitorum Civitas Coronensis, per Senatum et Centumviros retractatorum 1555*). This manuscript was part of Josef Franz Teutsch’s rich collection (IV.E1.Tq.101, 41–76) in the archives of the Black Church in Braşov (Honterus Archive). In the 924-page set, we find various other materials on the local history of Braşov (*Collectana zu einer Particulär-Historie von Cronstadt, ca. 1340–1850*), including a large number of police regulations in seventeenth or eighteenth-century copies or printed editions. SJAN Braşov, Manuscrise II/8, Inv. 15, f. 41–76. For more information about the collection, see: Rainer Kramer, “Die Handschriften-Sammlung Trausch,” *Zeitschrift für Siebenbürgische Landeskunde* 29 (2006): 1–19.
 34. Further passages of the statute state that, at a meeting held on 12 January 1555, the town council, the judge, the jurors and representatives of the Council of Hundreds—a broader representation of the town’s citizens—decided to renew this article, adopted in 1520 and reconfirmed in 1529.
 35. As the original book of articles has not survived, it is not possible to determine who prepared the records. However, in 1555, the town clerk of Braşov was Matthias Fronius, who had studied in Wittenberg in 1543. During his tenure, another town book was cre-

- ated in 1558, in which judgements of the Braşov court (the town council) in cases involving the town and district residents were recorded. Fronius supplemented and published the Transylvanian Saxons' legal code collection, *Statuta iurium municipalium Saxonum in Transylvania (Das Eigen-Landrecht der Siebenbürger Sachsen)*, which was granted privileged status by Stephen Báthory, Prince of Transylvania and King of Poland, in 1583. For more information, see: Júlia Derzsi, "Párhuzamos életrajzok: Thomas Bomelius és Matthias Fronius. Értelmiségi pályák a közösség szolgálatában," in *Hivatalnok értelmiségi a kora újkori Erdélyben*, vol. 1, edited by Zsolt Bogdándi and Tamás Fejér (Kolozsvár: Erdélyi Múzeum-Egyesület, 2016), 43–61.
36. "Es berichten uns die heiligen und der Menschen Gesetze und Schriften, daß der weltlichen Obrigkeit fürnehmste Ämter sorgen nutzbare Gesetze insgemein stiften, und die, so zuvor nützlich gemacht durch anführen der Fürsichtigkeit und Erachtung der Gerechtigkeit einem jeden ohne Ansehn der Person dienen laßen, sie handhaben und schützen, dieweil es auch billig ist, daß ein Obrigkeit ein sehendes und lebendiges Recht oder Gesetz dem Volk sorgen soll, hat man nicht ohne guten Rath diesen Articul oder Satzung von der Weise und Form jährlich neue Rathe zu gewöhnliche Zeit einzusetzen, einen Anfang dieses Stadtdecretalbuches oder gemeinen Stadtsatzungen sorgen und setzen wollen. Denn es auch aus Erfahrung kund und offenbar ist, daß einem gottesfürsichtigen, einträchtigen und glückseligen Anfang auch ein löbliches und glückliches Regiment als gemeinen Nutzes und der Rechte eine billige Verwaltung nachfolget." *Abschrift in J. Trausch. Collectanea zu einer Partikulär-Historie von Cronstadt*, vol. 2, 36–66. SJAN Braşov, Manuscrise II/8, Inv. 15, f. 46.
37. SJAN Sibiu, Magistratul oraşului și scaunului Sibiu, Colecția de documente medievale, U IV, 595. The 1541 charter was not signed by the clerk, but the handwriting of Lucas Trapoldinus, town and provincial clerk of Sibiu, is recognizable, as well as the title written on the cover. He was a student at the University of Cologne from 1519 to 1520, notary of Sibiu from 1530 to 1545, elected to the town council in 1546 and died in 1547. Trapoldiner's activities in Sibiu coincided with the Reformation, he founded the Sibiu printing house, one of the first published works of which was Sebastian Pauschner's (Baussner) *Book of Plague* in 1530. For more information about it, see: Julia Derzsi, "Notarii oraşeneşti la saşii din Transilvania în secolul al XVI-lea," *Analele Ştiinţifice ale Universităţii "Alexandru Ioan Cuza" din Iaşi. Istorie LXVI* (2020): 119–120. The town statute written by him is the first one that comprehensively regulates the duties and the remuneration of the mayor, the judges, the town council and the minor offices of the town hall. Connected to him is the display of senators' names in the form of shields in the Sibiu town book from 1542. According to Mária Pakucs-Willcocks, this reflects the symbolic self-representation of the council and the officials of Sibiu in what appear to be strictly administrative documents. Pakucs, "Sibiul," 67.
38. The cover of the parchment-bound booklet bears the coat of arms of the city of Sibiu in the corners (the old coat of arms in the upper right and lower left corners, the three lily leaves in the upper left and lower right corners), and in the center the modified family coat of arms of the already deceased King John Szapolyai, which has survived only on two products of the Braşov printing house of Johannes Honterus. See Gedeon Borsa, "Johannes Honterus a könyvillusztrátor," *Gutenberg Jahrbuch* (1986): 35–36, fig. 15.
39. SJAN Sibiu, Colecția de documente medievale, U IV, no. 595, f. 1–4v (*Statuta ader ordnungk der königlichenn stat Hermanstat durch Namhafftig weyß herrenn, purgermeister, Richter, unnd ganczen Radt unnd auch dj hundert man der erlychen gemeyn, genanter*

königlicher Stat Hermannstadt ejntrechtlichenn beschlossenn, unnd auch unfferrucklych zu halten angenommenn. Gescheenn in der Hermanstat, jm gemejnym Radthawß, Am tag der Beschnejdungk des Herrenn, Im Jar 1541), f. 6–14v (*Folgen etliche gemeine Statuta und Ordnungen diser kön. Herrenstadt, von einem Ers. w. Radt und der ganczen Erb. Gemein im Jahr 1589 den 28 tag Januarj, eintrechtiglich beschlossenn: Do. Joanne Baier Juniore, eiusdem Civitatis Consulem, et Do. Alberto Huet Regio Judicem existentem, et eidem Civitati fideliter praesidentem*), f. 15r–18v (*Statuta specialia liberae ac Regia Civitatis Cibiniensis unanimes consensu Amplissimi Senatus dominorum ... Centumvirorum conclusa die 13 Martij Anno sexcentesimo et trigesimo primo supra Millesimum, 1631*). Several copies of the statute booklet were later made, with further additions. One copy is from the end of the 17th century, which adds a 1687 amendment to the 1541 statute. Another is from the beginning of the 18th century, all three containing the statutes of the *Statuta* booklet with additions (the first page of 1589 is missing). And there is yet another copy of the *Statuta* booklet from the same period, but in addition to the first one, it also contains the *Constitutiones et Statuta Reipublicae Cibiniensis* from 1698, written in the heat of the dispute over the election of the Royal Judge of Sibiu, at the beginning of the Habsburg era. This latter constitution, originally recorded in the minutes of the city council, in fact collected the old rules of order, systematized the articles on the duties of the royal judge, mayor, and councilors, defined the relationship between the comes and the mayor, and gave a new form to the oath of the royal judge. SJAN Sibiu, Documente medievale, U V, no. 1680, f. 1r–1v (1541); U V, no. 1, f. 1r–2r (1541), f. 2r–4r (1589), f. 4r–5v (1631); SJAN Sibiu, Colecția de acte fasciculate, M. Administrație, no. 1, f. 3r–5r (1541), f. 5 (1549 3 July), f. 6r–10r (1589), f. 10v–14f (1631), f. 15r–22v (*Constitutiones et Statuta Reipublicae Cibiniensis. ab Anno 1698*); SJAN Brașov, IV. E 50/2 (*Statuta oder Ordnungen der k. Stadt Hermannstadt von 1541 und 1631*).

40. The fact that the most important town statutes were preserved in an ornate book can be found later in Hungarian towns as well, including Târgu Mureș. György, “A Szekler Town,” 174.
41. “Darum daß euer gemein Standen grüne, daß das Regiment huldig und glücklich sey, daß die innerlichen oder bürgerliche Zwietracht, welche des gemeinen Standes Verderbniß sind, vermeidt und gesteuert sind und eine gemeine Einbracht erhalten werde, wird viel an Euch, ja an Euch, die ihr Gottes und der gemeine Amt und Stande erfüllet, gelegen seyn.” SJAN Brașov, Manuscrise II/8, Inv. 15, f. 45.
42. Derzsi, “Delict și pedeapsă,” 75.
43. “(...) den wer sein Fraitumb und Privilegia nicht gebraucht, der miszbrauchet dasselb.” The 1589 constitution of Sibiu was published in *Corpus Statutorum*, 542–548.
44. Pakucs-Willcocks, “Sibiul,” 63.
45. This argument is even more apparent in other places: “Furthermore, in order to safeguard the dignity of the Most Illustrious Prince and Royal Majesty, who are at the pinnacle of the affairs of the fatherland, we request that our most gracious Prince, along with his councilors and lords devoted to His Grace, maintain their dignity and power undiminished, and remain ours in all ways. All the kings of Hungary and Poland since Géza, as well as the princes of Transylvania, have not only preserved the privileges of our Saxon nation, especially those granted by King Andrew II of highly praiseworthy and blessed memory, Each one has also most graciously confirmed and validated them, up until the recently deceased Stephen Báthory, King of Poland. To all of these kings and princes, our nation has always rendered proper obedience, honor and loyalty, and shall continue to do

so in the future.” *Corpus Statutorum*, 544. For the *Diploma Andreanum* (1224) and its impact on the history of the Transylvanian Saxons, see: Béla P. Szabó, “Az erdélyi szászok arany szabadságlevele (1224) és annak hatása a közösség hetedfél százados történetére,” in *Az Aranybulla a jogtörténetében*, edited by Barna Mezey (Budapest: Mádl Ferenc Összehasonlító Jogi Intézet, 2022), 195–225. DOI: 10.47079/2022.mb.aranybulla.1_8 m Szabó.

46. Derzsi, “Delict și pedeapsă,” 75. For the argumentation, regarding old customs, see: István Tringli, *A magyar szokásjog és a protestáns természetjog magyarul. A Hármaskönyv első magyar fordításai és a Lex politica Dei*, (Debrecen: Alföldi Nyomda, 2021), 3.
47. The following is the translation of the relevant section: “After, by the grace of Almighty God, our beloved elder fathers of the Saxon nation, through their loyal service and chivalrous deeds, received this German land from the ancient kings and blessed emperors and built on land cities, markets, and villages, and also fortified it in many places with castles, as their own property! Just like this Herrmannstadt, named after Captain Herrmann, was built and is not only endowed and enriched with good order and police, but is also inspected and confirmed with respectable and ancient privileges, as well as with its useful goods and customs.” *Corpus Statutorum*, 543.
48. “Richter und amtleütt plagen die untertanen mit ungewenlichen bürden, mit selzamer Stadtgerechtikeit, mit asper zinss, mit burger und Sedlerzins. Damit aber niemand mög den braten riechen, so lassen sie etwas an der Stadt bauen, zufallen thüren und mauren, das es einen namen hab, wohin das geld is angelegt worden. Mancher Radtherr geht vleissig zur kirchen, hört predigen, braucht die hochwirdigen Sacrament, und ist dieweill ein schinner, ein unterdrücker der armen, den sein eigen nutz mehr im sinn schweimt, als der gemeine nutz.” Amlacher, *Damasus Dürr*, 34.

Abstract

Public Discourse and Political Content. The Narrative of ‘Good Governance’ in Transylvanian Saxon Towns in the Second Half of the Sixteenth Century

From the latter half of the sixteenth century century, the Transylvanian Saxon towns also embraced the political ideal of public order embodied by the early modern imperial concept of ‘Gute Ordnung und Policy’, along with its regulatory elements and legal-political instruments. Both the literate secular and ecclesiastical elites played a role in promoting ideas about good governance. This study examines how the local authorities argued for individual measures within more comprehensive urban statutes and what governmental principles and political content the normative texts conveyed. Referring to a prominent example that influenced contemporary public discourse, such as the sermons of Damasus Dürr, a Lutheran pastor from Apoldu de Jos, it also illustrates the manner in which these governmental narratives were criticised.

Keywords

urban statutes, good governance, public discourse, Transylvanian Saxon towns, sixteenth century, Damasus Dürr