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## **Rural Autonomy and Popular Politics in Imperial Villages \***

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‘Ohne Zweifel wird der Gegenstand dieser Abhandlung vielen Lesern beym ersten Anblick sehr geringfügig vorkommen: denn was kann wohl merkwürdiges von einigen wenigen Dörfern gesagt werden, wird mancher denken.’<sup>1</sup>

### I. Introduction

From at least the fifteenth century, European rulers embarked on concerted efforts to consolidate their lands. Confronted with challenges such as demographic growth, social polarization and confessional division, princes strove to concentrate powers in their own hands. Over the course of several centuries, the prerogatives of rival sources of authority (especially nobles and the Church) were eroded, the status of individual regions was homogenized and a system of central regulation and taxation was enforced throughout each territory. State formation became one of the hallmarks of early modernity, sometimes culminating in absolutist regimes.<sup>2</sup> Not all polities were monarchies, of course, particularly in the urban belt stretching from northern Italy to the Netherlands. Imperial (free) cities provided republican alternatives, where constitutions and political cultures rested on representative institutions rather than the divine-right rule of an individual. Yet their hinterlands experienced a similar growth in interference, especially with regard to religious and economic affairs.<sup>3</sup> True, given limited resources, central control could never be total and

most localities entered into processes of negotiation.<sup>4</sup> But surveying the Central European countryside, it is clear that few areas really governed themselves: the parish federation of Dithmarschen on the North Sea coast (up to its conquest by Denmark/Holstein in 1559) was one such area; the Forest cantons of the Swiss Confederation (as part of a rare city-country alliance) were another, along with and a number of the Confederation's associates (especially the Alpine republics of the Grisons and Valais).<sup>5</sup> Less familiar, perhaps, is the existence of further pockets of rural autonomy on a microscopic scale, namely a set of imperial villages (*Reichsdörfer*). At times, their number could be substantial: compilations reveal well over 100 examples in the late Middle Ages, albeit concentrated in some parts of the Empire (Alsatia, Franconia and Swabia) rather than others (none at all are documented in Austria, Bavaria and Lower Saxony).<sup>6</sup> By the end of the Ancien Régime, only a handful had retained a sufficiently independent position to warrant inclusion in the *Reichsdeputationshauptschluss* of 1803, including the somewhat special case of the *Freie auf Leutkircher Heide*, a personal association of free peasants who lived not in a single settlement, but scattered widely around the city of Leutkirch in the Allgäu.<sup>7</sup>

What exactly were imperial villages? Contemporaries defined them as rural communes directly subject to the emperor (*reichsunmittelbar*), which governed themselves without an intermediary territorial overlord (*Landesherr*).<sup>8</sup> In parallel with other immediate units, they had the (post-Reformation) right to determine their religion, but in contrast to electorates, secular/ecclesiastical principalities and imperial free cities no formal representation at the imperial diet (in other words: *Reichsdörfer* lacked *Reichsstandschaft*). While the presence of personally free inhabitants was a prerequisite for self-government, feudal or manorial structures might exist as elsewhere. In short, *Reichsdörfer* enjoyed much political, jurisdictional and religious but not necessarily socio-economic autonomy.<sup>9</sup> Within the ongoing reassessment of the structure and significance of the early modern Empire,

therefore, they offer scholars a chance to pursue current research questions all the way down the pyramid and to study issues such as ‘state functions’, jurisdictional services and ability to command loyalty on a microscopic scale.<sup>10</sup>

What were the roots of the villages’ peculiar status? Three distinct constellations can be discerned: first, location on demesne lands belonging to the king or emperor; second, estates returning to imperial control after the extinction of a ruling dynasty or the monetary redemption of lordship rights by local inhabitants; third, areas endowed with special privileges in the course of colonization.<sup>11</sup> Regions traditionally seen as ‘close’ to the emperor – like the patchwork of small territorial units in the German south-west – or topographically remote locations – like the Frisian North Sea coast – proved particularly congenial settings,<sup>12</sup> but there are examples of *Reichsdörfer* elsewhere. While clearly an irritation to expansionist princes, their existence was explicitly or implicitly acknowledged in key constitutional documents of the early modern period, such as the *Reichsmatrikel* of 1521, the appendices of the 1650 *Hauptrecess* (implementing agreements made in the Peace of Westphalia); a *Verzeichnuß* of members of the Empire in 1663 and the *Reichsdeputationshauptschluss* of 1803.<sup>13</sup> As late as the eighteenth century, jurists accepted the possibility of collective peasant self-government as a ‘real’ right (*Realrecht*) attached to specific villages.<sup>14</sup> Given the emperor’s inability to govern each community directly, he was normally represented by a protector (*Reichsvogt*) drawn from neighbouring *Reichsstände* (such as princes, prelates or city councils). The latter, importantly, supervised village assemblies, courts and councils *not* as territorial lords, but merely on behalf of the empire, and the same applied to military/diplomatic affairs and any claims on the inhabitants’ homage, customary taxes and services.<sup>15</sup>

‘Von denen Reichs=Dörffern hat man bishero keine vollständige Nachricht, ohnerachtet sie eine ausführlichere Untersuchung verdienen’.<sup>16</sup> Not much has changed since

the patchy state of research on imperial villages – in stark contrast to the better-known context of immediate cities – was noted in the late eighteenth century. There are case studies containing varying degrees of general reflection, but hardly any comparative or conceptual surveys.<sup>17</sup> This cannot be blamed on a lack of evidence, as the constitutional position of *Reichsdörfer* prompted much discussion and produced extensive stacks of documentation. Voluminous series of charters, correspondence, legal treatises and court proceedings await in-depth analysis.<sup>18</sup> The fact that these relate to ‘atypical’ rural communities may have discouraged scholarly investigations in the past, but with the rise of approaches like ‘microhistory’ (seeking to illuminate the ‘normal’ through greater attention to the ‘exceptional’) and the ‘new political history’ (moving from ‘mere’ power politics towards a wider examination of bygone cultures), the phenomenon may well gain in appeal.<sup>19</sup> Crucially, perhaps, it promises comparatively ‘unfiltered’ insights into popular priorities and mentalities in the pre-modern world. In contrast to most other local contexts, many sources were formulated and kept by the villagers themselves rather than by social, ecclesiastical and political superiors.

This essay traces the evolution of five notable *Reichsdörfer* which emerged in the Middle Ages and survived to the end of the Ancien Régime: one in present-day Switzerland, the other four in the German lands. How exactly did imperial villages acquire such extensive privileges? What were their prevalent ideals, values and practices? Which internal and external challenges had to be overcome? Following brief contextualizations, the argument centres on local political cultures on the one hand and the various ways in which these small communes defended their special relationship with the Empire on the other.

## II. Case Studies

Gersau on Lake Lucerne has so far been overlooked in lists of *Reichsdörfer*, even though it qualified from the moment a group of inhabitants redeemed all intermediary feudal and jurisdictional rights with a large payment to their lords in 1390. Subsequently, Sigismund granted the parishioners powers of high jurisdiction (as king in 1418) and a confirmation of all their privileges (as emperor in 1433). Regional consolidation had already been assured through treaties with the Forest Cantons in 1332/59, which made Gersau an associate member (*Zugewandter Ort*) of the emerging Swiss Confederation.<sup>20</sup> From that point, the tiny polity shared the latter's political trajectory, including the gradual weakening of imperial ties between the Swabian War of 1499 and the Peace of Westphalia in 1648.<sup>21</sup> Like the surrounding allies, it stayed Catholic throughout the period. Gersau's self-government only ended in 1798, when French revolutionary troops forced the Swiss to transform their loose union into the centralized Helvetic Republic. Up to that point, early modern observers had perceived the micro-republic as a truly immediate and independent unit, whose neighbouring protectors – the rural cantons of Uri, Schwyz and Unterwalden alongside the City of Lucerne – were entitled to military assistance in times of threat, but not to political dominion.<sup>22</sup>

The other four villages – Gochsheim and Sennfeld; Soden and Sulzbach – remained firmly linked to the Empire up to the *Reichsdeputationshauptschluss* of 1803. All adopted the evangelical faith in the sixteenth century. The first two appear for example with the title *Reichsdorf* and their own clearly demarcated territory on a map which accompanied the *Description* of Schweinfurt by Johann Kaspar Bundschuh (1802) just to the south-east of the Franconian imperial free city.<sup>23</sup> A charter of 1234 mentions royal possessions at Gochsheim and from at least 1282 the two villages formed part of the *Reichsvogtei* Schweinfurt. Control over the latter passed via the eponymous city, the Counts of Henneberg and the Palatinate to the Diocese of Würzburg in 1572, which sought to expand its restricted rights (as formalized

in an agreement of 1575) into a formal *Landesherrschaft*. Emperor Frederick III approved this change in 1637, but the villages' immediate position was restored with Swedish help in 1649. Prompted by successive local complaints in the eighteenth century, the imperial cameral court, Emperor Charles VI and the imperial aulic council all admonished the Prince Bishop to respect the villagers' rights. Formal integration into another territory eventually came in the course of the Napoleonic wars: temporary occupation in 1802 was followed by permanent affiliation to Bavaria in 1814.<sup>24</sup>

The situation at Sulzbach and Soden in present-day Hesse, another coterminous pair, was yet more complex, partly because of the influence of monastic (and later noble) lords over an extensive body of servile inhabitants within the area. The distinct, free *universitas* of Sulzbach (which had managed to build independent jurisdictional institutions) seems to have lacked an imperial protector until the city of Frankfurt assumed this role in 1282. A charter by Charles IV in 1339 mortgaged it to Philipp von Falkenstein, while stressing that it remained 'our and the Empire's village'.<sup>25</sup> Even so, this document exemplifies the greatest threat to any *Reichsdorf's* independence, for when emperors failed to redeem such financial obligations, the communes often slipped into subjection to the creditor.<sup>26</sup> Sulzbach and Soden managed to avoid this fate thanks to Frankfurt's support of litigation in the imperial cameral court during the early fifteenth century. However, the city then turned from hero to villain, interpreting the dynamic of the relationship as one of absorption into its own territory, a situation not really clarified by charters of 1434 (Sigismund) and 1444 (Frederick III) confirming that the two villages retained their customary ties to the Empire 'and' the imperial free city.<sup>27</sup> Crippling financial obligations forced Sulzbach to mortgage itself to Frankfurt in 1450, ushering in a period of perennial conflicts only partially resolved by the repayment of the debt in 1613. Thirty-two years later, Ferdinand III ordered the city not to encroach on the villages' privileges. From 1650, the constellation was complicated further by the appointment

of the Prince-Elector of Mainz as imperial protector. In spite of a formal division of rights between the city and prelate, who declared themselves joint overlords over Sulzbach and Soden in 1656, the tripartite relationship remained fraught, with the inhabitants protesting strongly against any violation of their customary rights. During the eighteenth century, they repeatedly appealed to the highest imperial courts and in 1753 commissioned a full legal corroboration of their immediate status by Carl Friedrich von Moser, all without a fully satisfactory outcome.<sup>28</sup> Eventually, in 1803, the emperor assigned the two ancient *Reichsdörfer* to the principality of Nassau.

### III. Communal Political Cultures

No early modern polity was based on the principle of individual human rights, but town and village communities operated a relatively inclusive system.<sup>29</sup> Along with imperial free cities and rural republics,<sup>30</sup> *Reichsdörfer* offered the greatest scope for ‘popular’ political agency. Let us take a closer look at the spectrum of institutions, processes and tensions associated with their form of local government.

Gersau started out as a ‘parish republic’, i.e. a regime in which communal identity and organization was forged in the local ecclesiastical unit and gradually extended onto the secular sphere. Early documents like the alliance with the Forest Cantons record the agency of ‘parishioners’ rather than familial, jurisdictional or socio-economic bodies (even though the latter represented co-existing bonds).<sup>31</sup> After imperial confirmation of their privileges in 1433, the *Kilchgenossen* (literally ‘church associates’) regulated matters of government and marriage/inheritance in two fundamental documents authorised by their own seal (Figure 000.1 **insert near here**).<sup>32</sup> From that point, the political structure came to resemble that of



their rural Swiss neighbours, with sovereignty vested in a periodic communal assembly of adult males over 14 years of age (*Landsgemeinde*) and ‘executive’ power in a council headed by a mayor (*Landammann*). Regular business was conducted by the latter, his deputy and seven members (acting in personal union as governors and judges), but jurisdictional appeals and fundamental decisions could be brought before a double / triple council (of 16 and 23 men respectively) or even the entire *Landsgemeinde*. Full political rights were restricted to the numerous branches of twelve burgher families – towered over by the ubiquitous Camenzinds, who appear in leading positions from the fourteenth century to the present day – but by all accounts the number of excluded residents remained very small.<sup>33</sup>

In the other case studies, communal ties appear to have derived from secular rather than ecclesiastical roots. Abstracting from numerous peculiarities, institutional organization revolved around local law courts, where the imperial protector (*Reichsvogt*) was represented by an avoyer (*Reichsschultheiss*), the inhabitants by one or two village mayors (*Bauer-, Gemeinde- or Dorfmeister*) and several jurors (*Gerichtsmänner*). Sulzbach operated both an upper and a lower/communal tribunal, with the former also hearing appeals from the village court of Soden. As at Gersau, the same officials dealt with jurisdictional as well as ‘executive’ matters. By the time of avoyer Lorentz Kern in the late eighteenth century, Soden’s lower court processed what we might call ‘civil law’ business, above all matters relating to credit, debt and inheritance.<sup>34</sup> At Gochsheim, under the general oversight of the protector and his deputy, the imperial avoyer had the power to pass by-laws, collect fines and liaise with external authorities; together with two further avoyers (representing tenants of the principal manorial lords) and five jurors he formed the ‘court’, but alongside there was a separate body, known as the ‘chair’ (*Stuhl*), equally composed of eight men, which formed an internal check to the fairly oligarchic court and looked after financial matters like taxation and audits. The main communal posts, two pairs of village mayors and churchwardens, were

filled jointly: the upper official by appointment of the court, the lower of the *Stuhl*. All of them had to submit yearly accounts. The smaller sister community of Sennfeld ran a yet more participatory regime: here, elections formed a prerogative of all neighbours. Appeals against decisions of the local judges and matters of high jurisdiction relating to both villages had to be lodged at the imperial protectors' courts, in this case the so-called 'cent' tribunal at Karlsberg.<sup>35</sup>

A republican sense of collective rights and obligations pervades all resulting sources. First indications come from the formulations the villages used to describe themselves. At Gersau, the originally prevalent ecclesiastical term 'common church associates' came to be marginalized – if never quite superseded (it still appears 1751) – by the more secular phrases 'commune and mayor' (1510), 'free countrymen' (1724) and even 'free republic' (1752).<sup>36</sup> At Gochsheim, we find 'jurors and house associates of the Holy Empire's village' (1457), 'avoyer, mayors and whole commune' (1568) and 'avoyers, court and whole commune' (1575); at Sulzbach/Soden, the documents record 'avoyer, jurors and university' (1282), 'avoyer, jurors and common residents of the two villages and parishes' (1450) and 'mayors and whole commune of the two settlements' (1624).<sup>37</sup> These were more than just formulaic phrases, as all regimes depended on broad participation, if not in every single decision, then at least in terms of election rights and civic duties. While the two imperial protectors took turns to appoint avoyers at Sulzbach and Soden, the Gochsheim equivalent was (from the sixteenth century onwards) chosen by the village jurors, and – here as at Soden and Gersau – the commune as a whole elected smiths, shepherds, innkeepers and other lower officials. Over fifty such positions had to be filled each year at Sulzbach alone; in the other villages under consideration here the figure must have been comparable.<sup>38</sup>

As an undisputedly sovereign polity, Gersau exercised virtually the entire range of 'state functions': from independent legislation and jurisdiction to diplomatic alliances and

military defence. Its crown jewel, normally beyond the reach of early modern *Reichsdörfer*, was the authority to judge matters of life and death, symbolized by a set of gallows on the lakeshore (prominently displayed in Merian's prospect of the village in the mid-seventeenth century).<sup>39</sup> The German *Reichsdörfer* lacked this sovereign authority and also showed other signs of external constraint, for example in their liability for imperial taxes (albeit, as at Gochsheim/Sennfeld, with the right to allocate contributions themselves), in their duty to provide some modest form of remuneration for their avoyers (typically a flat-rate fee plus share of court fines) and in their periodic obligation to pay homage to imperial protectors (some of whom tended to fudge the constitutionally clear distinction between this restricted role and that of a regular territorial lord).<sup>40</sup> Occasionally, as at Gochsheim in 1500 and 1561, the latter also issued ordinances, but matters like local regulation, low jurisdiction, communal resources and 'good police' normally fell within the villages' sphere of autonomy.<sup>41</sup>

All communities under investigation show a propensity towards careful record-keeping. From around 1600, Gersau repeatedly copied key documents into collections known as 'land books' or 'books of articles', while Sulzbach/Soden decided to print all their imperial privileges in the early seventeenth century and to charge Carl Friderich von Moser with the compilation of a yet more comprehensive portfolio of legal titles to support a lawsuit in the mid-eighteenth century.<sup>42</sup> Just a couple of years earlier, perhaps hoping to assist Moser's collection, Soden carpenter Johann Heinrich Reiff transcribed the contents of the village court chest (thereby preserving the text of since-lost originals for posterity). In fact, as a young craftsman, he had already copied a number of imperial privileges into his own work diary, a common place book with entries ranging from arithmetics via medical cures to family events. The fact that a middling-sort individual considered this type of information worth recording suggests genuine grass-roots attachment to Soden's peculiar constitutional position (Figure 000.2; **insert near here**).<sup>43</sup> *Reichsdörfer* seem to have been acutely aware

of the need to safeguard written evidence. When Althausen in present-day Baden-Württemberg underwent an imperial investigation into its constitutional status in 1651, the village could provide the commissioners with ‘many charters’ challenging the claims of overlordship advanced by the Teutonic Knights.<sup>44</sup>

Over and beyond mere preservation efforts, villagers reflected their position in chronicles. Gersau produced a set of a least seven so-called ‘tower capsule documents’, written on the occasion of major church repairs by the parish priest or communal scribe. Starting in 1655, the documents record information on population, economic conditions, prices, communal projects, benefactors, officeholders and much more. The focus is predominantly local, explicitly aimed at successive generations of villagers (who are asked to commemorate and pray for their ancestors), with occasional references to foreign wars and natural disasters.<sup>45</sup> Gochsheim produced two major local historians: Johann Ludwig, a peasant who somehow learnt several languages, built up a large personal library and kept a diary of ‘remarkable matters’ as well as writing poetry in the latter half of the eighteenth century, and Johann Matthäus Kirchner, who started a ‘handbook’ on notable events – including annual highlights like the New Year’s church service – in 1747. In 1751, when the village resumed once customary celebrations to mark the restitution of its freedom in 1649, Kirchner reported that ‘the imperial avoyer and honourable court, in consultation with the two ministers here, allowed the young men to stage a dance [*Plantanz*] on the feast of the commemoration of the Peace, as used to be done in the past’. Preparations involved the setting up of two oak trees in front of the village hall in the main square, the larger one decorated with Gochsheim’s crest and a banner with the imperial eagle. Following a festive sermon in church on Sunday, the main event began on Monday at 2 pm. At that time, the young men emerged from the inn with four musicians, a cake bearing the double eagle and a jug of wine. Having circled the oak tree three times in both directions, they drank a toast to

their healths. Then they were joined by their female partners and eventually everybody was allowed to dance, ‘resulting in a great throng of people’. Afterwards, the men returned to the inn, with some further celebrations held on the following two days.<sup>46</sup>

Other means of communication centred on art and architecture. At Gersau, a larger and more representative village hall was built in 1745 and subsequently decorated with a painting cycle specially commissioned from the artist Josef Martin Obersteg (1724-98) at Stans.<sup>47</sup> He delivered four large-scale canvasses depicting biblical examples of good government (including wise King Solomon) and key events in Gersau’s history (such as the confirmation of privileges by Emperor Sigismund), reminiscent of the programmes that had been commissioned for palaces and town halls throughout Europe since the Renaissance (Figure 000.3; **insert near here**). Gochsheim visualized its distinctive status in a quasi-urban setting: visitors entered through one of five gates punctuating its walled perimeter and proceeded to a village core featuring a large market square, imposing timber-framed hall and a church precinct surrounded by a protective ring of storage spaces (*Kirchenburg*).<sup>48</sup> Sulzbach (and its ecclesiastically dependent chapel Soden), meanwhile, enhanced the interiors of their Lutheran churches with numerous panels of religious figures painted by the Catholic (!) artist Konrad Jäger in the 1730s.<sup>49</sup>

Whatever the public image projected here, inner relations were not always harmonious. In late fifteenth-century Gochsheim, a body of twelve men had managed to seize control over the appointment of officials and the auditing of accounts. Their regime triggered charges of favouritism and exclusion. Fourteen disgruntled villagers lodged an official complaint and the two parties were summoned before the imperial protector, Count Wilhelm von Henneberg. The settlement, enshrined in a new village ordinance of 1500, restored traditional communal rights and provided stricter guidelines for the allocation of collective resources. Article 10 specified that ‘for the common good of Gochsheim, avoyers, mayors,

churchwardens, quartermasters, sextons, smiths, field constables, shepherds and other common servants should be chosen in a public communal assembly, as of old, through a majority election', while article 12 restored transparency in accounting to prevent 'church or communal assets' from being 'dealt with in obscure fashion'. Even so, as noted above, a kind of village aristocracy soon re-emerged, with members of the 'court' handling most political business on their own.<sup>50</sup> At Sulzbach in the mid-seventeenth century, an acrimonious conflict divided supporters and opponents of demands made by the Prince-Bishop of Mainz, one of their joint protectors. Eventually, the villagers decided to strip the leader of the minority party, Johann Petermann, of his customary rights on the commons, confirming that here, as in other less autonomous communities, seigneurial relations could foster factionalism within local society.<sup>51</sup> In 1678, the lower court of Soden reprimanded a burgher for bringing his disagreement with the avoyer before an external authority and the two neighbouring *Reichsdörfer* clashed over ecclesiastical matters in 1726. When Soden asked Mainz to appoint a separate minister for their chapel, because they felt disadvantaged by the parish incumbent, Sulzbach interpreted this as a violation of its right of advowson. The dispute, fuelled by diverging views on the candidate's personal integrity, escalated to a point where the prelate sent in troops.<sup>52</sup>

Gersau's most serious political crisis was a citizenship dispute in the early seventeenth century. Having admitted the Küttels as burghers (*Landleute*) in 1528, their rising prosperity and influence caused the villagers to fall out over the question of whether to exclude the family one hundred years later. Over several decades, the communal assembly was paralyzed by the issue; at times, meetings came to blows. The Swiss allies, repeatedly called in to arbitrate, nearly despaired of the stubbornness of both parties. Proposed settlements remained unenforced and it was only escalating legal and diplomatic costs that forced Gersau to bury the hatchet and leave the Küttel's status unchanged. Subsequent

internal commentators deplored ‘the consequences of this disagreement upon our land, as we had to experience to our highest detriment and loss’ and expressed the firm desire ‘to prevent such division and discord affecting our dear fatherland in the future’.<sup>53</sup> This episode highlights one of the drawbacks of extreme local autonomy. When communes got split right down the middle, there was no ‘neutral’ or superior authority to decide the matter one way or another, opening the door for outside intervention.

#### IV. Rural Autonomy, Imperial Bonds and Early Modern State Building

Most scholarly work on *Freiheit* has focused on the evolution of personal or individual rights in political thought and on the constitutional breakthroughs of the Atlantic Revolutions.<sup>54</sup> Yet the ideal of corporate or collective freedom – in other words the power of self-government and the absence of external direction or tyranny – has also to be considered. Recent studies point to its significance throughout pre-modern Europe, in polities ranging from small republics to entire kingdoms, even though research on many aspects ‘stands very much at the beginning’.<sup>55</sup> Imperial villages allow us to take this line of inquiry right down to the level of its rural grass-roots. From the first emergence of the *Reichsdörfer* up until the end of the Ancien Régime, the defence of their immediate ties to the emperor constituted their key political priority. As we have seen, all but a handful of these communities lost their special status at some point along the way, but this reflected the general growth in state power rather than any want of local effort. Take the remarkable case of Freienseen near Giessen in present-day Hesse. In January 1555, the villagers managed to extract two valuable documents from Charles V’s imperial chancellery: a protection charter confirming their ‘ancient’ privileges on the one hand, and a ‘replacement’ for an allegedly lost grant of a communal crest and seal.

Equipped with such evidence, they petitioned the cameral court to dismiss the Count of Solms-Laubach's claims of overlordship. As a 'free commune' (*freier Flecken*), the peasants argued, Freienseen remained subject only to the Empire and thus exempt from territorial taxes, dues and services. This challenge triggered an avalanche of forty-eight separate court cases, including proceedings at the aulic court in Vienna, and several arbitration attempts, most notably by the Landgrave of Hesse in 1639, over a period of more than two hundred years. However, all of these failed to fully resolve the dispute. A historical examination of the village's position suggests that its campaign was more than tenuous, as previous generations had indeed paid homage to the counts as their princes (something Charles' officials had clearly failed to double-check). Yet, inspired perhaps by a tradition of Anabaptist resistance in the region, the commune stuck to its vision of independence at enormous costs, including confiscations of property, interference in local government, imprisonment of ringleaders and – most seriously – mounting internal divisions between 'rebels' and 'obedient' inhabitants.<sup>56</sup> The fact that contemporaries were prepared to go to such lengths in dubious circumstances surely underlines the appeal of imperial free status. Apart from tangible – financial, jurisdictional and administrative – advantages, it also conveyed a sense of distinction and 'otherness' compared to dependent rural communities.

Contemporary political discourse explicitly acknowledged villages as constituent parts of the Holy Roman Empire. In the so-called *Quaternionen*, a customary depiction of its structure documented since the fifteenth century, the various groups (counts, knights, cities, peasants etc.) appear with four members each. This bore little relation to political reality, but it allowed the symbolic representation of the Empire as a well-balanced and symmetrical unit in media ranging from pamphlets and copperplate prints to drinking vessels. Nearly all surviving examples feature a distinct category *Dörfer*, although – for somewhat cryptic reasons – the places listed under this heading were urban settlements like Bamberg, Ulm,



Hagenau and Schlettstadt.<sup>57</sup> The emperors' military and financial power may have been waning, but the office commanded enduring respect (at home as well as abroad) and its jurisdictional infrastructure offered a non-violent route for conflict resolution, not least in constitutional disputes pitching peasant communities against princes.<sup>58</sup>

In *Reichsdörfer*, the smallest constituent units, awareness of – and attachment to – the Empire remained particularly strong. At Gochsheim, the symbol of the eagle was everywhere. It can first be traced on the newly-built *Rathaus* of 1561, where it appears with the initials of the deputy imperial protector Hermann Hartlaub, on ceremonial drinking vessels (see Figures 000.4-5; **insert near here**) and – as noted during the 1751 celebrations – even trees and cakes. The communal archive holds one of the few surviving grants of a seal to an imperial village, issued in 1568 by Frederick III, Count Palatine and protector, at the request of Gochsheim's 'avoyer, peasant mayor and whole commune'. It contains a written description and hand-painted illustration of the motive, an eagle with wings spread over a brick wall.<sup>59</sup> By the seventeenth century at the latest, most *Reichsdörfer* possessed this key mark of independent, corporate status. Some featured their crest or a local landmark, others the parish church patron (cf. Figure 000.1), but most commonly imperial symbols like the eagle (as at Bubenheim or Elsheim) or the apple (in many Swabian and Alsatian examples). Seals served to validate the villagers' legal and administrative documents, just as they did for imperial knights, abbeys or cities.<sup>60</sup>

Affiliation remained nearly as tangible at Gersau, even though the Swiss Confederation became effectively independent after 1648. There was no one war, conflict or treaty which changed the status of the micro-republic, but Sigismund's confirmation of privileges in 1433 proved to be the last formal contact with the Empire. Symbolically, the association remained close: church and village hall were linked by the (most likely shortest ever) 'imperial highway', on which the communal scribe officially announced the holding of

assemblies, and the parish chronicles proudly refer to royal and imperial charters well beyond the Peace of Westphalia: in 1655 the author expressed the hope that ‘this land [may] also be graciously preserved in the true Catholic faith and in its ancient God-given liberties, acquired by our ancestors from the old emperors’.<sup>61</sup> Yet the most striking evidence is visual: in the codification known as the ‘small landbook’ of 1605, a magnificent crowned double-headed eagle towers above the simple red and blue crest of the community and it still adorns the ‘big land book’ of 1742, albeit this time placed behind the crest.<sup>62</sup> Thomas Maissen has shown how the need to display sovereignty in the emerging state system prompted the Swiss cantons to abandon imperial imagery in favour of classical republican symbols from the late seventeenth century, but in Gersau the shift occurred much later. The ‘liberty cap’ as a sign of collective independence makes its first appearance here on the title page of the assembly minutes of 1784, yet still before the French Revolution.<sup>63</sup>

All of our case studies faced threats of integration into a neighbouring territory. The earliest and most durable solution was found for Gersau. Around 1400, the city of Lucerne cast its eye on the village and on nearby Weggis, two communities that had allied themselves to the Forest Cantons in 1332/59. Matters came to a head over the issue of who could summon the rural communes to military service, a right Lucerne claimed to possess. Eventually, Bern as a neutral confederate was called in to arbitrate. Its avoyer found that Gersau (unlike Weggis) should not be subject to the city, but associated equally with all partners of the treaties, perhaps because of the written evidence for the redemption of all feudal rights in 1390.<sup>64</sup> Subsequently, protected by a safety belt of mutually interlinked fellow republics and the ever-increasing force of custom, the polity’s independence remained unchallenged until the French military invasion in 1798.

Most other imperial villages were less secure. As outlined above, Frankfurt and Mainz made sustained claims on Sulzbach and Soden, Schweinfurt and Würzburg on Gochsheim

and Sennfeld, triggering (sometimes decades-long) proceedings in the cameral court and/or aulic chamber, as well as investigations by special commissions.<sup>65</sup> Only a few spotlights can be thrown on these highly complex cases here. Fearing that the imperial free city of Schweinfurt would attempt to integrate them into their territory, Gochsheim and Sennfeld sent a delegation to the imperial diet at Speyer in 1570, obtaining permission to seek an alternative protector, who materialized in the person of the Prince-Bishop of Würzburg. The new arrangement was welcomed with much relief and formalized in a treaty of 1575.<sup>66</sup> Yet relations soon deteriorated due to an acrimonious confessional dispute. On 16 April 1592, the Würzburg official Christoph Heinrich von Erthal (whose family owned manorial and tithe rights in the village) was due to be buried at Gochsheim by the Catholic priest of Hausen. The imperial avoyer, however, insisted that the ceremony should be carried out by the local Lutheran pastor, which infuriated the bishop. Over the following years, the commune suffered a series of reprisals, including increased pressure to accept subordination, the imposition of an unpopular avoyer 1595-96 and – in 1600 – the relocation of Würzburg's judge at Karlsberg to a house in Gochsheim formerly occupied by a pre-Reformation priest. Following further wartime issues and the full-scale takeover in 1637, this phase only ended with the restitution of immediate status in 1649, although the situation remained tense.<sup>67</sup> One late eighteenth-century commentator urged mutual respect, arguing that villagers would surely appreciate the benefits of external advice and mediation, as long as the *Reichsvögte* renounced territorial claims, but such pleas fell on deaf ears.<sup>68</sup>

The resilience of these localities is remarkable. Whatever the objections by joint 'protectors' Frankfurt and Mainz, as late as the 1780s the villagers of Sulzbach and Soden kept insisting that they were 'imperial free people'.<sup>69</sup> However, by that time, the central authorities seem to have tired of the constant interventions by rural communities. Regardless of regularly confirmed privileges and past verdicts in their favour, representatives were told

to stop pestering officials with their litanies of freedom. In 1787, the aulic council in Vienna formally arrested and expelled agents acting for Sulzbach and Soden, with a possible alternative source of help – the evangelical estates of the imperial diet – proving equally reluctant to engage with any further complaints.<sup>70</sup> For many observers, the *Reichsdörfer*'s concerns were relics from the past and out of touch with the period spirit of centralization and territorial consolidation.

## V. Conclusions

*Reichsdörfer* formed a distinctive part of the imperial constitution. Their position has attracted limited scholarly attention, even though it is reflected in copious charters and treaties; political pamphlets; administrative records; chronicles and legal proceedings. As immediate units without a territorial lord, they flourished particularly in the late Middle Ages, but frequent mortgaging to princes or cities, early modern state building and a centralizing *Zeitgeist* reduced numbers down to a handful by the end of the Ancien Régime. This essay has focused on the political culture and defence of local autonomy in five long-term survivors, including one within the orbit of the increasingly independent Swiss Confederation. Most owed their special status to association with a royal demesne or peculiar, but Gersau achieved it through the monetary redemption of lordship rights. Local government rested on typical communal institutions like courts, councils and assemblies, sometimes with a more 'aristocratic' (Gochsheim) and sometimes a more 'democratic' (Gersau, Sennfeld) flavour. Direct links to the Empire manifested themselves, invariably, in symbolic communication and, usually, in the written confirmation of privileges (most consistently at Sulzbach/Soden), in the presence of dedicated officials (*Reichsvögte* and –

*schultheissen*), in imperial taxation and in frequent recourse to the jurisdiction of cameral court and aulic council. What distinguished these villages, just like imperial knights, from full-scale *Reichsstandschaft* was merely the lack of representation in the Diet.

The sources reveal close attachment to their collective freedom and remarkable resilience against any attempts – ironically by imperial ‘protectors’ – to erode it. No legal, diplomatic, financial and personal efforts appear to have been spared, even where the case for self-government (as at Freienseen) appeared tenuous. When integration became inevitable, the local mood turned sombre: at Gochsheim, the peasant chronicler Johann Ludwig remembered the village’s temporary subjection to Würzburg as the ‘saddest state in which it ever found itself’; while Gersau’s council classed the final appropriation by the Canton of Schwyz in 1817 as the loss of ‘the most precious jewel, namely our time-honoured freedom and independence’.<sup>71</sup> Even today, the past is vividly remembered: there is a *Geschichtsverein Reichsdorf Sulzbach*, a dedicated page on the Bad Soden website, a *Reichsdorfmuseum* at Gochsheim, an annual *Plantanz* marking the 1649 restitution of freedom at Sennfeld and a tradition of anniversary celebrations at Gersau, not to mention the extensive material legacy in archives, village halls, churches and monuments.<sup>72</sup> A longer-term analysis of communal memory would surely be a rewarding task.

Returning to the past, local autonomy did not equate to political harmony. The evidence for inner tensions – over both internal regimes and external relations – cannot be overlooked, neither should structural problems, especially the lack of political/military clout and the danger of communal meltdown in case of fundamental divisions. From this perspective, it is all the more surprising that the villages carried out ‘state’ functions over many centuries. Gersau, as an effectively imperial *free* village, had the largest room for manoeuvre (including capital punishment, ‘foreign policy’ and military initiatives), but all *Reichsdörfer* exercised at least lower jurisdiction, regulatory powers and extensive

administrative tasks. Every year dozens of communal positions had to be filled; while the most prestigious posts of avoyers, mayors and jurors tended to be monopolized by local elites, those of churchwardens, constables, shepherds, watchmen etc. involved a great proportion of adult males.

Why did these five communes maintain their autonomy, when so many others lost it? Much more comparative research is needed to answer this question (as indeed others relating to social, economic and religious dimensions), but it may have had something to do with exceptionally good record keeping, an invaluable asset in a society which valued custom so highly. Then there was a shared proximity to other republics. While cities like Frankfurt, Lucerne and Schweinfurt could threaten their small neighbours with expansionist policies of their own, on other occasions they offered invaluable legal and diplomatic help. Political regimes were comparable and the ever-growing power of principalities challenged towns and villages to a similar extent. Gersau found itself in the exceptionally congenial surroundings of sympathetic rural republics, who accepted it as an associate from the fourteenth century onwards, ensuring that multiple regional partners kept an eye on each other (as well as – particularly in 1431 – the ambitions of the only city, Lucerne).<sup>73</sup> Yet perhaps the emergence and survival of *Reichsdörfer* simply occurred where the complex matrix of overlapping and/or competing jurisdictions had left spaces for dedicated communities to exploit, without an overarching explanation. Imperial villages had many defenders and supporters, but by the eighteenth century the political establishment started to see them as anachronistic.

The evidence examined here demonstrates the remarkable pervasiveness of the Holy Roman Empire's practical and symbolic significance. Many of the values, structures and procedures scholars have discussed for the central courts, imperial diets and a wide range of immediate units (be they electorates, principalities or city republics) scaled all the way down to village level. The norms and ideals of the Empire – above all those of collective freedom,

the authority of custom, equitable jurisdiction and representative institutions, mattered to these communities right to the end, even though *Reichsdörfer* commanded just a fraction of the power and prestige of larger member states. As largely self-governing polities, furthermore, they underline the viability of minuscule units and non-monarchical regimes throughout the pre-modern period. The villagers' fate was not simply decided from 'above', but negotiated in often lengthy and complex proceedings. As a result, pockets of local autonomy survived outside the urban belt and Alpine periphery. Scholars have rightly stressed the continuing significance of city states and confederations in early modern Europe – these rural micro-republics deserve to be added to the list.

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<sup>1</sup> E.L.W. von Dacheröden, *Versuch eines Staatsrechts, Geschichte und Statistik der freyen Reichsdörfer in Teutschland* (Leipzig, 1785), 'Vorrede' ('The subject of this study will undoubtedly seem very insignificant to many readers: for what of note can possibly be said about a few villages, they will think.').

<sup>2</sup> W. Blockmans and J.-P. Genet (eds), *Origins of the Modern State in Europe, 13th to 18th Century* (7 vols, Oxford, 1995-97); D. Freist, *Absolutismus* (Darmstadt, 2008).

<sup>3</sup> See e.g. B. Moeller, *Imperial Cities and the Reformation: Three Essays* (Philadelphia, 1972); around 1500, urban communes which had emancipated themselves from episcopal lords (*Freistädte*) and royal towns (*Reichsstädte*) became collectively known as 'imperial free cities': E. Haberkern and J.F. Wallach, *Hilfswörterbuch für Historiker* (6th edn, Munich, 1980), pp. 77, 527. For comparative perspectives: C. Friedrichs, *The Early Modern City 1450-1750* (Harlow, 1995); Q. Skinner and M. Van Gelderen (eds), *Republicanism: A Shared European Heritage* (2 vols, Cambridge, 2002); A. Holenstein, Th. Maissen and M. Prak (eds), *The Republican Alternative. The Netherlands and Switzerland Compared* (Amsterdam, 2008).

<sup>4</sup> R. Asch and D. Freist, *Staatsbildung als kultureller Prozess: Strukturwandel und Legitimation von Herrschaft in der frühen Neuzeit* (Cologne, 2005); W. Blockmans, A. Holenstein and J. Mathieu (eds), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe* (Farnham, 2009).

<sup>5</sup> Dithmarschen's subordination to the Archbishopric of Bremen was purely nominal: W.L. Urban, *Dithmarschen: A Medieval Peasant Republic* (Lewiston, 1991), p. 28; Holenstein *et al.*, *Republican Alternative*; R. Head, *Early Modern Democracy in the Grisons: Social Order and Political Language in a Swiss Mountain Canton 1470-1620* (Cambridge, 2005); C. Schnyder, *Reformation und Demokratie im Wallis 1524-1613* (Mainz, 2002).

<sup>6</sup> Some 100-120 imperial villages appear in L. Hugo, 'Verzeichnis der freien Reichsdörfer in Deutschland', *Zeitschrift für Archivkunde, Diplomatiek und Geschichte* 2 (1836), pp. 446-76. esp. p. 447, and G. Mattern,



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‘Siegel und Wappen der Reichsdörfer’, *Archivum Heraldicum* 90 (1976), issue 1/2, pp. 44-53; issue 3/4, pp. 12-19, esp. p. 44; cf. J.R. Wegelin, *Gründlich-Historischer Bericht von der kayserlichen und Reichs Landvogtey in Schwaben* (2 parts, Ulm, 1755), pt. 1, p. 38; and G.L. von Maurer, *Geschichte der Dorfverfassung in Deutschland* (2 vols, Erlangen, 1865-66; reprint Aalen, 1961), p. 367.

<sup>7</sup> Hugo, ‘Reichsdörfer’, p. 446, and H. Neuhaus, *Das Reich in der Frühen Neuzeit* (2nd edn, Munich, 2003), p. 38, list a mere five in 1803; for the free peasants association see C. De Kegel Schorer, *Die Freien auf Leutkircher Heide: Ursprung, Ausbau und Erosion einer oberdeutschen Freibauerngenossenschaft* (Epfendorf, 2007).

<sup>8</sup> ‘[Reichsdörfer sind] dem Reich unmittelbar unterworfen, auch mit ... Gerechten und allen andern der Unmittelbarkeit anklebenden Rechten und Gerechtsamen begabte Dorff=Gemeinden’: G.A. Jenichen, *Abhandlung von denen Reichs-Dörffern und Reichs-freyen Leuten* (no place, 1768), p. 9.

<sup>9</sup> For definitions and evidence see Wegelin, *Schwaben*, pt. 1, p. 37; D.W.A.F. Danz (ed.), *Handbuch des heutigen deutschen Privatrechts* (2nd edn, Stuttgart, 1800), vol. 1, p. 265; Mattern, ‘Reichsdörfer’, issue 1/2, pp. 44-5; for a recent survey of the early modern imperial constitution Neuhaus, *Reich*. Some sources distinguish *Reichsdörfer* (as just defined) from *Freidörfer*, which lacked feudal rather than political lordship (Maurer, *Dorfverfassung*, pp. 364-5), but the latter are not examined here.

<sup>10</sup> The Empire’s continuing relevance in early modern political culture is emphasized in much recent work, as surveyed e.g. in G. Schmidt, *Geschichte des Alten Reiches. Staat und Nation in der Frühen Neuzeit 1495-1806* (Munich, 1999); B. Stollberg-Rilinger, *Das Heilige Römische Reich deutscher Nation: vom Ende des Mittelalters bis 1806* (4th edn, Munich, 2009); and P.H. Wilson, *The Holy Roman Empire 1495-1806* (2nd edn, Basingstoke, 2011); for ongoing scholarly debates see also the ‘Society for the Study of the Holy Roman Empire’ and the online community H-HRE: <http://www.h-net.org/~hre/> (accessed 4 January 2014).

<sup>11</sup> These possibilities are identified in D.A.F. Büsching, *Neue Erdbeschreibung*, pt 3, vol. 3: Niedersächsischer Kreis (4th edn, Hamburg, 1765), p. 3036; Hugo, ‘Reichsdörfer’, p. 446; A. Müller, *Gersau – Unikum in der Schweizer Geschichte* (Baden, 2013), p. 23.

<sup>12</sup> P. Moraw, ‘Franken als königsnahe Landschaft im späten Mittelalter’, *Blätter für deutsche Landesgeschichte* 112 (1976), pp. 123-38; H. van Lengen, *Die Friesische Freiheit des Mittelalters. Leben und Legende* (Aurich, 2003).

<sup>13</sup> E. Kaufmann, *Geschichte und Verfassung der Reichsdörfer Soden und Sulzbach. 1035-1806* (Bad Soden, 1951; reprint Flörsheim a.M., 1981), p. 100 (1521); specific villages named e.g. in *Friedens=Executions-*

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*Haupt=RECESS, Wie derselbe / Im Namen Kayserlicher und zu Schweden königl. Majest. ... durch dero darzu bevollmächtigte höchst=commendirende Generaliten und Plenipotentiarien ... den 16./26. Junii, Anno 1650: allerseits unterschrieben ... worden* (Stettin, 1650), appendices A-B; *Verzeichnuß / Deß Heyl: Römischen Reichs / Teutscher Nation / Hochlöblichster: Hoch: und Wol-löblicher Stände / nach den Zehen Reichs-Craissen* (1663), p. 17; *Hauptschluß der außerordentlichen Reichsdeputation* (25 February 1803; at [http://de.wikisource.org/wiki/Hauptschluß%20der\\_ausserordentlichen\\_Reichsdeputation](http://de.wikisource.org/wiki/Hauptschluß%20der_ausserordentlichen_Reichsdeputation) (accessed 23/11/12)). Some further examples in Danz, *Privatrecht*, vol. 1, p. 262.

<sup>14</sup> S. Hunziker, 'Die ländliche Gemeinde in der juristischen Literatur 1300-1800', in P. Blickle (ed.), *Gemeinde und Staat im Alten Europa* (Munich, 1997), pp. 397-468, esp. p. 457.

<sup>15</sup> Maurer, *Dorfverfassung*, pp. 382, 401-2.

<sup>16</sup> Jenichen, *Abhandlung*, p. 3 ('So far there is incomplete information on imperial villages, even though they deserve closer examination').

<sup>17</sup> Early scholarship is discussed in Maurer, *Dorfverfassung*, and examples of local histories will be highlighted below. Neuhaus, *Reich*, p. 38, covers the topic in less than a page. For the much more advanced state of research on imperial free cities see e.g. Moeller, *Imperial Cities*; U. Hafner, *Republik im Konflikt: Schwäbische Reichsstädte und bürgerliche Politik in der frühen Neuzeit* (Tübingen, 2001); A. Krischer, *Reichsstädte in der Fürstengesellschaft: Zum politischen Zeichengebrauch in der Frühen Neuzeit* (Darmstadt, 2006).

<sup>18</sup> A portfolio of no fewer than 155 pieces of evidence supports C.F. von Moser, *Die Reichsfreyheit der Gerichte und Gemeinen Sultzbach und Soden gegen die neuerliche Chur-Mayntz- und Franckfurtische Vogtey und Schutz-Herrliche Eingriffe erwiesen und vertheidigt* (no place, 1753). Another rich survival exists for Althausen in present-day Baden-Württemberg, formerly an imperial village under the 'protection' of the Teutonic Order, but no longer mentioned as such in 1803: see e.g. Staatsarchiv Ludwigsburg, B 249: Deutscher Orden, Kommende Mergentheim I, and B 254: Deutscher Orden, Regierung Mergentheim: Amt Neuhaus IV.

<sup>19</sup> G. Levi, 'On Microhistory', in P. Burke (ed.), *New Perspectives on Historical Writing* (2nd edn, Cambridge, 2001), pp. 93-113; P. Burke, *What is Cultural History?* (2nd edn, Cambridge, 2008). The 'new' cultural/political history is programmatic for J.P. Coy, B. Marschke and D.W. Sabeau (eds.), *The Holy Roman Empire, Reconsidered* (New York, 2010).

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- <sup>20</sup> Bezirksarchiv Gersau [hereafter abbreviated to BAG], Urkunden, nos 3 (1359 alliance) and 6 (1390 purchase). The most detailed study of Gersau is J.M.M. Camenzind, *Die Geschichte von Gersau*, ed. H.G. Wirz (3 vols, Gersau, 1953-59); a concise outline now in Müller, *Unikum*. For a brief, if dated, English summary see W.A.B. Coolidge, 'The Republic of Gersau', *English Historical Review* 4 (July/1889), pp. 481-515.
- <sup>21</sup> The complex evolution towards republican sovereignty is traced in Th. Maissen, *Die Geburt der Republic: Staatsverständnis und Repräsentation in der frühneuzeitlichen Eidgenossenschaft* (Göttingen, 2006).
- <sup>22</sup> The sovereign status is emphasized in J.K. Füssli, *Staats- und Erdbeschreibung der schweizerischen Eidgenossenschaft* (vol. 1, Schaffhausen, 1770), p. 384: 'Die von Gersau sind nicht Schirm- oder Schutzangehörige, sondern Bundesgenossen der vier Waldstätte.'
- <sup>23</sup> J.K. Bundschuh, *Beschreibung der Reichsstadt Schweinfurt: Ein historisch-topographisch-statistischer Versuch, mit einer Karte* (Ulm, 1802); cf. the map 'Das Bisthum Wurtzburg' by J. Schollenberger (1676), where the two villages are also clearly outside the city's territory, in the 'Historische Karten' section of Franconia Online: <http://franconica.uni-wuerzburg.de/ub/topographia-franconiae/maps.html> (accessed 4 January 2014).
- <sup>24</sup> The only detailed study of the two villages, whose fortunes were closely intertwined, is F. Weber, *Geschichte der fränkischen Reichsdörfer Gochsheim und Sennfeld* (Schweinfurt, 1913); further information on Gochsheim can be gained from J.J. Moser, *Grund=riß der heutigen Staats=Verfassung des Teutschen Reichs* (7th edn, Tübingen, 1774), p. 532 (and related documentation), and the discussions in Wegelin, *Schwaben*, pt. 1, p. 38; Büsching, *Erdbeschreibung*, p. 3039; Jenichen, *Abhandlung*, pp. 18-19; Hugo, 'Reichsdörfer', p. 457; and F. Zeilein, 'Das freie Reichsdorf Gochsheim – Einführung', in R.A. Müller (ed.), *Reichsstädte in Franken*, vol. 1: Verfassung und Verwaltung (Munich, 1987), pp. 379-87, esp. 380-6 (applicable with some modifications to Sennfeld).
- <sup>25</sup> This account is based on general surveys of the two communes in K. Roßbach, *Geschichte der freien Reichsdörfer Sulzbach und Soden* (Bad Soden i.T., 1924; reprint Flörsheim, 1981), and Kaufmann, *Soden und Sulzbach*. On the history of (Bad) Soden see J. Kromer, *Bad Soden am Taunus: Stadtgeschichte* (2 vols, Frankfurt a.M., 1990-91), esp. vol. 2, pp. 50-4 (1339), and H. v. Nolting (ed.), *Aus der Sodener Gerichtslade* (Bad Soden, 1996), p. 66 (1282). For Sulzbach cf. S. Fay, *Sulzbach am Taunus* (3 vols, Sulzbach, 1983-89), which includes a 1495 tax list documenting many personally unfree tenants among the *Reichsdorf* inhabitants: vol. 1, p. 164.

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- <sup>26</sup> See e.g. the fate of the free burghers and peasants in and around Eglofs in the Allgäu, who were continuously mortgaged from the late thirteenth century, but retained certain jurisdictional privileges: P. Kissling, *Freie Bauern und bäuerliche Bürger. Eglofs im Spätmittelalter und in der Frühneuzeit* (Epfendorf, 2006), p. 12. The comparable personal association on Leutkircher Heide saw its medieval political autonomy eroded first by *Verpfändungen* to the Counts of Montfort and then the territorialization campaign of the powerful Habsburg dynasty: De Kegel, *Die Freien*.
- <sup>27</sup> Specifically on relations to Frankfurt see J.H. Faber, *Topographische, politische und historische Beschreibung der Reichs= Wahl= und Handelsstadt Frankfurt am Mayn* (2 vols, Frankfurt, 1788), vol. 2, pp. 553-66.
- <sup>28</sup> Moser, *Sulzbach und Soden*.
- <sup>29</sup> P. Blickle, *From the Communal Reformation to the Revolution of the Common Man* (Leiden, 1998), esp. Ch. 1; B. Kümin, *The Communal Age in Western Europe c.1100-1800: Towns, Villages and Parishes in Pre-modern Society* (Basingstoke, 2013), esp. Ch. 4. Women, of course, remained universally excluded until the twentieth century.
- <sup>30</sup> Contemporaries could perceive the latter's constitutions as 'democratic': Head, *Grisons*.
- <sup>31</sup> For a comparative study of the parish republics of Gersau and Dithmarschen see my 'Kirchgenossen an der Macht: Vormoderne politische Kultur in den "Pfarreirepubliken" von Gersau und Dithmarschen', *Zeitschrift für historische Forschung* (forthcoming in 2014).
- <sup>32</sup> BAG, Urkunden nos 9-10 (both 1436).
- <sup>33</sup> A triple council was convened e.g. to pass new regulations for the parish benefice and to settle a conflict with the parson in 1721: BAG, Pfrundbrief-Sammlung, no. 1-2; *ibid.*, Briefe 1700-1800, no. 35. The crests of the burgher families adorn the cover page of a volume of council minutes started in 1742: BAG, RB 4.
- <sup>34</sup> Weber, *Gochsheim und Sennfeld*, p. 83; Kaufmann, *Soden und Sulzbach*, p. 86; Stadtarchiv Bad Soden, VI.1.63: Court protocols of imperial avoyer Lorenz Kern.
- <sup>35</sup> G.L. von Maurer, *Geschichte der Dorfverfassung in Deutschland* (Erlangen, 1866), vol. 2, p. 390. I am grateful to Gochsheim's archivists, Dr. Elmar Geus and Walfried Hein, for sharing their insights into the structure of village government. On the more 'democratic' flavour of the Sennfeld constitution see also Weber, *Gochsheim und Sennfeld*, p. 298.

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- <sup>36</sup> BAG, Artikelbuch I, f. 15r (1751); *ibid.*, Urkunden, no. 18 (1510); *ibid.*, UKP, p. 510 (1724); J. Wiget (ed.), ‘Die Turmkugel-Dokumente der Pfarrkirche Gersau’, *Mitteilungen des Historischen Vereins des Kantons Schwyz* 76 (1984), pp. 161-17, no. 4 (1752).
- <sup>37</sup> Weber, *Gochsheim und Sennfeld*, pp. 309, 333, 342; Kromer, *Bad Soden*, vol. 2, pp. 50, 64, and Nolting, *Sodener Gerichtslade*, p. 35.
- <sup>38</sup> Faber, *Frankfurt*, vol. 2, p. 570 (Sulzbach/Soden avoyer): Zeilein, ‘Gochsheim’, p. 382 (Gochsheim avoyer); Maurer, *Dorfverfassung*, vol. 2, pp. 384-6; H. v. Nolting (ed.), *Protokollbuch des freien Untergerichts zu Soden 1665 – 1726* (Bad Soden, 1995), pp. 15 ff.; and Kaufmann, *Soden und Sulzbach*, p. 87 (elected village officers). At Gersau, the triple council alone had 21 jurors; a list of further civic offices, including several wardens and legal advocates, e.g. in BAG, Grosses Landbuch 1711-41, dedication page.
- <sup>39</sup> M. Merian (ed.), *Topographia Helvetiae, Rhaetiae et Valesiae* [1654] (Reprint, Basel: R. Geering, 1926), between pp. 38-9 (reproduced in Kümin, *Communal Age*, Fig. 2). The other functions appear in the statutes, council minutes and charters kept in BAG (including Gerichtsakten, no. 11: execution of Johannes Galli Zimmermann in 1756). On the absence of high jurisdiction elsewhere: Maurer, *Dorfverfassung*, p. 389.
- <sup>40</sup> Contemporary accounts of their obligations in Wegelin, *Schwaben*, vol. 1, p. 38; Faber, *Frankfurt*, vol. 2, pp. 569-70.
- <sup>41</sup> Würzburg, Staatsarchiv, Lib. div. form. 20, f. 835 (Gochsheim ordinance issued by the Count of Henneberg in 1500) and Mattern ‘Reichsdörfer’, issue 3/4, p. 13 (Gochsheim village ordinance, regulating matters like church attendance and tavern opening hours, set by the Palatine deputy protector in 1561); cf. Maurer, *Dorfverfassung*, pp. 388-90 (usual extent of autonomy).
- <sup>42</sup> BAG, Bücher (Gersau); *Gleichlautende Abschrift aller Käyserlichen Privilegien ... beyder Gerichte und Gemeinden zu Sulzbach und Soden* (Höchst, 1614); the production costs of Moser, *Sulzbach und Soden*, came to 500 f., around half of the communes’ annual income (on context and costs see Kaufmann, *Soden und Sulzbach*, pp. 51, 89).
- <sup>43</sup> For Reiff’s transcript of 1750-51 and his workbook started in 1703 see Stadtarchiv Bad Soden, VI.1.64 (transcribed in Nolting, *Gerichtslade*) and VI.1.59, unpaginated.
- <sup>44</sup> A. Faber (ed.), *Europäische Staats-Cantzley* (115 vols, Nuremberg, 1697–1760), vol. 58, p. 198.
- <sup>45</sup> Wiget, ‘Turmkugel-Dokumente’. The custom existed in several parts of the Empire, see e.g. Nikolaus Müller, *Die Funde in den Turmknäufen der Stadtkirche zu Wittenberg* (Magdeburg, 1912); Herbert

Schultheis, 'Dokumente aus dem Knauf des Turmkreuzes der Pfarrkirche St. Nikolaus und St. Katharina zu Steinach a.d. Saale', *Würzburger Diözesangesichtsblätter* 45 (1983), pp. 129-63; Siegfried Haider, 'Kirchturmurkunden vornehmlich aus Oberösterreich', *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 106 (1998) pp. 1-30. I am grateful to Herwig Weigl and Ulrich Rasche for alerting me to these examples.

<sup>46</sup> For extracts from the manuscript see <http://www.gochsheim.de/tourismus/kirchweih/ursprung/index.html> (accessed 4 January 2014); for lives and works cf. W. Hein, *Johannes Ludwig 1751-1817: Bauer, Philosoph und Poet dazu* (Gochsheim, 1997), and idem, *Der Chronist Johann Matthäus Kirchner* (Gochsheim, 2003). Ludwig's writings, which include his own account of the *Plantanz*, are kept in the Archiv der evangelischen Kirchengemeinde Gochsheim, nos 36 ('Manuale'), 41 a-c (two further MS).

<sup>47</sup> Kulturkommission des Kantons Schwyz (ed.), *Das Rathaus der altfryen Republik Gersau* (Schwyz, 1987).

<sup>48</sup> A village map from 1798 highlighting the central parish church tower appears in Ludwig, 'Manuale', unpag.

<sup>49</sup> Sulzbach's cycle can be viewed at <http://www.evangelisch-in-sulzbach.de/unserekirche/bilder.htm> (accessed 4 January 2014).

<sup>50</sup> Würzburg, Staatsarchiv, Lib. div. form. 20, f. 835. I am grateful to Dr Elmar Geus for providing me with a transcript of this ordinance; see also Weber, *Gochsheim und Sennfeld*, pp. 317-23.

<sup>51</sup> Kaufmann, *Soden und Sulzbach*, p. 30. Previous disagreements had often been submitted for arbitration to the other protector, the City of Frankfurt: Kromer, *Bad Soden*, vol. 2, pp. 51, 54, 60 etc. On inner-communal divisions more generally see D. M. Luebke, *His Majesty's Rebels: Communities, Factions, and Rural Revolt in the Black Forest, 1725-1745* (Ithaca, 1997).

<sup>52</sup> Nolting (ed.), *Protokollbuch*, p. 27 (1678); Kaufmann, *Soden und Sulzbach*, p. 44 (1726).

<sup>53</sup> The admission charter of 1528 survives in Staatsarchiv Luzern, Urk. 64/1187. Quotes from Wiget, 'Turmkugel-Dokumente', no. 1 (1655), and BAG, UKP, pp. 283, 288 (mid 1630s).

<sup>54</sup> J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1973); L. Hunt, *Inventing Human Rights: A History* (New York, 2007). For a different interpretation, emphasizing long-standing bottom-up pressure for greater personal rights, see P. Blickle, *Von der Leibeigenschaft zu den Menschenrechten: Eine Geschichte der Freiheit in Deutschland* (Munich, 2003).

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- <sup>55</sup> G. Schmidt, M. van Gelderen and C. Snigula (eds), *Kollektive Freiheitsvorstellungen im frühneuzeitlichen Europa (1400–1850)* (Frankfurt, 2006), esp. p. 7. Specifically on the corporate spirit of guild-based urban government see M. Walker, *German Home Towns: Community, State and General Estate 1648-1871* (new edn, Ithaca, 1998).
- <sup>56</sup> B. Diestelkamp, *Ein Kampf um Freiheit und Recht: Die prozessualen Auseinandersetzungen der Gemeinde Freienseen mit den Grafen zu Solms-Laubach* (Cologne, 2012), pp. 1-3 (lawsuits), 8 (Anabaptism), 19-10 (imperial privileges), 21 ('Gemeinde des freien Fleckens zu Freyensee'), 42 (inner divisions), 192 (Hesse arbitration) and passim.
- <sup>57</sup> The depiction may have had ecclesiastical roots, linked to the idea that *all* components of the Empire – including humble peasants – had a responsibility to protect the Church: E. Schubert 'Die Quaternionen: Entstehung, Sinngehalt und Folgen einer spätmittelalterlichen Deutung der Reichsverfassung', *Zeitschrift für historische Forschung* 20 (1993), pp. 1–63, esp. p. 51 and n. 223 (omission of the 'real' *Reichsdörfer*). The four 'villages', chosen perhaps for certain rural features (lack of a wall, extensive gardens), appear e.g. on a *Reichsadlerhumpen* of 1581 on display at the Stadtgeschichtliches Museum im Alten Gymnasium, Schweinfurt.
- <sup>58</sup> On the significance of the early modern *Reich* see works cited in fn. 10 above; specifically on *Untertanenprozesse*: Diestelkamp, *Freienseen*, pp. 1-3.
- <sup>59</sup> Gemeindearchiv Gochsheim [hereafter abbreviated to GG], no. 12 A. Until 1650, neighbouring Sennfeld seems to have shared the same seal, later it borrowed that of its imperial avoyer, with the first record of its own legend 'R (eichs) D (orf) Sennfeltt' around the motive of an eagle dating from 1733: Weber, *Gochsheim und Sennfeld*, p. 345.
- <sup>60</sup> Mattern, 'Reichsdörfer', issue 1/2, pp. 45-6. At Sulzbach, whose seal was shared by Soden (reproductions in Kaufmann, *Soden und Sulzbach*, frontispiece), the complex constitutional constellation was reflected in a motive which paired the imperial eagle with the letter 'F' for Frankfurt. On the boundary stones between the two villages, a spur stood for Sulzbach, an imperial apple for Soden: Mattern, 'Reichsdörfer', issue 1/2, pp. 49-51.
- <sup>61</sup> Müller, *Unikum*, pp. 63-5 (*Reichsstrasse*); Wiget, 'Turmkugel-Dokumente', no. 1.
- <sup>62</sup> BAG, LB 6, p. 13 (1605; <http://www.gersau-2014.ch/album/medienberichte/401874a11709cbd15/d001.html>; accessed 4 January 2014), and LB 3, frontispiece (1742).

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- <sup>63</sup> BAG, LG 1 (1784). Cf. Maissen, *Republic*, pp. 542, 553, and his ‘Der Freiheitshut. Ikonographische Annäherungen an das republikanische Freiheitsverständnis in der frühneuzeitlichen Eidgenossenschaft’, in Schmidt *et al.*, *Kollektive Freiheitsvorstellungen*, pp. 133-44, esp. 133-4.
- <sup>64</sup> For the arbitration record see Staatsarchiv Schwyz, Urkunden, no. 370; for Gersau’s remembrance of the episode BAG, UKP, p. 274. A related submission by the villagers dated 17 March 1431 carries the earliest copy of their Marcellus seal and has been called the ‘real freedom charter of this small polity’: C. Benziger, ‘Die Wappen der alten Republik Gersau und ihrer Bürgergeschlechter’, *Schweizer Archiv für Heraldik* 34 (1920), pp. 97-106, esp. 100. Later conflicts with Lucerne centred on less ‘fundamental’ issues like borders and resources (recorded and illustrated e.g. in D. von Schilling, *Die Luzerner Chronik* [1513; Facsimile edn, Lucerne, 1977], p. 430).
- <sup>65</sup> Most of this material awaits systematic scrutiny, a task now facilitated by the ongoing cataloguing of judicial records. See esp. the volumes in the publication series ‘Inventar der Akten des Reichskammergerichts’ and the project dedicated to the ‘Akten des kaiserlichen Reichshofrates’ (<http://www.rhrdigital.de/>; accessed 4 January 2014). The latter, for example, includes a case brought by the imperial village of Cröwe against the Electorate of Trier in 1659: Vienna, Haus-, Hof- und Staatsarchiv, RHR, Alte Prager Akten, vol. 3, file 2512.
- <sup>66</sup> Ludwig, ‘Manuale’, unpag.; cf. Jenichen, *Abhandlung*, p. 27. GG, no. 31: Protection treaty 1575 (complete with the respective seals).
- <sup>67</sup> Weber, *Gochsheim und Sennfeld*, p. 97; W. Hein, *Reichsschultheiß und ein Ehrbares Gericht: Bürgerliches Leben im freien Reichsdorf Gochsheim* (Gochsheim, 1994), pp. 14, 36. The emergence of new problems is illustrated by eighteenth-century confirmations of Gochsheim’s free status by both the cameral court (preserved in GG) and the aulic council (Moser, *Staats=Verfassung*, p. 532).
- <sup>68</sup> S.F. Segnitz, ‘Beytrag zur Geschichte und statistischen Topographie der beyden Reichsdörfer Gochsheim und Sennfeld in einem kurzen Entwurf’, *Journal von und für Franken* 4 (1792), pp. 529-628, esp. p. 605.
- <sup>69</sup> Faber, *Frankfurt*, vol. 2, p. 565 (‘Reichsfreye Leute’).
- <sup>70</sup> Maurer, *Dorfverfassung*, p. 411; Kromer, *Bad Soden*, vol. 2, pp. 192-5. For a survey of Sulzbach/Soden’s many preceding, and at least partly successful, dealings with the Viennese court see Kaufmann, *Soden und Sulzbach*, pp. 45-9.
- <sup>71</sup> Ludwig, ‘Manuale’, unpag.; BAG, RP 6, p. 490.



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<sup>72</sup> See e.g. <http://geschichteverein-reichsdorf-sulzbach-taunus.gubeck.de/>; <http://www.bad-soden.de/de/bad-soden-am-taunus/geschichte.aspx>; <http://www.reichsdorfmuseum.de>;

<http://www.sennfeld.de/brauchtum.htm>; <http://www.gersau-2014.ch> (all accessed 4 January 2014).

<sup>73</sup> For Kaufmann, the preservation of immediate status depended above all on the regional landscape of power (*Soden und Sulzbach*, p. 102), for Zeilein on playing off rivalling external interests against each other ('Gochsheim', p. 379).