

# Introduction

In 1638 two rather different spectacles took place in the city of Munich: one on the central market square and in the presence of a festive, spirited crowd, the other in front of a small, sober audience and within the confines of the civic court. If one had followed, on Sunday, November 7, the sound of religious hymns reverberating from the Schrammplatz, where vendors offered their goods on ordinary days, a sumptuous, baroque ceremony would have come into view. Elector Maximilian I, Bavaria's most staunchly Catholic prince and leader of the Catholic League during the Thirty Years' War, was fulfilling a religious promise. The capital of his principality and seat of his court had been spared from being sacked by Gustavus Adolphus's Protestant Swedes. On this Sunday in 1638 Maximilian repaid the spiritual debt he felt he owed to the Virgin Mary for the deliverance. In the course of elaborate festivities, a large golden statue of the Virgin was raised in the very heart of Munich, giving the city its distinctive landmark: the Mariensäule or pillar of Mary.<sup>1</sup>

The choice of location and religious imagery mirrored the larger sociopolitical currents that were sweeping through Bavaria during the confessional age. From the sixteenth century onward Bavaria's center of political power, spearheaded by the ruling Wittelsbach dynasty, embarked upon a program of systematic centralization and expansion of its bureaucratic apparatus at the expense of local governments and their liberties. Located next to the city hall, the central square was in the purview of Munich's civic government. In placing the Mariensäule literally before the city fathers' eyes, the Elector erected a monument to his determination that his authority would be greater than that of the magistrate.<sup>2</sup>

While Bavaria's court regularly discovered in Catholic renewal and Counter-Reformation a site for political self-aggrandizement, this absolutist agenda nonetheless went hand in hand with an earnest commitment to religious reform. The Mariensäule thus also symbolized Maximilian's religious fervor and his special dedication to the Virgin Mary. As a boy he

had already vowed to follow her dictates in a letter written to her with his own blood.<sup>3</sup> Later on, as prince, he dubbed the Virgin Mary the patroness of his territory, fought battles, and burned witches in her name. Because she stood at the same time for the holiness of female virginity and for the cult of the saints, the Virgin Mary embodied perfectly the spirituality that the Council of Trent (1545–63) had proclaimed to differentiate its theology from Protestantism. Maximilian's patronage of the Virgin was one highly visible component of what the Wittelsbachs defined as their duty toward God—to transform their territory into a showcase of the old faith and their subjects into model citizens of a Catholic polity.<sup>4</sup>

The towering Virgin was meant to change the religiopolitical topography of Bavaria. Once her image stood in the heart of Munich, all distances in the principality had to be measured in reference to this religious icon.<sup>5</sup> State-sponsored Marian devotion functioned as a set of religious practices that extolled the Wittelsbachs as the defenders of orthodoxy. At the same time, it extracted compliance from the dynasty's subjects and habituated them to observance of these religious norms that legitimated state rule. Among other things, Maximilian's "Marian program of the state" entailed that every man and woman in Bavaria, from the highest ranking government official to the poorest domestic, had to carry a rosary. They had to go down on their knees to utter the Ave Maria three times a day at the sound of church bells.<sup>6</sup>

Marian devotion decreed from above found an echo in popular piety. Women in Munich who intended to enter a religious house began to preambulate or drive in a carriage around the statue three times before they embraced the virginal life of the cloister.<sup>7</sup> Through their actions, they asserted a connection between the example of the Divine Virgin and their chosen way of life. Mary's virginity prefigured and thereby authorized their decision to remain unmarried and chaste.

Female virginity also featured as a leitmotif in the second—albeit less public—spectacle that occurred in Munich in 1638, only a few footsteps away from the Schrammplatz. Again a woman named Mary took center stage. Yet it was not her virginity, but rather the loss thereof, that drove this event. Maria Jaus, the unmarried daughter of a citizen, appeared before Munich's highest civic judge to bring suit against Hans Renner, a journeyman.<sup>8</sup> Hans, Maria explained to the judge, had vowed to marry her before he deprived her of her "virginal honor" and impregnated her. She implored the judge to force the young man either to keep his promise or to provide her with proper financial compensation for the costs accrued.<sup>9</sup>

Maria's demands bespoke courage. For the high judge, far from being a disinterested arbiter, was the very same civic official in whose

charge Elector Maximilian had placed the prosecution of so-called profligacy (*Leichtfertigkeit*). This referred to the crime of nonmarital sex, especially among men and women who lacked sufficient means to set up a joint household. The judge delivered regular reports to the city council and court about his progress in eradicating this particular criminal offense.<sup>10</sup> With the same Counter-Reformation spirit that gave impetus to raising the Mariensäule, Maximilian pursued the religious and moral restoration of civic order by purging the city of all sinful acts. He agreed with ecclesiastical and urban authorities that sexual transgressions carried the particularly disturbing twin dangers of social disruption and of incurring God's wrath. The Elector's ardent aversion to nonmarital sexuality—in particular women's sexual activity outside of marriage—was the flip side of his glorification of virginity.<sup>11</sup>

With her lawsuit against Hans Renner, Maria Jaus automatically directed judicial attention to the carnal act that had been consummated between the two unmarried people. The success of her case therefore depended on the credibility of her assertions about the marriage promise and the attendant loss of virginity. It comes as no surprise that Hans Renner, in his turn, sought to tarnish Maria Jaus's reputation. While he admitted to intercourse with her, he denied that she had been a virgin, implicitly casting her as a lewd woman. The case hovered in the gray area between profligacy, a serious offense in Counter-Reformation Bavaria, and the traditionally accepted courtship practice of making a marriage promise and consummating it prior to official solemnization. Maria Jaus remained insistent on the marriage promise and her initial virginity, a token she had given with the legitimate expectation of emotional and economic returns. It was up to the judge, the representative of state authority, to adjudicate the exact meaning of Maria's lost virginity: was it part of legitimate courtship or evidence of the illegitimate nonmarital sex that threatened to tear the fabric of Catholic society?

### **In the Shadow of Max Weber: Narratives of State Formation in Early Modern Europe**

This book contends that the virginity of both Marias, or differently put, holy and human female virginity, was constitutive of the development of a modern-style, centralized government and the emergence of a public sphere in Germany's first absolutist state. Modern conceptions of politics proceed from a sense of deep disjuncture between a secular space of public institutions and a private domain of religious morality. We have only recently begun to explore how the modern state worked to constitute a depoliticized conception of privacy and domesticity against which notions of the politi-

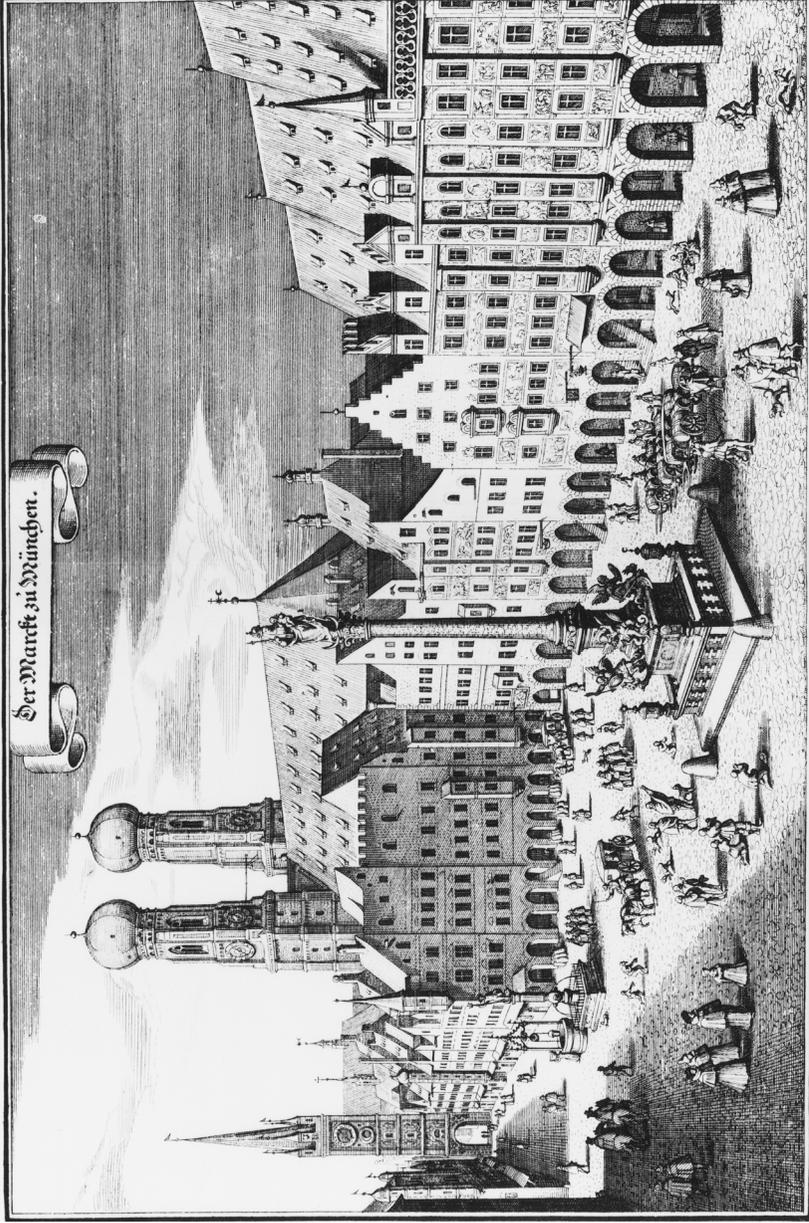


Fig. 1. Pillar of the Virgin Mary in the seventeenth century. Note the worshippers on their knees as they pray in "The Market of Munich." (Original in Bildarchiv, Bayerische Staatsbibliothek, Munich.)

cal could be defined as an essentially male sphere. In light of the growing body of feminist scholarship on the state, it now seems plausible that gender was integral to state building.<sup>12</sup> But the importance of female virginity in the formation of the modern state has yet to be recognized.

The political nature of virginity and its importance to the functioning of the polis was generally accepted in early modern culture. In more than one way the virginal body represented a crucial resource and reservoir of power for state and society. Communities often called upon sacred virgins for protection in times of warfare, plague, or other social ills. A firmly entrenched topos in political discourse, female virginity allowed theorists to fashion myths of political purity.<sup>13</sup> In times of peace, polities were imagined as feminine and virginal to reflect the community's self-understanding as free and honorable. In times of war, the defense of the body politic was subsequently likened to the defense of an inviolate and intact female body, its conquest compared to the dishonoring ravishing of a virgin.<sup>14</sup>

Virginity as master metaphor and (some) women's destiny also served to elaborate ideas about good governance and a functioning society. Aegidius Albertinus, counselor of Maximilian I and one of Bavaria's most popular and widely read writers,<sup>15</sup> thus began his main treatise on the preservation of public order and the state with a long section on the female virginal estate and its benefits.<sup>16</sup> The virginal estate, his choice indicates, was deemed indispensable in the society of estates (*Ständestaat*) that preceded more modern forms of government.

Neither female virginity nor Catholicism, which upheld and mobilized virginity as a potent ideal and underwrote the state's reconfiguration of marriage, sexuality, and public order, plays a prominent role in existing accounts of state formation in Western Europe. They are at best secondary plotlines in the story of the state or peripheral characters belonging to the premodern past that modernity superseded. By locating female virginity at the center of governmental evolution in Bavaria, this book aims to advance a more complex history and to expand our vision of the relations among politics, religion, and gender in early modern Europe. Its goal is to rethink the meaning of modernity by focusing on the female virginal body and religion, since both at first appear inessential, even inimical, to the modernizing project and hence prove to be particularly illuminating objects of inquiry. Along the same line, this study concentrates on the case of Bavaria, model of a Catholic state within the Holy Roman Empire until the end of the confessional age. Catholicism has long epitomized the purported backwardness or medieval quality of religious belief in Western history. A close look at Bavaria's early modern history is especially effective in revealing the degree to which Catholicism operated with the modernizing state and not in antithesis to it.

The study of state formation, more than any other object of historical analysis, is linked to the origins of the historical profession itself. Inspired by movements of national self-determination, the first professional historians, many of them directly involved in state government, made the state's network of political institutions the subject of their inquiry. These institutions offered a tangible locus of power and historical agency traceable over time, and they literally held the key to the archival sources needed to reconstruct their workings and the origins of the state apparatus that cohered in the nineteenth century. The story of the fluctuating fortunes of political institutions hence became the historical profession's first assignment, its original—in both senses of the word—master narrative.

If the historian's primary task was born of political allegiance, its accomplishment was aided by another offspring of the nineteenth century: the social sciences. Max Weber's sociology furnished historians with the main analytical tools to translate their archival data about state politics into the story of the state in Western Europe. This tool kit has become all too familiar by now: formation and rationalization of a unified staff of bureaucrats; monopolization of legitimate violence by the state; governmental autonomy—fiscal and otherwise—from dominant social groups; and the capacity to set an agenda for an entire territory and the people within it.<sup>17</sup>

Weber's understanding of the modern state was intimately connected to his conception of the psychological makeup of the modern state subject. Weber's modern man (and he is male) is a profoundly rational and self-disciplining creature who submits willingly to the regimen of state power and of the state-sanctioned capitalist market. What accounts for his voluntary surrender is the formative power of Protestantism. According to Weber, religion shapes and resides in, first and foremost, the individual psyche. In other words, the subjectivity of the state subject is the primary portal through which religion enters the otherwise markedly secularized scene of state power.<sup>18</sup>

Protestantism played at once too great and too small a part in Weber's tale of progressive rationalization of state power. Too great, because the Weberian view credits Protestant doctrine, a set of beliefs neither unified nor unambiguous, with the force to single-handedly propel the inhabitants of the medieval world of ritual and magic into a modern universe of reason, hard work, and capital accumulation. Too little, because Protestant religion, in the Weberian scheme of things, has its strongest impact in its least religious guise—as the ideological cement of the secular state, a system of belief whose distinctive hallmark and greatest accomplishment is the overcoming of religion itself.<sup>19</sup>

More recently, researchers tracking the genesis of the modern state in

early modern Europe have begun to move beyond Weber's thesis linking Protestantism with rationalization and modernization in the West. A key paradigm of this newer work is the study of confessionalization. Confessionalization theorists—Heinz Schilling and Wolfgang Reinhard in the case of Germany—have credited *each* religious confession with similar transformative power. They have downplayed theological differences and emphasized instead the parallel nature of socioreligious and political change in all the German territories: the emergence of bureaucratic forms of government and the state's appropriation of religious concepts and sentiments for purposes of centralizing and of creating a "uniform body of princely subjects."<sup>20</sup>

Although this theoretical move lifted the weight Weber had placed upon Protestantism and redistributed it equally across the confessions, confessionalization theorists have at times unwittingly reinscribed some of the presumptions of Weber's highly influential approach to state formation. Above all they continue to operate within a framework of progressive rationalization, in which religion remains an ideological tool of governmental expansion, and modernization implies the increasing marginalization of religion by a state gaining in strength and sovereignty.

By contrast, this book argues that religion did not simply fall by the wayside during the metamorphosis of the early modern into the modern state. The case of Bavaria suggests that the triumph of modern statehood is better understood not in terms of the state's ability to overcome religion but rather of its ability to absorb desirable religious influences and to push the undesirable ones into a newly created sphere of individual morality and privacy. Religion took on changed trappings, traversed different sociopolitical arenas, or was disguised as personal or cultural. In a political sleight of hand, the state in effect coded parts of religion as in the general public interest and therefore essentially "of the state," thus making invisible religion's precise contribution to the formation of its own power. A particular notion of religion was produced simultaneously with a particular notion of politics.

### **In the Shadow of Friedrich Engels: Stories about Gender and the State**

The nineteenth-century origins of the study of the state constrained the scholarly imagination in other respects as well. The preoccupation with institutional politics encouraged a procrustean treatment of various social and cultural forces that have shaped the fate of states. Only with the ascendancy of the new social history in the 1960s and women's history in the 1970s did some historians begin to consider a more decentered and

nanced model of the state in which power and agency are diffused throughout the social whole. Poststructuralist theorists, above all Pierre Bourdieu and Michel Foucault, reinforced this approach by calling attention to the everyday micropolitics of state power.<sup>21</sup>

As a result, the study of gender and the state in Western Europe has developed slowly and unevenly. Theorists of confessionalization have yet to take into account fully and systematically the pivotal role that the reconfiguration of gender relations played in the making of modern rule. They have investigated the phenomena of confessional state building on various sociopolitical levels and they have even considered some of the disciplinary effects of the marriage reforms and sexual regulation that followed the Reformation.<sup>22</sup> It remains to be seen, however, how gender and sexuality were constructed in the first place and how this very construction—and not just the attendant regulation—was constitutive of governmentality. Along analogous lines, the conjugal household still needs to be studied as the smallest *political* building block of early modern rule rather than viewed as a quasi-private space inhabited by unruly subjects who await disciplining by the advancing forces of confessionalization.

Many historians of women and gender, on the other hand, have engaged in the traditionally “masculine” inquiry into the history of the state in an effort to answer feminist scholarship’s cardinal question: how and why did patriarchy originate? Work of this type unfolded against the epistemological background of another nineteenth-century figure: Friedrich Engels. Following Engels’s lead in his seminal *The Origin of the Family, Private Property, and the State*, feminist scholars interpreted women’s oppression as a product of the historical development of private property and an outgrowth of state formation.<sup>23</sup>

This approach contributed greatly to denaturalizing both state power and gender inequality and encouraged the contextually situated study of gender and the state. At the same time it inadvertently imported yet more nineteenth-century assumptions into modern scholarship on the state.<sup>24</sup> Engels’s theoretical lens, analytically precise and perceptive in many ways, was nonetheless tainted by the Victorian presumption of “separate spheres” as a perennial fact of human life. While he dismantled the supposed naturalness of the state, Engels firmly anchored the public/private divide and the sexual division of labor in nature—as if they were a precursor rather than a product of the historical development of the state. Even in the matriarchal and egalitarian society of ancient times that he described, reproductive capacities and exclusion from the male public sphere are the paramount markers of womanhood.

Such static understandings of gender roles neither elucidate women’s role in state formation in non-Western areas (as anthropologists and his-

torians of these areas have demonstrated in recent decades)<sup>25</sup> nor do justice to political developments within Western Europe itself. We need to historicize more fully understandings of public and private in the European context and incorporate studies of gender and the state in early modern Europe into the increasingly sophisticated analyses that exist for the nineteenth century.<sup>26</sup> In the politics of sixteenth- and seventeenth-century Europe, such as Bavaria, the categories of public and private had yet to be constituted as binary opposites and aligned with the gender and political system that launched society into the world of “separate spheres.”

The early modern society of estates, recent scholarship has shown, still considered the household a part of the public sphere. The married couple heading the household represented officeholders of sorts. Unequal in reference to internal household hierarchies, husband and wife nonetheless equaled one another in their distinct yet complementary participation in the making of a public order for which both were held responsible by the authorities. Public order flowed directly from the Christian values that the Church expounded and that state governments strove to implement in collaboration with members of various estates, including the matrimonial estate. Privacy, as we have come to know it, was inconceivable in the early modern world of overlapping collectivities just as conceptions of individual rights were unimaginable before the modern conception of the private person as the counterpart to public state power.<sup>27</sup>

It was eighteenth-century civil society that ushered in a different set of sociopolitical arrangements and assignments of civic duties, adumbrating the “separate spheres” of the nineteenth century with their formative influence on the twentieth century. Once the state constituted its bureaucratic apparatus independent from and capable of ruling society without the latter’s consent or complicity, it simultaneously began to institute a new boundary between men and women in the shape of a public/private divide. Whereas men were designated as citizens whose rights and duties ran the gamut from participation in the political public to protection of their private sphere, women became citizens’ wives and mothers whose second-class, ancillary status expressed itself in political exclusion and a lack of private protection. Women were made the male citizens’ exclusive private property. Their “privatization” for the benefit of husbands paralleled the “privatization” of religion for the benefit of the state. A secularized notion of the public good emerged alongside the idea of the good of the private individual whose religious beliefs ideally informed his moral judgments and deeds.<sup>28</sup>

Writing this public/private divide back into the early modern past eclipses women’s participation in premodern modes of political governance and hence their role in the creation of modern rule. During the early

modern period, women's involvement in governance took place through the public and political space of the household and not through the political mechanisms of republican and princely rule; these later superseded and supplanted the system of household governance to become the main, male-coded modes of modern governance.<sup>29</sup>

In analyzing the household and its connection to political power in early modern Europe, feminist historians by and large have treated this space of governance as a site of female subordination, where fundamentally unequal civil laws and gender norms forced women into subservient positions, marriage, and motherhood.<sup>30</sup> Lyndal Roper has explained the success of the Protestant Reformation in Augsburg as the result of a fortunate convergence of male interests in household governance. City and guild elites found common ideological ground in Protestantism, for it sacralized a sociopolitical vision they both held dear: a commonwealth composed of patriarchal households. Roper rejects Weberian portrayals of the Protestant Reformation as a harbinger of modernity on the basis of the fundamental conservatism of the gender vision of its supporters, who advocated "domestication" as the norm for all female lives.<sup>31</sup>

Similarly, Sarah Hanley has contended that early modern French state building centered on patriarchal households and female subordination reinscribed within the family. According to Hanley, two congruent sets of interests fueled political centralization: the royal need for an administrative elite and this elite's concern with its families' social advancement. The legal offspring of the alliance between king and elite families—what she calls "the family-state compact"—was legislation that aimed at greater patriarchal and magisterial control over family formation and reproduction, which had an especially negative impact on women. Women, Hanley concludes, had a role in French state building because political centralization hinged on the restructuring of elite familial relationships and progressive control over female sexuality and reproduction.<sup>32</sup>

The Bavarian case confirms as well as complicates these narratives of gender and politics in early modern Europe, allowing us to push research on gender and the early modern state in new directions. As elsewhere, strengthening the position of male heads of households expedited centralization efforts in Bavaria. Through changes in family, marriage, and inheritance law, the Bavarian state built alliances with male heads of households. Governing authorities strove to turn these men into bureaucratic representatives of the state in order to acquire control over subjects on a political level that was otherwise not easily accessible to the central government. Based on a strong belief in the stabilizing capacities of an orderly household and the social benefits of channeling sexuality into mar-

ital life, the Bavarian state also embarked upon the prosecution of sex outside of marriage and the prevention of illegitimate offspring.

Not surprisingly, much of this happened to the detriment of women, for whom respectability became irrevocably tied to life in a patriarchal household. With respect to marriage, Catholic women in Bavaria in fact experienced a type of social change stunningly reminiscent of the Protestant developments about which we know so much more. The Bavarian state's conception of public order, marriage, and gender relations could very well be summarized in analytical shorthand coined initially in a Protestant context: "a new morality of sedentariness,"<sup>33</sup> a redefinition of marriage as a "locus of purity,"<sup>34</sup> or a social vision constructed around "the holy household."<sup>35</sup> In a sense—to paraphrase Joan Kelly's answer to her famous question about women's Renaissance—Bavaria's married Catholic women also had a Reformation, but just not during the Reformation.<sup>36</sup>

The parallels in the Protestant and Catholic approaches to marriage have barely been recognized or commented on in the historiography, since studies on the Counter-Reformation have traditionally concentrated on religious life.<sup>37</sup> Scholarly literature associates Protestantism with matrimony, whereas Catholicism is linked with the convent. While the Tridentine emphasis on the superiority of the chaste life and the Protestant introduction of clerical marriage warrant this correlation between the confessions and the institutions of marriage and cloister, these standard foci of analysis nonetheless overlook the other half of the story in each context. Marriage was no less vital to the functioning of Catholic society. In fact it experienced a growing valorization during the sixteenth century. Convents, in turn, were such an integral part of the fabric of social life that Protestants experienced severe difficulties in their attempts to abolish female monastic houses.<sup>38</sup> In short, the standard correlation of Protestantism with the marital life and Catholicism with the celibate life blocks from our view similarities between the two confessions. These similarities evolved in a context of ongoing confessional rivalry that drove the escalation of moral politics until the end of the Thirty Years' War and gave German developments their distinct character.<sup>39</sup>

Even though the Bavarian state did "domesticate" women in patriarchal households in a manner comparable to Protestant polities, this change did not occur because state formation was a development carried out by men against women. Control of female reproduction and the "domestication" of women were certainly expressions but not necessarily the intent of state formation. Rather, gender as a relationship of power served as a primary mechanism by which the early modern state, a hetero-

geneous and partially ineffectual entity, could propel itself into greater coherence and efficiency. To the extent that women were implicated in this mechanism and in the patriarchal household order set up to administer normative gender relations, they were, undoubtedly, participants in the process of political centralization.

Yet this notion of women as participants in state formation needs to be qualified in significant respects. First, not all women participated equally in political rule through the sphere of the household, and we should not mistake the status of a participant with the status of a beneficiary. Second, the politically convenient dictate of marriage and biological reproduction for some women implied the dictate of chastity for others, namely, the permanently unmarried. State formation meant conscripting both virgins and wives in the service of a centralizing project.

What was at stake was not only control of marriage and the household, but also the need to regulate who could and who could not have sex. State sexual regulation was a means to reconfigure the social order as well as to establish heterosexual monogamy as the norm.<sup>40</sup> While these shifting constructions of sexuality had far-reaching ramifications for both men and women, this book hones in on women's bodies.<sup>41</sup> Female virginity occupied a determining position in the confessional discourses on sexuality, and women as a social group were a privileged object of state and church regulation. State formation entailed producing the female body as a sexualized body, defined primarily by either sexual reproduction or renunciation of sexuality for the sake of social reproduction.

Because the formation of the Bavarian state occurred on the bedrock of economically stable households of monogamous couples, it was politically mandatory to curtail sexuality outside of marriage, in particular, the sexuality of the lower classes. The state began to require a public marriage ceremony and to restrict the issuing of marriage licenses to those with a modicum of property. Once the novel legal markers for legitimate marital sexuality were in place, the sexual unions of the poor automatically fell into the category of illegitimate nonmarital sex. Although this change had implications for both lower-class men and lower-class women, the women, much more so than their male counterparts, bore the brunt of the new regulatory efforts. State legislation ultimately demanded that lower-class women uphold the boundaries of the new social and sexual order by avoiding sexual relations altogether and thus preventing sexual unions and procreation among the lower social strata.

Not only the virginity of some laywomen but also the virginity of religious women mattered greatly to the state. In the course of Catholic confessionalization the Bavarian state implemented the monastic reforms outlined by the Council of Trent in a manner that appropriated the spiritual

power of nuns and harnessed it to the state's own ends. Sacred virginity bestowed sacred—anthropologists might say magical—power upon state representatives and legitimated their policies of expansion at home and abroad. Religious women in the Bavarian capital recited daily prayers on behalf of the ruling dynasty, offered spiritual counsel to members of the court, and prophesied the births of male successors to the princely throne. Religious women also assumed leadership positions in the newly emerging field of state-sponsored female education.

The virginity of Bavaria's religious women, who were mainly of the upper classes, was valued differently than that of lower-class women, as one would expect. Nuns still were among the most powerful and influential women of the early modern state; because of the Counter-Reformation's preoccupation with chastity and the Virgin Mary, some rose to greater prominence than they had previously enjoyed. The opposite held true of the poor women whom state legislation defined out of the pool of those considered eligible to engage in sexual acts and enter marriage. These women belonged to a more disenfranchised segment of society already; the state's regulatory efforts in matters of sexuality pushed them further in that direction and penalized any resistance on their part.

The valences of virginity finally varied not only according to class but also across time. In the aftermath of the fundamental criticism that Protestant reformers leveled at the Catholic ideal of chastity, the debates about continence in Catholic polities changed their content and tenor. Female virginity—and male celibacy for that matter—were unquestioned possibilities and norms of clerical life prior to the Reformation, even if these ideals were not always honored in practice. Physiologically grounded understandings of continence that precluded any sexual experience coexisted with spiritualized interpretations of chastity as a moral and mental attitude one could embrace regardless of prior sexual experience. For women, moreover, the virginal life represented a powerful vehicle for overcoming gender barriers and espousing masculine as well as feminine self-articulations.<sup>42</sup>

The Protestant Reformers reset the terms in which virginity and celibacy were conceptualized by insisting on a natural and irrepressible sex drive. Although the Protestant insistence surely authorized old as well as new demands for a sexually satisfying life, its liberating effects must be weighed against its repressive results. Once nature itself required the fulfillment of sexual needs, it became impossible to imagine continence as something other than sexuality's corollary. Abstinence from sexual relations represented either a vain (from a Protestant perspective) or a heroic (from a Catholic viewpoint) disavowal of the dictates of corporeality. Subsequently, even Catholics, in talking back to Protestants, found themselves speaking of the continent life in increasingly and more often exclu-

sively sexual terms—a discursive shift that foreshadowed the modern equation of the avoidance of sexual activity and repression. This shift was especially consequential for women, since the sexualized body became their primary marker, while female virginity took on the much more restrictive meaning of physiological intactness.

### **State of Virginity: Bavarian State Formation and the Transformation of Munich**

To capture large-scale changes in their complexity and trace the shifting meanings of virginity in everyday life, this book centers its analysis on developments in Munich, the state capital. Bavaria's rulers viewed and treated Munich as a model of a Counter-Reformation metropolis and the place from which the centralizing government could extend its reach; accordingly, Munich's history opens a window on the much larger political and religious trends that characterized Catholic state building. While the Wittelsbachs may not have been able to shape every distant corner of their territory,<sup>43</sup> their vision of a Catholic polity left an indelible mark on the state capital where the forces of confessionalization gained their greatest momentum. It was no coincidence that the city's transformation from *Bürgerlicher Stadt* (the city of burghers) to *Residenzstadt* (the city of residence) of Bavaria's rulers began with the religious upheavals in the sixteenth century and reached its conclusion with the end of the Thirty Years' War.

Throughout the Middle Ages, Munich enjoyed a kind of self-rule often associated with imperial cities. It had its own charter and far-reaching market privileges, both of which German emperors confirmed with regularity.<sup>44</sup> Like numerous German cities, Munich experienced inner turmoil in the fourteenth century when civic guilds revolted and vied with the old elite for political control. After a brief period of guild governance, a constitutional compromise was struck in 1403. This so-called *Wahlbrief* of 1403, forging a tight connection between the city government and Munich's guilds, remained in force well into the eighteenth century.<sup>45</sup>

Once political calm had returned to the city, Munich entered a century-long period of prosperity. These were the golden days of Munich's patricians whose goods sold very well in trade centers across Europe.<sup>46</sup> The patriciate's economic fortunes were flourishing to such an extent that the ducal court relied heavily on the resourceful burghers. The court's economic dependence on the city brought with it close contact between civic society and court society. Burghers and courtiers attended the same dances, tournaments, and public baths. Burghers furthermore provided the court with loans as well as the necessities of life: food, textiles, and other services.<sup>47</sup> In this climate of prosperity, the city reached its economic

and political zenith. By 1500 it had developed into Bavaria's largest urban center with a population of approximately 10,000.<sup>48</sup>

The year 1506 marked the beginning of a new era in the city's history. The bloody Bavarian War of Succession (*Landshuter Erbfolgekrieg*) resulted in the unification of Upper and Lower Bavaria, and Munich became the capital of the enlarged duchy. Henceforth Bavaria's rulers paid a new kind of attention to the city they designated to be the center of their administration. As the court enlarged its bureaucratic apparatus with university-educated officials and its personnel with independently hired servants and artisans, the social ties to the urban community loosened. The tables turned, and Munich's burghers had to seek court services instead of providing invaluable services to the court. From its new position of independence and strength, the court began to intervene in the city's political affairs.<sup>49</sup> The Bavarian dukes, members of the proud, powerful, and pushy dynasty of the Wittelsbachs, had had their eyes set on centralization since the late Middle Ages. Claiming to represent the entire territory, they gradually extended their rule into areas under the control of competing local and ecclesiastical authorities.<sup>50</sup> As in other European polities, the court of the Wittelsbachs acted as the main vehicle for the progressive takeover of administrative, executive, and judicial functions.<sup>51</sup> The most serious obstacle to the court's centralizing efforts were the estates, who jealously guarded their liberties and on whose approval of taxes the notoriously bankrupt Wittelsbachs depended.<sup>52</sup> The confessional conflicts that followed Luther's challenge to the Catholic Church at last provided Bavaria's rulers with ample opportunity and justification for more systematic expansion of their government and, ultimately, the defeat of the estates.

The Wittelsbach dukes were among the earliest defenders of the old faith in the German empire; they immediately enforced the Edict of Worms in their lands. Taking advantage of the phlegmatic attitude of Bavaria's episcopate, the Wittelsbachs assumed the lead in ecclesiastical reform. Ironically, their proactive involvement was reminiscent of the Protestant notion of "emergency bishops," since the Wittelsbachs too viewed it as incumbent upon princes to step in and take over if the episcopate proved incapable of initiating reform measures. With the approval of the papacy, the dukes successively eroded the ecclesiastical monopoly over the disciplining of religious houses and interfered with the education and disciplining of the clergy. Already a fact of political life, state control over religious reform in Bavaria became a constitutional fixture in 1583 with a landmark concordat between church and state.<sup>53</sup>

Confessional strife also created an occasion for the Wittelsbachs to disempower Bavaria's nobility, or at least the faction most resistant to state rule. A powerful faction of noblemen under the leadership of

Pankraz of Freyberg and the Count of Ortenburg, who ruled one of the few free imperial enclaves of the duchy, claimed the right to clerical marriage and communion of both kinds granted to Protestants by the imperial Augsburg Interim of 1548. Duke Albrecht V, his hands tied by fiscal worries, at first made several concessions to this so-called Chalice Movement. During the 1550s, no less than 20 percent of court council members were known to receive communion of both kinds and to subscribe to the Protestant *Confessio Augustana*.<sup>54</sup>

In the winter of 1563–64, however, Albrecht took the county of Ortenburg by force. There he discovered letters that proved very useful in making a case for a noble subversion. The subsequent suppression of the Chalice Movement ended all independent political and religious action on the part of the Bavarian nobility. From this point on, officeholding in the duchy became tied inextricably to both confessional and Wittelsbach allegiance. By 1569 the court mandated outright that all officials, teachers, and priests in Bavaria swear an oath to uphold the Tridentine *confessio fidei* before they could assume office or become members of the government structure.<sup>55</sup> A series of duchywide religious tribunals followed between 1567 and 1571, purging the territory of religiously suspect subjects by forcing them into exile and making religious conformity the basis of political cohesion.<sup>56</sup>

As elsewhere in German territories, Protestant ideas found a particularly fertile ground in Bavaria's cities. The printing press disseminated these ideas to the reading public, and well-traveled journeymen spread the word about reformed communities in the artisans' shops. Such was the case in Munich, where the Protestant movement flourished in the 1520s and then again in the 1550s and 1560s. During the first wave of Protestantism the printer Hans Schobser distributed Luther's writings in unusually large quantities in the Bavarian capital. The destruction of the products of Schobser's printing press was one of several court measures against unorthodoxy. The court also imprisoned and interrogated a circle of patrician Lutherans, including a number of women. In the late 1520s Bavaria's rulers ordered the execution of several Lutheran journeymen and a larger group of Anabaptists. After the extirpation of the Anabaptist community, attacks on the old faith subsided for decades in Munich.<sup>57</sup>

The second wave of Protestantism hit the capital in conjunction with the duchywide Chalice Movement around 1550. Adam Bartholomäi, preacher at Munich's cathedral, actually advocated communion of both kinds as a fulfillment of Christ's commands. Burgers would invoke such reasoning in their defense when they received the lay chalice in neighboring Protestant areas or when they demanded from the court an opportunity for receiving the chalice in their city. There were other signs of the return of

Luther's ideas. Lutheran hymns interrupted Catholic masses, and his texts were once again stacked on the shelves of Munich's bookstores. This time Protestantism's main supporters came from the patriciate.<sup>58</sup>

The magistrate did virtually nothing to stop this resurgence of Protestantism. When the duke ordered the city fathers to take action against a group of patrician women running Protestant gatherings in their households, the councilors investigated the matter yet found the women not guilty.<sup>59</sup> Their leniency reflected Protestant leanings within governing circles and also the kinship ties between the accused and the patrician city fathers.

Precisely this blend of religious unorthodoxy and political power made Munich's Protestants a worthwhile target for the court. In 1567 Duke Albrecht V, still riding the wave of success after his suppression of Bavaria's Protestant nobility, turned his attention to Munich's burghers. He decreed that access to citizenship and officeholding in the capital be limited to Catholics; only the most reliable Catholics were allowed to run for election. The same year, the duke charged council members with interrogating a long list of alleged Munich Protestants. Displeased with the results of the civic commission, Albrecht then conducted his own tribunal and exiled groups of Protestants. In 1571 the duke ordered one last religious tribunal. Although he again entrusted the council with the proceedings, Albrecht assigned a Jesuit to the interrogation team. When the inquisition pronounced its final judgment, more people were expelled from the city, and some of the city's wealthiest patricians were among the exiles. The Protestant movement was practically dead, the magistrate chastened and undermined in its sovereign government, and the Counter-Reformation truly began with the introduction of Tridentine regulations in the 1580s.<sup>60</sup>

If Albrecht V became the first architect of confessional state building, his son Wilhelm V and his grandson Maximilian I furthered Albrecht's project of engendering a centralized Catholic territory. Wilhelm V and his successors represented a new generation of princes who rejected the indulgence of Renaissance courts in favor of austere self-discipline.<sup>61</sup> They derived ideological justification for their incursions on ecclesiastical and civic privileges from the patriarchal concept of the *Landesvater*. Patterned after the head of the household who rules his dependents with a strong but loving hand, the father of the land considered himself called by God not only to protect true religion but also to restore paternal authority among his subjects for the sake of the common good.<sup>62</sup> The more recent bourgeois virtues of the head of the household, such as economic shrewdness, hard work, and caring for the weaker members of the community, were added to the older catalog of princely virtues, such as maintaining peace and order.<sup>63</sup>

The process begun by Albrecht V to disempower Munich's magistrate came to completion during the reign of Maximilian I (1598–1651), who denigrated the city's highest political body to a mere "recipient of orders."<sup>64</sup> Relying on his fiscal discipline and his political acumen, Maximilian I acquired the long-desired financial capacity for independence from the Bavarian estates. After the estate assembly of 1612, the prince never called upon these corporate bodies for the remaining thirty-nine years of his reign. He was the first true absolutist ruler in the Holy Roman Empire.

Maximilian's success derived, in no small part, from his remarkable ability to exploit the shared interests of the privileged classes and to play dominant social groups against one another, thus accumulating power in his central government. He variously formed alliances with the upper social strata against the lower strata and with one dominant class against another. For instance, Maximilian's expansive recruitment of university-trained burghers into state service created a counterweight to the noble officials and councilors, who in the past had dominated the highest levels of government. The growing strength of the bourgeoisie forced the nobility into a position of competition for prestige and power that weakened its influence on state affairs over time.<sup>65</sup>

A central area in which the interests of the privileged converged was the prohibition of marriages among the servant population. Constant complaints about the unsatisfactory supply of servants and calls for enforcing marriage restrictions could become the basis for an integrative political program—one that united propertied peasants, guild masters, and noble estate holders under the banner of state-sponsored control of the lower-class population.<sup>66</sup> Wittelsbach initiatives against lower-class marriages dated back to the mid-sixteenth century, in the reign of Albrecht V, but reached new levels of systematization and intensity as part of Maximilian's centralizing efforts.

Treating his capital as the test case for restructuring other Bavarian communities, Maximilian I interfered in Munich's affairs more aggressively than in other places. He first of all changed the nature of civic government in order to increase his influence on the ruling body of Munich, a city that by 1600 housed approximately 20,000 people.<sup>67</sup> An already profoundly oligarchic polity, in which only 2,000 people enjoyed full civic rights and no more than nineteen families staffed the ranks of the patriciate,<sup>68</sup> the urban community became even more top-heavy under the guiding hand of the prince.<sup>69</sup> Maximilian reduced the number of mayors and gave lifelong tenure to all civic councilors. He also established a separate collegium for the mayors, the *Kammerrat*, and entrusted it with special tasks, most notably the reform of Munich's bureau of marriage, which enforced marriage prohibitions against domestics (among others).

Under Maximilian's forceful rule, stricter control of urban government combined with the issuing of a flurry of police ordinances and mandates to make inroads into civic power in the Bavarian capital. Moral politics were also the politics of centralization, since the area of "good police" was the only legal arena in which state law automatically overrode urban legal codes. This legal proviso opened the city to state encroachment and made virtually every aspect of urban life—from the study of the catechism and the treatment of beggars to the pricing of local products and the celebration of weddings—an object of regulation from above.<sup>70</sup>

The Thirty Years' War further advanced Maximilian's project of political centralization within his territory and also the consolidation and growth of Bavaria's power in the empire at large, where a constitutional disadvantage hampered Wittelsbach expansionist designs. Since the Bavarian Wittelsbachs were not among the designated imperial electors (*Kurfürsten*) who enjoyed the privilege of selecting the emperor, their position vis-à-vis the Habsburg and—to a lesser extent—the other electoral princes was inevitably precarious. Well aware of this structural impediment, Maximilian took advantage of the emperor's military and political needs in the beginning years of the Thirty Years' War, bargaining Bavaria's much-desired and formidable military aid in return for the promise of admission to the imperial electorate (among other things). By 1623, when the Catholic and imperial forces seemed to be triumphing, Maximilian achieved his goal with the promotion of Bavaria to the status of an electoral principality (*Kurfürstentum*).

On the home front, the Thirty Years' War and the initial Catholic successes also fueled Wittelsbach self-aggrandizement. Applying the same logic of divine retribution as his Protestant foes, Maximilian set his mind on sweeping reform measures against any form of misconduct so that he could avoid God's wrath and secure abiding divine support for the Catholic cause.<sup>71</sup> This trend of accelerating state regulation was most pronounced in the Bavarian capital and also most effective because it interlocked with the magistrate's regulatory responses to massive socioeconomic shifts and political upheaval. As Munich was ravaged by warfare and torn apart by internal strife in the 1620s and 1630s, the city's political leaders became ever more willing to surrender their sovereignty to a central territorial authority that promised the restoration of peace, order, and prosperity.<sup>72</sup> And so they did. In 1641, when a German emperor confirmed Munich's privileges one last time, the act constituted a nostalgic invocation of the medieval past rather than a reflection of early modern political realities.<sup>73</sup>

Against this backdrop, the beginning of Catholic confessionalization in the second half of the sixteenth century and the first decades of the Thirty Years' War, characterized by heightened confessional rivalry

between Germany's Protestants and Catholics, emerge as two decisive phases in the formation of the Bavarian state. During the earlier phase (Part I, chaps. 1 and 2), the state's efforts to centralize and the Church's attempts to reform began a process of complex interaction that required the reconfiguration of gender relations by legal and institutional means. It was not until the 1620s, however, that warfare coupled with socioeconomic crisis brought about the transformations of gender, religion, and politics for which the legal groundwork had been already laid in the second half of the sixteenth century. These transformations are the focus of Part II (chaps. 3, 4, and 5).

More specifically, the first two chapters explore the converging ecclesiastical and secular reform initiatives of the sixteenth century for their attempts to draw more sharply defined boundaries between the sacred and the profane (particularly in its sexual manifestations) and for the gender-specific implications central to these mutually reinforcing boundary drawings. The Council of Trent put a premium on creating order in church and society through the control of women and gender relations. Following a long-standing tradition of cultural and ecclesiastical misgivings about women's allegedly lesser moral capabilities, the council fathers decreed a twofold remedy against female fallibility: either cloister walls or a husband should guard every woman (*aut-murus-aut-maritus*). Catholic state building in Munich implied that the Bavarian fathers of the land selectively codified the reform measures of the Tridentine council in policy. Within this developing legal context, women—in particular lower-class women and women in uncloistered religious communities—found themselves burdened with the primary responsibility for upholding novel boundaries and maintaining a public order whose mainstays were distinctions of class and gender.

Chapter 1 explores the place of marriage reform in the respective agendas of the Tridentine church and the centralizing state. The social articulation of attitudes toward marriage and sexuality in Catholic Bavaria occurred at the intersection of two juridical discourses that simultaneously stabilized and undermined each other. An ecclesiastical discourse of matrimony as a sacrament and right of every Christian capable of consent and consummation existed alongside a secular discourse of matrimony as a socioeconomic partnership and privilege of the propertied members of the body politic. Decrying the unions of the poor as the kind of sex that pollutes public order and brings God's wrath upon the Catholic commonwealth, state law required that future spouses bring proof of property before they engage in sexual relations and set up their own household as husband and wife. Where state and church authorities found common ground was in condemning sexuality outside of marriage and intro-

ducing a public marriage ceremony as the norm. Their reform efforts also reinforced one another in strengthening patriarchal rule within households.

Female virginity was a key component of both ecclesiastical and secular reforms of marriage and sexuality. Within the sacramental frame of reference, the virginity of the bride aided in sanctifying matrimony and marital intimacy. When it came to state law, female abstinence from premarital sexuality helped safeguard the transmission of property among the wealthy, while lower-class women's lifelong renunciation of sexual relations could be marshaled in support of preventing sexual unions and procreation among the poor.

The stakes of these new legal and institutional trends were particularly high for some women. Chapter 2 investigates the ramifications of the growing valorization of male-headed households and marriage for those women who either did not wish to or were not able to integrate into the patriarchal household system of propertied Catholics: vagrant and poor women, unmarried women, and women in various religious communities. Early modern culture classified convents, brothels, and female-headed houses under the same rubric: they were *Frauenhäuser*, or houses of women. As male-headed households rose to greater prominence and prestige, and as Catholics argued with Protestants over the boundaries between the sacred and the sexual, these so-called houses of women, religious and secular, inevitably experienced the repercussions.

Tracing the history of Munich's common brothel, this chapter documents the progressive sexualization of its inhabitants and their identification with lower-class women. By the time of the Protestant Reformation, the brothel had turned into the sole site of officially sanctioned sex outside of marriage in the Bavarian capital, mirroring developments in Protestant areas. After the state shut down the brothel in the late sixteenth century, prostitutes could theoretically be everywhere. Governing authorities subsequently were more and more likely to view lower-class women who could not meet the property requirements for marriage as similar to prostitutes if these poor women engaged in any form of (non-marital) sex. The lower-class prostitute began to represent the social and sexual pollutant par excellence.

The chapter parallels the story of Munich's brothel with the history of its female religious houses. Like the prostitute, the nun was increasingly defined by her sexuality (even if only in its renunciation). The Protestant discourse about the dissolution of convents and the Catholic discourse about the enclosure of convents pivoted on the same trope of the nunnery as brothel or open house. In this light, Tridentine enclosure was an attempt to differentiate houses of religious virgins from the morally dubi-

ous secular houses of unmarried women. It also carried a class bias since a contemplative life behind cloister walls was costly and only women of financial means and social standing would be able to buy their way into a Tridentine nunnery. At least in the Bavarian capital, the nun became identified with an upper-class virgin whose purity (and class) symbolized the immunity of the Catholic commonwealth against social, sexual, and spiritual pollution. Given that few honorable alternatives to matrimony existed for Munich's women, the greater exclusivity of convents further reinforced the class discrimination of marriage laws.

The tenacity of traditions is a recurrent theme of the book's first part, and so is Catholicism's abiding rivalry with Protestantism as the primary agent of change.<sup>74</sup> Many reform initiatives of this first phase of Catholic confessionalization, even though this period saw crucial shifts in legal discourse and significant reconstruction of the institutional landscape, did not translate into tangible sociopolitical and cultural change until the Thirty Years' War when confessional competition reached its apex. Destruction, disease, hunger, and social unrest were read as signs of God's discontent with the Catholic polity, an interpretation that justified and facilitated considerable expansion of state regulation in Munich. The war furthermore mobilized powerful images of virginity and purity. In light of these representations, women appeared to embody the integrity of government and were therefore primary objects of state control.

Chapter 3 resumes the analysis of the nexus between state formation and control of marriage and sexuality in the charged context of the Thirty Years' War. During the 1620s, civic and state authorities seized on the regulation of sexual behavior as a general panacea. Secular authorities embarked upon the eradication of profligate marriages, or unions between partners of low economic standing contracted without official approval, which, in their view, undermined both human morality, the guarantor of divine benevolence, and economic stability, the guarantor of public order. As secular legislation against profligacy wedded attempts at *sexual* purification to attempts at *social* purification, Tridentine mores became fitted to a secular agenda of creating a community of economically reliable burghers. The ecclesiastical understanding of matrimony as a sacramental right lost institutional significance in Catholic Munich.

This adaptation of theology to political practice had a twofold effect. It progressively criminalized sexual unions of the lower classes, and it deepened preexisting gender inequalities within the lower classes. Men, in particular lower-class men, could invoke these more restrictive attitudes and laws to avoid their obligations toward women. Good citizenship was in fact tantamount to rejecting not necessarily sexual involvement outside

of marriage, but rather certain women as permanent partners. Inversely, lower-class women who lacked the economic means to turn their relationships into marriages were at increasing risk of being stigmatized or left without support for a child if they engaged in sexual relations outside of marriage (even if their lovers had made a marriage promise). Such risk was best avoided by abstaining from sexual relationships altogether. Good citizenship, in the case of these women, spelled lifelong chastity.

It was no coincidence that the state's campaign against profligate women occurred simultaneously with the state-sponsored drive to preserve the virginity of religious women by subjecting them to strict cloister. Chapter 4 takes a close look at the reform of two Munich convents in the 1620s and highlights the parallels between marriage reform and monastic reform. The history of nuns, often understood and told mainly in terms of religious history, appears as an integral part of an overarching story of gender, sexuality, and political centralization. Women's religious communities were re-created in the image of male-headed households, with the added component of confinement. Just as secular patriarchs had a stake in controlling their female dependents' behavior, so did the male guardians of nunneries. They too guarded women in their care from improper public exposure that could jeopardize female honor and, in this case, the societal resource of sacred virginity.

Munich's religious women resisted the reforms imposed from above in creative ways, even though they had to accept a regime of strict enclosure and contemplative practice (chap. 4). Cloistering at first weakened the female convents by disconnecting them from their traditional power base in the urban community. But sequestration enabled the nuns to acquire a new and more prestigious kind of power in the second half of the seventeenth century and expand it during the eighteenth century. Not only did it foster closer ties between the convents and the state, whose patronage benefited the communities, but it also raised the social and symbolic value of the women's virginal bodies in Catholic society by supplying them with the "additional hymen"<sup>75</sup> of cloister walls. The women understood how to capitalize on both state patronage and the power associated with their virginity.

Chapter 5 takes a close look at a group of women who succeeded in forging a new female identity: the honorable, uncloistered single woman engaged in social service in society at large. During the 1620s—when nuns suffered enclosure and lower-class women persecution due to mounting fear of unbridled female sexuality—the English woman Mary Ward and her followers established the Institute of English Ladies in Munich. Contrary to Tridentine norms, the women were neither married nor behind cloister walls, but they nonetheless claimed to champion the Counter-Reformation

through female education. It was not entirely surprising that the papacy ordered the suppression of the Institute of English Ladies in 1631.

The English Ladies, however, survived this attack on their institution thanks to the Bavarian Elector, whom they convinced that their educational work was highly relevant to public order. In order to obtain state support, they had to give up many of their pedagogical and intellectual aspirations, along with their goal of obtaining official recognition as a religious order. Yet the very existence of the English Ladies, their educational work, and the manner in which they subverted state control also meant that some women were able to move outside the sociopolitical grid of male-headed households. Respected virgins in the world, they paved a new path for the future.