

Provided for Public Welfare

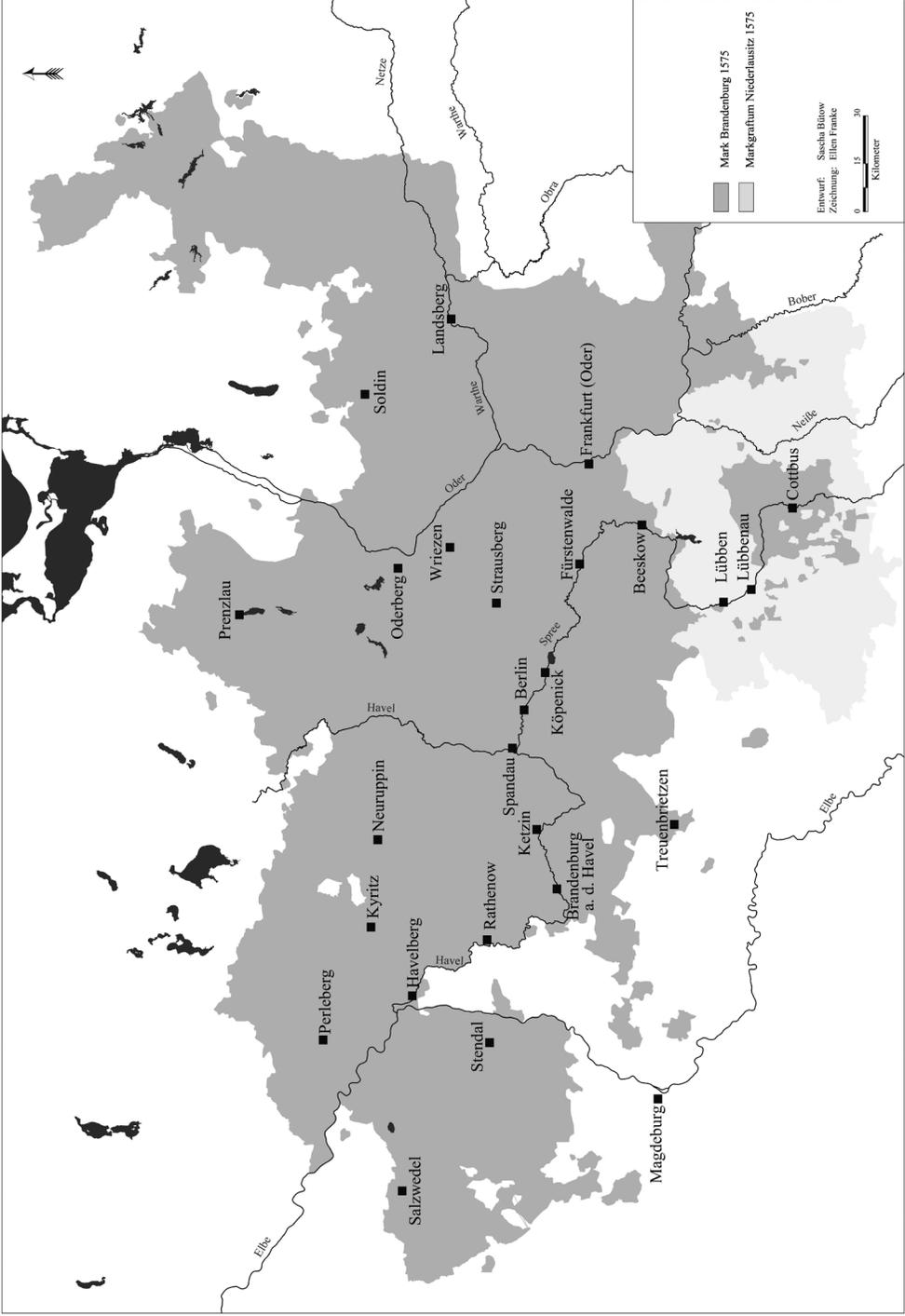
Traffic Infrastructure and “The Bonum Commune Topos” with Examples from Fifteenth- and Sixteenth-Century Brandenburg Electorate

Sascha Bütow

Traffic is a global phenomenon. Generally it can be defined as a movement from a point A to point B. In many cases the outcomes of this are repeating traffic conditions and relations between different people with varied needs. Therefore traffic is way to meet these demands. Moreover traffic is a basic condition for trading, market transactions, and economy itself. This term allows us to research the repeating process of exchange and communication, the conditions of local and long-distance traffic, and the development of transport networks and road systems. Mostly categories like centrality or periphery depend on the existence or absence of such traffic relations.

Today the roads and the transport infrastructure as fundamentals for traffic are provided and organized by the state with its central institutions. Using the example of waterways the basic law for the Federal Republic of Germany states the following: “The Federation shall be the owner of the former Reich waterways.” Furthermore “the Federation shall administer the federal waterways through its own authorities. It shall exercise those state functions relating to inland shipping, which extend beyond the territory of a single Land, and those functions relating to maritime shipping, which are conferred on it by a law. Insofar as federal waterways lie within the territory of a single Land, the Federation on its application may delegate their administration to that Land on federal commission. If a waterway touches the territory of several Länder, the Federation may commission that Land that is designated by the affected Länder.”¹

These regulations received favorable comments by German historians of law like Albrecht Friesecke. He points out: “die vom Grundgesetz gewählte Lösung einer zentralen Verwaltung der Bundeswasserstraßen [bedeutet] den Abschluß einer langen historischen Entwicklung” (Friesecke 1962, 13). In this point of view



MAP 4. Range of Important Cities of Trading and Traffic between Elbe and Oder River
 Source: Drawing by Ellen Franke, MA, Berlin.

only the central state seems to be destined to guarantee the administration and the function of the traffic and its infrastructure. For this reason the state is also the provider of common good and public welfare. According to this Heinrich Geffcken advised against minority interests in his own time using a view to the history of the German water right. He verified: "Auch die künftige Gesetzgebung wird daher, wie ich glaube, gut daran thun, für die öffentlichen Flüsse an dieser Auffassung festzuhalten oder zu ihr zurückzukehren: das Strombett steht im öffentlichen Eigenthume, nicht anders wie die vom Staat erbaute und unterhaltene Landstraße" (Geffcken 1900, 200; for more examples, see 216–217). Today it is widely recognized that these sentiments affects some serious problems especially for historical studies. As Masayuki Tanimoto stresses, "one of the main questions will be about who provides public goods. Although a central government can naturally be nominated as a main provider under the modern state system." But it is also known that "this was not the case before the twentieth century."² Nevertheless the modern state serves very often as a rule for good government, security, and public welfare.

MIEVEAL TRAFFIC IN RESEARCH: POINT OF DEPARTURE

Against this background the traffic in medieval times is usually discussed in a very demoting way. For example in Neil MacFarlane's and Yuen Foong Khong's view medieval Europe was characterized by chaos and permanent conflicts. Hence they speak about "dark" ages with the following result: "Transport systems broke down and the Roman economy collapsed into localized fragments. Since the state as we understand it did not exist during the Dark Ages, the idea of loyalty to the state, or giving the ends of the state a priority greater than that accorded to those of the individual or group, was weak, if it existed at all" (MacFarlane and Khong 2006, 30). The well-known German traffic historian Otto Most pointed out that there is almost nothing good to tell about medieval traffic (Most 1950/1951, 1). This is due to the weak government in the Holy Roman Empire. Referring to the daily life in the Middle Ages Paul B. Newman also stated that the "road building generally stopped with the collapse of the Roman Empire since there was no longer a powerful central authority to plan and direct such projects and raise the taxes to pay for them" (Newman 2001, 84). Therefore many historians refer to the ancient road system as a "pinnacle" in the history of the roads (Lay 1992, 52–56). In contrast the roads in the Middle Ages seemed to be in decline (Lay 1992, 57). Many historians hold local landlords and cities and their self-interest responsible for that situation. In Norbert Ohler's opinion these local rulers seemed to shown no interest in building new roads, bridges, or tunnels (Ohler 2009, 19). Referring to the water transport, Detlev Ellmers regards the inland navigation in medieval times as a cow, which everyone wants to milk but nobody wants to feed (Ellmers 1985, 244).

Based on these statements its questionable whether public welfare, referring to medieval traffic, existed at all.

Of course the medieval traffic history is full of examples of maintaining roads and traffic infrastructure influenced not only by personal interest. So we can notice many efforts to keep roads and waterways in good and passable condition. For example, James Westfall Thompson refers to monks of the Cistercian order “who established themselves in out-of-the-way districts, [and] turned their industrious hands to the building and maintenance of roads” (Thompson 1931, 293). Very often the residents and communities along the roads were requested to keep several parts of them in good condition. In many cases even individual merchants took the building and maintaining of roads into their own hands, as Peter Spufford illustrates (Spufford 2002, 190–191). In this context he talks about a road revolution during the fourteenth century, similar to what Thomas Szabó recognizes a “Discovery” of the road in the thirteenth century (Szabó 1994, 913–929). (See map 4.)

A further reason for those interpretations is the fact that the road and its infrastructure became a more and more important task for medieval governments, as is clearly shown by the communities in northern Italy. Very often these powerful city-states organized the construction and maintenance of roads. For example, they took care of traffic infrastructure like bridges, dams, fountains, and roadhouses. These infrastructural elements were regarded as collective goods. Concerning this matter the several governments considered themselves as guarantors of “human security” and public welfare, as Gerrit Jasper Schenk found out (Schenk 2010, 209–233). The famous frescoes in the town hall of the former Republic of Siena painted by Ambrogio Lorenzetti around 1338/1939 illustrate this self-image in a very concrete way. In minutest details we see here a cultural landscape formed by humans. For instance, there are a lot of infrastructural buildings like a bridge or a mill. In the foreground we can see many people building a road. In the picture the wealthy as well as the poor find their place in community. In the words of Schenk, we can see here “an extremely complex allegory of good government or social peace” (Schenk 2010, 211). Ambrogio’s frescos are therefore an impressive example for the importance of the *bonum commune* topos in the late Middle Ages, also in connection with traffic and traffic infrastructure. During this period there was a very pragmatic perception of the common good, as several researchers proved (Gailing, Moss, and Röhring 2009, 51–73, Moss, Gudermann, and Röhring, 2009, 31–49). Thus the *bonum commune* became a main term in the political and social language in medieval times (Simon 2012, here 90).

Against this background the following article concerns the use of this *bonum commune* topos in connection with traffic infrastructure, especially in the fifteenth- and sixteenth-century Brandenburg electorate. In comparison to Italy we have here no impressive frescoes or similarly complex allegories of the *bonum commune*. In fact the main sources are documents and several files published by the elector himself and the three orders. One leading question will be about the

building of traffic infrastructure and the maintenance of bridges, paved roads, and locks. Another concern is the way this infrastructure became important collective goods. However, first it is necessary to give a short definition of the *bonum commune* topos in medieval times.

THE *BONUM COMMUNE* TOPOS

Starting in the late Middle Ages providing the *bonum commune* increasingly became an integral part of the political thought of kings, princes, landlords, communities, and other potentates in the Holy Roman Empire (Hibst 1991). This progress is shown, for example, in the King's Peace of this time. For instance, in 1442 king Frederic III founded a "Reichslandfrieden" regarding robbery, murder, and malicious arson, which affected public welfare. Therefore he argued with the *bonum commune* ("gemainer nucz"). Moreover, his subjects were requested to help him enforce the peace as his document proves: "und ermonen auch ew all und yeglich unser und des heiligen reichs undertan, in welhen wir den stat oder wesen ir seit, solher trew und phlicht, als ir gote, dem heiligen riebe, auch uns als ainem Romischen kunige, ewerm obristen herren, gemainem nucze und ew selbst schuldig philichtig und gebunden seit" (Herre and Quidde 1928, No. 209, 402). In this argumentation, providing the public welfare plays a decisive role. As Otto Gerhard Oexle shows, this pragmatic use of the *bonum commune* topos originates from early formations of groups and communities in medieval times (Oexle 2001, 65–83). Daily problems like ensuring safety and protection, providing peace and security, and holding autonomy and identity are references of the *bonum commune* topos used by these communities in fourteenth and fifteenth century. It becomes much more obvious with the building and providing of infrastructure in connection with maintaining traffic and its roads. For instance, in 1469 the city council of Heilbronn concluded a contract with the Count Palatine of the Rhine and the Counts of Württemberg. All parties obligated themselves to make the Murr, a tributary of the Neckar River, navigable. They legitimized that with a reference to "merglichen und gemeinen nuetze" (Knupfer 1904, No. 862, 484). Once again we meet here the *bonum commune* topos used not only by a community or city but also by several rulers. Already in this case, it can be shown that these potentates used the common good as a legitimation for their actions often in the fifteenth century and sixteenth century. Therefore Peter Blickle speaks about a kind of "nationalization" of the *bonum commune* topos during this period (Blickle 2001, 95, 99). Consequently the regulations ("Willkühr") for the city of Löbejün, situated in the territory of the Archbishopric of Magdeburg, are formed by the administrator in 1593 and legitimized by "Gottes Ehre vndt gemeiner Nutz" (Anonymous 1839, here 75). Here the administrator himself became a provider of public welfare.

THE ORIGINS OF THE *BONUM COMMUNE* TOPOS IN
BRANDENBURG

In this regard, the electors of Brandenburg are no exception, although the maintenance of roads and traffic was one of the traditional responsibilities of the local cities and communities. They acquired a high grade of autonomy during the fourteenth century (Winkelmann 2011, 167–179). Here we can also find the origins of the common good topos in Brandenburg. For instance, in 1340 the city council of Beeskow arranged a constitution for the guild of tailors. This act was legitimized by “nuttze vnd . . . vromen derselbin stat” (Riedel 1838–1869, Vol. 1, 20, No. VII, 344). Nearly eight years later the council founded another constitution for the guild of butchers. This time the councilmen referred themselves to “groseren nuzzen vnd vromen der vorgesprochenen stat.” Moreover, two of the councilmen were present at the congregations of the guild. In doing so, they supervised the keeping of the regulations and the common good: “daz si der stat nuczse syn vnd bequeme” (Riedel 1838–1869, Vol. 1, 20, No. XIII, 348–349, here 349). Here and elsewhere recurring terms like “nutz” or “vromen” refers to the “*bonum commune* topos.”

They often were used in many contexts, as the Magdeburger Schöppenchronik from the fourteenth century shows. The author wrote a considerable preface, which offers several insights into his intentions. One of them refers to the reader himself, who should learn from history by reading the chronical. In his own words he intended to save his contemporary and the future inhabitants of Magdeburg from any loss by presenting and explaining to them the former legal situations.³ In this connection the authors aim was the public benefit of his hometown, as he self explains: “Godde to eyname loue vnd to eren, mynen leuen heren den schepen der stad to magdeborch to leue vnd dersuluen Stadt to vromen” (Riedel 1838–1869, Vol. 4, 1, No. IV, 168). The self-conception of the councilmen in medieval cities is clearly reflected in these and similar phrases, which we can find a lot in documents of Beeskow, Magdeburg, and other communities. All these city councils have used “the common good” and “public welfare” as popular terms to legitimize their political actions since the fourteenth century.

Expectedly trade, traffic, infrastructure, and the conservation and maintenance of cultivated landscape were important reference points of good governance. For instance in 1442 the city of Oderberg had got the authority to cast for fish in the waters of the castle of the elector. This privilege was legitimized by the “Fromen” and “Nucze” of the city of Oderberg (Zimmermann 1838, 183–184, here 183). A similar situation obtained in Prenzlau. Starting in 1448 the local councilmen were entitled to dig lime scale and brick earth out of the fields around the city. The elector who had given this privilege emphasized in his document that he aimed at the “Stadt Nutz und frommen” by doing so (Riedel 1838–1869, Vol. 1, 21, No. CCCXVII, 359–360, here 360). In another document from 1515 the councilmen of Prenzlau were also authorized to hold a free cattle market that coincided with

“Nativitatis Marie” (September 16). In order to guarantee the traffic to the Prenzlau market the citizenry was requested to keep the roadways and bridges in good condition. Therefore the council of Prenzlau was free to take a toll (*Deichselpfennig*) from foreign merchants. These takings were intended for the city’s and its inhabitant’s good and nothing else: “der Stadt gemeinen Nutz vnd sonst nirgend anders hinkehren” (Riedel 1838–1869, Vol. 1, 18, No. XCV, 438). Also the city of Wriezen was allowed to demand a toll from travelers on the roads around the town. The well-known legitimation for that was the city’s welfare. In return the community had to maintain these streets with several building materials, such as stone, timber, and sand. In case of need they were admonished to build new roadways. The same applies for Treuenbrietzen. This city was situated on a highly frequented medieval street between the trade fair town of Leipzig and Berlin (Bütow 2015a, 285–286). For that reason road construction became an important element for effective trading. This is documented by two more tolls: one in Beelitz and another in Saarmund. Both cities were also situated on the road between Leipzig and Berlin. Like Treuenbrietzen, they had to provide for the traffic by maintaining the roads and infrastructure, which were used by passengers as well as the merchants with their takings.

Many similar examples could be quoted. Nevertheless these cases are enough to show that the local cities and communities had borne responsibility for traffic and road construction. Moreover, they took care of the traffic infrastructure such as bridges and causeways. There was no “state” for realizing such duties. Instead the elector himself granted several privileges to the cities for financing these important building measures. In all these cases the *bonum commune* topos shows up in several documents, illustrating the activities of the cities in relation to the collective good. In many respects this should increase the value of building roads, bridges, and other infrastructure. The same applies to the municipal administration itself. To provide financing for infrastructure projects, the communities often were allowed to levy a toll on the passing traffic. Many modern historians view those medieval tolls as impediments to traffic flow.⁴ Other authors, which we follow here, began to reassess the role of the tolls in the Middle Ages. According to Max Baumann, we can see that under no circumstances did the medieval tolls completely encumber the traffic in a technical or in an organizational way (Baumann 1992, 86). In contrast tolls always act as an indicator for traffic and its infrastructure (Bütow 2015b, 48). Furthermore the *bonum commune* topos was associated with significant social aspects, which are mentioned in the following chapter.

THE HAVES AND THE HAVE-NOTS

Modern historical infrastructure research considers humans as an essential factor (Engels and Schenk 2015, 32). As Birte Förster and Martin Bauch pointed out, infrastructure always has the potential to facilitate social integration (Förster and

Bauch 2015, 18). Felicitous examples of this can be found beginning in ancient times. For instance, providers of infrastructure often used arguments about facilitating public welfare and social health, as Helmuth Schneider proves using the example of building a water pipeline in the city of Sinope at the beginning of the second century. Therefore the roman governor of Pontus and Bithynia Plinius mentioned that a water pipeline could be feed *salubritas* and *voluptas* (Schneider 2015, 90). Astrid Möller states that the water supply in archaic Greek was a collective achievement although single aristocrats excelled in this occasion (Möller 2015). However, infrastructure could even force or document social segregation (Förster and Bauch 2015, 18). For instance, Jaroslav Jásek describes several systems of water distribution in medieval Prague (Jásek 2015, 60–64). One of the oldest systems can be found in the area of Vyšehrad. Established in the twelfth century, this water supply was designated for the king and his court. The general public got water in other places. The first communal water main existed in today's Havelské marketplace of the Old Town of Prague. Examples like this are useful in illustrating that the research needs to go beyond conventional technical descriptions of infrastructural systems (Schröder 2014, 11).

This finding can be confirmed in the medieval Brandenburg electorate. As we saw traffic infrastructure, road construction, and municipal buildings or properties are favored references for the public welfare. The regulations of Soldin from 1511 offer a kind of summary of these important common goods, including interests, benefits, contributions (including traffic and trade), customs, waters, fishery, woods, grasslands, brick manufacture, the cellar of the town, and other possessions of the community (Riedel 1838–1869, Vol. 1, 18, No. XCIX, 509–512, here 509). Many users had access to these public goods, which were often administered by the councilmen. Their governance was commendable if the council preferred no single group but all groups of the citizenship, the haves and have-nots. Therefore the reference to the rich and poor people became an important issue of good governance. In many cases rulers used these terms in connection with the *bonum commune* topos. For instance, in 1343 bishop Otto II of Würzburg passed a new order for his city and its inhabitants. According to the text of this regulation Bishop Otto intended to facilitate the common good concerning the rich and the poor people “in der stat zuo Wirtzebug” (Hoffmann 1955, No. 10, 43). Moreover, in 1474 King Matthias of Bohemia permitted his city of Bautzen to put up a cellar of the town regarding the public welfare and the rich's and poor's good. Back to the medieval Brandenburg electorate, the margravine Agnes authorized the two cities, Berlin and Cologne, to export their excessive grain to Hamburg and elsewhere. That applied to the rich and the poor people of both cities, as we can see in a document of the year 1320: “volumus eciam, quod pauperes Ciues Ciuitatum premissarum cum suo frumento non minus quam diuites . . . Ciuitatem Honbusch [Hamburg] ac reliquas Ciuitates frequent nauigando” (Voigt 1869, No. L, 35–37, here 36). As a last example, we consider the regulations of the city of Landsberg

from 1511, which accentuated that the city council was committed to supervise the measures and weights in the city's taverns. Once more this authority should be used within the meaning of public welfare treating rich and poor with equal dedication: "damit dem gemeinen nutz, dem armen als den Reichen, vor das sein gleich geschee" (Riedel 1838–1869, Vol. 1, 18, No. LXXXIX, 432–434, here 433). All these expressions and phrases provided the opportunity to encompass all persons and groups in a single city, area, or territory, making clear that the regulations, arrangements, or laws applied to them all without any exception.

AVOIDING ANY SELF-INTEREST

Administering common goods means avoiding the preference of someone's self-interests. As the councilmen of Prenzlau 1515 pointed out: nobody should make any individual profit by using the city's common goods (Riedel 1838–1869, Vol. 1, 21, No. CCCXLIV, 383–388, here 383). Therefore, tolerating personal gain was a characteristic trait of bad governance. Cities very often used that as an argument to put several opponents in a bad light. For instance, in 1562 the community of Lübben were involved in a legal dispute with the lord-high-constable Sigmund von Tschammer of Lübben about a dam in the Spree River. This dam had been constructed a few months before at the village of Schlepzig to avoid the flooding of the constable's possessions.⁵ The territory of the city of Lübben was situated on the other side of this dam. Because of the new infrastructural building, the fields, grassland, and range lands owned by the citizenship were very often overflowed. For this reason, the councilmen of Lübben wrote to the governor of the March of the Lower Lusatia. In this letter the councilmen criticized their opponent, Sigismund von Tschammer, by bringing out his personal and individual interests against public welfare. They mentioned "das man recht haben wollte, den gantzen waldt vnd pusche ßeins eigenen Nutzens vnd gefallens zuvortemmen."⁶ To foreclose someone's selfishness city councils very often supervised their deputies and municipal officers, who became fixed in corresponding regulations and directives. Moreover, the councilmen controlled one another. For example, the regulations of the city of Soldin pledged every single councilman to account for his earnings and spending habits in public and private (Riedel 1838–1869, Vol. 1, 18, No. XCIX, 509–512, here 509). Thereby any misuse of authority could be specifically prohibited.

FROM CITY'S GOOD TO PUBLIC WELFARE

In all these cases a community was anxious to procure its common good. Councilmen very often used not only the single community's good but also the public welfare as arguments for legitimation. Beyond city limits they wanted to confirm that they care for the general public's good. Infrastructure was an excellent subject for verifying that. For example, in the early sixteenth century the

community of Soldin rebuilt their ruined brick-kiln together with the brick-barn by referring to the city's and public's profit.⁷ Nearly at the same time, the city of Lenzen was allowed to publish a new fire protection regulation (*Willkür*) providing for the city's good and the public welfare (Raumer 1831–1833, Vol. 2, No. VI, 210). Like other communities in the Middle Ages, the city of Treuenbrietzen was an owner of woodland (*Holtzung*) situated in the municipal area. A document from 1525 confirms that the citizens were requested to keep their woodlands in good condition in order to supply the city's and general public's good (Raumer 1831–1833, Vol. 2, No. LXXI, 286–289, here 287). As we can see in these cases, there seems to be a significant compatibility between the common good of a city, on the one hand, and the public welfare, on the other hand. This was a typical phenomenon in the Middle Ages, as Peter Blicke remarks (Blicke 2001, 87–88). Under these terms the *bonum commune* topos expanded into the chancellery of the elector of Brandenburg in the late Middle Ages. Our final question will be about the transfer levels and the transmitters in the context of this development.

It is safe to say that the unifications of the cities in the fourteenth century assumed an increased significance for this gradual change in using the *bonum commune* topos. For instance, in 1348 the cities of Prenzlau, Pasewalk, Angermünde, and Tempin formed an alliance for mutual protection. Later in the document of this unification, they declared that this alliance was formed to promote their lord's and the land's good (Riedel 1838–1869, Vol. 1, 21, No. XCVI, 161). Beyond individual interests of one single member we can recognize here a superior concern for the general public and its welfare. The same goes for another unification of several cities of the Mittelmark in 1399.⁸ Their members referred also to the margrave of Brandenburg and the common good in the electorate.⁹ The main basis for this was a well-known principle expressed in the unification document: the problems that face one member of the union concern the others.¹⁰ At this period the elector himself began to use the *bonum commune* topos several times, having probably been affected by his cities. For example, in 1369 some of them together were anxious to get control of the mint, which was situated in Berlin. Elector Otto of Wittelsbach permitted this because of the general public's profit and good. This term seemed to originate from the cities. They had called the elector's attention to their hardship with the value and weight of the coins.¹¹ It is likely that they had called on the common good argument as a legitimation for their petition. However, they exactly argued in all mentioned cases that the unifications between several communities in Brandenburg and the legitimation for these acts had contributed to the expansion of the public welfare terms into the elector's environment. Nevertheless, we have to notice that the common good terms were no integral part of the legitimation strategy for the unifications between the cities, because in many cases the *bonum commune* topos is absent in the several texts of the unification documents.

Therefore there must be other possibilities for transferring the topos. That applies to the diets ("Land- und Herrentage") in the late Middle Ages and early

modern times. For instance, in 1518 the elector of Brandenburg assembled the estates of his territory to discuss his outstanding debts and ways of resolving them. In return he met several requirements of the estates regarding the mintage, the day's wages, the banking out of the farmers, shooting with rifled guns, and other subjects. On this account the elector promulgated a series of regulations concerning all these topics. Accepting his estate's advice, he pronounced that he was willing to strengthen the common good for his whole territory. So he mentioned in the resolution's text: "unnsere Lande und underthan gemeinen nutz zu befördern" (Raumer 1831–1833, Vol. 2, No. XVI, 224–226, here 224). First this intention referred to trading. Therefore the elector decided to stop the production of new coins for a while in order to avoid a price decline. To legitimize this proposal, he referred once more to the common good in his territory. Here we can see a systematic use of the *bonum commune* topos practiced by the elector himself. In this case the public welfare is an important term in the political and social language at the beginning of the sixteenth century. Since this period the elector became more and more a provider of public welfare by caring for trade and building traffic infrastructure such as bridges, paved roads, and locks. For instance in 1523 Elector Joachim I of Brandenburg assembled the prelates, the gentry, and the communities of his territory to discuss the export of the grain. Much to his surprise, he found that many of the invitees did not show up. That applied especially to the gentry. Together with the remainder of the estates, he made the decision to forbid the illegal export of grain, which was often practiced by the gentry. Joachim confirmed this prohibition by referring to the general public's good: "solich verbot gemeinen nutz und dem armut zum Besten geschicht, thewring zuvorkommen" (Raumer 1831–1833, Vol. 2, No. XVII, 227–232, here 228). We can see here that this request included the poor people as an essential legitimation for this important act. Moreover, the elector wanted to substantiate that this resolution concerns all of his subjects, although many of them had not come to the diet. Therefore he used also the *bonum commune* topos. Against this background it makes good sense that the diets were a fundamental background for transferring this topos into the chancellery of the elector. By exchanging information and communicating between the elector and his subjects in the context of the diets, the common good terms began to stabilize. For both parts, it was an essential term for legitimizing their positions. To look at the whole topic from a higher point of view, we can assert that the rulers and their estates together were constituent parts within the development of the constitution in the Holy Roman Empire. Jointly but also against one another, they had a major impact upon the social and national modernization in Germany in medieval times, as Kesten Krüger mentions (Krüger 2003, 30).

Also in this period infrastructure and traffic were favored reference objects for the public welfare topos used by the elector of Brandenburg. For instance, in 1459 Elector Frederick II planned to build a bridge in Plaue, near to the city of Brandenburg. At that time a ferry boat had to be used to pass the Lake of Plaue.

Frederick executed an instrument in which he declared that he considered his chamber-master, Georg von Weidenfels, responsible for the construction of the bridge. In the arrenge of this document the elector set out his personal view by using the common good terms as a demonstration of political virtue. Therefore, he insisted that he is willing to achieve his subject's and territory's good. Moreover, he pointed out that this is one of his urgent duties as a ruler and elector of Brandenburg.¹² In this connection the construction of the bridge in Plaue was a central element of providing public welfare by the elector. In his argumentation and acting, Frederick II followed those of the communities in fourteenth-century Brandenburg. His successor, Margrave Johann Cicero, did similar things while building important infrastructural facilities.¹³ For example, in 1480 he established saltworks in the town of Saarmund, near Berlin. The intention for this building was the general public's good and profit, as Johann himself mentioned: "umb besserung und zunehmunge willen disses kurfurstentumbs der Marck zu Brandenburg" (Raumer 1831–1833, Vol. 1, No. XLVIII, 45–46, here 45). But building the saltworks seemed to be a result of communication between the elector and his estates. So Johann noted that several of his subjects had asked for such saltworks by sending him numerous requests. It seems clear that these subjects had used the *bonum commune* topos as an argument to enforce their requirements. Thus the common good term found its way into the document of the elector.

In summary we can assert that under the rule of Johann Cicero and later under his son and successor, Joachim I, the common good terms became an integral part of legitimizing their political actions as electors of Brandenburg. They both left no doubt about their role as guarantors of public welfare. For instance, Johann Cicero presented himself as an overlord and a sovereign who provides the general good for all his subjects, as is articulated in several documents (Riedel 1838–1869, Vol. 1, 9, No. CCCXIV, 241–242, here 241). Elector Joachim I for his part used the common good terms in a very systematic way. To cite an example, the city regulations of Soldin (1502), Frankfurt (1505), Landsberg (1511), Prenzlau (1515), Strasburg (1515), and Treuenbrietzen (1525) have nearly the same wording. As the initiator of this order, the elector referred to "der Stat vnd dem gemeinen nutz" in all cases (Riedel 1838–1869, Vol. 1, 23, No. CCCLXXVI, 319–322, here 319). In order to retain his interests in three rivers, the Oder, the Spree, and the Havel, and their use as traffic routes, Joachim concluded individual contracts with the cities Frankfurt, Berlin, and Brandenburg. Similar to the city regulations, all the contracts follow the same wording with the exception of the names of the different rivers. Expectedly Joachim I legitimized his declared intention with terms about providing the common good. Regarding this, we can agree with Winfried Eberhard, who pointed out that the ruler himself had the right and also the duty to make decisions about the public welfare by interpreting and representing it (Eberhardt 1986, 246). Nevertheless we should not forget the role of the estates, which called for the common good in many situations. According to this, the

public welfare could not have been realized without their help. Finally, also in the sixteenth century the communities still show responsibility for the common good. For instance, with the elector's acceptance the councilmen in the cities were in charge of a righteous regiment willing to realize the public welfare by defining new regulations and exercising the police powers as they did centuries before.¹⁴ In certain circumstances they acted together with the elector in order to avoid mischief. For example, in a diet in the late fifteenth century both parts turned against illegal shipping on the river Elde at the border between Brandenburg and Mecklenburg. In this situation Johann Cicero made clear that he would not come to any decision without the advice of his estates. He justified his intention with the common good term and the security in his territory. Joachim I for his part took care to preserve his freedom of action upon controlling traffic and its infrastructure and other important objects. For instance, toward the three communities of Berlin, Brandenburg, and Frankfurt, he stipulated that the Spree, Oder, and Havel are rivers under his control. As he mentioned, all conflicts about any alteration in the course of these rivers or problems with navigation should be arranged by him (Raumer 1831–1833, Vol. 2, No. XXII, 234–235, here 235).

Nevertheless, the estates and especially the communities had not lost their meaning. We can demonstrate this by using the example of Elector Joachim II. Under his rule a number of locks were constructed in the cities of Rathenow, Brandenburg, Berlin, and Fürstenwalde. Using the example of the lock in Rathenow, which was built since 1548, Joachim II pointed out that this infrastructural building would enforce the public welfare in his whole territory. Moreover he praised it in extravagant terms of usefulness and welfare: “zu vnsern vnnd vnser freuntlichen liebens des Erz Bisschofs zu Magdeburgk beiderseitig Landenn, Allgemeinen Nutz aufnehmen und wollfardt, Dasz hochnützliche werck die Schleuse bei Inen Im Bau vorlegt vnd geforderdt” (Riedel 1838–1869, Vol. 1, 7, No. LXV, 453–454, here 453). Even though Joachim was the builder-owner of this lock, he could not finance it alone. He depended on the community of Rathenow, which had spent a lot of money in 1548 to dig a “Schutgraben” (Riedel 1838–1869, No. LXI, 449–450, here 449). In return the elector promised to reimburse these expenses. Despite this, the city of Rathenow had a share in providing the territory's welfare. In the same way the councilmen were responsible for the functioning and maintenance of the lock. Therefore they were allowed to keep half of the lockage to use for repair (Riedel 1838–1869, No. LXIII, 451–452). This is more proof that the estates of Brandenburg took a lot of responsibility for providing public goods.

Between fifteenth and sixteenth century the *bonum commune* became an important part of the political thought in the Holy Roman Empire. In this time, providing the public welfare was a major concern of the king and other rulers in the empire. An important proof of this welfare thinking on a high level of the Holy

Roman Empire is the Reichspoliceyordnung, published in 1548. This document contains a multitude of references to the common good topos and the public welfare ideology, as Wolfgang Reinhard confirms (Reinhard 2001, 197). But that was not the beginning of arguing with this topos. Centuries before, communities had used several common good terms as legitimations for their ruling. Traffic and infrastructure were especially popular reference objects for the *bonum commune* topos.

The same counts for medieval Brandenburg, where the maintenance of roads and traffic was one of the traditional responsibilities of the communities. But at the beginning of early modern times things changed gradually. The elector himself became a provider of public welfare by building traffic infrastructure such as bridges, paved roads, and locks. By this time the common good terms had found their way into the elector's chancellery. The unifications between several cities in the fourteenth century, on the one hand, and the communications between the elector and his estates in the context of the diets in the late fifteenth century, on the other hand, were important interfaces for this transfer of the topos. Moreover the elector uses the *bonum commune* topos to legitimize his ruling and his actions. On this account the infrastructure itself became an important public good. Elector Joachim I for his part used the public welfare terms in a systematic way. That represents a significant feature of his ruling. However, under his and his son's rule this conception could not have been realized without the help of the cities. Also in the sixteenth century they still show responsibility for the common good as they did centuries before. Through the time of change between the Middle Ages and early modern times, this indicates some sort of often overlooked continuity.

NOTES

1. Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette, Part III, classification number 100-1, as last amended by the Act of 11 July 2012 (Federal Law Gazette I, 1478), Art. 89, 1, 2. www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0475.

2. For details of these aspects see the overview by Masayuki Tanimoto in this volume, chapter 2.

3. "vppe dat me by den dinghen, de scheen sind, schaden bewaren moge." Riedel (1838-1869), Vol. 4, 1, No. IV, 168.

4. For example, according to *East Central Europe in the Middle Ages* Jean W. Sedlar pointed out that "tariffs and internal tolls diminished the total quantity of trade in the interest of benefiting the royal treasury or powerful individual lords." Sedlar 1994, 360.

5. Until today this document was not edited. See Brandenburgisches Landeshauptarchiv, Rep. 8 Lübben, No. 12/1, fol. 237v-241r.

6. Brandenburgisches Landeshauptarchiv, Rep. 8 Lübben, No. 12/1, fol. 241.

7. Riedel (1838-1869), Vol. 1, 18, No. XCIX, 510: "der Stadt unnd gemeinen nutz zum besten."

8. The Mittelmark was the core territory of the Margrave of Brandenburg. Many important cities like Brandenburg (Oldtown and Newtown), Berlin-Cölln, Frankfurt, Strausberg, Bernau, and Eberswalde were situated in this region. For more details and information, see Schich 2008.

9. "vnsen gnedighen heren vnde syne lande to ghude." Riedel (1838-1869), Vol. 1, 24, No. XCVI, 393-394.

10. Riedel (1838–1869), Vol.1, 24, No. XCVI, 393: “wat eyner stad angheyet, dat schal vns allen steden med eyn andern anghan vnde schullen dar by blyuen.”
11. Riedel (1838–1869), Vol. 1, 12, No. XXVII, 501–503. They mentioned: “an desse kegenwortige tzyd von der Muntze wegen doselves besweret und bekummert geweset syn, und durch das sy dicke grocze nod und treflichen scaden genommen und gemeynlichen geleden haben” (501).
12. “Als wir allzeit geneyget und auch dortzu von unsers Stats wegen verpflichtet und schuldig sein, unnsrer land und leut bests und besserung In unnsrem Curfürstenthum der Margk zu Brandenburg und andderswo zu betrachtenn und furzunemen.” Riedel 1838–1896, Vol. 1, 10, No. XV, 23–25, here 23.
13. For more information about Margrave Johann the later Elector of Brandenburg, see Fischbacher 2015.
14. Referring to the councilmen Elector Joachim I noted: “bey Irn mitburgern In allem regiment ein rechte pollicej dem gemeinen nutz zu gut verordnen und hanthaben, wie sie von alters gehabt und gebraucht haben.” Raumer (1831–1833), Vol. 2, No. XXVII, 240. As Tomas Simon states the common good *topos* was frequently used in the context of legislation: Simon 2012, 91.

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