The Peasant War of Upper Swabia

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Introduction

The German Peasant War of 1525 has been considered a revolution in various ways. For instance, Marxist historians argue the Early Bourgeois Revolution, Günther Franz insists that it was a political revolution, and Peter Blickle composes the thesis on the Revolution of Common Man.(Common Man includes rural population without nobles and clergy, inhabitants of towns within the jurisdiction of territorial states, people living in imperial cities who did not have the right to be co-opted as town councillors, and the miners.) These revolution-theories are modeled on the March Revolution of 1848. These theories combine a religious ideology, divine law, with the purposes of the German Revolution in the nineteenth century, that is, "Unity and Freedom". Here the German Peasant War which was caused by divine law and covered the South and Central Germany is interpreted as a struggle by the peasants against feudalism or territorial state which were contrary to the preceding purposes. Above all Franz and Blickle, who pose the revolts in the late Middle Ages and the German Peasant War of 1525 in the process of the territorialization of Germany, emphasize the contrast of two ideologies, that is, conservative and defensive "old law" and revolutionary "divine law".

Recently an English scholar Tom Scott has criticized these revolutionism, particularly Blickle's study, as the ideological approach. Scott insists on structural analysis which predicates the character of the revolt upon the circumstances in which it occurred and the development and radicalization of its aims upon the organization and internal dynamic of the movement itself. He criticizes that Blickle has overly emphasized the distinction of the functions of old law and divine law, for old law at times showed revolutionary character and there were the revolts without ideology. Within german scholars Horst Buszello, who has minimized the role of divine law, has taken the structural approach.

Here we deal with the situation of Upper Swabia(Oberschwaben, South Germany) of 1525, where in the revolts of the late Middle Ages old law appeared and in the Peasant War both old law and divine law appeared.

According to the ideological approach, in Upper Swabia which fragmented to many small territories, the revolts in the late Middle Ages were territorial movements justified by old law which opposed each lord as small territorial prince and the Peasant War was supraterritorial movement justified by divine law which was not limited to the respective territories. The former were reactionary revolts and the latter was a revolution.

On the other hand, according to the structural approach which does not deal with the revolts of the late Middle Ages and but just the situation of 1525, divine law was not necessarily revolutionary and was not precondition of supraterritorial movement.

Two approach have respective weaknesses. Because the structural approach does not analyze the functions of old law, it is not persuasive

when it criticizes the emphasis of revolutionary divine law. On the other hand, the ideological approach can not always explain all revolts by the contrast between old law and divine law. These weaknesses derive themselves from the character of old law which was not only ideology but also had substance.

Here we pose three functions of old law and divine law as ideology, that is, mobilization, legitimation and radicalization, in order to examine the two approach. For Blickle shows three revolutionary elements in the Peasant War--a mass basis, the aims at new social order and the recourse to violence.

Before these analyses we study serfdom and Landschaft(territorial peasants' assembly) which are parts of Blickle's thesis on the Revolution of Common Man, because these were connected with the process of territorialization of Upper Swabia and were to disappear if the modern revolution succeeded.

1.Territorialization in Upper Swabia

(1) Serfdom

In Upper Swabia there was no great territorial prince, since the Staufer had disappeared in the thirteenth century. Here the lords who were middle powers between the great territorial prince and the peasants in such a great territory as Bavaria began to form small territories.

These territorial politics meant to dissolve the complicated relations of dominion. Since the twelfth and thirteenth centuries the manors had begun to dissolve and by the fifteenth century the dominion

split into three lordships, that is, personal lordship(serfdom), landlordship and jurisdictional lordship. In a village inhabited the serfs of many lords and the tenure holders of many landlords. In principle a peasant could have three lords who were respectively lord on serfdom, landlord and jurisdictional lord.

In the fifteenth and sixteenth centuries each lord condensed his dominion on serf and tenure which had diffused in all the Upper Swabia and beyond, and, in other words, excluded the dominion of other lords from his jurisdiction, so that he could form a compact small territory.

In order to form these territories, the lords attempted to reinforce serfdom. Blickle has introduced three forms of serfdom, that is, personal serfdom, real serfdom and local serfdom, in order to explain this process of territorialization. Personal serfdom was serfdom which was genuine and succeeded by estate of mother. Real serfdom was serfdom which was combined with landlordship, in other words, with tenure holding. Local serfdom was serfdom which was combined with jurisdictional lordship, that is, with residence. The lords of Upper Swabia attempted to achieve territorialization from personal serfdom by way of real serfdom to local serfdom. Blickle uses a notion "territorial serfdom" instead of local serfdom.

The substance of the change of serfdom were the restriction on freedom of movement, the restriction of exogamous marriage, the death tax and etc..

(2) Landschaft--the territorial peasants' assembly

In the fifteenth century the peasants of Upper Swabia rebelled against the suppression by territorialization. It is reported that there were 26 revolts. For instance, there were the revolt of the peasants of the monastery Ochsenhausen(North of Upper Swabia, 1496~1502) and the revolt of the peasants of monastery Kempten(Allgäu, South of Upper Swabia, 1491 ~1492).

Most of these revolts were territorial movements justified by the appeal to old law. The rebellious peasants formed a organization named Landshaft of which members were limited to the peasants who had relation to the lord, that is, serfs or tenure holders.

Of the conflicts chiefly on the problem of serfdom, neighbor lords(abbots, nobles and imperial cities) or the Swabian League which was constituted by them attempted to mediate between the lords and the peasants.

The revolts of ochsenhausen and Kempten were finally suppressed by the military intervention of the Swabian League. Afterwards in the negotiation by mediation of the Swabian League, treaties were come to between the monasteries and the territorial peasants' assemblies. With them the territorial assemblies were dissolved. The treaties of lordships as the treaty of 1502 in Ochsenhausen were "Magna Carta" between the lords and the peasants which improved the rights of the peasants. By the treaties the disorders caused by territorialization were for a while quieted down.

These territorial assemblies which appeared in the fifteenth century as the corporation of rebellious peasants had no continuity with the earlier manorial communities. With the dissolution of the manors, had the formation of villages advanced as well as the increase of cities. In the complicated relations of dominion, the peasants formed the village communities and kept the peace at the village level. Against the territorial-politics in the fifteenth and sixteenth centuries, the village communities included in a territory which was then being formed concluded an alliance one another, a territorial assembly.

Blickle has studied the territorial peasants' assemblies of southern Germany and political representation of peasants at the territorial states from the fifteenth to the eighteenth century.

Nevertheless, in my opinion, these territorial assemblies which had been formed in the revolts of Upper Swabia in the fifteenth century and dissolved by treaties with territorial princes, were in 1525 almost latent and did not appear. It is since the seventeenth century onwards that these territorial assemblies were institutionalized. As exception the Kemptener Landshaft existed in 1525 in the territorial movement which had begun since 1523 and experienced the Peasant War and would continue to 1526. This territorial assembly also was latent, while it was absorbed into supraterritorial movement.

2. Old law and divine law

(1) Mobilization

According to the ideological approach, the revolts justified by old law, whether the old law was manorial law or village law, were limited to small circle as to people or area. On the other side, divine law without substance was general for all people, so that it made open alliances of peasants of many lordships, that is, the supraterritorial movement, possible.

By contrast, according to the structural approach, the formation of the supraterritorial movement was presupposition of the diffusion of divine law. Buszello points out that by the weak awareness of the peasants on territories they could cooperate together in the negotiation with the lords.

In Upper Swabia three peasants' troops were formed in February 1525---that is, Baltringer, Allgäu and Lake Constance troops which had respectively several ten thousand members. They were supraterritorial alliances which consisted of the peasants of many lordships.

In the first, it is asked whether the appearance of divine law was earlier than the formation of three supraterritorial peasants' troops. The Allgäu troop was formed on 14. February 1525. In the day the Allgäuer peasants knew already divine law as slogan. The Lake Constance troop was formed on 21. February 1525. The appearance of divine law in the region was on 26. February. The Baltringer troop was formed by 9. February 1525. On 16. February divine law appeared in the grievances of the peasants of this troop. All this can not certify the hypotheses. But

we can ask why the case of Allgäu troop is more obvious on this problem than of the Baltringer and Lake Constance troops.

In Allgäu of 1523 happened a revolt of the peasants of the monastery Kempten which continued till the eve of the Peasant War. The rebellion was justified by old law. The Kemptener peasants allied on 14. February 1525 in the Sonthofen assembly with other Allgäuer peasants who rebelled in 1525.

By contrast, the beginning of the Baltringer troop was in the following situation. In the Christmas Eve of 1524 several peasants talked over their sufferings in the inn of Baltringer village. Afterwards they used to meet every Thursday and propagandized from village to village, soon they increased their members. By 9. February 1525 was the supraterritorial Baltringer troop formed. In the year there was no revolt in the region which was justified by old law. For instance, the peasants of monastery Ochsenhausen who had rebelled in 1502 for old law, were absorbed into the Baltringer troop without organizing their original corporation for rebellion(Landschaft). On 16. February 1525 the Ochsenhauser peasants made their grievance including a complaint which was general for many Baltringer peasants: "We would have no lord other than God."

We can suppose that the group who met in the inn of Baltringer village knew divine law. By their propaganda divine law was diffused in the region and made supraterritorial movement possible.

(2) Legitimation

The rebellious peasants mobilized used the two ideologies, that is, old law and divine law, to legitimate their demands in the grievances which they presented to the rulers. In Upper Swabia of 1525 appeared two ideologies almost at the same time. How were old law and divine law used to justify the demands of peasants?

As Heide Wunder suggests, there is a difference of the explanation on legitimation between Franz and Blickle. According to Franz, old law and divine law were complementary. Blickle contends that the peasants abandoned old law as legitimation when divine law appeared.

Franz obeys the Fritz Kern's theory that old law was godly, naturally and equitable. According to Kern, the revolts in the late Middle Ages and the Peasant War were the resistances of the peasants who lived in the German law against the lords who took advantage of the Roman law to make territorial state. It was conflict between customary law and legislation. But in this case old law and divine law are equivalent, so that Franz, who divides two ideologies, falls in self-contradiction.

Then, Otto Brunner resolves this contradiction. Franz emphasizes that the abolition of serfdom was justified by the appeal to divine law. Brunner points out that the Christian ideology was aware of the contradiction between divine law(idea) and old law(reality) on the problem of serfdom. In this case divine law is natural law.

Blickle interprets Kern's theory in another way. The awareness of the peasants on law was based on the law finding since the high Middle

Ages. By contrast the lord(small territorial prince) intended to unify the laws in his territory. There was antagonism between law as morality and law as reason. But that legislation was more provable than customary law made it impossible for the peasants to resist the substantial innovation by the lord by decades. The peasants needed a new means to resist legislation and found it in divine law(Gospel) in 1525.

Franz argues that the peasants used old law and divine law respectively to meet each demand. Blickle insists that independent of contents of demands divine law replaced old law for justification. Franz supposes that substance of old law should not change and Blickle supposes that it could change with time.

We select a problem in order to certify these hypotheses. The peasants requested the rulers on many problems, e.g. on serfdom, rent, common land, etc.. We can select the problem of serfdom which had been one of the elemental problems in those days.

In the rebellions for old law which had preceded the Peasant War, the elements of serfdom, that is, restriction on freedom of movement, restriction on freedom to marry, death tax and etc., were complained by the appeal to old law. On the other hand, in the Peasant War was serfdom itself complained as contrary to divine law.

As a result, it is evident that old law was not of use to make a complaint against serfdom itself. Serfdom itself was not innovation by lords, but was an element of old law. Just by the appeal to divine law the peasants could complain against serfdom itself. Here we can posit three elements of law---that is, innovation--old law--divine law. Divine law which was released from old law could demand substantial innovation

in favor of the peasants, e.g. abolition of serfdom. In this point, the peasants of 1525 were revolutionary.

(3) Radicalization

In the second stage of the Peasant War the peasants fought with the troop of the mercenaries of the Swabian League which was constituted by the territorial princes and lords of South Germany. Did divine law radicalize the peasants on their purposes and actions? In this problem were two events concerned. First, the Memminger conference on 6.-7. March 1525. Secondly, the attack and occupation of monasteries and castles by three peasants' troops from 26. March to 17. April 1525.

The Memminger conference was a peasants' assembly by the initiative of the Baltringer troop which rallied 50 members of three troops in an imperial city Memmingen in order to form the Christian Union of Upper Swabia.

On 6. March in the city the leaders of the Baltringer troop insisted on negotiating peacefully with the Swabian league. On the other hand, the representatives of the Allgäu and Lake Constance troops insisted on resorting to arms.

This moderates and radicals have been comprehended in three ways. First, opposition between the Baltringer troop and the Allgäu, Lake Constance troops. Secondly, opposition between tenure holders and rural day laborers. Thirdly, opposition between leaders and common men.

In order to certify these hypotheses, we investigate three texts of the constitution of the Christian Union of Upper Swabia. These texts

were the first draft, the second draft and the definite plan of the constitution. The first draft was drawn up by Sebastian Lotzer who had been secretary of the Baltringer troop and was the writer of the Twelve Articles(a famous programme of the peasantry of 1525), and was presented to the Memminger conference. In the process of the conference the second draft and the definite plan were drawn up which reflected opposition of the representatives of the Allgäu and Lake Constance troops. The first draft by Lotzer concepted a permanent corporation by burghers and peasants as Swiss Confederacy. In the definite plan, however, the Christian Union of Upper Swabia was short-lived and military.

Here we would like to attention the third and the fourth articles of the Lotzer's draft. The third article prescribed, "The burden which is confirmed by document should be paid." The forth article said, "The burden which runs contrary to divine law and is newly invented should be stopped until an agreement would be come to." But in the process to the definite plan, the part of the forth article, "runs contrary to divine law", was cut down and the rest of the forth article was absorbed into the third article.

"The burden which is confirmed by document" is probably rents to the landlords. "The burden which...is newly invested" is the territorial taxes. In those days the rents were regarded as old law and the territorial taxes as innovation. But it is not consistent with the principle of legitimation that the territorial taxes as innovation is contrary to divine law.

Hence, we can suppose that the radicals who caused the change from the first draft to the definite plan of the constitution were a group

who was true to the principle of legitimation, that is, a group who desired abolition of serfdom and for this aim needed divine law which made it possible to resist old law. That the radicals opposed the permanent corporation by burghers and peasants explains, as Manfred Bensing suggests, the separation of carriers of political revolution and social revolution.

On this basis, we must certify the preceding three hypotheses on the moderates and radicals.

First, the explanation that the Baltringer peasants were moderate and the Allgäuer and Lake Constance peasants were radical is not persuasive, because the accurate request to abolish serfdom was more in the grievances of the Baltringer peasants than of the Allgäuer and Lake Constance peasants.

Secondly, the explanation that the tenure holders were moderate and the rural day laborers were radical is based on the social differentiation within the rural population and the conflicts at village level. The people who had become the day laborers by the principle of impartible inheritance with the resumed growth of population in Upper Swabia from the mid-fifteenth century seem to have participated in the Peasant War. However, we can not say whether the day laborers opposed serfdom stronger than the tenure holders. There is no general answer to the question.

Finally, the explanation that the leaders were moderate and the common men were radical is persuasive on the problem of serfdom. The leaders who were reformers, burghers and elites of rural society tended to mediate between the rulers and the peasants. Hence, they were elected

to the leaders. That the moderates presented a new political order such as the Christian Union of Upper Swabia supports this hypothesis.

Then, the moderates who had been the leaders of the Baltringer troop compromised with the radicals and became the leaders of the Christian Union and negotiated with the Swabian League. But finally on 24.-25. March 1525 the moderates missed the negotiation with the Swabian League in an imperial city Ulm. On 26. March the three peasants' troops began to attack the monasteries and castles of Upper Swabia.

This radicalization on action of the peasants, according to the ideological approach, means that the moderates lost their position and the radicals went off. On the other hand, Scott insists that the process from negotiation to use of arms was not only in Upper Swabia but also in another areas of the German Peasant War and an inner dynamic of the revolts. If the rulers did not want to negotiate sincerely with the rebels, this hypothesis should be always right.

Moreover, to my thinking, the process from negotiation to use of arms is appropriate to the revolts for old law in Upper Swabia which had preceded the Peasant War. Franz and Blickle take these revolts as moderate revolts which were confined to negotiation. But in fact, if a negotiation failed, the peasants resorted to arms. The ideological approach misses the character of the revolts for old law, for it very attentions the turning point from old law to divine law. For instance, when the revolt of the peasants of the monastery Kempten from 1523 to 1526 developed into the supraterritorial Allgäu troop, the Kemptener peasants were still under negotiation with the monastery. It is wrong that M.M. Smirin argues that the Kemptener peasants abandoned the

negotiation with the monastery by the appearance of divine law.

The Peasant War of 1525 in Upper Swabia advanced in the same pattern as of the revolts which had preceded it, that is, from negotiation--use of arms--to suppress by the rulers. The radicals in the Memminger conference, as Buszello suggests, also seem not to have denied absolutely the negotiation with the Swabian League.

The difference of understanding on divine law between the moderates and radicals in Memminger conference took place in following situation. The reformers as leaders could not understand that the Christian Union and the Swabian League were incompatible. On the other hand, the peasants could not overcome the horizons of old law, although they knew the transcending divine law. Divine law was a device for the peasants to justify their demands.

Bibliography

Bensing, M./Hoyer, S., <u>Der deutsche Bauernkrieg 1524-1526</u>, Leipzig 1965(瀬原訳
『ドイツ農民戦争 1524－1526』).

Blickle, P.,<u>Die Revolution von 1525</u>, 2 Aufl. München/Wien 1981(translated by T.
Brady and E. Midelfort, <u>The Revolution of 1525</u>, Baltimore/London
1985. 前間・田中訳『1525年の革命』、刀水書房 1988).

Blickle, P., <u>Landschaften im Alten Reich. Die staatliche Funktion des gemeinen
Mannes in Oberdeutschland</u>, München 1973.

Blickle, P., "Peasant Revolts in the German Empire in the Late Middle Ages,"
<u>Social History</u> 4(1979).

Blickle, P.(Hrsg.), <u>Der deutsche Bauernkrieg von 1525</u>, Darmstadt 1985.

Buszello,H.,<u>Der deutsche Bauernkrieg von 1525 als politische Bewegung</u>, Berlin
1969.

Buszello, H./Blickle, P./Endres, R.(Hrsg.), <u>Der deutsche Bauernkrieg</u>,
Paderborn/München/Wien/Zürich 1984.

Franz, G., <u>Der deutsche Bauernkrieg</u>, 11 Aufl. Darmstadt 1977(寺尾・中村・前間・
田中訳『ドイツ農民戦争』、未来社 1989).

Kern, F., <u>Recht und Verfassung im Mittelalter</u>, Darmstadt1952(世良訳『中世の法と
国制』、創文社 1968).

Scott, T., "The Peasants' War: a Historiographical Review," <u>The Historical
Journal</u> 22(1979), pp. 693-720, 953-974.

Scribner,B./Benecke,G.(ed.), <u>The German Peasant War of 1525</u>, London 1979.

Smirin, M.M., <u>Die Volksreformation des Thomas Müntzer und der große
Bauernkrieg</u>, Berlin 1956.

Wunder, H., "Altes Recht und göttliches Recht im Deutschen Bauernkrieg",
<u>Zeitschrift für Agrargeschichte und Agrarsoziologie</u> 24(1976), S.54-66.

Boundary of Holy Roman Empire

Area of Uprising in 1524

Area of Uprising until 15th March 1525

Area of Uprising from 15th March until 16th April 1525

Area of Uprising from 16th April until 30th April 1525

Area of Uprising after 30th April 1525

Area of Uprising

SAMLAND

BOHEMIA

SAXONY
Freiberg
Chemnitz
Zwickau
Joachimstal
Plauen
Waldsassen
Prague

Leipzig
Merseburg
Halle
Frankenhsn
Mühlhausen
Erfurt
THURINGIA
SCHWARZBG
COBURG

Nordhausen
EICHSFELD
Goslar
Halberstadt

HESSE
Hersfeld
Frankfurt
Fulda
Schweinfurt
Werra

Mainz
Speyer
Pfeddersheim
Königshofen
Mergentheim
Rothenburg
Main

Trier
Cologne
Rhine

Strassburg
Zabern
Colmar
ALSACE
Heilbronn
Stuttgart
Böblingen
Neckar
WÜRTEMBERG
BLACK
FOREST
Freiburg
Waldshut
Basel
Zürich

Bamberg
Forcheim
Nuremberg
Kitzingen
FRANCONIA
Ansbach
Gmünd
Nördlingen
Eichstatt
Ingolstadt
Danube

Leipheim
Ulm
Baltringen
UPPER
SWABIA
Weingarten
Lindau
Kempten
Memmingen
ALLGAU
Lake
Constance
St. Gallen
SWISS
CONFEDERATION
Rhine

Augsburg
Munich
BAVARIA
Inn

Zwettl
Vienna
AUSTRIA
STYRIA
Leoben
Admont
ATTERGAU
Salzburg
Schladming
Gastein
Innsbruck
TYROL
CARINTHIA
Kircheimer Valley
Villach

FRANCE

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0   200Km

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