PEASANT REVOLTS RECONSIDERED:
SOUTH WEST GERMANY AND LANGUEDOC
IN THE 16th AND EARLY 17th CENTURY.

Thesis submitted for assessment with a view to obtaining
the Degree of Doctor of the European University Institute

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Florence, March 1988
Peasant revolts reconsidered: South West Germany and Languedoc in the 16th and early 17th century.

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Part III  Rural Conflict in Languedoc in the 16th and early 17th century.

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Preface

This study has its origins in my switch from social anthropology to (early) modern history when I was a student at the University of Amsterdam. In the early 1980's I decided to shift my research on rural change and peasant resistance from India, China and Russia in the 19th and 20th centuries to early modern Europe. With the strong support of my tutor and friend Rod Aya I embarked on a study of the origins of the German Peasant War which resulted in a M.A. thesis.

The European University Institute has offered me the possibility to broaden the scope of my research in order to prepare the present study. I have greatly benefited from the academic environment at the Badia Fiesolana, the freedom and facilities offered there, the support of my supervisors Stuart J. Woolf and Carlo Poni and discussions with fellow researchers and visiting professors. My archival research in France was facilitated by a generous grant from the Netherlands Foundation for Pure Scientific Research (ZWO). Steven L. Kaplan, Jean Nicolas and Charles Tilly have given advice on the choice of sources, and Yves and Nicole Castan have introduced me to the libraries and archives of Toulouse where most of my research was done. With no exception, staff of archives and libraries in Freiburg, Zürich, Toulouse, Montpellier and Paris have been friendly, cooperative and very helpful. Their expertise truly makes them the guardians of our past. I have used the standard abbreviations in the footnotes to refer to archival sources (ADH, ADHG, ADT for the Archives Départementales of Hérault, Haute-Garonne and Tarn respectively; AN and BN for Archives Nationales and Bibliothèque Nationale).

In various ways my work has benefited also from suggestions made, directly or indirectly, by David W. Sabean, Wolfgang Schmale, Claudia Ulbrich and, perhaps more than he is aware, Rod Aya. Needless to say, the present text is my sole responsibility, with all its remaining flaws.

The writing of this thesis took place in Florence, Brussels, Amsterdam, Geneva and The Hague. It would not have been possible to finish this thesis without the enduring and manifold support I have received from Susanna Terstal, my wife. It is to her that these pages are gratefully dedicated, in commemoration of the days when I met her in the corridors of the Badia Fiesolana as well as in celebration of l'amor che move il sole e l'altra stella.

Henk Yoskamp,
Prologue Languedoc, 1626.

On 3 September 1626 the Parlement of Toulouse was informed that a large number of armed inhabitants of the little town of Labruguière and surrounding villages had gathered in front of the castle of Haurtevive, owned by baron Louis d'Entraigues. The castle lay in the foothills of the Montagne Noire, in Upper Languedoc, near Castres and not far from Labruguière.

The Parlement, the supreme judicial court in the province of Languedoc, reacted immediately, ordering this illicit gathering to disband. One of its conseillers, Herard de Chastenet, was named as a mediator in the presumed conflict. He was also asked to get in touch with the King's procureur for this area.1

By the 1620's the province of Languedoc had been intermittently suffering from civil wars and the passing of armed forces on their way to the Spanish border for the last 60 years, therefore a matter like the Labruguière-case was dealt with as routine business, attracting no more attention than reflected by de Chastenet's report: a short scribbled note under the arrêt by which he was nominated.

When we try to imagine why the inhabitants of several villages and of a small town gathered in front of a castle, several possible explanations come to mind derived from our knowledge of rural conflicts in Early Modern France. It could have been a protest against the baron, Louis d'Entraigues, an important seigneur in the region. Maybe a protest against new dues, such as the especially detested forced duty to protect the lord's castle in times of war or other troubles (droit de guet et garde). Languedoc in the 1620's was a dangerous area, with Catholic and Protestant factions competing for control over the province.2

Furthermore, in war-torn areas it was not uncommon to have a company of soldiers lodged in a castle, partly for its defence. However, more often it was a burden for the rural population and a disturbance for regional trade, as the exaction of protection money and food was used as an almost necessary addition to the irregular pay by the authorities. Protest gatherings in front of castles where gens de guerre were lodged were frequent and brought together townpeople and peasants both suffering from the presence of the military.

Another possibility could have been that the baron was involved in the collection of royal taxes or other dues or tolls. Conflicts about the right to collect taxes, especially indirect ones, and other duties had increased dramatically after the beginning of the seventeenth century. Perhaps the main reason was not the actual

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1 ADHG: B 467 f.122v (3-9-1626).
2 In numerous cases the Parlement confirmed this droit. However, it always stressed the right of the defenders to take refuge in the castles and monasteries with their families, livestock and other possessions. This right was increasingly contested by nobility and clergy during the Wars of Religion. See, e.g., ADHG: B 95 f.262 (21-2-1585) and B 102 f. 344 (17-9-1586).
increase of taxes and duties, but more the side-effects of the system of collecting them. The increase in the
number of tax-farmers had caused continuous struggle over this competence and in more isolated areas
noblemen and rich merchants regularly proclaimed themselves authorized to collect taxes, tolls and other
dues often by sheer intimidation or through bribery of officials.3

In order to get a better insight into the nature of the conflict in Labruguière it is worth taking a
closer look at the owner of the besieged castle, baron Louis d'Entraigues. Louis de Cayre d'Entraigues, baron de
Couffolens, was a member of an old noble family. He held numerous possessions in Upper Languedoc. He used
his social and political status to accumulate even more wealth and property, and in doing so he came in conflict
with his peasant tenants as well as with other seigneurs. Because several of these conflicts had been taken to
court, he was known to the members of the Toulouse Parlement as an aggressive seigneur, and although he had
some friends in that body two of its arrêts had put limits to his activities on earlier occasions in 1617 and
1620.4

Yet d'Entraigues was more than a wealthy seigneur. As a reward for his services in the royal army he
had been named as a gentilhomme ordinaire de la Chambre du Roi and he consequently became military
commander for several dioceses in Upper Languedoc. This was a very important and sensitive position since it
meant that he controlled the area that constituted the unclear border between the Catholic Western part of the
province and the predominantly Protestant part to the East. Although this separation was only de facto it was
a very important one in the provincial balance of powers after 1598. Through his experience and his current
position d'Entraigues had gained considerable access to the court of Louis XIII.

Languedoc had been the theatre of large scale civil war in the early 1620's and in 1626 the military
were again active in several parts of the province causing new waves of disease and provoking widespread fear
among the peasantry. September was the month of harvest and therefore an ideal period for the military, for
the greater number expected to become self-sufficient in food and drink, to be attained either by demanding
special war taxes in the cities or by confiscating part of the harvests in the countryside.5

Next to his role as seigneur, military commander and liaison between the region and the Court, baron
de Couffolens was also a member of the Estates of Languedoc. Through his influential position in the province

3 These cases occurred frequently in more remote parts of Languedoc such as in the valleys of the Pyrenees and in
4 The inhabitants of Couffolens won a case against their lord on the number of corvée-days (ADHG: B 364 f. 51,
3-6-1617). On another occasion the baron lost rights to a monastery to a certain Jacques Gavet by a decision of
the Parlement (ADHG: B 395 f.38, 2-4-1620).
5 In the early 1560's the already existent conflicts between peasants and the clergy over the collection of tithes
escalated dramatically with the coming of the military. The decision of many rural communities to remove the
harvested grain immediately from the fields in order to prevent the representatives of the clergy from taking
their share must be seen in the light of the danger of military exactions as well.
he had been nominated several times as the chairman of the committee of the Estates that dealt with the
distribution of the taille in Languedoc. This was also the case in 1626.6

Since the province was a *pays de taille réelle*, the distribution of the taille was a bureaucratic process
and in principle well regulated. All land that was not *terre noble* was subject to the taille on a proportional
basis. Cadastral data were available for all the land and were used as a key to dividing the taille, which was
done per diocese through the diocesan *assiette*.

Quarrels over the status of land were abundant and in these matters the committee charged with the
distribution of the taille would be the first body to be addressed in case of conflict. This normally was the first
step in a long process of inquiries, court cases and possibly the drawing up of a new land register. The latter
measure was often necessary in Languedoc where more than half a century of civil war and the alienation of
church property had led to many land transactions, complicated by difficulties in determining the status of
land due to recent ennoblements of military officers and others who had served the Kings of France in their
ceaseless campaigns in the early sixteenth century.7

All in all, at this specific moment in September 1626 it may well have been that Louis d'Entraigues
had at first no idea why armed peasants and townsmen had gathered in front of his castle. Furthermore, it
seemed that several local noblemen were among the protesting crowd which indicated that it was a very
serious matter. For them this action was a risky undertaking since the disturbance of the public order by
noblemen in the middle of a civil war, directed against the regional military commander who had strong
connections with the court, came close to high treason. Had they conspired with their peasants against royal
authority?

Luckily, the arrêt of the Parlement gives us the reason for the protest demonstration on the third of
September: "...sous prétexte d’empêcher la construction d’un pont de bois sur pilois, ordonnée par le duc de
Montmorency, gouverneur de la province, dans un intérêt public et privé..."8

In an area where civil war had been raging for more than half a century, it seems at first glance very
strange that people would gather in protest against the construction of a bridge as if there were no greater
worries. Was this really a sensitive matter or, indeed, a pretext for voicing other grievances? The civil war
had cost a great deal of money and the financial problems of the province were acute. In 1622 the Estates had

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6 He had been doing this regularly since (at least) 1612 (ADT: C 1025, 18-9-1626).
7 The requests for remission of arrears of the taille were frequent in war years and less difficult to handle than
requests for rearrangement of the taille burden. The Parlement had to organise inquiries that took years of
negotiations before an agreement was reached. For the complexity of such a recherche, see R. Souriac 1978,
passim.
8 ADHG: B 467 f. 122v, 3-9-1626.
decided voluntarily to prolong the increase on the gabelle that had been forced upon them by the King. The increase had originally been imposed for the period 1618-1623 and at that time the Estates had protested strongly. But times had changed, and things got even worse in 1626. In July of that year an additional measure was taken and the gabelle was again increased in Upper Languedoc, the predominantly Catholic area of the province. No doubt this area had been chosen because royal authority was stronger here, and because this was the part of Languedoc that was furthest away from the salt-producing areas along the coast so that salt smuggling (*faux saumure*) would be less attractive. As elsewhere in France, increasing a salt tax was a tricky business, liable to provoke intense popular protest. Yet we hear nothing of protest against the increase of the gabelle in Labruguière. It was only a protest against the construction of a bridge.

In the second part of this prologue the procedures concerning the construction and maintenance of bridges in Languedoc will be looked at in order to assess whether the argument raised against the baron de Couffolens was the real cause for the gathering or mere tactics.

Bridges are a scarce good of strategic importance for the transport of goods and men. In the late Middle Ages bridges were either the property of or controlled by noblemen or towns, just like other scarce goods such as mills or baking ovens. Most persons that used bridges were subject to tolls and the subjects of a lord who owned a bridge were held to pay a tax for its maintenance or reconstruction, whether they used it or not.

For the owner, a bridge was not so much a collective good as a source of income and necessary upkeep was rarely executed. The frequent protests against tolls and specific bridge-taxes (*péage, droit de pontonnage*) were voiced because even though the money had been paid, the repair-work or the construction was not executed. This was no protest against the principle of raising money for repair as such, but a critique of the bad execution of the implicit agreement between the taxpayers and the taxcollector.

It is quite clear from arrêts of the Parlement and from resolutions of the Estates that owners of bridges tried to dodge the principle of toll in exchange for upkeep. In this matter two different categories of owners, noblemen and towns, have to be distinguished.

A nobleman would see a bridge as just another source of income. Only later, in the eighteenth century, would these types of rights become a matter of principle, as one of the symbols of the nobility's

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10 In December 1625 the authorities agreed to the official import of cheaper salt from Poitou to relieve somewhat the burden of high salt prices in war-torn Languedoc. This led to a decline in income for the gabelle-collectors and for the royal treasury. The measure was later reversed, but control of *faux saumure* was very difficult since noblemen supported their peasants in their smuggling activities "...sous prétexte de soulager leurs vassaux..." (ADHG: B 588 f. 302, July 1638).
feudal prerogatives. Towns were more careful not to neglect the maintenance of a bridge since that could easily work to their disadvantage. Possession of a bridge was more or less a guarantee for the attraction of commerce and the development of a supralocal market. Hence conflicts that arose in towns were of a different nature, mainly connected with the claims of exemption from toll for the inhabitants. Usually towns concluded agreements to provide these exemptions for their merchants and other travelling inhabitants to encourage trade. In this fashion conflicts could arise easily, but these conflicts were mostly related to the use of bridges and not to their maintenance.11

In the countryside lack of maintenance constituted the main source of conflict since tolls and special taxes had been levied for this purpose. The noblemen used their power in the Estates to get away with their lack of commitment. When for example in 1502 the King had confirmed a decision of the Estates of 1501 on the duty of upkeep for owners of bridges, the nobility filed a complaint with the Parlement of Toulouse. They claimed to have the right to levy tolls and duties without any obligation to maintain the bridges. Parlement and King considered this to be contrary to the principle of feudal reciprocity and the claims were resisted.12

Already as early as the first half of the 16th century noblemen disappeared as the de facto responsible persons for the upkeep and construction of bridges. These tasks were gradually conferred upon the dioceses, the lowest supralocal units of government.

In the Estates of 1514 it was decided to charge the dioceses with the maintenance of bridges although at the same time it was clearly stated that the owners ought to have done this.13 The conflict was solved for practical reasons but quarrels continued and compromises were sought to the extent that the Estates tried to include the members of all orders into the ranks of those who contributed to maintenance. Only in rare cases were owners threatened with sanctions.

As these conflicts tended to be protracted for decades, the Parlement sometimes interfered after appeals. In the case of a conflict over a bridge near Encausse in 1656, legal documents dating from 1453 were used: the highest provincial authorities had been involved for more than two centuries in a conflict concerning toll rights and maintenance duties for a bridge. In 1656 the Parlement decided to have the bridge in question repaired and to send the bill to the owner, a procedure that would not have been possible a century earlier.14

11 For conflicts between towns in the pays de Foix on the free use of bridges from the fourteenth to the eighteenth century, see A. Garrigou 1846:280, 353-363.
12 ADHG: C 2276, September 1501 and October 1502. R. Doucet (1948:508) remarks on the droits de pontonnage: "Ces droits comportaient, pour celui qui les percevait, l'obligation d'entretenir les voies de communication en bon état, de se conformer à des tarifs établis, et de ne rien usurper au delà de ce que la coutume lui accordait."
13 ADHG: C 2277, October 1514.
14 The decision was published and printed to serve as an admonition to other reluctant seigneurs. ADHG: C 865.
The standard way of proceeding for the Estates and the diocesan authorities shows that there were two main objectives in their policy towards this aspect of public works: the effective maintenance or construction of bridges and the control of finances, tolls and special levies for this purpose. A considerable part of the total expense came from the taille which was not increased substantially. A second source of finances were temporary local taxes levied when (re)construction of a bridge was needed. In exchange for this new but temporary burden the inhabitants of the relevant communities were exempted from toll and regular duties for a fixed period.

This development is reflected in the shift of issues in court cases in the 1550's from complaints about lack of maintenance to claims of exemption. The management of the dioceses was accepted as satisfactory and no significant increase in taxes occurred. Diocesan organisation already existed for the collection of the taille and more or less the same approach was used in the management of bridges. Within every diocese a commission was installed with representatives of all three orders. They advised on measures to be taken after yearly tours around the diocese. In this commission plans for new bridges were discussed as well. The Estates even went so far as to try (although in vain) to establish a comprehensive list of all rights of toll and dues in Languedoc with the intention of directing these towards the diocesan authorities.

Thus the three decades before 1560 saw a very rapid move towards bringing the management of bridges under uniform control by the Estates, with considerable success. Initiatives were taken as well on a national level. In 1551 a royal edict established the maîtres des ports et passages and their lieutenants. Four years later the office de visiteur général des chemins et ponts was created. However, these offices were positions that existed only on paper in Languedoc because the Parlement refused to register the edicts. This was done only in 1576 after a delay caused by the protests against royal intervention in provincial matters. Yet it would take more than three decades before these offices materialised.

The peace of Cateau-Cambrésis of 1559 was followed by the gradual return of many noblemen who had been serving in the King's armies to the provinces of their origin. Many of these came back to Languedoc, from which traditionally military forces were recruited. On their return the province was filled with tensions between Catholics and Protestants, and the balance of power between urban bourgeoisie, royal officers and nobility had shifted to the disadvantage of the latter since the late 15th century. Here the Wars of

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15 Additional contributions were required but in years of bad harvests or war these were not levied (e.g. ADHG: C 2281). In the 1560's taxes destined for the offices of the présidiaux, contested by the Parlement, were used for the reconstruction of bridges (ADHG: C 2282).

16 R. Doucet 1948:598 ff; ADHG: B 74bis f. 125 (4-12-1576).
Religion showed a strong undertone of a pre-Fronde and afterwards Languedoc would only know very brief periods of peace between 1560 and 1628. The countryside suffered from the military struggles and the provincial and diocesan organisations essentially developed into fundraising bodies for the war chests of the diverse parties involved in the conflicts. The priority assigned to war finance caused a rapid decrease in the maintenance of bridges at a time when military manoeuvres destroyed or damaged a considerable number of them. Reconstruction did not take place for more reasons than just lack of money. Bridges were important for the military because of their strategic value as places where the traffic of people and commerce was concentrated. A town on a river attracted the attention of officers who were looking for more permanent lodging for their companies at the best possible locations. Bridges were essential for the transport of cannon and when bridges were damaged towns often deliberately let them unrestored hoping to avoid new passage of troops in times of war towns and merchants had more important things to worry about than the quality of bridges.

Furthermore, the rural population was in no great need of bridges, not even in peacetime. Many peasants who lived near a river kept small boats to ferry themselves as well as fellow villagers and other travellers against a lower tariff than nearby bridges. This was more convenient since it was quicker and cheaper and it constituted an easy extra source of income for some peasants.

The military were increasingly confronted with this infrastructural problem as the Wars of Religion dragged on and by the 1590's the armies of Henri IV had at their disposal ponton bridges pour servir à la guerre to cope with the difficulties.

While towns, the peasantry and the military adapted themselves to the disintegration of the system of diocesan management of bridges in the first phase of the Wars of Religion in Languedoc (1560-1596), the royal officers and the representatives of the King at the Estates were less flexible. The King's authority on these matters was vaguely defined apart from his right to sanction all decisions of the Estates to put them into law. However, during the 1580's and the 1590's the royal officers managed to increase their competence in...
Languedoc. From observers they became involved to the extent that all decisions at all levels of the provincial organisation had to be communicated to them. What had happened essentially was that the royal officers had profited from the internal divisions in the provincial elite to establish themselves firmly in the province which until then had been relatively independent of the Crown.

The first big offensive of the new royal institutions took place in the last decades of the sixteenth century in the aftermath of the Wars of Religion. Henri IV used his political momentum to revive old royal offices and to install new ones. In doing so he tried to get influence in the provincial organisations at the points where it would matter most, such as the management of provincial finances.

The Estates were quick to react and in the 1590's they drew up new regulations for the financial management of funds for the construction and maintenance of bridges, as well as for the execution thereof. These tasks were explicitly delegated to the old provincial institutions: the sénechoisées, the dioceses and the local syndics. New attempts were made to draw up an overall inventory of all tolls and levies (a tax on merchandise).19 In 1603 inspectors were installed to hasten the process of reconstruction of bridges under the pressure of towns that wanted to benefit from the rapid economic recovery. This move was comparable to Sully's active policy elsewhere in France.20

The royal maîtres des ports et passages also increased their activities and tried to force dioceses to reconstruct bridges as they ordered. This was considered to be illegal by the provincial Estates in 1604 and a year later a big inquiry was held to assess the level of penetration of royal officers in the dioceses. Officers who had exceeded their competence (limited to inspection) were punished.21

A truce was reached in 1608 through the adoption of a formula which gave the local syndics in the diocese the right but not the obligation to consult royal officers on matters of bridges and roads. In the same year the provincial regulations were confirmed by the Conseil du Roi on the initiative of Sully, in his position as grand voyer charged with the reconstruction of roads and bridges in Languedoc. But even his influence was limited and the office of his lieutenant grand voyer was suppressed in 1610.22

The turning point in the struggle over jurisdictional competences came when the civil war flared up in Southern France. As late as 1613 the Estates could take measures against royal officers who charged inspection fees on communities and in 1617 the inspection teams of the Estates were reinforced.23 But then

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19 ADHG C 2286 (November 1593), C 2290 (December 1599).
20 ADHG C 2290 (December 1603).
21 ADHG C 2291 (November 1605).
22 Elsewhere in France Sully managed to keep his lieutenants (D.J. Buisseret 1984:95, 98) although resistance was strong in Provence as well (D.J. Buisseret 1984:164).
23 ADHG C 2294, C 706.
the balance shifted to the other side. In 1618 the Chambre des Comptes in Montpellier was forced to register a new office des ponts et chaussées and in the future the management of the relevant finances was conferred upon the new trésorier des ponts instead of the trésorier de la bourse of the Estates.24

By 1623 the Parlement had to acknowledge the jurisdiction of the maître des ports on the construction and reconstruction of bridges and his rights of delegation to diocesan or local authorities. Louis XIII on the occasion of his lit de justice in the Parlement of Toulouse in December 1623 stated that the royal officers should not be hindered in their work.25

The Edict of Béziers of 16 November 1632 confirmed the preservation of Languedoc as a pays d’État, but at a price. Among other institutional reshuffles the Estates now definitively lost control over bridges in their territory. Officially from 1629 onwards they had to pay 40,000 livres annually to the royal treasury and the royal authorities were charged with all construction and repair work.

This soon became very cumbersome for the central authorities whose attention was diverted to other matters immediately after the definitive pacification of Languedoc. France had entered the Thirty Years War and priorities were elsewhere. All provinces had to do was pay their taxes and serve the King. The Estates now complained to the Crown just as rural communities had complained to the Estates roughly a century ago: they paid money for the upkeep of bridges, but nothing was done. In their yearly sessions the members of the Estates complained continually that trade and commerce suffered from the lack of maintenance of the bridges and that they wanted something in return for the money they paid for this purpose.

In 1642 the Estates took the initiative by asking the King to execute all the necessary work or permit them to take over. This 'offer' was accepted in 1648 and the province was charged again with both the financial management and the execution of the work. But the pre-1629 situation was not completely restored, not even after the revocation of the Edict of Béziers in 1649.26 Jurisdiction over conflicts regarding tolls and dues remained reserved for the maîtres des ports.

This led to the situation where royal judges decided on who had to pay for repair of a bridge in cases where the owner was unwilling. Afterwards the Parlement had the necessary work done and sent the bill to the owner, who had little choice but to pay, being confronted with a temporary coalition between Parlement and royal officers.

The solution thus achieved turned out to be satisfactory for both the central and the provincial

24 The Estates complained that by this measure "...les formes de tout temps gardées dans la province estre altérées, et l’ordre qu’a toujours esté tenu pour la réparation et entretènement des ponts entièrement pervertie." (ADHG: C 2296 f. 12v, 17-1-1618).
25 ADHG C 2189, acts of 22-7-1623 and 5-12-1623.
26 ADHG C 2301, C 2304.
authorities and from then on the quality of bridges in Languedoc improved. In 1747 the *Ecole des ponts et des chaussées* was founded and by the end of the Ancien Régime Arthur Young commented highly positively on the quality of roads and bridges in Languedoc.

After this deliberate detour, back to Labruguière. The town and the surrounding countryside had been suffering from the civil wars at least since 1580. Its situation was strategic in the sense that it was situated on the river Thoré, a river that constituted the border between two dioceses and between two *sénéchaussées*. Labruguière was in fact a border town. Between 1598 and 1628 the border between Catholic and Protestant Languedoc varied here but it was always in the neighbourhood of this town. Fighting was endemic and the town changed regularly from Protestant to Catholic control and vice versa.

This position was hardly enviable. The town complained of its debts in 1610 which were due to the repair of the town walls, the buying of ammunition, the levying of militia forces and other communal self-defence activities. Fighting occurred around the town in 1625 and again in 1627 after the brief peace achieved in April 1626 by Richelieu. The plague struck there in 1629. In 1626 and 1627 Labruguière was unable to pay its full share for the *assiette* of the taille.

But what about a bridge? Labruguière had a bridge over the Thoré, but this was destroyed on at least two occasions. The provincial authorities, however, were very keen on establishing as many bridges as possible over this natural dividing line, apparently because the strong Catholic power centre of Toulouse refused to accept the river as a border.

Evidence from nearby Hauterive is very illuminating. The Estates intended to build a bridge there in 1617 and this decision was confirmed in 1618, twice in 1620 and in 1624. The construction was commissioned to a certain Simon Bayaud on two occasions, in 1620 and in 1624. But after local protest an inquiry was held in 1625 and after declarations by inhabitants of Hauterive that the bridge was unnecessary since there were already two bridges over the Thoré nearby (one of them in Labruguière) and that there had never been a bridge in Hauterive, the Estates decided to annul their plan. Bayaud was paid an indemnity for the expenses that he had already incurred. Clearly the inhabitants of Hauterive did not want a bridge to be constructed in their village. At that time a bridge over the Thoré would have provoked and attracted violence. It would have provided a basis for an attack on the other side of the river and hence would have caused serious

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27 ADT C 1189.
28 ADT C 1167, C 1225; E 4727.
29 The conclusion of the inquiry was: "Il apparaîtrait qu'il n'y a jamais eu pont ny passage public aud'Teu." (ADHG: C 2299 f. 334r, 14-5-1625).
damage to the neighbouring countryside.

In 1618 the Estates of Languedoc commissioned Antoine Barbaza, maître maçon from Hauterive, to build a stone bridge in Labruguière. The cost was shared between the town (200 livres), the diocese of Lavaur (1200 livres) and the sénéchaussée of Toulouse (4408 livres).\textsuperscript{30} This bridge was probably destroyed in 1625 when fighting in and around Labruguière was very heavy, as it would be two years later. The townspeople as well as the peasants of the surrounding countryside knew no doubt of the decision of the Estates to put off the construction of a bridge at nearby Hauterive and in view of their recent experiences with war they decided to follow the same course of protest.

The intention of the governor, Montmorency, to have a wooden bridge built at Labruguière already indicates the urgency of the matter for the authorities, since the old bridge had been a stone one, and those took longer to build and were more expensive.

Haste was therefore necessary and a protest gathering in front of the castle of Louis d'Entraigues was a very effective way of attracting attention. The baron was a well known member of the Estates and on earlier occasions had been a member of the commission charged with the inspection of bridges.\textsuperscript{31} He undoubtedly knew from his position as military commander of the region the pro's and contra's of the reconstruction of bridges over the frontier river.

In fact, the combination of official functions held by the baron made the demonstration of protest multifunctional. A demonstration of peasants and regional nobility combined would stress the difficult economic position of the peasantry. Their lords may well have been very interested in supporting their vassals. The diocese already had arrears for the payment of the taille, and a further weakened peasantry would threaten the income of nobles in a period when their self-defence or participation in the civil war was already a heavy burden.\textsuperscript{32}

Hence, we can imagine townspeople, regional nobility and peasantry combined, protesting against the reconstruction of a bridge. Not just for financial reasons, but also because a reconstructed bridge would invite violence in the region. Thus, in an indirect fashion, the demonstration became an anti-war protest, but it also had an anti-fiscal aspect. By their combined action lords and peasants hoped to impress the baron, who chaired the assiette-committee, in order to get a lower taille assessment or maybe even an exemption for this year. Such a result would be welcomed by all the demonstrators involved, not least by the nobility.

\textsuperscript{30} ADHG C 2296 f. 31v (1-2-1618).
\textsuperscript{31} ADHG C 2297 (11-6-1620).
\textsuperscript{32} Elsewhere, near Aurignac in February 1625 townsmen and nobility were accused of "exciter la peuple à la révolte" by urging them not to pay the taille (ADHG B 448 f. 484 ff).
This protest then can be seen as both truth and tactics, as a protest against civil war, as an attempt to get lower taxes (at least temporarily) and as a display of regional 'vertical solidarity' at the same time, thus illustrating the difficulties, and the limited merits of labeling popular protest in categories that have materialised as a result of polemical historical discussions.33

In the following study I want to look at 'peasant revolts' in Languedoc and South West Germany, guided by the assumption that it is essential to combine an analysis in detail of what happened with the broader context of economic and political developments in order to assess the character and the nature of the 'revolt'.

Labruguiere had its bridge rebuilt after 1629 and some silk industry developed there, as well as a more diversified agriculture in the surrounding countryside, stimulated by local noblemen. One of them led his peasants in a protest demonstration of a royalist-Catholic nature against the gendarmerie of Labruguière in 1797.34 Since then Labruguière has become a quiet area of Languedoc.

33 For a review of the discussion: J.H.M. Salmon 1967:31-44. For an attempt to construct an explanatory model of the occurrence of 'horizontal' and 'vertical' solidarity in France: W. Brustein 1985:445-468. I will criticise this in a later chapter.

Part One
Approaches to rural conflict in pre-industrial Europe.


Although this study is concentrated on an analysis of peasant revolts and rural conflict in South West Germany and Languedoc in the 16th and early 17th century it is useful to start from a broader perspective. Studies on rural conflict in Europe have until recently concentrated on the large scale peasant revolts we know from the history of France, England, the German Empire and Spain. In Eastern Europe historiographic interest grew after 1945 for lesser known revolts in Bohemia, Hungary and elsewhere. However, the concentration on the spectacular periods of open revolt remained strong. Whereas the societies in which these revolts took place were to a large extent comparable, most studies tended to avoid a comparative perspective. The different manifestations of early modern society, differing degrees of success of the penetration of capitalism and a central authority, regional differences in geographic, demographic and economic structures and different developments on a political level legitimised these particularist approaches.

Only when historians, sociologists and anthropologists started to study the remaining peasant societies in the 20th century, which were outside Europe, did a larger perspective develop and come increasingly into use. The second generation of studies of peasant revolts in Europe was thus not only aided by the availability of more detailed studies and increased knowledge of the societies in which these revolts took place, they were also stimulated and partly provoked by studies of peasant revolts outside Europe. Sometimes these studies were placed in conceptual frameworks that had been developed for the analysis of the rural world beyond the Old Continent. Although few scholars would be tempted to compare peasant revolts in 16th century Germany to those in 20th century Mexico or Vietnam the broadening of the field of research on peasant revolts has been accepted as an improvement of the particularist approach.

When B. Moore jr.'s Social Origins of Dictatorship and Democracy was published twenty years ago new approaches to social history research were stimulated. The study had a strong impact, not least because of the broad range covered in it. The author dealt with England, France, the United States, China, Japan, India and to some degree with Germany and Russia as well. The framework of these studies was thought-provoking; comparative historical and sociological research of the last two decades is often indebted to Moore's study. Two years later, in 1968, R. Mousnier published his study on peasant revolts in three agro-bureaucracies,}

France, Russia and China of the 17th century.\(^2\) It has been pointed out that such a comparative approach would be more useful when limited to early modern countries in Europe.\(^3\) However, a point was made clear: whatever the difficulties, it could be useful to look beyond Europe in analysing peasant revolts. This approach was certainly not without its epistemological problems and therefore has not been followed by many historians or sociologists, with some notable exceptions.\(^4\) Nevertheless, historians and social scientists paid more attention to each other’s approach and concepts. The 1970’s saw an increase in publications of detailed and important studies on peasant revolts in Europe and parallel to that new studies on rural conflict in 20th century Latin America and Asia appeared. The latter group relied more on American sociology and political science than on historical approaches, yet they provided broadly minded historians with fresh ideas and forced non-theoretical approaches to deal with indirect criticism.\(^5\)

Comparative history, of which some is found in the following study, cannot do without an analysis of structures beyond phenomena in order to have a framework for comparison. A comparative study of peasant revolts needs to take into account the limitations imposed upon the freedom of behaviour of peasants just as much as of overlords or agents of the state. Limitations set by law and customs, economic and political developments and circumstances caused by external influences were only partially under the control of the actors.

In preparing a comparison one risk at hand is that of describing the information we have on the examples to be compared in such a way that the comparison seems possible and legitimate since ‘the same things’ are compared. This becomes increasingly difficult when different societies are compared or when a very broad time-range is used. When political and economic structures are substantially different a comparison has to be made on the basis of already quite distilled material where many details are lost. The

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\(^2\) R. Mousnier 1968. Agro-bureaucracies or agrarian bureaucracies can be defined as pre-industrial societies with a strong centralised state. Absolutist France, Tsarist Russia, Mogul India and Imperial China were agro-bureaucracies facing similar problems, notably the ways through which the centralised bureaucracies were paid for by taxation of the rural population. In other words: how to extract the surplus of peasants’ households in a predominantly agricultural society through state taxation.\(^3\)

\(^3\) P. Zagorin 1982:1,180 suggests that a comparison of peasant revolts in France, Germany and England would be more fruitful. These comparisons are indeed rare. H. Gerlach (1969) compares the English revolt of 1381 with the German Peasant War of 1525. C.S.L. Davies (in W. Schulze (ed.) 1982:244-275) compared peasant revolts in England and France and V. Press (1977) made a brief comparison of French and German peasant revolts. See also the very useful synthesis in P. Blickle et al. 1984:61-96, where W. Schulze places peasant resistance in early modern Germany in a European context.\(^4\)

\(^4\) T. Skocpol (1979) followed B. Moore’s approach in comparing the revolutions of France, Russia and China. In H. Landsberger (ed.) 1974 we find studies on peasant movements and social change in and outside Europe. M. Fulbrook (1983) compared religious politics in England, Württemberg and Prussia in the pre-industrial area from an approach related to Skocpol’s.\(^5\)

more ambitious the comparative approach, the bigger the danger of heading towards a tendency to describe events as determined by the structures of society. This becomes no less than a structural determinism without, perhaps, the original intention of being so. In order to avoid such a determinism it may be useful to stay as closely as possible to the information found in the sources which have been consulted, whatever their nature. B. Moore, among others, has referred to this in a note on "Problems in Comparing European and Asian Political Processes?"

At this moment it is not necessary to take a position on the general question of whether or not it is possible to transfer historical terms from one context and country to another beyond remarking that, without some degree of transferability, historical discussion breaks down into a meaningless description of unrelated episodes. On a strictly philosophical plane these questions are sterile and insoluble, leading only to tiresome word games as a substitute for the effort to see what really happened. (...) Once again it is necessary to stress that such questions can be settled only through studying the facts.6

Furthermore an explicit recognition of the variety of human behaviour and society and the differences in circumstances can form a safeguard against an overly biased approach. To acknowledge this variety studies of popular culture and regional folklore come to the aid of students of rural conflict. The cultural factor in the analysis of peasant revolts is absent in the 'volcanic model' of explaining revolts or in orthodox Marxist analysis. However in almost all other approaches it has gained ground and has proven to be useful. Knowledge of popular culture may help us to understand why conflicts took the forms they did or why they occurred at a specific time. We come so to speak closer to a peasant's view of the society in which the conflicts originated. From the point of view of a party involved, the peasantry, we can try to obtain information relevant for an understanding of the course of action taken.7

Apart from the development of a greater consciousness of the possibilities and problems of a comparative approach the study of non-European peasant revolts has influenced historians writing on Europe in another way as well. The peasantry has disappeared as a uniform category. Instead, the concept of an economically and socially differentiated rural society has become widely accepted. An anthropologist would certainly not deny the existence of village solidarity or the notion of a village as a community. However, one of the first routine activities of an anthropologist doing fieldwork would be to make an inventory of intra-village factions, inter-family tensions, patronage and coalitions.8 Rural history does deal with 'societies

7 For some recent studies on popular culture see S.L. Kaplan (ed.) 1984. The diversity of early modern rural life has been increasingly recognised in Marxist historiography, see O. Vogler 1986:22-40.
8 G. Lottes 1984:149 criticises the limited anthropological approach. This may be true for traditional 'static' anthropological studies but it is certainly not true for a considerable part of modern anthropological studies, see
under tension' and it would be shortsighted to assume that in the case of French and German rural communities these tensions would be limited to conflicts between rich and poor peasants or between landholding peasants and landless labourers. The practical problem for historians is that although they might be looking for information on these intra-village tensions, the available sources will often be insufficient to find any supporting proof for their assumptions. On the other hand the study of conflicts in a rural society concentrates on very specific and unusual events that reveal little of the day to day life.

Coming back to the field of my study, France and Germany in the 16th and 17th century, I should perhaps state that this research has been preceded by research on rural conflict in China and Russia in the 19th and 20th century and a more general study of rural societies outside Europe. I have found this beneficial in focusing my attention on the nature of early modern European peasant societies in order to avoid the bias of those contemporaries - normally strangers to peasant culture - who have provided information on rural conflicts. The cross-over between history and social sciences does not necessarily have to be methodological; new ways of looking at the sources could already be very beneficial. To give just one example: peasant revolts in France are normally described as futile attempts of resistance against the intrusion of the state through fiscal policies. Futile, because revolts were always crushed without the least difficulty by royal troops. What is absent from this view is that although the physical 'revolts' were indeed crushed, the protest was successful well into the 17th century in the sense that the new taxes that had provoked protest were (at least temporarily) abolished and that the leaders of these revolts often very rapidly received lettres d'abolition for their actions or, in the eyes of the authorities, their crimes.

After the wave of detailed research of peasant revolts in France in the 1970's and after the renewed attention for the German Peasant War of 1525 and successive rural conflicts in the German Empire the study of rural conflict in Europe has entered a new stage. The willingness to look beyond one country or period has increased and often useful elements of sociology and anthropology have broadened the historian's analysis. It has now increasingly been realized that in the past certain aspects of rural conflict have been singled out for attention, such as open revolts, whereas others remained in the background. We can now benefit from the research already done on France and Germany and on other areas and periods to reassess rural conflict in Europe.

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9. The Dutch agrarian historian B. Slicher van Bath (1957) introduced the term 'society under tension' ('samenleving onder spanning') for a history of the countryside of the eastern province of Overijssel.

10. As C. Ginzburg (1981 xv) states: "Since historians are unable to converse with the peasants of the sixteenth century (and, in any case, there is no guarantee that they would understand them), they must depend almost entirely on written sources (and possibly archaeological evidence). These are doubly indirect for they are written, and written in general by individuals who were more or less openly attached to the dominant culture. This means that the thoughts, the beliefs, and the aspirations of the peasants and artisans of the past reach us (if and when they do) almost always through distorting viewpoints and intermediaries."
these countries in the early modern period. No doubt we will find that "the increase in clarity serves only to reveal greater complexity and diversity" as I tried to illustrate in the Prologue but substantial progress has been made in recent years. The topic remains a field of interest for historians of Germany where the 500th anniversary of the German Peasant War of 1525 provoked a large number of interesting publications. In France the preparations for the celebration of the bicentennial of the Revolution of 1789 include new attention for popular movements in the period before the Revolution and not least for rural conflicts.

The following study is based upon recent insights and its aim is to modify these new viewpoints in their application to the cases of South West Germany and Languedoc. In doing so other regions will get attention as well but they will merely serve to provide additional support for my limited approach.

2. The classical views of peasant revolts.

A study of rural conflict in France and Germany in comparative perspective cannot start without reference to the 'classical' views of peasant revolts in those countries such as those developed by B. Porchev and R. Mousnier for France and by G. Franz, M.M. Smirin and M. Steinmetz for Germany. Whereas the Porchev-Mousnier debate immediately stimulated new research and discussion, the opposed views in Germany took far more time to provoke a fruitful discussion, merely illustrating the relationship between academic work and the society in which the academics work. Since 1975, however, a very interesting discussion has developed and the results are very promising.

In the debates on the nature of French and German societies and of the peasant revolts that occurred there in the 16th and 17th centuries a major disagreement was caused by two different fundamental approaches: Marxist and non-Marxist.

Essentially, in Marxist analysis of peasant revolts, class struggle between the rural population and its overlords manifested itself in rural conflicts. Since capitalist relations were not fully developed in the 16th and 17th century when Europe was still in a period of transition from feudalism to capitalism the forms of class struggle were not yet 'pure' forms.

Porchev was the first influential Marxist historian who analysed peasant revolts and popular revolt in general in 17th century France. He stressed the conflicts between seigneurs and peasants as class conflicts and he assessed the temporary coalitions between these two groups in rural society against the forces


12 This can be derived from the 'research agenda' presented by G. Vogler (1986:22-40) and from recent studies like that of H. Harnisch in R.J. Evans & V.R. Lee (eds.) 1986:37-70.

of the central authority as less significant. These coalitions were only weak and temporary and did not reflect the real antagonisms in society. In the final analysis the nobility would side with the Crown and royal authorities against the peasantry. Therefore one could speak of class conflicts even when some cross-class alliances occurred because of local conditions that caused the nobility to oppose themselves to the state authorities.

Marxist historiography on peasant revolts in Germany has been centered around two concepts, frühbürgerliche Revolution and Volksreformation. From the very start it has been more refined than Porchnev’s analysis. Its origins are to be found in the work of F. Engels whose Der deutsche Bauernkrieg was written in 1850 in the context of the events of 1848. After inclusion of some elements of Leninist theory an adapted version of the German Marxist approach was developed in the 1950’s. Then the Peasant War of 1525 was seen as a precursor of the ‘revolutions’ of 1848 and 1918 and of the formation of the German Democratic Republic. Since the revolutions of the 19th century had been bourgeois revolutions the Peasant War was seen as an early bourgeois one, taking place in an only partially developed capitalist society. Here bourgeois elements from the towns joined the anti-feudal struggle of the peasantry, who would have been unable to perform a revolution themselves.

The concept Volksreformation was developed by the Russian historian M. M. Smirin. It refers to the specific conditions under which the German Peasant War took place. The influence of Reformation preachers on the revolt was very strong especially in the North East area of the German Empire in which both rural and urban unrest occurred. This area coincides with the Southern part of the present day German Democratic Republic. It is not without significance that the events in this area were quite different from those in South West Germany where the peasant revolt started. Thus the analysis of Smirin, in which coalitions between discontented peasants and urban Unterschichten are stressed, has a limited value for the Peasant War as a whole. The influence of Reformation ideas was a catalysing force bringing together the different forms of resentment of the lower classes in the towns against the bourgeoisie and the struggle of the peasantry against the lords, including the worldly clergy. The preachings of the radical Anabaptist Thomas Müntzer illustrate the concrete manner in which Reformation ideology could be used for purposes that were dangerous for the foundations of society. Müntzer tried to mobilise the discontent to bring nearer the overthrow of the existing order. This was, from his point of view, a duty commanded by God. Such a process was called a process of Volksreformation, an attempt to channel protest of a class nature with the assistance of a radical ideology that

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14 This continuity, a thesis developed by M. Steinmetz, has disappeared from the foreground of East German Marxist historiography to give way to more detailed case studies.
15 For the thesis of Volksreformation, see M.M. Smirin 1952 Passim.
transformed the protest to a 'higher' level.\textsuperscript{16}

In both Porchnev's analysis and in the German Marxist tradition of the 1950's it was accepted, although to a certain extent only implicitly, that the ultimate goal of the revolts had been to overthrow the existing order, a true revolution. That this failed even when coalitions with other groups from different layers of society occurred was because the society had not yet developed into a truly capitalist one. Although the revolts were doomed to fail in both France and Germany their occurrence fitted well into the Marxist historical analysis. Both case studies illuminated the general theory of class struggle and the different forms that class struggle would take in different episodes of history. Particularly the analysis of the German Peasant War shows how the concept of class struggle was ingeniously adapted to a specific case.

In a way the non-Marxist historiography of rural conflict in France was a reaction to Porchnev's analysis. R. Mousnier and his students combined detailed study of peasant revolts in 17th century France with a close analysis of developments in all levels of society.\textsuperscript{17} Far from stressing differences between the different levels or classes they came to the conclusion that cross-class coalitions had been predominant and that the true struggle took place between autonomous regions like provinces and the centralising force of the state. Resistance to new taxes and encroachments upon provincial privileges brought together peasants, some of their lords, and towns. All of them had something at stake in the conflict with the emerging absolutist state. The tactical, temporary nature of the coalitions was admitted but it was stressed that these 'vertical' coalitions always occurred in popular revolts and hence that the assumption of the concept of class struggle was debatable. From this point of view French society was seen as a society of orders and not of classes. The members of these orders also had vested interests in provincial autonomy and autonomous bodies. Thus, provincial segments of these orders could relatively easily be brought to defend a communal interest of a limited, provincial nature. This was especially obvious when anti-fiscal protest occurred as a reaction to higher taxes and infringement upon provincial privileges. This brought together peasants and townsfolk, regularly supported by members of the regional nobility and by provincial authorities.

The evidence found for this 'vertical solidarity' in protest—a reflection of a society of provincial elites defending the provincial cause as opposed to a concept of a society of classes—has been abundant. It has led to the present day situation in the historiography of France, where the approach of Mousnier has been widely accepted. From this point of view anti-feudal revolts, such as the pillaging of the castle of a nobleman, are

\textsuperscript{16} A critical review of the relation between Reformation and peasant revolt as seen by East German historiography has been provided by J. Foschepoth (1976).

\textsuperscript{17} See the research agenda developed by the research team of R. Mousnier (in W. Schulze (ed.) 1982:100-123). Important case studies have been done by Y.-M. Berce (1974), R. Pillorget (1975), M. Foisil (1970) and Y. Garlan & C Nières (1975) for South West France, Provence, Normandy and Brittany respectively.
seen differently. They may well have been actions against individual noblemen who had acquired functions as
tax collectors and were therefore exponents of the central authority, the real enemy. The case of this non-
Marxist approach is strengthened when we realize that combined protests against the fiscal policies of the
state were overwhelmingly more numerous than the cases where noblemen were attacked.

Modern German non-Marxist historiography of peasant revolts started with G. Franz's Der deutsche
Bauernkrieg, first published in 1933. It was the first comprehensive study using almost all the available
archival material. Although written more than half a century ago the study remains mandatory reading for
every student of rural conflict in Germany. His main thesis went unchallenged until the 1970's and most of
its elements are still widely accepted as valuable contributions. Just as 'class conflict' and 'protection of
provincial privileges' are classical themes, Franz's conclusion that the central theme in the revolt of 1525
was the protection of communal rights of village communities has become a 'classic'. The Gemeinde, the village
community of South West Germany, had acquired a considerable autonomy in the fourteenth century benefiting
from the relative underpopulation of large parts of Germany. For various reasons this autonomy became
increasingly threatened from the latter half of the 15th century onwards. The lords exerted increasing
pressure on the rural population through the increase of rents and demanding higher dues. Their interference
in community matters increased at a time when the countryside of South West Germany saw the arrival of
more active agents of the state, tax collectors and judicial officers. In Franz's view the peasant revolt of 1525
was essentially a defensive action of the villages through their communal organisation to protect themselves
against further encroachments on their rights. Normally the motivation for such actions would come from
reference to the old customary right but now a new motivation was employed inspired by Reformation
preaching. Thus, according to Franz, the revolt of 1525 should not be seen as a mere conservatory action of a
conservative peasantry. A progressive element was also part of the revolt as peasants were seeking access to
legal-political institutions on a regional level in order to defend their case more effectively.

This last aspect has been developed further in the 1970's, criticising Franz's thesis of the political
exclusion of the peasantry. Other approaches, paying more attention to intra-village tensions and to the
judicial position of the rural population have refined the thesis of defensive conservatory action by the
peasants. However, in non-Marxist historiography of rural conflict in Germany the theme of defensive
action of the Gemeinden has remained a central one. The role of the Reformation has been appreciated strongly

18 The standard (second) edition is of 1956. A commented bibliography can be found in H. Buszello et al. 1984:353-
20 Important contributions on this subject have been made by D.W. Sabea (1972) and by H. Rebel (1983).
as well. The rural protestors not only used ideas developed by Reformation preachers, they also questioned elements of the feudal order. The social hierarchy that was sanctioned by the Catholic Church was at least partially disputed. Apart from stimulating anti-clerical protests the Reformation functioned as a legitimising force and as a catalyst, transforming local customary right into divine right and thus facilitating supra-local organisation.21

This overview of the 'classical themes' summarising two main approaches to peasant revolts brings to the foreground: anti-feudal protest and protest directed against the intrusion of the central authority or other external agents that threatened the position of the peasantry. Although not mentioned earlier, defensive action against the effects of war should be included here as well. This type of action by the suffering rural population was all too often necessary and formed a recurring aspect of daily life. Furthermore the effects of the commercialisation of the peasant economies deserve attention as they disrupted the economies of peasant households and had many direct and indirect implications. The focus on the effects of commercialisation and monetarisation has been particularly obvious in the analysis of 20th century peasant revolts and has received much attention in sociological theory.

The two main themes reflect the general nature of society in Europe in the 16th and 17th century: a society in transition from feudalism to capitalism with a slowly emerging centralising state.22 In this period of transition most peasant revolts in Europe occurred. For an analysis of peasant revolts in France and Germany close attention should be given to those aspects of society—predominantly rural at the time—that influenced the life of the rural population.

3. The rural community in a society in transition.

Here I want to discuss some general aspects of 16th century rural societies which are relevant for our understanding of conflicts in which the rural population took part. This should serve as an introductory overview to be followed by more specific remarks in the later chapters dedicated to the two case studies of South West Germany and Languedoc. In the period of my study Germany even more than France was a country of diversity. Conditions of life varied from village to village and the interplay of different customs, laws and regulations linked to feudal relations caused differences for the rural population in almost all aspects of daily life. This is most striking for South West Germany where the system of feudal domination of the High Middle


22 A recent overview of the economic and social transformation of Europe has been given by P. Kriedte, 1980.
Ages had disintegrated into a society where pluriformity and diversity were the typical elements.\textsuperscript{23}

To a large extent this is valid for Languedoc as well. The system of provincial rule and taxation may have caused a more uniform view at the level of supra-local government but the underlying seigneurial regime was no less pluriform than in Germany. Here as well conditions varied from one village to another and more often than not even within a village.

Given this diversity a discussion of general aspects of these societies must be superficial. Nevertheless it is useful to have a general overview since this provides a framework in which some elements are singled out as the main causes for peasant revolts. The complexity of early modern societies requires a broad holistic approach in order to assess the nature of conflicts in these societies and their manifestations. Individual or collective human action is modified in many ways related to the society in which the actors live. At this stage an inventory of modifying elements for human behaviour in rural society will be provided, without a claim to completeness. Its purpose is to serve as a reminder, urging the student of rural conflict to keep in mind that the origins and causes of revolts will most likely be very complex and that their occurrence is very difficult to understand.\textsuperscript{24}

\section*{3.1 Peasant economy and rural society.}

I will not go into the nature of peasant society on an economic level beyond the banal remark that peasants essentially lived off the land and that their subsistence was directly related to and dependent on the land and the climate.\textsuperscript{25} The type of the soil and the quality thereof have been fundamental determinants of human settlement. The development of agriculture and husbandry depended upon these factors and the structure of rural communities, from field structure to village decision-making or the development of supra-local organisation is so narrowly related to land and climate that one risks forgetting the obvious. Earth and sky impose strict limits upon peasant society. The quality of the land and the climate partly determine the direction that agricultural development takes as well as its pace of progress. The yearly cycle of seasons limits human behaviour and regulates most activities of peasants, whatever the type of their agricultural enterprise. The periods of sowing and harvesting and of the birth of animals are crucial periods


\textsuperscript{24} To 'understand' should be interpreted here as Max Weber's erklärendes Verstehen (M. Weber 1980:3). Weber's definition of sociology can be applied to my attempt at 'understanding': "(...)eine Wissenschaft, welche soziales Handeln deutend verstehen und dadurch in seinem Ablauf und seinen Wirkungen ursächlich erklären will." (M. Weber 1980:1).

\textsuperscript{25} A.V. Chayanov (1966) discusses the peasant economy from the specific situation of the Russian countryside. For a discussion of a model based on the Western European rural economies see B. Slicher van Bath 1978, especially pp.12-34.
in the lives of those who are totally dependent on their agricultural produce for their subsistence. Peasants in Languedoc or in South West Germany in the 16th century were producers of an agricultural surplus in the sense that under normal circumstances they were able to produce enough to live from, to save something for the next sowing and to sell something to obtain necessary goods, pay dues and taxes. However, from all the available data we must conclude that the majority of them were merely living on the edge of subsistence with a minimal margin. Incidents like disease, drought or devastating storms would threaten the very existence of many peasant families. Hence the yearly cycle and the weather strongly influenced the peasant’s consciousness and limited the options for behaviour.

When looking at peasant revolts it is necessary to take into account the time of their occurrence and to put this in the context of the agricultural cycle in the area. This is important not only from the point of view of finding possible causes for the revolt but also because there were only limited periods when peasants could afford to stay away from their work for other activities. This simple fact alone already provides us with indications where to look for causes for a revolt or the escalation of a conflict. From the same point of view it would be useful to have information on the different types of crops which were grown in regions where revolts occurred frequently and to know when these were sown and harvested.

Land and climate limit the options for choice of the agricultural enterprise. The areas of my study are both situated in a mild climate and allow for a considerable variety of agricultural products. This provided the rural population with an opportunity to diversify or adapt their economies in order to improve the security of their existence. In particular the possibility to change from grain production to husbandry (dairy products, meat) and vineculture was important. Yet even then the dependency on land and climate remained impressive.

The rural population grew or declined depending on developments of climate, agriculture and disease. Growth and decline varied from region to region but general tendencies are visible on a European scale. Only dramatic external factors like epidemics or protracted warfare caused distinct differences between regions or countries. Growth and decline had a different impact on the peasant economy which could cope with decline more easily than with growth.

Three types of decline of the rural population should be distinguished. The most structural and slow form of decline is caused by the exhaustion of means of existence. This rarely occurred, although this explanation is sometimes used in the case of the decline of highly developed civilisations in Mexico and Java. A

26 G. Gill (1979:189) gives a month-by-month list of peasant actions against their lords in Russia in 1917, showing the remarkable relationship between rural activity and the type of collective action. C. Michaud (1981:577) does indirectly the same for France, showing how the process of tax collection coincided with military activity in the Wars of Religion, and hence with defensive action by peasants.
gradual decline due to exhaustion of the land on a large scale is unknown in Early Modern Europe, where adaptation was not problematic. A more rapid decline can be caused by migration either to other regions or towns. Although European peasant economies were largely sedentary, migration was a well-known phenomenon. Normally, the migrants were young unmarried men and women who tried to secure an existence away from their family and village, sometimes voluntarily but more often socially if not legally forced. Towns were always very attractive and from their measures to limit immigration we know that they remained attractive even when their prosperity lapsed. Many people migrated by taking service in other households or in the army. However, a real decline of the population is rarely due to these developments since the latter are mostly caused by population pressure upon the rural economy. Migration was a response to population growth and increased pressure and only in very rare circumstances did it lead to a net decline in population.

The third and most dramatic cause of decline of the rural population were calamities such as war, plagues, and failed harvests. These relatively sudden declines were frequent until the eighteenth century. Among these wars take a central position. Military violence or the presence of military forces in the countryside alone caused damage to harvests and livestock, reduced the population's resistance to diseases and brought the germs of plagues, as shown by the repeated coincidence of war and plagues everywhere in Europe. The Great Plague of the 14th century and the Thirty Years War of the 17th century were such disturbing events that it took more than a century to recover the loss of population.

Most peasant economies had difficulty in coping with sustained growth of the population. Resources, above all land fit for tillage, were always more or less scarce and difficult to get under control. The expansion of the area of land used by the household or another economic unit was most often employed to facilitate population growth. Yet acquisition of land was subject to many difficulties. Normally expansion was possible only at the cost of higher rent or against the payment of a lump sum for acquisition. Furthermore, competition between households over the available land was intense wherever arable land was scarce. Therefore, providing a sound basis for population growth through the expansion of land was difficult apart from the periods of recovery after a strong decline in population, such as after the Black Death. Expansion of the number of households dependent on the same area of land was an alternative to expansion of arable land. This procedure narrowed down the basis for subsistence of the household but provided chances of independent existence for more families. These peasant households were more vulnerable to crises and had difficulty in maintaining themselves in hard times. Apart from the risk of increased indebtedness for the peasantry the

27 In the German Empire such legal regulations existed in both small and large territories. A detailed analysis of the case in Austria is given by H. Rebel 1983. The regulations, be they legal or customary ones, varied strongly, depending on other factors such as the level of traditional authority of the head of household. See also Y. Castan 1974-31-45 for South France.
overlords were afflicted by the subdivision of farms. They ran the risk of decreased income from dues or taxes because of the higher risk of the enterprise. Agriculture on smaller farms meant decreased chances of the regular production of a surplus. The tactic of dividing up parcels of land could only be successful when there existed opportunities for labour-intensive crops, e.g. vegetables, or when complementary sources of income were available. Due to the economic risks division of land was often forbidden by landlords or the authorities.28

Beyond expansion and 'involution' through parceling up the land, growth could be sustained when other sources of income were available. If the structure of agriculture was such that a demand for labour existed outside the household more children would have a viable future. However, this was at the cost of growing social differentiation within a 'peer group' of brothers and sisters. As non-agricultural economic activities in the countryside were limited, labour opportunities in the village rarely went beyond work as a farmhand or maid. Nearby towns could sometimes accommodate surplus labour when industry and commercial activities were thriving. Migration to towns strengthened the ties between countryside and regional centres, which until then had been limited to the towns functioning as markets and administrative units. The problem here is that population growth is more structural than the conjunctural willingness of towns to accept immigrants from the countryside. A sudden economic crisis in the towns followed by restrictions on immigration rapidly caused grave tensions in villages where emigration had been a normal phenomenon. If emigration disappeared as a possible outlet for a surplus of population the gradual creation of a rural proletariat became inevitable. Both South West Germany and Languedoc knew this problem. Emigration, to Alsace and Navarra, Castile and Catalonia was well known and both areas became recruiting grounds for the growing armed forces of the 16th century.29

All these factors illustrate the difficulty for rural societies to accommodate population growth. However, within rural communities strong restraints existed to prevent radical changes and to keep a more or less balanced situation. Instrumental herein were the dominant structures of family and kinship.30 Of all man-made structures these are perhaps the oldest and the strongest, regulating the behaviour of individuals and partly determining the relations among people and between people and the material goods within their control. The rural communities that are the subject of this study show considerable differences in these relationships which will be discussed at a later stage. Suffice it here to stress some fundamental parallels.

28 Such restrictions in South Germany were strongest in territories possessed by the clergy.
Economic units were essentially family households, be they nuclear or extended. Thus the peasant economy was a family economy and only the larger peasant holdings required labour from outside the family. The close relationship between economic activity and family structures only increased the latter's importance in everyday life. It legitimised the use of the 'hearth' as a unit for administrative purposes, above all taxation. The household and the family were not only units from an economic or fiscal point of view, they were social units with the head of the household in charge of maintaining good order. This was expected and even demanded by the higher authorities. The interference with aberrations of family structures, the regulation of the number of children allowed to stay in the household and the formalised extension of the authority of the father well beyond family life itself all indicate the societal use of the family structure.

Inheritance, the regulated and organised transfer of rights to, or control over rights to property and status is narrowly linked to the family structure. Usually inheritance dealt with the transfer between generations but in societies where old age was a rarity these rules were also extremely important for settlements between members of the same generation. Customs and laws regulated inheritance in detail or delegated the authority over decision-making on inheritance unequivocally. This was in the interest of parents, children and the community in general. It enhanced the sense of 'community' and Berechenbarkeit in a society where so many things were uncertain.

The rules of inheritance varied from region to region yet were seldom disputed. People knew exactly under which set of rules their household fell. This is the more striking when we think of the continuity in quarrels about competences and jurisdiction. Claims to rights of inheritance were frequently taken to court. However, these related almost without exception to quarrels between equidistant potential heirs and not to the principles of the system of inheritance. For example, in regions where the oldest son would inherit the farm and the land, younger brothers would know from their youth that they had to make a living elsewhere and that they were second-class children, not truly peers to the oldest son. The clarity thus obtained by strongly enforced rules did not prevent growing tensions within a family. On the contrary, inheritance and marriage strategies contributed to the already existing feelings of inequality within villages. This is the more obvious in periods of economic hardship when survival was already difficult for those who owned or rented land. Some sons and daughters would know from the start that their existence would be one of labourer or maid if they would not be able to make a living outside agriculture; a bleak future due to the rules of family life.

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31 In France government interference went so far as to order arrest of fathers for the 'crimes' of their sons during the Wars of Religion. This points to a generational aspect of these wars. See, e.g., R. Mousnier (ed.) 1964:378
See also S. Ozment 1983.
32 D.W. Sabean has studied this phenomenon in Württemberg. See for Haute-Provence A. Collomp in H. Medick & D.W Sabean (eds.) 1984:145-170 and for Brittany M. Segalen, ibidem 129-144.
This brings us to an aspect of early modern rural communities that is often overlooked: the social and economic differentiation existing within a village or even within a household. The concept of a differentiated peasantry has gained ground with historians especially since the study of E. Wolf on 20th century peasant revolts in the Third World. The already common distinction between labourers, average peasants and an elite of large peasants, the *coqs de village*, has been developed into a multi-level view of the peasantry with distinct features for every level. Sometimes economic differentiation became a formal stratification when an economic criterion (e.g. the possession or tenancy of land) was used for limiting the membership of the community organisation. In general differences in material wealth led to social differentiation in rural communities where dependency on land and livestock was of crucial importance. This social differentiation influenced marriage strategies and the redistribution of material wealth. Differentiation in a village limited the chances of access to land and other means of subsistence. Social differentiation must have been felt strongly by all in small communities, both in a positive or in a negative fashion.

Through the regulation of labour and inheritance the authorities contributed to the formalisation of differences within rural communities. Because of this policy forced upon rural society the elite of the peasantry saw its interests protected by the supra-local authorities. Likewise their attitude towards interference of the authorities in village life was different from that of the majority in the village. Landless labourers only suffered from fixed labour wages from the late 15th century when labour became more widely available. In this way the relations with the outside world were already pre-arranged through internal village structures. Social stratification, be it informal or formal, was a constant aspect of peasant societies and the labeling of 'the peasantry' as a category is only valid when opposed to categories like 'the nobility' or 'the clergy'.

The process of differentiation and stratification is strongly influenced by the nature of the peasant economy and the geographical setting of the rural community. The physical structure of the settlements, in villages or as scattered farms, and the general pattern of settlement play an important role. The availability of communal land and the necessity of cooperation on certain tasks of crop rotation and irrigation also have to be kept in mind here. Hence, social stratification is clearly related to and illustrated by settlement patterns.
and agricultural cycles.\textsuperscript{35}

In the subject area of this study the village structure was predominant and the concept of community beyond the physical one was clearly existent. Beyond all internal tensions and conflicts German villages were Gemeinden and French ones communautés. The sense of belonging to this community was perceived most strongly by the middle peasants who were formal members of the community organisation. They were the most frequent attenders of community meetings where landless labourers were not allowed and rich peasants, though full members, rarely appeared. The village officials were chosen from the ranks of the middle peasants and they controlled the activities to be organised by the community. In so far as peasant communities were autonomous in decision-making this autonomy was guarded by the middle peasants, both in South West Germany and in Languedoc.\textsuperscript{36}

Contacts with the world outside the village were established by engaging in market relations and through relations with overlords and state authorities. In these matters the village did not always function as a community. Members of households established market relations for the sale of surplus products which was an individual enterprise. However, the right to hold regularly market days or fairs in a certain village enhanced the sense of community and solidarity and has been seen as a major contribution to village autonomy.\textsuperscript{37} Obligations towards the state, like taxation, were centered on the household. The village community was only used as an administrative unit. However, in the cases where taxes had to be distributed over the households when the village was charged as a whole the community was very important. The assembly of the heads of households became a battleground and quarrels over the allocation of taxes abounded. At these meetings the effects of social differentiation were felt most strongly.\textsuperscript{38} Formally, a representative of the authorities or of the lord had to be present at meetings of the village community and originally permission for holding such meetings had to be given by the lord.

3.2 The peasants' overlords.

The most important relations beyond the village were the ones with the overlords. France and Germany showed many similarities in the 16th century as far as the feudal nature of rural society is concerned. However, one main difference comes to the foreground immediately: France no longer knew serfdom, whereas

\textsuperscript{35} A classic example is the Russian mir-system where the regular redistribution of land prevented an all too strong social differentiation within the village.


\textsuperscript{38} Rich peasants successfully tried to evade their share in taxation (HdlFr:11,298) but the community as a whole was still independent enough to protest against this in cahiers (G. Tholin 1885:4).
this typical aspect of feudal relationships was still widespread in South West Germany.39 To assess the significance of this difference we must take a look at the whole impact of a feudal relationship on the rural population. This starts with the rights of a lord vis-à-vis his subjects. These rights had an economic and a social component. Feudal dues and corvées were considered to be very important because they were the visible confirmation of the relationship of dependency. The exaction of these dues was so to speak their legitimising force: the lord held these rights and was free to use them through demands for labour, produce in kind or money. The peasantry was subject to the lord’s authority and was held by the oath of allegiance to obey the lord and to perform the duties and pay the dues.

A lord was free to decide not to insist on performance or payment without damaging the relationship. However, this was not reciprocal: refusal from the side of the subjects caused a major crisis in the feudal relationship and the oath was considered to have been broken. This imbalance is important because it may help to explain how protest in the form of refusal of feudal duties was seen by the parties involved. A typical element of the feudal relationship is its reciprocity of obligations. The lord had rights but duties as well towards his subjects. The main duty, to protect his vassals from external violence, dated back from the period in the Middle Ages when life in the countryside was so uncertain that serfdom was often entered into voluntarily. Originally active protection legitimised serfdom to the peasants from the point of view of a cost/benefit analysis. The performance of protection, necessary in times of war, became the touchstone of the legitimacy of the feudal relationship. Apart from land rent, to be paid to the overlord when the land was not held in property, all other dues and services in money, kind or labour were dependent on the acceptance by the subjects of the lord’s right to exaction of dues.

The natural hesitancy of peasants to hand over a part of the produced surplus solely because of a feudal obligation required a strong ideological or factual enforcement. A crisis in the dominant ideology that spread to the countryside would very likely stimulate conflicts over feudal dues. Such a crisis would threaten economically those lords who were to a large extent dependent on income from dues or who had to rely on corvées. Only larger landowners were able to generate enough income through renting out land, thus becoming rentiers du sol. In a society where everyone knew his place in the hierarchy of orders any conflict over the legitimacy of feudal relations could mean a serious crisis. Against this background it becomes understandable that even the challenging of minor dues was perceived as unacceptable.

Overlords in South West Germany normally possessed three types of rights which formed, when combined, a formidable instrument of control for the exaction of dues. Their Herrschaft could be exerted

39 On the implications of serfdom in South West Germany, see C. Ulbrich 1979.
through the control over the physical person of the subject (serfdom) as Leibherrschaft, through the control over the land which the subject tilled, Grundherrschaft, or through jurisdiction over the subject, Gerichtsherrschaft. Of these three the Grundherrschaft was the least controversial: the principle that a land rent was due to the owner was accepted universally. The other forms of Herrschaft or seigneurie were more controversial and subject to perennial quarrels between lords and their vassals. Feudal relations were not static; they were the result of constant struggles between lords trying to increase their control over their subjects and peasants challenging or trying to evade seigneurial exactions. The material manifestation of a feudal relationship at any given time was merely a temporarily balanced relationship. It was strengthened by a legitimising ideology but still dependent upon the willingness of the peasants to comply or upon enforcement.

Crises over feudal dues—in the 16th century all costs and no benefits from the peasants' point of view—could be expected in periods of economic hardship. Dues added to land rent and taxes directly threatened the subsistence of the poorer households. In any crisis the most oppressive form of Herrschaft, serfdom, became the target of protest. This not necessarily for material reasons as very rich peasants were sometimes serfs, but more for psychological and social reasons. Serfdom did not necessarily imply poverty or dependency. It was felt, however, through more dues and restrictions on settlement, marriage and the transfer of property. Protest against the principle of serfdom was at the core of rural protest in South West Germany, but was totally absent in Languedoc where it was only a memory of a distant past. Yet there as well we find non-economically inspired protest against aspects of feudal relationships well before the eighteenth century. The strong emotional dimension of protests of peasants against some of their feudal lords can thus be found in both areas of my study, although differing in intensity. 'Feudalism' only went unquestioned to a certain extent, not just in the German Peasant War of 1525 but permanently. This is valid for Languedoc as well as for Germany with the difference that its low level of visibility in France made it less prominent than supra-local anti-fiscal protest for which the French peasant revolts have become known. Also the religiously inspired German Peasant War can to some extent be seen as an exception. Anti-feudal protest was by its very nature limited to an area where the same feudal relations existed and tended to be of a local nature, referring to specific circumstances.

The predominance of external relations with overlords within a feudal framework slowly changed in the 16th century when the penetration of the state and centralising forces were perceived more strongly in rural society. The late medieval abstraction of the Good King or Emperor materialised into concrete representatives, regulations and obligations. The gradual consolidation of royal authority in France in the 15th century and the policy of the Habsburg dynasty in the German Empire facilitated this development. In a crude fashion one could say that the state, the central authority, tried to establish direct relations with the...
population by excluding the nobility, originally the intermediaries and caretakers for the ruler. The state wanted to impose its jurisdiction and taxation and attempted to do this as directly as possible. In this crudely represented fashion the central authority and the overlords became competitors for the extraction of surplus and for control over the rural population from a legal-juridical point of view.

The success of the attempted expansion of central authority was dependent on the relative strength of the competing forces. At first glance one might think that such a competition would increase the burden on the peasant economy since more claims on a part of the surplus were voiced. In practice, however, multiple claims and conflicts over jurisdiction provided excuses and ways of escaping these burdens for peasant communities. Optimal surplus extraction was monopolised surplus extraction and the intrusion of centralising forces in rural society at first allowed peasants to escape from some of the new burdens. The crucial factor for further development was how the power balance between regional overlords and the highest central authority would settle.

France and the German Empire have become classical examples of possible divergent developments and this has to be taken into account when looking at rural conflicts. In Germany, Imperial taxation and a more centralised judicial system did not develop strongly, although some attempts were made in the early 16th century. Instead, princes managed to attain these goals on a regional level and they were able to preserve them well into the 19th century, preventing the development of a strong unified German Empire.

The intrusion of the state in France was most clearly felt through the firm establishment of the taille royale, a very successful universal tax, and a nationwide administrative structure of royal officers. These officers partly occupied themselves with the collection of taxes or the execution of new regulations. Since the new officers all had to be paid in one way or another by the population it meant that the new structure was a costly burden. Next to this the officers tried to establish a firmer royal jurisdiction on a lower level than the existing right of appeal directly to the King, the justice royale in the strictest sense. The right to establish taxation has been a very successful state-building mechanism in France. It provoked widespread protest from seigneurs as well as from the rural population. As the availability of a surplus in household economies was always an uncertainty competition over rights of extraction were fierce and a fundamental aspect of early modern society. An independent nobility can well be imagined to side with the peasantry in protest against new taxes since it risked losing out. For a peasant economy where payments in kind were still very common taxes posed an extra burden. Taxes became difficult to pay when levied in money since money was scarce.

In Germany the competition might lead to a formalised regulation of the obligations of the subjects of a village that could very well mean a lowering of dues (C. Ulbrich 1979:106). The same is noted in France in the case of a co-seigneurie by J.H.M. Salmon (1979:6). The coming of intendants to the countryside only increased the possibilities for the peasantry to strengthen their position (M. Bloch 1976:1,180).
Differences in protest against different dues may very well be related to the question whether these were levied in kind or in money. Obviously this problem was more acute in isolated areas or where agricultural products were marketed with difficulty. Thus the level of commercialisation of rural economies can be related to tensions of diverse types. Apart from the disruption of the social framework and the establishment of new relations the direct influence of commercialisation on the availability of cash should be kept in mind when studying protests against new taxes. Furthermore, the usual type of coin in market exchange was not always the coin required for the payment of taxes. This caused strong feelings of resentment against tax collectors.

Total autarky in early modern European rural societies did not exist. Peasant households had to sell part of their produce or barter it against essential products from iron tools to salt, from a gun to a fancy wedding-dress. Normally peasants were very keen to enter the market economy, preferably directly. Sometimes overlords demanded that the dues that had to be paid in kind should be of marketable quality. This was strongly resented, especially when the 'lord' was a very big landowner or a monastery capable of storing the produce and manipulating the market to the disadvantage of small peasants who could only occasionally enter the market.

Markets were important in order to obtain cash but even more so as meeting-places on a regional level. A market or a fair was the occasion for meeting friends or distant relatives from several villages; these occasions were extremely important for the exchange of news, rumours and gossip. Frequently the occasion of a market would also mean the physical confrontation with the officers of the central authorities, especially tax collectors. In this way towns became associated with hoarding and speculating merchants, oppressive military forces, royal authorities and tax collectors. Members of rural households who had emigrated to towns almost always remained townsmen of the lower social strata who could only confirm the image of a town as a seat of evil. The fiscal privileges of townsmen and their relative security against climatic or military excesses contributed to the feeling of dislike. The rural population used towns for the marketing of their surplus products. However, there was little feeling of affinity or solidarity. It would be an understatement to say that townsmen felt little affinity with the rural population. This was not just inspired by a feeling of cultural superiority. Many towns or town dwellers owned land in the surrounding countryside. Town councils, town-based clerical institutions and bourgeois were in the 16th century already considerable landowners. They had little or no feeling for the traditional relationship between lord and subject, neither from tradition nor induced by physical proximity. The integration of towns and surrounding countryside was only minimal beyond the economic relations.

The network of relations between the peasantry, nobility, towns and royal officers developed strongly.
from the thirteenth century onwards. When we see a certain reluctance of the peasantry to actively engage in further integration this might be explained by a simple cost/benefit analysis. Apart from accessible markets few material benefits were to be expected and more dues and costly regulations were to be feared. From this point of view the backwardness and hostility of rural society can be seen as a very rational and understandable attitude.

3.3 Law and central authority.

The intrusion of central authority in Languedoc and to a lesser extent in South West Germany had implications for the development of judicial systems. An important pillar of feudal authority was the feudal lords’ privilege of judicial authority over their vassals. In South West Germany the Gerichtsherrschaft was one of the three types of Herrschaft that embodied the feudal relation between lord and subject. The lord was the first judge to be approached in a large number of conflicts even when he or his agents were an involved party. Jurisdiction had been split up in categories and competence of lords was dependent on the nature of the case. This fragmented judicial system was only superseded by the Imperial Court. This Court had little day to day influence on local conflicts. However, it was well known among the peasantry as an instrument of justice of the Emperor, by definition on the side of his poor subjects. This dichotomy of local vs. Imperial justice was complicated from the second half of the 16th century onwards, with the growth of autonomous prince doms holding their own supra-local judicial powers. South West Germany was an area of shattered judicial competences and also of strongly differing customary rights. Customary right, das alte Recht, was essentially local, embedded in local tradition and memory and not in written law. Such a judicial system was close to the rural population and consequently rights varied from village to village. The fact that the ‘natural judges’ were often their own lords did not prevent peasants from seeking justice but it inevitably posed problems and tensions.

In Languedoc a similar structure of feudal judicial authority existed. In many matters the seigneur was the juge naturel just as in Germany and this did not change until the abolition of ‘feudalism’ in August 1789. However, two developments made the judicial structure of Languedoc very different from that of South West Germany. The first one was the establishment of a Parlement in Toulouse with jurisdiction over the province of Languedoc. This created a supreme court of justice for all civil and criminal cases, accessible through the right of appeal from the local level upwards. Such a court in a province with a tradition of droit écrit, written Roman law, was at least some guarantee for justice as long as it was truly accessible in practice. The Parlement was independent and embedded in a strong legal tradition. Hence a provincial complement to local judicial rights was firmly established by the early 16th century with clearly defined
procedures of appeal that could be used by all inhabitants of the province.

Second, the royal authorities tried to establish a certain level of control over the judiciary process next to the strong provincial institutions. They contributed to the development of courts for conflicts over financial and tax matters and gradually increased their say over the proceedings of the Parlement. Royal jurisdiction was applied to conflicts over taxes and financial matters in general. By coordinating the attempts to create a strong fiscal system through the establishment of royal courts which had a monopoly of competence over financial matters the emerging state strengthened its financial basis and judicial authority. However, this acquired competence over a very important part of the judicial system did not cause the downfall of the provincial institutions in Languedoc. In due course a modus vivendi developed after a short but fierce struggle over competences which was fought out in the first half of the 17th century.41

Whatever the structure of a judicial system, it cost money. Going to court was very expensive in France as well as in Germany. Lawyers had to be hired and fees had to be paid.42 An unpleasant aspect of 16th century court cases was their duration. Procedures were very complicated due to unclear competence and the frequent absence of relevant documents. Several layers of local, regional, provincial and supreme courts existed and the right of appeal was an important and even fundamental aspect of the complicated system of jurisdiction.43 The emerging class of lawyers and notaries quickly became part of the new urban bourgeoisie with strong aspirations. Their income and status benefited from protracted court cases and other procedures. The complexity of judicial procedures legitimised their existence and their place in the higher levels of the social hierarchy. However, they mainly commanded respect because of their function as intermediaries between the population and the law. In the countryside notaries and lawyers were disliked but seen as a necessary evil and individual peasants or communities knew where to find them in the towns.44

The cost of justice was not just a source of income for the central authorities or a system of financing

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41 As J.H.M. Salmon concludes on the Audijos revolt: "Reactions to the revolt had taken the form of continuous jostling between the instruments of government (...) in a situation where the powers of one intermingled and overlapped with those of others. In the heyday of Louis XIV's centralizing absolutism the results had been surprising. The extension of the fisc had been successfully resisted despite a massive display of military force and arbitrary judicial procedures, independent local bodies had remained intact (...) . Even absolutism, it seems, was obliged to govern through consent." (J.H.M. Salmon 1984:145).

42 In a cahier for the Estates of 1614 it was complained that "il n'y a marchandise plus chere en France que la justice." (G. Thoin 1885:5). In France an appeal to the Parlement was estimated to cost between 100 and 500 livres at the beginning of the sixteenth century (BeSodIF:1,108). For cost levels in the seventeenth and eighteenth century see W. Schmale's Ph.D. thesis, 1984:77–82.

43 The right of appeal had become an automatism and the prevention of appeal could be a part of the punishment (D. Parker 1983:12).

44 J.-M. Constant 1981:541 and W. Schmale 1984:81 speak of mutual trust between lawyers and peasants and fundamental trust of peasants in the judicial system. This is extremely unlikely as we often find complaints against the juristes and the Juristerei and the cost of justice. However, we may assume that peasant communities knew that lawyers could be of importance for their case.
regional courts. Most of the lower judges, often the overlords, had the right to keep part of the fines and to collect the fees for themselves. In South West Germany income from the Gerichtsherrschaft could be very important as an extra source of income for lords who possessed only little land. Since going to court was a costly affair anyone, lord or peasant, would think twice before doing so. The costs had to be weighed against the expected result. When a peasant community had a quarrel with its lord, for instance over the infringement of rights of use of communal land or woods, one can see how opinions within the community varied. The richest peasants generally opposed a court procedure. They would be afraid that they had to bear the greatest part of the costs whereas they suffered only mildly from the infringement. The small peasants, however, were more dependent on the communal property of the village and they suffered badly without being able to act on their own. For them it was important to transform the conflict into a communal issue in order to share the costs of a legal action with all the members of the community, including the richer peasants. The middle and small peasants were more willing to risk a deterioration in the relationship with their lord as they held no functions as intermediaries between community and lord and therefore had less to lose in status.

Viewed in relation to the cost and the duration of court cases it seems surprising how often and for what reasons rural communities went to court when they had the opportunity to do so. In order to understand why villages were prepared to enter into very long legal procedures on minor aspects of their feudal burden two things must be kept in mind. First, these cases often constituted issues of principle and hence were of long-term importance. If a minor increase was not challenged now, maybe new and larger increases in the future could not be stopped either. Acceptance of new dues could imply the acceptance of the principle that the lord had the right to increase the feudal burden whenever he wanted. Second, whenever an increase in dues or a higher rent was challenged in court it was considered unlawful to put the increase already into effect. As long as the matter was sub judice the old amount was still valid. Given the length of court cases this principle had very interesting economic consequences. Consequently the decision to go to court becomes more understandable. Whatever the risks and expenses of the legal procedures, the course of law was well known to the peasantry as a possibility to redress grievances where judicial organisations existed to facilitate this.

3.4 The Church.

Very few villages in Languedoc and South West Germany do not have a church. In the Middle Ages these areas were already important parts of the Christian world, for the Swabian and Toulousain realms were well known centres of religious life. South Germany had many places of worship of local and regional importance.
and large monasteries were to be found in the valleys of the Black Forest. The presence of the Church of Rome was no less strong in Languedoc: Toulouse still claims to have the largest collection of relics in the world. But Languedoc had also witnessed the growth of heretical movements culminating in the Cathar movement of the High Middle Ages. Following its repression, the number of Catholic clergy in the area was increased even more to staff a program of indoctrination with the orthodox teaching of the Church.

The Church was everywhere, as the faith provided a guideline for daily life and embodied the confirmation of the existing order. In general there was a priest in every village and regular orders had settled in monasteries or in nearby towns. Saints’ days and other religious celebrations were fixed points in the agricultural cycle and the social life of the villages, determining dates of sowing and harvesting, the payment of rent or opportune times for a marriage or a fair. The integration of the Catholic religion with so many aspects of life in a rural society strengthened and legitimised the faith which in turn contributed effectively to the survival of the feudal world order. The struggles between Emperors and Popes over the worldly rights of the clergy were well beyond the horizon of the medieval peasantry who saw nothing but a clergy cooperating with the nobility, reaffirming the latter’s rights.

The worldly activities of the clergy were most obvious on a local level. Everywhere in Europe clerical organisations owned land and held important rights and privileges. In South West Germany many monasteries not only owned land but kept the tradition of serfdom alive as well. Leibherrschaft was mainly in the hands of the clergy. Benefiting from their privileges and facilities many monasteries became very active overlords, exacting more dues and increasing the pressure on the peasantry through various new regulations. The relative immunity of the clerical lord from protests and juridical interference only stimulated his readiness to exact as much as possible from his subjects. Thus clerical lords were feared and disliked in Germany, not least because their economic activity on the markets together with their practices of hoarding and speculation disrupted the regulated supply to the towns and prevented smaller producers from entering the market, causing prices to be kept at artificial levels. As clerical institutions could use cheap raw material and labour they became a serious threat to the textile industry in the towns.46

In Languedoc the clergy also held worldly possessions. However, these were to a large extent secularised in the 16th century to help finance the wars of the Valois kings. Yet the system of tithe collection remained intact. Tithes were higher in Languedoc than elsewhere in France because the number of clergy among the population was relatively high due to the intensive policies of re-catholicisation in the late Middle

46 H.J. Cohn (1979:3-32) stresses the economic causes of anti-clericalism in the German Peasant War of 1525, especially in towns that were threatened.
Ages. Clerical privileges and prerogatives existed in Languedoc no less than in Germany but because of the secularisation of land and the absence of serfdom the control of the clergy over land and people was less strong here.

The presence of the clergy as spiritual shepherds and a legitimising force for the hierarchical order of society, in which they were themselves prominent, presented a potential danger. A crisis in the ideology of the Catholic Church could result in a serious crisis of the world view held in society. Such a crisis could have very real consequences in daily life, due to the worldly involvement of churchmen, and going far beyond the ideological origins. Heresy in 12th century Languedoc led to a situation where a 'crusade' had to be organised and the Wars of Religion, though only partly a reflection of an ideological crisis, caused havoc in large parts of France in the late 16th century. A crisis in religion became a crisis of the whole society, catalysing latent tensions. Reformation preachers not only questioned the purity and Biblical legitimacy of the Catholic Church, they also questioned the worldly behaviour of the clergy and the ideological foundations of feudal society. Religious heterodoxy was not confined to the libraries and teaching halls of theological faculties. Its proponents knew the involvement of the Church with everyday life only too well and hence it was difficult to limit critical views to purely theological aspects of a religion that pervaded all spheres of society.

Would religious disputes have been known in the countryside? It seems very unlikely at first sight but the experience of the Cathar heresy should make us cautious. Yet local clergy were often badly educated and had few connections with the centres of spiritual reflection. The priests baptised, married and buried the peasants. Often they originated from the countryside or were otherwise closely related to the rural population. The large majority of local priests were very familiar with the peasant way of life. The relation between local priest and the peasantry seems to have been stronger in France than in Germany, where absenteeism was rather frequent. Whatever his commitment, the priest remained an important person for more reasons than just his spiritual task. In principle he could read and write and had contacts beyond the village. Such people, like the local innkeepers, blacksmiths and millers, occupied a central position in the village and the priest added his clerical authority to his connections. Village priests were truly intermediaries between the rural communities and the Church, spiritual and in practice. It is very difficult to imagine a crisis in a rural community without the priest's interference or knowledge. Peasants could not disobey a feudal lord without invoking the disapproval of the Church. And vice versa, if heretical views would reach down to the lower clergy sooner or later there would be a formidable social impact upon the peasant

48 Complaints were certainly not unheard of in France before the Counterreformation (see e.g. G. Tholin 1885, Y. Durand 1966 and R. Chartier & J. Nagle 1973) but their intensity stands in no proportion to Germany where absenteeism and abuse of privileges were widespread.
The religious life in a village was closely related to traditional folklore and regional customs. Many elements of the latter had been incorporated by the Church through the establishment of specific feast days, church fairs and local and regional traditions of pilgrimage. Yet many non-religious or only vaguely religious customs survived and remained important elements of the social life in the villages.

When studying rural conflict we have to take into account the manifestations of 'popular culture' and their possible role in voicing protest or channeling manifestations of discontent. The cycles of regional fairs and feast days, the activities of fraternities of the young and unmarried men and village rituals all enhanced the consciousness of the peasantry and harnessed their sense of cultural identity. Stimulated by wine or beer gatherings might escalate into brawls where more was said than in normal circumstances. Carnival in early modern Europe was far more 'the world turned upside down' than it is now. These manifestations of popular culture had a long history but were certainly not ossified to become static rituals. They remained socially relevant and related to the actual situation in the world beyond the village or to tensions within.49

Feast days and periods of celebration of regional folklore, around New Year’s Day and in the harvest periods, were days when protests were voiced more violently and louder. They could very well be days when plans were made for violent and supra-local action. The authorities were well aware of this and well before the Reformation they increasingly attempted to control or forbid many of the collective aspects of popular culture. This policy gained momentum after the establishment of the Protestant regime in parts of Germany and elsewhere when the Counterreformation became effective in the countryside. Popular culture was seen as a distraction from the true religion, be it Protestant or Catholic, and the ideologically motivated control was not without social implications. Traditional rural community life changed due to the attempts of religious and worldly authorities to control its local and regional cultural manifestations.50

3.5 Wars.

A final aspect of rural life in early modern Europe that deserves attention here is the effect of wars. War was endemic and the cause of hunger, diseases and all too often death. The impact of war on the peasantry has drawn the attention of chroniclers and artists alike. The miseries of the Thirty Years' War were only a large scale demonstration of what happened elsewhere on a smaller scale. The implications of war for the rural population were tremendous. In general they had to pay the bulk of the extra taxes and in areas where no

49 G. Lottes 1984:147-188 shows how popular culture developed under the influence of Reformation or Counterreformation.
actual fighting was going on, the burden was increased even more to make up for the absence of income from regions devastated by war. War taxes were levied ruthlessly and protests were to no avail as the money was needed urgently. War chests tended to be depleted quickly, earlier than military campaigns were finished. Wherever armies came, harvests, livestock and other stocks were confiscated or at best acquired by force against prices fixed at an arbitrary level. In areas where wars were very frequent like Roussillon, Savoie and Flanders the rural economy knew periods of stagnation and decline with all its effects on the population.51

The German Empire was relatively safe from military violence until 1618, only to suffer from it extensively for the next thirty years. France was less successful. After the Hundred Years War French kings tried to fight international conflicts on non-French territory but the Wars of Religion and the invasions of the Spanish Habsburg forces caused serious damage to some regions of France. Languedoc, a border province, was severely hit by both civil wars and the international conflicts. Wars increasingly became the monopoly of national authorities and their occurrence had consequences for the process of state-building. In France the progress of the establishment of state institutions was certainly stimulated by the frequency of armed conflicts between 1560 and 1660. This intrusion pursued by force led rapidly to a decline of provincial autonomy. It caused severe disruptions of the development of the rural economy through taxes, exactions, diseases and physical destruction. Needless to say, the rural population suffered most from all this.

4. From a conflict of interests to revolt: just a matter of definition?

The complex early modern rural society in the German Empire and in France forms the stage for the topic of this study: forms of rural conflict in the 16th and the early 17th century.

It is essential to keep in mind that the following is based on my assumption that all forms of rural conflict can and, indeed, must be seen in their mutual context and interplay. The choice for the term ‘rural conflict’ is a deliberate one, suggesting a broad approach in order to include all conflicts where rural communities, or individuals, were concerned. As I tried to demonstrate earlier, rural societies were ‘under tension’ and these tensions were manifold and complex, related to antagonisms within villages, between villages and conflicts with overlords, including the state. In view of the historiographical debate on the nature of peasant revolts it is legitimate to start off with the broadest possible approach to analyse all the forms of manifest conflict. This is not meant to suggest that an individual conflict between a peasant and his lord should be seen as qualitatively on the same level as a revolt of entire peasant communities or a tax revolt of a whole

province. It should only provide us with precautions against the danger of highlighting the most explicit forms of conflicts, the revolts, while neglecting other less conspicuous forms. A more balanced approach can contribute to our understanding of the causes and origins of revolt and hence provide more insight in their occurrence. Revolts are to be brought back to where they belong, in the context of other manifestations of tension and conflict.

This broad approach is not new but has always remained somewhat problematic. B. Porchnev, true to the holistic tradition of Marxism, studied different manifestations of conflict in 17th-century France. However, for his analysis of peasant revolts he fell back on the simplistic explanation of rural class conflict, whose manifestation was stimulated by a crisis in the ruling elite. In German Marxist historiography of rural conflict holism has remained a promise as well, yet to a lesser extent. Influenced by Porchnev, G. Vogler described already in 1962 *niedere Formen des bäuerlichen Klassenkampfes*, but this approach remained in the background. The rigid concept of early bourgeois class struggle held ground and remained essentially unchallenged until after 1975 when a revival in interest for rural conflict was caused by new studies of the German Peasant War of 1525. New and very interesting studies show how a broader approach of 'conflict' can be stimulating within a Marxist tradition and there is reason to believe that this approach will be continued.52

The French non-Marxist historians of peasant revolts have concentrated their attention on the anti-fiscal, or anti-state, nature of protest in the late 16th and the 17th century. For the analysis of eighteenth-century rural conflict historians have described the period from (roughly) 1675 to 1715 as a period of transition.53 Rural conflict after 1715, culminating in the peasant revolts of the Revolution, has been looked at as increasingly anti-feudal protest because the whole notion of feudalité and the rights derived thereof became subject to challenge. The implicitly irrational aspect of fureurs paysannes and their tendency to escalate may have caused anti-fiscal protest to turn against towns and seigneurs. Yet the stress on the anti-fiscal nature of peasant revolts in the 17th century, in response to Porchnev's analysis, has led to less attention for other types of conflict in rural society.

The nestor of German non-Marxist historiography, G. Franz, paid attention to earlier and less manifest forms of protest and conflict. He saw them, however, in the context of a somewhat 'volcanic model'. The Bundschuh-conspiracies were seen as *Korporäle*, precursors to the great 1525 revolt.54 On the other hand

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52 At least such is suggested by the research agenda that G. Vogler has presented (1986:22-40).
53 H. Neveux (1984:281-283) maintains that we have to look for an explanation in the transformation of ideological motivation from anti-fiscal to anti-feudal. See also E. LeRoy Ladurie 1974:6-22.
54 The study of the Bundschuh has been neglected since the fundamental work of A. Rosenkranz (1927) and of G. Franz. I will return to the relation between these conspiracies and 'peasant revolts' in the next chapter.
several of his studies on the rural history of Germany show that he very clearly saw the continuity of conflict and struggle. The exceptionality of the 1525 events, their extent and massive repression and the influence of the Reformation creed have given it a very special place in German history. In the opinion of Friedrich Engels its occurrence was the most important fact that had happened in German history and Alexander von Humboldt called its (assumed) failure the biggest mistake in the course of German history.55 Other revolts and forms of rural conflict attracted relatively little attention before 1975 but this has changed dramatically. The assault on Franz* thesis of political and juridical elimination of the rural population after 1525 has led to important results. Not only has the juridification of rural conflict been drawn to the foreground, but other forms of conflict have received attention as well. Attempts have been made to place the different forms of conflict in relation to each other in a more general category. W. Schulze especially has paid much attention to the general concept of peasant resistance (bäuerlicher Widerstand) that includes armed collective action as well as a procedure in court. An important aspect of this approach is the juridification of social conflict, Verrechtlichung sozialer Konflikte, a diachronic view of the development of legal mechanisms of conflict resolution.

In this study an attempt will be made to compare rural conflict in Germany and Southern France, especially Languedoc, with special attention for the different forms of conflict and conflict resolution. My approach will be broader than just the fields of manifest conflict ('peasant revolts') and of legal conflict resolution since I will attempt to inventory all forms of rural conflict and place them in context in order to study their interrelation, if any, and their etiology.

Peasant revolts are a manifestation of collective violence or more general collective action. This concept has been dealt with by many authors and an analytical survey of the literature has been provided by C. Tilly in "From Mobilization to Revolution" (1978). Tilly summarises the components of collective action as follows:

Collective action results from changing combinations of interests, organization, mobilization and opportunity. The most persistent problem we will face in analyzing collective action is its lack of sharp edges: people vary continuously from intensive involvement to passive compliance, interests vary continuously from quite individual to nearly universal.56 Elsewhere Tilly gives five central assumptions on collective action that are worth mentioning here: its cost, the fact that all contenders count costs, its benefits in the form of collective goods, the weighing of expected costs and expected benefits that are both uncertain because contenders have imperfect information on

what is going on, further complicated because all parties engage in strategic interaction. When these components are related to peasant revolts the following definition appears:

Where peasant communities have a measure of solidarity and some means of collective defense, where new or increased claims clearly violate publicly known agreements or principles, where some visible person or group that is close at hand stands to gain by the new demands on the peasants, and where effective coalition partners are available to the peasants, collective resistance becomes likely.

These assumptions and the model presented by Tilly suggest rational human behaviour. My approach, following Tilly, will be based on the fundamental assumption that revolts were outcomes of rational intentions, as opposed to the 'volcanic model' of fureurs paysannes caused by the blind forces of natural reignis.

4.1 Forms of rural conflict.

The rural conflict analysed in this study was not always collective. Individual conflicts between a peasant and a lord or a nobleman and a tax collector can potentially be very important. An embittered nobleman might be tempted to accept leadership over a group of peasants who protested against a new tax. The respectability thus achieved might attract more peasants and towns to join in and escalate the movement. Therefore it is useful to try to find proof of individual conflict as well. The broader approach, including individual and collective protest of a violent and non-violent nature, has its dangers, as voiced by R. Mousnier in the debate on mouvements populaires in 1984: "Le deuxième vœu que j'exprimerai, c'est que l'on veuille bien se demander si une série de procès civils, même séculaires, même pluriseculaires, ne présentent pas une différence de nature essentielle avec une série de batailles à coups de pierres ou à coups de couteau." I would argue that there is no essential difference in those cases where one reasonably might expect the forms of expression of discontent or protest to be related to the same case. When peasants took a lord to court for his infringement of communal rights they often lost. When the rights were not written down but only customary this was almost inevitable. In such circumstances theft of the lord's cattle grazing on the communal land was not at all an essentially different manifestation of protest from the point of view of the peasants. Obviously,

58 C. Tilly 1981:139.
the judicial authorities would place the theft in a different category as a criminal act and no doubt the peasants knew this. However, the conflict remained the same as far as the fundamental issue and the involved parties were concerned.

This brings us to the complicated matter of the possibility of distinguishing different types and levels of conflict. I intend to approach the different ‘types’ of rural conflict by distinguishing first the parties involved in it.

Perhaps the most common and frequent rural conflicts took place within the village, between one peasant and another or between peasants and landless labourers. Quarrels over the exact borders of land, rights of grazing, the use of the commons and the coordinated execution of specific activities as harvesting and crop rotation were supplemented by conflicts over the just division of taxes among the households when the community was levied as a unit. These quarrels were not just between individuals: they could be conflicts of interest between landholding and landless villagers or between rich peasants with many head of cattle and poorer ones with only one or two cows. Intra-village conflict became more frequent and tense as social and economic differentiation progressed. One can find proof of this in statements of individuals, suggestions made by the community of landholding peasants to overlords or judicial authorities and in the minutes of court cases. Resolution of the conflict could be ‘collective’ if the Gemeinde or communauté decided to move as a body against individuals or a category of villagers. This type of rural conflict is only rarely seen in the context of peasant revolts. The discussion of ‘classical’ themes in revolts (anti-feudal, anti-fiscal and conservative protest against modernisation and commercialisation) did not take into account the intricacies of a socially differentiated peasantry, or at most only to some extent. Yet sometimes we find proof in the rarely preserved demands of peasants when communities asked for restrictions on rights of settlement or use of commons, or when demands for fixation of a maximum wage for labourers were voiced. Then conflicts of interests of the ‘intra-village type’ come to the surface.

A second type of rural conflict to be distinguished here are conflicts between the two parties to a feudal relationship, peasants and overlords. An overlord could be anyone who had the right to claim land rent or feudal dues or who held judicial authority by feudal rights. He could be a member of the nobility, a townsman who had acquired land and rights or a member of the clergy. At the core of the relationship between peasants and their overlords was the obligation of the former to pay dues to the latter on account of written or unwritten rules of the feudal ‘social contract’. As stated earlier, only the principle of land rent due to the owner of the land was essentially unchallenged, except for the cases when the rent was increased in a fashion that was perceived to be illegal. All other dues and obligations were potential sources of conflict and protest. The nature and extent of these conflicts were closely related to the nature of the feudal obligations and to what
these were pertinent. An individual conflict between a peasant household and an overlord is one extreme possibility, the other being a case where a group of villages would challenge the rights of their seigneurs. The complexity of feudal relations where several lords held rights in the same village and where most peasants had more than one overlord suggests already the difficulty of collective action in specific cases. It would have been more easy to voice protest in a collective fashion against the feudal system than against its specific aspects. Still, the frequency of very detailed protest, violent and non-violent, shows the calculated nature of collective action by the peasantry. Radical protest against the institution of feudality is almost totally absent in the 16th and 17th century and the rare cases of its occurrence were truly exceptional and not initiated by the rural population or supported by the village communities.60

The third type of rural conflict can be described as conflict between peasants and the clergy in its function as religious authority. These conflicts are centered around the specific rights and privileges of the clergy consisting of the right to levy tithes or special dues. The problem of distinction between the clergy as a worldly lord and the clergy as religious authority is obvious. A refusal to pay tithes seems clear enough, but when a peasant revolt or large scale protest was directed against the clerical overlords instead of against the worldly overlords it is difficult to judge the predominant nature of the protest. Should this be seen as anti-clerical protest or as protest against those overlords who benefited from privileges that were derived from their religious authority in order to maximise the extraction of surplus? For the sake of clarity I will only call tithe refusal and protests against aspects of religious authority 'anti-clerical protest'. A special problem is posed by the serfdom that existed in South West Germany. In that area clerical organisations as well as individual members of the clergy were the predominant holders of the Leibherrschaft. In the age of the Reformation protests against serfdom and worldly clerical privileges were voiced increasingly and were emotionally charged. This only shows the limited usefulness of a distinction of types of conflicts and illustrates the complexity of rural conflict.

A fourth and final type of conflict can be labeled as conflicts between the peasantry and the state, in this case France and the German Empire. The early modern state was predominantly a warmonger and a tax collector. It established new officers and it appointed administrative and judicial forces that cost money and that interfered with local autonomy and customs. It installed a network of tax collectors and gradually increased the tax burden mostly by indirect taxation of important consumer goods or by direct taxes that were borne by the peasantry. The state waged war, sometimes within its own territory, which caused disease and destruction. Furthermore it levied special war taxes and emergency taxes or procurement of stocks. All these

60 Whenever radical demands are made we find the influence or leadership of townsmen or clergy. The most obvious case is that of Thomas Müntzer whose movement originated in the towns. See T. Scott 1983:194-214.
matters had a strong impact on the peasant economy and damaged the autonomy of the village communities. These communities were unable to resist the intrusion of state institutions by having recourse to legal protest. The central authorities went to great length to secure the right of jurisdiction on these matters to themselves, thereby virtually eliminating chances of successful appeal. Low level protest, by evading obligations or committing other minor offences, was easily achieved and less risky than protest against the main manifestations of the 'state', taxation and large scale war.

Forms of rural protest against war are included here not only bearing in mind protests against war taxes that were perceived as illegal in mind but also because the most violent rural protest we know from many areas in France and in the German Empire has been protest against the presence of military forces in nearby towns or in fortified castles. We find this in France from the Jacquerie of 1358 onwards and especially in the Wars of Religion. In the German Empire war taxes were the main problem in the 16th century but the Thirty Years War made the presence of the military only too real. However, the fierceness with which the rural population protested against the presence of the military should not be seen as 'volcanic'. Certainly it was not the most destitute peasants who protested, not the ones that had suffered most and had nothing left to lose. All the evidence we have points the other way, not surprisingly when we imagine the difficulty of organising and sustaining collective action in the form of protest gatherings and violent action.61

The four types of rural conflict that I have distinguished here are too idealtypisch for the practical purpose of distinction. It is not always possible to categorise events in one of the four types, nor should it be. At this stage it serves to illustrate the diversity of rural conflict, whatever its dimensions, by enumerating different opponents of the peasants, or to be precise: the person(s) or institutions against which the protest actions of the peasants were directed. As I tried to show in the Prologue to this study, the interaction of private and public spheres of the life of individuals may provoke protest that is difficult to fathom if grievances or goals are unknown. This is often the case when the sources are one-sided due to the absence of written or printed grievances or court documents. The complexity of early modern rural society influenced the nature of conflicts to such an extent that any division in categories is hazardous. Furthermore we have to take into account the possibility of interaction of different 'types' of rural conflict and the possibility of a

61 Apart from the Austrian peasant revolts we find only one revolt in the German Empire during the Thirty Years War. This one, in Brandenburg-Kulmbach in 1632 started in territory that had been saved from war and war exactions. Margrave Christian was under pressure from the Swedish king to give support and he had to give in by the end of 1631. "The margrave's subjects were thereby subjected to unprecedented hardship at the hands of troops, quartermasters and tax-collectors." (G. Parker 1984:127). A similar case is found in France in the Benauge region in Guyenne. This territory, property of the duke d'Epernon, governor of Guyenne, had been saved from the troubles of the Fronde and remained in good shape economically. The inhabitants even managed to resist taxes with the support of the governor. When he died in the autumn of 1661 his successor proceeded to collect the arrears. This led to a brief 'revolt' in December 1661 and January 1662 (F. Loirette 1966:515-536).
spill-over of grievances in other areas while a sustained course of protest, be it a series of gatherings or a court procedure is under way. Hence these categories should be seen as useful tools that may contribute to a better understanding of the conflicts in early modern rural Europe, and as no more than that.

Another way of looking at rural conflict is based on the assumption that the actors knew what they were doing in the sense that there existed an awareness of the possible consequences of a distinct form of protest or request. As the actors themselves saw qualitative differences between e.g. a contentious gathering and the initiation of a legal procedure one should include such a distinction in the analysis of rural conflict as well. Different forms of conflict can thus be distinguished not by 'opponent' or 'goal' but by another qualitative distinction, by its 'level'. This does not mean that I want to proceed by multiplying the number of participants with the number of days that a 'revolt' lasted to obtain a certain 'level of revolt', but I simply assume that it is relevant to make a distinction between the different manifestations of grievances, tension or open conflict. Its relevance lies in the fact that those involved to a certain extent made the same distinction. We know from the minutes of court cases or confessions of leaders that sometimes long discussions took place among the peasants who were willing to act on the best strategy to follow. Such a distinction is not just made as a Hineiminterpretierung afterwards but as a contribution to the analysis of the origins and occurrence of rural conflict. Early modern society had its 'rites of violence' also in the sense of 'rites of protest' and the specific forms of protest had strong ritual aspects and were embedded in the popular culture. Many forms of protest were part of the daily life, of the everyday culture of the peasant communities. The sensitivity of the lords or the authorities to deliberately chose different forms of voicing protest was quite another matter. The authorities had a classification of different levels of collective action for the practical purpose of deciding upon means of repression and competence of jurisdiction. They were hardly interested in possibly symbolic aspects of distinct forms of protest that were important to the peasants or townspeople involved.

4.2 Two case studies: France and Germany.

For rural conflict in the German Empire, now broadly defined as bäuerlicher Widerstand, categories of forms of protest or 'peasant resistance' have been described by P. Blickle, W. Schulze and G. Lottes. Blickle distinguishes five categories in order of increasing gravity: articulation of grievances, withdrawal of allegiance, refusal to render services, request for arbitration and finally, as last resort, violent protest.62 Schulze distinguishes between latent, manifest and violent forms of resistance, following the same pattern of build-up from the least risky form of protest to more hazardous undertakings.63 Lottes makes a similar

63 W. Schulze in P. Blickle et al. 1984:64.
distinction, discerning all sorts of tricks, the open refusal to work, threats and Landflucht and lawsuits. All these forms taken together form what C. Tilly has called a 'repertoire of collective action'. He names five elements that influence the content and change of the repertoire: prevailing standards of rights and justice in the population, its daily routines, its internal organisation, its accumulated experience with prior action and the patterns of repression that are normally used. These criteria are formulated on the assumption that collective action is not only closely related to the issues at stake but also to the world of those who bring forward the issues. When we keep the lists of Blickle, Schulze and Lottes in mind we can try to imagine the daily life of a 16th century German or French peasant in order to assess his options for voicing grievances or protest. In a dispute over the level of taxes or dues peasants could respond by not paying or only partially paying the amount that was requested. Feudal obligations could be executed badly, partly or not at all. Dues in kind that were disputed could be of poor quality, not up to the demanded standards. The formal withdrawal of the oath of allegiance was more drastic, normally only performed by a group of peasants who found safety in numbers for this action that caused a temporary crisis in the foundation of feudal society. It could be accompanied by a temporary emigration of the adult men, or of all the villagers, which became a well known practice in the German Empire ('Landflucht'). This was done in order to evade repression or to put pressure on the lord who lost labour in this fashion. A new stage came when the conflict went beyond the lord-peasant relationship. Peasants could formulate grievances, ask for arbitration and address higher authorities or courts. If competent courts existed they could simply file a complaint or request. Otherwise they could request the formation of a special commission charged with inquiry and arbitration. Finally, violent action was a possibility. Here we can distinguish robbery, destruction or pillage of property of the lord or agents of the state and violence against the physical person of opponents, be it symbolic or with the intention to be all too real.

Whenever peasants managed to organise themselves, locally or supra-locally, strict rules were set for behaviour and individual actions were forbidden. In these organised groups caution towards open conflict was predominant. New forms of action were discussed and sometimes factions were formed with differing opinions about the best course to follow. All this shows the existence of a strong consciousness of the peasants towards the different levels of open conflict and the 'repertoire of collective action'. As organised groups of peasants originated from the community structure it was normally the local elite of peasants that held leadership over such groups. In the case of an outsider being the leader the landed peasants would still be very influential and normally they would be a moderating force. They had power and authority in the village and used this to urge

64 G. Lottes 1984:154.
65 C. Tilly 1978:152.
moderation, not least because they themselves had so much to lose. Having joined the movement they were forced to anticipate the consequences in order to gain as much as possible at the lowest risk.

The distinction of different levels of protest and the awareness thereof of the people involved has been underestimated in the historiography of peasant revolts in France and Germany and elsewhere. Interest has been centered on the big revolts and then mostly on the manifest stages. The 'lower level' of conflicts has been acknowledged as a continuous feature of rural society but the relationship between lower levels of conflict and open revolts has so far gained too little attention. By choosing the broad approach to rural conflict I intend to examine this relationship, looking at the genesis of the big revolts in the context of routine conflict resolution. This examination should deal with issues, participants, organisation and opportunity.

A first glance at the research done on rural conflict in France and Germany reveals the variety of conflicts and of the way they are described. The terminology used, from voies de fait to rébellion and révolte, is not always consistent although some regularity can be seen. The authorities were quick to react to threats to law and order in towns, whereas contentious gatherings in the countryside drew less attention. There were several reasons for this. First, it was generally assumed that peasants could not act alone. Any organised action by peasants was seen as inspired by disloyal noblemen or discontented factions in nearby towns. Furthermore, when peasants did not come to towns to voice their grievances or to seek redress in court they only 'appear' when they undertook violent action that would attract the attention of the authorities. Repeated gatherings, pillage of a castle or violence against tax collectors would be enough to get attention, but these were already quite advanced stages of peasant protest. All other forms of protest that are recorded come to us through minutes of court cases and decisions on feudal quarrels or tax issues.

The procedure of going to court was often one of the acts that was seen as rébellion since it implicitly challenged the authority of the overlord or tax collector. Hence the terms that were used by the authorities do not directly reflect the level of violence or the scale of the protest. It only refers to the relationship between the type of action undertaken and the views of the dominant strata of society on its acceptability. This is another reason why forms of protest should be placed in the context of the larger society beyond the mere issues at stake. In France temporary landflight was seen as a rébellion considérable because it was a passive but effective way of resistance against taxation. Since the levying of taxes had top priority any form of protest against a tax collector was very serious. One did not have to disturb the repos public in order to qualify as a rebel. A rural community that took its lord to court was called rebellious by the latter, yet the consequent legal procedure was a regular civil one as the authorities fully accepted the right of peasants to go

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66 C. Tilly (1978:251) gives 15 different French definitions that were used to describe manifest protest.
to court. The criminal court would be used only for individual acts of violence that had no collective aspect, like theft and robbery. These matters, though often directly related to issues that came up in collective violence as well, were thus never seen as trouble, désordre, émeute, sédition or révolte. However, when a village decided to give financial support to an individual who was accused of e.g. theft of the lord’s cattle in order to make it possible to hire a lawyer, the attitude of the authorities changed.68 This was indeed seen as a rebellion although such a qualification did not limit the rights of the accused to go to court. The advantage of the French approach of labeling one form of protest so distinctly from another is that we get a clearer view how the authorities and other involved parties perceived the gravity of the matter and the legitimacy of the protest and the issues. It should be added here, however, that in the course of the 17th century juridical terminology became more uniform with the result that some of the distinctions disappear.

Comparing lower forms of conflict in France to those in the German Empire we see striking similarities. Landflight, the poor execution of corvées, Dienste or Robote, the delivery of dues in kind of poor quality all appear as frequent forms of peasant resistance. These remain often unqualified by the authorities since they escaped attention or were seen as matters between a lord and his vassals. This would change when a rural community or the subjects of a lord tried to provoke arbitration or a court decision. This was done by ostentatiously refusing to perform dues or even by withdrawal of the oath of allegiance. This stage was described in 16th century Germany as follows: Die Bauern sind ungehorsam or Die Bauern haben sich empört. These terms refer to a temporary policy of the peasants to break the oath of allegiance in order to provoke redress of their grievances. A more rare qualification was Aufruhr, referring to contentious gatherings and more manifest forms of protest that were later, from the end of the 16th century onwards, referred to as Rebellion. The procedure to provoke arbitration was fully accepted and not seen as illegal by the authorities, however hostile the reaction of the lord.

The 'higher forms' of peasant resistance in which settlement of a conflict was sought in a supra-local legal or governmental framework show clear differences between the two areas of this study, illustrating that peasant protest was not a blind fury but a well-planned action, adapted to the specific circumstances of the moment and to the organisation of society. Where the local circumstances of rural life were similar, as they were in 16th century Languedoc and South West Germany, similar forms of peasant protest might be expected. When conflict issues related to state intervention and state structures differences occurred that can be understood by looking at the context of the supra-local and national institutions that had developed separately. A close look at the interaction between the escalation of conflict and the reaction of higher authorities is

therefore necessary.

The renewed interest in the relation between the different forms of rural conflict has led to a convergence of ideas that was thought to be impossible twenty years ago. Although different points of view on the nature of society and the structures of class and order remain, views on rural conflict have narrowed. This is due not least to the broad approach in which the analysis of revolts, lower levels of conflict and legal procedures can be integrated in order to get an overview of the means at the disposal of the rural population and used to protect their economic, social and political position. This broad approach facilitates supra-national comparison which in turn may urge us to redefine questions in order to increase our understanding of rural conflict. On the other hand a comparative approach also stresses the differences of forms of rural conflict. This forces the student to pay more attention to the relationship between conflicts and the society in which they took place. Hence a comparative approach is opted for with a broad definition of rural conflict in order to improve the understanding of peasant revolts, their occurrence, nature and timing.

5. On the occurrence of peasant revolts.

In the preceding pages I have placed peasant revolts where they belong, in the broad spectrum of rural conflict. It is debatable whether a qualitative distinction between 'revolts' and less visible or less massive forms of protest is justified analytically. But there is no need to blur the big difference between sabotage of feudal dues and the forming of a supra-local protest organisation or a peasant army. In view of the broad range of options for voicing protest or grievances the organisation of collective action requires the initiative of individuals as well as the willingness of many people to enter a risky course of behaviour.

The studies of different forms of rural conflict in Germany suggest that collective violence came as an action of last resort when all other possibilities for redress of grievances had been exhausted. This should be looked at carefully. Was the German Peasant War a last resort-action? And, if so, by what other manifestations of discontent in rural society was it preceded? The assumption of open revolt -whatever form it would take- as an action of last resort suggests a certain accumulation of tension as earlier action of a less dramatic nature had been unsuccessful. The relation between routine conflict resolution and 'revolts' needs close attention. The conditions under which routine forms of rural conflict developed into a large scale revolt must be analysed in order to assess whether specific issues of a supra-local relevance appeared or if a temporary situation provided better chances for a successful manifestation of protest in a more violent way. Peasant revolts may belong to pre-industrial societies just as strikes belong to industrialised societies, but it should be kept in mind that strikes are relatively rare phenomena in a society where negotiation is the
Another aspect of the industrial strike is that it is normally meant to be a contribution to the settlement of the conflict without challenge to the larger power relations. These aspects are essential for peasant revolts as well. In view of the perennial tension in rural societies in early modern Europe we cannot but conclude that true 'peasant revolts' were extremely rare. Here a peasant revolt is defined as sustained supra-local collective action where a considerable number of peasants were involved and where issues relevant to peasants were at stake.

The relative rarity of peasant revolts is perhaps best explained by looking at the problems of collective action in general. What is needed are issues that bring together a considerable number of people willing to act, a system of mobilisation and organisation that can lead to collective action beyond an occasional contentious gathering and thus leadership qualified enough to prepare action that will appeal to the population in order to bring about a temporary preparedness to take higher risks, as a 'rebellious mentality' has been described by H. Wunder. Issues at stake in conflicts between lords and peasants were normally very concrete and limited to peasants of one village or of one lord. Supra-local action against infringements upon rights of a village community could only be possible if such action was seen as a serious threat by other communities as well. Only then could supra-local solidarity be mustered. New taxes that were levied on all inhabitants of a country or province form an exception to the problem of the difficulty of supra-local mobilisation. Here other groups would join in or even start the revolt and therefore the peasant character of the French tax revolts is limited.

Organisation was difficult due to problems of communication and lack of available time for non-agricultural activities among the peasantry. The organisation of a large protest gathering could already take weeks and by then the authorities were undoubtedly informed and had been able to take their measures. Moreover, how could peasants be persuaded that such a course of action would be useful or beneficial for the attainment of their goals? The frequent interference of former soldiers or officers and former civil servants as organisers already shows that such a type of supra-local organisation was not a part of peasant culture.

Another impediment to large scale violent protest is leadership. It may have been relatively easy to find a local miller or inn-keeper as a leader of local protest. These people were familiar with the world beyond the village and could foresee implications and opportunities for action. Supra-local movements are far more difficult to organise and keep together. It is no coincidence that both in France as well as in Germany leaders of large scale peasant action were nearly always noblemen, townsmen or members of the clergy and not peasants.

69 M. Bloch 1976:175. On the importance of negotiation in the process of conflict resolution a leader of the British miners union (NUM), Arthur Scargill, remarked during a strike; "It is evident that you get problems when you don't have a negotiated settlement." (Quoted in the International Herald Tribune, 6 March 1985).

The peasantry as such lacked the capability to produce qualified leaders from its ranks. Therefore the more organised and sustained 'peasant revolts' were, the less rural they became. The formation of a permanent peasant army was very un-peasantlike. Peasant armies only existed in the sense that they consisted of a large number of armed peasants. They never fought as a real army because they could not. A real peasant revolt was a very remarkable event, not an occasion where peasants revolted against the existing social order but only an escalated form of voicing protest or grievances. The suspicion of the authorities that such manifestations were really conspiracies of disloyal nobility or towns was justified to the extent that almost always people from other social strata than the peasantry were the organisers and leaders of large scale action.  

Whatever the underlying causes for a 'revolt', be it anti-feudal protest, anti-fiscal protest or a conservative reaction to processes of modernisation, especially commercialisation of the peasant economy, the explanation of the occurrence at a specific time needs more than general explanations such as 'rising expectations', 'relative deprivation' or 'conservative reaction', not to mention 'class struggle'.  

The explanation of the occurrence of a revolt as opposed to the continuous lower levels of rural conflict should proceed on two levels: it has to explain how the gradual changes that affected the peasantry in a modernising society took the form of concrete issues that caused the peasants to act at a specific moment (macro-level) and it has to clarify how it was possible for the problems of mobilisation and organisation to be solved at that moment (micro-level). It was very difficult to react upon such slow processes as feudal reaction, intrusion of the state or commercialisation of the peasant economy because concrete events were needed to provoke action among the peasantry. Not because the peasants were re-active and unable to undertake action themselves but because supra-local action was so difficult to organise.  

When D. Chirot and C. Ragin identified the rapidly proceeding commercialisation of the Romanian countryside as the explanation for the peasant revolt of 1907 they had to admit that their model of the impact of commercialisation was only an explanation on an abstract macro-level: "We have made no attempt to explain the exact timing of the rebellion (why 1907 and not 1906 or 1908). (...)with the data at hand, an explanation of why it started when it did is not possible." In an analysis of the involvement of peasants in revolutions T. Skocpol criticises the vagueness of the commercialisation-thesis, referring to 20th-century revolutions.

71 The suspicion of the authorities is quite understandable. The German Peasant War started only two years after the Knights' Revolt of 1522-1523. The French revolts coincided with the Fronde and other signs of disloyalty of members of the nobility and provincial government. Furthermore, observers were convinced that peasants simply were unable to act alone: "(...)on verrra en peu de temps le peuple esmeu, non point de soy mesme, car il en est incapable(...)" (R. Mousnier (ed.) 1964:589). Hugo Grotius, the Dutch lawyer who became ambassador of France to the Swedish Crown, wrote on the Rouergue rising of 1643: "(...)non puto tamen malum fore diuturnum, si non adjungant se ex principibus illi quibus praesentia, ut saepe fit, displicent." (C. de Vic & J. Vaissette 1876:131:192).  

China: "In all of this there is no indication that increased agrarian commercialization—whether endogenously generated or due to imperialist penetration—was the decisive cause of peasant involvement in the Chinese Revolution." The use of macro-level explanations for distinct events is simply very unsatisfactory, just as is purely descriptive history of an ideographic nature. The same problem was faced by W. Brustein when he suggested a model of the relation between 'regional modes of production' and the occurrence of class conflict or class collaboration in rural conflicts in France between 1500 and 1700. Having suggested a causal relationship between a distinct mode of production and a type of solidarity in rural revolts he had to admit: "The present study makes no attempt to explain why rebellions occur, their timing or intensity."  

Timing of revolts is very important and even crucial to the understanding of their occurrence. If seen in the context of other forms of rural conflict one has to explain why at a specific time the existent tension and grievances were uttered in the form of a revolt. What caused discontented villagers to look beyond the local community and to attempt organised supra-local action? When the issue was not a new tax such action was extremely rare and a 'revolt' so extraordinary that a close look at the circumstances and hence at its timing is essential for our understanding. The difficulty of supra-local organisation of peasant protest, the need for leadership and the awareness that collective violent action was a grave offence in the eyes of the authorities all indicate the unusual nature of a revolt. When we see a revolt as an extreme expression of a continuous struggle between the rural population and those who extracted part of the produced surplus we still have to explain the temporary escalation.  

The problem with the assumption of rational behaviour of the peasantry is that only rarely were the peasants involved able to make a correct assessment of their opportunities and the chances of success of action. One can presume that peasants continually tried to redress grievances with every possible course of action available but that at certain moments the chances of success were better. This might stimulate the process of mobilisation of forces and the acceptance of leadership by individuals who were not directly involved. Yet the knowledge of temporary opportunities remains problematic when we think of the early modern world and its limited means of communication. We must assume that peasants acted from a limited 'bounded rationality' through which the goal of their action could not be the maximum attainable but only an acceptable level. This is also indicated by the preparedness of peasant gatherings to compromise even when they were temporarily in full control of the situation. The absence of radical demands proves that the real

74 W. Brustein 1985:463. The model as such is interesting though its flaws are apparent whenever the author tries to come up with evidence. Apart from arbitrary interpretation and dubious selection of sources the argument is just another example of the dangers of structural determinism.
purpose of peasant action was redress of concrete grievances within the existent framework of society. In view of all this the understanding of the occurrence of a revolt at a specific time remains important for the explanation of this atypical attempt at conflict resolution.

Some clarification would be welcome in this matter. My approach to peasant revolts as forms of rural conflict should contribute to this by concentrating on two main issues: -how did the 'revolt' relate to routine forms of conflict resolution in rural society, and -what were the specific circumstances of the origin of 'revolts'? This should provide us with more information that may help our understanding of the interrelationship of different forms of rural conflict. Close attention to the timing of 'revolts' should be at the centre of research on rural conflict resolution in its broadest sense, as I will attempt to do here. It can contribute to a better understanding of the relations between peasants and their overlords and of the place of the rural population in the state structure and in society as a whole in early modern Europe.
Chapter 1  South West Germany in the early 16th century

1.1 Introduction.

The regional distribution of 'peasant revolts' in the German Empire from the late Middle Ages to the 17th century shows a very distinct aspect: the concentration of manifest conflicts in its Southern area. From Alsace to the South Eastern Austrian possessions 'revolts', in whatever form, were recurring events in rural society. A particular concentration of rural conflict can be found in Alsace, Upper Swabia and Switzerland. In some regions we find a continuity of conflict where peasants and lords fought over the same issues at different times.¹

The concentration of manifest rural conflict in the Southern part of the Empire stands in shrill contrast to the absence of 'revolts' in almost all other parts of Germany. This seemingly clear difference should be approached with caution. Rural conflict in Alsace, South West Germany; and Austria has been studied more closely because the Peasant War of 1524-1526 was most acute in these areas. From regional diachronic case studies it has become obvious that many 'revolts' comparable to the ones discovered and described over the past years are still hidden in the archives. Our knowledge of rural conflict in the German Empire is thus incomplete and biased towards conflicts related to the German Peasant War, the only 'peasant revolt' that attained rightly its qualification of 'war' as it spread over a considerable part of the Empire and lasted in some areas for months.

Yet, when looking at the geographical distribution of the events of 1524-1526, the concentration on the Southern part reappears. The so called 'Peasant War' had many aspects that had little or nothing to do with the rural population or their grievances. In fact, the peasant character of protest, demonstrated either by the initiative coming from the rural population or by issues directly related to grievances of peasants, was totally absent in a major part of the area of conflict.

This study will be limited almost exclusively to conflict in which peasants or peasant communities were involved. This implies a regional limitation to Alsace, Switzerland, Upper Swabia and parts of Austria. By narrowing down the research to these areas it became possible to use the extensive literature on rural conflicts before and after 1525 in the context of the events of the Peasant War. It should be stressed that this limitation is only partly caused by the intention to concentrate on 'pure' forms of rural conflict. At least as

¹ See G. Franz 1956, Map I and P. Blicke 1979: 207 for graphic illustrations of this continuity.
important is a very pragmatic reason: the availability of sources and literature for an analysis of 'revolts' in
the context of other forms of rural conflict. Almost all the available material on the origins of the Peasant
War in 1524 has been studied and many documents have been published in the last 125 years. This
particularly facilitates my approach, as I intend to analyse the origins of the Peasant War in the context of
routine conflict resolution. The spread of rural unrest, and later urban unrest as well, has lead to prominent
attention on the years 1524-1526 in German historiography. This bias has diminished only in recent years,
especially since 1975. It may very well be that the tacitly assumed absence of a tradition of rural conflict in
the Northern parts of the Empire will have to be corrected dramatically. Some case studies have been done
whose results show very little difference with regional case studies on the South. The example of the
Netherlands as an area where peasant revolts were absent cannot be maintained, at least not for the period
before the mid-16th century.

For the purpose of my study it will be sufficient to keep in mind that the attention paid to manifest
conflict in rural Alsace, Switzerland, Upper Swabia or Austria does not signify that these forms of rural
conflict were absent in other parts of the Empire. Furthermore, past historiographical work provides an
opportunity to look at diverse forms of rural conflict and conflict resolution in the very area where the
Peasant War originated, that is in Upper Swabia and the Black Forest areas.

The objective of this chapter is two-sided. On the one hand a detailed analysis will be provided of the
events that led to the escalation of the Peasant War in 1525 as an example of the escalation of rural conflict
from the local level to a widespread 'revolt'. On the other hand, the continuity of rural protest and conflict
from the Bundschuhe of the 15th century to the Austrian revolts of the 1620's and 1630's will be
demonstrated. Both topics have to be seen in the context of demographic, economic, social and political
developments of which the main aspects will be discussed in the first part of this chapter. In all this the
relation between routine conflict resolution and particular forms, especially the Peasant War of 1524-
1526, stands at the center.

The aim is not to provide a complete overview of the rural conflicts in this wide area over a long period

2 Before the historiographic revival around 1975 only one important contribution appeared: O.Schiff 1924. After
1975, W. Schulze, V. Press, P. Bierbrauer and others have broadened the research agenda considerably.
3 A well known "revolt", the "Kaas-en Broodspe!" has been studied in detail by J. Scheurkogel (1979) and K.
Vetter (1980), who places it in the context of the German Early Bourgeois Revolution. Several other revolts are known to have occurred from the fourteenth to the early sixteenth centuries but these have not been studied so far. During the Eighty Years War of independence peasant revolts have been recorded as well, see G. Parker 1979:200.
of time. Only some case studies on small regions will be placed in the broad context of socio-economical and political developments. Why was there an escalation in 1524-1525 and not at any other time? What was the role of the Reformation at different moments and how did the involved parties react to ideology of the Reformation? How did the rural population respond to the formation of regional states and to its economic and judicial-political consequences? These general questions illustrate the broadness of the topic. However, here the concentration will be on the options and tactics which were available to peasants to seek effective redress for their grievances.

1.2 Internal developments in the German Empire around 1500.

Rural conflict in the German Empire took place in a fragmented society. This is even more clear when we limit our analysis to South West Germany, with some excursions into Alsace, Switzerland and Austria. The causes of this fragmentation are related to the institutional development of the Empire from the 13th century onwards, leading to the growth of a very complex feudal society. Between the Emperor and his rural subjects several layers of authority were imposed or developed gradually. Urban centers grew and tried to obtain or preserve privileges and independence as a foundation for economic growth and expansion of power in the countryside. Noblemen and clergy increasingly acquired effective control over land and rights that originally had been given in temporary fief. The result in the case of South West Germany was a very wide distribution of powers and rights. The implications of the diversification of powers on feudal structures and relations, political developments with special attention to the relations between local lords, regional princes and the Empire and aspects of the growth of judicial institutions will be discussed. These developments, together with developments in demography, economy and social relations form the framework in which rural conflicts took place.

By the end of the 16th century the South of the German Empire knew only three large unified territories. The Austrian possessions of the Habsburgs, the Bavarian Duchy and the Duchy of Württemberg. Apart from these territories dozens of smaller political units had developed from what originally had been fiefs given by the Medieval Emperors to former servants as a reward. Upper Swabia and Switzerland especially consisted of many different fiefs developing into some degree of independence. The Helvetian Confederation managed to strike a balance between regional autonomy and contrasting forces. The loose political unit formed definitively in 1499 when the Eidgenossenschaft secured full independence of the Empire was

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an illustration of the situation in this part of the Empire. The Habsburg Emperors had lost Switzerland and were now forced to maintain control over the South Western part of the Empire through their possessions in Burgundy, Alsace, South West Germany ("Vorderösterreich") and Austria, the so called Absumacht. These possessions were of considerable strategic importance, not only because they bordered on Switzerland and France but also because they were situated among the smaller territories of the Empire, mainly possessions of noblemen, prelates or corporate religious bodies, especially monasteries.

1.3 The feudal system.

Unified Herrschaft was rare in these circumstances where lordship differed from one village to another. Almost all possible combinations of types of Herrschaft were to be found in this area, combinations of Grundherrschaft, Leibherrschaft and Gerichtsherrschaft. These refer respectively to relations between a lord and the peasants who rented his land, between a lord and his serfs in case of serfdom, and between a holder of judicial authority and his subjects. These three pillars of feudality had not developed simultaneously in South West Germany. The most fundamental one was Grundherrschaft since relatively little land was held in possession by the peasantry contrary to other parts of the Empire. This may be explained by the early date of settlement here and the policy of the Medieval Emperors to distribute fiefs among their servants. The latter became effectively small landowners when compared to the dukes of Württemberg and Bavaria or to the princes and bishops of Central and Northern Germany. To these small lords land rent became a considerable source of income and hence Grundherrschaft remained very important.

The second type of feudal domination, Leibherrschaft, had remained strong during the Middle Ages and was still very important at the beginning of the 16th century in South West Germany. Serfdom had developed into a very effective instrument of surplus extraction through increased dues and obligations, allowed for by the personal and poorly regulated relationship between lord and serfs. Over the years serfdom had known years of expansion and decline in the various parts of the Empire. The plague and the subsequent depopulation, especially in the countryside ("Wüstungen") and the growing emigration to the towns stimulated an active policy of the lords towards their serfs. Lords were interested in having peasants to exploit their land on a fixed basis and peasants wanted effective protection. In the aftermath of the plague especially monasteries and other clerical institutions offered attractive conditions to peasants; the foundations for a revival of the Leibherrschaft were laid down. Many peasants entered into serfdom voluntarily as it offered many advantages immediately after the plague.
By the middle of the 15th century this had changed considerably. Demographic pressure and the growth of the urban economies and trade forced the lords to seek an increase of their income. The exaction of new dues or increases was most easy in the case of authority over serfs. Whereas land rent was fixed for a longer period (usually from one to three generations) and could not be adapted to the development of prices and wages, exactions linked to serfdom were more flexible. In periods of a fluctuating economy serfdom offered some protection to the Leibherr, as in the 15th century many lords were quick to realize. It should be noted that mostly members of the clergy and corporate religious institutions were most active in keeping alive traditions of serfdom. In the 15th century serfdom expanded again in the territories that were possessions of the clergy in South West Germany where there was no influential prince to stop their aggressive policy. Some monasteries even forced free men or women into serfdom, thus achieving greater control over both land and tenants.

The third type of feudal authority, Gerichtsherrschaft, was principally related to the land. Normally a lord held judicial rights over the land he possessed. This changed due to several developments caused by the disintegration of territories. Often judicial authority was separated from the land or divided between lords. Apart from this already diffuse situation Leibherren tried to obtain judicial authority over their serfs as well. Judicial authority existed at different levels. The lowest level, niedere Gerichtsbarkeit, dealt with small matters and fines up to a certain level and was held normally by the village community, the Gemeinde. The highest authority was formally held by the sovereign prince or the Emperor. An intermediate level was occupied by the local or regional lord and it was this level that expanded in the 15th century to the detriment of the local authority.

Very few lords managed to obtain all three types of Herrrschaft over their subjects. This was a universal goal for two main reasons: the full control over land and the subjects that tilled it was a practical precondition for the establishment of an independent territorial unit. Furthermore, it meant stricter control over the subjects as there were no contenders, neither for authority nor for the extracted surplus. In attaining this objective two strategies were followed. The big lords, like the dukes of Bavaria and the Habsburgs followed a strategy of strengthening control over land and judicial authority, neglecting serfdom. They used their power to force smaller lords or prelates to surrender rights in return for status or financial compensation. The dukes of Bavaria had been very successful in this approach against the clerical possessions in their Duchy during the 15th century. The Habsburgs tried to increase their authority over their subjects through their control of Imperial authority, which in its turn was enhanced by the substantial possessions of
the Hausmacht. In order to benefit from their possessions with a minimum of involvement the Habsburgs increasingly pawned territories to noblemen, who received an income in exchange against the lien administration.

In the smaller territories, Herrschaft was a bone of contention between the different lords who were unable to enforce their ambitions. By the end of the 15th century the practice of exchange of rights had come into use in the area of Upper Swabia, where the territories were most scattered. The exchange of these rights had been stimulated by the practical difficulties that lords had in enforcing their rights. As most lords held rights in different villages and most villagers had different lords, administration of rights and dues was very complicated. From this diversity peasants often benefited in order to evade new burdens.5

The complicated feudal structure resulting from the decline in central authority in the Middle Ages and from the overlap in rights and competences was most clearly illustrated in Upper Swabia. However, it existed to some extent in almost all areas of Southern Germany, from Alsace to Austria. This structure forms a general underlying feature of rural conflict. This becomes even more obvious when one looks at the system of Herrschafts from the point of view of the peasantry.

In the area where the Peasant War originated, from the valleys of the Black Forest to the hills of Upper Swabia, very few peasants owned their land. The rent contracts showed some regional differences, varying from personal contracts, ending when the tenant died or left (Fallehen), to hereditary tenancy (Erblehen). The differences illustrate the development in relations between lord and tenant. In times of relative underpopulation a lord would be interested in giving out hereditary tenancy or at a minimum a contract for two generations. The tenants would thus be induced to invest and to increase the production and the value of the rented land. The tenant would benefit from this, as the land rent (Grundzins, Gült) was fixed and could not be changed as long as the contract was valid. In the course of the late 15th and early 16th century in many parts of Southern Germany Erblehen were gradually transformed to Fallehen contrary to the interests of the tenants. This was due to the continuous growth of the population in the countryside. Not only did one-generation contracts mean that the level of land rent could be adapted (increased) more rapidly but there was also a serious threat to the stability of the enterprise of the peasant household. Moreover, when a household left a farm or occupied a new one, extra dues had to be paid (respectively Abfahrt and Auffahrt) that

5 See C. Ulbrich 1979, passim.
could add up to substantial sums. These Besitzwechselabgaben were particularly resented as they did not compensate for any material benefit enjoyed by the peasant tenant, therefore principally differing from the land rent itself.6

Payment of land rent normally took place in kind. In times of failed harvests this was very problematic. A very limited percentage of the households, an estimated 30%, was regularly able to produce a surplus in South West Germany; strong fluctuations in the yields are characteristic of the agriculture in that area.7 By demanding land rent in kind the Grundherr was able to insist on payment more effectively, if necessary foreclosing a farm enterprise or forcing peasants to contract loans with merchants, rich peasants or the lord himself. Peasants knew very well that the lord would insist on payment whatever the climatological situation because the small lords of South West Germany were to a considerable extent dependent on income from the land rent. By exacting rent in kind of a marketable quality, be it rye, vegetables, wine, poultry, cheese or eggs, the lord prevented the establishment of regular market relations for many peasant households. In areas where surplus production was consistent, as in areas near towns or in the wine producing valleys, lords tried to establish rules of compulsory sale of all surplus beyond the land rent from the households to the lord himself (Anteilzwang) in order to benefit themselves from increased market opportunities. In contrast, many towns tried to buy foodstuffs directly from the peasants in the surrounding areas to prevent them from entering the market where possibly higher prices had to be paid (Fürkauf). A similar policy was followed by monasteries (and some of the bigger lords) who had facilities to store stocks of grain and wine for a longer period. The purpose of this storage was to speculate or otherwise influence price levels. Therefore, access to markets for peasant households was only possible in a limited fashion.

The importance of land rent in kind changed according to the development of demand and prices. The growth of the population from the early 15th century onwards and the rapid growth of the towns structurally increased demand, especially in the second half of the 15th century. In this period the lords mostly benefited from income in kind and less from income in money since a slow but persistent inflation eroded the value of fixed dues expressed in money. Therefore, it is no surprise that attempts at the monetarisation of land rent were bound to fail to the annoyance of the rural population who felt left out of the economic boom of the 15th century. However, it should be noted that as a whole the peasantry in the German Empire benefited

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6 R. Endres in H. Buszello et al. (eds.) 1984: 229.
substantially from the economic expansion after the plague. The original rent contracts were attractive to peasants. Before the last quarter of the 15th century we find little evidence of an increase of other dues from the side of the Grundherren.

1.4 Dues and obligations.

Land rent was a relatively simple obligation in comparison to the other dues that peasants had to pay. The tithes, for instance, were in principle due to the clergy but very often worldly lords had acquired the rights to exact them as well. Tithes were divided into the Großzehnt, levied on cereals and wines and the Kleinzehnt, levied on vegetables, poultry and other livestock. The latter tithe was not legitimized on Biblical grounds and resented because it formed a serious threat to those peasants who tried to supplement their income by enterprises requiring less land but more labour. For them, vegetables and poultry were essential, providing them with food and cash. Bigger peasants suffered from the Kleinzehnt when the structures of demand changed in the course of the 15th century. Demand for meat and wool increased whereas demand for cereals stagnated. Small lords especially, were interested in the control over rights to levy tithes as they meant a substantial increase of their income, sometimes adding up to 20 or 30%.

A specific complaint of many rural communities was that tithes were no longer used for their original purpose, the payment of the clergy. In the Black Forest many villages complained well before the Peasant War and the Reformation, that they had to pay tithes even though they had no local priest.

After the plague South German peasants managed to secure good rights on communal land, water and woods as another consequence of the Wüstungen. The communal meadow, Allmende, was important as an extra source of income for the larger peasants. They could graze their cattle which they used as draught-animals on the Allmende. Small tenants might have some geese, chickens or goats to complement income from cereal production. Woods and brooks were important to all villagers, providing wood, game and fish. The availability of these sources did not last long. Already by the mid-15th century and increasingly after the beginning of the 16th century woodlands and water were reserved for the lords, often the sovereign prince or lord, sometimes the Grundherr. Strict limitations were imposed on the use of woods since already in the 15th century wood became relatively scarce near urbanised areas. New dues had to be paid for the use of wood, the use of water for fishing and that of woodland for the grazing of pigs. In densely wooded areas such as the Black Forest;

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8 It has been argued that the European woodlands suffer from cyclical weaknesses (J. Buis 1985, Vol.1). Extremely sensitive periods were the eleventh and the sixteenth centuries and the present day 'acid rain problem' can be seen in the context of this rather wild hypothesis as well.
Bavaria and Austria lords attempted to benefit from the increased demand to commercialise their possessions through the sale of wood to towns. By analogy restrictions were imposed on fishing and hunting, and hence on the right of peasants to carry arms. Meat consumption in early modern Germany was very high and town councils encouraged the supply of game to lower meat prices. Fish consumption was extraordinarily high for inland areas due to Church rules that prescribed fasting for many days of the year. With the continuing growth of the population worldly lords and prelates saw a potential market, they limited fishing rights of the rural population while establishing artificial fish stocks in ponds for the sale to towns.

All these restrictions on the use of woods and water, fishing and hunting rights and the carrying of arms were imposed in a relatively short time-span within one or two generations. This is an important reason why these measures were seen as infringements upon old rights and customs. Some of these activities seriously disturbed the peasant economy. The restriction on hunting wild boars and smaller wild animals caused considerable damage to the fields. Furthermore lords wanted to hunt themselves, forcing the establishment of enclosures and the breeding of dogs by rural subjects. The hunting season often did not take into account the crops in the fields.

Another commercial enterprise of lords and monasteries that caused nuisance was the keeping of flocks of sheep for their wool. With the expanding population demand for textiles was high and princes and prelates in Central Germany especially engaged themselves in large scale wool production. On a smaller scale this happened in South Germany as well. Possibly peasants reacted to the increased demand by expanding the production of flax to facilitate the production of linen in the countryside. In the South, where the population was high and where not much land was available, sheep became a burden on the rural communities as they grazed on the communal meadows that lords tried to monopolise for their own flocks. Therefore, as a general result of the rapid growth of the total population and of the urban population in particular one may conclude that lords, worldly or clerical, interfered with the peasant economy in various ways which were all aimed at obtaining marketable products or procuring resources to produce them. This interference came at a time in the late 15th century when competition over land increased within the villages and emigration to towns became more difficult. In the marginal peasant economies of the Black Forest and the Swabian areas the

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11 R. Endres (H. Buszelio et al. eds.) 1984:137) refers to two "sheep wars" in the 1460's in the Bamberg area. In Central Germany monasteries and noblemen alike were very active in keeping sheep.
use of woods, communal land and water was important to all peasants, not just to landless labourers or part-time peasants. Infringements on these rights had very real economic consequences. The same reasoning goes for the smaller lords whose income increased at a slower pace than the level of prices and wages, which forced them to expand their sources of income.

In periods of high wages lords who were dependent upon wage labour tried to increase unpaid labour duties, Fronen or Dienste. These labour obligations of the subjects to a lord were not simply a result of serfdom but were duties imposed upon all peasants. Very often labour dues were linked to a rent contract with the result that the duties differed from one household to another. The tasks that had to be performed depended upon the needs of the lord. They could consist of routine agricultural work on the domain of the lord, the processing of raw materials (wine, textile) or transportation work. Also assistance in hunting could be demanded. Normally Fronen were fixed, on average two to fifteen days a year. However, wherever lords or monasteries became entrepreneurs, labour dues increased sharply as is reflected by the system of Gutsherrschaft East of the Elbe. In the area of this study we find this increase predominantly in clerical territories and in Lower Austria. The main purpose of the intensification of labour dues was to increase market production with very cheap labour. These forms of labour explicitly related to marketing, e.g. the transport of products to a market town, were especially disliked by the peasants. All infringements upon rights or new dues imposed on the peasantry related to commercial activities of the lords touched a sensitive nerve among the German peasantry who realised all too well that they were prevented from greater access to the market and used as cheap labour for their potential competitors at the same time. This led to a distinctly different attitude towards dues like transport of wood or rye to the lord’s castle for his own use or transport of these goods to a nearby market town or to the storage cellars or granaries of a large monastery where agricultural products were stored to anticipate better prices. Protest against an increase of Fronen from two to three days a year should be seen as a protest against the form of the labour, not against the insupportability of such an increase.

The subject of Fronen makes clear the implications of serfdom for the rural population. In many parts of the German Empire serfdom had all but disappeared by the 16th century. In shrill contrast was the situation in South West Germany, from the Rhine to the Bavarian border. Here Leibeigenschaft had remained intact in the period of the agricultural depression of the late 14th century and the many religious institutions

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12 On the economic foundation of the peasants’ anticlericalism in 1525, see H.J. Cohn 1979. P. Blickle (ed) 1980:300 argues that the peasants were very sensitive toward the distinction private use/marketing.
in this area were very active in tying the peasants to their land by strengthening serfdom. The original purpose was two-sided: to keep their possessions in culture during a period of rapid depopulation through attractive offers to peasants who would enter into serfdom, and to prevent tenants from leaving the land for towns or other territories. As a consequence peasants were effectively tied to the land and their lords. The initial success of these moves in the late 14th century stimulated the Leibherren, predominantly clerical institutions or prelates, to continue the policy even when the growth of the population and the economy picked up in the 15th century. Those measures that were originally meant to prevent the emigration of peasants to the depopulated towns were now instruments for the exaction of new dues. Landflucht was strongly forbidden as well as the unauthorised move from one farm to another beyond the village (Freizug). Tenants had to swear an oath to stay as obedient serfs with their families, not to choose another lord as protector and not to emigrate to a town. In order to enforce these rules it became customary to demand a guarantee fee or to hold the Gemeinde responsible for the continued presence of serfs. These measures to control the physical person of a serf and his family were without precedent and were predominantly, though not exclusively, taken by clerical institutions.13

The Leibeigenschaft was a relation between a lord and a subject in which no clear rights and obligations were codified. Lords who were keen on increasing their income through the introduction of new dues first had to establish maximum control over the largest possible number of subjects in order to have a sound foundation for this policy. In this process restrictions on settlement or emigration were complemented with marriage-regulations. Serfdom was inherited matrilineally in most of the German Empire. If a male serf would marry a free woman their children would be free as well. Thus lords tried to prevent such marriages or made them conditional upon the woman's preparedness to become a serf as well. In some areas, in Allgäu and the Black Forest, the principle of the ärgere Hund existed in the early 16th century: the child would receive the 'worst' status (serfdom) if it was born out of a marriage between a free person and a serf, disregarding the status of the mother. At the same time the fees that had to be paid to obtain permission to get married were increased and marriages between serfs of different lords were severely restricted or punished.14

The control over Leibeigene served a political purpose next to an economic one. From the late 15th to
the middle of the 16th century the establishment of full territorial authority, control over land, subjects and judiciary rights, became the ultimate goal in a long process of exchanges of serfs and rights in South West Germany. Initially these exchanges benefited the peasants with less claims upon their agricultural produce but by the time the process was completed all peasants were under full control of a single lord who was then completely free to use the Leibherrschaft to increase dues.15

Several dues were specific to Leibeigene. In recognition of his status a serf had to deliver poultry or eggs at fixed times in the yearly cycle. This was not much of an economic burden but still a constant reminder of the personal dependency. For this reason lords insisted strongly on the tradition. When a serf died a considerable part of the inheritance went to the lord. This Todfoll consisted of the best head of cattle (Besthaupt), the best piece of clothing (Bestgewand) and sometimes also a third or even half (Halbteil) of the total inheritance. When a serf died childless, lords claimed the whole inheritance. All these claims were strongly contested by the serfs and in time these protests were successful.16 In the course of the 16th century many of the claims were abolished or converted into cash payment. However, some fundamental aspects of serfdom remained, such as the uncertainty of the social status and the danger of new dues. Furthermore, in a society where serfs and free men lived next to each other in the same village the status aspect of serfdom remained a burden. Leibeigenschaft was no impediment to the accumulation of wealth and property but it was not always possible to buy one's freedom and certainly not in the 16th century, when the possession of serfs was very lucrative. Rich serfs felt the burden strongest, be it a marriage fee or an inheritance tax. They also suffered from the custom that fines were measured by the wealth of the serf, which was the prerogative of a lord who was also the Gerichtsherr. Yet the poorer serfs had worries as well. Landless serfs were limited in their chances of finding employment beyond the territory of the lord and for small peasants a marriage fee, the loss of a head of cattle in the case of a death in the household could mean destitution. All serfs, poor or rich, suffered from the aggressive policy of the acquisition of territorial Herrschaft by their lords. Opposition to it was universal.

The Gerichtsherrschaft formed the third general type of relationship between lords and peasants. Judicial authority in the early modern German Empire was spread from locally elected officials in villages through local and regional lords to the regional princes and their courts (landesherrliche Gerichte). At the

15 Unification of Herrschaften also implied that alternatives for appeal had disappeared since one lord now controlled all lower jurisdiction.
top of the hierarchy there existed the formal judicial authority of the Emperor. As a result of this variety few rural communities were subject to a clear judicial position. Before the establishment of uniform territories most villages were subject to more than one direct judicial authority with the result that even a simple civil case could become a complicated matter. Only the highest judicial authorities, the _Landesgerichte_ of the princes or the Imperial justice were fully competent in such cases. This complex situation was a direct result of the decline of late medieval authority and the scattering of rights and possessions through partible inheritance among the nobility. The medieval Hofrecht, the court law of a territorial feudal unit had been followed by the codification of rights and obligations in _Urbare_ and of customary law in _Weistümer_ in those areas that remained a unified territory. But in the course of the late Middle Ages the disintegration of territories caused the complication of judicial authority. At the same time rural communities developed an institutional sense of 'community' and therefore benefited from the decay of territorial authority by securing local autonomy and some judicial competence. The 15th century became the century of the solidarity of the Gemeinde against the lords. Peasants elected their leaders, including the village mayor and local judicial officials (Schultheiß, Ammänner). They held court regularly, in which all adults had to be present. The elected officials were charged with maintaining public law and order and with the responsibility for the proper execution of communal tasks in the village. The management of communal lands and the organisation of crop rotation, so necessary in densely populated areas, were also tasks of the Ammänner.

The lords reacted quickly to the increased autonomy of the village as soon as the worst of the agricultural depression was over. Judicial rights were asserted strongly and the autonomy of the Gemeinde came increasingly under pressure. At first the formal but neglected right of lords to appoint village officials was reasserted through the stages of participation at the election, confirmation of candidates to downright nomination. Inevitably the village officials became to a certain extent the lord's men which led to a rapid erosion of the village autonomy in all but trivial matters. Another way of increasing control over the local niedere Gerichtsbarkeit was to provoke or stimulate appeal or to demand that cases be brought to a higher judge, that is to the lord himself or one of his peers. Most lords were very interested in all this because judicial authority meant income. From the second half of the 15th century onwards a trend is clearly visible: the number of rules and restrictions increased and villagers were obliged to take more cases to court, even ordinary quarrels, and fines increased dramatically. Obviously the lords used their judicial rights to increase their income to the detriment of village autonomy.

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17 A good overview of this topic is given by F. Lütge, 1963.
Quarrels over judicial competence between lords must also be seen in the context of the pluriform attempts of feudal lords to supplement their income from land rent and taxes with other sources. From the point of view of the rural population these attempts were an all out attack on the recently obtained autonomy and the relative prosperity of the 15th century. The 'seigneurial reaction' of the late 15th century not only undid the achievements of rural communities but rapidly went further, as has been shown in the case of Leibeigenschaft, and became no less than a consistent intrusion in customary law.

In the same period that lords tried to strengthen their financial and legal position on a local or regional level one can see a distinct increase of the attempts of state-like bodies to establish their authority.

The decline of the Empire in the 13th century had facilitated the emergence of estates and confederacies of towns and knights. The organisation by estate became a frequent phenomenon in the 14th and 15th century as Imperial authority waned. The power vacuum was quickly filled by the princes and in some territories by a combination of princes and estates. The Landesherr came forward in the hierarchy of orders between the Emperor and the estates (nobility, clergy and towns). The estates were represented in the Landschaft and met at Landtage, the regional counterpart of the Reichstag. Sometimes the rural population was granted the status of estate in the Landschaft as well, as in Tirol and Upper Austria, Baden, Württemberg and the Habsburg possessions in South West Germany. By incorporating the estates in the government of their territory the princes gradually established a high level of autonomy within the Empire. Participation of the peasantry was often opposed by the nobility and clergy who feared loss of control over their subjects if they would get representatives in the Landtage. Consequently, peasant representation was only possible there where a strong regional prince was able to enforce participation, a move that was not necessarily against his own interests in the estates.

In the small territories in South West Germany the influence of territorial development was felt most strongly in another fashion. Here the Landesherr manifested himself predominantly through taxation and the establishment of permanent representatives in the countryside, the Kögte. These officials were increasingly charged with the keeping of law and order and the registration of transfers of property and rights. For this purpose outsiders were selected by the lord to replace the locally elected Ammänner. Gradually village officials working in the tradition of customary law and local autonomy were replaced by appointed officials.

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18 On the concept of Landschaft and its relatively little importance, see P. Blickle 1973, passim.
that were trained in Roman law. This legal tradition penetrated the German Empire in the Middle Ages and came to the countryside in the course of the 15th century. The clash between peasants who felt that their interests were best served by customary law, legitimised by das alte Herkommen, and the new type of officials attempting registration and codification of customary rights and agreements was immediate. Complaints against the Landschreiber were frequent: it was not only more cumbersome to have to go to a supra-local registrar, it was also an infringement upon the tradition of local autonomy and it cost money. In some areas the presence of the new Landschreiber became even more resented as he was charged with the sale of salt of which the lord had acquired a monopoly to increase his income. 19

The territorial lord used his right of taxation to finance the establishment of a territorial unity and to express his claim of authority. He was also charged with the collection of taxes for the Empire or for regional bodies. Of these taxes the lord was authorised to withhold a substantial part to supplement his income. As a result of this system peasants associated all taxes with their local lord or the representatives of the territorial prince. Different types of direct taxes existed. Since 1500 an Imperial tax was collected, the gemeine Pfennig, to finance the Imperial institutions. A more controversial tax was the Reissteuer, an irregularly levied tax that was levied by lords in their territories to finance military campaigns of the Empire or of the Swabian League (Schwäbische Bund), a South German organisation of princes and cities. This tax was controversial for two reasons. First, peasants considered the payment of dues to their lord, their Schutzherr, sufficient for the defence of the territory in combination with their duty to defend the land in times of war as a supplementary contribution. Second, the money that was raised was used for military campaigns outside their territory, against the advancing Ottoman forces or against the Bourbon French in Italy. For both reasons resistance against the Reissteuer was strong in the countryside. This protest was shared by some town councils who wanted stricter control over the raised sums. The tax was levied irregularly but it was high and its frequency increased as the Ottomans advanced and the Habsburg-Bourbon conflict continued. In Austria peasants even suggested that the lords cooperated with the Turks to be able to step up the frequency of the Türkensteuer as it was called here, as a simple means of legitimising again another tax. 20

19 One of the complaints filed by the Stühlingen community with the Kammergericht in 1525 was that a salt-monopoly had been established recently, held by the Landschreiber (G. Franz (ed.) 1963:119, see also H. Schreiber 1866:xx).

20 The influence of the threat of the Turks on institutional developments in the Empire has been studied by W. Schulze (1978). On the alleged cooperation between nobility and Turks: G. Franz 1956:35.
Whereas both the gemeine Pfennig and the Türkensteuer were supra-regional ones the lord had the right to levy taxes for himself as well. Landessteuern were originally only levied to pay off the debt of the territory in extraordinary circumstances. Gradually they developed into regular territorial taxes, especially in the larger territories where princes depended less on income from their Grundherrschaft and more from the benefits of territorial authority. In small territories however, lords increasingly levied taxes to pay off personal debts, either through direct or indirect taxation. The so-called Ungeüß was a purchase tax that was levied originally only in towns but that had spread to the countryside in the late 15th century and it was especially detested in the rural communities where it was levied on wine, beer and foodstuffs like meat and flour.

To summarise the burden of peasants in the South of the German Empire: apart from land rent (Grundzins) and services to the Grundherr (Fronen, Dienste, in Austria: Robote) related to the tenant status of peasants many of them were burdened by extra dues related to the fact that they were serfs (Leibeigene). The Leibherr could claim extra dues in kind and labour, had rights to the inheritance of a serf (Todfall) and levied sums of money in case of a marriage. Grundherr and Leibherr tried to increase their income in the 15th century by many new impositions. Especially the most active Leibherren, the clergy, were good at inventing new extractions. Control over communal land, woods and water was increased which meant extra dues for those peasants who used wood, hunted or fished. In almost all conceivable areas the burdens increased in order to make up for the decreasing income of the lords through fixed land rent. Long term contracts became profitable to the peasants in a time of inflation. The sale of wine in a village inn, the use of roads and bridges, the signature of a contract, marriage with a subject of another lord and the change of tenancy all were increasingly taxed. This total burden of rent, dues and taxes increased sharply in the 16th century, putting an end to the recovery of the German peasantry after the agrarian depression of the late Middle Ages.

1.5 Demographic developments.

The increased pressure from lords coincided with the sustained growth of the rural population, making expansion of agricultural enterprise more difficult. On the contrary, where expansion was allowed an 'involution' occurred as existing farms were split up to provide land for more tenants. In the already densely populated South Germany, where Realteilung had been the normal procedure the landlords reacted negatively to the parcelling up of land. In many clerical possessions and for instance in the Duchy of Bavaria the division
of farms was strictly forbidden. In these areas the development of a rural proletariat advanced most rapidly, followed by all other parts of South West Germany where the average size of farms was already quite small before 1475.

The lords restricted the division of farm land but tried to transform Allmende land into farm land. This was done in order to gain control over this land at the cost of the Gemeinde so it could be parcellled out to landless labourers and hence to increase income from land rent. In doing so tensions built up between village labourers and the landed members of the Gemeinde, and between the lord and the Gemeinde. The landed peasants increasingly realised that not only the political autonomy of the village community was threatened by interference from lords and agents from the state but also that the structure of the Gemeinde became more and more important as a protection against the increased pressure from the rural proletariat, especially since emigration to towns was no longer a viable possibility and the demographic pressure grew.

The social and economic context of the period in which the Peasant War originated is one of increased pressure on the landed peasantry from various sides. Officials were imposed, new taxes levied, dues increased all at the same time as demographic pressure within rural communities built up. The traditional instruments of control of the landed peasantry, customary law and the Gemeinde, lost their force and efficacy. This process started in the 1470's and lasted well into the 17th century. The process proceeded slowly and generated discontent, especially in densely populated areas where fluctuations in the economy and the climate were felt most acutely. Since less than 40% of the households in Upper Swabia were able to produce regular surpluses most peasants were dependent on extra income from labour elsewhere or the cottage industry. A substantial rural proletariat had already developed at the beginning of the 16th century in the whole Southern region of the Empire. Their position deteriorated as wages tended to fall after a long period of high levels in the 15th century. This decline coincided with the rise of the prices of cereals, forcing small peasants and labourers into indebtedness and dependency whereas large market producers benefited, such as bigger peasants, clerical institutions and lords who received dues in kind. A considerable sector of the rural population earned an extra income through cottage industry by producing textiles for merchants from nearby towns. Wool and flax were used to this purpose and merchants bought the raw materials directly from the peasants or from noblemen. Then the production was put out in the villages. Through the direct relation between demand in towns and employment in the surrounding villages the rural economy integrated in a larger system and consequently indirectly the urban crises were felt.

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Another non-agrarian source of employment was military service. Several regions in the densely populated Southern part of the Empire were centers of recruitment for the military. Switzerland, Swabia and the Ries area were well known for their Landsknechte. These part-time infantrymen lived in the villages and were of peasant descent or peasants themselves. Hence the social and cultural ties between peasants and Landsknechte were strong. Whenever armed conflict threatened agents of the Habsburgs, princes or cities came to the regional market centers to hire troops. Landsknechte went wherever armed conflict was, only to return to the villages of their origin in quieter days. They informed the peasants of the events in the world and enjoyed a certain status in the village although they were landless and impoverished. Through their coming and going the rural population learned what happened in the Empire.\(^{23}\)

1.6 Institutional developments.

Internally, the Habsburgs made some efforts to restore the authority of the Imperial institutions. By the end of the 15th century many pamphlets were published and widely discussed on political reform.\(^{24}\) As it turned out the Habsburgs were not the only ones thinking of institutional reform. Many princes and cities wanted to increase their say in the Imperial power structure, however little power was invested in the Empire. Apart from the transfer of authority from the Empire to the territories the Habsburgs aimed at obtaining legalistic and judicial authority for the estates gathered in the Reichstag. The goal of the princes, be it nobility or prelates, and of the Reichsstädte, cities independent of the regional princes, was to strengthen those aspects of the Imperial institutions where they already had a say and to invest Imperial institutions with powers to replace the personal authority of the Emperor. Hence, they wanted a stronger Reichstag, a reflection of the increased importance of the Landtag in the territories of the princes, with an executive branch (equivalent to the expansion of territorial officers) in the form of a Reichsregiment. To regulate judicial processes the creation of the Imperial Chamber of Justice was achieved in 1494 ("Reichskammergericht"). It attempted to replace feuds among the nobility but at the same time curtailed the highest judicial authority of the Emperors. On the organisational level ten Reichskreise were formed in 1512 and a Reichsmatrikelordnung was accepted in 1521, both to facilitate Imperial taxation, the keeping of law and order. This organisation also meant a step towards a permanent Estates General where princes, prelates and

\(^{23}\) On the social position of Landsknechte, see H.-M. Müller 1976, passim.

\(^{24}\) P. Blicke in H. Buszello et al. (eds.) 1984:53-55. Between 1517 and 1522 more than three thousand new titles were published, with an average printing of thousand copies.
Imperial towns were represented.

All these attempts may be considered to have failed very soon after they had started. The differences in opinion between the Habsburgs and the princes were too big. Besides, the goal of territorial autonomy of princes and prelates clashed with the idea of strengthening Imperial institutions. For the greater part these institutions remained in statu nascendi, not least because a series of internal conflicts intervened, forcing both princes and Imperial authorities to rely on older and more trusted institutions. The conflict between the Empire, Bavaria and some Imperial cities on the one hand and the Duke of Württemberg on the other (1519), the Knights' War of 1523 and the Peasant War (1524-26) were all mastered with the assistance of the Swabian League and not with the new Imperial institutions. The Schwäbische Bund was originally a confederacy of towns and small territories in Southern Germany in the 14th century. It was revived in 1488 at the initiative of the Habsburgs to check the power of Württemberg and Bavaria but developed into a regional body where the interests of cities and smaller territories were served in a general fashion. The attempts of the Habsburg dynasty to strengthen their position in the Empire was somewhat half-hearted as they concentrated on the conflicts with France and the Ottoman Empire in the South East of Austria, in Italy, Southern France and Burgundy. The territorial princes benefited from this by increasing their autonomy and internal organisation.

The effects of this development on the rural population has been shown already as far as taxation is concerned. The immediate result was an overall tax increase. Another less manifest change took place in the judicial structure on the higher levels. The foundation of the Reichskammergericht as a relatively independent judicial body was followed by the Reichshofrat (1527), a court that had far closer links with the Emperor or his substitutes. In a way these two bodies were competing for the position of highest judicial authority in the Empire, which had belonged to the Emperor himself. On a lower level there still existed 'Imperial' regional courts, like the ones in Stockach and Rottweil, remnants of medieval Imperial authority. The larger territories had their Landesgericht where their princes tried to strengthen their control: Landtage could not appeal to Imperial courts ('privilegium de non appellando') without provoking a crisis in the relationship with the prince. Within territories courts (Obergerichte) were gradually

25 The institutional reforms occurred in the same period as the dramatic growth of the press, provoking a rapid development of a public opinion, hitherto unknown.
established as the princes tried to obtain all Gerichtsherrschaft in their region. At the lowest level the 
judicial authority of the lords was preserved and strengthened at the cost of the autonomy of the Gemeinde. 
Lords and regional princes competed over judicial authority and peasant communities could benefit from this 
by using the strengthened right of appeal. However, in small territories the lord was the 'Obergericht' 
himself, sometimes party and arbiter in a conflict. This problem of competence was solved in two fashion: by 
direct appeal to the Emperor or by seeking arbitration or mediation from nearby town councils or members 
of the nobility. In South West Germany where small territories were predominant mediation was a fully 
accepted part of the judicial process. Nearby towns and prelates were often asked, as well as the Schwäbische 
Bund, the Bavarian Dukes or representatives of the Habsburgs. Because of the many small possessions of the 
Habsburgs in this area, the awareness of the Emperor as a very real highest judge was strongly developed and 
grew far beyond the medieval idealisation. The rural population, faced with complex judicial competences on a 
local and regional level responded positively to the establishment of the Reichskammergericht and trusted this 
court more than the nearer Landgericht in Stockach as the regional nobility had put pressure on the 
Habsburgs to get pro-noble judges nominated.29

In general the buildup of statelike structures in the territories and the expansion of judicial 
institutions enhanced the process of intrusion of Roman Law. The acceptance of the principles of written law 
grew slowly in the countryside as the peasants were hesitant to give up customary law and the lords no less. 
Yet the establishment of clearer procedures of appeal did liberate rural communities from dependence on the 
Gerichtsbarkeit of the local lords, in time providing the foundations for a legal and political emancipation, 
especially in those regions where the peasantry were represented as an order in the Landtage.

In practice rural society reacted very hesitantly to the developments in the judicial sphere. Officials 
appointed by territorial princes intervened in the normal discourse between lords and peasants. Those 
officials were increasingly urban lawyers trained with the aim to replace customary law by written law. 
Until the late 16th century the customary law seemed to have been the preferred legitimating path in rural 
conflicts. This does not imply that peasants were reluctant to accept written agreements or arrangements. 
Quite the contrary: to look at escalated conflicts from the 15th to the 18th century the demand for a written 
documentation of rights and obligations was continually part of the peasants' demands. Rural communities 
were the driving force behind the codification of local customs, rights and obligations in Urbare and

Welstümer. As they stood less chance in a judicial conflict over unwritten customs where the judges would be peers of their opponent, they had a very strong interest in such a codification. But Roman Law implied in the first place the coming of urban educated foreigners to the countryside. They took over functions of the Gemeinde and charged higher fees. Also new taxes had to be paid for their keep. Thus the acceptance of the new legal tradition was slow in the countryside, however beneficial it could be in theory.

Legitimation from a written source became an increasingly important phenomenon in rural conflict in the German Empire. Already in the 14th century it became customary to settle conflicts between lords and peasants through mediation, followed by the writing down of the agreement on the issues at stake. The principle of Altes Herkommen, customary law settled essentially in the oral tradition of the people involved, was viable as long as there was a general consensus. Such a consensus was increasingly strained in the 15th century when inflation reduced the income of the nobility at a time when their needs were increasing. The growing prosperity of the majority of peasants caused resentment ("zu den Zeiten hat niemand Gewin gehabt dann die Pauren") and incited lords to attempt increases in dues and taxes. Some of these dues were increases that could be fought in a society where inflation correction was unheard off, but new dues (Neuerungen) were more difficult to fight if there was no written code. The lords' argument of necessity was often stronger than the peasants' protest at unheard-of increases. The aspect of legitimation came strongly to the foreground in these matters. War taxes were resented because the feudal lord had already the obligation to defend his peasants. A new tax for this purpose was illegitimate.

1.7 The role of religious developments.

It is no coincidence that the Leibherren were most active and successful in the increase of dues. The tie between lord and serf has less the character of a contract than of a personal relationship. In the South of Germany in the 15th and 16th century in the territories where serfdom was predominant increase in burdens on the rural population was most frequent. It is relevant to note that most Leibherren were prelates or religious institutions. However, their approach to serfdom was very worldly and they used their serfs as cheap labour in their economic enterprises. This provoked protests from their own subjects as well as from nearby urban centers who complained of unfair competition.

In such a configuration the ideas of Luther, especially the concept that worldly relations had to be

30 Quoted from a reference to peasants in Southern Austria, 1478 (G. Franz (ed.) 1963:20.)
legitimised by the Holy Scriptures, held a potential for a dramatic social impact. Religious dissent was very common in the late Middle Ages all over the Empire but it generally took a millenarian and chiliastic form, hardly suited for concrete redress of grievances against the Church of Rome. Support for these movements, such as the Taborites in Bohemia and the Pfeifer of Niklashausen in the Tauber valley in the North of Württemberg had mostly come from the marginal groups in society, the poor and landless, rural artisans and miners. Support for these movements, such as the Taborites in Bohemia and the Pfeifer of Niklashausen in the Tauber valley in the North of Württemberg had mostly come from the marginal groups in society, the poor and landless, rural artisans and miners.31 Landed peasants and towns councils had not picked up the elements of criticism against the Church however real their grievances were. Luther's claim that all unlegitimised dues and rights had to be abolished were a big success in a society where the Church was active in all spheres of life. The movement against the monetarisation of the sacraments was only one aspect of the fundamental critique of the Reformation sermons. The issue of legitimisation combined with the dubious worldly activities of the clergy offered peasants, towns, nobility and princes alike an incentive to act against the representatives of the Church.

The rural population levelled many distinct complaints against the clergy, even apart from the problem of serfdom. Peasants were quite aware of the economic activities of monasteries and realized that this damaged their interests. Yet the abbeys and other clerical institutions enjoyed privileges that were difficult to challenge without challenging the whole hierarchy and order in the Empire. The direct dependence on a prelate or a clerical institution as a 'lord' caused very real problems because they were especially ruthless in demanding full payment of rent and dues, even when harvests had failed totally. The clergy were simply the strongest and most efficient agricultural entrepreneurs in Southern Germany, putting their relative advantages to optimal use.32 Resentment against the clergy had led to stronger control in some areas, like in Bavaria where the Dukes already established a strict control in the 15th century. Here only the bishoprics managed to maintain their worldly power.33 Elsewhere attempts at secularisation of land were made but in South Germany princes were not strong enough to force the clergy into loyal obedience. In the mini-states the clergy remained in a strong position.

Peasant communities were confronted with abuses of the spiritual institutions also on a local level. Most tithes had been alienated from their original purpose, the payment of the local priest, and had expanded considerably. Local priests often had been elected by the village community or been nominated by a local lord. This changed in the course of the 15th century when the education of priests seems to have deteriorated and

absenteeism became widespread. A position as parish priest became more of a source of income and less of a religious task. Prelates increasingly nominated their protégés against the will of the community. Hence loss of quality and loss of influence over the selection of village priests coincided with an increase of anti-clerical sentiments in the countryside. This latent dissent was known among Reformation preachers but their success in the countryside was at first very limited. Thomas Müntzer only gained followers after townspeople had already joined his movement. Martin Luther was greeted by stones in March 1525 when he was on his way to meet his future wife, which may have stimulated him to write so forcefully against the peasants in his pamphlets. Another Lutheran, Hendrik of Zutphen, was stoned to death in 1524 by peasants in North Germany. Yet the indirect effect of their preachings was another matter. Their repeated call for legitimation of all Church activities in the Bible or in the active consent of the congregation of believers was in tune with the wish of the rural population to be subject only to obligations described in the written agreements (Urbare, Weistümer) or agreed to by customary law. The autonomy of the Gemeinde was defended against the Church and demands for a locally elected priest were heard well before 1517 in concordance with the attempts at protection of the locally elected officials. From the point of view of the peasants the case of autonomy in the nomination of priests was even stronger because of the direct nature of the tithes: they offered a tenth of their harvests for the keep of a local priest. Thus again, from the perspective of the rural communities, similarities existed in their struggle to keep the autonomously elected local officials and the practice to elect a priest. The autonomy of the Gemeinde was defended against the Church and against the representatives of lords and princes.

Still, it should be added that the influence of the ideology of the Reformation on the mentality of the rural population proceeded very slowly in the years after 1517. Only when the conflicts that led to the escalation of the Peasant War were well on their way it became clear that peasants explicitly picked up elements of the Reformation, a current of thought alien to the culture of the rural population. The role of the Reformation should be seen as that of a strong catalyst in a process already started and already set off by other circumstances as I will show later in this chapter. Pamphlets with various and detailed criticism on the practices of the Catholic Church were widely read and they spread to the countryside. However, the rural

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35 This Dutch former prior of a Dordrecht monastery had been fired as a Lutheran in 1519. He was killed by peasants near Ditmar. Luther wrote a letter in commemoration: "Vom Bruder Henrico in Ditmar verbrannt".
36 The general demand for elected priests had several grounds. The quality of the clergy had deteriorated during the fifteenth century and many village priests were absent almost continuously. Their tithes had to be paid, even in their absence.
society that saw das alte Recht as its main legitimising force was slow to leave the normal procedures of conflict resolution and redress of grievances. Before discussing the events that led to the escalation of the Peasant War I will describe the routine processes of conflict resolution and the nature of the predominant conflicts in the rural society of the South of the German Empire in the late 15th and early 16th century.

1.8 Rural Society in a process of change.

The rural population in early modern South Germany lived in village communities that had acquired competences and autonomy during and after the agrarian crisis of the late 14th century. This autonomy was especially strong in areas that were isolated due to the geographical conditions: the Alpine territories, Alsace and the Black Forest. The phenomenon of strong village communities was not limited to these areas, however, with the clear exception of the Duchy of Bavaria where autonomous organisation had been curbed by the active policy of the Dukes. The strength of rural community organisation should be seen in the context of the relative absence of supra-local interference. This is best illustrated in the case of the diverse possessions of the Habsburg dynasty. In their Austrian territories a policy of strong governmental interference was followed in order to establish firm political and fiscal control in the Hausmacht. This policy was not at all followed in the small and scattered territories in South West Germany which were often pawned to noblemen in charge of the practical administration of the lien. These small possessions were scattered over the sloping hills of Swabia and in the valleys of the Black Forest and Southern Alsace. In all these areas the predominant structure of rural settlement was in villages with a strong communal character. The inhabitants of a village were landed peasants, landless labourers, rural artisans and part-time mercenaries, living closely together. Its Gemeinde was in principle the organisation of the heads of households that owned or rented land. The communal organisation was invested with some local authority that was legitimised partly by active consent of the local or regional lords and partly by local custom. The most important powers of the Gemeinde were the control over the communal land (Allmende), the practical organisation of sowing, harvesting and other communal activities and the maintenance of law and order on a local level. For these purposes representatives (Ammänner) were chosen, generally from the middle or higher echelons of the peasantry. Quarrels and local conflicts were settled in the Dorfgericht in which all adult heads of households of the Gemeinde took part. In the 15th century this system provided a substantial local autonomy before lords and agents of the state interfered structurally. Beyond the villages supra-local Vögte represented the authority of the prince or

37 See the comprehensive study of H. Wunder, 1986 on the nature of the Gemeinde. Also D.W. Sabean 1976.
38 P. Bickel 1979:236,237.
regional lord. Sometimes Untervögte were elected by the peasants as their supra-local representatives who cooperated with the Ammänner and the Obervögte that had been nominated by the lord. Larger villages also had a clerk (Schreiber) who was in charge of the registration of transactions and other civil agreements.

The organisational homogeneity disappears when we look at the distribution of Herrschaft in a village. It was quite normal that several lords owned land or held rights in the same village. Serfs would live next to free peasants or serfs of another lord. This diversity held strong implications for the nature of lord-peasant conflicts on a local level. Very rarely would a village consist of peasants of the same lord. Hence, it was difficult to transform the average lord-peasant conflict to a ‘communal’ conflict unless the political autonomy and the Allmende were under attack. Another effect was the enhanced awareness of the different levels of rent, tithes and other burdens of subjects of different lords. This pluriformity gradually changed as lords tried to build coherent territories where they held all types of Herrschaft. This was most easily achieved for Grundherrschaft and Gerichtsherrschaft and situations where one lord owned the land and held judicial authority over serfs of another lord were frequent. In general Leibherren were very reluctant to give up their rights over serfs. Therefore peasants of different social status continued to live next to each other. Thus village solidarity was most easily attained over truly communal issues against those who infringed upon the communal autonomy, its judicial authority or control over the communal lands.

Most areas of South West Germany were densely populated by the beginning of the 16th century. This had repercussions for the situation in rural communities where expansion of arable land was only rarely possible. Lords fiercely protected the forests, supported by the Imperial authorities who feared further damage by the increased demand from the towns for wood necessary for heating and construction. As the towns had ceased to accept large scale immigration from the countryside in the late 15th century when the urban conjuncture declined and economic crises were frequent, villages had to absorb the continuing demographic growth. In most territories of South West Germany measures had been taken in the course of the 15th century to forbid partial inheritance. The percentage of cottagers, be it landless labourers, Landsknechte or rural artisans who made a living through the Verlagssystem, was already 40 to 50 by the middle of the 16th century. This caused tensions in several areas.

First, the communal meadows were threatened as landless labourers and lords formed temporary

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40 The numbers were highest in South West Germany where land was scarce and other employment was available due to the economic expansion of towns in the countryside (linen, wood, etc.) P. Blickle 1975: 112.
coalitions against the interests of the Gemeinde to change the meadows into lots of land to be rented out to the landless. The landed peasantry protested strongly against this development and even complained of the large number of cottagers in their village.

Second, their dislike of cottagers was partly inspired by the unexplained fact that the wages of labourers had remained high throughout the 15th century despite the increased supply of labour. In the early 16th century the Bavarian Dukes took measures to enforce the Gesindezwang: children who were not eligible as successors on a farmstead were forced to join a household on another farm and to become Ehalten, members of the household. In that position their labour was considerably cheaper than when they would have been hired as individual labourers or servants, available on a daily or contract basis. The measures which were taken in Upper Swabia to ensure that only the future inheritor of a farm was allowed to stay there after childhood were not only taken to ensure a better chance of economic viability and surplus production but also to free labour for larger farms.

A third consequence of the population pressure in the South German villages was the tendency to transform inheritable tenancy (Erblehen) into one-generation contracts (Falllehen). The lords were assured of continuing demand and used the shorter contract periods to increase the rent and to cash more often the considerable Besitzwechselabgaben. The very presence of many villagers without land was an immediate threat to the landed peasantry at the very time when the institutions of local autonomy were threatened from above. The interests of landed peasants and cottagers differed considerably and village solidarity was predominantly the solidarity within the organised interest group of the landed peasants, the Gemeinde. Broader coincidence of interests was not unusual but certainly not self-evident.

Most villages had a configuration of Herrschaft that was specific to them only, derived from the local customary law that regulated traditions and obligations. Customary law rarely went beyond a village or a limited number of villages. In cases of conflict between a lord and his subjects grievances did not take the form of supra-local issues and hence supra-local organisation was rare, just as solidarity beyond the village was only weakly developed. Only Imperial or territorial taxation or other measures of this type could bring together villages in areas where no unified Herrschaft existed. South West Germany was a prime example of

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such an area over the centuries (with the exception of the Peaceful War of 1524-1526) where one can find a predominance of local conflicts.
Chapter 2  
Routine Conflict and Escalation: 
The Origins of the German Peasant War.

2.1 Routine conflict resolution.

Tensions between villages or between Gemeinden were fairly rare in most parts of Southern Germany as the villages were spread in the countryside, separated by woodlands that belonged to neither community. In mountaneous areas, however, a different situation existed. There, land and resources were even more scarce and conflicts were concentrated over the issues of water rights and settlement. In the Black Forest, the Waldleute, rural inhabitants from the forests, were urged to come to terms with the tenants in the valleys. Both were subjects of the same lord, the monastery of St. Blasien and the representative of the abbot had to interfere, although the origin of the quarrel lay with measures taken by the monastery. The main source of conflict in rural society was in the relationship with the different lords. Intra-village tensions were related to this relationship as the lord’s moves to weaken the authority of the village community gave the landless of the village better chances of obtaining land from the Allmende. The lords became a party in intra-village conflicts just as the factions within the village had different issues at stake and reacted differently in the case of a conflict. This must be kept in mind when we look at the potential sources of rural conflict in the German Empire and at attempts at conflict resolution.

Customary law described the rights and obligations of the parties involved and as far as they were written down it was customary to have them read aloud every year or so in the presence of representatives of the lord and of all heads of households. The oath of allegiance was thus renewed on the basis of the conditions put down in the Urbar. Infringements upon the Urbar were hence a legitimate cause for protest in the form of demonstrative refusal of tithes or the like. Apart from these there was initially very little the peasants could do. The Ammänner were the representatives of the peasant community charged with defending its interests, but where to go? The lowest level of judiciary power was often the lord himself, or a nearby nobleman from whom there was little to expect. A sustained complaint, supported by the temporary refusal to perform dues or to pay tithes normally led to the formation of a commission of mediation of members of the regional nobility and town councils. This was by no means an extraordinary procedure in the case of prolonged conflict. It was often preferred to going to the Landgerichte, where a legal procedure was expensive and whose decisions were difficult to enforce. Both lords and peasants preferred regional mediation which can be understood easily.

44 D.W. Sabeen 1972:37. Migration from the hillside villages to the valleys was an important source of tensions and the abbey of St. Blasien took measures to prevent this migration (H. Schreiber 1863:VII).
from the point of view of the lords. The lords would be judged by their peers and had little reason to fear the outcome. From cases where the original complaints and the outcome have been preserved the mechanism becomes clear. Conflict resolution went through mediation (gütliches Verfahren) or through arbitration (rechtliches Verfahren) of which mediation was preferred because it kept the escalation of conflict at a lower level. Normally the result of mediation would be that some of the complaints of the peasants were honoured in order to obtain the agreement of the Gemeinde to the proposed settlement. At the same time all the remaining 'new' impositions became an integrated part of the local or regional customary law, leading to a gradual expansion of dues and obligations with the passive consent of the rural community. The peasants had little alternative to this procedure and could only press for the membership of townsmen and representatives of the Emperor in committees to check the influence of the nobility or clergy.

If mediation was unsuccessful, appeal to the Emperor remained a possibility. A new committee would be formed with Imperial representation or checked by Imperial officials. However, the Habsburg Emperors were also landlords in many parts of South West Germany and there they were reluctant to take a position that would be unfavourable to their noble colleagues. After 1495 appeal to the Reichskammergericht offered a new possibility of conflict resolution, just as the new founding of the Schwäbische Bund had done in 1488. The former was the highest body of arbitration and the latter offered mediation when its members engaged in conflicts of whatever nature.45

The limited use of courts comes as no surprise when we think of the late development of judicial institutions that enjoyed a reputation of impartiality. Even though the Landgerichte were formally accessible costs of a procedure were very high because law suits were protracted over months and sometimes years. Since there was little or no written evidence available the decisions of the courts had an arbitrary element that was not to the advantage of the complaining peasants. The Reichskammergericht was the first court where a high degree of impartiality was reached. However, to all parties involved this court meant only a last resort in the legal process. The peasants disliked urban interference over customary law as did the lords who saw little benefit from a tradition of Roman law. The Habsburgs, it should be added, remained in favour of local or regional committees at least until the 1530's when they had established 'their' supreme court, the Reichshofrat. Shortly before the Peasant War archduke Ferdinand, brother and caretaker of Emperor Charles V in Austria, recommended the installation of permanent commissions in South West Germany to facilitate the

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45 P. Blickle in H. Buszello et al. (eds.) 1984:41.
effective resolution of conflicts at their lowest level of appearance. This was no less than an explicit recognition of the failure of the Gerichtsbarkeit of the lords, the judicial authority of princes and the Landgerichte.46

Thus the process of mediation and arbitration on a regional level remained the predominant way of conflict resolution in the rural society of early modern South West Germany. The peasants realized that they only had to expect something from the representatives of town councils in committees and in the case of conflicts urban developments were closely followed in the countryside. However, many towns owned land themselves and behaved as corporate landlords. From such town councils, even from independent Imperial towns, little or no solidarity was to be expected since they did not want to give an impression of being weak in order to prevent their own peasants from taking action as well. This changed to a limited but very relevant extent as a result of Reformation ideas in the cities. Many towns suffered from the presence of prelates and religious institutions within their walls. The privileges that were enjoyed by the clergy not only led to extra urban taxation, but the burden on the non-clerical population became heavier as well because the clergy was exempted from taxation. In the early 1520's the Reformation creed gained support from the town elites and many towns, especially Reichsstädte, turned Protestant. The immediate results were limited: secularisation of land meant perhaps the abolition of some dues and -sometimes- change in the status of the subjects who had been serfs of the former lord. The total burden of peasants decreased in such cases although the tithes were still cashed. Until the Reformation, however, towns were merely outsiders who might be inclined to have some more sympathy for the peasants than members of the regional nobility. Therefore peasant communities often suggested mediation by members of town councils.47

To summarise this overview of ways of conflict resolution on an institutional level: rural conflicts were frequent events due to the complex structures of feudal society. They were generally settled in a somewhat ad hoc fashion in the period before 1525 due to the absence of reliable and accessible judicial institutions. The practice of mediation and arbitration, involving regional nobility, clergy, townsmen and possibly representatives of princes or the Emperor replaced the routine use of the existing courts. These were expensive, time consuming and not very neutral. The refusal of dues to provoke mediation was a widely accepted practice, well known everywhere in the South of the Empire just as were the other forms of peasant

46 See his letter of 28 October 1524 (H. Schreiber 1863:110).
47 The relations between towns and countryside always remained complicated and independent towns never became idealised examples for the German peasants. U. Dirlmaier (ed.) 1985:115-150. Town courts which dealt with rural subjects were used by the city council as practice for young lawyers (ibidem, p.136).
protest such as the temporary withdrawal of allegiance. Within the village community the Gemeinde was important for the resolution of conflicts. This increased as the competition for communal land grew in the course of the 15th century. The intermediary level of justice, the Gerichtsbarkeit of the lords, had degenerated into an instrument used to provide extra income for the holders of these rights. Therefore, apart from the generally increased pressure on the landed peasants through demographic developments, the intrusion of new authorities and the erosion of customary rights, one can see a specific development in the procedure of conflict resolution in the countryside: the traditional authority of the Gemeinde eroded quickly, the judicial powers of lords were increasingly abused and the establishment of independent judicial authority was only in its first phase. The dependence on regional ad hoc commissions meant a compromise that was acceptable to the peasantry for lack of alternatives. In this situation landed peasants often found an opposition of the combined interests of lords and landless cottagers against which the Gemeinde had to defend their interests.48

2.2 The Bundschuhe: a rural response to change.

The limited success of the customary ways of conflict resolution led to other approaches in the course of the 15th century. The first initiatives were taken in the valley of the Rhine in present day Alsace and Baden-Württemberg. Here the relatively high level of urbanisation, the preponderance of small farms and the importance of viticulture caused fluctuation of the rural economy and made it very dependent on outside factors. The bad years, as everywhere, highlighted the effects of slow structural changes and provided the topics for discussions among the discontented in the villages. In the traditional historiography of the Peasant War some of its origins, the so called Vorauflände, are located in this area.49 I will look into this discontent from the perspective of the general analysis of forms of rural conflict, into the relationship between these manifestations and routine ways of conflict resolution.

The areas in which the Bundschuhe, as the rural manifestations between 1475 and 1525 are generally called, occurred were predominantly wine producing areas, from Alsace to the Neckar valley.50 The structures of land holding, demography and economic relations were specific to these areas. Viticulture is very labour-intensive, it requires more capital than other agricultural sectors and does not become profitable in a short period. Due to these characteristics most winegrowers owned their land and were not

48 D.W. Sabean (1972) has developed this thesis in particular.
49 See, G. Franz (19805, 19351:1).
50 On the Bundschuhe: A. Rosenkranz 1928.
tenants. Their possession of the land was secure and therefore could facilitate investment and optimal commitment of labour. Once a good vineyard had been established the income that could be derived from market production was substantial. A small vineyard would already be a sound economic foundation for a household under normal circumstances. Division of economic units was thus possible to a large extent and therefore the demographic pressure of the late 15th century was felt less here. There was even some emigration from the South West of Germany to Alsace, which strengthened the ties between the population on the banks of the Rhine.\textsuperscript{51}

The distinct structure of agricultural enterprise had consequences for the organisation of community life. Most peasants owned their land so there were few relations with landlords that could bring together the peasantry against a communal lord. Furthermore, viticulture was an individual economic enterprise and strongly market-oriented. There were very few issues that required a strong communal organisation and the Gemeinde was far less developed in these areas than elsewhere in South Germany. On a more abstract level, however, winegrowers were aware of their shared status and they derived pride from it, comparable to miners.\textsuperscript{52}

The high degree of commercialisation of viticulture also held structural implications for the rural enterprises. As a result of export orientation the ties and contacts between countryside and towns were exceptionally strong and frequent. Even though many towns had travelling purchasers to acquire wine directly and at the lowest prices (\textit{Fürkauf}), town markets were meeting places of considerable importance. The rural economy stimulated a dynamic society where migration, travel and intra-village contacts were normal features.

An inherent problem of viticulture was its susceptibility to fluctuations. A good harvest meant low prices which threatened the viability of smaller farms and caused problems for indebted entrepreneurs. A bad harvest, caused by drought, hail or frost would mean lower yields for all peasants, beneficial only to those who were still able to produce a surplus and profit from the high prices. Most winegrowers, small and large, were constantly indebted as a result of the costly investments that were required regularly and of the strong fluctuations in prices and yields. Although viticulture was not a crisis sector of agriculture in view of the constantly growing demand from the towns, indebtedness was a normal phenomenon for all entrepreneurs. The

\textsuperscript{51} F. Rapp in B. Scribner & G. Benecke (eds.) 1979:52ff.
\textsuperscript{52} On the special status of miners: G. Schreiber 1962:157, 491, 505.
moneylenders were predominantly religious institutions, such as in Alsace the bishoprics of Metz and Strasbourg and their representatives. Monasteries also lent money to the peasants who were their suppliers as many clerical institutions bought and stocked wine, waiting for the prices to go up. City lenders were often Jews, who had been evicted officially from Alsace and elsewhere on several occasions but who had been able to stay due to their importance as creditors.

Wine producers thus saw clerical institutions, Jews and towns who practiced Fürkauf as their main opponents. Towns and monasteries were competitors on the wine market and it is no coincidence that in areas where clerical institutions were powerful (Northern Alsace) towns adopted the Reformation creed soon after 1517. Strasbourg and Basel so became centers of the Reformation.

The intrusion of representatives of the Empire and of regional princes was especially strong in the winegrowing areas. Of all agricultural enterprise viticulture was the most commercialised and offered the easiest possibility for tax collection. Control on production was a necessity and the presence of officials in the villages was thus required. This led to interference with the autonomy of the community and its elected officials and increased the burden of the peasants as the tax collectors were under orders to proceed with the collection of taxes whatever mishaps might have occurred to the rural economy.53

Even though the demographic pressure was less here and land rights very good, we can imagine the impact of financial dependence, fluctuating market chances and growing tax pressure on the rural communities where viticulture was the main source of income. It was in these regions that the Bundschuhe developed as a reaction of the rural population to the changes in the later 15th century.

Several Bundschuh-conspiracies occurred between 1470 and 1525 on both sides of the Rhine. Their main purpose was to seek redress of concrete grievances by appeal to the authorities under pressure of a mobilised force of peasants. The conspiracies followed a similar pattern: peasants from different villages met at a special occasion like a market or church fair. Some of them would take the initiative by hoisting a peasant's shoe (Bundschuh) on a pole or by showing a banner, elements of the rural folklore and of the tradition of Landsknechte respectively. Then their aims would be proclaimed to all present in an attempt to gather as much support as possible. This would give the leaders a stronger position in all future negotiations.

53 W. Stolze 1900: 49ff.
with officials of princes or the Emperor. The tactics indicate the popular nature of the planned action: church fairs were meeting places and festive occasions where spirits were high. The Bundschuh; was the symbol of the peasant, opposed to the boot of noblemen or officials. Banners as mobilising forces betrayed the involvement of Landsknechte, or at least the awareness of their fighting tradition, so well known from the Burgundian-Swiss conflict.

In this brief sketch a Bundschuh-conspiracy looks like a broad popular movement, a true 'revolt', as no use was made of the judicial institutions or routine procedures for the settlement of conflicts. Sometimes demands were voiced for the abolition of the authority of clergy and nobility apart from the Pope and the Emperor. The conspiracies thus seem to be movements directed against the existing order. A close look at the Bundschuh of Schlettstadt in Alsace (1493), a very typical case, illustrates the true nature of these movements. Actors, issues and tactics should be examined closely.

The enterprises and death of Charles the Bold of Burgundy had caused tensions between the French kings and the Habsburg Emperors to escalate over the Burgundian inheritance. In some border areas, Lorraine, Alsace and Eastern Burgundy, military campaigns were frequent between 1477 and 1493. As local lords and authorities did little or nothing to prevent the mercenaries from pillaging the countryside, peasants increasingly organised themselves in self defence, inspired by the actions of the nearby Swiss who had resisted the Burgundian invasion successfully. Western Switzerland imported large amounts of wine and cereals from the relatively underpopulated Alsace and the connections between these areas were strong. Only in 1492 peace came to Alsace, reconquered by Emperor Maximilian I, the last true knight of popular history. He had gained considerable popularity through this intervention that put an end to the pillaging and fighting. A general peace was concluded in 1493, through the treaty of Senlis by which the seeds were sown for the Habsburg-Yalois conflict of the next century.

Shortly after the reconquest of Alsace the bailiff of the village of Bliensweiler, Jakob Hanser, contacted a former mayor of Schlettstadt (now Sélestat) with a list of grievances and plans for institutional reform. It is very likely that Hanser, a man who had travelled a lot and knew what went on in the world, came with his plans at this moment to benefit from the unclear situation since the area had just been included in the Empire. Hans Ullmann, the former mayor, was a logical partner for the deliberations. He was a man with experience but of a controversial character, which had led to the end of his career as mayor. Hanser had a

variety of ideas, ranging from universal taxation only to be paid to the Emperor, the abolition of clerical possessions to judicial reforms and measures to evict the Jews effectively.

Both men secretly and carefully contacted rich peasants, Ammänner and other members of the rural elite in neighbouring villages. In March 1493 thirty-four carefully selected representatives of nine villages met on a secret place on a mountain of the Vosges, the Ungersberg. There the grievances were discussed, as well as the procedures to be followed. It was decided to delay public action until August, when there would be many village fairs and harvest celebrations. Meanwhile more people were to be contacted on both sides of the Rhine up to the Black Forest and a delegation was to be sent to the Swiss Confederacy. However, only three of Hanser's many proposals were accepted by the gathered peasants and under pressure from Ullmann it was decided to contact the representative of the bishop of Strasbourg, the formal lord of the area. This last move is striking in view of the secrecy kept so far.

Ullmann was not just a bureaucrat keen on maintaining correct procedures. He wanted the plans to become known to increase pressure and to stimulate mediation and negotiation on the three accepted proposals. The move was rather shortsighted, though. A week after representatives of the peasants had proclaimed their grievances their leaders were arrested. Hanser escaped but Ullmann was executed and several others had their index and middle finger chopped off, those with which oaths are sworn.

This Bundschuh is typical for several reasons: the elite character of participants (rich peasants, rural magistrates), the original secretive and conspiratory character of the movement, excluding the majority of the peasants that were members of the Gemeinde, the supra-local meeting to decide on issues and tactics and its failure. No Bundschuh ever materialised as an organised public manifestation of discontent. All were betrayed, sometimes by peasants or labourers who had not been included in the preparations, or given away actively by too naive a leader. The movement, as a form of collective action of the elites of villages was a total failure. The same goes for some other Bundschühle where the lower echelons of rural society were included and where a network of informants existed that had been organised by Joß Fritz, a former Landsknecht, in the first decades of the 16th century. Here participation and goals were different, more suited to the cottagers and the rural poor, but the failure was the same.

The brief Bundschuh near Schlettstadt was a movement of the rural elite, following the general pattern of participation. The timely advance warning to the nearest authorities had reduced the action from a surprise 'revolt' to a medium of pressure in desired negotiations. But negotiations on what? What were the issues that representatives of nine villages could agree upon? Of all the far-reaching ideas of Hanser only
three were accepted. First, a complaint against episcopal judicial authority was formulated. It had not only been strengthened by increased competence on worldly matters and therefore eroding the local jurisdiction of the Gemeinde but it also seemed to have been corrupt and biased against the rural communities. Second, a complaint was lodged against the Kaiserliches Hofgericht in Rottweil. This court, a relic of bygone Imperial authority, had been strengthened by regional princes and prelates to serve their interests in extending judicial authority over their subjects. As most towns had privileges they could protect the interests of their subjects. However, the customary law on which the autonomy and powers of the Gemeinde were founded was far more vulnerable. Increases in taxes and dues fell mostly on the shoulders of peasants who could not resist these through the judicial process. The third issue was the demand that all Jews should be evicted from the Alsace effectively. Jews had officially been evicted from all towns and from the bishopric of Strasbourg in 1478, but they had remained active in less conspicuous activities in the countryside.55

The first two proposals reflected the interests of the rural elite, whose influence was increasingly eroded by clerical judicial authority and by the influential court in Rottweil that served only lords and towns and far less the rural population. These were articles in defence of the autonomy of the rural community, yet not defending the fate of the poor or protesting against increases of dues. Only the third article, against the Jews, was formulated to attract support from all layers of the rural population as all but the richest peasants were at least temporarily indebted. It is remarkable that none of the more radical reform plans had been accepted at the meeting of the thirty-four representatives. The issues at stake in this Bundschuh were moderate and only the secretive procedures, the supra-local character and the general formulation made it different from normal rural conflict resolution in the Empire. The conspiracies never materialised and from the openly proclaimed attitudes of some leaders at a certain stage we must conclude that Bundschuhe were predominantly meant as instruments of pressure of a sector of rural society that depended on a fluctuating economy, in a period in which its autonomy and rights were curbed. As customary law was of little use in supra-local movements, other ways of legitimation had to be found. After the earliest Bundschuh, where very concrete issues had been at stake, a tradition of resistance ideas rapidly spread over the South of the Empire. Songs on Bundschuh were very popular and many village celebrations ended in drunken peasants calling for a Bundschuh or for accession to the Swiss Confederacy. From the 15th century onwards, increasingly after 1475, the idea of popular resistance against lords gained ground. Inspired by the Swiss example, pamphlets on reform of the Empire and songs and rhymes on Bundschuh gained popularity.56 The fear of rural

56 See the analysis of P. Seibert, 1978, passim.
conspiracies became permanent among lords and authorities although nothing really happened. Even the radical Joß Fritz, active in several conspiracies and aiming at the abolition of all intermediate levels of authority between the common folk and the Emperor, never became militarily active.

The limited yet rather general issues, the elite character and the procedure outside the usual channels of the Gemeinde caused limited support and frequent treason. Bundschuhe were not movements of the rural community as such and they did not fit into the routine processes of conflict resolution. The authorities were frightened and therefore the intended pressure was counter-productive, leading to severe repression. The first aims of redress of grievances of peasants on a supra-local level had failed and recourse was taken again to customary law. The verbal and written tradition of resistance had been established firmly in the countryside, and a political awareness was strong, especially in the border areas near Switzerland.

The Bundschuhe were the first response to increased pressure from higher judicial and governmental authorities in a particularly sensitive area. The events were important as they were kept alive in the rural folklore and they coincided with a broader demand for institutional reform in the Empire, and later with Reformation ideology. In an area where supra-local contacts and market production were well advanced a specific form of rural protest developed for a short period (1470 to 1517) indicating the changes on economic and socio-political levels in the German Empire. The approach through Bundschuhe; was not followed outside the Rhine valley; elsewhere rural conflicts proceeded in a routine fashion. In Upper Swabia and elsewhere conflicts were still fought in terms of customary law in a context of growing political awareness everywhere in the Empire. It is no surprise that the Reformation was especially successful in Alsace, both in cities and in the countryside and the relics of the network of old Bundschuh-men still existed in 1525, when the spread of rural unrest was extremely rapid in this part of the Empire. The Bundschuh as a means had failed but the actors and issues remained.

2.3 Routine conflict procedures.

Before discussing the details of the rural conflicts that stood at the immediate origin of the escalation that was to become the "German Peasant War" of 1524-1526 I intend to pay attention to the routine conflict procedures in four territories in Southern Germany. These cases have been studied in detail and are clear illustrations of the continuity of protest and issues and of the relation between the type of conflict and external circumstances.
The first case is that of the territory of the Rottenbuch monastery in Bavaria near the Bavarian-Swabian border. It serves as an example of the manner in which the dukes of Bavaria intervened in order to establish order in the countryside of their duchy, limiting the autonomy of lords and monasteries. During the 14th and 15th centuries the dukes were successful in obtaining control over their territory by expanding judicial powers and by limiting the privileges of the clergy, including religious corporations. One way of proceeding was to offer mediation and arbitration in case of a conflict between a lord and his subjects. The intervention on the part of the duchy strengthened the authority of the dukes and their government. When peasants had a conflict with a lord they would be interested in the intervention of the representatives of the territorial state. This meant an improvement of their chances, since peasants and government shared the same interest, the curbing of the power of the lords. Furthermore it meant the recognition of the peasantry as a political body within the territory, giving them a voice next to that of the lords. The consequent active intervention of the state in the relations between lords and peasants meant on the other hand a weakening of the autonomy of the Gemeinde. It is not just for geographical reasons that most Bavarian Gemeinden were less cohesive than Alpine or South West German ones. Due to the strong intervention of the dukes and the maintenance of their possessions in the Middle Ages Bavaria had far less scattered possessions and less diffusely spread rights. This caused higher exactions of lords who were not involved in quarrels over competence. Since restrictions on partible inheritance were strong most farms were rather big and economically viable. This meant that they were better equipped to cope with higher levels of rent and dues. These structural differences compared to South West Germany did not prevent the rise of conflicts between peasants and lords, especially monasteries, which owned most of the land that was not directly in the hands of the dukes.

In the late 14th century the subjects of the monastery of Rottenbuch joined their efforts in a conflict with the monastery. This combination of Gemeinden is not surprising as the villages were not isolated from each other and consisted only of subjects of Rottenbuch. In this fashion they formed a political union of Gemeinden with the same shared interests. The eight villages chose eight Obmänner as their representatives. In 1393 the peasants managed to obtain a settlement in their conflict with the prelate of Rottenbuch. In the following decades the agrarian depression improved the relations between the clergy and their subjects and rural conflict in the area only reappears after 1450, when the crisis was over and a structural growth of

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population and economy had begun. The monastery wanted to benefit from the recession by taking measures which meant an increase of dues for the peasantry. The peasants reacted by protesting against these increases, arguing that the measures were contrary to the agreement of 1393, that had remained valid although concluded two generations earlier. When repeated protests did not bring results the peasants decided to form a supra local Schwurgermeyeinschaft, a body of all the subjects of the monastery. The prelate realised the increased strength of this type of organisation and tried to break the solidarity by imposing new dues on different levels. The conflict became so serious that a first intervention of the dukes of Bavaria, in 1466, was not a success: neither party seems to have accepted the arbitration.59

Only in 1470 was a treaty concluded for a period of 16 years. An important feature of this agreement, mediated by the dukes, was the abolition of the Todfall and the Halbteil, impositions linked to Leibeigenschaft and economically important. This treaty turned out to be a success and lasted far longer than the sixteen years. After 1486 the rural economy prospered and conflicts in a collective sphere did not occur again in the 16th century. The monetarised dues were subject to a gradual inflation of the real value which meant an effective lowering of the level of rent. As a compensation the level of Fronen increased, but this does not seem to have led to conflict situations. Even the Peasant War of 1524-1526 did not cause disturbances in Rottenbuch, although the war was situated not far from the Upper Swabian centers. All evidence points to the conclusion that the agreement of 1470 was still kept and satisfactory to the peasants who had learned that the policy of control over the clergy by the dukes benefited the subjects of monasteries in case of conflicts. The dukes were staunch Catholics, but their attitude towards the worldly activities of the clergy was not to be misunderstood: They saw the corruption and abuses of clerical institutions as the main cause of both the Reformation and the Peasant War. They did not want these abuses to occur in their territory.60

Nearly a century after the Peasant War, in 1612, conflict broke out again in the territory of Rottenbuch. In this year the eight village mayors were taken prisoner by the monastery without any justification. This turned out to have been a preventative action as the next year saw the drastic increase of dues for the peasantry, up to 50%, all dues taken together. The increase took place when a new prelate was installed, which was traditionally a pretext for the increase of dues (Weihsteuer). Meanwhile the internal and external circumstances of Bavaria had changed dramatically under the influence of the process of Counterreformation. In 1609 duke Maximilian had founded the Catholic League and the conflict over Gütch-

Kleve and the succession to the Habsburg throne kept the duke preoccupied with external developments. Internally the ducal government was strong and solid and personal interference had been replaced by the judicial apparatus.

Hence the peasants of Rottenbuch went to Munich to contact lawyers and they entered in a court case that lasted until 1619, when a Rezess was ordained in which the structural increases of dues were maintained. The peasants refused to accept this and mediation failed, giving way to increased intimidation by the prelate and the imprisonment of peasants at random. At this stage, in 1621, the peasants appealed to the ducal jurisdiction which was only partially successful: the imprisoned leaders were set free while intimidation against individual subjects continued.

The concentration on the course of the Thirty Years War of the Bavarian government and the momentum of the Counterreformation were two important factors working to the disadvantage of the Rottenbuch peasants. When in 1628 conflicts erupted over the aggressive policy of the monastery the Elector (the former duke) Maximilian I showed no understanding for the position of his subjects. He only noticed insubordinate subjects at a time when he was fully preoccupied with 'foreign' policy. By the autumn of 1628 the peasants had been forced to accept the Rezess of 1619. The internal coalition between prelates and the Bavarian sovereign had been caused by the Thirty Years War, but it also reflected a shift in issues between lords and the dukes, now Electors, of Bavaria. As the building of a state had been completed, peasants had lost tactical opportunities and were increasingly forced to accept the decisions of courts.

This court procedure was accepted by the peasantry, although reluctantly. It curbed the opportunities to appear as a collective of subjects since the process broke the issues down in individual cases. Furthermore, it was a very expensive procedure, certainly as court cases tended to be protracted for years. The Bavarian state had established itself firmly enough to be able to stop supporting peasants against their lords. It now wanted the peasants to become loyal subjects, to Bavaria as well as to the intermediate lords. Maximilian I (1597-1623, duke; 1623-1651, Elector) was the first to stress the necessity of loyalty to the state and the territory consistently. He used peasants to form cavalry and stressed the importance of Landesverteidiger. The peasants of Rottenbuch had lost their protector, but elsewhere in Bavaria peasants were quick to adopt the new ideology: when they rose against the nuisance of looting military in 1633 and 1634 they called themselves Landesverteidiger. In centralised Bavaria the land had rapidly began to replace the Gemeinde as a rallying force for peasant discontent. When Imperial troops occupied Bavaria in 1705/1706 the peasants

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rose again in Landesdefension to protest against the vicissitudes of the military occupation.63

High taxation and military quarterings had overtaken 'feudal' conflicts in urgency and the rural resistance adapted itself in this large territory, further weakening community structures and local solidarity. Rural conflict changed in form and issues in Bavaria in the course of the 'quiet' 16th century, to reappear under quite different 'external' circumstances which changed conflict resolution from ducal arbitration to judicial processes. At the same time the issues in conflict changed as well. Resistance against the increased effects of serfdom disappeared after the 1620's and as the Rottenburg peasants suffered not too much from military intervention manifest rural conflict did not appear after 1628. Conflict resolution remained in the hands of court judges and Ducal committees on which the peasants realised they were dependent.

b. Triberg

A second case study of rural conflict in a small South German territory is the case of Triberg in the Black Forest.64 This territory differed considerably from Rottenburg in the sense that there was no incorporation in a large territorial unit nor a clearly unified Herrschaft. In 1355 it had become a possession of the Habsburgs. However, it had remained partly under judicial control of some monasteries which exerted influence through the Leibherrschaft and niedere Gerichtsherrschaft. To complicate matters the Habsburgs very often leased the Herrschaft to a member of the regional nobility for a lump sum, or even more frequently, mortgaged it as a security for loans received. All parties took part in the process of Herrschaftsintensivierung from the 1450's onwards. The holders of the Grundherrschaft tried to obtain maximal income from their lien administration and the Habsburgs fought with the monasteries over judicial competence and rights to serfs. The peasantry was a mere object of these quarrels, yet they may have benefited from the series of codifications of rights and obligations (1482, 1484, 1486, 1509) when the representatives of the Habsburgs tried to acquire Leibherrschaft and the niedere Gerichtsherrschaft for the Emperor. Since the Habsburgs had the policy of using serfdom predominantly for territorial-political purposes and not for economic ones, serfdom did not become the focus of rural conflict as it did in nearby clerical possessions.65

63 K. Gerteis 1979: 38.
65 F. Lütge 1963: 64.
The specific type of mortgaged Herrschaft led to specific conflicts between the peasants of Triberg and the temporary lords. In the early 1490's a conflict erupted between the peasants of the Herrschaft and the Obervogt Wilhelm of Lichtenfels. The latter used his position to increase fines, force courts in his favour and appoint friendly officials in the local courts whose members had so far been elected. Apart from these arbitrary measures he tried to use the serfdom of his subjects for his personal benefit. In 1493 the peasants of Triberg decided to refuse the payment of tithes temporarily and to ask the representative of the Habsburgs in Ensisheim (Alsace) to arbitrate in this matter. This was done, putting Wilhelm in the right. As such this cannot have been much of a surprise as he was a creditor of the Habsburgs who had to be treated with respect. The peasants did not give up easily though. In 1495 they appealed to the Imperial Court in Innsbruck and asked that Emperor Maximilian should deal with their complaints. This conflict continued in the 16th century under Hans of Lichtenfels and the lords of Landau, also creditors who succeeded as Pfandherren. The autonomy of the Gemeinde was infringed upon against the agreements of 1486 and 1498 and the Gemeinde continued to complain, refuse tithes and demand intervention from the Emperor. In 1510 the nearby city of Freiburg was charged with arbitration, the results of which are unknown.

The infringement upon local judicial autonomy and the imposition of dues on innkeepers, butchers and bakers all served one purpose: to enhance the exaction of dues. The Herrschaft was in the hands of temporary administrators who simply wanted to maximise their revenue in a ruthless fashion. In 1517 an important court decision was made: the court in Ensisheim decided that the lords had the right to include the new dues in the Weistümer, the codification of the customary law that was read aloud at the local court sessions. This was no less than a very serious violation of the principle of customary law. In exchange for the right to increase dues the lords had to swear a protective oath which they refused to do until 1519. In view of this violation it is not surprising to find the subjects of Triberg among the first to adopt the concept of divine law (das göttliche Recht) in November 1524. They joined a Haufe in the Summer of 1525 and pillaged the castle of Triberg, having sent away the bailiff. Soon after they were punished and a new attempt at manifest resistance failed in 1530. Triberg remained a quiet territory for a century until resistance against the Obervogt of nearby Fürstenberg surfaced in 1624.

This man, Johannes Fabri, not only increased dues, taxes and fines but he was also very active in pursuing capital punishment, among others for alleged witchcraft. The peasantry of Triberg reacted to these
infringements upon their judicial authority for the Gemeinden by requesting mediation from the count of Fürstenberg, but to no avail. Then, the peasants sent representatives to the Habsburg judicial authorities in Ensisheim, the next supra-local judicial authority. This court referred the dispute back to the count. At the same time some of the peasants who had been imprisoned by Fabri, possibly in order to obtain ransom money, had been liberated and the Habsburg government of Yorderösterreich issued a warning against the Tribergers. The Triberg peasants started the usual procedure— they held meetings and decided to refuse temporarily the payment of rent and tithes. Furthermore, a direct appeal to the Emperor was voiced, who then charged the court in Ensisheim with an inquiry. Fabri was fired in the same year (1626) and in 1630 the restitution of the dues that had been paid in excess followed.67

The villages of the Triberg Herrschaft were situated in the hills of the Black Forest and had little room for expansion. Consequently a rural proletariat had developed that was numerically far superior to the landed peasantry. Employment was to be found locally in the wood- and straw-processing activities. A considerable degree of intra-village solidarity seemed to have remained, no doubt due to the different economic interests of landed peasants and rural artisans. In 1654 the peasants of Triberg managed to pay off two thirds of the mortgage on their land, with the result that special privileges of the lien administration, so resented, disappeared. A new Urbar was composed, based on the codes of 1496 and 1519. This suggests the illegitimacy of the new dues imposed after 150 years. As a result the peasants were encouraged to protest against new impositions in the following years. The new Urbar became a rallying point for peasant resistance. It offered the rural population a written degree of success.

Next to the usual issues, taxes, higher dues and obligations and restriction on the use of woods and water two new demands of the Triberg population were heard in the eighteenth century.

First, they wanted to have a copy of the Urbar at their permanent disposal, in order to be able to check all new dues and irregular obligations. The authorities tried to prevent this for obvious reasons. Many of the conflicts of the eighteenth century were judicial quarrels over this issue.

The second complaint was related to the development of cottage industry which was hindered by guild regulations, restrictions on the use of wood and other materials and by the attempts of the local government to restrict and regulate trade to obtain more income through indirect taxation and tariffs. Appeal to the highest authorities was often successful, although the level of dues remained very high, due to the indebtedness of the Herrschaft. The specific socio-economic circumstances in this case made it feasible to retain a high degree of

solidarity among the rural population. Although the leadership of protest action and initiative for court cases remained with the landed peasantry, the artisans were not left out of action. Their interest were defended as well and they retained the right to vote on compromises. The issues in common were stronger than the differences in interest and communal action, using the existing institutions and procedures continued until the very end of the Ancien Régime.

Differences of interest existed possibly most clearly among the landed peasants. Taxes and Fronen were distributed unequally and in the woodproducing area Fronen were very important. Rich peasants could send a farm hand, but poorer ones had to perform these themselves. These tensions were exploited by the Obervogt at the beginning of the 18th century. At this time a progressive Fron was suggested, against which the landed peasants protested repeatedly. It can be concluded, however, that the solidarity against the Obervögte as exploiters was consistently stronger than the internal tensions among the rural population. As subjects of Habsburg they had relatively easy access to supra-territorial courts and the successes may have stimulated the concerted action of the rural community as a whole.

c. Ochsenhausen

A third case that I want to discuss here is the case of the territory of the monastery of Ochsenhausen in Upper Swabia, concentrated around the beginning of the 16th century, in order to illustrate the importance that social differentiation could have upon rural conflict resolution.

The monastery of Ochsenhausen was situated in the hillside of Upper Swabia. It differed from the monasteries in the Black Forest for various reasons. It was reichsunmittelbar, that is sovereign within the Reich, subject only to imperial institutions. This position was normally limited to princes, knights and some cities and it gave a considerable level of independence. The abbot of Ochsenhausen was a full member of the Reichstag, which was certainly extraordinary. The possessions of the monastery were concentrated in the surrounding area, comprising about twenty villages and together forming a small but unified territory, quite different from the scattered possessions of the monasteries in the Black Forest. As a result of the unified Herrschaft the abbot was in a strong position to impose high dues on the peasants who were for the larger part serfs of the monastery. Whereas the average number of Fronen was three to five days a year, it could amount to sixteen in Ochsenhausen. The villages and cultivated lands were quite large in this area of Upper Swabia,

R. Endres in H. Buszello et al. (eds.) 1984:233. Here should be noted that it was not the absolute but the
and many villages had a substantial number of labourers and artisans putting pressure on the Allmende and the political balance within the village community. As elsewhere these circumstances led to a deterioration of the rights of the landed peasantry. It was easier for the abbot to impose shorter leases and non-hereditary rent contracts. The ungenossane peasants - those who were not serfs of the monastery - held fewer rights, could not inherit their farms and had to pay more rent. This was part of the abbot's policy to force all the tenants into Leibeigenschaft, which would strengthen his position in increasing dues. The monastery was very active in the 15th century and held strict control over Gemeinde autonomy through the appointment of loyal Vogte. The monastery used its privileged position as a clerical institution to obtain papal support for a policy of total expropriation (movable and non-movable property) of serfs who did not have children or whose children were married. This privilege was granted in 1453.70

In the latter half of the 15th century protest against the abbot's policy became stronger as economic pressure became more acute as a result of the constant growth of the population. Several court cases were held in which rural communities complained against infringements upon customary law. However with no result. In 1496 the communities of the villages subject to Ochsenhausen decided to join forces and lodge a complaint together, as the combined subjects of the monastery. The abbot who received the representatives in his function as the sovereign Gerichtsherr and as a party in the conflict, dismissed the peasants on the grounds that their supra-local organisation had no legal status. With the limited possibilities of resolution of the conflict in view of the status of the abbot the peasants chose for a different form of protest. This form was within the tradition: when in 1498 a new abbot arrived they collectively refused to swear the oath of allegiance. Fruitless court cases were the result, lasting until 1501 when the peasants responded to increased pressure by the refusal to pay the dues to the representative of the abbot. This was a logical consequence of the refusal to swear the oath. At this stage the abbot requested the assistance of the Schwäbische Bund who intervened with military force in the Summer of 1502. The organised peasants were forced to surrender on 19 August of that year and soon after, on 14 September, the Schwäbische Bund formulated a compromise that was accepted by both parties. In November 1502 the peasants were charged 300 Gulden compensation to be paid to the Schwäbische Bund, but this sum was never cashed.71

The arbitration of the supra-territorial organisation was not uncommon, although the original purpose of the Schwäbische Bund was to mediate in conflicts between its members, towns, knights and small

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71 ibidem.
On several occasions the League mediated or proceeded to arbitrate in conflicts between lords and peasants because it was at least able to enforce a decision in case of necessity. In Ochsenhausen it intervened to prevent further escalation and restore order. This was done successfully by the decree of September 1502, for which three members of the monastery and three representatives of the peasants had negotiated under supervision of the League.

The results are very interesting, revealing the conflicts between the abbot, landed peasants and landless labourers and the balance of power between them. Feudal dues were fixed, which was especially important for the serfs. This concerned the Auffahrt and Abfahrt, when a farm was occupied and vacated, the Todfall was limited to one head of cattle except when the family was too poor to pay and the Gewandfall - originally the best piece of clothing - was converted into a moderate cash sum. Serfs obtained the right to accept inheritances from outside the Herrschaft and the same legal status in transaction. Conditions for marriage restrictions were clarified. The rent contract became Erblehen instead of Fallehen and was formally convertible and could be transferred. Tithes and Dienste were to be levied according to customary law and wood was to be used freely by all those who needed it for their farm and household (not for commercial purposes). The same applied to the free spaces in the woods where cattle and pigs grazed and were allowed to graze freely in the future. All these conditions were fully acceptable to peasants as they provided a codification against which further encroachments were difficult to sustain.

The most interesting provisions of the 1502 treaty refer to the differences between rich and poor peasants and landless peasants. First, it was stipulated that no subject was allowed to acquire two farms, in order to prevent the rich from driving away the poor: "Und damit die Armen durch die Richen nicht vertrieben werden, soll keinem Gotzhaußmann meir denn ein Guttze kaufen und zu besitzen gestatt werden..." The second provision referred to the policy of the monastery to rent parts of the Allmende to landless labourers. This was to be stopped, but the farms already created were to be left in peace: "... bi solcher Liehung soll es auch hinfür beleiben on der armen lüt..." but "... nun förhin allwegen nit mer geschehen..." Clearly a balance of power existed that protected the interests of the poorer and the landless against the Gemeinde of the landed peasantry. Indications of such a balance are rarely found because often the Gemeinde officials filtered out dissenting opinions of the poorer peasants. The treaty of 1502 preserved the interests of the landed peasants

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72 This document is unique in its clarity on intra-village tensions.
74 ibidem, p.35.
and improved their position vis-à-vis the abbot, but the landless majority in the villages was included to some extent in the deal as well.

The provisions of the treaty seem not to have been put into effect completely and when the news of organised protest in the Black Forest area and Hegau spread in January 1525 the peasants of Ochsenhausen were quick to react. They sent representatives to the semi-permanent gathering of peasants of the Baltringen area and formulated complaints. The abbot, no doubt with the events of 1502 in mind and realising that the Schwäbische Bund was not available now agreed to negotiations by notarial decree, be it mediation or arbitration. The peasants accepted this voluntarily and were not actively involved in the escalation of supra-local protest in the area from February 1525 onwards.75 Again the main issues reveal something of the intra-village balance of power. Two provisions of the 1502 treaty were brought up in a slightly expanded form: First the right of all subjects to dispose freely of lots of land, probably referring to the restriction in the agreement of 1502, where disposal of land in order to enter another profession was charged with Hauptgelde and the rule that rent contracts could only be transferred to another subject of Ochsenhausen. The second one was the claim that the equal rights of subjects and Ungenossen should be preserved. Both complaints were implicit criticism of the technical aspects of serfdom but no criticism of the principle as such, although the ideology of the "Divine Right" had spread widely by then. A third issue was a more radical one: all villagers should have the right to use the Allmende. It seems that here the landless were the driving force, claiming to be holders of full rights to the communal lands. The striking fact remains that the Gemeinde as a political body of the landed peasantry did not prevent the formulation of these issues. Could they afford to remain silent after the 1502 treaty or were the landless numerically so superior that their voice had to be heard?76

Whatever the circumstances, the case of Ochsenhausen illustrates how all layers of the rural population managed to represent their grievances and objectives. Normally the rural proletariat was only heard of in the complaints of the Gemeinde: the villages were overpopulated, there was abuse of common land and other rights and the authority and autonomy of the Gemeinde was undermined by coalitions between lords and landless peasants. Yet in Ochsenhausen the latter participated in the same procedures with their landed colleagues, only they were defending different interests.

75 C. Ulbrich in H. Buszello et al. (eds.) 1984:105-106.
76 All the evidence points to the first possibility. An outright victory of the landless would constitute a unique event.
The fourth case to be discussed illustrates the close relationship between routine conflict resolution and the origins of the escalations of conflict in the course of the first months of 1525. The example of the abbey of Kempten in Upper Swabia is presented in order to show how rural protest was seen differently by peasants and their opponents. The events of 1525 differed only in scale and not in form from earlier rural conflicts. This was appreciated and recognised by the peasants who were conscious of this continuity, yet interpreted as qualitatively different by the lords. The case of Kempten is a very good example.77

The abbey of Kempten possessed land around the town of Kempten in Allgäu and was lord over the town as well. Already in the 15th century the abbots (Fürstäbte) were notorious for their aggressive policy of expanding control over their subjects. The principle of the ärgere Hand was used to expand the Leibeigenschaft and restrictions on the serfs were very strong. Most measures were not only abuses of the Herrschaft but clear violations of rights as well. Serfdom was imposed contrary to tradition and refusal was punished with imprisonment. Protests of the subjects of the monastery had been to no avail as the abbots were unwilling to negotiate. The complaints of the peasants concerned the frequent abuses of serfdom and high taxes, especially the levy of the Reissteuer, the war tax. Also the peasants complained that they were forced to sell all their surplus to the lord and that the abbot tried to take over the competence from entering the market of the local courts. In the 1480's the conflict went beyond the negotiations between the abbot and representatives of the peasants. The intervention of the Schwäbische Bund was requested as was the usual procedure in a conflict between lord and subjects which had failed to reach a negotiated settlement. In 1491 the League formulated a treaty concept that served as the middle road between mediation and outright arbitration.78 The content of this solution allowed the abbots to continue their policy on most points. The representative of the peasants did not accept this. The communities around Kempten that belonged to the abbey decided to resist the intervention of the Schwäbische Bund and collectively called for arbitration by the Emperor. They barricaded themselves in their village churches and graveyards as a sign of protest against the prejudiced League. The invocation of the Emperor, an implicit negation of the competence of the League, turned out to be counterproductive. The Emperor did not respond positively, the League intervened with military force and a treaty was dictated in 1492.79

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79 The text can be found in G. Franz (ed.) 1963:25-28.
In the following years the abbots saw little reason to change their policy, feeding resentment in the countryside as well as in the dependent town of Kempten. The Reformation was accepted quickly in the town and Protestant preaching was allowed by the town council already before the Peasant War although it does not seem to have had a strong influence in the countryside where the worldly behaviour of the abbots provided enough material for conflicts.

When a new abbot was nominated in 1523 the subjects of the monastery decided to refuse to swear the oath of allegiance until the abbot declared himself ready to discuss the grievances of the peasants. A committee was formed to mediate in the conflict. This committee consisted of the members of the nobility and four mayors of towns. In the period between May 1523 and January 1525 the commission organised twelve meetings between representatives of the peasants and the new abbot. These meetings were not successful and in January 1525 the abbot bluntly refused to continue the negotiations as he was not prepared to make concessions. Among the grievances was a protest against the inauguration tax (Weinsteuer) required by the new abbot at an unheard of level. For the purpose of the negotiations the subjects of the abbot presented themselves as a political body, the "Landschaft" of Kempten, consisting of all the subjects of the abbey of Kempten. Alongside the procedure of negotiations, Gemeinden continued to file complaints with the local courts, possibly as a sign of protest against the abbot's attempts at weakening their power in order to obtain all judicial authority. When the mediation had failed clearly, in January 1525 the peasants of the Landschaft Kempten were called together by their representatives to discuss the next step.

The next move was a request for arbitration by the Schwäbische Bund as had happened in 1491. This was a very costly move as lawyers had to be hired and representatives had to be sent to Ulm, the seat of the League. For the financing of such a move the cooperation of all the subjects was required and once the decision had been made, a solemn oath was sworn by all the Kempten peasants on 23 January in the village of Leubas. The peasants thus appealed to the Schwäbische Bund as the Landschaft of Kempten and they informed the League and the representatives of the Emperor that the sole purpose of their union was to seek redress of grievances. This was no unwise precaution at the time because there existed already considerable unrest among the authorities concerning semi-permanent gatherings in the Hegau area to the West, where peasants had formed Häufen in order to give more weight to their grievances. These gatherings were not unusual as

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82 G. Franz 1956: 114.
such, but the coincidence of several of these collective manifestations, however peaceful, was a source of worry to the authorities. However, the Kempten Landschaft remained in the tradition and the formulation of grievances (remarkably similar to the ones of 1492, when a treaty had been forced upon the peasantry) was followed by the nomination of two representatives who were sent to Ulm. There they engaged in preparatory talks with a lawyer from Tübingen, Fenniger. During the preparations, on 20 February, the representatives of the Landschaft were called back to receive new instructions.83

As a result of external circumstances the attitudes within the Landschaft had changed and they had decided to follow another path rather than to stick to the routine. The news of the events in the Black Forest and Hegau, where the call for the "Divine Law" was heard first in November 1524 due to the inspiration of preachers of the Reformation, had reached Upper Swabia and influenced the tactics of the contentious peasants. The more abstract ideology of Göttliches Recht appealed to the peasants for several reasons. This idea reflected the deeply rooted feeling that customary law had been eroded by the aggressive attempts of the lords to form or consolidate territorial units. The protestant creed had been very successful in towns although the reception in the countryside was considerably less favourable. But at this stage many peasants were susceptible to the aspect of fundamental legitimation through the Bible. It not only offered them more prospects than the weakened protection of customary law, but it also fitted very well the specific grievances against clerical institutions: the abuse of tithes and Todfall and the consequences of Leibeigenschaft. Furthermore it offered the possibility of extension of the political union of the peasants. The Landschaft of Kempten had been limited strictly to the subjects of the abbey for whom a specific set of rules and obligations had been pertinent. Conflict resolution had been attempted on the basis of this alte Recht, and success had been limited, as was shown by the continuity of grievances. The adoption of Divine Law offered the possibility of attempting supra local organisation and impressive collective action. The mass gatherings of armed peasants that are so typical of the Peasant War must be seen as elements of pressure, used by the peasants to obtain better results from their intended form of conflict resolution, negotiation or arbitration. The Landschaft of Kempten had decided to follow this course and the first meeting with representatives of subjects of other lords took place in Sonthofen on 14 February 1525.84

After 20 February the conflict of the Kempten peasants became a wider conflict, provoked not least by

84 Ibidem, p.160.
the attitude of the Schwäbische Bund, they started military preparations already in 1524, although these were not primarily intended against the peasants of Kempten or other protesting peasants. The League was afraid of a threatening invasion of duke Ulrich of Württemberg, who had been deposed in 1519. For different political reasons the two strongest powers in South Germany, Habsburg and Bavaria, were united in their opposition to Ulrich. The army to be raised was to be directed against duke Ulrich and secondly to the rebellious town of Waldshut on the Rhine. But the rural communities had suffered military intervention before and feared - not without reason - a new intervention to counter the pressure of Haufen of the supra locally organized peasants. All measures the peasants took from mid-February onwards have to be seen in the light of the attitude of protracting negotiations while secretly arming. The defensive character of peasant action is thus closely related to other issues than rural protest and the impact of external events is very important in the process of the escalation of rural conflict in Upper Swabia in February and March 1525.

In January 1526 the conflict between the abbot and his subjects was brought again before the Schwäbische Bund. The result was the treaty of Memmingen, a codification of rights and obligations which was more favourable to the peasants than the treaty of 1492. Some of the dues linked to serfdom were abolished, although the abbot could still claim half of the inheritance of his serfs (Halbteil). The treaty offered a sound basis of protection and peasants referred to the treaty in conflicts even as late as the eighteenth century in court cases against the abbot (1666, 1721, 1732). The codification proved to be an achievement of the protest of the Landschaft in the context of the supra local conflicts in 1525. Its durability was the reason why a local historian in the nineteenth century described the codification of the customary law as the main achievement of the Peasant War, even when the general opinion on the impact of the "war" was quite the opposite at that time.

2.3 The escalation of conflict: 1524.

The events that led to the outbreak of the German Peasant War must be seen in the context of the immediate political circumstances of the German Empire in 1524. As will be demonstrated in the following paragraph the biggest difference between rural conflict in 1524/1525 and other years was the attitude of the authorities, provoking the peasants who so far had voiced protest and grievances only in a routine fashion. Before discussing the details of the escalation of rural conflict in 1524/1525 a short analysis of the political

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85 W. Vogt (ed.)1880: passim.
86 J.E. Jörg 1851:132-133.
87 H. Buszello et al. (eds.) 1984:348.
88 J.B. Haggenmüller, quoted in H. Buszello et al. (eds.) 1984:325.
situation of the German Empire will be presented as far as this bears relevance to the occurrence of rural conflict.

A very important internal development had been the success of the Reformation after 1517. The adoption of ideas of the Reformation was for the most part a purely urban matter but its success was considerable and many town councils decided to adopt the protestant creed in the early 1520's. The reasons for doing so were mostly very worldly. Many towns fell under the jurisdiction of bishops and prelates. There existed a marked discrepancy between the economic weight of cities like Nürnberg, Augsburg and Strasbourg and the political freedom of their ruling elites. This political anti-clericalism was supplemented with strong feelings of economic anti-clericalism. The clerical attempts at control over marketable foodstuffs from the countryside and the economic enterprises of abbeys threatened employment in cities and resulted in higher prices at the town markets. Hence, a certain consensus against the clergy existed among the urban population. Ideas of the Reformation had success with the poor and the rich.

Within the political structure of the Empire the towns tried to resist the growing influence of princes and prelates who pushed to include the towns into their territories. The Reformation gave the possibility of resistance against clerical princes and stimulated other forms of resistance as well. The city of Nürnberg provides a good example of how the adoption of the Reformation was almost forced on the population by order of the town council. A similar process can be seen in Strasbourg or Zürich. From 1521 onwards the cities increasingly formulated protests against the financial requirements of the Habsburgs. The rich merchant cities of South Germany felt overburdened and resisted new taxes to finance the wars against the Ottomans and the French. At the Reichstage of 1523 and 1524 these protests led to clashes between the cities and the Imperial government. The Reichsrégiment was further weakened by these internal conflicts and moved from Nürnberg to Eßlingen because Nürnberg was one of the foremost active cities, both in Reformation action and protest against new extraordinary war taxes. The Imperial cities entered in regular contact to discuss their communal problems and separated themselves from the clergy and the nobility alike. Inside the Schwäbische Bund tensions arose over policy and financing and within this South German body the same factions were formed: Princes and clergy against the cities.

The news of these conflicts spread to the smaller towns and the countryside. The multitude of pamphlets

90 W. Vogt (ed.), passim.
that continued to appear on topics of the Reformation and reform of the Empire stimulated the popular
discussion on taxes and tithes. This discussion gradually spilled over to the countryside, especially to the
rural possessions of the big cities. In the territory surrounding Nürnberg refusal of tithes and taxes was
followed by a more active demonstration of anticlerical feelings in the summer of 1524. In Forchheim a
crowd of peasants and townsmen demonstratively fished the ponds of the bishop in protest against the clerical
policy of obtaining a large share of the fish market by strictly limiting the fishing rights of the peasantry
while exploiting ponds themselves. The Forchheim protest was a combination of religious and economic anti-
Catholicism where the city and the peasants shared a communal interest.91

The urban protest against Imperial war taxes was successful because the Habsburg forces were kept
occupied at the borders of the Empire and were unable to enforce the loyalty of the cities by military
intervention. In 1524 Habsburg forces were fighting in Northern Italy, in Burgundy and at the Austrian
border with the Turks. Imperial cities and towns got away with tax refusal and in some cases tith refusal as
well.92 This stimulated some cities to openly adopt the protestant creed and to nominate preachers. The panic
in the Summer of 1524 was considerable among the princes and the clergy. Under the auspices of the papal
nuncio Campeggi a defensive union was formed by the archduke Ferdinand of Austria, the Bavarian dukes and
the bishops of Salzburg, Trente and Vienna93 Elsewhere the nobility of Upper Swabia agreed with the bishops
of Konstanz and Augsburg to defend the Catholic creed and to resist the attempts at increased autonomy of many
cities.94

The Schwäbische Bund was internally divided and remained impotent during the Summer of 1524 as the
cities blocked all attempts at unity, much to the annoyance of Chancellor Eck who represented Bavaria.95 He
distrusted the cities and saw a close link between protestant ideas and political insubordination, which was not
altogether wrong in the case of many cities. As the most influential member of the League he realised its
present impotence at a time when the Reichsregiment had no authority left and when all military force the
Empire could muster was engaged elsewhere. In the early Summer of 1524 the South German authorities
were already on edge before anything unusual had happened in their territories. They had followed the events
in Northern Switzerland where a wave of iconoclasm swept the countryside against the will of the

91 The complaints of Forchheim can be found in G. Franz (ed.) 1980:339.
The town of Waldshut was not at all unique in its attitude of refusal.
93 G. Franz 1956:90.
94 Ibidem, p.91.
95 The correspondence between Eck and the League was published by W. Vogt in 1883.
Confederates who were trying to reestablish control by forceful intervention. Yet the damage was already done as the Swiss were seen as political heretics, disloyal to the Empire. They were considered active enemies of the Habsburg Empire because they were thought to be on the side of the French king to whom they had offered military assistance in Italy although against cash payment. The Austrian authorities feared a complication of the conflict with France being fought in Burgundy and Northern Italy.

The deposed count Ulrich of Württemberg made preparations for a military invasion in order to drive the Habsburg government away from his duchy. Ulrich was seen as a dangerous fool, and was detested by the Austrians, the Bavarians and many of the smaller princes alike. He had received support from the French and it was feared that the Swiss supported him as well since he had acquired the citizenship of Basel.

Due to the geopolitical developments in the Summer of 1524 the authorities in the small territories of South West Germany had become extremely sensitive to all news of further disobedience or disloyalty. They did not have an executive branch and were increasingly confronted with tax refusal in the cities. In April and May the Landtag of the Habsburg possessions in South West Germany had come together in Breisach near the Rhine. There the refusal of several cities on the Rhine to pay the new war taxes was discussed and attention was focused on the town of Waldshut which had refused to be present. This town was subject to Austria and situated on the Rhine, at the border with Switzerland. It was the seat of the well known preacher of the Reformation Balthasar Hubmaier and hence a source of worry to the Habsburg authorities. Fear was widespread that several cities were considering applying for membership of the Swiss Confederation. All religious heresy was seen as a sign of increased danger of political disloyalty. After all the Habsburgs were champions of the Catholic faith and engaged in defending the Church against the Turks. Refusal of the Türkensteuer in their own cities where protestant preachers had been nominated against the will of the government was a painful matter that called for redress. The Landtag adopted a motion against Waldshut on 23 May 1524 and plans were made to charge the Schwäbische Bund with negotiations or intervention.

Waldshut had been a problematic case already for a longer period. The town was particularly involved

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97 Ibidem, p.446.
100 T. Scott 1978, 1979 passim.
with the abbey of St. Blasien in the Black Forest over a series of problems, ranging from economic competition to political authority, as the monastery held citizenship in the town, causing an ambiguous situation for serfs of St. Blasien who went to live in the town of Waldshut.\textsuperscript{101} The preachings of Hubmaier in the surrounding countryside had accentuated the conflict between Waldshut and St. Blasien and caused unrest in the surrounding villages where competences clashed. In the village of Gurtweil, a possession of the Habsburgs that was mortgaged to the abbey, this had led to a conflict of jurisdiction between St. Blasien and a magistrate of Waldshut in the spring of 1524.\textsuperscript{102}

Such conflicts were at least as much routine as were conflicts between lords and peasants, but seen in the context of Waldshut's protestant opinions and the recent refusal of tithes and taxes of nearby towns as well they acquired a new and worrying dimension. The Reformation was coming to the countryside in South West Germany at a very inopportune moment.

The complexity of the international geo-political developments, the proximity to unruly Switzerland and the success of the ideology of the Reformation and subsequent refusal of tithes as well as extraordinary war taxation in many towns made the authorities in South West Germany very cautious and increasingly worried in the Summer of 1524. They feared a conspiracy of the French and Swiss to support duke Ulrich as well as the autonomous current in the protestant towns. Political and religious developments coincided only to enhance the sensitivity of the Habsburg authorities at a time when domestic military support whether from the Reichsregiment, the Schwäbische Bund or the Habsburg armed forces was impossible to get. All internal developments were followed with a caution that blurred the common sense and the reasonability of the authorities involved, as some peasant communities in the area would soon realise in the Summer of 1524.

2.4 1524: The first developments in the countryside.

A first event concerning peasant action that caused some unrest took place in the area West of Schaffhausen, now the somewhat bizarre exclave of Switzerland North of the Rhine. The villages in this area formed the territory of the abbey of All Saints, owned by the bishop of Konstanz and the counts of Sulz, counts of the nearby Klettgau and prominent representatives of the Habsburg government in South West Germany. The city of Schaffhausen had shown considerable interest in the acquisition of the area in order to increase the rural territory that was under control of the town council and that could be used for the provision of the town

\textsuperscript{101} Citizenship did not necessarily make peasants free as it had done in the Middle Ages.
\textsuperscript{102} T. Scott 1978:96.
markets. In May 1524, the acquisition became final and the subjects of the abbey now became subjects of the town belonging the Swiss Confederacy. This change of Herrschaft drew the attention of the Habsburg authorities who still governed considerable parts of the border areas with Switzerland, their former homeland. Archduke Ferdinand asked count Rudolf of Sulz to investigate whether old documents were still available on the basis of which Habsburg authority could be claimed. But Schaffhausen was now in control, which held implications for the peasants in the area, as for subjects of the All Saints Abbey.

On June 20, 1524 the peasants that were affected by the change met in the village of Hallau to discuss the new situation. There they decided to address themselves to their new lord, the town council of Schaffhausen, and to ask for a lowering of dues and the abolition of serfdom. This request was quite understandable as the territory had effectively been secularised and the level of dues was always lower in worldly possessions than in clerical territory. But, such a lowering - however reasonable - was not in the interest of the town. The Swiss towns made a clear distinction between the religious/political aspects of the Reformation and the economic ones, as is shown for instance by the interesting case of the territory of St. Gallen when it came under control of Zwinglian Zürich in the late 1520's.

The peasants conveyed their demands to the city and later the matter was discussed in a meeting of the Confederates. In this fashion the permanent representative of the Habsburg government at the Swiss meetings, Veit Suter, was able to inform Archduke Ferdinand on 14 July 1524 of the exact demands of the peasants. These were quite simple: (i) the abolition of the Leibeigenschaft and all its worldly manifestations and (ii) the conversion of tithes to their pure original form; a tenth of the harvest to be used for the maintenance of the village priest. We know that the peasants did not get what they wanted as the same grievances were formulated a year later, in the Summer of 1525. Then (iii) the abolition of the serfdom and its consequences (that tithes be used for the keep of the priest and eventually for the support of the poor and a moderation of Fronen) were asked for by the united villages of the territory of Schaffhausen. These requests were clearly related to the recent transition of Herrschaft and were not the result of the intrusion of ideology of the Reformation. It seems that Balthasar Hubmaier, the protestant preacher of Waldshut was in the Hallau area in

103 W. Stolze 1928:299.
104 H. Schreiber 1863:3.
105 W. Stolze 1928:10, passim.
107 T. Scott 1978:94.
August 1524. However, by then the requests had already been formulated and no change occurred between May 1524 and the Summer of 1525.

By July 1524 the Schaffhausen town council had bigger problems on its mind than the peasants’ requests. The removal of a protestant preacher from the town of Stein to Frauenfeld had been followed by a raid of inhabitants of the former town on the monastery of Ittingen. This was yet another proof of the growing power of the iconoclastic preachers of the Reformation in the Swiss towns where quiet conservative Catholicism had been the rule, preserved so as not to displease the powerful Catholic force of the Habsburgs.

At the same time of the “Ittinger Sturm” a natural storm struck the Western shores of the lake of Konstanz, seriously damaging the crops in the area between the lake and Schaffhausen. The total destruction of the nearby ripe harvests in some areas caused unrest in the afflicted villages which was difficult to soothe.

When the abbot of Reichenau appeared at a meeting of his peasants he was told that many men had decided to leave for the Habsburg armies in France to enlist as Landsknechte. That was the only way to find reliable compensation for the very serious loss of the harvests. The abbot tried to prevent the men from going but he was shot at. Many peasants had unvoluntarily become Landsknechte as a result of the storm and it was to be expected that food prices would go up in the nearby towns, including Schaffhausen.

As if all this was not enough other events further disturbed the peace in the countryside around Schaffhausen, this time further to the West, where the Black Forest came down to the Rhine.

A major role during the unrest in the villages was played by the abbey of St. Blasien, situated in the heart of the Black Forest. The abbey held possessions all over the area and was especially influential since it had many Leibeigene in many villages in the South West. Like many other religious institutions the abbey of St. Blasien tried to strengthen control over its subjects and tenants which meant, in practice that it tried to force all of its peasants into Leibeigenschaft. Some of the peasants concerned had known a long tradition of resistance against these attempts. The subjects of St. Blasien in the Herrschaft Hauenstein situated between St. Blasien and Waldshut on the Rhine, had already protested in the 14th century as they claimed to be free subjects of the monastery, freie Gotteshausleute. Their resistance had escalated already twice, in 1369 and 1412, when a group of peasants had entered the monastery and destroyed windows, earthenware and other

111 D.V. Sabeen 1972:75.
112 The decision to depart as Landsknechte after a failed harvest indicates the familiarity of the rural population with the martial profession.
113 T. Scott 1979:86.
 utensils as a manifestation of protest. This was a rare but well known form of protest, *riegen*, and was an expression of strong popular support, ritualised in the destruction of a limited number of things and thus clearly distinct from real pillage.\textsuperscript{114} The legitimacy of the Hauenstein peasants was confirmed by an agreement between the Habsburgs and St. Blasien in 1455, by the Imperial charter of 1467 on the status of the population in the Black Forest area.\textsuperscript{115} The abbots of St. Blasien appear not to have been impressed and continued their policy and in 1522 new complaints were heard from the Hauensteiners. The conflict over the status of the peasants had not been resolved by the charter of 1467 and subjects and abbey stood opposed as they had been over the last 150 years. No solution was near and in May 1524 the subjects of St. Blasien in the county Hauenstein decided to use more pressure. They refused to pay Todfall and other signs of serfdom as they rightly claimed that they were free. The abbot of St. Blasien informed the Hofgericht in Ensisheim, the seat of the regional Habsburg government on 30 May. He claimed to have written proof that all the dues were legitimate and that his subjects had no right to protest in this way. The peasants were wrong because they had an incorrect memory of the agreements, "Dann es sind nit me so all leut in leben als die domals davon gesagt hau.\textsuperscript{116} The opposition between written proof and oral tradition loses much of its strength when the charter of 1467 and the detailed complaints of the peasants are kept in mind. It seems that the abbot followed a course of intimidation and bluff in order to secure the support of the authorities. By the end of June, the abbot had even more reason to be worried. Two villages to the East of St. Blasien, Ewattingen and Bettmaringen, had also sent a list with complaints against the abbot. This move was inspired by an event in the nearby village of Stühlingen.

Stühlingen and several of the surrounding villages were a possession of count Sigmund of Lupfen, who was a Landvogt for the Habsburg authorities in Alsace and who had charged his cousin Jörg with the management of his possessions. Stühlingen was located exactly between the villages where St. Blasien held possessions and the villages that had recently been acquired by Schaffhausen. It was less than eight kilometers from Hallau where there had been a gathering of Schaffhausen peasants on 20 June. It stands to reason that the recent developments to the East and West inspired the Stühlingen peasants to get together and formulate their complaints. This move as such was totally routine. The Stühlingen peasants confronted Jörg of Lupfen with detailed complaints of infringements upon customary rights.\textsuperscript{117}

\begin{itemize}
  \item \textsuperscript{114} On rügen as a practice of collective action: K. Gerteis 1979.
  \item \textsuperscript{115} T. Scott 1978:86.
  \item \textsuperscript{116} H. Schreiber 1863:1.
  \item \textsuperscript{117} The complete list is published in G. Franz (ed.) 1963:101-123.
\end{itemize}
The reaction to the manifestation of the Stühlingers seemed also routine, but a closer look revealed the worry of the authorities and the regional nobility. The latter met in Ehingen from 4 to 18 July in order to discuss the results of the Landtag in Breisach.\textsuperscript{118} A close relation between the events in Stühlingen, the conflict with St. Blasien and the policy of Reformation of Waldshut must have been assumed. Archduke Ferdinand was no less certain. From the very start he referred to the Stühlingen protest as Lutheran business, "Luttrische Sachen."\textsuperscript{119}

This interpretation is crucial for an understanding of the attitude of the authorities. Although these were routine conflicts the fact that they happened so close to Waldshut and the Swiss territories was perceived to be extremely dangerous and to require close attention. The local character of the Stühlingen complaints and its legitimation in local customary law were not at all appreciated. The lords mixed fear of side effects of the Reformation with the fear of a rebellion of their subjects. The combination of iconoclastic movements in nearby Switzerland, the expansionist moves of Schaffhausen and Waldshut's stubbornness lifted the action of the peasants of St. Blasien and Stühlingen above the level of local routine conflicts.

In such a society where reliable news was rare, the diverse events amalgamated into a serious situation. However, the standard procedure of mediation was followed in the case of the conflict between the count of Lupfen and his subjects. At first there was no progress because the Stühlingen peasants refused the suggested composition of the committee of mediation. The principal negotiators were two noblemen, Hans Jakob von Landau, Landvogt of the county Nellenburg and Ulrich von Habsberg, bailiff of Laufenburg and military commander of the four towns on the Rhine. The peasants wanted to elect half of the committee of arbitration, as was usual. They suggested representatives from the Rhine towns and from the Black Forest. This demand was refused as nobility and authorities did not want the towns, among them Waldshut, to interfere. They were already under pressure because of their tax refusal and the rebellious and protestant attitude of Waldshut. On 24 July an agreement was reached in Tiengen to postpone the negotiations for a month in order to reconsider the suggested solutions.\textsuperscript{120}

This recess served two other purposes as well. First it was a \textit{trève de labourage} for the peasants who

\begin{itemize}
\item \textsuperscript{118} At the Landtag plans were accepted to deal with towns which refused to pay taxes and with Lutheranism in general.
\item \textsuperscript{119} H. Schreiber 1863:8.
\item \textsuperscript{120} T. Scott 1978:95.
\end{itemize}
now were free to harvest. The regional nobility meanwhile prepared for their usual approach to conflict resolution: to show military force in order to intimidate the peasants. Count Sigmund of Lupfen wrote to Archduke Ferdinand asking for military support and count Rudolf of Sulz, head of the Habsburg government for all the territories in South West Germany went in person to Innsbruck to obtain money in order to finance the levying of troops and the purchase of cannon.\textsuperscript{121} Here another serious deviation from the normal course of events occurred. There was no money available. The military conflict with France, fought in Burgundy, Southern France and Italy and the need for attention to moves of Ottoman forces had absolute priority, no money could be spared for internal military use. For the moment the party of the lords had to do without the usual show of force. This only increased their worries and made them even more sensitive to the actions of the peasants. In turn, the peasants did not stick to their promise to undertake no act of hostility either. The lords had continued their preparations and the peasants did nothing different. In the course of July the peasants of Stühlingen and surrounding villages had met and deliberated on the course to follow. It had been agreed to continue the negotiations on 24 August in Tiengen and meanwhile the peasants decided to strengthen their position in these negotiations as well. They decided to organise themselves more formally and they chose as a leader Hans Müller. He was a former Landsknecht and gifted organiser from the village of Bulgenbach in the Black Forest. Under his leadership the peasants manifested themselves now as a unified group, provided with a banner in the colours of Austria, red, white and black. The purpose of this action was to increase pressure on the authorities to improve the chances of a negotiation acceptable to the peasantry, while at the same time stressing their loyalty to the Emperor and his representatives.\textsuperscript{122}

Around the time the negotiations were picked up again a large group of peasants marched to Waldshut with their banner and stayed there in order to gain support from the town council. The exact date of this stay is unknown, but it seems likely that it was just another move to obtain a better position in the negotiations.\textsuperscript{123} The authorities were convinced that there was a conspiracy between Waldshut and Stühlingen which increased their anxiety. They organised a meeting with the regional nobility in Radolfzell on 31 August to discuss plans for the suppression of the Empörung of the peasants and for military action against Waldshut.

Their collective action, choice of a leader, use of a banner and march on Waldshut are all indications

\textsuperscript{121} Ibidem, p.97.
\textsuperscript{122} H. Buszello in H. Buszello et al. (eds.) 1984:64ff.
\textsuperscript{123} Ibidem.
of how a Bundschuh should have been: a movement to master support in order to improve chances at the
negotiations. As Waldshut was known to be contrary to the regional authorities it was a likely town to look for
support. Furthermore, Waldshut was one of the Rhine towns that were potential mediators in the conflict.
From this point of view, the action of the Stühlingen peasants was not at all unusual or military threatening.
The peasants had agreed to continue the negotiations and went to Tiengen, en masse to press their case. This
caused the authorities to postpone the negotiations and reconsider their policy. The town council was very
cautious as far as a coalition between Waldshut and the peasants was concerned. There was nothing agreed upon
beyond mutual support in a case where town and peasants had the same opponent.124

Waldshut had been warned by the Swiss who were concerned about the effect of the Ittinger Sturm in
their territory and the town took this to heart. The Swiss Confederacy had the right to lodge troops in the four
towns on the Rhine and this was seen as potential support in case of a military campaign as desired by the
Habsburg authorities. Their support was not to be despised. By the end of August Hubmaier under pressure
from the authorities, left Waldshut for Schaffhausen and from there he went to a deserted monastery further
South. The Swiss promised the Habsburg representatives not to interfere and Schaffhausen offered to mediate
between Stühlingen and count Sigmund of Lupfen. This sudden détente was caused by the shared interest in a
quiet solution at this stage. The Swiss did not want unrest at their borders that might spread to their rural
communities. Waldshut feared a military intervention that might be provoked if a too close association with
the peasants occurred and the authorities were in favour of rapid negotiations as they were still unable to levy
troops for lack of money.125

From the point of view of the authorities, negotiations were a necessity for the lack of military force
did not allow an approach more suited to their interests. They saw a close relation between the Hauenstein -
St. Blasien conflict over serfdom, the Stühlingen conflict with count Lupfen, the protestant policy of
Waldshut, the fiscal disobedience of the Rhine-towns and the Swiss participation in the Franco-Habsburg
war. To this the rumours of a threatening invasion by count Ulrich of Württemberg should be added.

Thus two 'routine' rural conflicts, the one between the abbot of St. Blasien and his subjects, and the one
between count Sigmund of Lupfen and his peasants, became entangled in a larger coincidental constellation of
regional tensions and international conflict. Hence the authorities, powerless because the military priorities

124 However, contemporary observers were naturally inclined to see the agreement as born from a more
conspiratorial cause.
125 The military obligations of the Habsburgs against the Turks and in Northern Italy prevented the central
authorities from making available funds for South West Germany. This would not change until 1525.
were elsewhere, did not see the conflicts as local lord-subject conflicts, but as a part of a general conspiracy.

In early September 1524 the tensions faded away quickly. On 7 September Schaffhausen began its negotiations between the count of Lupfen and his subjects. The interest of Schaffhausen in a settlement was understandable. Stühlingen was located on the border of Schaffhausen territory near the area where the recently acquired villages had made demands for abolition of serfdom and reduction of dues. Furthermore, the county of Stühlingen was partly mortgaged to the Swiss town on account of the high debts of the count of Lupfen. The negotiations were held between count Jörg of Lupfen and 22 representatives of villages concerned who had received a full mandate from their Gemeinden, as was usual in this type of negotiations. Habsburg authorities and representatives from Zürich were present as observers. The latter pleaded for a mild treatment of the peasants in view of the necessity of a conciliatory move as there were no forces to be used against the peasants in the event of deciding to undertake military action. Furthermore, they stressed that the July storm had damaged the crops already severely and that severe punishment would do serious harm to the peasants. The representatives of Schaffhausen intervened in analogous fashion claiming "So sye auch zu bedencken, wann die Herr die armen Lüt verdarb, sy er auch verderpt." This reference to the mutual dependence of lords and peasants must be seen in the context of the interests of the towns as well. Schaffhausen and Zürich realized that the authorities saw the persistent gathering of the peasants that could not be suppressed due to the absence of military force as an Empörung, a rebellion that had to be punished. This interpretation was not shared by the peasants who saw their organisation as a means of exerting pressure in a routine procedure. They did not want to be punished for a rebellion, they wanted a settlement of the conflict.

On 10 September an agreement was reached consisting of 39 detailed articles dealing with the complaints of the peasants. The count of Lupfen and the peasants maintained a difference of opinion on the procedure of renewal of the oath which had to take place on 12 September. The Habsburg authorities had insisted that the peasants should come to the castle of Stühlingen barefooted, dressed in white woolen clothes to surrender weapons and the banner and to renew the oath of allegiance. This the peasants refused as they did not consider themselves rebels who had to be humiliated. The count of Lupfen was prepared to let the peasants

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126 These circumstances might explain why the list of complaints of the peasants was so long: the counts of Lupfen took every opportunity to increase their income from their possessions.

127 The provisioning of the towns was here clearly in the minds of the mediators from Zürich (and Schaffhausen).


129 The text can be found in H. Schreiber 1863:41-50.
keep their arms "als wir achten, die Buren sich nicht widern werden." This confidence reflects the satisfaction of the authorities involved who were pressed by Schaffhausen to acknowledge that the achieved result was better than the lords had hoped for. The representatives of the peasants just wanted a clear codification of rights and obligations in order to prevent future infringements and this goal had been achieved by the 10 September agreement.

A complication occurred when the news of the agreement spread among the peasants involved. It had been a market day and many peasants were gathered in and near Schaffhausen. Although the negotiators had received a full mandate a minority of the peasants present refused to accept the treaty and the conditions of the renewal of the oath. The latter was out of the question anyhow, as the 22 representatives had refused this already and no such event occurred on 12 September. The treaty as it was was not accepted by the group of peasants and the representatives were asked to re-open the negotiations.

This event showed the different opinions among the peasantry. So far the negotiations had been led by representatives of the village elites, who were willing to compromise, as the 10 September agreement showed. But Hans Müller still led his armed groups of more radical peasants who demanded more results now the political and military momentum was on their side. The rift inside the group of peasants remained in the days after 12 September and the authorities realised that it was a conflict between the rural elite and the poorer peasants and labourers who supported Hans Müller. Schaffhausen offered to mediate again on several aspects of the treaty in order to re-establish order in the countryside. The authorities were now even less prepared to see the events as a routine conflict and preparations for the levying of troops for punishment were stepped up. Schaffhausen as a Swiss town was not trusted anymore and a conspiracy between Swiss, French and Württembergers was feared, a matter far more urgent than the Stühlingen conflict.

The role of Schaffhausen in the negotiations was even more complicated. The representative of the Habsburg authorites noticed that the town urged the peasants to demand more hunting rights, no doubt in order to benefit from a bigger supply of meat that would keep meat prices low in the town.

130 H. Schreiber 1863:40.
131 Ibidem, p.38: "... wir in den Artickeln mehr erlangt haben, dann die Herren begert hand."
133 The negotiators from the peasants reported that they had been threatened with death by the rank and file of the gathered group, dominated by Hans Müller. A. Elben 1889:44.
The negotiations continued now the peasants had disbanded and it was obvious that it had been only a radical minority. The tensions between Stühlingen and the authorities lessened even though no agreement was reached in September. The peasants had shown no intention of engaging in violent action and so long as the negotiations continued the priority shifted to other issues: the threatening invasion of duke Ulrich and the rebellion of Waldshut. The army-to-be received instructions about the priority of these two matters. Meanwhile the Rhine towns engaged themselves in negotiations between Waldshut and Habsburg authorities in order to prevent a military action against their neighbours. Waldshut received some support from Landsknechte from the countryside and from troops that were sent as a precaution by Zürich, while at the same time the town council made considerable political concessions to prevent an escalation.135

While the military preparations continued, and negotiations went on in the Stühlingen and Waldshut cases, attention of the authorities shifted to the manoeuvres of duke Ulrich who lived in his castle at Hohentwiel. The Habsburg authorities took measures to minimalise the chances of a coalition between duke Ulrich and the peasants. Their main worry was the planned Kirchweih, the church fair in Hilzingen near Hohentwiel. Hilzingen was situated in Hegau, East of Schaffhausen in the area struck by the hail storms of July. Rumours of planned actions had spread and the coincidence of a church fair with duke Ulrich nearby so briefly after the Stühlingen conflict made the authorities decide to forbid peasants from neighbouring villages to attend the church fair.136

This prohibition was to no avail and as was to be expected the current rural unrest was a topic for discussion and incited some peasants to claim they wanted to become “Swiss”.137 This was probably nothing more than the excitement of inebriated peasants, but in the present circumstances the authorities were very sensitive. What the Hegau peasants did, however, was to formulate complaints and ask for mediation as well. No indications existed that duke Ulrich was behind all this. The request of the peasant communities was discussed by the Habsburg authorities and granted. On 8 October an agreement was reached that suited both parties. The demands of the peasants were sent for arbitration to the Landgericht in Stockach.138 This satisfied the peasantry who prepared themselves for the case. The lords agreed because they knew that the

135 T. Scott 1978:101-102. The interpretation there does not seem to be completely correct.
137 The Kirchweih was infamous with the authorities as the traditional starting point for Bundschuhe.
Landgericht consisted of members of the regional nobility whose opinions were not to be feared. The negotiators of this agreement—representatives of the town of Überlingen and the bishop of Konstanz—were asked to try to reach an agreement for the Stühlingen peasants as well. They succeeded in this on 13 October, when the Stühlingen peasants agreed about a commission of mediation consisting of four representatives of Überlingen, two of Villingen, Rheinfelden and from the Habsburg possessions in the Black Forest and one from Säckingen and Laufenburg. This result was a considerable triumph for the subjects of the count of Lupfen as the majority of the commission consisted of townsmen and not of members of the nobility. A good chance for success was suggested and proof was given that the sustained resistance of the Stühlingen peasants had paid off.

In view of the differences between moderate and more radical peasants in the Stühlingen villages this compromise can be seen as a victory for the moderate forces which only wanted negotiations and arbitration of their grievances.

2.5 The spreading of rural unrest: Autumn 1524.

The group of more radical peasants under Hans Müller had undertaken action as well. They visited villages in Klettgau to the South on the border with Switzerland and to the North on the plains where the source of the Danube is located. The trips were orderly, the peasants paid for their food and drink and tried to convince the Gemeinden of the merits of their case. In most villages they received support and the travelling group grew in number until they nearly clashed with a group of Landsknechte in the company of Hans Jakob of Landau, the Habsburg official who was on his way to Italy to support the army there. The chance meeting restored a sense of reality after four months of undisturbed peasant activity. The group disbanded and the last group with Hans Müller returned to the Stühlingen region just before the agreement of 13 October was concluded.

The success of the moderate group was even bigger when compared to the moves of the radicals. However, the news and the reasons for action were now known in a broader territory. Hans Müller had to suffer another setback as well. After he had visited the villages in Klettgau the villages complained to Hans Jakob of Heidegg, the regional bailiff and asked Zürich for protection. Zürich held the right of Schutz und Schirm and was therefore legitimately addressed. Count Rudolf of Sulz, lord of Klettgau, held citizenship in Zürich, so the peasants acted quite correctly in order to manifest their loyalty. Obviously they were at the beginning of October not interested in the radical ideas of Hans Müller. By the end of that month, however,

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139 H. Buszello in H. Buszello et al. (eds.) 1984:66.
140 However, it seems that individuals of the Müller group continued to spread unrest (H. Schreiber 1863:109.
they had changed their mind, in the sense that they had decided to provoke negotiations on disputed dues by demanding that count Rudolf showed written proof for the demanded rent, tithes and dues. The Zwinglian concept of 'legitimation in writing' is clearly present here. Soon mediation was offered by Zürich and Habsburg officials and a temporary agreement seemed to have been reached in December 1524.¹⁴²

The wave of agreements on negotiations and mediation in October 1524 first in Hegau and Stühlingen, later in Klettgau and in the Black Forest was a very welcome development for the regional government. Yet it did not give a better opportunity to prepare for action against Waldshut or count Ulrich. Military developments in France and Italy made it necessary for all available troops in South Germany were to leave the country. The government in Austria urged its officials to levy Landsknechte in the unruly areas in order to draw away as many potential trouble shooters as possible.¹⁴³ It was on such a mission that Hans Jacob of Landau nearly met Hans Müller on 11 October in the valley of the Danube. Confronted with this military impotence in the South of the Empire the authorities gladly accepted the offer of margrave Ernst of Baden to mediate between Waldshut and the Habsburg officials. This also took place in October.

In view of the more urgent issues of Waldshut and duke Ulrich, Archduke Ferdinand became more moderate towards the rural unrest. He sent a memo to his officials urging the constitution of more permanent commissions of mediation to improve conflict resolution and to prevent the escalation. He trusted that such a measure would pacify the peasantry, "die weil der Buren mutwillig freventlich Handlung in ihrem Herzen noch ganz new ist".¹⁴⁴

All these settlements for negotiations without the normal pressure derived from the presence of Habsburg forces were unusual but at present the best that could be achieved. The anxiety of lords and officials alike remained and was only slightly mitigated by the knowledge that under these circumstances duke Ulrich would be unable to form an invasion force. From the point of view of the rural communities involved, this development was successful. They had caught the authorities at an inopportune moment and obtained mediation in such a form that more villages were inspired to attempt this procedure as well. The committee that was charged with mediation in the Stühlingen conflict had received a broad mandate and was competent for subjects of the country of Fürstenberg and the abbey of St. Blasien as well. This was understandable given the situation.

¹⁴³ A. Elben 1889:95.
¹⁴⁴ H. Schreiber 1863:110.
where Leibeigene of St. Blasien lived in villages belonging to the jurisdiction of the counties of Stühlingen and Fürstenberg.145

The result was that the success of one group of peasants in negotiations would very likely stimulate neighbouring peasants of other lords. By the end of October the serfs of St Blasien in the county of Hauenstein decided to meet and discuss their tactics. At this meeting an explicit reference was given to the case of Stühlingen, although Hans Müller had not visited their county.146 At a formal Gemeinde, a meeting of the subjects of St. Blasien it was again decided to withdraw the oath and refuse all the dues to the abbey as they considered themselves free. This was only a confirmation of what had been decided in May, but gained importance in view of the impending mediation.

A further move of intimidation of the abbey was carried out at the beginning of November. A group of peasants went to the monastery of St. Blasien and offered themselves as protection against what was called an impending invasion from Swiss and Waldshut forces. The Hauenstein peasants were led by the moderate Konrad Jehle and demanded to be furnished with food and drink. The abbot realized that this was pure intimidation but he was unable to resist.147

The next day, St. Blasien serfs from East of the river Schwarza and from the surroundings of Waldshut joined them, at first peacefully. The Hauenstein peasants disapproved and Jehle ordered them to leave. He was only interested in a settlement between the abbot and the subjects from the county Hauenstein and defended only their interests. The other peasants left after having damaged some property of the abbey in iconoclastic actions. Soon after the Hauenstein peasants also left in a disciplined fashion.148 This incident illustrated the difference in tactics of the Hauenstein peasants, on the one hand, acting disciplined in the tradition of peasant resistance and on the other, collective action in conflicts of radical groups who were influenced by Hans Müller's actions and by events in Waldshut and Switzerland (the Schwarza peasants). Yet even their actions were not fundamentally different from "routine" behaviour in rural conflicts.

145 The multiple competence may have been a pragmatic approach, it also stimulated rural unrest since the case-by-case approach of conflict was now abandoned.
146 T. Scott 1979:143.
147 H. Schreiber 1863:119.
148 In a letter (30 November 1524) of the abbot of St. Blasien to the Austrian authorities the distinction between the groups of peasants and their different behaviour is indicated. (H. Schreiber 1863:121.)
The influence of the more radical peasants, either religiously inspired or over-confident in the absence of repression, can be seen at a new meeting of the Hauensteiners on 21 November. There they demanded that the abbot had to show the documents justifying his exactions to a notary before they would continue to perform dues. The notary had to be the town registrar of Waldshut. The demand for written proof had been picked up as well by Hans Müller, who toured the Northern villages again, this time with a more radical programme having lost the support of the majority of Stühlingen peasants who were content with the agreed mediation. It is interesting to see how Müller failed to gain substantial support on his second tour. Most Gemeinden were not at all receptive to his ideas. After a few weeks he was forced to give up his attempts and to return to Bonndorf to hibernate.

Although the unrest had been going on for nearly half a year the authorities were still unable to muster military force. What is even more important, apart from the Hans Müller group, no peasants attempted to benefit from this temporary power vacuum. They stuck to their usual forms of conflict resolution and refrained from violence apart from the usual intimidation that could go unpunished this time, stimulating an expansion of peasant protest.

On 12 December the Hauenstein peasants gathered again, alarmed by news from their neighbours in the Schönau and Todtnau valleys about a possible attack. This probably referred to the action of peasants in the Münster valley, more to the North West. On that day those peasants occupied and plundered the stocks of the monastery of St. Trudpert. It has been suggested that this was at least partially an action of Hauenstein peasants, but this seems very unlikely.

Two days later, on 14 December, the subjects of St. Blasien in the county Hauenstein negotiated with representatives of the abbot and presented their grievances. On 16 January 1525 a list of these grievances was sent to Archduke Ferdinand with a request to name mediators. On 11 February Ferdinand referred the matter to the Landgericht in Stockach.

Meanwhile the peasants of the Münster valley had reached an agreement with their lords on 20 December. The town council of Laufenburg informed its counterpart in Freiburg of the general attitude of the...
The Stühlingen peasants wrote to Freiburg explaining that they did not support Hans Müller and that he was not their leader. They maintained their adherence to the normal judicial process that was underway. The rupture between the moderate landed peasantry and the radical faction of Hans Müller was once again made public. The religiously inspired radicals who had mainly received support from labourers and indebted peasants had failed to take over the protest movements of the peasants so far.

Towards the end of 1524 ideology of the Reformation had spread in the countryside, but the Hegauers, the Stühlingers and the Hauensteiners remained aloof. They only used those elements that strengthened their case in the routine process of conflict resolution. In Klettgau, a county that was in the possession of count Rudolf of Sulz but received juridical protection from Zürich, this attitude was clearly to be seen. The peasants of the county had promised adherence to the ideas of the Reformation which were increasingly influential in the Swiss town. In exchange Zürich mediated over the complaints of the rural communities. After an initial agreement in December 1524 the Klettgau peasants stuck to the normal procedure and informed Zürich what their exact grievances were. These grievances were later formulated in 44 articles. At the same time, in January 1525 they promised to continue to pay rent and tithes to their lord, count Rudolf. The influence of ideas of the Reformation did not lead to radical changes in the nature of grievances or in the way the peasants sought redress. The conflict of the village of Grießen with the abbey of St. Blasien illustrates this. For several years already a conflict existed over the payment of tithes due to the absence of a priest. By 1525 the villagers demanded the appointment of a new priest who could preach the True Gospel. In order to press their case the Grießen peasants did not pay their full due of tithes in the winter of 1524/1525. They withheld a part arguing that they had suffered badly from bad weather, possible the hail storms of July 1524. This conflict was not unusual and the general willingness of Klettgau peasants to pay tithes was proven by their loyalty to count Rudolf. This specific refusal served a clear local purpose in a fashion perceived to be routine in the whole area. It should not be seen as the result of influence of the Reformation.

The Klettgau peasants were influenced by Clewi Meier, just as the Stühlingen peasants were influenced by Hans Müller. Hans Müller became increasingly influenced by ideas of the Reformation and his goals were

153 H. Schreiber 1863:151 (14 December 1524).
more radical than the demands of the landed peasantry represented in the Gemeinden and in agreed negotiations. Clevi Meier had led a group of peasants to join Hans Müller in early December. He seems to have been a Landsknecht as well.156 Those two leaders represented an undercurrent in the rural communities; they were not part of the main group interested in routine conflict resolution on the basis of customary law. The landless labourers who were often part time Landsknechte had other interests and in an earlier phase turned out to be susceptible to the concept of 'Divine Right'. Customary law and the usual procedures of conflict resolution suited the landed peasantry far more than the lower classes in the rural communities. The agreed negotiations between peasants and lords in Southern Germany were an explicit recognition of the established order and did not suggest drastic changes.

Those peasants who joined Müller and Meier were the poor and indebted, who hoped that they might gain something because of the present unusual circumstances. They had little to lose and not much to gain from the planned negotiations and bet on the more radical approach. Nearby Waldshut was an example of the possibility of prolonged resistance against the authorities. The followers of Müller and Meier easily moved around supraregionally since they did not feel themselves bound by local customary law. In the first weeks of January both groups decided to follow a course even more deviant from normal peasant action. They held themselves available as Landsknechte for the army to be raised by duke Ulrich whose invasion plans neared completion. This move was more than just a pragmatic choice of people with experience as soldiers and who knew the area. They presumably hoped that the campaign would upset the balance of power in South West Germany, an assumption shared by the Habsburg authorities, cities and the Schwäbische Bund alike.157 From this way of action they must have expected more than from the planned negotiations which would not alter the social status or economic position in their villages. But so far they remained a small minority in South West Germany.

In these weeks the Klettgau peasants negotiated with Zürich, the Hauenstein peasants prepared their grievances, which they sent to Archduke Ferdinand on 16 January 1525 and the Hegau and Stühlingen peasants awaited negotiations, the first at the Landgericht in Stockach, the latter through the agreed committee of predominantly urban origin. In the last days of 1524 problems appeared in both cases of negotiations. First, the court consisted only of noblemen, men of the Hegau region. This had been enforced by the nobility several years before although it was contrary to the normal practice.158 Therefore it is not

156 Ibidem, p.152.
158 F.L. Baumann 1876:532.
surprising that the representatives of the peasants protested. Second, the court stated that it intended to engage in mediation only. This was contrary to the October agreement in which it was decided to go to court to obtain arbitration. What was important was the fact that during a process of mediation the fundamental legitimacy of the dues and obligations under discussion was not at stake. Consequently in case of mediation the dues still had to be paid until a proposal suggesting otherwise was accepted by the parties. In case of arbitration it was a different matter. When the legitimacy of dues and obligations had to be decided upon the peasants were not obliged to pay those dues or perform the duties until the court had decided otherwise. Since such court cases often lasted for months if not years the difference between mediation and arbitration had a very real significance and the refusal of the peasants in this matter can be understood easily. No solution was found at a second court session on 16 January 1525.¹⁵⁹ The judicial procedure was broken off before it had truly begun.

Now recourse was sought to another method. Representatives of the peasants were sent to nearby towns to express their grievances to the town councils. These town councils offered their services, no doubt being acquainted with the nature of the Stockach Landgericht. Soon after, in the beginning of February, an agreement was reached through the mediation of representatives of Konstanz, Engen, Stockach and Radolfzell, the four big towns of Hegau. The details of the agreement are unknown, but as a result peace was restored in the area for the next two months.¹⁶⁰

The Stühlingers had a different problem. Here the subjects of count Sigmund of Lupfen had manifested grievances against him. But on 28 December 1524, count Sigmund died. This created a new and sensitive situation as a new lord had to be appointed and the oath renewed. The mediators came with a suggestion accepted by all parties on 10 February 1525: to send the complaints to the Reichskammergericht in Eßlingen for arbitration. It stands to reason that the peasants were satisfied with this agreement. The highest judicial court in the Empire was at least more reliable than the Stockacher Landgericht and during the process the disputed dues did not have to be paid. The Reichskammergericht decided on 7 March to accept the case and lords and peasants were invited to come and present their case, respectively on 4 and 6 April 1525.¹⁶¹

By mid-February the Hauenstein peasants were waiting for their court case in Stockach, the Stühlingers prepared for the Imperial Chamber of Justice, the Klettguers dealt with Zürich and the Hegauers

¹⁵⁹ H. Buszello in H. Buszello et al. (eds.) 1984:68.
¹⁶¹ H. Buszello in H. Buszello et al. (eds.) 1984:69.
had reached an agreement through towns. Despite the military impotence of authorities, the rumours of an invasion by duke Ulrich and the disobedience of Waldshut no escalation had occurred, even though such a multiplicity of grievances, from communities in the Black Forest to the lake of Konstanz had never occurred before. Each individual conflict was in fact a routine one but the coincidence of several ones in adjacent areas had been a very worrisome development. However, as things stood by mid-February, the Habsburg authorities in the Black Forest area could be satisfied. Everything was under control and the different groups of subjects followed their individual processes of mediation or arbitration. The feared large scale conspiracy had not taken place. In this area rural conflict still took the normal form.

2.6 Escalation of rural conflict: February – April 1525.

To the East of the lake of Konstanz and in Upper Swabia a totally different situation existed by mid-February 1525. In this area the foundation was laid for the escalation of rural conflict, leading to the political crises and urban revolt in large parts of South and Central Germany, a complex of events later named the German Peasant War, although the predominance of rural action was absent beyond South West Germany. The events leading to the escalation of late March will be described here in order to explain how this process took place as this escalation is a unique event in German rural history, distinguishing the events of 1525 from all other rural conflicts.

As has been described earlier the united subjects of the abbey of Kempten had appealed to the Schwäbische Bund in their conflict with the abbot in January 1525. The League had accepted to mediate not only because this was one of its normal activities but also because it wanted to gain time raising an army. From their headquarters in Ulm the League members had an outspoken view on the events of late 1524. The main Habsburg forces were still engaged in wars abroad, especially in Italy where the chances of war varied and where no solution was near. Duke Ulrich slowly continued his preparations for an invasion of Württemburg. The town of Waldshut was still disobedient and all along the border with Switzerland there was unrest in the countryside. Furthermore, town councils became increasingly sensitive to the ideas of protestant preachers.

Leonhard Eck, the influential Bavarian representative of the League was convinced that there existed a serious danger of a major rebellion because he saw a close link between the disobedient towns, the invasion
plans of duke Ulrich and the widespread rural unrest. The League was persuaded of the need to raise an army and to deal with duke Ulrich, Waldshut and the peasants. The majority of the League was certainly in no mood to compromise and all offers of mediation were purely and simply meant to gain time and to keep the peasants satisfied with seemingly serious attempts at mediation. There was no commitment to start real mediation or to find a solution acceptable to the peasants. The military commanders of the league assumed an army had to be raised with which to intimidate the peasantry before acceptable compromises could be concluded, certainly now peasant unrest had spread so alarmingly. Although so far no unusual events had taken place and there had been virtually no violence even though the peasants had every chance to use, this made no impression on the League. All events in the country were seen in the perspective of a general threat to law and order of which the success of the Reformation, the tax refusals in towns and the threatening invasion were clear signals. Before peasants had acted it was already clear that the League would take an attitude of no compromise. All offers of mediation were thus aimed at misleading the peasants, in the hope of stalling long enough to be able to deal with them properly after the peasants would have realized the tactics of the League.

The concept of *Göttliches Recht* had spread to the countryside of Upper Swabia and the banks of lake Konstanz through the Hegau and Klettgau peasants. This fitted in nicely with the actions of protestant preachers and laymen in some of the towns of Upper Swabia. Under the influence of those preachers as well as the news from Hegau; and the Black Forest; peasants gathered near Baltringen in Upper Swabia around Christmas 1524. The crucial aspect of the meetings in this area was the fact that all peasants started off with the concept of Divine Law, thus permitting the organisation of peasants on a supra-local level. Religious inspiration was not limited to marginal groups of rural society but was picked up by the village elite and became a central element in peasant protest actions in the coming weeks. The objective of the peasants was still to obtain mediation on their grievances. To this purpose grievances were formulated in the villages of the Baltringen area. Formal negotiations with the representatives of the Schwäbische Bund had been postponed from 9 to 16 February on the suggestion of the League. By mid-February firm contacts had been established between the gatherings of peasants (*Haufen*) in the Kempten area and from Baltringen. These Haufen were gatherings of armed peasants meant to impress the authorities and to strengthen the case of the peasants in negotiations. Around 20 February three Haufen had been formed, the Baltringen, the lake of Konstanz and the Allgäu-Haufe. The last being a prolongation of the Landschaft of Kempten had recalled its representatives from the Schwäbische Bund, as their mandate had been based on customary law while now Divine Law legitimised...
The susceptibility of peasants to ideas of the Reformation is not only to be explained through the influence of preachers from nearby towns, an influence that was strong from the very start, but also through the news from the Black Forest. There the obstinacy of Waldshut was seen as closely linked to the relative successes of peasants who had protested against infringements upon their rights. The use of ideas of the Reformation in rural protest seemed to be a rewarding tactic and this stimulated the adoption of these ideas and consequently the rapid spread and supra-local escalation of this protest. In the last week of February peasants from the Haufen of Allgäu and Baltringen met and decided to unite into one Christian Union of peasants. This extraordinary event must be seen in the context of three unusual circumstances. First, the adoption of legitimation of grievances through Divine Law had made supra-local organisation realistically possible. Second, the Union was formed under pressure from religiously inspired leaders. The most important of them, Sebastian Lotzer, was a citizen of Memmingen, an Imperial city where the ideology of the Reformation was especially successful. Thus the uniting force came from above in a measurable sense: it was not a concept of rural popular culture but imposed on the fragmented rural society. The peasants were now able to accept some ideas of the Reformation, especially since the news from Hegau and the Black Forest as well suggested the benefits of religiously motivated protest. Third, the Union was more impressive as a defensive organisation. This defensive aspect grew in importance as the peasants began to feel uncomfortable under the continued build-up of armed forces by the Schwäbische Bund while at the same time the dates for planned negotiations were postponed. Around 20 February the army of the League was, in the eyes of its leaders, ready to march against duke Ulrich, Waldshut and the peasants if necessary. The timing was very precise because the invasion of duke Ulrich started on 23 February.

2.7 External developments and violent escalation.

The invasion caused panic in towns and countryside alike and totally changed the relations between lords, peasants and authorities. The army at first advanced successfully although almost no support from the peasants was received. Hans Müller and Clewi Meir joined with their men but the rural communities of South

165 G. Franz (ed.) 1980:166 gives the Protokoll of this Union.
166 The date of the 23rd is the correct one, given in the text of G. Franz 1956:112. The date of 21 February is printed in the chronology, ibidem p.302.
West Germany felt no affinity with duke Ulrich at all. Ulrich had miscalculated the situation totally. The widespread rural unrest had nothing of a revolt against the established order and the idea of support of an alien duke against their own lords was not even considered at this stage.

Now open war threatened in Southern Germany and defensive moves of the peasant Haufen became even more understandable. All peasants were forced to join the Union in order to strengthen rural solidarity and the meetings of late February gained in strategic importance. At this time the collected lists of grievances of hundreds of villages, combined in the Swabian Haufen were ingeniously condensed into 12 articles by Sebastian Lotzer, a layman with considerable theological knowledge and a pragmatic spirit. These articles were meant to be a rallying point for all the peasants in the region, formulated in a general fashion, so as to attract maximum support. In this sense they differ principally from the lists of grievances in the Black Forest, Klettgau and Hegau and form a unique document in a society where detailed local complaints were the rule. The acceptance of the articles by the peasants was at first not whole-hearted, but became a success due to the extraordinary circumstances of the moment and the momentum gained by the ideas of the Reformation.

Since the Schwäbische Bund was engaged in Württemberg with the invasion of duke Ulrich, the peasant union in Upper Swabia was free to continue its deliberations resulting in increased interference of religiously inspired townspeople. The League still maintained its disposition to negotiate but only with regard to the three old Haufen. It was careful to keep a low profile while its forces were engaged elsewhere. Meanwhile the Union was formalised at a meeting that took place in Memmingen on 6 and 7 March. There the artificial and non-peasant character of Lotzer's plans became obvious. Plans for uniform taxation were rejected and the peasants from the third Haufe, from the lake of Konstanz, did not want the religious façade for their all too real complaints. An agreement was concluded, but the frailty of the Union had become apparent.167

The Twelve Articles were to become the uniform political manifest to which all lords were asked to adhere. Dues and taxes were to be withheld until lords accepted the content of these articles. A brief look at the content showed that the articles were not very unusual and represented mostly the interests of the Gemeinde and the landed peasants. The following was demanded168:

(i) free election of the local priest – an old issue from well before the Reformation;

(ii) abolition of the small tithe and use of the Großzehnt for the upkeep of the local priest. In case


168 The text of the Twelve Articles is to be found in G. Franz (ed.) 1963: 174-179. The variety of local complaints on which this abstracted text is based can be seen by the examples published in G. Franz (ed.) 1980: 147-159.
others than priests possessed rights to levy tithes, a very common situation, these rights had to be bought back by the Gemeinde;

(iii) abolition of all Leibeigenschaft;
(iv) free rights to hunt and fish;
(v) restoration to the rural communities of all rights to woods;
(vi) reduction of Dienste;
(vii) honouring of the conditions in rent contracts by the lords;
(viii) new settlement of rents and debts on farms;
(ix) uniformity in level of fines, based upon the old rules;
(x) restitution of alienated Allmende;
(xi) the abolition of Todfall;
(xii) stipulation of readiness to drop any article contrary to the Word of God.

Such articles, apart from the abolition of serfdom and its symbol, the Todfall, were not a very radical demand. In view of the inspiration of the Reformation this could be seen as a normal request. This manifesto combined concrete demands with supra-local applicability and was a true masterpiece of propaganda for the legitimate cause of the peasantry.

The internal weakness of the Christian Union was hidden by the acceptance of the Twelve Articles, but became stronger when the Swabian League continued its policy of separate negotiations. During the days of early March 1525 the military situation changed dramatically in favour of the League due to two developments. First, the advance of duke Ulrich had come to a standstill and he had quickly run out of money. Hans Müller and his group had already deserted by the end of February and in early March the Swiss mercenaries were called back. The army dwindled rapidly and Ulrich changed his course back to his castle in Hegau, where he arrived back on 17 March. The second development was the battle of Pavia where the Habsburg forces beat the French and took King François I prisoner on 24 February. This news reached South Germany in early March and caused the prudent Swiss cantons to call back their soldiers from Württemberg. The success of the Schwäbische Bund against duke Ulrich and the good news from Italy stimulated the authorities to do what they had always wanted to but were unable to do: follow an uncompromisingly tough policy against the peasant Haufen.

169 F.L. Baumann 1876:542.
The peasants united in the Union met again on 15 March to decide on the names of people to be put forward as judges in the conflict over the grievances legitimised on Divine Law. This was an alien idea in the eyes of the League and it refused bluntly. In this stalemate situation the Imperial city of Memmingen intervened. This city was not a center of peasant protest. Its town council had just asked the peasants to come forward with their grievances and had honoured some in order to prevent the feared rebellion. This gave the town credit with the peasant leaders who were only interested in the redress of grievances and took the present course because of its success elsewhere. Memmingen formulated a compromise reflecting the sudden change in the political atmosphere. The euphoria of Divine Law had disappeared.

The news of the defeat of duke Ulrich and the subsequent military threat of the army of the Schwäbische Bund had reached the Haufen and made the peasant leaders prone to reach a quick solution. Through the mediation of Memmingen an agreement was concluded between the leaders of the Haufen and the representatives of the League in Ulm. This agreement meant a return to the 'old' ways of conflict resolution. The peasants would accept negotiations with their lords and not look for a solution on a supra-territorial level. Each party had to name two lay judges, in case these four could not reach an agreement the Schwäbische Bund had the right to name a fifth, whose opinion would be binding.

The result of the negotiations as such is very interesting. If this had been a real compromise truly accepted by the lords, the peasants could regard it as a success. Previous procedure (a request for judgement by the Schwäbische Bund) would have been replaced by local or regional committees of which the peasants could name half the members. But if the lords did not compromise, as was most likely in the polarised atmosphere of early 1525, the agreement would be of no consequence to the peasants since they could expect only the worst from the fifth judge, nominated by the League. The initial momentum, the political weight of the Haufen and of supra-local organisation, had faded away in the light of the military events in Italy and Württemberg. Consequently the leaders of the peasants must have realised that this was the most to be gained by negotiations. On 25 March they presented the agreement to the Haufen, who refused to accept. The sudden awakening after two months of success, increasing pressure and stronger internal organisation led to a strong reaction of the majority of the gathered peasants. They refused to accept the proposals of their moderate leaders and resented the past tactics of the Schwäbische Bund which had come to the surface after the danger of

170 Also because in this fashion the League would lose its control over the situation, which it did not intend to let happen.
At this stage the predominant mentality of the rural population in Upper Swabia was influenced by two recent developments. First, the Twelve Articles had appeared in print. In the first two months after 19 March 1525 an estimated 25,000 copies were distributed all over South and Central Germany. The Articles became the main topic of discussion in the countryside and a natural issue for negotiations. It was too late to return to local or regional negotiations on the basis of local complaints. A transformation of conflict resolution was imagined in which the ‘traditional’ procedure was no longer useful. The Articles were the symbol of a new order in which the peasants had gained social status and political awareness. However, far from being radical, the Twelve Articles became the concrete manifestation of the Reformation and emancipatory ideas. This left the feudal order and power structure intact but pointed towards a more pronounced position of the peasants, especially for the Gemeinde of the landed peasantry.

The second development was the return of the Landsknechte from the Italian front. On their way home to the villages in Upper Swabia and the Ries area, they passed through the towns of South West Germany and picked up copies of the Twelve Articles. The Landsknechte were not only instrumental as distributors of the pamphlets, they also spread the ideas encountered on their way home. Many of them joined the Haufen in which they immediately became the center of the radical faction. From their presence strong pressure emerged on the Haufen to change the course of negotiations and to organise themselves and undertake military action.

The resentment over the failed negotiations and the betrayal of the Schwäbische Bund, combined with the influx of Landsknechte who may have expected an improvement of their socio-economic position in the rural society, led to a rapid escalation. On 25 March the Baltringen Haufe elected new leaders, and on 26 March 1525 they stormed the castle of Schemmerberg near Baltringen. The moderate leadership of the village elite had given way to a predominance of radical forces, strongly influenced by Landsknechte.

172 After all, their actions had all been successful so far. A feeling of frustration must have been dominant at this stage (G. Franz 1956:131).
173 P. Bickle in H. Buszello et al. (eds.) 1984:54.
174 The Landsknechte were traditionally violently anti-clerical. In a way they formed the ritualised manifestation of the latent anti-clericalism among the rural population. As organisers they were the equals of the Russian deserters in the Summer of 1917 who stimulated rural collective action after their return to their villages (see J.C.H. Keep, The Russian Revolution: A Study in Mass Mobilisation. London: Weidenfeld & Nicolson, 1976:196).
The recourse to violence followed rapidly and by the beginning of April dozens of monasteries and castles had already been pillaged and plundered. During the month of April the unrest spread over the South of the Empire, from Alsace to Thüringia, and later to Austria as well. In most places Haufen were formed adopting the Twelve Articles as a symbol of their aspirations. Lords were forced to join them and accept the Articles, towns were beleagued or joined the Haufen. The authorities were perplexed and first did not know what to do. During the month of April the army of the Schwäbische Bund was the only military force that could be put against the Haufen, leaving a free path for almost all peasants.

Several aspects of this rapid escalation deserve attention. First, it was not a large coordinated movement. Only the Twelve Articles bound the Haufen together, adopted even in areas where some of its elements were not valid at all. The Articles had become a symbol of resistance and were therefore used by groups of peasants to demonstrate their grievances. Many Haufen were formed on a territorial basis and tried to reach territorial settlements. In this fashion agreements were concluded in several Herrschaften similar to previous agreements. The unusual escalation of peasant protest formed only a pretext and an extra stimulus to provoke negotiations. In this sense also the main difference between the events of the Spring of 1525 and earlier - or later - events was quantitative and not qualitative.

The actions of the peasants were less violent than Martin Luther suggested in his pamphlet of May 1525. True, they pillaged castles and monasteries, but mostly their behaviour was disciplined. The violence took the form of the traditional rügen, where signs of luxury were destroyed. Many Haufen, consisting of hundreds or even thousands of men had the intention to stay together, therefore good organisation was needed. Monasteries were sometimes occupied as bases, stocks were confiscated, sometimes against receipt. Landsknechte and experienced men from towns took up the leadership. Military forms of organisation, the form best known to those who had been Landsknechte were followed to establish control and discipline in the peasant camps. It was not the brutality of peasant behaviour that drew attention, but its spread over large parts of the Empire. In Franconia it happened that after the occupation of a castle, a list was drawn up consisting of the goods the inhabitants were allowed to keep and only the most luxurious goods were taken away, together with all the arms. This was far from a 'blind fury'.

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176 "Wider die mörderischen und rebischen Rotten der Pawern" was published in Wittenberg (1525).
177 W. Vogt (ed.) 1880:108. On 27 March 1525 the abbot of Ochsenhausen reported to have registered how many weapons and grain the peasants had confiscated. It should not be forgotten that at this stage of the rural cycle all stocks of farms must have been almost depleted (A. Waas 1964:116).
178 R. Endres in H. Buszello et al. (eds.) 1984:150.
Coordinated behaviour was meant not only to strengthen the tactical position of groups of peasants by the leaders, it also reflected the nature of leadership in most areas of unrest. Beyond South West Germany leadership was typically non-rural, varying from noblement to town clerks and higher urban representatives. These leaders had little eye for the concrete interest of peasants and often benefited from the situation in order to obtain changes in their favour. Some towns invited peasants to pillage clerical possessions or charged them with the occupation of monasteries in the countryside.\textsuperscript{179} In this fashion they hoped to exert pressure on the clergy. Not without success: many possessions were sold by the clergy to towns and noblemen. The widespread rural unrest stimulated townspeople and noblemen to settle accounts with the universally detested clergy because, as a nobleman stated, "der gleichen Konstellation in viel hundert Jahren nicht dagewesen".\textsuperscript{180} In most areas of 'peasant revolt' the real issues were not peasant issues and real leadership was non-peasant.

2.8 Attitudes of the authorities.

The temporary chaos and the total power vacuum of April 1525 caused a tremendous panic with the authorities. Some lords were so impressed that they were convinced that a true revolution was taking place and that peasants and burghers would become the new rulers.\textsuperscript{181} Others, like chancellor Eck, the representative of Bavaria with the Schwäbische Bund remained calm and realized that the biggest problem of the moment was not the behaviour of the peasants but the attitude of the authorities.\textsuperscript{182} The chairman of the League, Ulrich Artzt, mayor of Augsburg, recalled four causes for the chaotic situation in 1525: the Italian war, the invasion of duke Ulrich, the action of the peasants and the attitude of the disobedient cities.\textsuperscript{183}

Indeed urban disobedience and adoption of the ideas of the Reformation had its influence on the peasantry. The only supra-local organisation of peasants that lasted for a while was strongly influenced by urban and religious ideas. Furthermore, the threatening invasion of duke Ulrich had distracted the League

\textsuperscript{179} G. Franz 1956:272.
\textsuperscript{180} G. Franz 1956:186.
\textsuperscript{181} Duke Johann of Saxony wrote on 14 April 1525: "Will es Gott also haben, so wird es also hinausgehen, das der gemein Man regiren sal." (G. Franz (ed.) 1963:502.)
\textsuperscript{182} He wrote: "Der grösste Krieg ist, die Obrigkeit zu einem männlicheren Gemüt zu bringen." (G. Franz 1956:132.)
\textsuperscript{183} W. Vogt (ed.) 1880:115-119.
from dealing with the groups of peasants that had applied for mediation in a routine fashion. The escalation of rural protest, finally, had not only been stimulated by ongoing negotiations and the assumed willingness of the League to negotiate, it was also enhanced by the prolonged absence of military force.

All these unusual circumstances had led to the widespread rural unrest, and not the supposed willingness of the peasants to overthrow the existing order. After all, during the autumn and winter of 1524-1525, they had maintained the utmost restraint for a long period in which they had a virtual monopoly on armed force. Peasants did not do anything with their potential power, not out of ignorance but because they chose not to use their power this way.

While in Central Germany towns paid peasants to pillage clerical property, while rich peasants, contacted by towns, offered bread and wine to poorer ones in order to persuade them to 'revolt' and form Haufen, the situation in South Germany had changed dramatically. This was the area where it had all begun - and where it would end rapidly. The army of the Schwäbische Bund was in nearby Württemberg. Its commander, Georg bailiff of Waldenburg, directed his troops to Upper Swabia and had no difficulty in dealing with the Haufen there. On 4 and 14 April, while on his way to Hegau, he encountered two Haufen who disbanded almost at the sight of his army. Not even the Landsknechte could organise the peasants militarily. Those 'battles' in the German Peasant War were massacres as peasants were unable to defend themselves against a combination of experienced infantry men and cavalry. The only problems of Georg's army were financial and disciplinary. Not all members of the Schwäbische Bund had paid their contributions and the army, now needed longer to repress peasant unrest, was in dire need of money.

As a result of the lack of payment Landsknechte in the Schwäbische Bund refused to fight and proclaimed solidarity with the peasants. The ever calm and pragmatic Bavarian chancellor Eck suggested a simple solution: ransom of nearby towns and villages or pillage. This turned out to be a very successful measure, indicating the limited solidarity of Landsknechte with the peasant movement. The essential difference of interests between landed peasants in the Haufen and the Landsknechte that had joined, led to frictions within the Haufen weakening the case of the peasants as it led to indecisiveness and ultimately inevitable defeat.

In 1525 Easter fell on 16 and 17 April. Both days are important dates in the course of the Peasant

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184 G. Franz 1956:179. Poor peasants were sent away from inns when the richer ones prepared their actions!
185 F.L. Baumann 1876:561.
186 W. Zimmerman 1939:1,261.
War. By then it was already obvious to the authorities in South Germany that the restoring of order would only be a matter of time in the light of the success of bailiff Georg and his army. On 17 April he concluded a treaty with the last Haufe, consisting of peasants from the area North of the lake of Konstanz. The conditions of this treaty showed that its purpose was a rapid pacification in view of the still expanding unrest elsewhere. The peasants agreed to disband their Haufen although they were allowed to keep their arms. Their complaints were to be presented to a jury consisting of representatives of six towns, half of them to be chosen by the peasants. As formal head of this jury Archduke Ferdinand was nominated. He had the right to decide ultimately as the representative of the Emperor. This result was acceptable to the peasants, who were already intimidated by the advancing army in early April. At the same time it gave Georg the opportunity to direct his forces to other unruly areas. He went on his way to Hegau; because unrest had flared up in South West Germany as well, but instead he was called to Württemberg. Georg was called there to revenge the killing of a group of noblemen on 16 April in Weinsberg, among them his cousin count Ludwig of Helfenstein. This event was not only a rare occasion of violence against noblemen and very unpeasant like, it was also a form of sacrilege. Noblemen had been killed with lances as if they had been mere Landsknechte. This news spread over the Empire quickly, and it became the basis for all the stories of cruelty and brutality by the peasants. Hence, the peasants of the Black Forest area were for the moment not threatened by military repression.

When, towards the end of February 1525, Hans Müller and his group had deserted duke Ulrich's army they found the Black Forest and the region quiet. Negotiations and court cases were proceeding or planned. However, the events of Upper Swabia did not take long to come to the Black Forest. In the first days of April a group of Hegau peasants under Hans Benckler went to the Black Forest area, no doubt bringing news of the pillaging of castles and monasteries in Upper Swabia and carrying with him the pamphlets with the Twelve Articles.

The Hegau peasants merged with Müller's group and decided to form a Christian Union as well. They adopted the Twelve Articles and hence combined the moderate demands which were supported by the peasantry as a whole with the radical ideas of Müller's group. In early April the news from Upper Swabia was still a success story and the support for Hans Müller was considerably bigger than it had been in 1524. The Stühlingen peasants did not drop the idea of arbitration. On 6 April its representatives presented their grievances at the Reichskammergericht in Eßlingen as agreed upon earlier.

189 H. Buszello in H. Buszello et al. (eds.) 1984:71.
The support which Hans Müller received strengthened his ideas of more radical reform than that envisaged by the Twelve Articles. He led the new supra-territorial Haufe, the Christian Union of the Black Forest. They forced villages and towns to adhere - thus revealing the still limited voluntary support at this stage. By mid-April they prepared to engage in a confrontation with bailiff Georg who moved in the direction of Hegau after the treaty of Weingarten; on 17 April. When Georg moved North towards Württemberg the Black Forest peasants interpreted this as fear and they followed in pursuit.

At the same time, on 20 April, the Stühlingers withdrew their case from the Reichskammergericht. It seems that the recent events had persuaded them to follow the quicker - and cheaper - approach of Hans Müller. Soon however, the artificial supra-territorial Haufe disintegrated. The Hegauers headed calls for help from the cautious peasants who had stayed behind and were subject to ransom from the town of Radolfzell. Possibly Hans Müller was urged by his followers to stay in the vicinity of the Black Forest. The Christian Union was now proclaimed in many villages South of Villingen, where Hans Müller had had so little success in November and December 1524. On 8 May 1525 Müller published the Artikelbrief in which his ideas were formulated. This showed how deep the concept of Divine Law was rooted in the minds of the Black Forest leaders. All references to customary law had disappeared and were replaced by those to brotherly love and cooperation. Its practical use depended upon the acceptance by all, especially by the lords and towns. To this purpose Villingen was besieged (in vain) and Hans Müller proceeded towards the West to take Freiburg, another important town in the Black Forest. His success was nearly complete, as military resistance was absent. By the end of May the whole Black Forest area was under formal control of the Müller-Haufe. They did not do anything with this power, being unable to translate the vague Artikelbrief into concrete measures.

The difference between the detailed complaints of the Stühlingers in early 1525 and the vagueness of Hans Müller’s ideas is very striking. Although not millenarian, Müller’s plans do not reflect concrete issues in the rural community. The religious inspiration had replaced totally the common sense of the rural elites. Hans Müller’s support may have been considerable but it is very difficult to imagine that his followers were the same people who normally formulated grievances to defend the members of the Gemeinde.

The success of Müller stimulated the Hauenstein peasants to force the abbot of St. Blasien again into direct negotiations over their grievances, since mediation had failed earlier. With the consent of Waldshut, they had occupied the village of Gurtweil, where St. Blasien held disputed authority and a neighbouring castle.

190 T. Scott 1979:158.
191 H. Buszello in H. Buszello et al. (eds.) 1984:74ff.
The next move to show their force was a renewed occupation of the monastery of St. Blasien where again windows and furniture were destroyed and stocks of grain and wine pillaged. But here the strategic coalition between peasants and Waldshut had ended. The town opposed the action, although they had supported the taking of Gurtweil to which it held claims as well as St. Blasien. Waldshut guarded its own interests, just as the Hauensteiners took care of themselves. They did not join Müller's Haufe and persevered in their local quarrel with the abbot of St. Blasien.

The return to local or territorial conflict escalation also occurred in Hegau, where the former followers of Müller besieged Radolfzell, which had sacked their villages while they were pursuing bailiff Georg. The peasants of Müller had disbanded to their villages not knowing what to do with their power. In the course of June this Haufe joined the Hegau peasants around Radolfzell. Their mood was still buoyant. They now rejected what had been requested a year ago: negotiations and mediation by Swiss towns. Two towns were especially active; Zürich which held interests in Klettgau, and Schaffhausen whose territory bordered Hegau and whose peasants still claimed the abolition of serfdom as a result of their status change in May 1524.

As a way of conflict resolution, negotiations had not disappeared totally from South West Germany. In the territories of Ortenau and Baden the lords, especially the moderate margrave Ernst, uncle of Archduke Ferdinand, immediately offered to negotiate when peasants began to form Haufen in May. Already on 25 May a treaty was concluded in the Rhine Area, the Renchener Vertrag. Later the subjects of margrave Ernst concluded treaties with their lord in Basel leading to the ultimate second treaty of Basel, concluded on September 12. In this case the lords managed to prevent their subjects from forming Haufen and solved the conflict peacefully without the repression of the Swabian League. Both treaties, of Renchen and of Basel, were accepted by the peasants and represented their demands: a codification of rights and obligations from which it was difficult to deviate. Some dues were abolished or converted into cash payments. The overall result was a decrease of the feudal burden on the peasantry. The protest in these North Western parts of the Black Forest had been very successful because in the context of military events and rural protest elsewhere the representatives of the lords were more prone to negotiate, and negotiate fairly. The supra-territorial extension of conflict so became beneficial for peasants who had formulated their grievances in a concrete and

192 T. Scott 1979:159-160.
194 H. Buszello in H. Buszello et al. (eds.) 1984:78.
195 Ibidem, p.77.
Territorial fashion. The resulting peaceful solution, always preferred by the landed peasantry and the leaders of the Gemeinde, was even more striking in view of the results elsewhere.

By mid-June 1525, order had been restored in almost all territories in Central and South Germany. The Habsburg authorities had started negotiations with peasants and townspeople in those parts of Austria that had 'revolted' as well, inspired by the events in Germany. As the Tiroler peasants were represented in the Landtage, this process was not uncommon. As elsewhere, the main features of the peasant protest were its supra-locality, the strong influences of urban leadership resulting in more drastic ideas for reform and grievances which were outside the normal spectrum of rural protest and religious inspiration. All this made the events of 1525 different from earlier or later rural protest in Austria. Within the structure of political organisation a treaty was reached in Tirol, the Landesordnung, which dealt with the grievances of the peasantry while taking into account the non-peasant issues to a certain extent.196

The intervention force of bailiff Georg of Waldburg meanwhile had returned to Hegau after a pacifying campaign in Württemberg. On 1 and 2 July the Haufen of the peasants in Hegau were dispersed and a treaty was imposed upon the territory. This list of Hegauer Artikel was far less favourable than the negotiated treaties at the other side of the Black Forest.197 Again the Swabian League had used its military branch to force peasants into acceptance of conditions which were not so favourable. The Swabian League had finally succeeded in doing what it had wanted to do the previous year but for lack of force had been unable to do. In similar fashion the peasants of the county of Stühlingen and Fürstenberg were forced to accept articles only slightly modifying the Hegau ones. The Haufen had disbanded at the news of the arrival of Georg's army and there was no armed resistance left. Hans Müller, the leader of the radicals had been arrested and executed in Laufenburg on the Rhine.198 Organised peasant resistance in Haufen had by August 1525 been reduced to the Habsburg possessions South of Alsace (Sundgau), Klettgau and the Hauenstein peasants.

From the point of view of the authorities it was no coincidence that all these areas bordered on the Swiss Confederacy although it had remained strictly neutral. The authorities felt it necessary to show little consideration in order to discourage any future attempts at coalition with the Swiss or even joining them. Whereas in Northern Alsace treaties were negotiated and concluded in June and August, Sundgau became subject to severe Habsburg repression. Furthermore, the Offenburger Vertrag concluded on 18 September

196 P. Blickle, ibidem, p.211.
197 H. Buszello, ibidem, p.76.
198 T. Scott 1979:159-160.
with the Habsburg subjects in the South West of the Black Forest, was even less favourable than the articles of Hegau. The last Haufe (in Klettgau) where military intervention had been delayed for fear of repercussion from the Swiss, was beaten on 4 November 1525. A week later the Hauenstein peasants agreed to the conditions of the Offenburger Vertrag and on 13 November they swore a new oath of allegiance. Finally, Waldshut could be dealt with. After long negotiations in which the town showed its readiness for concessions behind Hubmaier’s back, surrender took place on 5 December 1525 and Habsburg forces restored the Catholic faith and loyalty of the town council.199

The arrest of the leader of the Hauenstein peasants, Konrad Jehle, in the spring of 1526 should be seen as a last moment of the Peasant War in this area. Jehle was the moderate leader who had kept the St. Blasien subjects together as an autonomous group and who had resisted the iconoclasm of other peasants in the monastery in 1524. Despite his moderateness he was executed as a symbol of organised peasant resistance. The moderation of the Hauenstein peasants had clearly gone unrewarded. Towards Easter 1526, on 11 April, supporters of Jehle set fire to the monastery that had survived two visits of peasant Haufen in 1524 and 1525. Attention was again drawn to the case of the disputed Leibeigenschaft. The Habsburg authorities looking into the matter acknowledged the free status of the Hauenstein peasants. After all, their protest had not been in vain.200

199 Ibidem, p.165.
200 Ibidem, p.160, note 82.
Chapter 3  The aftermath: rural conflict in a changing society.

3.1 Short term consequences.

The immediate results of the Peasant War, the supra-local and even supra-regional rural protest of 1524-1526, were twofold. First, the authorities wanted to pacify and punish the guilty and secondly they wanted to prevent a repetition of this form of protest in the future. Towards these goals their measures were directed.

The Schwäbische Bund demanded indemnification for its military commitment. It was agreed to levy a fine of six Gulden on every peasant household whose members had supported the revolt. Since most Haufen had insisted that everyone should join through an oath of adherence this meant that in most villages everyone was fined unless they had convincing proof of innocence. In order to levy the fines, the Gemeinde-structure for tax collection was used, dividing the total sum to be paid (six Gulden times number of households) more or less proportionally among the rich and poor.

Apart from this fine, local lords and regional princes were free to execute punitive measures themselves. Soon after the restoration of order in the countryside the panic among the lords had waned. The smaller lords of South West Germany especially were quick to realise the dangers of too high fines. The sum of six Gulden was not insignificant and a burden on many households. Lords often supported their subjects when they refused to pay or claimed innocence. After all, the fines did not go to the lords and only weakened the economic strength of the peasant households. Nevertheless, the league had cashed enough money by 1528 to pay off all towns engaged in the raising of an army and was still able to remunerate the Bavarian dukes and others who had committed themselves. About 230,000 Gulden was cashed. Some large Central German territories were less concerned with the fate of their subjects and high fines were levied. In Ernestine Saxony the sum of fines surpassed the normal yearly income of the duchy and in the bishopric of Würzberg the level of the fine was the equivalent of several months' wages of a rural labourer. Yet the economic impact of these fines on peasant households seems to have been overestimated. The major lasting effect was the resulting social differentiation in rural communities as labourers and poor peasants were forced to borrow from rich peasants or even their lords.

203 H. Gabel & W. Schulze in H. Buszello et al. (eds.) 1984:332. Some Middle-German lords cashed more than that for their own benefit. (Ibidem)
Pacification through local or regional treaties, military repression and financial punishment were supplemented by developments on a larger political scale. Towns and princes had used the chaos of 1525 to attempt to achieve greater political and economic independence, respectively from princes, prelates and the Imperial authorities. In the case of the towns this had failed. They even lost most of their privileges to the prince or bishop under whose authority they fell. The princes, on the other hand, managed to obtain a lasting benefit from the Peasant War. The impotence of the Imperial authorities to resolve such a large scale crisis gave free reign to the armies of princes, frustrating all attempts of the Emperor to strengthen the executive branch. The territorial build-up was further stimulated by the weakness of local lords who had been totally unable to deal with the crisis and had lost authority to the regional princes. The process of state building was given new impetus and after 1525 territorial taxation increased considerably.204

In 1526 at the Reichstag at Speyer measures were discussed which would prevent repetition of the large scale rural unrest. In the context of the wave of the Reformation many princes and cities adopted viewpoints that stressed the anti-clerical trait of the rural protest. But concrete measures were adopted as well. Three aspects were of specific interest to rural conflict resolution: (i) the acknowledgement that many of the peasants' grievances claiming overburden were legitimate and institutional measures had to be taken; (ii) the decision to increase preventive action through expansion of policing forces in order to prevent a renewal situation of a power vacuum in the countryside and which would enable early identification of conflicts and abuses; and (iii) the decision, initiated in 1526 and carried further in the second half of the 16th century, to promote access to reliable judicial institutions for the rural population. Appeal to regional and territorial courts became easier. The Reichskammergericht switched to a more pro-peasant policy - against which the Reichstag complained already in 1530. The Reichshofrat encouraged subjects to appeal to the Emperor in a more than symbolic fashion.205

All these measures, aimed at prevention of escalation and early conflict resolution, were not effective immediately. The Imperial institutions were too weak to enforce them swiftly and the quarrels between princes, Imperial authorities and lords did not exactly stimulate effective reform. Yet the escalation of 1525 had a stimulating effect on institutional reform beneficial for the rural population in the Empire.

3.2 Structural developments.

204 Ibidem, p.332-335.
Rural conflict after 1525 did not change dramatically as a result of the Peasant War and the following repression of the peasants. In this paragraph some aspects of rural collective action will be discussed briefly in order to illustrate structural change and continuity; issues that led to a conflict, participants, organisation of collective - or other - action and tactical opportunities for action.

The study of post-1525 rural conflict in the German Empire has received strong impulse from the commemoration in 1975 of which the results are very promising. It is now generally assumed that the unusual forms of pre-1525 conflict resolution continued and that the repression in 1525 did not at all break the peasants' will or ability to resist infringements of their rights or new burdens. The continuing protest and attempts at conflict resolution were, however, strongly modified by demographic, economic, socio-cultural and politico-institutional developments of which the signs were already visible in the origins of the Peasant War. The population in the countryside expanded. This led to tensions within villages and increased the social differentiation of the peasantry. The intrusion of territorial authority continued combined with new dues imposed by local lords trying to defend themselves against loss of power and income. The influence of ideas of the Reformation in the daily life was growing, just as the phenomenon of 'public opinion' continued to grow. These developments eroded the established authority of lords and prelates and led to a modernisation of the nature and legitimacy of Herrschaft and social order. The gradual transformation of rural popular culture under the influence of the Reformation and, later the Counterreformation, changed the forms and sometimes the issues of rural conflict. Finally, political developments had legal or juridical implications for the rural population as far as their status and possibilities for redress of grievances were concerned. As an illustration of structural developments influencing the nature and escalation of rural conflict other large peasant revolts in the German Empire will be discussed: those of 1595, 1626, and 1635-1636.

### 3.3 The issues at stake in rural conflicts.

When taking a look at the relevant issues internal and external developments have to be considered. Within rural society the grievances that led to the escalation of 1525 remained valid: infringements upon customary law by lords and other officials, abrogation of political autonomy of the Gemeinde benefiting appointed representatives of lords and princes and social and economic consequences of population growth in the peasant villages. In addition external developments increasingly had an impact on daily life in the countryside. The ongoing build-up of territorial units led to higher taxation and other burdens that did not exist before 1525.

The parallel build-up of bureaucracy and surveillance increased the efficacy of the mini-states. This in turn sped up the decay of Gemeinde-autonomy. In small territories the pressure of this growth was felt most
strongly. There, the prices were to a large extent dependent on income from rents, tithes and other 'feudal' dues and far less upon tax-income. All sorts of new dues and taxes were necessary to supply more income, needed for financing the growing expenditure of noble and court life and the build-up of territorial government.

Princes of large territories with a far larger number of subjects were able to limit the increase of fiscal and feudal burdens while still expanding their income considerably. It is therefore not surprising to find grievances on infringement of customary law and new or excessive dues concentrated in the small territories of South West Germany.

Serfdom had been a major complaint in 1525, but as the most oppressive aspects of Leibeigenschaft were abolished in or after 1525, this issue became less acute than it had been in early 1525. The protests against serfdom remained strong. However, the intensity and radicality of the 1525 protest as voiced in the Twelve Articles never returned. The religious legitimation of these articles remained a unique event. After 1525 all issues were brought forward legitimised by the Alte Recht, customary law, as before 1525. This type of legitimation had a limiting effect on the type of issues brought forward in rural conflicts. In small Southern territories rural protest remained 'anti-feudal', directed against the exactions of the lord or prince, be it higher rents or dues or Imperial taxes. The prevailing concept of territory remained closely similar to the Herrschaft of the lord and although neither was subject to dispute of the principle, all new burdens or infringements were seen as executed by the lord. Only in the larger territories bureaucracies developed as separate institutions and consequently grievances against lords were seen as different in nature from grievances against state-bureaucracies, the officials and their measures that further eroded local autonomy.

The quest for codification of customary law in Urbar or treaties, so well known from the early 16th century continued after 1525. Control over Urbar as such often became an issue. When justice became more reliable, written documents became important proof for the Gemeinde in its attempts to defend the landed peasantry against increased pressure from landless labourers and rural artisans as well as from lords and tax officials and other bureaucrats. From the aftermath of the Peasant War in South West Germany the conclusion of local and regional treaties remained a striking element. Under the changing circumstances of village life the landed peasantry, always proponent of rural protest, expected at least the protection of the

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206 C. Ulbrich in P. Blickle (ed.) 1980:172 illustrates this problem with an example of Triberg in the Black Forest. In 1654 a new Urbar replaced the old ones of 1496 and of 1519. The community could only obtain a copy, needed in court cases against infringements in 1783.
present status. The results obtained in 1525 did not discourage them.

The continuing social differentiation of rural society and the socio-cultural developments influenced the issues of rural conflict. Rural communities became increasingly incorporated in regional economies and subject to the disturbing effects of fluctuations elsewhere, and to regulations on marketable surplus and to restrictions on rural artisanal production. The measures of towns, together with economic enterprises of the lords curbed the facilities for optimal surplus marketing and economic differentiation of the non-landed rural population. This led to new complaints and grievances of the rural population as a whole and to increased tensions within the villages.

The success of the Reformation in Germany disturbed the relative calm of the German Empire soon after the Peasant War. Civil war, culminating in the Thirty Years' War brought distress, new taxes and looting armies to the countryside. The warfare of the Emperor outside the Empire resulted in religious tolerance but higher Imperial taxes. The Schmalkaldic War and the opposition between Emperor and princes caused civil war and structurally higher taxation.207

The influence of the Reformation on the countryside changed after 1525 in dramatic fashion. From an initially successful legitimation ideology of the Reformation had proven to be not very useful in rural protest. Yet the success of the Reformation with lords and princes continued its influence on aspects of rural conflict and conflict resolution. The revolutionary social elements were quickly suppressed and the dominant Lutheranism and even Zwinglianism became rapidly incorporated in the hierarchical structure of society and its legitimising ideology. Both the Reformation and the Counterreformation had an impact on the countryside leading to new grievances and relevant issues.208

The stricter organisation of clerical hierarchy and its local presence decreased the autonomy of Gemeinden to choose priest or parson. Control over events in rural communities by the church increased through its presence, be it permanent or through visitation. Religion rapidly transformed from a support of protest to a legitimation of the existing order, whether Protestant or Reformed Catholic. As a catalyst for the formulation of grievances or conflict issues or as a galvaniser of collective action religion had rapidly disappeared from the countryside.208 Conflict issues were still formulated in the context of customary law,

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even when religion played an important role in structural political and social developments. This caused tensions in rural communities. From the point of view of issues of rural conflict, the Peasant War had little lasting impact. Territorial consolidation, taxation, military conflicts and the continuing commercialisation of the rural economy took over from the brief but forceful influence of religious legitimation in rural conflict. In another fashion religion still remained a very important factor in rural conflicts in the Empire, as the example of Austria in the 1620’s and 1630’s will show. Furthermore, issues were not the sole determining element of collective action in rural society.

3.4 Participation in rural conflicts.

A second aspect that will be dealt with here is participation in rural conflicts. Which groups were brought together by issues and grievances after 1525? Who were the leaders and organisers? And from what social strata was participation envisaged?

In the Peasant War of 1525 leadership was in the hands of individuals who were chosen for their capacity or social status. A former Landsknecht might be a very successful organiser and provide the experience necessary to keep a Haufen together. Indeed many aspects of the organisation of protesting peasants betrayed the influence of traditions of infantrymen. Other types of leaders were townsmen, members of the clergy or noblemen. They provided status and respect, not only towards the peasants themselves, but also towards the authorities. A Haufen led by a nobleman or a priest, it was hoped, had a greater degree of legitimacy, claimed authority and would hence be more successful in attaining the ultimate goal of the peasants; negotiations with lords in optimal circumstances in order to secure success.

In the conflicts of 1525 non-rural leadership was predominant in supra-local collective action. The repression after the Peasant War changed this. The dramatic escalation of rural protest in 1525 had a lasting impact on the attitude of towns and noblemen. The absence of leadership from these sectors of society after 1525 should be seen in the context of both fear of a new revolt and of repressive measures planned by the authorities against non-rural leaders. These leaders had learned their lesson well and rural conflict after 1525 never envisaged widespread involvement of townsmen or of individual representatives of the nobility. In 1525 the authorities and the Church were extremely worried over the involvement of village priests and travelling preachers. The establishment of Lutheran regimes and the offensive of the Counterreformation

209 See H.-M. Möller 1976, passim. Peasants are reported to have started dressing in the typical Landsknechte fashion.
envisaged a similar goal - the creation of a clergy that was loyal to the higher authority of the Church, be it Catholic or Lutheran. This process seemed to have been successful already in the mid-16th century in those areas where the principle of *cuius regio, eius religio* was to become formalised by the Augsburg agreement of 1555. In those areas where a religious minority existed or was suppressed, the issue of religion could again become a catalyst and there the clergy or preaching laymen would be prominent or, as in the case of Austria, the leaders.

On the whole, however, post-1525 conflict returned to a pure rural form as far as leadership and participation was concerned.

Apart from immediate leadership, the Gemeinde as the organisation of landed peasants was in the forefront of rural conflict before and after 1525. These were the landed middle peasants who formed the backbone of rural protest. The richest peasants were more reluctant to join protest and feared that possible punishment would hit them harder than their poorer colleagues. To them, the issues and grievances were less relevant.

On the lower steps of the rural social ladder one finds the rural poor, landless labourers and artisans. Their involvement was only minimal, protest initiatives did not come from their part. Apart from the aspect of tactical opportunity, now generally believed to have favoured the middle peasantry, a look at the predominant grievances may explain the absence of involvement of the rural poor. The issues were essentially issues of the Gemeinde. Protest was aimed at protection of the autonomy of the Gemeinde and of the specific rights linked to membership of this village organisation. The interests of members of the Gemeinde and those of the landless were often diametrically opposed. After 1525 the build up of territorial units only further dismembered the autonomy of the Gemeinde on judicial matters, but internally the landed peasants managed to use the organisation for their own purposes. Inside the village, the Gemeinde remained strong and an established body of social control benefitting mostly the landed peasantry. In combination with the resurgence of the Catholic Church on local levels, or the Lutheran church organisation, the control of village life by the Gemeinde members became an important factor in rural life in the later 16th century. This development could not prevent the growth of intra-village tensions resulting from demographic pressure and continued social differentiation in the villages. This is especially evident in South West Germany, where these tensions surfaced clearly in the Peasant War. Already the Gemeinde had tried to secure its interests by seeking codification of rights infringed upon by the lords, but it was threatened by population pressure in the

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210 See the Conclusion of E. Wolf 1969:290-292. This view is now generally accepted among social scientists and historians alike.
After 1525 rural protest returned to legitimising itself through customary law, most suited to the interests of the landed peasantry. Thus conflicts became increasingly matters for a limited group within rural communities. Those left out, the landless labourers, rural artisans and Landsknechte had other worries and increasingly the division in rural society was being felt. On rare occasions their protests and grievances were heard as was shown in the case of Ochsenhausen and sometimes they tried to organise themselves in a fashion similar to that of the landed peasants. The Bundschuh conspiracies of Joß Fritz were in general concept similar to the Bundschuh planned by the rural elite, yet Fritz sought his support predominantly among the rural poor. Even more striking is the example of Hans Müller in 1524 and 1525. Initially he was not successful among the Gemeinde members because of his radical plans and his Haufe consisted mostly of Landsknechte, indebted peasants and the landless. Only when external developments seemed to favour the peasants’ case, as in the spring of 1525, was the Müller group joined by landed peasants. These cases were so unusual as to warrant the conclusion that rural protest was almost exclusively the business of the landed peasants. The very fact that Fritz and Müller used the models of organisation of the middle peasantry and rural elite illustrates already that there was no autonomous collective action of the rural poor. In the cases of the Stühlingen, Klettgau and Hauenstein peasants a division in two interest groups is clearly visible. Unified collective action of the whole community was very rarely achieved and only with great difficulty. In such cases, where grievances were voiced by all inhabitants of a village, a special mention was made, indicating that rich and poor supported the protest. Roughly speaking, two interest groups within a village can be discerned of which the landed peasantry through its use of of customary law and the Gemeinde organisation was by far the best organised and the most active.

Another aspect of rural social differentiation was the fate of those who did not have a chance to become farmers through lack of eligibility to inherit by customary law. Young men without a fixed social position were very active carriers of protest elements in the popular culture of early modern Germany. The interests of the Gemeinde were generally not the issues that brought together those young men. All evidence points to the conclusion that those who started rural protest were the established peasants, whereas the young men played a different role. The sudden spread of unrest after New Year 1525 has been seen in light of the

212 These indications are very rare. The community of Mühlhausen (in Hegau) presented complaints on 22 November 1524 on behalf of "die ganz gemaind gemainlich rich und arm des dorfs". G. Franz (ed.) 1980:143.
tradition that the young men of a village (Burschenschaften) travelled around to other villages. In 1525 they would no doubt have spread news of the latest developments in the already unruly areas of the Black Forest and Hegau. Folklore of New Year celebrations thus became instrumental in the escalation of peasant protest.

The young men were traditionally the executors of limited violent action, in the form of local charivari tolerated by the community and authorities alike. Some of these actions showed similarities to judicial action (rügen) and elements of this tradition were picked up by peasants in 1524 and 1525, as for example in the case of the occupation of the abbey of St. Blasien. In that case the peasants were active, but later, in the 17th and 18th century the young men themselves acted as in the Basel area and the Salpeter revolt in the Southern Black Forest (1727). These protests of subordinate groups in rural society were quite different from the routine protests of the landed peasantry and had different participants. Furthermore, issues differed as well because the Burschen or Knabenschaften exerted forms of social control in a fashion determined by tradition and local folklore whereas Gemeinde protest - even when tithe refusal and poor performance of dues had ritual aspects - was far more rationalised.

The two forms of protest coincided on some occasions but not necessarily so, often because the protest of the young men was often a very critical appraisal of the rural elite and the 'establishment' of landed peasantry. Compared to the Haufen of the lower strata in 1524 and 1525 and the Burschenschaften, Gemeinde protest remained clearly predominant and the actions of the landed peasantry were the most pronounced form of rural collective protest. Increasing social differentiation only enhanced this by stressing the importance of participation of the Gemeinde members, whose interests were primarily concerned.

3.5 Organisation.

In terms of the organisation of collective action, 1525 formed one of the very few exceptions to the rule of local or Herrschaftlich-territorial action. The supra-territorial unions of Haufen, culminating in the Christian Unions, formed a unique exception in German rural history. Those types of organisation served no purpose but to increase pressure on the opponents in the conflict. As such this was of immense importance, but it became all too soon counterproductive because the process of routine conflict resolution (lord-
subjects) was hindered and the anxiety of lords and authorities was increased. The treaties which formed the outcome of the Peasant War were all concluded between a lord and his subjects. Immediately after the Peasant War, organisation of rural collective action again took the form of collective action of all the subjects of a lord or Herrschaft. The supra-territorial attempt of 1525 was not to be repeated.

Another organisational aspect of post-1525 events was the disappearance of the Bundschuh idea of peasant resistance. This was also a supra-territorial concept of collective action with a strong notion of conspiracy. The series of Bundschuh between 1470 and 1525 turned out to have been merely a phase in the development of the notion of rural protest and peasant resistance. No Bundschuh occurred after the Peasant War.

The organisations of Burschenschaften as well as the Haufen of the rural poor led by Hans Müller in the autumn of 1524 became important under very specific circumstances and did not develop into routine organisations of collective action. The Gemeinde and its forms of organisation embodied a continuity that was not destroyed by the events of the Peasant War. The predominant forms of protest in 1525 (such as tithe refusal, bad performance of dues and temporary landflight) remained the same in later years. Those forms of protest were again used as a means to exert pressure and to provoke mediation or arbitration. On the organisational level peasant resistance changed very little and the Gemeinde, although weakened politically, remained the center around which rural collective action took place.

After 1525 the growing number of landless and rural poor did not cause the development of specific types of organisations defending their interests and peasant revolts after that date essentially were protests of the young or of the landed peasantry. Only when outside intrusion appeared in case of wars, through taxation and the burden of military forces, the community acted intentionally as a whole against the outsiders. However, such self-defense was too much ad hoc to have been the result of organisational strategies. Peasant revolts did not go well with situations of warfare as was shown in the case of the Thirty Years War. This self-defense differed essentially from the type of peasant resistance making up conventional revolts in terms of the issues at stake, as well as in participation and organisation.

A final element to be shown in its post-1525 form is the presence of tactically favourable opportunities. The example of 1525 is an illustration of the way in which specific opportunities for continued rural protest actions existed due to events totally alien to rural society. The wars of the Habsburg in France and Italy and on the Austrian-Ottoman border demanded all the attention, money and troops the Imperial government could muster. In the absence of local or regional police or military forces the peasants
could freely exert pressure and demand negotiations starting off in a situation favourable to them, at least in the short term. This was realised by the authorities and one of the major developments in the Empire after 1525 was the practical execution of what later became known as *gute Polizey*. This was a concept of increased surveillance not only to prevent rural unrest or its escalation, but also to keep an eye on lords and clergy. The authorities had learned from the events of 1525 that many of the peasants’ complaints were just and legitimate. The process of territorial state building sooner or later enabled princes to establish a policy of independence from the consent of the nobility and hence they were able to show that they understood the cause of the peasants. The Bavarian dukes had managed to do this at an early stage, but other smaller territories were unable to allow this increase of justice. Nevertheless, the continuing intrusion of representatives of the authorities, the increase of a permanent police force and the increased level of control limited the opportunities for peasant action. Theoretically, increased presence of supra-local authority meant increased control over behaviour of the lords as well. However, this depended on the level of solidarity between lords and territorial authorities and on the facilities for non-violent conflict resolution. Apart from increased control in the broadest sense (*gute Polizey*) institutional developments took place that created more opportunities for peaceful conflict resolution through mediation and arbitration by bodies that were acceptably independent. The Reichskammergericht, the Reichshofrat and the practice of sending direct deputations to the Emperor all allowed for this.

State-building increased control over day-to-day life. At the same time, religious reformation (Catholic and Protestant) and the growing reluctance of members of nobility and clergy and townspeople committed to the cause of the peasants limited the tactical opportunities for successful peasant resistance. Yet, facilities for institutionalised conflict resolution were stimulated through the expansion of juridical possibilities and judicial autonomy. This meant a change from tactics of bluff and pressure, and sometimes violence to a situation where mediation and court settlement became accepted by all parties as a normal, routine procedure. This development can be measured from institutional developments and the increased use of courts. This should not be idealised as it still was a long way from good intentions in the center of government to good execution in Black Forest villages. However, for the landed peasantry, these developments offered new possibilities for the seeking of low-risk redress of grievances. The chances of success did increase, although judicial impartiality was by no means achieved, and the risks of voicing protest were less.

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216 See V. Schulze in P. Blickle et al. 1984: 61–99 for a general overview. See also P. Blickle in H. Buszello et al. (eds.) 1984:44.
217 Ibidem, p.41ff.
with increased acceptance of judicial procedures.

It should be noted that other aspects of state-building caused new conflicts in rural society. Increased taxation, the side-effect of warfare (internally or externally) and changes in the structures of Herrschaft, combined with the effects of increased social differentiation in rural society, ongoing commercialisation of the peasant economy and demographic and political developments caused a series of conflict areas for which the recently created institutions for regulated conflict resolution were only moderately, or not suited. The peasant revolts in the Habsburg possessions in Austria will illustrate the remaining – or new – problems in routine conflict resolution. This example will also serve as an illustration of the manifold changes that occurred in some parts of the German Empire after 1525 as far as rural conflict and its resolution was concerned.

3.6 Peasant revolts in Upper Austria: Rural protest, social differentiation and the state.

When the wave of peasant revolt spread to Upper Austria in March 1525, peasants started to gather in parishes and on a supra-local level. Most of the territory was under Habsburg control and conditions of life were rather uniform. Still, the organisation of peasants turned out to be very weak and by the end of the summer military intervention, organised by Archduke Ferdinand, had subdued the peasants. One of the reasons why the peasants in this homogeneous area were unable to organise themselves successfully on a supra-local level was that they failed to reach agreement on the issues and the tactics to follow. As elsewhere in the Empire, the rural elite of the Gemeinde dominated rural protest, and grievances formulated were relatively moderate compared to those sent to the representatives of the Emperor, their formal lord. The peasants demanded negotiations over their grievances with Imperial authorities at Innsbruck, the seat of government at that time. Furthermore they demanded formal recognition as a political body since there existed no Estate of the peasantry in Upper Austria. These demands reflected the difference in social status between the peasants of Upper Austria and Tirol, as the latter had formal representation in the Estates and were able to seek redress for their grievances in an institutionalised political forum.

These moderate requests were supplemented by more radical demands of less influential members of the rural population. The radical party consisted of rural artisans, labourers and radical peasants. They used the troubled situation to disturb Gemeinde meetings in order to voice their grievances and demands. Some of these were more radical versions of the Gemeinde demands, such as the request for a type of parliament to replace the Estates, others were concrete and specifically suited to the circumstances of the poorer peasants. The
request for lower oats prices was typically relevant for those peasants who supplemented their farm income with transport of wood, for which food (oats) for the draught-animals was needed. Another grievance, the habit of lords to graze their cattle on land of the peasants, may have been shared by all peasants alike, but the demand for abolition of the Robote, the labor dues, was typically more urgent for the poorer peasantry. Rich peasants normally evaded these socially humiliating obligations by sending a labourer as replacement. Poorer colleagues were unable to do this. A final radical demand concerned the Habsburg practice of mortgaging land and farms against money. In exchange for fixed sums of money the lien administrators (Pfandherren) received full authority over the mortgaged seigneuries or estates. By the early 16th century the Habsburg government had decided to follow the policy of Pfandherrenschaft in order to obtain a secure income without the bothersome duties of estate management. As a result of this attitude, the administrators received freedom to manage the farms and estates which inevitably led to structural abuses and increased dues and obligations.

The complaints of the radical party remained marginal, but the effect of the disagreement among the peasantry was the rapid failure of peasant protest, both in negotiations and militarily, in the summer of 1525. The authorities reacted quite drastically at the end of the organised protest. Archduke Ferdinand wanted to establish order in his own back yard, being pre-occupied with the Ottoman threat and the matter of the Bohemian inheritance. The Austrian nobility, organised in the Estates, also wanted severe repression because many of them were landowners or lien administrators who were sensitive to rural unrest. They levied high fines and ransom money as compensation for their military commitment against the peasants and continued to further establish their authority in the countryside.

After 1525 a combination of developments dramatically changed the conditions of life of the peasantry. First, the preoccupation of the Habsburg government with foreign affairs had its effect on internal policy. Mortgaging continued and the system of lien administration received full political and, more important, legal support. The aim of the Imperial government became to establish the legal framework for efficient management of mortgaged farms and estates in order to maximise surplus extraction with a minimum of effort. Such a policy bought the support of the nobility who were more than ever willing to become lien administrators. Efficient administration became the goal to which juridical reform and internal political action were directed. Its implications for the rural population would be tremendous as will be seen later.

A second development concerns the relation between the Estates, composed of noblemen, and the

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220 H. Rebel (1983) has provided a very instructive case study of this phenomenon.
Imperial government. This relationship was ambivalent. On the one hand noblemen and Imperial government were competitors over the produced surplus of the rural population but on the other hand there was a strong mutual dependence. The Emperors needed the noblemen as estate managers and administrators for tax exaction and as contributors to the treasury for the mortgaged crown lands. The managers, as lien administrators, had a considerable degree of freedom but they were dependent on the willingness of the government to provide the legislation and political willingness required for optimal efficiency and surplus extraction. The Estates as a whole tried to protect their political strength while individual members of the Estates were engaging themselves in a complex relationship with the government in exchange for legal back-up in their attempts at maximalised surplus extraction. The relative political and juridical coherence in Austria, that had not led to supra-locally successful peasant organisation in 1525 did provide the preconditions for a totally new and very efficient bureaucratic organisation of feudal society.

The judicial reforms that were executed in the second half of the 16th century greatly disturbed the structures of judicial powers. Almost all judicial autonomy of the Gemeinden was taken away, rapidly causing an erosion of the Gemeinde as a political and even social unit. Further, the Estates suffered severe setbacks. In a relatively brief period the central government, having made the nobility dependent managers of crown land, had nearly achieved full control in legislative matters by curbing the autonomy of the village communities and by eliminating the legislative powers of the Estates. In return, the noblemen received a predominant position in the countryside because all legislation and juridical reform was aimed at strengthening their position as managers of estates or as administrators of crown liens. In these functions they were given nearly unlimited authority within the recently established legal framework. Most noblemen decided to follow similar policies in their own possessions, imposing new rules and obligations, creating a relative uniform system of surplus extraction all over Upper Austria. The judicial reforms had created a state bureaucracy in which the nobility had received a position as executive as well as beneficiary. The Habsburg government and the nobility now fully shared interests. These were the proper functioning of the bureaucratic organisation and the management of estates and farms, be it mortgaged or owned by the nobility. The erosion of political power of the Estates had been compensated by greater security and guarantees, together with a position in an organisation that promised high revenues.

What did this reform mean for the peasants? The developments after 1525 first eliminated the

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political and judicial autonomy of the Gemeinde. Simultaneously, the representatives of the lords established themselves as plenipotent stewards, charged with the reorganisation of rural conditions of life in order to facilitate the execution of efficient management. Soon after 1525 measures were taken to transform personal serfdom (Leibeigenschaft) into a position of hereditary subject (Erbuntertänigkeit). The latter social status was still inferior to that of free men, but in view of the policy in which farms were only leased to individuals who were Erbuntertan, it became an enviable position and most peasants gradually entered or were forced into this status. Being a subject had several implications. The estate managers wanted accountability and reliability: every farm had to yield a proper surplus for which good farming was a prerequisite. As in South West Germany, it became strictly forbidden to split up holdings. Farms had to remain as big as possible, a promise for economic viability as well as a simplification of administrative work. Customs and traditions in family life and inheritance structures were made totally subject to criteria of efficiency. Hereditary tenancy was introduced soon after the Peasant War but there were strict conditions: the farm had to remain in shape, both in physical size and economic profitability. Bookkeeping was introduced to facilitate registration of yields marketed, rent paid and dues performed.

All this had severe implications for social relations in the countryside. On a general level, the idea of effective management of farms within the socio-legal context meant the construction of a set of relationships that combined specific 'feudal' aspects (feudal dues and obligations, Erbuntertänigkeit) with clearly capitalist elements (accountability, maximisation of yield through efficient management).

More specifically, strict regulations for tenancy of farms, increased supervision and intervention of the managers and aggressive legislation attacked the very foundation of peasant society. The total elimination of the Gemeinde as a guarantee of autonomy meant a social and economic individualisation of the farmstead and the household which rented it. The tactical coalition of lords and government further weakened the position of the peasantry as they saw themselves confronted with the strong force of lords who had become part of a state bureaucracy, supported by Imperial rules and legislation.

Social control on good behaviour of the villagers by the community through local customs was replaced by active control of administrators who were only interested in the orderly and profitable running of the estates. Before the end of the 16th century, peasant households were so much under the control of the representatives of the lords that the heads of households were a sort of extension of the system of bureaucratic management. Continuation of the tenancy had become dependent on the proper execution of obligations,

222 Ibidem, p.32.
payment of dues and farming in general. The heads of households were the holders of the farm, responsible for
the proper economic management of the enterprise as well as for the social order within the household
consisting of the nuclear family of the tenant and servants, labourers and artisans. The 'housed', the heads of
households, were charged with keeping order on their farm, in the social and economic sense. They
collected all the taxes owed by the members of the household and represented them legally in administrative
court cases. They became, in effect, the lowest representatives of the new bureaucratic state organisation
with a vested interest in keeping up the status quo as it guaranteed them the tenure of the farm and authority
within the household representing a new type of social status. Within less than a century the farmers that had
been the backbone of the Gemeinde, struggling for autonomy, had been forced successfully into a position
where they were both a dependent exponent of a bureaucratic order and the absolute holder of power and
authority in their household.

Due to the introduction of detailed regulations for servants, labourers, artisans and other lodgers social
mobility was reduced drastically. Within rural communities the balance of power had shifted firmly to the
heads of household who had a strong interest in controlling the behaviour and enterprises of all those in their
households. The 'unhoused', those who were not tenants of a farm, realized that there was virtually no
possibility to change their status. The transfer of a farm holding was only allowed between individuals who
looked to be economic entrepreneurs, promising a continuation of the viability and profitability of the farm.

A brief comparison with Upper Swabia in 1525 is justified here. In the densely populated Upper
Swabia the heads of households, represented in the Gemeinde, had wanted to strengthen their position by
demanding a stronger community with rights and autonomy codified. This was not only intended as a better
protection against the lords but also against the intra-village pressure of labourers and artisans. The
population pressure damaged their control over the communal land, woods and water. By protesting against
the infringements of lords, who had helped labourers to obtain land from the Allmende, the landed peasants had
demonstrated that in view of the growing social differentiation and population growth they wanted first and
foremost to protect their own specific interests. In order to obtain this protection they sought to strengthen
their organisation, the Gemeinde.

In Austria, the particular supra-local and state structures caused a similar goal to be reached by
forcing a bureaucratic system upon the rural population, abolishing the autonomy and authority of the

223 Ibidem, p.155.
Gemeinde, while guaranteeing effectively that the heads of households obtained a position difficult to challenge within the rural community and within the household. At the cost of losing communal authority and autonomy, dependent upon strict rules and regulations while subject to social and economic supervision by the stewards of the lien administrators, the ‘housed’ of Upper Austria had firmly secured social and economic positions.

Through a coalition of interests of the Habsburg authorities and Austrian noblemen a very efficient legal-bureaucratic order had been established in the countryside in a timespan of two generations. In the process of execution of measures establishing bureaucratic order in the countryside regulations were presented in such a fashion that they seemed attractive to the landed peasantry. At the same time, however, the establishment of a new order was an offer the peasants were unable to refuse. Nobility and government had such intertwined interests that measures of government representatives against corrupt or abusive lords or estate managers were very difficult to obtain. Even when the rural elite was able to establish firm control over the rural communities and households many grievances against the imposed new system, against the lords and the continuously growing load of rules and regulations remained.

3.7 The changing face of rural conflict.

A strong indication of peasant dissent in Upper Austria in the 16th century was the success of the Reformation in the Hausmacht of the orthodox Catholic Habsburgs. Not only the noblemen of the Estates became Protestant as a protest against Habsburg centralising policy. The rural population followed rapidly and by the end of the 16th century Protestantism was predominant in the countryside. In view of strongly decreased economic and socio-political autonomy of peasant households and communities the Protestant religion offered compensation through its autonomous and non-hierarchical organisation. Here again, as in 1525, religious organisation offered an alternative to the strict social and political order imposed so ruthlessly by legal reforms and the policy of the Habsburgs and Austrian nobility. Grievances and protests could no longer be voiced through the formal Gemeinde-organisation. Instead they were galvanised by another communal organisation, the Protestant parish.

By the end of the 16th century the Habsburg government increasingly put pressure on the Austrian population to return to the Catholic Church. These measures were at first not very effective because the government had other priorities on the international political scene. Internally, this implied a continuing and growing need for money to be raised by new dues on the rural population in the mortgaged territories where it.

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224 The onset of the Counter Reformation took place in the 1620's, ibidem, p.245.
was easiest to raise. In the 1590's the rural communities of Upper Austria witnessed anti-Protestant measures and the institution of new dues and obligations. The Habsburg government had put pressure on the managers of its mortgaged estates to increase surplus extraction from which additional income was to go to the treasury of the Habsburgs. Increased administrative procedures used for the collection of dues, increased dues and Robote as well as new dues and obligations and higher fines were the result. At the same time, lien administrators made new attempts to enforce the Gesindezwang, the obligation of sons and daughters of housed peasants to leave the farm and enter another household as a servant, lodger or labourer. This measure was a further modification towards the optimal management of farms as it increased the available labour force. Furthermore, Gesinde were dependent members of households and not anymore independent labourers or servants. They represented cheaper labour and were socially lower in status.

The increased pressure on the rural population resulting from the measures in the early 1590's did not generate coherent protest as such. This was even less so in 1595 than in 1525 due to the progressed and formalised social differentiation in rural communities. However, the active policy of repression of Protestantism in other parts of Austria became a catalyst of organised protest and peasant resistance. The recent measures were used as a concrete example of the abuses of the lien administrators and of the increase of taxation. Originating as local protests in 1594 and 1595 a supra-local organisation was formed and later a small peasant army even threatened the existing order in Austria. All social groups in the rural communities held grievances and this discontent was channelled by the parish structures, in which the heads of households were the dominant forces. The issues were non-religious but the organisation of protest benefited from the existence of religious communal organisation and supra-local connections.

Peasant protest was organised rapidly and the grievances were strong enough to motivate the continuation of prolonged protest. However, far from a fundamental protest against the imposed legal, bureaucratic system, only concrete protests and demands were voiced. Even the ruthless reorganisation of economic and social life in rural Austria did not cause revolutionary tendencies. The leadership voiced concrete protests against illegal innovations and abuses of the managers for which redress was demanded. The system as such seemed to have been fully accepted by the heads of households as no return to the old system and to Gemeinde autonomy was demanded. This does not imply that a consensus existed on this matter, only that the heads of household, the old Gemeinde elite and now even more powerful in rural society, accepted the new structures and only protested against its excesses. Other social strata, non-heirs, servants, and labourers may have joined the military organisation formed to support the demands but they had no influence on the
formulation of grievances. Rural protest in 1595 was even more elite protest than in 1525.225

The Habsburg government was unable to intervene and left it to the Estates to do so. The nobility was directly interested, as they witnessed the revolt of their subjects in the new system. Furthermore, the protests were predominantly directed against the officials and managers of the new legal and economic order, all members of the nobility. There was yet another reason why the Estates wanted to repress the unruly peasants.

In view of the military impotence of the Habsburgs the Estates hoped to intervene successfully in order to regain some of the authority it had lost as an independent legislative body. In November 1595, however, the military forces of the Estates were defeated by a small army formed by the peasants. This resulting power vacuum lasted until an armistice was agreed upon in January 1597. During this period the peasants directed their grievances to the Habsburg government and started negotiations. The willingness of the government to engage in negotiations was resented by the nobility who complained that Imperial involvement stimulated and even caused peasant revolts.226 The Court had formed commissions to investigate the complaints and grievances of the peasants and did not attempt immediate repression, the possibility to do so was limited. The nobility feared direct negotiations between the Imperial government and their subjects, but the Court saw this as an excellent occasion to strengthen the new legal-bureaucratic order.

Representatives of the lords and the peasants continued negotiations until May 1597, when an Imperial 'Interim' regulated many unclear issues about dues, obligations and rights. The general framework of the reforms after 1525 had now been formally established, while individual lords and their subjects were urged to settle their arguments within this framework. Peasant protest returned to legal processes in regional courts in which the nobility was dominant. However, the Interim regulations had given the rural population at least some opportunities in the new legal bureaucratic order. The revolt had served to pave the way for more clearly defined and codified ways of non-violent conflict resolution. The Estates, however, used the Interim after May 1597 to force a violent repression upon the peasantry in order to dissuade them from continuing negotiations and to force them to accept the planned conditions. Still, the peasant unity of the 1590's had proven to be useful when compared to the events of 1525. That unity had been a purely coincidental one, stimulated by shared grievances against the same opponents and by the religious parish organisation; it was

225 In other words: the protest came from the same social category within rural society, but the status differences had increased dramatically in 70 years.

not caused by shared interests or a shared socio-economic situation of the peasantry. The result, the formalisation of the new bureaucratic order, served the housed peasants most and they must have realised that in the specific circumstances of the organic cooperation of nobility and Habsburg government through lien administration no more results were to be expected. Many grievances continued to exist, especially among the non-housed who saw their social and economic opportunities decrease even further and among those who still cherished the idea of communal authority, both judicial-political and religious.

Rural unrest manifested itself again in 1620, in the context of geo-political developments seriously damaging the cohesion of the ruling elite of government representatives and regional nobility.

In 1619 the newly elected Emperor Ferdinand II decided to strengthen his control over the Austrian possessions. He received military and political support from the Catholic League and from the movement of the Counterreformation. Later, he also secured support from the larger part of the nobility which had grown weary after the defeat of the party of the Estates in 1620.227 A small faction of the Austrian Estates decided to continue resistance against Ferdinand II and his supporters and its action stimulated peasants to voice protest against new taxes and increased dues. The issues were essentially the same as in the 1590's and betrayed the continuing importance of communal institutions as catalysts of rural conflict.

Elsewhere, a new type of rural collective action occurred. In the South East and North of Upper Austria peasants joined those members of the Estates still resisting the policy of Ferdinand II. The noblemen wanted to secure a better position for the Estates, the peasants defended the already severely curbed autonomy of villages and parishes. They understandably feared that the new attack of the Counterreformation would put an end to parish autonomy and Protestant preachers. The last sign of local autonomy was now threatened. The coalition of lords and peasants can thus be seen as a defensive pact against the intervening state. The noblemen soon gave up their struggle when a Bavarian army under duke Maximilian occupied Upper Austria to re-establish Habsburg authority. The peasants of the North organised themselves in order to prevent the invasion, but they were soon condemned to small guerilla-like activities.

However negligible the result, the mood in Upper Austria had changed dramatically by 1621. The occupation by 5000 Bavarians increased the fears of violent repression of Protestantism and of parish autonomy. Already in the 1590's Protestant areas had been the center of peasant resistance, even though religion was not an explicit issue at that time.228 The economic impact of the Bavarian occupation triggered

228 H. Rebel 1983: 252.
the first concrete cause for protest. In 1621 Ferdinand II agreed that the Bavarians could occupy Upper Austria and levy taxes there until they had recuperated all their expenses.229

For this purpose taxes were increased so heavily that a huge inflation and collapse of the currency occurred within two years. This Kipper und Wipperzeit disturbed the relative calm and prosperity of the Austrian rural economy, where agriculture and wood production had accommodated peasants and artisans alike.230 Because of the inflation (1622-1624) market production of agricultural goods suddenly became very attractive, like other forms of primary artisanal production. Many peasants and rural artisans indebted themselves in order to invest in land, labour or equipment. The Bavarian occupation promised to cause a boom for those peasants and artisans investing or borrowing money. Demand was higher because of the occupation army while labour costs (paid in devaluated coin) were down. It seemed worthwhile to go into debt in order to invest or expand.

The dream was soon over. Adam von Herbersdorf, in charge of the Bavarian occupation army, decided to control market prices, tolls and trade in order to stabilise the economy. These measures did not at all serve the peasants and artisans, the small investors, when they became effective in late 1625 and early 1626. The resentment was strong among many groups in rural society. Suddenly the economic outlook, if not the actual situation, had changed drastically.

At the same time Herbersdorf took measures in the area of religion as well. Ferdinand II had pressed the Catholic Bavarians to execute anti-Protestant measures. These had been announced already from 1579 onwards but the practical implementation left much to be desired.231 Herbersdorf was in principle preoccupied with fiscal and monetary aspects but he complied and in October 1624 he decided to evict all Protestant parish pastors and schoolteachers. A year later the Imperial Reformation commission, headed by Herdersdorf and charged with the recatholicisation of Austria decided to step up action. Secularised Church land was confiscated, Italian Jesuits were installed to replace the preachers who had left as there were not enough Austrian Catholic priests and finally all Protestants were given an ultimatum of fifty years in which they had to convert. All these measures were announced in the same period as the economic measures and they caused a wave of unrest in Protestant areas of Upper Austria. This Reformationspatent not only had religious

229 G. Parker 1984:93.
231 No real action had been taken until the 1620's, see note 225.
and social implications. The stricter Catholic control over parish churches meant communal loss of control over funds which were kept there and which had served in financing investments. Religious autonomy also meant financial autonomy for the rural community in which the heads of household played an important role. The attack on Protestantism so shortly after the increased investment activities of peasants and artisans thus meant far more than lack of religious tolerance. All indebted peasants and household members were afflicted by the measure that brought yet another aspect of their daily life under control of supra-local authorities. Leaving the territory was far from attractive, even in the individualised rural society of Upper Austria. A special tax was levied on those that left with the practical result that an average family of a tenant had to give up about half of its possessions. On the other hand, going the ‘politique’ way by becoming Catholic meant that some rights had to be given up.

All this happened in the months after a violent reaction of Herbersdorf, who had executed at random seventeen village officials in an area where the installation of a Catholic priest had been resisted. The officials had not been directly responsible for this protest but their execution served as warning. Therefore they received no due process in violation of all legal tradition. All measures of Herbersdorf were breathing the atmosphere of illegality against which no routine protest was possible. After all he was the head of an occupying force. The extra-legality of the measures became a unifying force for the peasant resistance that surfaced in May 1626.

The Upper Austrian revolt of 1626 was led by well-to-do peasants just like other peasant actions in the German Empire. They organised a small army and marched towards Linz where the regional government had its seat. On their way the peasants defeated a group of soldiers sent by Herbersdorf. While they were near Linz, grievances were formulated and a long list was sent to the Emperor in July 1626. These grievances reflected the specific circumstances of the Austrian peasants. Protest against repression of Protestantism and the Reformationspatent was presented in a very bureaucratic, legal way. It was claimed that the authorities broke the law and did not follow the proper administrative practices and many examples of this were given in relation to the emigration restrictions for Protestants. At the core of the protest stood the fear of structural deterioration of the position of the “housed”, the landed peasantry, as in 1525. The main difference was the formulation of the complaints. In 1626 bureaucratic language was used. Not only because a state bureaucracy

234 Ibidem, p.245-246.
was addressed but also because the leaders of the peasant movement, housed farmers, were part of the bureaucracy as well. They had adapted themselves to the new legal-bureaucratic system and wanted to see it executed to the letter instead of being adapted to political needs such as the repression of Protestantism. The latter had negative side-effects for the bureaucracy because many experienced managers were replaced and some of the new men did not have the requested status of being housed. In 1525 the rural elite had acted through its instrument of control, the Gemeinde. A century later the same social category defended its interests by pleading in favor of strict adherence to bureaucratic procedures from which they derived their status and economic security. Development of state structures had transformed in one century the political language of the rural elite.

The protest, the formulation of grievances were similar, as was the ultimate goal; protection of the position of the landed elite and of specific interests of importance to most. The difference between the 1590's and the 1620's is that in the latter period the non-housed had disappeared completely from the scene of political conflict. For an outsider it had become a conflict between a distinct group of bureaucrats and those who had changed the rules of the bureaucracy to the disadvantage of the housed. The economic turbulence and religious repression brought together wide support for the actions of the discontented peasants but the way the grievances were formulated made the whole process of conflict resolution a matter of the landed peasantry.

Soon after the summer of 1626 the peasant army disbanded due to lack of external support and again a guerilla war started lasting for nearly two years. The events of the Thirty Years' War dominated the internal politics in Austria and only in May 1628 was a solution reached for the Bavarian occupation. Then the priests were removed as well. Meanwhile, repression of the peasant movement had been effective and many leaders were killed or executed. The Habsburg government made clear that their authority should prevail above the logic of the legal-bureaucratic system. The landed peasants, confronted with the threat of economic recession, indebtedness, forced conversion or emigration and repression of religious village autonomy had tried to use the bureaucratic order to defend themselves. This had failed because under the specific circumstances of the Thirty Years' War, the Bavarian occupation and the planned offensive of re-catholicisation the government did not feel bound to stick to the rules of the bureaucracy.

The new order as such protected the interests of the housed, the heads of households and provided them with the legal instruments to control relatives, servants and lodgers in order to ward off imminent dangers of

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235 Ibidem, p.249.
social tension and economic decay. Yet the price was high and had to be paid. Communal autonomy and judicial authority had already been curbed drastically as a result of the judicial and legal reforms of the 16th century. In the 1620's this process was completed by elimination of the autonomy of Protestant parishes and by making clear that the legal-bureaucratic order might serve the housed but that it was intended to serve the state and its representatives. After the defeat of the Estates representing the intermediate layer of bureaucrats in 1619 and 1620, the lowest layer of the system, the housed peasants were called to order in 1626.

The Counterreformation was rapidly completed in Upper Austria, not least because many farmers and noblemen-managers realised that there was practically no alternative to conversion. The former Protestants became true 'politiques' whose conversion was deliberate and whose subsequent attitude became one of a rural elite after the reforms of 1624 and 1625, and in the late 1620's the heads of household came back to the Catholic Church en masse.

Protestantism did not disappear overnight. Secret meetings were held and preachers travelled through the country. But as the rural elite had identified itself now completely with the law and order as imposed by the Catholic government, the Protestant movement did not gain support among the housed. The ideology of Protestantism became an extremely radical one, since adherence to this faith now meant being in opposition to the whole bureaucracy of estate management, from the government through the 'politique' nobility to the housed rural elite. The preachers became marginalised because their faith meant total opposition, a truly revolutionary ideology.

In the early 1630's the Protestant preachers provided leadership for those who were now more than ever the discontented: the dependent women and children of housed peasants, servants and labourers. The young men with virtually no chance of ever becoming a tenant due to lack of hereditary entitlement had joined the landed peasants in the 1590's and the 1620's as defenders of institutions which were hardly in their interest. In the 1630's these men, together with women and children became susceptible to the millenarian preachings of the Protestants. The established order in society had definitively cut off possibilities for social and legal reforms that would undo the limitations of the legal-bureaucratic system and the last autonomy of the parishes had been suppressed. The same circumstances that drove some Protestants into millenarian

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236 Ibidem, p.269ff.
radicalism caused support from the lower-rural classes. But for eschatological events no hope existed for concrete improvement of their fate.

When bands of these dispossessed organised around preachers of the millenarian variety of Protestantism in 1630, 1632 and in 1635-1636 the authorities were perplexed. These bands moved around seemingly without a goal. Within their ranks there were many women and children and stories about strange marriage ceremonies, hallucinations and religious ecstasy abounded. As on earlier occasions the government was not immediately able to engage in military repression. There was no alternative because no negotiations were demanded nor were grievances voiced. The bands simply rejected the whole societal order as it was.

Repression was, of course, only a matter of time. A striking phenomenon was the fact that the military forces levied by the Estates and the government were joined by peasant militia. The housed, the rural elite, had no sympathy whatsoever for this religiously inspired protest movement of the lower rural classes. The housed not only showed that they were loyal politiques, they also wanted to repress unrest that threatened the established order in the countryside. Finally, a revolt of the unhoused, of servants and labourers threatened the order in the household itself. Having been forced to accept the legal-bureaucratic order between 1525 and 1628 the housed peasants now identified themselves totally with the system. Rural protest was no longer protest of the landed rural elite. As a result of the strictly controlled and legally enforced social differentiation the peasantry as a whole had been disintegrated. The housed shared too many interests with the state to continue resistance and the lower classes thus sought redress for their continuing grievances with religious radicals as an organisation of economically, socially and religiously marginalised. Their defeat came inevitably. This group did not possess the qualities that had made other rural protest successful or worthwhile. Ideological radicalism does not make up for lack of organisation, good leadership and use of tactical opportunities.

The fate of the unhoused rural protest of the 1630's is comparable to the fate of that other radical leader of the poor, Hans Müller, or to the revolt of Thomas Müntzer in Mühlhausen, Thüringia in 1525. Their view of society was too different from the views of the rural elite, not to mention the authorities, to yield results.

From 1525 to 1635 one can see a gradual evolution in issues and participants in rural conflict in

Ibidem, p.273ff. This manifestation of radical millenarism shows a striking resemblance to the Camisard-movement of Protestants in early eighteenth century France, to which I will come back in the next chapter.
Upper Austria. This development reflects the effects of the evolution of a modern bureaucracy and of efficient state structures. Due to the political Herrschaft structure of the Habsburg Hausmacht a process of modernisation and state-building was concentrated in one century and the subsequent reaction of the peasantry, or better of different groups of the rural population, shows the close relationship between rural conflict and the development of the state, illustrating yet another aspect of the complexity of the rural society that underlies manifestations of conflict.
In this chapter the diverse forms of rural collective action in the German Empire from the 1470's to the 1630's have been analysed. This chapter has not offered a complete overview but several examples of different forms of rural conflict and conflict resolution. A central position was taken up by the events that led to the Peasant War of 1525.

By looking at the issues, the participation and organisation of protest action and at the tactical opportunities for successful protest the similarities and continuity of rural protest have been stressed. On the other hand, by selecting examples from a period of over 150 years, ranging from local conflicts to territorial revolts, the different forms are highlighted in the context of structural changes in the economy and society.

The following elements form aspects of the preliminary conclusions at the end of this chapter:

(i) Peasant resistance took individual as well as collective forms. The collective forms were organised by those peasants who were directly involved, hence all the subjects of a lord or all the members of a village community (Gemeinde). These forms make up the most visible part of rural conflict and form the main topic of this study.

(ii) Participation in rural conflict depended upon the issues but generally peasants acted as the body of subjects of a lord or of a territory. Sometimes specific issues, such as serfdom, brought together part of the peasants from different communities for supra-local action. In general, supra-local action was difficult because the issues, derived from local customary right, were not the same.

(iii) Grievances and demands were almost always moderate. Not only because most leaders and participants were members of the landed peasantry who had much to lose in case of an escalated conflict but also because the issues were legitimised by reference to customary law and local tradition. Hence, grievances normally took the form of complaints against new dues or obligations or infringements on rights.

(iv) In view of the interest of the Gemeinde members the following is clear: The issues of rural conflict changed over time but at all stages the issues at stake were of predominant interest for the landed peasantry. The middle and upper layers of peasant society formed the backbone of organised protest, be it against lords, taxation or the pressure of labourers and rural artisans. Their communal organisation was instrumental in the organisation of protest action, thereby incorporating sometimes other rural groups and issues, but never losing control over the action.
(v) The objective of rural collective action was redress of grievances. This was to be obtained by exertion of pressure, negotiations, mediation or arbitration. Existing institutions, courts and governmental bodies were used for this purpose. A general principle was that a low risk/maximal result policy was followed in which caution played a central role.

(vi) Most violent or manifest forms of conflict were ritualised and embodied in the popular culture of rural society. The recurrence of forms of protest is explained by their being a part of the routine culture, recognised by the society as a whole although not necessarily accepted as such. The level of violence was always very low.

(vii) Routine forms of conflict resolution were disturbed because of external events that influenced the escalation of conflict. Important were the temporary absence of an executive branch (military, police) of government and non-peasant interference with rural conflict (townsmen, preachers). These anomalous circumstances led to escalations of conflict that became known as 'peasant revolts'. Absence of repression or success in courts stimulated expansion of conflict areas beyond the Herrschaft or territory and led to a radicalisation of demands.

(viii) The peasant revolts can and should be seen in the context of routine forms of conflict resolution because issues, participation and organisation were similar.

(ix) On the basis of the pattern of routine rural conflict an analysis of extraordinary events can be construed by taking into account geo-political events, conjunctural developments as well as structural ones (population pressure, commercialisation, level of dues and taxes, increases that were perceived as being illegitimate) and aspects of social and cultural life.

(x) In the case of rural conflict in the German Empire between 1470 and the 1630's as analysed above the following structural developments and extraordinary events can be related to the occurrence of peasant revolts: the attempts at the formation of unified Herrschaft and territorial units, leading to infringement on autonomy and rights and increased dues and taxes; the growing pressure on the scarce resources for the peasant economy by interference of lords and officials and especially by growing population pressure on the institutions of the Gemeinde (social differentiation); the influence of Reformatory ideology, directly or indirectly; internal military conflicts that led to higher taxes while weakening the internal military force of the government.

(xi) Rural conflict was a recurrent aspect of society and increasingly institutional and legal reforms took this into account by organising forces for prevention and repression of collective action and by attempting to prevent the occurrence of conflict through increased control over lords and other potential opponents (Gute Policey). Also, progress was made in the sense that courts became more accessible to
peasants with grievances, substituting popular forms of conflict resolution by legal procedures (Verrechtlichung sozialer Konflikte).

All these aspects point to similarities in rural collective action and conflict resolution. On the other hand structural differences, from structures of land tenure to forms of government caused many different manifestations of rural conflict of which in this chapter several examples have been given.
PART III Rural Conflict in the 16th and early 17th century

Chapter 1 Introduction

1.1 Introduction

Ever since Porchnev published his work on urban and rural revolts in 17th century France, rural revolts in France have been the topic of many local and regional studies. Apart from furnishing ammunition for the so called Porchnev-Mousnier debate these case studies often give detailed information on manifest rural conflicts, the révoltes and rebellions occurring in France between 1548 and 1675. Foisil for Normandy, Garlan and Nières for Bretagne, Bercé for South West France and Pillorget for Provence have published studies which are generally seen as the definitive work on mouvement populaires in these regions.1 Many more studies of a more limited nature have supplemented the above with information which is often valuable because of its wealth of detail.

For the purpose of this study the regional monographs on peasant revolts, or the relevant parts of studies on popular revolt, have formed a starting point. Revolts are a very visible form of rural conflict in which it is very likely that grievances and goals of the peasants involved can be shown clearly. On the other hand the concentration on manifest revolts in rural France has led to less attention to other forms of conflict and conflict resolution. As in the case of Germany all forms of rural protest and conflict, a body of events and types of individual and collective behaviour including peasant revolts, will be analysed. Therefore the abovementioned monographs represent no more than a starting point although a very important and necessary one.

In the aftermath of the Porchnev-Mousnier debate on the nature of popular revolts in 17th century France a consensus has grown among historians which will serve as a foundation for this study. At this stage a brief summary of this consensus will suffice. When trying to label the predominant nature of popular revolt, especially rural protest in France between 1548 and 1675, the label anti-fiscal protest, it is argued, is more suitable than anti-feudal protest. The resistance against the strong fiscal expansion of the French state was a direct cause for protest, culminating in collective action which has become known as anti-fiscal revolt or tax rebellion. Anti-feudal, anti-seigneurial protests did occur as well, but on a less visible scale. This type of peasant resistance was in its nature limited to local or regional extension, anti-seigneurial rural protest never came to the foreground. The widespread anti-feudal sentiment of the eighteenth century was not

new, it had been preceded by less manifest anti-seigneural peasant action. The establishment of a strict fiscal regime, followed by structurally increasing taxes, had formed such a heavy and inevitable burden on the peasantry, that tax rebellion became the predominant form of peasant protest. In this protest support and leadership from lords and urban centers were found, although such relationships themselves had not been at all good. The threat of higher taxes superseded existing tensions and often brought peasants, townsmen and lords together.

A second aspect of the consensus is a certain notion of rationality in the peasant protest. Tax rebellions were a reaction to concrete measures, new edicts or the advent of new tax officials and not a blind explosion of accumulated grievances. Often revolts were limited to one or several provinces, and the limits of expansion were identical to the extent of the region afflicted by a new tax measure. Support from beyond the provincial borders was not sought or received. The fiscal privileges of a province, its liberties were at stake. *Nive la Roi sans gabelle* was supplemented with *Nive Guyenne* in 1548 and with exhortations to defend Normandy in 1639.2

The revolts being predominantly anti-fiscal, their timing can be related to tax increases. The trend of the conjuncture does not provide evidence for a thesis of 'revolt out of poverty'. On the other hand, the occurrence of most revolts coincided with war abroad. The urgent need for money to finance a military campaign caused the royal government to adopt measures of taxation which would rapidly raise money for the treasury. War caused taxation and those taxes could only be collected with an expanded state bureaucracy or through a body of collectors which could count - when necessary - upon military support. Taxation was not only a prerequisite but also an instrument in the firm establishment of state authority.

The vertical solidarity of peasants, lords and townsmen against new taxes and other forms of state intrusion was a reflection of the general conflict between regional noblemen, bourgeoisie and judges and 'central' officials: royal officers, tax collectors, intendants and *procureurs du roi*. The tax revolts of 1548, the 1590's and the 1650's can be seen together with the Wars of Religion (1560-1598), the Huguenot revolts in the West and South in the 1620's and the Fronde, forming a continuity of protest against expanding royal authority and the establishment of effective central government in other spheres previously falling within the provincial sphere.

2 S.-C. Gigon 1906; M. Fossi 1970.
For the French peasantry self-defence became an important reason for collective action. In the 16th and 17th century France was a warmonger. Next to all internal unrest caused by political and religious conflicts, international war was almost continuous. Especially in border areas the peasantry suffered from fighting and pillaging armies, whether Protestant or Catholic, Ligue or royalist. During the Croquants of the 1590's a distinct anti-war motivation can be seen although, as in Germany, actual war and the presence of military forces did not lead to peasant revolts.

As a final aspect of the broad consensus on French peasant protest the recognition of diversity should be mentioned. Diversity was dependent on political and geographical conditions and economic and social structures. French historiography has maintained a rather descriptive approach beyond the recognition of the preponderance of anti-fiscal rural protest. Berce's multiplicity of revolts in Aquitaine stands next to Pillorget's conclusion on Provence where large revolts were absent in the 17th century. LeRoy Ladurie's study on the Carnival of Romans includes a description of peasant revolts of an anti-seigneurial nature, yet this is closely linked to the specific fiscal situatation of the borderland between Languedoc and Dauphiné.  

An ideologically inspired opposition like the one from which German historiography on rural unrest has suffered has hardly developed in France, no doubt due to the fruitful and convincing results of the Porchnev-Mousnier debate and perhaps also due to the tradition of non-French attention towards French history.

The large body of studies on rural conflict in France from 1548 to 1675 could make the remark 'starting point' as used above almost sound arrogant if it were not for two reasons.

First, an approach where the diverse forms of rural conflict are analysed in their respective context is unusual in the tradition of historiography on France. The process of state building and the enduring power of the féodalité have been central issues from which other events, especially large scale revolts, are more or less derived. The approach followed in the chapter on the German Empire is unusual in the case of French rural history. Study of recourse of rural communities to legal institutions has been centered on the eighteenth century when peasants disputed the legitimacy of the lords' feudal rights. Around 1675, a shift in ideological dimension has been noted in rural protest, from anti-fiscal to anti-seigneurial protest. The purpose of this study is to incorporate manifestations of the two main forms of protest in a broader analysis of all forms of conflict, between peasants, neighbouring communities, lords, tax collectors and gens de guerre alike. Such an

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approach could be beneficial for the understanding of specific manifestations, the general procedures of conflict resolution, and redress of grievances by rural communities or parts thereof.

In order to execute this study fruitfully an area has been chosen on which relatively little has been published concerning peasant revolts and rural conflict in general. This represents the second reason. No doubt this is caused by the absence of large scale revolts in this province in the 17th century. The province of Languedoc, for which so many sources have been preserved presents an interesting case for a study on forms of rural conflict and their interdependence. It can also serve as a counterpart to South West Germany where conflicts were abundant but revolts rare.

1.2 Why Languedoc?

The province of Languedoc was not the smallest jewel in the crown of the French kings. It had entered the realm of France under circumstances guaranteeing its autonomy and power of its provincial institutions. Furthermore, due to its geographical situation it was a rich and important province. Strategically located, Languedoc was a battleground for many French-Spanish conflicts, especially the Eastern part. In times of peace trade replaced war, merchants replaced soldiers and market fairs sieges. The countryside of the Languedoc varied considerable from the nearly uninhabitable and infertile Vivarais and Cévennes to the very fertile plains in the center and the rolling hills in the North West. Within its borders the province produced grain, salt, wine, olives, wool, linen and meat, all in surplus.

Such a province deserves its historians, and has received them. From the voluminous *Histoire de Languedoc* through Le Roy Ladurie's memorable *Paysans de Languedoc* to pro-occitan historiography, Languedoc has been the center of attention for many scholars. Yet, even though an unusually large amount of archival material has been preserved in Toulouse, Montpellier and elsewhere, relatively little has been written on 'peasant revolts' or rural conflict in general in the province. Most authors explicitly state that peasant revolts in Languedoc comparable to those in the West and North have been absent. Research on movements populaires in Languedoc comparable to that of Bercé for South West France or of Pillorget for Provence does not exist. On the other hand, the work of Salmon on Vivarais and of Souriac on Comminges reveals information on rural conflicts deserving the name 'peasant revolts' when compared to such events elsewhere in France. These events took place at the very limits of - or even beyond - Languedoc proper.

Despite the rich sources, and the considerable work done in the archives very few peasant revolts have been unearthed. These circumstances provide almost ideal circumstances for a study of rural conflict resolution. The absence of 'revolts' suggests that other acceptable forms of conflict resolution were found unless no shared grievances occurred or unless prevention and policing was effective. These last circumstances are hardly to be expected, therefore a closer look at non-manifest conflicts and non-violent conflict resolution is warranted. It is for this reason that the province of Languedoc is such a suitable area for a study of different forms of rural conflict.

It is not just the province of Languedoc that forms the territorial frame of this study, but the jurisdiction of the Parlement of Toulouse. This Parlement, second in importance only to Paris, dealt with civil and criminal cases and was competent for conflicts varying from a court case to supra-local rebellion. Next to this, the Cour des Aides in Montpellier dealt with matters of tailles, aides and taxes in general. The archives of these institutions provide information on conflicts between villages (e.g. over use of woods or pastures), between village communities and lords, the clergy or the state (military forces, taxation). In this fashion a reconstruction of areas of conflict and ways of conflict escalation or resolution can be made on the basis of the available sources.

Starting from the geographical choice a timespan has been chosen for the research. In view of the availability of sources a period of a century, from 1530 to 1630, has been chosen. This era represents a very turbulent phase in the history of the Midi. In this period institutional developments went hand in hand with civil and international war, plagues, new taxes, religious division and rapid social differentiation in all layers of society. The edict of Béziers (1632) formed the conclusion of this period as it definitively established firm royal authority in the province. Languedoc remained largely loyal to the Crown in the Fronde and developed into the calm and prosperous agricultural province as one knows it from the travel diaries of Arthur Young.

Roughly speaking, the period 1530-1630 in Languedoc covers the transition from a Renaissance province with a high degree of autonomy to an integrated, loyal province which was rewarded for its loyalty by a still impressive degree of autonomy in the early absolutist state of Louis XIII. For the rural population this timespan meant many years of war, especially from 1567 to 1596 and in the 1610's and 1620's. For many of the small and middle peasants this meant that the realistic aspirations for expansion, based on the
prosperity of the first half of the 16th century were drowned in blood or destroyed by plagues or fire. It was a century in which the vicissitudes of civil war were matched by the capacity of the rural economy to survive -although dramatically transformed and changed. However, the fate of the peasants in Languedoc was not that different from peasants in the German Empire who enjoyed peace longer only to be struck harder by war and destruction at a time when peace finally came to the Midi.

Before discussing forms of rural conflict in the area under the jurisdiction of the Toulouse Parlement, the nature of rural society in the 16th and early 17th century in Languedoc will be briefly discussed in so far as relevant for an understanding of rural conflict (section 1.3), and a description of governmental, fiscal and legal institutions in the province will be provided (section 1.4), as well as a brief socio-political history of the Languedoc (1530-1630) which can serve as a frame of reference for the subsequent analysis of rural conflict (section 1.5).

1.3 Rural Languedoc: Diversity in the pays d'Oc.

The geography of Languedoc allowed for a very diversified agriculture, making the province almost self-sufficient as far as basic requirements were concerned. Its climate is predominantly mediterranean in its abundance of sun and the extended coastal plains. The diversity in geographical conditions has caused difference in human settlement and agricultural enterprise. In the South, the valleys of the Pyrenees were important for the flocks of sheep whose transhumance ignored the Franco-Spanish frontier. There, villages indicate the routes leading to the mountain passes. It was truly a peripheral area, not part of Languedoc proper and Spanish territory for most of the period of this study, but of strategic importance to the province.

In times of peace Roussillon was an important trade nexus, stimulating the expansion of the towns on the route to the North, Narbonne and Béziers, and further East (Montpellier) and West (Carcassonne). The valley from the coastal plains to Toulouse cut off the hills North of the Pyrenees from the hills around the Montaigne Noire which extended to the Cévennes and the Massif Central. The agricultural prosperity of the heart of Languedoc, from the coast to Toulouse, stands in marked contrast with the peripheral areas: the Pyrenees in the South, the Cévennes and Vivarais in the North East. The valley and the plateaux in between make up for the limited usefulness of the wooded or barren hills. Trade routes went from Roussillon to the Rhône-valley and up to Lyon, while in the West Toulouse was an important trade center connecting the Mediterranean flows of trade with the Atlantic ones, centered in Bordeaux and Guyenne.

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6 F.Braudel 1985:1, 22-47.
Around these old and important trade routes agriculture in the countryside prospered as production for the market was stimulated. Thus one can see a distinct difference between 'backward' and mainly autarchic rural areas and integrated market-oriented plains. When seen in a national perspective, the province of Languedoc had almost all types of agriculture within its borders.

The Toulousain was an important grain-producing region and exporter of grain already in the 16th century. A second agricultural produce of national importance was wine, for which the hills between Toulouse and Montpellier were well suited. Rabelais praised the wines of Gaillac and the expression être entre Gaillac et Rabestens is still an euphemistic expression for being drunk. Towards the East and South wines were of a lesser quality, but there the climate facilitated other products. Olive groves abounded, competing with the flocks of sheep which led to many conflicts in the early 16th century on which the Parlement had to intervene.

The specific soil conditions and the climate stimulated a two-field system of agriculture in most areas of the Midi. The fallow could be used for many purposes. Apart from pasture small plants were grown, especially vegetables. In the course of the 16th century plants like pastel were grown on a large scale solely for export to the towns where wool and linen were manufactured, to be used as dyes. Many of these dyes were exported from the province and a considerable number of peasants and merchants became involved in this market-oriented production. The catastrophe in the pastel-business around 1560 did not remain confined to merchants and speculators when the market was lost to imported dyes like indigo. Measures of the Etats to curbe these imports and to forbid them in the whole kingdom were to no avail.

Next to wool and linen Languedoc also produced silk, although not on a large scale. Mulberries were planted and kept mostly by lords who used their own land for this labour intensive enterprise.

By the end of the 16th century maize joined the potato and tobacco as a nouvellezé from the Indies. It turned out that the conditions in Languedoc (not much rain and a lot of sun) were extremely favourable for the growing of maize. This crop took only four months to become fit for harvesting, intensifying agriculture while impoverishing the soil. In the course of the 17th century maize was adopted as another staple food and it became a product of the Languedoc Midi par excellence.
Obviously the benefices of nature were not spread evenly among the rural population. The density of human settlement differed considerably in Languedoc, depending on the nature of the soil and the suitability for settlement. In the valleys of the Pyrenees a short period of sustained population growth could already strain the natural resources to the extreme, whereas in the central plains growth could easily be coped with. The plague of the 14th century had struck the Midi badly and only in the middle of the 16th century did the population attain the level of two centuries earlier. By then demographic and economic expansion had been continuous for half a century, indicating how slowly the recovery went. At the outbreak of the Wars of Religion in 1560, expansion had generally turned to stagnation and the next forty years mainly brought war, plagues and destruction. However, the strength of Languedoc agriculture is shown in the 17th century when first a rapid recovery occurred, stimulated by Henri IV and Sully, which was later followed by a structural growth of the production of agriculture in the province. Languedoc remained an important exporter of foodstuffs to the rest of France during the Ancien Régime.

In the South of Languedoc temporary or permanent emigration was a well known solution to population growth. The valleys could not accommodate the growth of the population and migration to urban centers was difficult. Due to the contacts established through the migrating flocks, emigration to Spain was a normal procedure and Martin Guerre was only one of many. A relatively large market-oriented sector of agricultural production combined with the experiences of transhumance and migration made the rural population of Languedoc mobile beyond the confines of the village, except for the truly isolated settlements in the Cévennes and the Massif Central.

The predominant type of human settlement in Languedoc was in closely knit villages. From the Pyrenees valleys to the plain of the Golfe du Lion one could find the same type of villages suggesting already some sense of community. There as elsewhere in France, the village was not just a *paroisse* but also a *communauté* with special rights and status. However, three circumstances indicated that the sense of community was less developed here than in North or West France or the German Empire.

The two-field system allowed for more individual agriculture and less cooperation and communal supervision than the three-field system. The fundamental individualistic trait of the peasant economy consequently remained stronger.

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7 N.Z. Davis 1983.
Secondly, the system of division of taxes was different from the rest of France. In Languedoc the taille was divided according to the possession of land, that is: the cadastre (*compoix*) determined the amount of taxes to be paid by each landowner or tenant. One may argue that this system of *taille réelle* was fair and prevented intra-village tensions and disputes, but on the other hand the concept of community did not develop so strongly as in the areas where a village was allotted a certain amount of taille which then had to be divided.

Finally, Languedoc was a very patriarchal society. The father was the lord of the peasant household, enjoying supremacy through factual power and control over the inheritance. Under the legal tradition of Languedoc the father had the right to choose the inheritor-to-be from his children. This system of unigeniture controlled by the father strengthened the family as a social unit and the family itself became a battlefield for escalating tensions between fathers and children and sons between each other. Furthermore, it was not unusual to have an extended family structure in which for instance two brothers would live with their families, possibly under the formal control of the father. The pattern of family authority and inheritance caused a stress on family matters which may have contributed to a weaker sense of village community.

The *communauté* did exist as an institution and was important to the extent that many conflicts in the rural society were communal affairs. The village community was often a unit in feudal relationships since most feudal rights, like *banalités*, were held over villages. This way the village became a natural unit of protest or resistance in conflicts between peasants and lords because all inhabitants were afflicted. In such cases the Languedoc villages were as strongly united as elsewhere in France.

Social tensions among the peasantry started already within the family. Not as in South Germany, between the heir-to-be and his less privileged kin but between fathers and sons, due to the patriarchal structure of transfer of means of existence. Next to these tensions the differences between the big *laboureurs* and the small peasants *manoeuvriers* and labourers played a role in the village. Taxes may have been divided relatively fairly, other matters played a role as well. The use of communal pasture was often disputed because those peasants who had cattle used for traction wanted to reserve that land for their animals. The poorer peasants were thus deprived of a means to supplement the income from their farms. Furthermore, the nature of agricultural enterprise in Languedoc stimulated the employment of labourers in the labour intensive sectors such as wine, olives and pastel. Population growth could be coped with in the countryside by an expansion of the landless labour force and increasing social differentiation as more land came into fewer

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The control over land is a very important aspect of rural society. Languedoc forms no exception to this rule. The peasantry generally held a firm control over land, either through ownership or through hereditary tenancy. This firm control stands in contrast with the numerous transfers of property and tenancy changes in the late 16th century as these phenomena suggest the opposite, weak rights on land. These transfers, however, are indicators of the effects of protracted civil war and plagues: indebtedness forced peasant households to give up parts of their land or the farm as a whole.

Languedoc therefore, had in principle good conditions for peasant enterprises: good climate and good conditions for possession or lease of land. Seen in a national perspective, Languedoc peasants were also well off as far as the dues for land rent were concerned.

Normally land rent consisted of a part in cash (cens), a part in kind (champert - a fixed percentage of the harvest) and of francs-fiefs to be paid when a rent contract was agreed upon. All these were lower and thus less burdensome in Languedoc than elsewhere in France. Yet, in order to form a general judgement on the conditions of life for Languedoc peasants, the whole complex body of feudal relationships must be taken into account. Relations between lord and peasant centered around three points: (i) the land, if the peasants did not own it, (ii) feudal obligations as a direct result of the lord-subject relationship, and (iii) judicial rights of the lord. When seen in terms of the German division in Grundherrschaft, Leihherrschaft and Gerichtsherrschaft one aspect is very striking: the total absence of serfdom in Languedoc. Serfdom had all but completely disappeared in France by the end of the middle ages and the relics bore no relationship to the thriving serfdom in South Germany. In Languedoc this meant that all kinds of dues linked to serfdom did not exist anymore. Corvées still existed in most areas but were limited to two or three days a year. Judicial authority of the seigneurs also still existed but in practice was of quite limited importance as various ways of appeal were possible. This leaves the direct lord-subject relationship through land rent as the most important.

Most villages had several lords who shared the seigneurie over the community (pariège) instead of having it divided up. Such a practice limited possibilities of effective control over the peasantry, which has to be the basis for a successful increase of dues. The peculiarities of this system resulted in relatively

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9 R. Doucet 1948:11,466.
moderate feudal burdens on the peasants, concentrated on land rent, tithes, banalités and corvées. Land rent and corvées were on average clearly lower in Languedoc than in North and Central France. The overall relatively weak seigneurie also had implications for the banalités, the lord’s monopolies on matters varying from baking bread to hunting. It turned out to be very difficult to increase the feudal burdens because lords did not possess full control over the rural communities whereas in this pays of droit écrit the contractual level was relatively easy to control.

The feudal burden also depended on the nature of the lordship. This is especially clear in the case of tithes (dimes). The right to collect tithes was not limited to the clergy. Secular lords very often held these rights as well. In Languedoc the clergy was economically less active than in South Germany in the sense that abbeys and other religious institutions were not big landowners or aggressive traders. On the other hand, they behaved as secular lords and were bound by contractual agreements. Tithes were levied in principle only on the gros blés, cereals. In a province like Languedoc this would have meant that many peasants could get around the tithes by choosing to produce other items. This clearly was not accepted. Generally speaking two types of tithes developed, one for cereals, the other for cattle, vegetables, wine and other produce. Conflict on this matter was frequent all throughout the 16th century, increasingly so in the 17th century every time a new type of crop was introduced. A solution was found in the definition that new types of crops were exempt from taxes for a fixed period, mostly fifteen years. After that period tithes had to be paid since, it was argued, then it was no more a new crop. This measure safeguarded the payment of tithes while still stimulating new cultures and diversification of crops. On the whole all tithes, apart from those on grain, were disputed, irrespective of the religious aspect which played a role later in the 16th century.

A second important aspect of the tithes in the Languedoc was their level. In most parts of France the tithes were roughly equivalent to one-twelfth of the harvest, but in Languedoc they were considerably higher, approximately one-eighth (12%). The reason for this difference was that the number of clergymen in the Languedoc was higher than the national average, an outcome of the policy of recatholicisation after the Cathar rebellions of the Middle Ages. The higher level and the broad interpretation of types of crops on which tithes could be levied resulted in a high general level of tithes, in contrast with the moderate burdens of the seigneurial régime.
Under the system of taille réelle all land which was not exempt due to its status of terre noble was subject to taxes. This meant that urban landowners as well as the clergy were subject to tailles. Consequently tax matters did not seriously aggravate tensions between peasants and lords because the bookkeeping of the compoix and the control thereof was simple. Taxation based on the possession of land was a system which kept taxation controllable and difficult to evade - thereby preventing tensions within villages or between peasants and lords. The taille level increased at a slower pace than prices in the whole 16th century.\textsuperscript{10} Hence the taille only became really burdensome in the first third of the 17th century when compared to land rent or tithes. The seigneurial dues, especially the tithes, were the most burdensome. The Wars of Religion and the subsequent expansion of the central state would change this, but for the largest part of the 16th century the level of dues was not the principal cause of rural conflicts.

Agricultural limitations caused by climate and geography could be a threat to the well-being of the Languedoc peasantry, but wars and their effects were considerably worse. In the course of the 16th century the province was of strategic importance, separating Spain from the Habsburg possessions in Eastern France and Italy. Apart from international conflict Languedoc was the theatre of civil wars between 1568 and 1629. Food crises, often a combination of bad harvests and war, were followed by plagues. These were especially frequent from the 1560's to 1600. The peasants of Languedoc were painfully confronted with the fact that theirs was a rich country, coveted by forces that were Catholic, Huguenot, royalist or league, but always destructive and harbinger of plagues and death.

1.4 Institutional history of Languedoc in the early modern era.

The province Languedoc formed the central part of the linguistic region of the "Langue d’Oc". Culturally it was separated from North and Central France, a fact which stimulated political struggle for autonomy over the centuries. A second division, between customary law and Roman law, more or less coincided with this linguistic division. Languedoc was a pays de droit écrit with a long tradition, firmly rooted in the medieval county of Toulouse which possessed political and juridical autonomy.

The linguistic and legal differences between the provinces of the Midi and the rest of France should not be seen as political issues as such. They are not referred to by the provincial États or Parlements. They formed a secondary basis for the provincial privileges and liberties acquired in the course of the 14th and 15th century. Due to the shared cultural and socio-political values and traditions mobilisation of political

\textsuperscript{10} E. Le Roy Ladurie 1985: 293-296.
solidarity among the provincial elites, both urban and rural, was made easier. The acquisition of Languedoc by the French Crown was a result of marriage strategies and its inclusion in the kingdom was at first only feebly achieved because of the general weakness of the Crown and the havoc caused by the Hundred Years' War. In this period the loyalty of the rich province was bought in exchange for privileges. The independence of the county of Toulouse was a thing of the past, but it was replaced by the French province of Languedoc. This area remained under control of the French Crown in the Hundred Years' War, forming one of its backbones between Guyenne and Provence which were not under control of the beleaguered French kings at the beginning of the 15th century. The privileges granted to the province were a direct result of the national and international conflicts in which France was engaged. Hence, when by the 1450's order was established in the whole country Languedoc had obtained a political credit which would serve the province in the following period in which centralisation and strengthening of the state and royal authority became central themes. Against this force the province mobilised its cultural and linguistic autonomy, its strong tradition of droit écrit which provided effective protection against royal intrusion and a system of autonomous provincial government which had been fortified by the privileges granted.

In the following paragraphs some of the institutions and specific conditions embodying the autonomy of Languedoc will be discussed. The institutions and conditions of autonomy form the general framework in which rural conflicts originated (e.g. over local autonomy or taxation) or were resolved; through the judicial system or repressed by military force. The specific situation of Languedoc was not fundamentally altered during 17th century absolutism and is of great importance for a study of forms of rural conflict in that area. Some aspects of provincial government will be discussed, its fiscal system, its judicial structures and, finally, the implications of state intervention for the province. All these matters were of direct relevance for the peasantry because the seigneurial system in France was already at an early stage complemented by regional, provincial and even national authority. More than in the German Empire supra-territorial institutions interfered with daily life in the countryside through taxation, judicial authority and political events. The Hundred Years' War had been a clear example thereof.

Provincial government in Languedoc was in the first place the autonomous government of the representatives of the three Estates in the Etats du Languedoc. The Estates benefited from the particular situation of the province after the Hundred Years' War by playing a major role in the process of political

emancipation of the French Estates. Their strength, authority and autonomy were unsurpassed in early modern France and the Etats managed to secure their obtained privileges definitively in 1484 when Charles VII firmly recognised their statute. The king thus confirmed provincial Estates in retaining full autonomy in fiscal affairs, thus preventing the royal taille system from entering Languedoc. This province was therefore not only a land of taille réelle, in line with the tradition of written law, but also a pays d'État region fully autonomous in its tax collection. Almost inevitably this meant a lower level of taxation because new royal taxes encroached upon the liberties of the province and more in particular on the authority of the Etats.

Compared to other provinces and other Estates in France, Languedoc was well off in this respect. The authority obtained by the Etats had become a very concrete translation of the privileges granted. Yet there was another unusual aspect to the Etats du Languedoc: its composition. As elsewhere in France the Etats were composed of three estates, clergy, nobility and a third estate composed of representatives of the towns and of the countryside. In Languedoc a weighted average between votes per estate and votes per member had been found which was exceptional for pre-1789 France. The third estate held 65 of the 101 seats of the Etats but was not in a majority position as far as votes were concerned. Of the 87 votes, 44 were reserved for the first and second estate and 43 for the third. 12 This meant that in case of frequently occurring absenteeism of clergy or nobility the third estate was likely to have a majority in the Etats. In combination with the wide fiscal competence of the Etats this division of voting power suggests a considerable influence of towns and representatives of the countryside in the provincial government. The Estates of Languedoc were a real political force in the province and although they were dominated by the noble and urban elites they represented one of the most 'democratic' institutions in early modern France. In no other part of the country did the third estate have so much influence in day to day government, including the system of tax collection.

The influence of the Etats was checked by another powerful provincial institution, the Parlement of Toulouse. Like the Parlement of Paris, this body formed the highest court in its region of competence. At Toulouse, the Parlement guarded over the privileges of the province and over its autonomy vis-à-vis the justice royale. The origins of this Parlement, in importance second only to Paris, can be found in the first half of the 15th century when deeds established such a body in 1421 and confirmed it in 1443. It became an effective organisation in the last third of the 15th century, gradually expanding its authority and claiming respect. Although a body of judicial nature it formed part of the provincial government since it was also charged with registration of royal edicts, required to put them into effect. The magistrates in Toulouse were

members of the urban elite who competed with the nobility over status, titles and land. Etats and Parlement formed the dualistic structure of government in the province reflecting its governmental and judicial autonomy. Through their authority and competence the province was able to defend itself against the intrusion of state institutions and centralising forces.

The Toulouse Parlement held judicial authority over the province of Languedoc and some of its bordering territories, especially in the Pyrenees and in a part of Guyenne. In this study, where rural conflict has been approached through the archives of the Parlement, the area of its competence will determine the territorial limitation, going beyond the borders of Languedoc proper.

The Parlement consisted of a united chamber, the Grande Chambre, a Chambre des enquêtes for inquiries on civil cases and a Chambre criminelle for criminal matters. During the 1540s a special chamber was formed to investigate cases of Protestant heresy but this was to little avail. On the whole the Parlement remained a very effective body of provincial judicial authority strengthening the autonomy of Languedoc as a supplement to provincial government by the Etats.

If the intensity of struggle over competence is any indication the Cour des Aides should be seen as an important provincial institution as well. This body was formed in 1467 and had its seat in a rival town, Montpellier. The court dealt essentially with disputes on fiscal matters over which it was given extended competence. The Parlement could not resist this but tried to reserve its rights over fines and penalties after the Montpellier Court had reached a decision.\textsuperscript{13} The quarrels between the provincial bodies were dangerous for provincial autonomy in general as they provided excuses for royal officers to intervene, or for the establishment of royal courts and institutions.

One of these was the Chambre des Comptes, established in Languedoc in 1523. This body had jurisdiction over all conflicts between the Crown and tax officials and hence was less important in a province where authority over fiscal matters lay with provincial officials who were in principle responsible for taxation. Due to extraordinary taxation the Cour des Aides and Chambre des Comptes gained importance in the 17th century. As a result of the institutional reforms of Richelieu the two fiscal organisations were merged into one, the Cour des Comptes in 1629.

\textsuperscript{13} M. Wolfe 1972: 275.
As far as the fiscal system was concerned a dualist structure can clearly be distinguished. In principle, the province through the Estates was autonomous in deciding on the level of taxation whereas the control over collection of taxes and settlements of relevant disputes was with institutions in which the Crown had preponderant influence.

A principal feature of the fiscal system of Languedoc was the foundation of the taille réelle in this pays d'État. The Estates decided on the amount of taxes to be collected. Royal pressure on the Estates in fiscal matters was permanent and heavy and there was certainly no full autonomy. In Languedoc, however, the États were strong enough to resist the huge increase in taxes that struck France in the 17th century. From that perspective the provincial autonomy in fiscal matters remained an extremely important feature of the institutional structures. As a general rule, Crown and province had agreed that Languedoc should bear about 5% of the total taille burden. This was a very mild level of taxation for Languedoc and a direct result of the provincial privileges and autonomy. In the course of the 16th century and the first half of the 17th century tailles were by far the most important taxes, accounting for the bulk of the fiscal burden on the population, especially on the peasantry. The provincial privilege protected the peasants of Languedoc in fiscal matters. The rural population also benefited from the system of taille réelle in which the status of land and not the status of the landowner determined whether or not it was taxable. All land which was not terre noble, in principle all the land which was not traditionally held by noblemen, was taxable as terre roturière. A detailed compoix, a cadastre, not only registered area and quality of the land but also its status. Thus written documentation determined taxability, making it more difficult for noblemen, urban landowners or individual peasants to evade taxes. The fiscal system of Languedoc stimulated a relatively fair distribution of the taille after its total level had been established in agreement with royal officers. Then this sum was divided between the two généralités in which Languedoc had been divided in 1542, Toulouse and Montpellier. A further and more important division was the diocesan one: every diocese was charged with a fixed sum to be divided over the parishes. A diocesan body, the assiette, was charged with this task and finally the distribution of tailles between the households took place on the basis of the tax rolls derived from the compoix. Within a diocese the rule of collective responsibility prevailed: if a parish was given a temporary exemption from taxes, other parishes had to pay more. This principle underlies the frequent cases where conflicts surfaced over taille exemptions. It did not mean a lowering of the total level of taxation but only a shift of the burden among the parishes.

Due to the system of taille réelle and with the use of the compoix, the distribution of tailles was fairly equitable and conflicts over the distribution were centered around issues like outdated cadastres, falsely declared terre noble or outright refusal. Officials of the Etats as well as tax collectors who had rented the right of collection for a specific region were restrained by the presence of detailed documentation. Languedoc had not only a low taille but also a relatively fairly distributed one, and a controllable system of tax collection against which appeal was possible with the Cour des Aides.

Languedoc may have been a province with taille réelle, it did not have a proper taille. For historical reasons this tax was called the équivalent in the province of Languedoc. In the 15th century the Crown and the Etats of Languedoc had reached an agreement on taxation replacing the royal taille in the province. This équivalent was to be collected by the Etats who received all money collected beyond the agreed sum. The équivalent consisted of a sum of 167,000 livres, the aide, supplemented by an octroi making up the total of the agreed share of the national tax burden. In practice, the share of Languedoc in the national tax sum varied between five and ten percent.\textsuperscript{15} The sum thus levied was the equivalent of the taille, mainly paid by the rural population and non-noble landowners. Towns enjoyed exemption from the taille but could not evade the extraordinary war taxes, the crues and taillons. Extraordinary taxation was not only a necessity in a province where the taille was strictly regulated, it also provided possibilities for royal officers to use the instrument of taxation to increase their influence.

During the Wars of Religion the traditional, provincial system of taille collection broke down. From this the royal government benefited to nominate royal tax officials. In response Parlement and Etats cooperated to defend provincial privileges and were successful. The fiscal structure survived and Languedoc retained its fiscal autonomy as far as the équivalent was concerned. A structural increase of direct taxes was even resisted in the 17th century. During the period in which the Etats were curbed in their authority (1632-1649) taxes were increased but these increases stood in no relation to the immense expansion of taxation elsewhere in France in the 1630s and the 1640s.\textsuperscript{16} As far as indirect taxes were concerned Languedoc did not do badly either. The province was not exempt from the salt tax, the gabelle, but as a producer of high quality salt from the shores of the Mediterranean, Languedoc was spared the conflicts of Guyenne and Normandy.\textsuperscript{17} Salt was distributed through greniers à sel and sold at monopolised prices.

\textsuperscript{15} M. Wolfe 1972: 315-316.
\textsuperscript{16} W.H. Bek 1985: 143.
\textsuperscript{17} M. Wolfe 1972: 331.
However, this system did not cause conflicts similar to the ones in the Western coastal areas. In this case as well a high degree of provincial control prevented excesses and abuses.

Not all taxes levied left the province. Even in the years when the level of national taxation was at its highest, in the mid-17th century, about fifty percent of all taxes levied were used within the province.\(^{18}\) The surplus of the indirect taxes remained in the coffers of the Etats and other funds flowed back from the royal treasury to the province. Naturally, most of this money was spent to finance the provincial institutions and to pay officials and magistrates, therefore being beneficial only for a very limited group of people in the province. Nevertheless, if the provincial authorities managed to keep the general level of taxation low in order to protect their province from the sharp rise occurring elsewhere in France in the 1630s and to benefit for about fifty percent from all money coming in, the fiscal system of Languedoc can be defined as friendly for the province. It did not cause widespread dissent among the provincial elite which might have caused a provincial Fronde, nor did it endanger the livelihood of the average peasant or artisan in the province. The total tax burden rose steadily but when corrected by the influence of inflation increase in real terms only occurred from the early 17th century onwards. At that stage the Wars of Religion had damaged and changed the structures of rural society in Languedoc already so dramatically that higher taxation in real terms was only an additional problem.

The fiscal system of Languedoc protected the province from arbitrary taxation, it divided the burdens as fairly as one could hope to see in a feudal and hierarchical society while providing facilities of control and appeal on all levels, from the local compoix to the provincial Cour des Aides. In combination with the privileges and libertés of the province, the fiscal system resulted in a generally lower level of taxation in Languedoc than elsewhere in France, while all taxation had to be agreed to after negotiations in the Etats. Even when these negotiations resulted sometimes in defeats against the powerful central state, the Languedoc system still retained the principle of agreed taxes as opposed to the way in which tax in most of France was imposed by royal officers and collected by taxmen who had little or no affinity with provincial institutions and traditions. The province of Languedoc managed to hold reasonable control over its own financial affairs while protecting its population from higher taxes. New plans for royal taxation not only increased the burden of the population of the province but also threatened the fiscal privileges and liberties of the provincial Estates, thereby threatening the power and status of its members. As a result, the whole population benefited from provincial autonomy.

Judicial structures played an important role in Languedoc because they were highly developed as well as another example of provincial autonomy. In the late Middle Ages royal intervention had established a royal judicial system strongly curbing the judicial authority of the seigneurs. The authority of this system was symbolised in the Parlement of Toulouse. This body had received the formal right to refuse royal edicts, thereby achieving virtually a position of Supreme Court in the province. The *justice royale* remained the true supreme court but in practice the Parlement took this position, supported by the provincial privileges. This expansion of the provincial judicial system was matched by a parallel expansion of royal judicial officers who controlled the juridical process. These royal lieutenants, assessors, prévôts and juges d'appel formed a permanent threat to the judicial autonomy of the provincial institutions. The Parlement, installed by royal edict as a reward for the province of Languedoc, rapidly became a strong judicial force which tried to monopolise jurisdiction, resisting the establishment of royal officers and judges and defending its position vis-à-vis the Cour des Aides.

Initially, in the 15th century, provincial institutions which were charged with judicial matters benefited from the quarrels over competence between juges seigneurs and juges royaux. The province took over where local and national lords quarreled. This meant definitive defeat for seigneurial judicial authority but only a temporary setback for the justice royale. During the 16th century and increasingly during the decades of the Wars of Religion until the reign of Louis XIII, royal officers moved in. First as observers to be informed by provincial authorities, later as controlling officers increasingly taking part in legal procedures as prosecutors or representatives of the authority of the Conseil du Roi. This is most clearly visible in the case of the intendants who were in Languedoc on a permanent basis from the early 1600s on.

The organisation of the judicial structure in Languedoc starts at the supra-local level of the jugeries. Below these, local communal autonomy and seigneurial justice functioned as judicial organisations. The early intrusion of more centralised judicial matters had curbed the seigneurial authority in judicial matters, while stimulating access to supra-local judicial bodies in the countryside. Beyond the jugerie, the bailliages formed the next step in the hierarchy of judicial bodies. Since lords were only rarely trained judicial officers, this organisation offered employment for university educated townsfolk rapidly forming the class of gens de longue robe, symbolised by the long dress of magistrates as opposed to the short dress of knights. The baillis were
therefore not seen as peers of the seigneurs and did not identify themselves with them. This was at least some guarantee that appeal to courts could be useful in case of conflict between peasants and lords.

Above the baillages were the sénéchaussées charged with legal and administrative business. Although the head, the sénéchal, was often a nobleman, the body itself consisted of men from the legal professions. These courts were charged with two tasks: they had to rule on cases of appeal from baillages, which could be forwarded to the chambers of the Parlement, and they were charged with the execution of royal edicts and arrêts of the Parlement. On top of the hierarchy the Parlement was seated with its chambers for civil and criminal matters.

The extension of this judicial system, already in the late 15th century, indicates not only the limited importance of seigneurial justice, but also the possibilities for appeal which were used: the intrusions of provincial judicial authority on regional and local levels stimulated the use of these facilities for litigation and resolution of conflicts through arbitration. In fact, use was so widespread, that king Henri II used the excessive workload of the existing judicial bodies as a pretext to install new ones in 1552, the présidiaux, even though the Parlement of Toulouse protested. The présidial was a royal court imposed upon the provincial bodies. In Languedoc some large baillages were renamed présidiaux and nothing really changed: the Parlement and its sénéchaussées remained firmly in charge of judicial matters.

This brief overview of judicial structures in Languedoc in the 16th century warrants the conclusion that seigneurial justice had to a large extent been replaced by supra-local and provincial bodies which were ultimately under the control of the Parlement in Toulouse. This multi-level organisation developed rather autonomously from royal intervention through the protection of the provincial privileges and the powers of the Parlement. The judicial bodies were staffed with people who did not belong to the traditional rural elite of noblemen. Becoming a lawyer often guaranteed rapid social upward mobility besides income and the accumulation of wealth. Thus, with the expansion of the provincial judicial system a new elite of non-noble families developed whose careers depended on the continuation of provincial autonomy in judicial matters. At the same time the representatives of these families in courts and in the Parlement had an interest in maintaining standards of justice, if only because they were not the natural allies of the old nobility with whom they competed for status and land.
From the point of view of rural society, a judicial system had developed which had largely replaced seigneurial justice. The new system was highly developed, worked on the basis of the droit écrit and was staffed mainly by non-noble men. All this made a legal procedure attractive in case of a conflict, were it not that the cost was so high. Yet, appeal was very easy and often almost automatic. The provincial judicial apparatus, aiming at establishing itself firmly between seigneurial and royal justice, stimulated appeal procedures by offering facilities amounting to financial compensation for those litigants who normally could not afford a legal procedure. This was in the long term interest of the Parlement and the lower bodies who could show this way their legitimacy through the frequent use of their facilities. The establishment of royal officers charged with judicial matters could be resisted with the argument that they were superfluous and only cost money for the tax payers of the province.

The defence of provincial authority was closely linked to the attempts of the Etats to guard their fiscal autonomy. In times of threats by royal intervention, Parlement and Etats joined forces to protect the liberties of Languedoc. The particular circumstances in the province and its institutional history had stimulated the development of a relatively autonomous judicial body aimed at guarding the privileges of Languedoc, and hence droit écrit in general. In the 16th century the judicial structure of Languedoc was distinctly developed and offered a way of conflict resolution on supra-local, regional and provincial levels. As long as noblemen and non-noble provincial officers competed for status and its material benefits, a united provincial elite would not exist. Judicial officers did their best to stick to the law, stimulating recurrence to the judicial system in case of conflicts.

The growth of the central state and royal autonomy had consequences for Languedoc as well as for the rest of France. The provincial liberties were not strong enough to resist the intrusion of royal officers completely. Partly this intrusion was very gradual and went almost unnoticed, like in the slowly transforming relationship between Estates and royal representatives. In other matters, however, intrusion was sudden and violent such as in the context of wars or other crisis events. Unusual circumstances were used as a pretext to change the status quo and Languedoc was a province that provided many unusual events. The province was not only a rich exporting area of national economic importance, it was also a border province in a position of strategic importance and also, in the second half of the 16th century, Languedoc had become divided - spiritually and politically between Catholics and Huguenots. All these circumstances provided convincing pretexts for intrusion through edicts limiting the powers of provincial bodies or establishing

19 R. Souriac 1978: 64.
royal offices in an attempt to replace those powers. The period of the Wars of Religion, in Languedoc essentially from 1567 to 1629, also became the period in which royal authority made its dramatic leap forward. It was only due to the privileges and the strong provincial institutions that the result was considerably less 'absolute' in Languedoc than elsewhere in France.

In view of the widely accepted relationship between the building of state authority and the occurrence of 'peasant revolts' it is appropriate to pay close attention to the intrusion of the state in the governmental, fiscal and judicial affairs of Languedoc.

As far as royal government was concerned, the governor of the province was in a central position. He maintained good relations between the Estates and the Crown, and in the case of Languedoc with its high level of provincial autonomy, he was charged with negotiating solutions to conflicts acceptable to both parties. The governorship was a very important position, and as a consequence governors of Languedoc were very powerful men. An effective governor was loyal to the king but had to show considerable understanding for the interests of the province and the Estates. It was walking on a tight rope and could be very dangerous, as is shown by the fate of Montmorency in 1632. His commitment to the defence of the liberties of the province pushed him into open rebellion, punished by death. The intrusion of the state in governmental affairs took, broadly speaking, two forms. First, the balance of power between the provincial Estates and the royal governor gradually changed in favour of the last. The royal government became more effective in obtaining what it wanted from the Etats in times of conflict. This process went slowly but successfully and was hidden from political prominence due to the turbulence of the Wars of Religion. By the early 1600's the situation had changed dramatically from the 1550's. The respect for the authority of Henri IV had also its effects on the position of the lieutenant du roi.

A second form of state intrusion in provincial government went through the establishment of new royal offices. These offices served several purposes. They not only enhanced royal authority through increased presence of royal officers. Moreover, the sale of royal offices became a huge source of extra income for the crown, whereas the result was that a growing segment of the nobility and the bourgeoisie tied itself to the royal government by using the venality of offices to acquire a position of status and power. Many of these new offices aimed at replacing or at least controlling existing bodies under provincial authority.

In Languedoc this process was hindered by the large degree of provincial autonomy and its foundation on the droit écrit. However, the exceptional circumstances of the Wars of Religion and the fiscal system offered

20 R. Mousnier 1979 (1946^)
possibilities for the plans of the Crown. The temporary disintegration of effective government and tax collection stimulated the nomination of royal officers charged with control of day to day government. The offices were established especially in the period between the 1570's and the 1590's in the middle of the Wars of Religion in Languedoc, when provincial institutions were weakened and the regional elites were in conflict with each other. The venality of royal offices was justified under these circumstances in order to obtain a rapid re-establishment of effective government. Royal officers crept in while the provincial elites were quarreling among themselves. Once present it was impossible to send them away or to render their functions obsolete.

The development of the Wars of Religion in Languedoc offered a very good opportunity for royal intervention in provincial government. After 1562 the Toulouse Parlement turned orthodox Catholic and, later, pro-League, whereas the province as a whole showed a more complex situation with considerable influence for Huguenots at lower levels of government. Similarly, the Etats were split up between Catholic and Huguenot Estates for more than two decades. Royal intervention was legitimised in view of the decay of the province. The Crown wanted to unite the country and this was only possible by increased royal intervention, forcing Catholics and Huguenots to share power and authority in Languedoc and elsewhere. Mixed chambers of justice and strengthened regional government were the result of the Edict of Nantes of 1598. As the provincial institutions were recovering and trying to harmonise Catholic and Huguenot interests, royal officers increasingly fortified their positions. State power obtained a certain level of control of provincial government well before the reforms of Richelieu and once established it was there to stay.

In fiscal matters Languedoc was protected by the liberties conveying all fiscal authority to the Etats. In principle the sum of the taille and extra-ordinary taxes was agreed upon between Etats and representatives of the King. The province was autonomous in the collection of the taxes. This division of powers limited the Crown’s possibilities of interference in fiscal matters. However, there were still various options. Royal officers' rights of control over the system of tax collection by provincial institutions always remained. After all, the King had an interest in the efficient collection of royal taxes. Another way of increased royal interference with tax collection was through the establishment of royal courts dealing with conflicts over tax collection. For this purpose royal officers in charge of the domain royale in the province and the indirect taxes under the control of the central government (like the gabelle) tried to extend their competence. Wherever these royal officers came in conflict with the law their case was to be sent to royal courts or
directly to the Crown. This legal back-up was a strong support for the attempts at establishing royal authority in fields which had so far been exclusively controlled by provincial institutions.

Another way of effective interference was through the administration of military forces. The need for concrete royal authority in the form of permanent armies was large in Languedoc, where international tensions and provincial (religious) quarrels mutually interfered and created permanent tensions. These troops had to be paid for and their financing had to be controlled and regulated. In these matters royal officers were very active, showing yet one other way in which war and military build-up contributed to the firm establishment of the central state. The tensions between Catholic and Huguenots in the politically and strategically sensitive Languedoc had made the presence of royal intendants virtually permanent from the first years of the 17th century. In these circumstances all extraordinary taxation was subjected to permanent control via the controlling royal officers and through arbitration. The intervention of the state in fiscal matters thus developed in various ways and was certainly not blocked by provincial liberties. The royal government was able to effectuate almost all edicts on the creation of new offices and courts, thereby establishing a controlling body on all levels of the provincial fiscal system and offering ways of appeal outside recourse to the Parlement and the Cour des Aides.

Efforts to increase control over provincial government and fiscal matters were dependent on the establishment of the proper judicial competence for the royal government and its officers. This was achieved roughly between the early 1570's and the late 1620's. The first step had been the nomination of royal officers on various levels of the legal system who effectively were symbols of the justice royale as the supreme judicial institution in the whole country. These officers were charged with guarding correct procedures since all justice was in the King's name. A second step was the establishment of new courts or offices, like the présidiaux in the 1550's, enhancing the visibility of royal authority in the complex field of judicial bodies and overlapping competences. From the far away and predominantly abstract "Just King", royal justice rapidly was transformed into existing bodies where royal officers competed with provincial judicial bodies or where the officers exerted thorough control over the legal process.

A further step towards the establishment of royal authority in judicial matters was the self-proclaimed competence of royal courts over all conflicts in which royal officers were involved. This not only strengthened the position of these officers it also provided royal justice with a multitude of legal excuses to
interfere in the judicial process of the province Languedoc. Even when the provincial liberties had limited the
control of the Crown over the finances and tax system of Languedoc, royal officers were present and active in
almost all spheres of society through extraordinary taxation, and the military and political moves
necessitating the intervention of the royal governor. Whenever conflicts arose between the provincial and the
royal officers, royal courts or officers appointed by the Crown claimed to be competent and reserved the right
to judge on these matters. Thus, royal courts were increasingly used and recourse to the Conseil d’Etat became
a normal procedure. In this fashion the intrusion of the state in judicial matters escalated dramatically during
the reign of Henri IV. This development seriously disturbed the authority of the Parlement but there was
little or nothing the provincial bodies of Languedoc could do.

In order to be able to deal with the increasing number of clashes between the old institutions and the
new royal officers and all other side effects of the system of extended venality of offices, the central
government deemed it necessary to build up a flexible system of intendants. In Languedoc these intendants
were of great importance because they mediated in the unclear political situation after the peace treaty
between Huguenots and Catholics. In case of crises they attempted to overrule Parlement and Etats by
exercising ad hoc almost unlimited authority. Internal conflicts in a sensitive border province were difficult
to accept and the royal troops stationed there had to be counted upon. Furthermore, intendants dealt with
conflicts between provincial bodies and officers who had acquired their positions through venality. They
investigated conflicts over taxes as well as other specific socio religious and political circumstances in
Languedoc. In the 17th century the intendants became a permanent force in the province rather than a
temporary emissary. Their presence was also a powerful proof of the authority of the King and the state in
judicial matters. The province Languedoc was unable to resist them.

Finally, when looking at institutional developments in Languedoc in the period 1530-1630 the impact
of war remained overwhelming. International war had increased the pressure of royal institutions on the
province between 1530 and 1630 and this pressure became even more felt when provincial bodies saw their
authority weakened through internal strife from the 1560’s to the 1590’s. By the end of the 16th century the
central government had used the chaos of the civil war which divided the provincial elite together with the
system of venality of offices to strengthen its foothold in Languedoc at the expense of provincial autonomy.
International war had alienated a considerable part of the nobility from French society, where the bourgeoisie had advanced in legal professions and commercial enterprise. Venality of offices only strengthened this process. The Wars of Religion which broke out shortly after the peace of 1559 reflect as much the division between Catholic 'old' elite and Huguenot 'new' elite as the general conflict over status, money and power among the French nobility and bourgeoisie. The old Renaissance order had disappeared in 1560 and the conflicts over the establishment of a new order lasted for seventy years in Languedoc. On the institutional level the King and the central state were the victors in the 1630's. However, because of the constraints imposed by provincial privileges and autonomy, Languedoc guarded a considerable degree of autonomy in governmental, fiscal and judicial matters. The state had only benefited from a temporary breakdown in provincial solidarity to intrude successfully and widely in the province. The competition between provincial elites, between old nobility and new judicial and commercial elite formed the background for the intrusion of the state between the 1570's and the 1620's. On a concrete level this intrusion was facilitated by the temporary weakness of the governmental and fiscal institutions of Languedoc due to internal strife and civil war. The institutional history of this province between 1570 and 1630 is a very clear example of the close relationship between state building and war, be it international war or civil strife.

1.5 An indestructable province: Languedoc 1530-1630.

For the largest part of the 16th century the French kings were engaged in wars. The power struggle between the Habsburg Empire and the Valois kings of France was a permanent feature of European history fought out in many countries. These wars and the need for finances which were required to wage them, form the background of the institutional and political developments in Languedoc. As a general principle after the experience of the Hundred Years' War French kings tried to 'export' wars to foreign territory in order to protect the population. This policy required a different system of military activities and organisation. There was no easy ad hoc supplying nor guaranteed ways of forcing towns and countryside to pay ransom in order to satisfy the army and prevent pillaging. An efficient system of royal taxation was thus required, flexible enough to accommodate for sudden war expenses. This fiscal system was successfully established and functioned well until the late 1540's.

Two developments seriously disturbed the functioning of the fiscal system in the period after the reign of François I. First, war became almost definitively a full-time enterprise, with peace only being concluded at the stage of bankruptcy of a government or of both warring parties. The peace of 1559 is a prime example
of such a peace, concluded because both France and Spain lacked the means to continue. The conflict with Spain, the developments in the German Empire and later in the Netherlands necessitated nearly permanent military intervention. Especially the expeditions in Italy were extremely costly. The French war machine of the mid-17th century did not suddenly appear as French kings had had various experiences with the problems of war finance and attempts at solving the perennial question of where to find money and how to get it.

A second disturbing development was the outbreak of civil war in France. For nearly thirty-five years, from 1560 to the mid-1590's civil war became a semi-permanent feature of French society. Peace and truces form the exception, serving only to facilitate the numbering of the 'wars' in between. These civil wars were fought between factions who were competitors for status and money as much as defenders of a specific religious creed or provincial liberties. Joining the Huguenots was seen as a political statement, bearing relevance on more than just religion. Civil war split the nobility and highlighted the conflicts between some noblemen and the Crown. Tax collection continued even where royal authority had disappeared because regional noblemen, true warlords, took over. For the collection of tithes it did not make a difference where one lived as Huguenots continued to levy tithes even though they changed the purpose of the levied funds. These wars of religion were about power to be divided between the Crown and the high nobility as well as between the central government and regional bodies and institutions.

At the same time status was at stake in a society where the old nobility had been losing ground due to their degradation as officers in the King's army. The growth of central government had opened perspectives for non-noble people. Lawyers and educated administrators rapidly filled the ranks of Parlements and governmental bodies. This increased their authority at the expense of seigneurial independence. Both war and the growth of government had created opportunities for rapid upward mobility. During the civil wars this became even more so as financiers and non-noble warriors moved upwards. The old order of society where status was definite and linked to clearly defined positions was rapidly changing. The transformation of French society, which was to end with the rigidity of the absolutist monarchy, at first caused only chaos, uncertainty and a high degree of social mobility. Contemporary writers voiced the fears and criticism of the whole population against the sudden decay of the hierarchical society. We find this criticism in the cahiers of all three Estates. The first and second Estate had undoubtedly justified fears that the society in statu nascendi did not guarantee them the old status now that bourgeois could acquire offices and hence, power, status and money. The third Estate at first glance had no reason for complaints. From its ranks the move upwards started.
bourgeoisie now had the possibility to move upwards socially. Tax farms and positions in judicial and governmental bodies were lucrative functions. However, for the common man these developments were less promising. Moreover, these changes took place in an atmosphere of war, destruction, plagues and increased taxation. A conservatism directed against the 'new' society can be easily understood when one sees the concrete context of this transformation of society. It was not coincidental that the most frequent complaints against social mobility from the cahiers of the Third Estate was directed against individuals who had made a career in the army.

France changed considerably between 1530 and 1630 and this change was only possible with the use of a very effective engine - war. The French, especially in Languedoc, knew plenty of war and destruction in the period of this study. From the 'exported' war in the 16th century military activities came back to the border areas and even the heartland of France as a result of social tensions causing civil war.

Languedoc was a province bordering on the big enemy, Spain. The only overland route between Spain and the other Habsburg possessions went through Languedoc. This province also had the ports from which Mediterranean enterprises were started, such as fleets sent to Italy, or against the Spanish or Turks. As a border province Languedoc had strategic and geo-political importance both in war and peace. Military forces were permanently present or had to be sent there rapidly, causing extra taxation and the burden of the presence of troops. In view of the relatively low level of taxation on Languedoc the French kings used understandable pressure on the Etats of this province to accept the military burden and to pay the extraordinary war taxes. The Etats were very reluctant to do so, claiming rightly that their province suffered most from war and war preparations. The troops going to or coming from the border garrisons brought plagues and diseases and their presence disturbed the rural economy. In 1522, after three years of plague and scarcity of grain the Etats refused to pay for the maintenance of the military. The King got money in another way but the signal was clear. After peace had been concluded with England and the Habsburg Empire - forced upon France after the defeat at Pavia in 1525 - the government actually repaid some cities for the expenses they had made. At the same time, in 1526, taxes on wine and pastel were lowered, a measure from which the rural and urban population of Languedoc benefited. However, war started soon again and François I asked for higher taxes.

Throughout the 16th century the total level of taxation slowly increased since every reduction granted after conclusion of peace was somewhat smaller than the previous increase. Under the dramatic circumstances of the Wars of Religion this moderation was given up and the strength and independence of the Etats was openly
put to the test. The increase in taxation was negligible in real terms, as has been calculated for Languedoc in
the 16th century, but how many contemporaries noticed this? The nominal increases made the impression of
large jumps and the États were only cooperative when their province was threatened. This happened in the
1530's when Spanish troops advanced to Carcassonne in the heart of Languedoc, while Emperor Charles V
advanced in the Provence. Such circumstances facilitated higher taxation and tax reform.

The wars of the 1520's had led to the establishment of étapes for the maintenance of troops which were
under way or on a campaign. In the next decade this system was modified to achieve more efficiently and in the
course of the wars of 1542 and 1543 extra taxation on the rich was introduced. François I had a keen eye for
the psychological impact of taxes and he tried to keep direct taxes low while increasing indirect ones. During
his reign there was still space to take the suffering of the population into account and the États of Languedoc
were the first to report on the misery of the countryside, struck by frequent plagues and famines during
wars. The taille réelle stimulated the first and second Estates - often in majority tax payers according to
their possessions of terre roturière - to join the third Estate in resistance against higher taxation. The later
years of the reign of François I already showed the insufficient yields of the tax system. The king had to
engage huge loans, partly to finance defensive measures since an invasion from England was feared as well. At
the time of his death, François I had left an impoverished France which had gained little from his wars.
However, the organisation of the tax collection system was intact and could be used to expand taxation.
Gradually, the taillon was introduced as an extra war tax meant originally only for towns not paying the
taille. The gabelle also offered possibilities but here popular resistance proved to be strong in the province of
Guyenne. The revolt of 1548 was closely linked to the situation of war with England threatening the livelihood
of many people in the ports, whereas the salt tax damaged the economy of a salt producing province. The
shared interests of peasants, artisans, townsfolk and the Bordeaux elite was successful and Guyenne received
preferential treatment on the salt tax until the end of the Ancien Régime.22

Meanwhile, Languedoc had other problems. Increasingly the influence of Protestantism became felt and
repression was slowly but surely advancing. The Midi was infected with heresy through the Rhône valley
establishing contacts with Switzerland. The highlands and mountains of the Cévennes and Vivarais were the
first parts of Languedoc where Protestantism was widely accepted just as these areas would be the last
offering refuge to Huguenots a century later. The acceptance of the new faith spread from artisans to
members of the nobility, and people who were limited in their social or economic development by the

22 S.-C. Gigon 1906: passim.
constraints of the 'establishment' were its followers. Non-noble royal or provincial officers, sons hindered by mighty fathers in this patriarchal province and merchants who wanted to see a social appreciation of their economic wealth, all were tempted to become heretics, if only because the Catholic faith was a legitimation for the unsatisfactory status quo. The first measures against Protestants had been taken in 1528 and repression in Languedoc was sped up in the 1540's. By that time some very influential noble families, such as the Crussol in Vivarais, already offered effective protection for Protestants.

During the reign of Henri II, from 1547 to 1559, taxation increased considerably in the Languedoc. War was waged incessantly with Spain and with the Emperor. The King supported Protestant provinces in the German Empire while repressing Huguenots at home. In 1552 militias had to be formed to put up resistance against the Spanish invaders, in the next years plagues and famine struck the province. The truce with England and Habsburg in 1556 did not prevent armed conflict continuing in lower Languedoc at the same time as the first armed conflict with Huguenots took place in 1557. The last years before the peace of Cateau-Cambrésis were disastrous years for Languedoc in war, famine and plague visited the countryside extensively. Under these circumstances the peace was greeted with joy which offered the possibility for a rapid spread of Protestantism all over the province. Armed conflict between Catholics and Protestants continued in 1560 and 1561 and the first flights into the Cévennes and the Massif Central are recorded in this period.

The peace of 1559 had one big disadvantage for France: in most parts of the country peace did not come for several decades. Most of Languedoc became the scene of civil strife for the next 37 years. The French warriors came home, only to continue their profession within the borders of the kingdom. The homecoming of the military after more than half a century of semi-permanent war abroad has been understood as one of the causes of the outbreak of the civil war. Having earned money and status in the army many noblemen returned to a society where non-noble activities such as trade and the legal profession had become inroads to the higher social strata. Many public functions were occupied by men who could not have done so half a century earlier. Opportunities in provincial government were scarce and the court under Catherine de' Medici was not very attractive. The royal government was preparing measures to control the growth of offices and, what was worse, to limit the financial renumeration of many royal officers.

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24 D. Devic & D. Vaisssette 1876: XI.342.
Another measure taken by the Etats of Languedoc was aimed at controlling claims to nobility. The long wars and the advance of bourgeois in trade and public functions had resulted in a huge inflation of titles. Many noblemen had little alternative but to return to their estates and castles. However, the life of a seigneur was neither attractive nor profitable around 1560. After years of economic growth, stagnation had become the dominant feature of the Languedoc rural economy. The expansion in the production of pastel ended in a crash in the autumn of 1560 after a decade of expansion. At this time the first reference to imported indigo is found in Toulouse records. The market for pastel never recovered, as public taste switched to the more attractive, exotic indigo. The rural economy as a whole slowly moved towards stagnation in a period when monetary inflation was high due to the instability of the French and Spanish currency.

Living off the land became difficult for lords who had been used to the ample remuneration of the royal army. Whether noblemen at the court or returning to their possessions, homecoming to France in 1559 must have been a frustrating experience. Those who came back had to reestablish themselves in a society in transition. In the context of the already existing tensions between Protestants and Catholics, both at court and in the Southern provinces, the resettlement of many noblemen in the society took a violent turn: they joined the militant Huguenots and organised small bands of armed men to protect them. Languedoc rapidly became a militarised province. This was especially so in the most peripheral areas of the province: in the valleys of Foix, Béarn and Comminges, in the Cévennes and in the Massif Central where during the following decades Vivarais became a center of armed noblemen and brigands - of whom only a few were showing an interest in religion. In these areas, where provincial or royal authority was very weak, the socially and politically discontented merged with the religious dissenters. The Huguenots slowly began to organise themselves as a party, supported by the influential nobility, such as the count of Crussol who administered these Huguenot areas in the name of the King while guarding his distance from the Catholic authorities in Toulouse.

One of the effects of the progressive militarisation of the Languedoc in 1560 and 1561 was a dramatic change in the nature of the feudal relationship between lords and peasants. The long military experience of many lords, combined with the resentment over their present position caused many of them to resort to armed intimidation and violence against their vassals. It appears that certain noble families developed into true despots in their territory, unhindered by arrêts of the Parlement or even royal edicts. The general level of violence in the countryside of Languedoc rose rapidly after 1559 and where noblemen took the initiative in

the 1560's the rural population could not stay behind indefinitely, as studies on authority and violence in Languedoc in later periods have shown.28

In 1562 the Catholic party managed to remain in control of Toulouse. From that date on the Parlement of Toulouse and its city council became two bodies in which orthodox Catholicism prevailed strongly. This even went so far that Toulouse refused the legitimacy of the crown of Henri IV making Toulouse one of the centers of the Catholic League situated in a province where Huguenots were powerful and where the religion réformée was widespread. Protestant members of the ruling elite had to resign or were forced to return to the Catholic Church.

The first wave of the Wars of Religion did not spare Languedoc. Troops of Condé fortified the position of Huguenots in Eastern Languedoc before returning to central and northern France where the Guise brothers were active. Catherine de' Medici attempted to negotiate a treaty which would restore order in 1563 but this was hardly the case in Gévaudan and the Cévennes. The Huguenot warlords were in no mood to compromise. In these peripheral areas their position was unchallenged and as the position of Huguenots in the power centers of Languedoc was eroded their strengthening continued in the periphery.

The nomination of Montmorency as governor and the visit of Catherine and the young King Charles IX did little to alter the build-up of opposing forces. Already in 1565 Huguenot forces had begun to collect tithes for themselves and this was to continue in the following decades. After initial skirmishes in 1566 in Foix and Pamiers the next wave of the Wars of Religion came to Languedoc in 1567. Possessions of Huguenots were confiscated in order to finance a Catholic army. At the same time the provincial government under Anne de Montmorency was powerless. Only a trêve de labourage could be agreed upon in the summer of 1568. Against the military superior Catholic forces the Huguenots started invasions with troops of Condé and Coligny in the autumn of 1569 and with German mercenaries in 1570. The countryside suffered badly. Already in 1570 the États asked - in vain - for exemption of the taille for three years and at this stage the winter of 1570/1571 and the famine and plague of 1571 still lay ahead.

The winters of 1572 and 1573 were severe but by then the war had intensified after St. Bartholomew's Night and the Huguenots had learned their lesson. In their territories they took over government, taxation and defence. The process starting with the stealing of grain after the harvest as a way of

collecting tithes had now developed into total territorial government. As usual the rural population suffered most, especially in those territories which often changed from the hands of Catholic forces to Protestants and vice versa. These disputed areas were the fertile valleys where most of the provincial grain surplus was produced. Both parties realised the importance of agriculture for society and in 1573 they again agreed on truces to facilitate sowing and harvesting.

The political impact of the Wars of Religion on Languedoc became clear in 1574 when Montmorency attempted to move towards a compromise with the Huguenots through the party of the politiques, which had put the interests of the state above religion. This move by the governor of an important province dismayed the King and Montmorency, who wanted to serve the interests of Languedoc by looking for peace, was replaced. As the war escalated, Montmorency moved towards the Huguenots in 1576 and managed to strike a compromise with Henri III after the foundation of the League. He returned as governor in 1577. By then war had become endemic due to autonomy of many lords in the Cévennes and Vivarais who preferred being brigands to accepting peace. Only in the summer of 1581 peace was restored in Languedoc although brigandage in Foix, Comminges and Vivarais never ceased.

At the revival of war in 1583 the conflict between the Catholic Joyeuse and the moderate Huguenot Montmorency became the starting point for political alignment in Languedoc. Montmorency sided with the politiques and Henri of Navarre whereas Joyeuse joined the ultra-Catholic League faction in Toulouse. In practice, the province now was divided in Catholic and Huguenot territory. After Henri III had joined the League, Montmorency was again replaced as governor, but three years later, in 1588, he returned having regained the confidence of the King who had become frightened of the Guise. Meanwhile severe winters, plagues and famine struck again the torn province, exhausting its capacities to produce a surplus. Out of pure necessity a new trève de labourage was agreed upon in 1587, while civil war continued afterwards. In the course of 1589 a pro-League rebellion in Toulouse took a nasty anti-royal turn and Joyeuse saw himself forced to take measures. Even the Parlement who rightly feared the anti-urban elite character of the revolt fled from Toulouse. As Henri IV was named King, Joyeuse and Montmorency agreed upon a truce to establish at least some order in Languedoc and to recuperate. A new truce for sowing and harvesting was agreed upon in 1590 but then the machinations of the League against Henri IV became clear: an army of 6000 Spanish invaded Languedoc in support of the League. After Montmorency had bested them his struggle with Joyeuse for control over the province continued and the campaigns damaged the countryside in several parts of Languedoc.
Joyeuse was killed in 1592 but his brother succeeded as leader of the League. The next year was one of the worst in the history of the province, with plagues and deserted land everywhere, whereas inflation had caused a financial chaos. Yet 1593 also became a turning point. Henri IV concluded peace with Savoie and turned Catholic, whereas Joyeuse and Montmorency agreed upon a trêve de labourage. The King decided to reward Montmorency and to name him Connetable de France, thereby calling him to the court where he could be controlled more easily. His successor as governor was to be Joyeuse in the Catholic parts of Languedoc and the count of Yentadour, Montmorency’s son-in-law, in the Protestant part. Henri IV played a shrewd game using his pragmatic approach and benefitting from the circumstance that Spain had withdrawn support for the League because of a revolt in Aragon.29

By 1594, Joyeuse saw his troops confronted with the royal army and after the defection of Mayenne, another Catholic leader, he reached an agreement for a truce. This expired in January 1595 and then the League, Joyeuse and Toulouse surrendered and accepted Henri IV as king. The Estates of Languedoc having been divided in Protestant and Catholic ones for nearly two decades were reunited in the winter session 1598/1599. Henri IV had bought off several leaders of the League and managed to get the edict of Nantes registered by the Toulouse Parlement. Peace had come, at last, to Languedoc.

Languedoc enjoyed peaceful days during the reign of Henri IV and this peace was used to recover from four decades of war. The rapid recovery in most areas was facilitated by the climate and the conditions of the soil as well as by the relative underpopulation of the countryside – a result of war, plague and famine. The best land could be used and agriculture was stimulated by tax measures and technological innovation. Sully was also very active in measures to promote trade and restore lines of communication. The budget for repair of roads and bridges grew dramatically in the first decade of the seventeenth century. The province had hardly started to recover when Sully put pressure on the Etats to increase the level of taxation.30 The relative low tax burden in such a rich province was to become a nuisance for royal government in the next decades.

In 1608, a year of floods, bad harvests and plague, Sully ordered closer control of the Cour des Comptes on local and diocesan bookkeeping of taxation in Languedoc. The Etats protested, fearing interference in their fiscal autonomy. Their argumentation was simple: it was technically impossible to have such a close scrutiny. At the same time they voiced protest against the high taxes and the abuses of the gabelle-system. The

30 D.J. Buisseret 1984:164.
last complaint can easily be understood. The *poulette* had slowly become effective and hereditary lease of tax rights only stimulated abuses. Also many noblemen and bourgeois tried to benefit from the expansion of the tax collecting system by proclaiming themselves as tax collectors or tax farmers with a forged lease on specific rights. Especially toll rights and the gabelle were susceptible to this fraud because they were less well documented. The *droit écrit* and *compoix* made tax fraud with tailles or even illegal increase of land rent and dues very difficult but indirect taxation on consumer goods offered a better perspective. The government responded by sending royal troops to Vivarais, where brigandage, violence and fraude were widespread. The presence of the royal troops in this poor region was a heavy burden and led to protests. The troubles continued and increased after Henri's death.

Disobedience of noblemen was followed by tax refusal in some peripheral areas where repression was difficult. At the same time the Huguenots began to voice discontent with the limited share of power for their faction. After 1615 the discontent escalated rapidly and led to revolts in Huguenot towns. When in 1616 noblemen gathered armed forces in Vivarais an agreement was reached between the Crown and Huguenot leaders and the troops were sent to Italy: war was again exported.

Slowly the effects of sound government of Henri IV and Sully disappeared and the royal treasury was again in need of money. Louis XIII started his quest for money by trying to establish pays d'élus in all pays d'Etats and by increasing the gabelle, the salt tax which had become increasingly important for the treasury. Languedoc agreed to accept higher gabelles for the period 1618-1622 and later for 1622-1626. Then, the gabelle was only higher in Upper Languedoc. TheEtats successfully resisted the establishment of *élections*, although the King could impose them in Guyenne which he brought under his control against Huguenot resistance. The same had happened in Béarn in 1620 which now became part of France. Repression of Huguenot autonomy rapidly took the form of repression of provincial and noble autonomy which had survived from the Wars of Religion. When in 1622 the count of Rohan led a Huguenot revolt against the policies of the Crown some Catholic noblemen joined his ranks. The signal was obvious: discontent was building up in the province. The Crown, however, felt strong enough to look beyond the borders and became slowly engaged in the international politics of the Thirty Years' War. The international ambitions required a quiet country and higher taxes. With the help of Richelieu, Louis XIII established the foundations for a policy which created a state able to achieve these goals. Depending on international commitments the royal government chose pacification (as in 1626, after another campaign of Rohan) or repression. While Rohan was still active in Languedoc, Louis XIII personally dealt with La Rochelle in 1628 and then moved to Languedoc. In June 1629
the royal forces had established order in the South-West and through the dictated peace of Alès elections were established in Languedoc. The province ceased to be a pays d'États, which caused grave worries among the members of the États and the Parlement. If the old tax privileges could be abolished, then the other institutional privileges could be abolished as well. The parlement refused to register the edict establishing the elections and joined the États in protest. Meanwhile, the King got what he wanted from the newly established fiscal system of Elus: he could sell the positions of tax collectors while obtaining a higher yield. In 1630 the new system yielded 940,000 livres as tailles, nearly tripling the Crown's taxes in peacetime Languedoc.

Resentment among all layers of society increased. It was under these circumstances that yet another Montmorency decided to lead the provincial resistance. He supported the King's brother in a conflict and promised to return all privileges to the province. In 1632 he engaged in open revolt against the authority of the King. This time the King could do without Montmorency and the royal army quickly suppressed the revolt. The governor was executed in Toulouse and a new edict was dictated to the province at Béziers on 11 November 1632. The system of Elus was abolished, yet at a high price. Furthermore the États were limited in their powers in several ways. Louis XIII wanted to deal a final blow to Languedoc's autonomy.

The province survived and did quite well. The États had recovered the right to levy taxes and to discuss the level of taxation. This turned out to be a very important result since the Crown planned a huge rise in taxation in the coming years from which Languedoc was spared to a large extent. Taxes did increase in the 1630's and 1640's but to a far less degree than in other provinces. The percentage of taxes spent in the province remained about the same, around 50%, and this improved the relations between province and state dramatically.

Neither the tax revolts nor the Fronde spread on a wide scale to Languedoc and the province became loyal to the Crown as it had been in the Hundred Years' War. The Crown, at its turn, rewarded this loyalty by moderate demands and some concessions. The edict of Béziers was abolished in 1649 and provincial autonomy was revived, although closely watched by the royal officers and intendants. Only the Huguenots suffered as they were increasingly marginalised politically and religiously. By the late 17th century Huguenots no longer had powerful allies in Languedoc. They fled to the one permanent ally: the isolated areas of the Cévennes and Vivarais. Here resistance to authority, central or provincial, had always been strong.

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31 D. DeVic & D. Vaissette 1876: XI,1085ff.
peasant revolt in Yivarais in 1670 was one of the last large organised protests against the French state and its occurrence in that region was no coincidence.33

In all other parts of Languedoc the presence of royal officers and troops had firmly established royal authority. From the original conflicts between provincial and state officers and while the provincial elite was allowed to retain a fair part of autonomy, power and taxes the right conditions were created for a merger of the interests of the provincial and royal officers.

Languedoc survived the Wars of Religion and the economic and demographic decline of the mid-17th century. Its provincial institutions, both governmental and judicial, survived a long period of civil war, division and royal interference. This is the period in which rural conflicts will be analysed.

Chapter 2 Routine conflict in Languedoc, 1530-1630.

2.1 A note on sources and method of research.

For most historians of Languedoc abundance rather than scarcity of material has been the problem. The circumstances of history have made this abundance biased since most documents are preserved in the archives of the provincial institutions. The strict adherence to the practice of droit écrit provides abundant material on the structures of land possession and tenancy through the compoix and lease contracts as well as through settlements of dues, tithes and pasturage rights.

However, a lot of material has been lost. Already in the 16th century it was difficult to find deeds proving rights to land, specific dues or tax exemption. It was very common that parties involved in a conflict had to rely on a judgement by the Parlement which then served as the written proof and legitimation of the settlement reached. Documents disappeared through fires in castles, villages and town halls and some were hidden by the parties involved. It is not uncommon to find court cases over the access to archives because many town councils resisted lords who tried to look for medieval documents that might justify an increase in dues.34

The Wars of Religion with its devastating effect on many villages and small towns in Languedoc only increased this problem. The restructuring of rural society in the early 17th century was not only influenced by the rapidly increasing level of indebtedness of rural communities due to war taxes and loss of cattle and harvests but also by the chaos in administrative bookkeeping in the course of the 1580's and early 1590's. The wealth of material is thus only a pale reflection of the mass of documents existing at the time. Yet, this is all hindsight and bears no relevance on the present study. One will have to do with what is preserved now.

Rural conflict was either legal and hence registered with the relevant judicial institutions through civil or criminal procedures or considered to be illegal. In the latter case one is confronted with a serious problem of methodology. It is the intention of this study to concentrate on rural conflict in which communities or groups with shared interests were involved, in rural collective action. The collective aspect made these conflicts very badly suited for the criminal chamber of the Parlement of Toulouse since this chamber dealt essentially with individual criminal acts. One may find cases where individuals were supported financially by the village to be able to engage in a legal procedure but such cases are rare and difficult to locate in the 16th

34 After the Wars of Religion many documents had been lost which led to numerous court cases, e.g. ADHG B 39-539 (17-4-1657).
and 17th century. Such a procedure was only collective action in a limited sense. In practice the chamber for civil cases of the Parlement dealt with rural collective action, just as it dealt with assemblées of urban artisans, brigands or seditious noblemen. Thus the archives of the civil chamber provide information on both 'civil' and 'criminal' rural collective action, well suited for research on the relationship between different ways of conflict resolution. The Parlement dealt with conflicts over dues and tithes and communal rights. The latter was especially important in the mountain valleys where pasturage rights were often disputed.

Supplementing the information from the archives of the Parlement one might expect documentation on legal procedures on lower levels of the judicial body. However, virtually all records of processes before sénechaux and bailifs have been lost. This does not warrant the conclusion that the Parlement records are only the tip of the iceberg. Appeal was a very common procedure, stimulated by the Parlement to increase its authority and facilitated by the well developed provincial bureaucracy. To a large extent the records of Parlement are at least qualitatively a relevant reflection of conflicts fought out before judicial institutions in the province.

The Parlement was not competent for conflicts over taxation, be it ordinary or extraordinary. All these matters had to be sent to the Cour des Aides in Montpellier, which was established as a competitive body to check the power of the Toulouse Parlement. Yet in complex matters the Parlement often dealt with taille matters and until the first decades of the 16th century traces of quarrels over competences can be found, often lost by the Parlement. Tax conflicts were not always over the level, but also over claimed exemption on the basis of status (attempts of clerical institutions) or possession of terre noble. Also requests for temporary exemption occurred, inspired by damages suffered as a result of war or because communities had engaged in the improvement of collective goods like roads and bridges. Refusal to pay taxes frequently was part of a general refusal to pay dues. Such cases occurred when communities wanted to attract attention to seigneurial abuse or neglect of judicial arrêts. Taille refusal was a very effective way of attracting attention and such cases cannot be looked at as anti-fiscal protest but as anti-seigneurial protest aided by tax refusal.

In all matters which were not technically fiscal the Parlement tried to have a say. However, royal officers supported the division of competences vigorously and effectively from the early 17th century onwards. When looking at fiscal conflicts it should be kept in mind that Languedoc was not a province of tax revolts. The provincial privileges protected the authonomy of the Etats in fiscal matters and even after the

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Edict of Béziers the provincial government kept taxes lower than elsewhere in France and successfully prevented the introduction of the harsh wave of new taxes in the 1630's. Furthermore, Languedoc was a province with a taille réelle based on a detailed cadastre. In this fashion disputes over taxation could more easily be settled in rural communities or at the diocesan level than in other parts of France with taille personelle where taxation was generally felt to be unjust and burdensome.

A third source of information on conflicts in rural Languedoc, besides the Parlement and the Cour des Aides are the minutes of the Etats. Due to the relative strength of the third Estate in this body issues could be brought up easily, though mostly only in a more general fashion. However, it was possible to refer to ongoing conflict situations and matters where the strength of the judicial area was insufficient to establish order. Much discussion about disloyal noblemen and brigands took place in the États, as well as debates on sustained 'revolts' that were a serious threat to provincial autonomy as royal troops were needed to repress them. Similarly, the cahiers for États-Généraux reflected matters of relevance for rural communities, although the lords did their very best to suppress more radical or specific criticism.

On a provincial level there were also the Grands Jours, gatherings of provincial and royal officers where excesses and criminal offences which could not be dealt with otherwise were topics of discussion. These extraordinary sessions had powers to pass judgement on all issues discussed. Their aim was to provide a remedy for the failings of the regular provincial legal system but their true function was a purely cosmetic one. The États and officers gathered on the Grands Jours had no executive force and almost none of the sentences -mostly against noblemen- were executed. The minutes of these show processes do provide information on those noblemen able to escape from the provincial authority through connections, military power or geographical remoteness. Noblemen in Vivarais and the Pyrenees valleys were often accused of abusing rights and terrorising the population which did not dare take recourse to provincial institutions. Condemnations on Grand Jours had little or no effect, but they supplement the sources of the regular judicial body.

Recourse to the Crown, the highest judicial authority in the country, was always an ultimate possibility. For the King's Council documentation is available from the reign of Henri IV onwards. For the earlier period it is very difficult to find references to concrete conflict situations. The reign of Henri IV marked the definitive growth of royal authority and expansion of royal powers and consequently the documents of the councils of the Crown gain in importance during the 17th century. For Languedoc in the period until
1632 they bear limited relevance. Royal ordonnances in the period of the civil wars are preserved in the Parlement or Cour des Aides archives. Especially in the latter, many references to taxation and payments of 'gens de guerre' can be found, reflecting the rhythm and spread of wars and military lodging - the worst plague of Languedoc between 1560 and 1596 and again in the two decades after 1610.

For secondary sources on rural conflict in Languedoc a seemingly paradoxical situation appears. Studies on the history of the richest and most important province of France abound. The range of these studies varies from the all encompassing history of De Vic and Yaissette, completed in the late nineteenth century, to articles on local or regional history in the many historical periodicals of the départements. In between one finds the monographs on the social and political history of Languedoc from e.g. E. LeRoy Ladurie, J.H.M. Salmon, W.H. Beik and M. Greengrass. From these monographies it becomes clear that Languedoc was not a province with frequent peasant revolts. When one stretches the borders of the province somewhat one can identify the troubles in Comminges in the 1540's and 1590's, in Vivarais in the 1570's and in 1670 and the Audijos revolt of the 1660's. At first sight this is a short list compared to incidents in other provinces as well as in the light of urban unrest in Languedoc in the late 16th and 17th century.

The studies of rural society of Languedoc, especially LeRoy Ladurie's Les Paysans du Languedoc, give the impression that the field of rural conflict is already covered well and that no further discoveries should be expected.

At this stage, the historiographical tradition of definition of events enters. As in Germany, French historiography has concentrated on specific topics and social phenomena. For the study of early modern rural society this has meant strong attention to the intrusion of the fiscal system and the state and its effects. Rural collective action, 'revolts', have gained attention especially when their occurrence could be linked to tax increases or other measures of the central state. One knows of the Vivarais revolt of the late 1570's in the context of the Carnival of Romans, of the one of 1670 as the 'last' peasant revolt in the Ancien Regime. The Audijos and Comminges revolts are seen as provincialist, or better regionalist struggles against state intrusion through officers, judiciary or tax structures. As often, rural conflict was highlighted when relevant to the grande histoire. In order to prevent this, another approach can be chosen, one placing rural collective action in the context of non-violent conflict resolution in which rural society or at least rural communities were involved. The Languedoc peasant revolts were, neither like the revolts in Western and

South Western France, blind reactions to state interference. This was so even less true in the Midi than elsewhere, since most new taxes in the 17th century could be resisted successfully or were controlled by the États. The Languedoc revolts must be seen in the context of the political history, the grande histoire, but also in the context of routine conflicts and routine conflict resolution. For this purpose the study of the archives of Parlement and Cour des Aides can be very useful. The sack of a castle in Vivarais or in the valleys of the Pyrenees has entered into the history books perhaps as blind anti-seigneural violence or at best as understandable violence against a fortress of usurpers and brigands. The fact that such violent outburst might have been preceded by decades of court cases in which the peasants were put in the right without the necessary measures against the lord being taken often hardly remains noticed at all.

It is the purpose of this study to start off with an analysis of judiciary procedures in which rural communities were involved and to supplement the information thus obtained by other means, either through other sources or through secondary material. In such a fashion the revolts can be put in their proper context and relationships between different forms of redress of grievances or resolution of conflicts can be studied.

By looking at the archives in which both civil and criminal forms of peasant action, local or supra-local, are recorded relevant information of different types can be found. Tax refusal, quarrels over dues and tithes, manifest resistance, land flight and violent action are all recorded in the archives of the Parlement and the Cour des Aides. Articles and monographs on local, regional and provincial history supplement further information. All together this constitutes a body of data on conflict in rural Languedoc, from which insight can be gained on the nature of rural collective action, its different manifestations, frequency, issues and sometimes participation and leadership. This overview forms the background against which specific ‘revolts’ can be set, facilitating the analysis thereof.

2.2 Forms and issues of rural conflict in Languedoc.

In rural conflict four categories can be distinguished as ‘opponents’ to rural communities: gens de guerre, other rural communities, lords and the clergy. As far as the last is concerned a clear distinction can be made between the clergy or clerical institutions in their function as lords, owners of land or other means of production on the one side and the clergy as religious officials on the other. This distinction justifies a division between conflicts in which peasants and the clergy were involved. Conflicts over worldly matters can be put in the category peasant vs. lords, whereas tithe conflicts and other matters relating to religious
privileges can be seen as peasants vs. clergy. Such a distinction is to a certain extent arbitrary, not least because the growing influence of Protestantism stimulated resistance against the Catholic establishment, be it 'lords' or clergy proper. Any division in categories based on type of opponent remains hazardous and more serves practical purposes than bearing relevance for the analysis of rural conflict on any specific moment. Often cases cannot be easily placed in a category, as conflicts involved three or four parties.

Categories of opponents in rural conflicts can be useful in a diachronic analysis. This is especially clear in French historiography where one finds the concept of the end of peasant revolts in the second half of the 17th century, modified by the thesis of transformation of forms of resistance37 to the thesis of transformation of ideology in peasant protest, from anti-state to anti-seigneurial.38 Consensus is probably only to be found in the general statement that the predominant form of conflict changed from anti-fiscal to anti-seigneurial in the period between 1675 and 1715. Anti-seigneurial protest was inherent to the feudal order in society and was permanently part of rural conflicts. In most areas of France the intrusion of the state and its fiscal requirements caused a wave of tax revolts which were widespread and therefore drew more attention from regional and national government elites. Consequently, conflicts of an anti-feudal nature moved temporarily to the background in order to reappear forcefully after the end of the tax revolts in the 1670's.

In the present study rural conflict is analysed for a period of over a century, concentrating on the century between 1530 and 1630. This period includes three decades of relative peace and prosperity (1530-1560), three decades of civil war (1560-1595) and three decades of relative peace and heavy government intrusion (1596-1632). How did specific forms of conflict develop over the years and what is the relationship between the frequency of events in the different categories of opponents to the rural communities?

The arrêts of the Parlement of Toulouse have been chosen as the source for indicating the frequency of a specific type of rural conflict. This choice might be criticised since the arrêts constitute only a part of the legal conflicts in which rural communities were involved; those for which appeal was sought in the highest instance. All conflicts which were settled through mediation or court arbitration on a lower level are not included, not to mention those conflicts for which no legal procedure was started.

On the other hand, as stated earlier, both procedures recording collective action were brought before the civil Chamber and kept in the archives of the Parlement. Furthermore since appeal was easy and almost

automatic and many arrêts of the Parlement constituted only confirmations of decisions of lower courts or registrations of settlements reached out of court the arrêts of the civil chambers of the Toulouse Parlement are more representative for the frequency and types of rural conflict in Languedoc than they seem to be. The Parlement's greed for influence in conflict settlement comes to aid.

There is another, more pragmatic reason for choosing the arrêts of the Parlement as indicators of the frequency of conflicts over the period of a century. To establish an overview of conflicts in which rural communities were involved in Languedoc over a period of a century is a huge if not impossible task when based on all the preserved documents. Even when limited to the records of the chambers for civil cases of the Parlement this leaves thousands of pages to be studied, from the late 16th century onwards sometimes up to seven hundred pages per month. Most of this material has been made accessible through detailed inventories. These inventories cover almost all the topics on which arrêts were issued until the 1620's. They form the core of the data resulting in the graph representing the frequency of conflicts between rural communities and other rural communities, lords (in the broad sense, including worldly conflicts with the clergy) and the clergy proper. The period for which the data has been gathered runs from 1525 to 1630 with the exclusion of the period 1588-1598 in which the League Wars and the establishment of royal power rendered the Parlement powerless and virtually inaccessible.
Number of arrêts in which rural communities were involved:
- conflicts between rural communities
- conflicts between rural communities and feudal lords
- conflicts between rural communities and the clergy

It should be noted that this chart only intends to give a general impression of the development of rural conflict through its frequency and breakdown in opponents of rural communities. Since the legal system was truly accessible for rural communities and since these communities made frequent use of the facilities for conflict settlement this analysis of rural conflict on the basis of data provided by the archives of Parlement and Cour is justified as long as these data are used with care, to illustrate trends rather than claim to be absolute figures. Yet, when read from year to year the figures form an illustration of the history of Languedoc between 1525 and 1630. This history shows a build-up of tensions due to the growth of Protestantism, civil war and a hesitant peace, only enforced by Louis XIII in 1628 and 1630.

From the overall number of cases it is striking to see the influence of civil war on legal procedures. This explains the drop after 1560, after 1567 and especially after 1570. The strong and structural decline of appeal cases between 1585 and 1589 must also be seen in the context of the League power in Toulouse and the escalation of urban and rural violence. The same can be said for the drop in 1614-1615 and 1622 when discontented noblemen roamed the countryside ultimately uniting Catholics and Huguenots against the King. The intervention of the royal army to put the new civil war to an end in 1628 also caused a dramatic drop in arrêts in those cases in which rural communities were a party. Clearly there is an inverse relationship between appeal of rural communities to the Parlement and the occurrence of war, so often combined with
famine and plagues. Times of war were not the best times to seek redress for grievances through legal procedures and not the times to resort to routine forms of conflict resolution.

The total number of arrêts shows a period of almost constant growth from the 1520's to the 1560's, followed by a strong relapse in the early 1570's and a return in the early 1580's to the level of the early 1550’s. After the peace of the 1590's communities were again hesitant to engage in legal conflicts. This was probably due to the priority given to the reconstruction of agriculture after almost forty years of war. Together with noble unrest the number of arrêts increased after 1610, only to drop again due to the renewed civil war.

The relation between the number of arrêts and political developments is even more clear when one takes a look at the levels of the three categories of conflict involving rural communities.

First, conflicts between peasant communities remained constantly at a low level, on average between two and five per annum. The figures for the 17th century are somewhat lower. This may be strange in view of a population trying to recover and to revive its agriculture, but it becomes understandable when one imagines the depopulated countryside of the early 1600's. Since most conflicts among rural communities had been about the use of woods and disputed land between communities or in valleys of the Pyrenees it is not surprising that these conflicts occurred less frequently in the early 17th century. Rural communities would only go to the Parlement in conflicts with neighbouring villages when vital interests were at stake or when old feuds were fought out. It is striking to find the same pairs of names over the decades. In general a court procedure between peasant communities, or between groups of peasant communities was rare and remained so. It was simply too expensive in view of the stakes, whereas conflict resolution between peers was still possible, mediated or arbitrated by a local clergyman or a member of the nobility.

Second, conflicts between rural communities and lords in the broadest sense of the word included all issues like dues, rent, censives and other seigneurial dues including conflicts between peasants and clerical institutions possessing land or rights not pertinent to religious office. The development in number of arrêts over the years follows the general trend with the exception of some years in which the number of conflicts between rural communities and the clergy over tithes were extremely high. In fact, some of the growth in the 1550’s in conflicts over seigneurial rights can be attributed to the increased preparedness of rural communities to challenge all rights of the clergy: both tithes (anti-clerical protest) and worldly dues (anti-seigneurial protest) came increasingly under pressure from the peasantry, even though the Parlement decided consistently in favour of clerical institutions, except in cases where taille-exemption was at stake. In
other cases the frequency of arrêts in conflicts between lords and rural communities followed the general pattern closely: this type of conflict was permanent and unchanged. Appeals in these matters developed along the general preparedness of the rural population to appeal to the Parlement and thus followed the pattern of rapid decline in times of war when mere survival became an issue of overwhelming importance.

Finally, arrêts on conflict between rural communities and the clergy proper involved mainly issues such as the right to levy tithes or specific dues equivalent to the Todfall and Besthaupt in South West Germany. The frequency of these arrêts is in line with the growing influence of Protestantism in the countryside of Languedoc. The first wave of Protestantism in the cities, between 1528 and 1538 when repression became widespread, was followed with some delay by the spreading of heresy to rural communities. The number of arrêts on tithes grew rapidly in the 1540's and was at its zenith in the 1560's, shortly before civil war became semi-permanent in Languedoc. The high number of arrêts is even more striking in view of the decisions of the Parlement. Consistently villages were ordered to continue all payment of tithes. The negative result did not stop rural communities from going to court on these issues, a situation comparable to the eighteenth century anti-feudal litigation particularly widespread in Languedoc.

Anti-clerical litigation remained strong in the early 17th century, no doubt stimulated by the fact that considerable parts of Eastern Languedoc were under firm Huguenot control. The Protestants continued the levy of tithes and certainly did not stimulate attempts to dispute the principle of tithes. However, the heterodox religious ideology must have strengthened the latent dislike for tithe payment to the clergy since almost all tith cases in Parlement were between peasant communities and members of the clergy, whereas many secular lords had rights to levy tithes as well, as a part of the seigneurial dues.

The second approach to forms of rural conflict is by means of the issues at stake. This approach is less formal and more useful for an analysis of conflict and its escalation or resolution. In a peasant society the 'opponents' were permanent, the taxes, tithes and dues had to be paid regularly and every spring a competition with neighbouring villages over vaguely defined land borders might occur. Yet even though tensions over the handing over of a part of the agricultural surplus or over the means of production were permanent features of peasant society, manifest conflicts, be it legal action or collective violent action, were not annually recurring events. Collective protest action of whatever form required the preparedness of a group of people, mostly the village community, to act together on a specific issue. Recourse to the judicial institutions of the province was

to a large extent attractive if documents were available to support the case of a party in a conflict, but such a move was costly and required the financial support of the community as a whole. Hence, a general agreement was sought. This was even more so in the case of violent collective action which constituted a case of rébellion with many risks involved. Then collective action could have the advantage over individual repression which although difficult was not impossible. Still the syndic took a big risk because he was held responsible for any collective manifestation of protest or discontent.

Close attention to the issues at stake is essential for the analysis of rural conflict in general and rural collective action, 'peasant revolts', in particular. The issues brought the peasants together and were at the basis of peasant action influencing the different types of rural conflict, the specific courses of conflict resolution sought for specific conflicts.

Since opponents and issues are closely related one can follow the pattern established in the previous paragraphs, distinguishing conflicts between peasant communities, peasants and lords, peasants and the clergy and, finally, the complex relationship between rural society and the state established through institutional developments, taxation and war.

Conflicts between rural communities generally originated over two issues: land and taxation. As far as land is concerned it is clear that conflicts only arose where the cadastre was unclear, disputed or non-existent. In practice this meant that disputes over the use of grassland, especially in mountainous areas were the most frequent. The rights of usage were often codified in very vague terms like 'the use of the grassland of mountain X is reserved for cattle belonging to inhabitants of village Y'. Many of such rights dated from the Middle Ages and became only subject to discussion when in the 16th century the stock of sheep and cattle expanded. The main cause for conflict seems to have been the lack of clarity in establishing the exact limits of land.

A second problem was the use of wood and pasturage rights in woods. Here, as so often, conflicts took a tripartite form: the owner of the woodland and the disputing communities had to agree on the codification of rights and rules of usage. Thus, recourse to a local seigneur or the owner of the land was a first move in the resolution of conflicts over communal rights, leading to many cases of mediation and prevention of conflict escalation. For settlement of conflicts between rural communities the Grands Jours, although infrequently held, were also extensively used. If conflicts over these issues came to the Parlement, the conflict had reached
the intensity of a feud between villages or groups of villages. Since several villages often had the same claims, groups of villages were likely to be opposed on the issue of use of meadows and woods.

The other issue which frequently resulted in conflicts between rural communities was taxation. The problem with taxation was with the diocesan assiètelle, the body of regional noblemen charged with the division of sums over the parishes. According to the principle of diocesan solidarity tax exemption for a specific village had to be compensated by higher taxes for neighboring villages - at least within the diocese. Generally, there were many reasons to request exemption for a parish: a failed harvest, inundations, money spent on repair of the church, roads or a bridge and the most frequent of all: the burden of gens de guerre and the effects of war. Even when a village had sound reasons to ask for tax exemption this still was a hostile act towards the other communities in the diocese. On these conflict issues the diocesan authorities were the first responsible. They could try to settle the smouldering conflicts between villages by asking for a lower level of the diocesan share in order to facilitate lower taxes for all communities. In fact this move only transferred the issue to the level of the Etats and the Cour des Aides. These bodies were very reluctant to allow for specific exemptions for fear of stimulating the spread of requests and preferred to grant general exemptions in very bad times, or exemptions for a diocese particularly struck by war. All exemptions for rural communities were always motivated in detail so as to limit the escalation of conflicts between communities.

Usually conflicts over taxation did not lead to lasting tensions. The reasons for the requests, works executed or damages suffered were too controllable to sustain fraud. Conflicts between rural communities normally concentrated on the issue of meadows and woods.

The issues at stake in conflicts between rural communities and lords were more complex. A general feature was the absence of conflicts over land rent, cens and censives. It would be only after the Wars of Religion, well into the 17th century, that the structural decay of agriculture in Languedoc and the indebtedness of communities led to evictions and systematic arrears in payment.

It should also be kept in mind that the droit écrit had real meaning in rural society: the level of all kinds of dues was fixed and recorded, controllable in cases of conflict. This circumstance was of tremendous importance for the relationship between peasants and their lords. The lords had very little space for the increase of dues at their will and communities were stimulated to resist such occasions.

In the 16th century most conflict issues between lords and rural communities were about feudal rights revived by the lords in search of new sources of income in a period of rapidly growing inflation. Whether
these attempts at revival of old rights were successful depended upon the availability of documents justifying the claims. If no written proof was found, the Parlement decided consistently in favour of the complaining peasants.

A more serious problem arose when lords refused to accept court judgements or infringed upon the codified rights of the subject peasants. Many court cases and incidents of violence occurred because earlier arrêts had not been executed. Some noblemen and abbeys were notorious as lords who disregarded the rights of peasants and the measures of the judicial body to protect them. In that sense, the material situation of peasants was often worse than the formal situation and peasant protest in these matters was simply a request for the execution of the agreed rights and obligations.

The problem of disobedient lords often led to an escalation of peasant protest. This escalation consisted of total refusal of dues, neglect for the lord’s authority and even refusal to pay taxes. These forms of protest should not be seen as expressions of thoroughly anti-feudal or anti-fiscal feelings but only as ways of attracting the attention of the authorities and as a pressure against the lords. Parlement arrêts ordering rural communities to resume the payment of dues invariably include references to specific obligations of the relevant seigneurs or to earlier arrêts in which the lords already had been condemned. The non-execution of arrêts in favour of rural communities in lord-peasant conflicts formed a permanent problem. These issues occurred most frequently in the peripheral areas of the province where the authority of the institutions was weak: the Pyrenees, the Cévennes and Vivarais.

Taxation often was the issue at stake in conflicts between lords and peasants. Taxability of land was linked to its status, which did not change when its owner changed. In the course of time many noblemen held both terre noble and terre roturière. Frequently the noblemen who owned taxable land tried to evade taxes by claiming their land was terre noble, if only because they owned it. This was strongly resisted by the peasants of the villages involved since tax exemption for some land meant an increase of taxes on the remaining peasant properties. Conflicts over this issue were recurring events, increasing in frequency in the later 16th century when the Wars of Religion caused of wave of ennoblements41 and when venality of offices and increasing wealth of urban lawyers and officers stimulated acquisition of land by non-noblemen. These aimed at achieving a higher social status through the possession of land and a country house, in a way by imitating a style of life slowly abandoned by noblemen. In court the new nobility often lost cases to the delight of the rural

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population who not only was pleased to the see the tax burden spread more evenly but also because such 'false' noblemen were punished by the judicial institutions. Villagers were proud to have unmasked pretenders to nobility or noble status for their land. These men became the topic of derision and rapidly lost any authority they had previously enjoyed.42

The worldly conflicts between clergy and peasantry can not and should not be separated from more religiously inspired frictions or conflicts but in essence they are secular. Only in a society where criticism of the worldly activities of the church spread beyond the intellectual and legal elites to the countryside could secular conflicts merge with ideologically inspired ones. Germany in the 1520’s and Languedoc from the 1530’s to the 1560’s are two examples of such mergers. On the other hand, a conflict over the level of specific dues, regulated in contracts or old documents was qualitatively different from fundamental criticism of the principle of tithes, expressed through structural refusal.

The levying of tithes was a frequent cause for conflict between peasants and the clergy. Originally, tithes were levied over cereals in order to function as payment for the clergy and support for the poor. In Languedoc, as in the German Empire, tithes had expanded over other agricultural products as well. In the Midi, grapes and olives were almost natural candidates for the levying of tithes and this developed rapidly wherever these crops were introduced. The resistance of the population based on the reasoning that tithes could only be levied over cereals was to no avail but the preparedness to protest remained. In a way this was enhanced by royal and provincial authorities who wanted to stimulate the diversification of crops by promising exemption of tithes on new crops. This issue was particularly important where the soil and the climate easily facilitated change of types of crops or agricultural enterprise, hence in the most densely populated parts of Languedoc.

The timing of conflicts over this matter reveals that they occurred either when new types of vegetation were introduced such as safran and pastel in the late 15th and early 16th century, or when more types of crops or livestock were included in the list of agricultural products over which tithes could be levied. After such measures one can find a stream of protests and court cases - almost all in vain. The judicial institutions generally protected the rights of the clergy.

The most drastic form in which tithes became an issue in rural conflicts was in cases of general refusal to hand them over to the clergy. Tithe refusal during the Wars of Religion was not only religiously inspired.

After all, Huguenots continued to collect tithes in areas under their control. The escalation of the number of conflicts over the issue of tithes in the 1560’s and 1570’s must also be seen in view of the standard procedure for collection of tithes. Normally peasants had to leave all of the harvested grain or other crops in the fields until the local priest or representative of religious institutions had been able to select the share due as tithes. This simple procedure was far from attractive in times of civil war when bands of soldiers and brigands roamed the countryside in search of stocks of food. In such circumstances the rapid removal of harvested grain, grapes and olives gave at least some guarantee that confiscation could be prevented. For the afflicted peasants it may have been an additional though not necessarily intended side effect that the collection of tithes was seriously hindered. Whatever the predominant reasons, well into the 17th century tithe refusal remained a very important issue in rural conflict in Languedoc.

The intrusion of the state through new taxes, institutional change, venality and expansion of offices, and the occurrence of war as well as lodging of gens de guerre were also frequent issues in rural conflicts. Taxation as such did not become the central issue as it did elsewhere in France. This was mainly due to the fiscal autonomy of the province and the collection of taxes by the decentralised taille-assiettes, assisted by the compoix: Indirect taxation was another matter. The collection of many droits was the business of noblemen or urban entrepreneurs who had acquired the rights or offices through the system of venality. In these cases, abuse of powers and corruption were frequent and led to resentment of the taxes as such. It is striking to see that the gabelle as such did not become a conflict issue in the countryside of Languedoc whereas the decentralisation and venality of salt distribution offices rapidly provoked protest.43

The issue of taxation had two further aspects which influenced the occurrence of conflicts on this matter. First, indirect taxation stood under firmer control of non-provincial authorities than direct taxation, for which the Cour des Aides was competent. Many offices for indirect taxation were royal offices, falling under royal justice where redress of grievances on the sensitive matter of the tax burden was difficult to obtain. Second, there was the problem of extraordinary taxation. Taxes defined as extraordinary ones normally were levied in times of great need, such as in wars. Resistance and protest, whatever form it took was then unacceptable. The levying of extraordinary taxes was almost by definition ruthless and a cause for grievances. War taxation was a strain on the financial as well as the social situation of the rural population. This was especially true in a province where taxation had to be consented to the Crown by its Etats.

43 The salt tax farmers, négateurs, were often singled out in rural protest, e.g. ADHG B 319-1 (1-6-1613).
War and the lodging and transit of troops were important issues in the border province Languedoc. Confiscation of stocks of grain and livestock, pillaging and the spread of diseases through the coming and going of the military were semi-permanent features of rural life in Languedoc, at least until the second half of the 17th century. Protest through court cases was as futile as armed resistance against the armies of the King or of the warring factions. The effects of war remained a source of conflict against which the rural population had few means of resistance, only of self-defence.

The manifestation of the central state through institutional changes and reform was at first of little relevance for rural society. But the successful intrusion of royal officers in the first decades of the 17th century changed the nature of many conflicts. The procureur du Roi often made a conflict, e.g. between lord and community, a tripartite one, slowly but certainly changing the nature of legal conflict resolution. In rural Languedoc the intrusion and growth of state power predominantly meant the incidence of war, both international and civil, and war taxation with its effects on the fabric of society which continued even after the conclusion of peace. The endemic brigandage in Languedoc, as elsewhere in the Mediterranean, was a by-effect of prolonged wars and the development of a state in which elites were gradually changing.

An area of potential conflict issues which has been left out of this presentation of types of rural conflict in Languedoc so far are intra-village conflicts. In the chapter on Germany it has been argued that conflicts between peasants or 'classes' of peasants were very important phenomena in rural society. The Peasant War of 1524 and 1526 can be seen as a Gemeinde-movement in which the landed peasantry wanted to protect its interests against infringements on their rights by the lords and the clergy and against the increasing pressure of landless labourers and rural artisans within the rural community.

In Languedoc this type of rural conflict between different social and economic strata within villages was far less visible for two main reasons. First the cadastral system and the taille réelle limited conflicts over land and taxation among the peasantry. And second, the system of inheritance put a very high degree of autonomy and authority in the hands of the heads of households who were in principle free to choose their successor. This system did not stimulate the escalation of tensions within the family. Solidarity could be enforced by the father who could easily postpone his choice as a means of blackmail. Instead of tensions

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44 F. Braudel 1985:II, 84.
between the heir-to-be and his kin, as in Germany, one can find a generational conflict of fathers against sons. In times of social upheaval these issues came to the surface as during and after the Wars of Religion.

The incidence of war also transformed intra-village relations. The upper layers of the Languedoc peasantry who in the first half of the 16th century had benefited from the overall good economic situation and the growing demand for agricultural produce were unable to use the acquired wealth for the acquisition of land. The civil war and war taxation prevented what had been made possible through the trend towards noble absenteeism and change from seigneurial enterprise to rentiership and acquisition of royal offices, namely the widespread transfer of land from the nobility to the rich peasantry. Under these circumstances the wealth was transferred in loans to poorer peasants and lost in war taxation. The growth of collective indebtedness, well documented for the period from the 1580's onwards, must have been paralleled with widespread intravillage loans which made artisans and manoevriers dependent on the laboureurs. Still, war and plagues were also social equalizers and clearly the possessions of the rich peasants, stocks of grain, cattle and horses were most attractive for campaigning soldiers as well as pillaging brigands. The social and economic differentiation of the Languedoc peasantry developed dramatically between 1560 and 1650 but this process mostly took place in a period in which slow recovery became structural.

2.3 Case studies on rural conflict in Languedoc.

In this chapter a presentation of cases of rural conflict in Languedoc is presented. In Chapter 3 the cases on tax issues will be presented and finally in chapter 4 supra-local organised forms of collective action will be discussed. Languedoc may not have been a province of large peasant revolts but there was more rural collective action than the general picture suggests when referring to Vivarais (1570's, 1670) and Comminges (1540's, 1590's). As sources for this presentation, which is no more than a structured overview, archival material of a legal, governmental and administrative nature has been used as well as secondary sources: provincial and local histories, monographs and articles on the history of rural Languedoc. It would be impossible to attempt a complete description or even a massive presentation as in the works of Bercé and Pillorget. The goal of this study is to provide an analysis of different forms of rural conflict in their broader context and their interrelationship. What is required, therefore, is a representative

46 H. Hauser 1933: 257-272.
presentation of cases of rural conflict with differing issues, participation and levels of collective action, violence and assumed illegality.

For practical purposes the following subdivision has been chosen.

First, routine conflicts over dues, tithes and rights of pasturage between rural communities, lords and peasants, and the clergy versus the peasantry. These conflicts are routine in the sense that they were recurring events in rural society for which routine conflict procedures of resolution existed, either through mediation or a legal procedure. This type was familiar to the parties involved and did not normally lead to fear of conflict escalation and rébellion. By the nature of the conflict issue these events were almost always localised or limited to a small group of communities.

Second, more structural conflicts which escalated will be presented. These conflicts are related to more parties than the routine ‘feudal’ conflicts. They could be matters of jurisdiction and taxation, such as conflicts over tax exemption or tax collection leading to tax refusal, land flight or requests for an enquéte in order to establish a new compoix. In general this type of conflict involved several communities or even the whole diocese and the awareness of escalation was higher than with the routine conflicts. The second group of conflicts cannot be described as anti-fiscal or anti-state, as opposed to the anti-feudality of routine conflicts. The first and the second group mainly differ through the higher levels of motivation and organisation of the second group than those generally required for routine conflict resolution such as in the first group.

The third category of case studies concentrates on an even higher level of conflict escalation. This level deals with incidents of rural conflict in whatever manifestation, related to the effects of war and pillaging by soldiers and brigandage by deserted troops or unruly noblemen with their gens de guerre. War, war taxation, pillaging, and brigands were almost structural features of Languedoc rural society in the period covered by this study, yet their incidence prevented a routine form of conflict resolution, requiring measures of self-defence and perhaps supralocal collective action. These conflicts include the rébellions occurring when rural communities joined forces to defend themselves against pillaging troops or brigands.

The three categories show a build-up from routine conflict resolution to extraordinary action, be it self-defence or aggression. This subdivision has been chosen on the basis of the fundamental assumptions on rural collective action (see Part I). It should facilitate the analysis of rural conflict, from court cases to revolts. One of the assumptions is that it is possible and relevant to distinguish between different forms (types, manifestations) of rural conflict in their proper context, forming together a broad spectrum of which all components can be seen in the same analytical category. Distinctions by ‘opponent’, ‘issue’, ‘frequency’ and
'routine level' should only be seen as practical aids aimed at structuring the presentation and analysis of the wealth of material discovered on rural conflict in Languedoc. In the following presentation some rural communities or whole regions will be followed through the decades of the 16th and 17th century in order to show the continuation and development of conflict. Others will be visited only at one or two moments as an illustration of the diversity of conflict issues and ways of conflict resolution.

2.4 Routine conflicts between lords and peasants.

At the heart of feudal society one finds the relationship between lord and peasant. In Languedoc the ties which bound lord and peasant were fewer and weaker than elsewhere in France, not to mention the German Empire. But the system of dues and obligations was excellent breeding ground for friction, tensions and conflict. The interference of the seigneurial system in day-to-day routine activities was especially provocative and easily led to disputes. The frequency of the conflicts between lords and peasant indirectly caused the development of a safety valve against escalation of conflict: the routine character of conflict was a reason for the ease with which rural communities sought redress for grievances. Also, the efficient penetration of the provincial judicial authorities in the countryside offered the possibility of obtaining arbitration from a third party which was to a large degree neutral.

Regulated conflict resolution through legal procedures was a widespread and fully accepted practice and the archives of the Parlement and the Cour des Aides provide cases of a stunning variety, showing how conflicts over almost all aspects of the feudal relationship were brought to court. The only aspect of the feudal lord-peasant relationship which is not found as an issue of conflict in court was the duty to perform corvées. It is known that these were low in Languedoc. Labour duties were simple obligations: two days work a year does not easily lead to misunderstandings as long as the principle is accepted. However it could be that conflicts involving corvées were settled on the level of bailiff or sénéchaux, whereof no documents are preserved.

The procedure of appeal was used when at least one of the parties involved did not accept the decision of the court or refused to execute it. In almost all cases the higher court confirmed the decision or decided itself in the first instance on complicated matters. The result was that a large degree of judicial solidarity developed. This does not seem to have discouraged lords or communities from opting for appeal. On 13 May 1538 the Parlement of Toulouse confirmed a decision of a judge of appeal on the level of seigneurial dues.47 The parties involved, the community of Gratens and their lord Gaspard de Mertres had a quarrel over the

47 ADHG B 31-305 (13-5-1538).
dues and submitted this to the court. As they refused to accept the verdict of the judge of appeal the matter was brought before the Parlement. The confirmation does not seem to have been effective as the Parlement issued a new arrêt a year later, on May 1539. In this arrêt the exact dues and obligations were laid down, substituting this for a written contract between lord and community. Still at least one of the parties must have been dissatisfied since the issue was again brought to court. In 1541 the Parlement had to confirm a new decision of the juge d'appeaux de Toulouse. This time the matter seems to have been settled.

A major problem was the existence of different legal institutions competing for authority and expansion of competence. If one party did not accept, the possibility of going to a rival court became very tempting. When the communities of Encausse and Soueich had a conflict brought before the sénéchal of Toulouse and afterwards refused to accept the confirmation of the arrêt by the Parlement in June 1544 a new course was chosen. They now went to another court in Rivière in order to obtain a new decision. The community of Encausse, very active in litigation, must have been disappointed to hear the Parlement in 1546 again confirming the decision of the judge.

The position of the Parlement was not altogether neutral and especially in the 15th century it used its arrêts to protect the interests of its members, whatever the party involved. In 1468 the powerful count of Armagnac was ordered to return a piece of land to a docteur en lois, a member of the same profession as the judges. Two weeks later the Parlement ordered its President and a conseiller to take charge of the execution of the arrêt, if necessary with military intervention. A similar event led in the next year, 1470, to the condemnation of the bishop of Cahors who was ordered to return some land to Antoine de Marlhon, also a docteur en lois. This lawyer became a member of the Parlement and he was involved in another conflict in 1486. The peasants of the communities of Blausac and Peyrole had challenged his authority as a lord when they refused to bring their grain and grapes to the mill and press which were his property. They brought the matter before the Parlement and they lost. The banalités of de Marlhon were confirmed. This will have surprised no one since Antoine de Marlhon had become the President of the Parlement. Or can it have been that the communities chose this course of appeal on purpose, hoping that the perennial struggles and frictions within the Parlement might work out in their favour and that the rank-and-file would vote against the interests of its President? If so, solidarity of lawyers prevailed over power struggles.

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48 ADHG B 32-372 (29-5-1587).
49 ADHG B 35-38 (20-12-1541).
50 ADHG B 37-479 (17-6-1544).
51 ADHG B 3-170 (31-12-1568).
52 ADHG B 3-173 (14-1-1569).
53 ADHG B 3-292 (14-8-1570).
54 ADHG B 7-69 (12-5-1586).
Some conflicts lasted for many decades and the subsequent arrêts all became pieces of evidence for the final decision. Often they were referred to in new decisions. In this fashion the duration of legal procedures and history of a specific conflict can easily be determined. In some cases it is clear that no longer was a specific issue at stake but that the conflict had developed into a real multi-generational feud. Even if this was not the case conflicts easily lasted decades. The peasants of Encausse appealed to the Parlement in September 1555 with the complaint that their lady, presumably a widow, overcharged them contrary to the agreement of January 1300. The law was on the side of the community but the effect was not immediately noticeable. A new arrêt on this matter was issued in 1560 again with reference to the agreement of two hundred and sixty years earlier. A new lord acquired the rights in Encausse and this did not facilitate the execution of the arrêt and the control over dues. A conseiller was charged with an investigation and he issued specific orders which were confirmed by the Parlement in 1562. The non-execution of the orders led to growing dissatisfaction of the population of Encausse and gradually protest grew. In August 1562 the community managed to secure rights on wood and pasturage in exchange for the sum which had been agreed upon in 1341: one sack of grain and a chicken per household had to be paid for these rights. The mutual dependence of lord and peasants gave both parties the possibility to express grievances through disregard of feudal rights. It is no coincidence that in 1562, after several years of legal procedures over infringement of rights by lords the community reacted with similar actions. In July 1563 the leaders of Encausse were forbidden to sell the rights to establish a tavern without the agreement of the lord, baron Charles d’Alzac. A new ordonnance was issued by the President of the Parlement and later confirmed by an arrêt and this solved the issue temporarily. Meanwhile the community of Encausse was engaged in a legal procedure with another lord as well and this conflict necessitated the intervention of a conseiller in March 1563.

At this stage the effects of the civil war came to the forefront but the conflict had not disappeared. The peasants of Encausse chose a new way for getting back at their lord: they abused their rights on wood for which they were condemned in 1584. The arrêt stated that although lord and peasants were engaged in conflict, the cutting of wood had to be done by the community as "tous pères de famille".

55 ADHG B 48-712 (5-9-1555).
56 ADHG B 55-391 (28-4-1562).
57 ADHG B 55-509,511 (31-8-1562).
58 ADHG B 56-438 (28-7-1563).
60 ADHG B 57-277.
61 ADHG B 89-174 (23-1-1584).
It should be added that the Parlement acted against baron d'Alzac as well. In May 1586 he was called before the Parlement and instructed to desist from the use of violence against his peasants. However, at this stage civil war in Languedoc was at its worst. The war made another issue of conflict acute: the lord's obligation to protect his subjects in exchange for which he had the right to demand their assistance in defending his castle or to levy an extra tax, the droit de guet et garde. It is not surprising that in the already troubled relations this easily developed into a new conflict. The inhabitants of Encausse declared themselves prepared to defend the castle in exchange for the written guarantee that they be allowed in the castle with their livestock in times of necessity. In September 1586 an arrêt was issued to this effect but this proved to be useless. The lord changed his strategy and decided to levy extra dues in exchange for the obligation of his subjects to defend his possessions personally. The extra tax inevitably caused problems and in 1588 lord and community were back in court quarreling over the payment of the garrison protecting the castle and the region.

The example of Encausse shows how a specific quarrel could develop into a more general dispute through the expansion of conflict issues due to the fact that the original one was not resolved effectively. The rural community not only reacted against infringements, it also took the initiative when the first arrêt was not executed. In this fashion legal procedures in a specific conflict easily led to initiatives from the side of the peasantry on other issues. A temporary refusal to pay tithes or perform corvées attracted the attention of the authorities or provoked a new court case in which the original unresolved issue could be brought up again as well.

Many dues and obligations were so complex that the Parlement was unable to decide on some issues on the basis of the material presented in court. In those cases the Parlement or its chambers had the right to start an enquête into the matter. Such inquiries often took several years even in cases which looked very simple, such as conflicts between one rural community and a lord. In the early 1540's the community of Pierrefiche was engaged in a conflict over land rent with the abbey of Bonneval. In May 1544 the Parlement decided to start an enquête on this issue in order to establish the correct amount of land rent which had to be paid. After three years, in August 1547 an arrêt was issued codifying in detail the amount of land rent and other dues. In more than thirty pages a solution to the conflict was imposed upon the parties involved.

62 ADHG B 98-282 (5-1536).
63 ADHG B 102-344 (17-9-1536).
64 e.g. ADHG B 114, ADHG B 115.
65 ADHG B 37-436y-449y (28-5-1544).
66 ADHG B 40-533-567 (17-8-1547).
practice this document had to serve as an extended contract preventing further disputes. Furthermore, if new disputes did occur, the Parlement would be the *juge naturel* preventing the parties from going to royal institutions. Not surprisingly one finds Pierrefiche again in appeal to the Parlement in August 1556 on the issue of the level of seigneurial dues claimed by the Bonneval abbey.67

The absence of an executive branch of the Parlement was a major problem for legal conflict resolution. In the conflict between the community of Garganvillar and the abbot of Belleperche an arrêt was issued in January 1504 but the community refused to accept this. An agreement between the peasants and their lord, the abbot, was only reached in 1548 after forty-four years of quarrels and numerous arrêts of the Parlement increasing threats and imposing higher fines.68 It seems that a decision of the Parlement in 1544 finally ended the issue. Then the abbot was granted the right to collect all dues in Garganvillar until the amount of arrears was made up for.69 This presumably stimulated negotiations between the village and the abbot. Ironically, the agreement reached in 1548 was not fully accepted by the Parlement, but this position was ignored by the contestants.

Often issues that appeared minor ones at first sight arrived in the chambers of the Parlement. Most likely these issues were not clearly regulated or were very old privileges reintroduced by the lords. In 1474 the Parlement issued an arrêt giving to the community of Montpeyroux the right of prior approval of their lord’s right to make public announcements.70 The rather unusual decision was not accepted by the lord who started the procedure anew and not without success. A year later a new arrêt annulled the decision of 1474 and the lord was granted the freedom to do as he pleased.71

The relationship between lord and peasants was a sensitive one in which the acceptance of mutual rights and obligations was subject to frequent changes. Issues in this relationship were often more on principle than for material reasons. The lord was only fully accepted in his status as long as he respected the rights and privileges of his subjects. In situations where the lord had gone too far in popular opinion, not only was redress sought for concrete grievances but also the insult had to be revenged. When, for instance, the lords of Sérignac exacted more dues than the peasants considered just the latter not only went to court but they also

67 ADHG B 49-668 (31-8-1556).
68 ADHG B 41-396 (6-6-1543).
69 ADHG B 37-707 (5-9-1544).
70 ADHG B 4-79 (18-8-1574).
71 ADHG B 4-152 (2-8-1475).
demonstratively and repeatedly occupied the church benches reserved for the lords during Mass. This signal of disrespect took place in the early 17th century and was clearly related to a conflict over dues the year before. Disrespect for the social status of seigneurs was frequent, especially in towns and in cases of 'new' nobility or non-noble lords. However, these incidents were always linked to concrete issues and formed part of ongoing disputes. They should not be seen as structural criticism of feudality, at least not in the early 17th century.

Rural communities no less than their lords were keen on the conservation of privileges. In these issues clearly a privilege was at stake, whatever the nature of the conflict. Some of the privileges were so bizarre that it is understandable that they were disputed. For instance, the inhabitants of Monastier-les-Chirac claimed to possess the droit de soquet. This meant that whenever they had to pay the ceasive this was paid in kind and measured in a special container for grain. The peasants had the right to put a piece of wood in the container, thus diminishing the amount of grain needed to fill it by 1/16th. The piece of wood was carefully preserved in the village. Eventually, the conflict over this privilege was brought before the Parlement which decided in favour of the village. The practice was allowed to continue by arrêt of August 1552.

More commonly privileges over the usage of woods and meadows were at stake in conflicts between lords and peasants as well as the more common banalités. From the case of Buzet it becomes clear how important it was to cling to privileges even though the Parlement did not always confirm them. In 1508 the Parlement warned the village of Buzet not to abuse the privilege which gave them the right to collect wood in a nearby royal forest. Twelve years later, the arrêt was repeated in a more stern tone since its formulation was now defense de dépopulation. In these years this type of restrictions on the use of woods became increasingly common and privileges had to give way to royal or provincial ordonnances. In February 1521 Buzet was confronted with a total prohibition on the collection of wood in the forest, be it dead or alive. Now the inhabitants of Buzet became dependent on the Parlement for the use of wood from a royal forest for which they claimed to have a privilege. When they needed wood to restore a bridge, in 1524, they had to ask the permission to cut twenty trees. The permission was granted by the Toulouse Parlement despite the fact that

72 ADHG B 272-335 (19-2-1609).
73 ADHG B 45-558 (4-9-1552).
74 ADHG B 13-720 (5-3-1509).
75 ADHG B 18-369 (22-9-1520).
76 ADHG B 18-507 (27-2-1521).
royal officers were formally competent since the forest was a royal domain.\textsuperscript{77} In the next years a struggle over jurisdictional competence developed which suddenly favoured the community of Buzet. In August 1528 the Parlement issued an arrêt which forebade royal officers, charged with management of eaux et forêts in royal domain to cut trees or graze cattle in the Buzet forest. The Parlement reconfirmed the rights of the rural community to do so on the basis of a privilege granted by count Raymond of Toulouse of 12 August 1241. All use was limited to the inhabitants of Buzet.\textsuperscript{78} Obviously the general policy of the provincial authorities to protect woods had to give way here since royal officers had begun to take over rights of usage limited by the Parlement. The magistrates of Toulouse remained on the side of Buzet. In 1600 and 1620 two arrêts overruled decisions of the Grand maître des eaux et forêts limiting the usage rights of Buzet.\textsuperscript{79}

In 1595 a noblemen, Jean de Latenay, was engaged in a conflict over rights of pasturage with the consuls of the community of Neffiès. This conflict is interesting because it was resolved out of court, a practice far less widespread in Languedoc than in Imperial Germany, although from the late 17th century onwards a sharp increase occurred.\textsuperscript{80} Three noblemen had mediated between Latenay and the community and with success. The agreement was signed in the presence of several witnesses, among them the local priest and the schoolmaster. In order to secure its validity, the Cour des Aides was asked to register it, which was done in June 1595.\textsuperscript{81} Its registration there may have been a matter of convenience because the Cour des Aides was not really competent for such matters. Similarly the Cour registered an agreement between the communities of Agde and Marseillan, South West of Montpellier, and several lords in 1631. The communities possessed documents dating from 1260, 1310 and 1332 and had followed a long procedure from the Cour des Aides to the Conseil du Roi, then to the Parlement of Toulouse and back to the Cour in Montpellier.\textsuperscript{82}

Specific seigneurial rights and banalités were more often the issue of conflicts than land rent or censives. In these matters the Parlement proved to be flexible and inspired by common sense. In 1531 an arrêt was issued to stop a rather counterproductive practice in the village of Montalzat. The lord had claimed the right to levy a fee every time peasants had to repair their instruments aratoires but the Parlement strongly opposed it.\textsuperscript{83}

\textsuperscript{77} ADHG B 19-198 (9-7-1524).
\textsuperscript{78} ADHG B 22-329 (4-6-1528).
\textsuperscript{79} ADHG B 180-360 (31-5-1600) and ADHG B 400-434 (12-9-1620).
\textsuperscript{81} ADH B 23-128Y (27-6-1595).
\textsuperscript{82} ADH B 36-260 (12-11-1531).
\textsuperscript{83} ADHG B 24-127 (6-3-1531).
Elsewhere, in Lussan, the Parlement mediated in a conflict over the *droit de fournage* of the lord. An arrêt of 1593 confirmed his right to build an oven there and to levy the droit. But two years later the Parlement invited the inhabitants of Lussan to organise a meeting and to discuss the nature of this new burden. A choice was given between the possibility to pay the droit or pay in kind with a fixed amount of grain per inhabitant older than seven years.\(^8^4\)

The establishment of an oven in a village could also lead to another type of conflict. If the lord was unwilling to establish and keep one in good order the peasants did not feel obliged to pay the relevant *droit de fournage*. In the case of the village of Coupiac the inhabitants went to court ultimately resulting in an arrêt of the Parlement ordering the widow of their lord, Jeanne de Clermont, to establish an oven there.\(^8^5\) A month later, in December 1558, the Parlement confirmed a similar ruling of the sénéchal of Rouergue on this matter.\(^8^6\) It is not clear whether Jeanne de Clermont obeyed or not, but there must have remained a serious conflict in Coupiac since in the next year, September 1559, an arrêt was issued condemning several inhabitants of the village because of *rébellion et désobéissance* against the widow of their lord which could very well mean the refusal to pay the *droit de fournage*.\(^8^7\)

When it was in their interest peasants interpreted the relationship with their lord sometimes as a very personal one. All pretexts were used to avoid dues since these were a permanent threat to their existence. Not only abuses by the lord were used as an excuse but also his death or a change of seigneur. The reason used to justify this rebellious behaviour was that peasants owed allegiance — and dues — only to a person and not to a family or any holder of the rights. Cases of conflict with widows, like the one mentioned above, were frequent. Another source of conflict was the premature death of the lord at a stage where there was no son to take over the seigneurial status.

Contemporary chronicles and politicians always viewed periods in which the rulers were minors as very dangerous or even critical periods, an opinion shared by modern historians as well.\(^8^8\) In France this opinion is certainly justified for the regencies of Catherine de' Medici before Charles IX took over (1560-1564), of Marie de' Medici before the reign of Louis XIII (1610-1614) and of Anne d'Autriche from 1643 to 1651, at the time of the Fronde. The minority of future rulers weakened the monarchy and allowed more

\(^{8^4}\) ADHG B 92e-268 (18-9-1595).
\(^{8^5}\) ADHG B 51-659 (26-10-1553).
\(^{8^6}\) ADHG B 52-35 (2-12-1558).
\(^{8^7}\) ADHG B 25710,711 (27-9-59).
\(^{8^8}\) J.H. Elliott 1969:46.
space for opposition from the high nobility or, as in the early 1560's, from broad categories in society.

On a micro-level the same phenomenon can be observed in the relationship between subjects and the guardians of the seigneurs-to-be. The death of a lord without an immediate successor allowed peasants to attempt to obtain a temporary abolition of seigneurial dues. When the inhabitants of Yerdier refused to pay dues to the guardian of Olivier de Cahusac, their future lord, he went to court. For the Parlement this was a routine matter: the dues simply had to be paid, only temporarily not to de Cahusac but to his guardian.89 A year later the same conflict escalated between the community of Sadourin and the guardian of Jean de Bazillac. The Parlement ruled consistently in favour of the guardians.90

A similar phenomenon occurred when a seigneurie was sold or transferred to a new lord. In 1518 the Parlement ordered the inhabitants of Alayrac to pay the cens and other dues to Jean de Lévis just as they had done to royal officers at the time when they belonged to the domain of the King.91 This arrêt was repeated eight years later because the peasants had refused to comply.92 It is very likely that it was perceived as more burdensome to have a regional nobleman as lord than a distant king whose titles to rights and dues were generally old and with lower dues. The same conflict was played out in the village of Preixan in 1629 and there also the Parlement ruled on behalf of the new lord.93

The oath of allegiance was the foundation for the feudal relationship between lord and peasant. In case of long standing conflicts the withdrawal of the oath, or the refusal to swear a new one was a means of voicing protest and drawing attention to it. In South West Germany this was very important in the conflict between the abbey of Kempten and the peasants who were looking for measures against infringements upon their rights. The same occurred with the subjects of Arnaud d'Autrin in the community of Bonnefont. They had complained against their lord because he had infringed upon their privileges. Consequently the subjects decided to refuse to swear the oath of allegiance, a way to provoke the intervention of the judicial authorities. The arrêt of the Parlement on this issue, dating from December 1490, was balanced. The subjects were ordered to swear the oath of allegiance whereas the lord was told to respect the privileges of Bonnefont.94 Nevertheless the matter continued to be problematic and a gradual escalation occurred. Protest gatherings were followed by violence from both parties. In 1496 the Parlement intervened again and arranged a

89 ADHG B 32-533 (10-9-1539).
90 ADHG B 54-304 (21-5-1541).
91 ADHG B 17:91,92 (17-3-1518).
92 ADHG B 21-251 (6-7-1526).
93 ADHG B 22-651 (27-7-1529).
94 ADHG B 8-272 (18-12-1490).
compromise over the seigneurial dues. At the same time the inhabitants as well as Arnaud d'Autrin were condemned for assemblées, port d'armes, batteries et autres excès et violence. The lord was furthermore threatened with the abolition of his seigneurial justice if he continued to abuse it. Neither the first nor the second arrêt were very effective and in 1507 a new order was issued, urging the quarreling parties to comply with the decisions of 1496.96

Refusal to comply with the decisions of the Parlement was not unusual in the early decades of this institution, when the gradual increase of power and authority of the urban and mostly non-noble lawyers caused irritation among the nobility. The surprising independence of the Parlement in the late 15th century stimulated many rural communities to go to court and use the right of appeal to the limit. But against blunt refusal of their lords little was achieved.

In the case of a conflict between the inhabitants of Yerlhac-Tescon and their lord, François Bosquet, an escalation occurred as well. The issue was whether the inhabitants had the right to build houses without the explicit approval of their lord. When he tried to assert this disputed right the people from Yerlhac-Tescon sounded the alarm with their church bell (voqueusen; toscin) and gathered armed at a meeting where insults were screamed at Bosquet. They were condemned by the Parlement confirming Bosquet's right at the same time.97

Religious institutions were not much different from secular lords in their lack of respect for legal procedures. Although they had fewer privileges than their German counterparts, abbeys and other clerical bodies were active worldly lords in Languedoc as well. The special status of the church was used aggressively which often provoked resistance beyond the juridically acceptable. And then it was already too late. Lack of respect for arrêts of the Parlement was easier to accept from an abbey than from the peasants. In February 1522 the abbey of St. Choffre sent a request to the Parlement demanding several inhabitants of Lautriac to be banished because of excès and désobéissances. The Parlement supported the abbey in its drastic request.98

The abbey of Gimont frequently appears in the archives of the Parlement since many villages disputed its rights. In March 1493 an arrêt was issued to settle a dispute between the village of Gimont and the abbey. A new order for execution of the arrêt was given in July of the same year because nothing had happened.99

95 ADHG B 10-75 (29-3-1496).
96 ADHG B 13-450 (11-9-1507).
97 ADHG B 9-336 (30-7-1494).
98 ADHG B 19-69 (25-2-1522).
99 ADHG B 9-528 (26-7-1493).
Two years later, the abbot was still in dispute with the village and he required the assistance of the Parlement. The arrêt of July 1495 ordered several inhabitants to be taken prisoner.\textsuperscript{100} It was obvious that something was seriously wrong in the relationship between the community of Gimont and the abbey. A conseiller of the Parlement was ordered to investigate the matter and his report was confirmed by the Parlement in 1498.\textsuperscript{101} No further evidence on the conflict between this village and the abbey of Gimont is available, but the abbey returns frequently in the minutes of the Parlement, engaged in conflicts with other villages.

A monastery notorious for its conflicts over seigneurial rights with villages and regional nobility alike was the nunnery of Notre Dame de Salenques which held possessions in the foothills of the Western Pyrenees near Tarbes. In the area many villages had become Protestant thus increasing the tensions between the nunnery and its subjects. One of these villages, Bordes, was engaged in conflicts with the abbey for several decades. The earliest references date from the 1620's when seigneurial rights were at stake. The Toulouse Parlement ruled on this matter in 1629, at the time of the royal offensive against Languedoc and the Huguenots in the South West. Order was restored but routine conflicts did not subside. In 1641 Bordes and the nunnery where engaged in a new conflict, this time over the rights to a mill. The Parlement ruled again but all this failed to resolve the structural conflict, especially since the many conflicts between the nunnery and regional noblemen stimulated the Protestant community to persevere in its resistance.

The conflict escalated in October 1649 when inhabitants from Bordes gathered around the monastery, burned the vines and tried to occupy the building. They had made a serious miscalculation. From the long list of conflicts between the nunnery and noblemen of the region the peasants had made the assumption that the noblemen would support them if they undertook action against the monastery. The noblemen did the contrary: they formed a small group of cavalry which drove the peasants away rapidly.\textsuperscript{102} The miscalculation caused no serious repression or punishment. The Parlement simply ordered the peasantry to leave the nunnery alone. This incident is striking because it is yet another illustration of the world view of the peasants. They assumed that the nobility would come to their aid, as happened so often in conflicts over new taxes. The Bordes peasants must have been surprised that the nobility did not join them, just like the peasants of Astarac who

\textsuperscript{100} ADHG B 9-528 (30-7-1495).
\textsuperscript{101} ADHG B 10-425 (23-3-1498).
\textsuperscript{102} D. De vic & D. Vaissette 1876 XIII, 294 (16-10-1649).
noticed in 1640 that their lords did not support them but the intendant, as a result of which "... les croquants reçurent un grand étonnement..."; according to a contemporary observer.103

Conflicts over land right, seigneurial dues and specific rights of the lords were truly routinely recurring events. The recurrence of conflict through protest gatherings indicates the sometimes insufficient execution of court orders. Yet in view of the peripheral nature of large parts of Languedoc and the virtual absence of an executive branch of Parlement or États it should perhaps surprise us that so many conflicts did get resolved through legal dispute. The tradition of droit écrêté and the widespread respect for the written basis for taxation, the compoix, will have stimulated recurrence to legal dispute and the widespread use thereof in conflicts between lords and peasants over their feudal relationships.

2.5 Conflicts over collective goods.

A second type of routine conflict is perhaps best described as conflicts over collective goods. In rural Languedoc these goods were either communal property or rented by the village or shared by several communities. Collective goods refer to woods and meadows used by one or more communities and not to mills or presses which were mostly possessed by lords. Hence this type of routine conflicts consisted essentially of conflicts between peasant communities or groups of communities. Many of the disputes over the use of woodland and meadows were settled through the mediation of local or regional noblemen but frequently cases were brought before a court and might even end up in the Parlement for a ruling. The reasons for this were twofold.

A legal procedure was almost always necessary in those cases where the Parlement had intervened or issued an arrêt on earlier occasions. The records in the Parlement could produce documents or references to old privileges which had been lost, at least as documents, in the villages. Especially with regard to use of woods and commons many old privileges existed and these were normally kept as guidelines for the solution of a conflict. If a mediated agreement was sent to the Parlement for registration, there was a risk of it being refused on the grounds that there existed documents regulating rights of usage in another way.

Secondly, a legal procedure, though more expensive, clearly stated the independence of the communities. The syndics of the villages involved acted on behalf of their communities and appeared before courts as full members of society with the same legal rights as a nobleman. A legal procedure excluded the regional nobility and enhanced the feeling of independence of the peasantry as a social class accepted by the judicial system of the province.

103 Scipion Dupleix, quoted in Y.-M. Bercé 1974: 147.
As far as the cost of legal procedures was concerned, a development can be seen towards rapid increase of expense in the course of the 16th century. Then, going to court became less attractive and the semi-legal Grands Jours, though held very infrequently, could be used as a cheaper way. Settlements between villages are very numerous in the records of these extraordinary sessions. More than the cost of a judicial course of conflict resolution the incidence of war and brigandism interfered. Their impact was so overwhelming that conflicts over the proper use of a piece of woodland totally lost their priority. Still, conflicts between rural communities over communal land and its use can be seen as routine conflicts. Recurring events, more frequent in times of sustained demographic and/or economic expansion and in times of structural change in agriculture, formed a pattern of conflicts in which the issues sometimes changed but the contestants remained the same.

In the background of conflicts over communal collective goods stood two developments of structural importance. The first is the wave of measures to protect woodland. These measures are found simultaneously in several parts of Europe in the first half of the 16th century, especially from the 1520's onwards. It has been argued that these measures were not so much inspired by increased usage of wood from which forests and their owners suffered too much but that they were the result of a structural weakening of European forests, a pattern with cycles of about 450 years. The problems of our present day forests and the sudden wave of protective measures of the late eleventh century have been given as pieces of evidence for this rather remarkable hypothesis.

The second development was the gradual progress of the cultivation of vines and olives which stimulated conflicts between the owners of vineyards and olive groves and those peasants who had cattle grazing freely in the meadows. From 1520 onwards, the Parlement consistently sided with the producers of wine and olives and issued arrêts against the practice of grazing cattle in vineyards and olive groves regularly. Another structural change in the Languedoc agriculture in the 16th century, the increased production of woad and crops grown for their dyes (pastel, saffran, rouge, garance as these were called), did not cause many disputes because the existing structures of exploitation of land allowed for these new crops to be grown. In the case of these crops, tithes became the problem.

104 ADHG B 19-27 (17-1-1522), provides a general measure.
106 The first one dates from 27-6-1520, ADHG B 18-261.
Routine conflicts between communities normally took the form of disputes over the use of forests and meadows which often had to be shared, especially in the highlands of the Pyrenees. A guiding principle in the disputes was the prevalence of ownership over jurisdiction. When the community of Pompertuzat claimed the right to graze cattle on a piece of land within their jurisdiction in 1508 the community of Péchabon protested with the argument that this was not allowed on land owned by them, although not in their jurisdiction. When this matter was brought before the Parlement in 1529, two arrêts were issued confirming the position of Péchabon: only the owners had the right to graze cattle there. The matter of owners' rights conflicting with the rights of communities and lords only enhanced the problem. If a peasant of village X owned land in village Y he had the right to use this land fully, which also meant the transportation of draught animals from the one village to the other - a seemingly trivial matter. However, on March 12, 1454 the Parlement issued an arrêt to settle a conflict between two villages on this issue. The community of Souget had complained that the peasants of Tressan who owned land around their village used draught animals to work it who also grazed on their land. The Parlement accepted arbitration and formulated a compromise: the animals were allowed to graze only on the road-sides and then only on their way to and from the land.

The right of free use of wood on the roadside by non-inhabitants of a community created similar problems. This issue was especially strong in those parts of Languedoc where migration of people posed a problem. Soldiers and labourers formed the larger part of these migrants. At the request of the community of Villeneuve the Parlement ruled on this issue in 1484. Within the boundaries of this community the right to cut wood was limited as far as non-members of the community were concerned. First, they were only allowed to cut wood in the close vicinity of roads. Second, this right was limited to periods of war and wine-harvest, when many people were on the move. A final clause allowed the same for non-members of the community who were (temporarily) resident in Villeneuve.

Sometimes privileges had been granted to communities to use woods belonging to other villages. Most of these rights were granted in the high Middle Ages and were defined only vaguely. The general principle was that such use should be a proper use, made by bons pères de famille. This principle was valid in conflicts between lords and peasants and between communities.

An important reason for bringing disputes before the Parlement was to obtain a clarification or better regulation of divided or shared rights of usage. An arrêt of January 1545, for example, ruled that a specific

107 ADHG B 14-64 (23-1-1509); ADHG B 114-121 (16-3-1509).
108 ADHG B 1-262 (12-3-1454).
109 ADHG B 42-242 (13-3-1549).
forest was the property of the community of Burg but that inhabitants of Montastruc had the right to graze cattle there from January to September.110

The agreements which were mediated by regional noblemen were usually accepted. In the case of a conflict over the use of forests between Najac and a group of other villages, reference was made to such an agreement dating from 1308. It was only in 1483 and 1493 that the Parlement issued arrêts further specifying the rights of usage.111 Such arrêts could also be issued as confirmation of agreements. For example, a ruling of the Parlement of 1493 confirmed two agreements dating from 1332 and 1437 in which the procedures of arbitration between two villages had been regulated.112 Many disputes simply arose because there was no clear regulation at all. In such cases common practice more or less established the modus vivendi between communities. Sooner or later this proved to be unsatisfactory in a society where almost all rights and obligations were written down. The Parlement generally tried to impose a regulation acceptable to both parties. The problem was that grazing rights were particularly important in the period from April to October, whereas rights to cut wood were relevant in the winter when wood was used for heating and repairs. In some arrêts one can see this problem solved elegantly, by combining the rights to woods and meadows and dividing them over time. In 1488 the Parlement ruled that the one village was granted both rights, to pasturage as well as to woods, from Michaelmas (29 September) to 1 April and the other from April till the end of September. Hence, the benefits were quite fairly divided.113

Apart from temporal restrictions which were made to solve an unclear situation, quantitative restrictions were possible. The village of Arreau went to court in 1523 with a complaint against four other villages using the same meadows of a mountain belonging to Arreau. The Parlement ruled that the other villages did have the right to graze cattle there, but limited these rights. Only 100 heads of cattle and 400 heads of sheep were allowed. Four years later this arrêt was confirmed, a proof that acceptance of Parlement rulings was difficult in this type of conflicts.114

Like conflicts over dues, conflicts over rights to woods and meadows could escalate, if only because several parties were involved. As an example will serve the conflict over the rights to the Gauba mountain in the Western Pyrenees.

110 ADHG B 98-110 (9-1-1545).
111 ADHG B 6-122 (1-3-1483); ADHG B 9-103 (20-4-1493)
112 ADHG B 9-166 (20-8-1493).
113 ADHG B 7-341 (17-4-1486).
114 ADHG B 19-431 (24-4-1523); ADHG B 21-471 (8-3-1527).
The inhabitants of Tarbes considered this mountain as their exclusive property. This was challenged by the nearby community of Bagnères. In August 1494 the Parlement decided to start an enquête into this matter, while stipulating that the inhabitants of Bagnères had the right to graze cattle during the period from Spring until St John (24 June), roughly constituting half of the period in which good pasture was possible. The result of this enquête was not recorded but, whatever its content, exactly the same dispute—and temporary solution—appeared half a century later, in 1544. A new enquête was started by the Parlement. The result of this second inquiry has been registered by the Parlement in 1546: the inhabitants of Bagnères were not allowed to graze their cattle on the Gauba. Probably this enquête had been triggered by a repeated request on the part of Bagnères. This community was not the only one to ask for access to the meadows on the mountain of Gauba. In April 1522 the Parlement registered an agreement between Tarbes and the community of Campan on the issue of grazing rights on the Gauba. It was agreed that the community of Tarbes was the formal owner of the mountain, whereas Campan was allowed to use its meadows. The agreement was modified in 1534 when property boundaries were changed between the two communities. At the same time two further conditions were added. First, Campan was allowed to use the meadows only between 15 August and St. John (24 June), thus the poorer season. Second, only cattle was allowed and no pigs; this was a further restriction since pigs could more easily live off poor land and they benefited from oats and other edible matter unfit for cattle. Clearly, Tarbes was back on the offensive. The dispute between Tarbes and Campan did not subside immediately. The communities engaged in negotiations and reached an agreement after several years. In 1542 they sent this agreement to the Parlement and asked for its registration. The Parlement granted this in June 1542 but put several conditions to the agreement. Since the matter had been before the court on an earlier occasion any out-of-court settlement was in principle unwanted by the Toulouse Parlement since it suggested its redundancy. This was the reason for many minor reservations made by the Parlement when it registered agreements reached by mediation without the intervention of the courts of the provincial judiciary.

All in all, conflicts over rights to the use of woods and meadows did not escalate into violent collective action. These were essentially conflicts between communities in which only on rare occasions regional noblemen intervened. Consequently, settlement of conflicts of this type was relatively easy for the Parlement.

115 ADHG B 9-350 (13-8-1494).
116 ADHG B 37-49 (18-6-1544).
117 ADHG B 39-472 (5-7-1546).
118 ADHG B 19-103 (5-4-1522).
120 ADHG B 35-524 (4-6-1542).
whose members did not have direct interests at stake nor the status of privileged social groups. Although conflicts between communities over the use of land and forests were regular recurring events and in that sense truly routine, they remained low-key and within the established conflict resolution structures of rural society in Languedoc.

2.6 Quarrels over tithes.

Quarrels over tithes will be treated here as a third category of routine conflicts in rural society, after seigneurial dues and communal lands. The right to levy tithes had been granted to the clergy originally as their source of income. Over the centuries the principle became only vaguely reflected in the daily practice. The right to levy tithes was not exclusively held by the local clergy. It had become an alienable right which could change hands. Thus, it was not unusual for non-clerical people to have the right to levy tithes. In Languedoc this alienation was not widespread. More frequent were conflicts between clergymen over the right to levy tithes. Clearly tithes were no longer used for the keep of the local clergy.

The tithes were seen as an ordinary tax, and a heavy one. An analysis of the total burden on a peasant household in Languedoc shows that the relatively low level of rent, dues and taxes is partly cancelled by the high level of tithes. It is therefore not surprising to see that conflicts over the payment of tithes were frequent and routine. From the 1530's onwards tithe refusal was inspired by, Huguenot ideology. This period does not mark the beginning of tithe refusal since it had already been an issue in the 15th century. And only when they were unable to collect them for themselves, Huguenots supported tithe refusal and tried to prevent Catholic clergymen from collecting them.

The levying of tithes was by no means a simple and local affair. By the 16th century the rights to tithes had become very complex and a cause for disputes between various clergymen who claimed to have the rights in a specific village.¹²¹ These almost inevitable disputes could provide an excuse for tithe refusal. As with many other dues it was relatively easy for peasants to sabotage the collection with the argument that it had already been done by somebody else. Open conflict between claimants provided an excuse as well since it was now unclear to whom the tithes had to be paid.

¹²¹ ADHG B 13-122 (15-5-1506).
Once the rightful holder of a tithe right had been established, a new problem appeared. Over which agricultural products tithes were to be levied? Whereas peasants in principle accepted only the tithes over grain, the clergy was increasingly inclined to levy tithes over all crops. It was not unusual for the Parlement to give a preliminary ruling which only years later could be followed by a definitive one. In this fashion finding a compromise for the community and the holder of the rights was stimulated. In 1509 an arrêt was issued making a provisional arrangement in a conflict between the village of Montréal and a representative of a nearby church over the level of tithes. Only in 1521 was a definitive ruling issued. Similarly an arrêt was issued in 1531 over the conflict between Lézigan and the abbey of La Grasse. In this case the two parties reached an agreement over the level of tithes. The compromise was sent to the Parlement which accepted it in 1534.

As in other conflicts, arrêts over tithes were not always executed, especially when they were seen as unjust by the involved parties. In 1536 the Parlement issued a ruling over the tithes which the prieur of St. Crespin was allowed to levy in the valley of Roquesseière. This ruling was not accepted since it was repeated in March 1537. Meanwhile the inhabitants and the prior had started negotiations and they managed to reach an agreement without the intervention of the Parlement which then only had to ratify the agreement.

The complexity of rights to levy tithes often made it necessary to get a proper regulation. For this purpose court cases and the subsequent arrêts were well suited. The clergy were interested in such a ruling when various clergymen or institutions held rights in the same village. An arrêt of 1534 shows how the village of Menville reached an agreement with several clergymen and religious institutions.

The fixation of rights took away room for manoeuvring from the rural community. In the village of Yigoulet, for instance, the right to levy tithes was claimed by the church of Pechbusque as well as by a nearby monastery. The prior of Pechbusque and the monastery of St. Sernin even brought their conflict to court in 1502. Meanwhile the village had benefited from the quarrel by evading all tithe payment. In the same year

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122 ADHG B 14-119, 14-3-1509.
123 ADHG B 14-121, 14-1521.
124 ADHG B 13-179, 31-1531.
125 ADHG B 27-139, 28-1534.
126 ADHG B 30-17, 24-11-1536.
127 ADHG B 30-22, 27-3-1537.
128 ADHG B 30-286, 17-5-1537.
129 ADHG B 27-165, 14-4-1534.
130 ADHG B 11-628, 30-6-1502.
the community was condemned by the Parlement of Toulouse because the inhabitants had taken away the
harvest from the fields before the tithes were levied.131

In those cases where lords possessed the right to levy tithes, conflicts over tithes could form part of a
more general conflict. In 1534 the inhabitants of Nohic reached an agreement with their lord over
seigneurial dues.132 They were unable to settle the conflict over tithes. Only in the next year an agreement
was reached, imposed by an arrêt of the Parlement.133 This proved to be rather unsatisfactory since a new
arrêt was needed to settle the matter. In 1538 the Parlement issued regulations over the levying of the dîme
des avoines.134

Disputes over the legitimacy of tithes over specific crops or other products of the rural economy were
frequent. The categories over which tithes could be levied varied according to regional tradition and local
agreements. Consequently many court cases were held in order to establish whether or not specific tithes
were justified. One may find these conflicts already in the 15th century, as in the case of the clergy of St.
Julien-les-Capdinacl who were granted the right to levy tithes over manufactured linen and over lambs.135

In principle all crops were subject to disputes over tithes. Even the most widespread crops, like grain
and olives were sometimes at stake. In 1531 the Parlement had to rule in a conflict between the community of
Pesonres and the clergy over tithes on winter grains.136 Elsewhere, in Venderes, peasants refused to pay
tithes over olives, although the levying of tithes on olives had rapidly become commonplace after their
expansion in Languedoc.137

A classic case of a new crop for which tithes became an issue of conflict consisted of several plants used
for dying of cloth. In Languedoc such plants was particularly successful in the middle of the 16th century and
conflicts over tithes over pastel, saffran or garance can be found in the records of the Toulouse Parlement
from 1475 to well into the 17th century.

It seemed as if the Parlement was at first very careful in making up its mind. In August 1475 a special
commission of the Parlement was installed to study the problem of tithes levied on saffron (les saffrans).

Several communities who refused to pay these tithes were invited to appear before the commission and to

131 ADHG B 11-545 (144-2-1502).
132 ADHG B 27-127 (10-3-1534).
133 ADHG B 26-344 (16-7-1535).
134 ADHG B 31-99 (21-1-1530).
135 ADHG B 8-27,28 (24-1-1489).
136 ADHG B 24-141 (13-3-1531).
137 ADHG B 52-682 (11-9-1559).
defend their case.\textsuperscript{138} In 1478, the Parlement was somewhat more decided although with caution. The inhabitants of Cordes, Gaillac and Rabastens had appealed against the bishop of Albi who wanted to levy tithes over saffron. The Parlement annulled the appeal at the request of the bishop. However, it ruled that the bishop was only given the provisional right to collect one-twelfth of the \textit{saffres en fleur accrue et assemblée au champ}. The level of tithe was thus lower than the normal level in Languedoc.\textsuperscript{139}

A decade later the Parlement was used to this type of conflicts and clearly did not accept the argument of new crops anymore. In 1487 the inhabitants of Bastide were told bluntly that they had to pay tithes over pastel to the bishop of Albi.\textsuperscript{140} A more general arrêt of 1490 not only confirmed the rights of the bishop to levy tithes over saffron as well, but also gave him the right to proceed against fraudulent peasants with the rules and fines of ecclesiastical justice.\textsuperscript{141} In some cases the Parlement was still cautious and susceptible to the argument against tithes. When the clergy of Belys claimed the right to levy tithes over saffron only one third of the normal amount was granted.\textsuperscript{142} Well into the 16th century negotiations were held between the clergy and villages or groups of villages. Sometimes arrangements were made which were ratified by the Parlement, as in 1522 when the clergy of Lavaur reached an agreement on the \textit{dîme du pastel et du rouge} with the communities of Hautpoul, Teyssode and Guitalens. Subsequently the agreement was submitted for ratification.\textsuperscript{143}

From the 1530's onwards conflicts over specific tithes disappeared in the background as a result of the Huguenot influence in the countryside. New tithes as such became the issue. At the end of the Wars of Religion cheaper and more fashionable dyes were imported from the Indies and the market for pastel, saffron and other crops was shrinking.\textsuperscript{144} Now requests were made - in vain - to forbid the import of American dyes. In order to make the indigenous dyes more attractive, the Etats tried to get duties on pastel exported from Languedoc abolished.\textsuperscript{145} This was finally granted in 1611 but by then it proved impossible to recover the market.\textsuperscript{146} Around the same time, in the 1610's religiously inspired tithe refusal appeared again and this time in a more sophisticated manner. In December 1612 the Parlement issued an arrêt ordering several villages to pay

\textsuperscript{138} ADHG B 4-137 (16-8-1475).
\textsuperscript{139} ADHG B 4-384-392 (20-2-1473).
\textsuperscript{140} ADHG B 7-300 (31-12-1487).
\textsuperscript{141} ADHG B 8-168 (30-1-1490).
\textsuperscript{142} ADHG B 9-322 (21-7-1494).
\textsuperscript{143} ADHG B 19-66 (25-2-1522).
\textsuperscript{144} E. LeRoy Ladurie in Ph. Wolff (ed.) 1967: 284.
\textsuperscript{145} ADH B 29-40 (Etats 1599).
\textsuperscript{146} ADH B 30-39 (16-6-1611).
At this time, pastel had already been grown in Languedoc for at least 135 years and the crop could hardly be seen as a 'new' one. Probably the measures to stimulate agriculture taken by Sully and Henri IV had as a by-effect the revival of old ways of tithe-evasion.

Tithes were not the only rights the clergy had over the rural communities. Although serfdom was non-existent and the serf-linked dues so well known from South West Germany did not exist, one finds scarce evidence that there did exist equivalents to Todtfall in Languedoc. In January 1521 the Parlement ruled in a conflict between the community of Faudeas and the local clergy. The ruling confirmed the claim of the priest that he had the right to claim the two best pieces of clothing in case one of his parishioners died. A similar arrêt was issued in 1550. It ruled that the priest of St. Genest de Contest had the right to claim the (one) best piece of clothing in case of deaths in his parish. In another ruling of August 1530 the inhabitants of Issingeaux were confirmed in their refusal to pay their prior the droit de lict, a custom derived from the old right to the best piece of furniture. These cases are truly exceptions within the framework of routine conflicts over tithes.

The success of Protestantism in Languedoc in the 1520’s was rapid. As in Germany the new creed gained support from the urban elite as well as from poor artisans. The heresy was a manifestation of protest against the Catholic Church and, hence, against the 'establishment'. Young lawyers and merchants felt attracted in the hierarchical and patriarchic Languedoc whereas at the same time urban poor and artisans might join the Protestants because adherence was a distinctive form of social protest. Whereas the first arrêt of the civil chamber of the Parlement of Toulouse against the secte Lutherienne dates only from 1528, spread of the Protestant ideology must have been considerable by then.

The early 1530's show a gradual expansion of the number of conflicts over tithes, an indication that Protestantism had been well received in the countryside. It should be noted here that the Parlement never ruled in favour of tithe refusal, of whatever type. Thus, the spread of tithe refusal cannot be seen as a result of the success of other protesting communities. From the escalation of tithe refusal and the appeal to the Parlement to attempt to get refusal legitimised one can understand how routine-like was appeal to the highest court in

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147 ADHG B 313-467 (14-12-1612).
148 ADHG B 18-449 (12-1-1521).
149 ADHG B 43-151 (27-1-1550).
150 ADHG B 23-296 (9-8-1530).
151 ADHG B 22-200.
the province and how rural communities refrained from blunt refusal and instead tried to obtain a legitimation for their actions.

A good example of the escalation of disputes over specific clerical rights in the 1530’s is the case of the droit de prémices. In November 1537 the community of St. Felix-de-Sorgue was obliged to pay this due to the clergy.152 Four months later, the community of Graulhet appeared before the Parlement over the same droit and it was ordered to pay as well.153 The community refused and again was taken to court. In August 1541 Graulhet was condemned to pay a fine of 500 livres to its clergy. This sum was an estimate of the arrears of the droit de prémices and the mortuaires over the last years.154 In May 1538 the community of Giroussens was condemned to pay the droit and only in February 1539 does one find the opposite case: here the community of Orthonac was granted exemption of the droit de prémices.155

The late 1530’s mark the turning point. From the 1540’s onwards tithe refusal had become more a rule than an exception. In 1543 the community of Issingeaux was condemned to pay the tithes over the 1540 and 1541.156 In May 1545 the village of Naucelle was urged to pay the tithes.157 Three years later in June 1548 a new arrêt was issued ordering the inhabitants of Naucelle to resume the payment of all clerical dues.158 This general order was repeated again in 1565, but by then it had become little more than a symbolic gesture.159

The escalation of tithe refusal required other measures than local arrêts. In May 1546 general rules for the collection of tithes were issued in which the practice of removing harvests before the clergy had been able to take its due share was strongly reproved.160 In February 1550 an arrêt was issued forbidding all owners of land and those who rented it in the dioceses of Agde and Mirepoix to take away harvests before the clergy had been notified.161 A similar arrêt was issued for the dioceses of Vienne (1551) and Narbonne (1552).162 In 1553 Monistrol was condemned for having refused to pay tithes for over five years.163

152 ADHG B 31-13,14 (23-11-1537).
153 ADHG B 31-223 (23-3-1538).
154 ADHG B 34-474 (31-8-1541).
155 ADHG B 31-300 (10-5-1539); ADHG B 32-200 (28-2-1533).
156 ADHG B 36-170 (5-3-1543).
157 ADHG B 38-395 (29-5-1545).
158 ADHG B 44-458 (30-6-1548).
159 ADHG B 58-284 (10-3-1565).
160 ADHG B 39-415 (29-5-1546).
161 ADHG B 43-182,183 (7-2-1550).
162 ADHG B 44-139 (22-1-1551); ADHG B 45-410 (10-6-1552).
163 ADHG B 46-111 (7-1-1553).
Sabotage, the hiding of harvests before the representatives of the clergy had taken their share, became so widespread that the Parlement resorted to 'collective' arrêts in which several communities were condemned in the same ruling.

The outbreak of the Wars of Religion had a strong impact on the collection of tithes as a source of routine rural conflict. Until the 1570's many Protestant rebels supported the peasants' refusal to pay tithes to the Catholic Church, and arrêts were issued ordering peasants to harvest and deliver their dues normally, as if there was no semi-permanent civil war going on.\(^{164}\)

Gradually the Huguenot forces organised themselves regionally and took over governmental functions. Now tithe refusal was no longer accepted. The Huguenot offices collected tithes for the benefit of their organisation and armies. The temporal advantages of unpunished tithe refusal were over and tithes became an issue in a larger and fundamental one: the dispute over the surplus of the peasant economy. Officers of the regular government, Huguenots and bands of soldiers of both parties now competed over the surplus. The peasants were on the defence for the next two decades.

The Parlement was powerless. It ordered all officers in the service of provincial institutions to support the clergy in their attempts to recover tithes on several occasions but in practice resistance by peasants and Huguenots was more effective. In the course of the 1570's the tithe-system disintegrated rapidly. Communities were given the right to hide their harvest immediately if looting threatened and noblemen often took over the collection with armed force for their own benefit. All the Parlement could do was to threaten the declaration of their land as roturier, therefore taxable.\(^{165}\)

War taxation now received full attention and tithes became of secondary importance during the 1580's and early 1590's. As late as August 1594 governor Montmorency wrote to François Rémy, who was charged with the collection of décimes du clergé, to stop this temporarily and give priority to war taxation.\(^{166}\)

The peace of 1595/1596 in Languedoc rapidly restored the formal system of collection of tithes, although this was now executed by local or regional war lords or governments, Catholic or Protestant.\(^{167}\) Fraud was mostly committed by the lords who had become accustomed to exact random taxation and were slow to give up their practices. The early 1600's saw a slight modification from open violence to 'legitimised' exactions. False tithes were abundant in the field of indirect taxes and tolls, but also as far as the collection of

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\(^{164}\) ADHG B 64-363 (17-7-1570).
\(^{165}\) ADHG B 91-782 (31-5-1585); ADHG B 92-321 (22-8-1595).
\(^{166}\) ADH B 22-535 (20-8-1594).
\(^{167}\) On the rapid recovery of the fiscal system: M. Wolfe 1972: 213.
tithes was concerned. In July 1617 an arrêt was issued against two sieurs, Roucasse and Lause, who claimed to be priors holding rights to levy tithes in the area of Albi and in Rouergue. To support their case they had a permanent group of gens de guerre to convince the doubtful.168

Furthermore, the activities of the duke of Rohan and of the discontented nobility supporting him stimulated general peasant protest in general and protest against tithes. In January 1623 the Parlement issued arrêts ordering 47 communities in the diocese Auch to pay tithes.169 This area was under Protestant control and it is not surprising that tithe refusal was open and widespread. In 1629 the Parlement decided to rule on a general issue: Protestants had to pay tithes to the Church as well.170

In other regions, protest against tithes was less overt. Throughout the 1620's one finds instances where masked men prevented the collection of tithes by the clergy. These men were obviously supported by the peasantry and none of them were caught.171 The masked men became a permanent feature of popular resistance in Languedoc, especially in Protestant regions.172 However, these cases should not be seen as routine forms of rural conflict.

The repression of Languedoc autonomy by Louis XIII and the subsequent international wars, higher taxes and institutional reforms pushed conflicts over tithes to the background. Only in the 1650's did conflicts over tithes become frequent again, following the increase in feudal conflicts.

168 ADHG B 365-95 (4-7-1617).
169 ADHG B 425-531 (30-1-1623).
170 ADHG B 492-637 (June 1629).
171 ADHG B 421-215 (17-8-1622).
3.1 Taxes, their distribution and tax-evasion.

In Languedoc the land cadastre, the compoix, was almost a guarantee for the fair distribution of the taille as it took account of the status, area and quality of land.

However, disputes over the status of land were not uncommon. They were stimulated by lack of documentation - a very common problem in this war-torn province - and by the frequent changes of ownership or status of the owner although this did nothing to change the taxability of the land.

Furthermore, disputes easily originated from the inaccuracy of the compoix. The cadastration of land was a complicated process requiring involvement and cooperation from provincial and diocesan authorities as well as from village syndics and individual peasants. A new cadastration was not easily done and therefore most cadastres were to a certain extent incorrect. In extreme cases this led to complicated and serious conflicts in which many communities could be involved.

Disputes over taxation can be presented in three groups. The first one deals with disputes over the question who was considered taillable. Peasants, lords, clergy and urban landowners were the parties in these disputes. The second group deals with disputes over the proper distribution of the tax burden. This is where conflicts over the disputed correctness of the compoix appear. The third group of tax disputes can be captured under the description evasion of taxes. This could be anything from discreet tricks to open tax refusal or tax revolt. In this group of tax conflicts extraordinary taxation, especially war taxation, takes a prominent position since these taxes were often considered as illegal and for which evasion was hence justified.

3.2 Who is taillable?

In general the taille was a peasants' tax but in Languedoc this was not true. Everyone, nobleman, clergyman, townsman or peasant was subject to this tax if his land was not exempt as taille noble. This simple rule did not prevent members of the first and second Estate from attempting to evade the taille. If successful these attempts would considerably increase the taille burden on the peasantry and therefore rural communities resisted strongly, supported by the lawyers of the Parlement who saw the taille-system in the general context of provincial liberties and the autonomy of Languedoc. In short, a matter worth defending against corruption.
The clergy normally paid taille but tried to use its influence to evade taxes. In 1469 the clergy of Albi had acquired land and considered it exempt from taille. The Parlement was quick to react. In two arrêts in 1469 and 1474 the clergy was condemned to pay all tailles which had been paid on the land before they owned it. The Parlement even sought the cooperation of the municipal authorities of Albi in order to confiscate the invalid lettres d'exemption. In more rural areas the clergy attempted the method of intimidation of the peasantry. By a ruling of 1494 the clergy of the peripheral church of St. Bertrand-de Comminges was ordered to resume the payment of tailles and to stop overburdening the peasants with tailles with which the clergy was charged.

Sometimes a trade-off between taille obligations and rights was made granting the clergy financial respite. In 1554 the chaplains of Notre Dame at Rodez gave rights of pasturage to several villages in exchange for which these villages assumed partially the responsibility of payment of tailles for the clergy. In most cases however, the Parlement was very strict. When in January 1559 an arrêt was issued in favour of the community of Labastide-de Sérou, the clergy refused to comply. Next January a new arrêt confirmed the first one, but still the matter was not solved. The community went back to court and after the diverse legal procedures had been executed it was enough for the Parlement to confirm a sentence of the sénéchal of Toulouse.

The nobility, a rapidly expanding social class in the 16th century, also frequently tried to evade its obligation to pay tailles over its taxable property.

When lords claimed noble status for their land, the issue was whether they were powerful enough to force the peasants to accept this fraud. This turned out to be very difficult, even in the most isolated parts of Languedoc where lords were almost omnipotent. If the peasants were sure to have a good case they went to court or otherwise provoked intervention of the provincial authorities. When Guy d'Arpajon, a member of a rather militant noble family, refused to contribute to the taille of the community of Brosse, where he owned land, the inhabitants of this village went to court. In December 1491 the Parlement decided to start an enquête into this matter. When he still refused to pay taxes, his subjects refused to pay him seigneurial

173 ADHG B 3-236 (15-12-1469); ADHG B 4-50 (22-4-1474).
174 ADHG B 9-99 (13-4-1493).
175 ADHG B 47-218 (10-2-1554).
176 ADHG B 52-113 (13-1-1559).
177 ADHG B 53-125 (11-1-1560).
179 A conflict between the baron of Gévaudan and his vassals escalated on this issue in 1555. D.Devio & D. Vaissesse, 1876:XI, 317.
180 ADHG B 8-407 (2-12-1491).
dues. This provoked a new arrêt, of January 1497 in which the peasants were ordered to resume payment of dues and d'Arpajon payment of the taille.181

A similar event occurred in a conflict between the community of Portet and its lord. Already in 1585 there had been a serious conflict over tallies since the community refused to pay them because of a conflict with their lord who refused to contribute to the taille. At that time, in the middle of civil war, the authorities had shown no consideration and cattle had been confiscated to make up for the taille.182 Thirty years later the dispute led to an escalation of the conflict. In 1615 the peasants of Portet refused to pay any dues, be it taille, tithes or seigneurial dues.183 This time the signal came through and within a year the authorities had negotiated an agreement between lords and peasants which was ratified in February 1616.184

Normally disputes over the collection of tallies had to be brought before the Cour des Aides and thus fell under royal jurisdiction. As the level of tallies increased the royal authorities increased their interference in taille conflicts. Already 1536 two communities, Fangeaux and Mirepoix, were engaged in a trial at the Cour des Aides with the inhabitants of several castles in their neighbourhood. These lords claimed to be exempt from tallies.185 It seems that the decision of the Cour was not acceptable to the diocese of Mirepoix, which was responsible for the distribution of tallies. The syndic of the diocese started a new procedure against the lords but this was halted by the Cour. The process had to be put into hands of royal officers.186

Taille conflicts between members of the third estate were also frequent. Especially in the areas on Languedoc bordering on the territory of taille personelle, conflicts involving townsmen who owned land but refused to pay taille were frequent. In these matters the Parlement was very strict: all the owners, absentee or not, had to pay.187

Sometimes, requests for exemption of tallies were honoured, when the community could prove to have undertaken expenses for a collective good. Such arrangements were difficult to reach between communities and normally the Parlement had to intervene. After years of conflict between Cintegabelle and Aignes in 1497 a settlement was imposed by the Parlement in which repair works on a bridge, construction of a church

181 ADHG B 10-223 (17-1-1497).
182 ADHG B 103-86 (12-11-1585).
183 ADHG B 339-63 (6-3-1615).
184 ADHG B 349-262 (19-2-1616).
185 ADH B 14-31v (4-4-1536).
186 ADH B 14-74 (20-12-1541).
187 ADHG B 7-192 (29-3-1487); ADHG B 7-299 (24-12-1487).
and the levels of the taille of the two communities were taken into account.\textsuperscript{188}

When, for whatever reason, a community was given exemption from tailles, this constituted an unfriendly act since the adjacent communities normally had to pay more. If such an exemption was permanent, the reactions were even more fierce. The inhabitants of the barony of Labarthe in the Pyrenees based their claims of taille exemption on a coutume of 1300. Their exemption was frequently challenged by both authorities and neighbouring communities. The Cour des Aides was regularly asked to confirm the privilege of the Labarthe communities and it did so in 18 times between 1475 and 1618.\textsuperscript{189}

Tax exemption in the later 17th century was more often the result of political protection than of privileges. When the duke of Epernon was named governor of Burgundy in 1651 he made the arrangement that the taille in his possessions at Bénauge in Guyenne were not to be increased. The duke used all his power to save the territory from the troubles of the Fronde and prevented the lodging of troops there. This agreement was accepted by the Crown.\textsuperscript{190} The taille collectors were getting worried when it appeared in 1659 that the peasants had refused to pay any taille at all with the silent consent of their lord. The protection ended with the death of the duke d'Epernon in 1661. His successor refused to put up with the protests against taxation and the lodging of gens de guerre. In the autumn of 1661 military forces were sent to assist with the collection of tailles. These were now set at a very high level in order to make up for the carefully recorded arrears. Since the territory had not been damaged by the Fronde and since there was a considerable extra source of income from pilgrims who were on their way to Compostella a drastic tax increase to make up for the tailles lost in the previous ten years seemed reasonable. However, not to the peasants. Several villages in the domaine organised resistance and some castles were occupied. Repression was rapid and effective in late 1661. Exemption from tailles thus indirectly led to a 'tax revolt'.\textsuperscript{191}

In the first half of the 17th century depopulation in rural communities became a serious problem. Its causes were socio-economic differentiation, higher taxation, diseases and especially the damaging effect of wars and brigandage. The sometimes drastic decline in the number of occupied hearths in a village posed serious problems for the collection of tailles. In principle, the system of taille réelle did not increase the burden of taxation on the remaining peasants. However, a drastic reduction of tilled land made a change in the tax structure inevitable and this meant a tax increase for the other villagers or for the wealthier communities in the diocese.

\textsuperscript{188} ADHB B 10-257 (13-3-1497).

\textsuperscript{189} ADHB B 31-775 (6-9-1618).

\textsuperscript{190} AN E 1696 (3-9-1651).

\textsuperscript{191} F. Loirette 1966: 515-536.
In order to fight depopulation communities began to attract settlers with promises of tax exemption for a limited period. In March 1644 the community of Couronsec decided to take action when it was found that the revenues of the taille had declined to about half their normal level. The Cour des Comptes strongly disapproved of this autonomous behaviour and took the community to court. Effective action was very difficult as is shown by the similar case of Grabels. In May 1643 this community started the compilation of an inventory of all land deserted after 1631. These lands were offered to new tenants with the promise that no taille had to be paid for the next two years. This move also provoked action from the Cour des Comptes, but court decisions in 1649 and 1653 on this matter suggest that the Cour was not very good at enforcing its decisions. Earlier, in May 1634, the Parlement of Toulouse had illegally granted exemption from tailles for two years on lands recently acquired to stimulate agriculture. These matters clearly involved quarrels over fiscal competence.

The rapid development of state influence in Languedoc and the increasing bureaucratisation of the whole 17th century - from the enterprises of Henri IV to the efficient grip of the government of Louis XIV - made conflicts over taxability more or less obsolete. Under the pressure of socio-economic differentiation and growing state controls conflicts moved from quarrels over tax freedom or exemptions to the more intricate matters of how the taille was distributed among those who were 'taillable'.

3.3 The distribution of taxes among the taillables.

Distribution of taxes only became a problem in the case of the taille. All other taxes, essentially indirect ones, posed few problems as far as their distribution was concerned. Trade and consumer goods were taxed through sales taxes or pesages and hence those trading or consuming most, were affected most. The key problem with the taille was its division, the répartition.

It has been claimed that the fair distribution of the taille was more of a conflict matter than its actual level. E. LeRoy Ladurie has shown in his Le Carnaval de Romans how the peasant revolts of 1578-1580 were closely linked to the fact that the region was situated in the border area between taille réelle and taille

192 ADH B 36-912 (8-3-1644).
193 ADH B 36-730 (25-5-1643).
194 ADH B 36-991 (7-5-1649); ADHG B 36-1255 (4-7-1653).
195 ADHG B 542
The geographic distribution of the revolt illustrated this clearly: the rural unrest did not spread to the "Languedoc" party of Dauphiné, where taille réelle was predominant. But even the taille réelle was no guarantee against quarrels over distribution of the burden.

Every step in the process of allocating tailles had its own conflict generating aspects. Whereas the highest levels of répartition took place in the États and its special committees - with regional politics and power balances as influential parameters, diocesan distribution involved the rural communities directly. Therefore, conflicts over distribution of tailles generally surfaced at the diocesan level, at the meeting of the assiette. Wars, depopulation and general indebtedness all stimulated a rapidly expanding process of buying and selling of land after 1560. Furthermore, many documents were lost in the course of frequent pillaging and hence the rigidity of the compoix, determining the tax burden for every tenant or owner, was often replaced by uncertainty, quarrels and intimidation.

Whatever the cause of a quarrel, usually the immediate result was a considerable delay in the punctual payment of the total sum. This was a matter of great concern for the central government and from the late 1590's, when Henri IV began to restore the fiscal system, to the 1630's the government took measures to suppress this form of indirect tax evasion. Louis XIII, having failed to establish the pays d'élus system in Languedoc, took recourse to intendants to see to the correct and efficient répartition of the taille in the 1630's, realising this was a crucial element in the procedure of tax collection.

By the 1630's the state bodies had already such a strong grip on provincial matters that rural communities could not defend their interests anymore with the assistance of provincial bodies. The case of several communities in the diocese of Lodève against the Cour des Aides in 1636 shows how far local and regional autonomy had been curbed by growing state interference. The consuls of several communities had appealed against the procedure of a new recherche in their diocese, to be executed by two presidents of the Cour des Aides. Normally such a recherche was conducted by delegates of the diocese, together with appointed members of the communities involved. These were often not village officials, but middle peasants who enjoyed to a certain extent the trust of all the villagers. The protest of the communities, already quite understandable, increased when they discovered that two intendants de la justice, royal officers, had been nominated to control the recherche of the provincial authorities. In this fashion the local and regional elite had lost all say in the

199 E. LeRoy Ladurie 1985: I, 296. In priniple only the formal owners, not the tenants paid the taille.
process of agrimensure. Yet, the protest was to no avail. The communities lost the case. Then, the best the communities could do was to settle the quarrels over repartition among themselves as soon as possible, in order to prevent further intrusion of alien officials in their local and regional tax matters. A first local settlement in St. Saturnin, was registered seven weeks later in April 1636.

This example indicates the loss of autonomy in the 17th century. However, in the 16th century matters were dealt with differently. Then, a diocesan and provincial autonomy prevented enforced decisions and to some extent guaranteed fairness. Justice remained a matter of perseverance as can be shown by the case of Pouze, a community in the diocese of Toulouse.

In Pouze, two conflict issues coincided: uncertainty about the correct registration of land tenure in the *livre terrier* as well as disputes over the status of some land. The community requested and received the right to make a new compoix in 1534 and 1548. The unusually brief interval suggests that no acceptable compromise had been reached. Soon after, in 1557, a new enquête was started in order to obtain a full registration of taille-exempt terre noble in the community. The peasants claimed that there was no tax-exempt land. But their lord persisted and managed to get away without taxation. The civil war would have prevented effective measures being executed against the unwilling seigneur. It is uncertain that such decisions were indeed taken, but the community continued for four decades to go to court in order to obtain what it considered as justice. In the turbulent 1580's and 1590's the Pouze community took an even more drastic step: it decided to refuse all taille payment in order to get the matter settled.

Once peace had been established, recourse was again taken to normal conflict procedures. In 1602 the inhabitants of Pouze sent a request to the Parlement for admission to the archives of the *Trésorie* of Toulouse. They motivated this request by referring to a lawsuit that they had started against their seigneur. Their request essentially was to obtain a copy of the *livre terrier* in the archives, probably because their own copy had been lost. Furthermore, the copy from the archives stood a better chance in court.

This new initiative was stopped shortly afterwards when the authorities, as if awakened by the Pouze request, looked into the fiscal history of the community. It was discovered that the villagers had not paid their taille for a period of 25 years. By 1605, as a countermeasure, the whole harvest was confiscated and the village was left destitute.

It took Pouze less than fifteen years to recover. In 1619 the village syndics again requested a copy of the *livre terrier* in order to start a legal case against the *cotisation*, the distribution of the taille among the

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201 ADH B 36-500 (16-2-1636).
202 ADH B 36-628 (9-4-1636).
203 ADHG C 702.
inhabitants.204 Yet success was not so easily obtained. By 1655 the _juge royal_ in nearby Auterive, a royal official, was charged with a new measurement of the Pouze land. In this detailed study reference was made to the compoix of the early 16th century as well as to those of 1534 and 1548. Furthermore, a list of _biens nobles_ in the region was included. The conclusion of the agrimensure allowed no misunderstanding: the _juge royal_, sieur Pagèse, reported that there was no taille-exempt terre noble in Pouze.205 Encouraged by this report, the diocese took the seigneur of Pouze once more to court. Finally, in January 1656, the Cour des Aides decided in favour of the diocese and of the community of Pouze. In this decision reference was made to court cases dating back more than 150 years.206

In conclusion, the Pouze case is an example of how tenacity could still be useful. The increased influence of state authority was not necessarily detrimental to rural communities. In this case, a lord-peasant conflict was solved by a decision in favour of the latter and the increased power of the state only made an execution of the arrêt more likely. The tactic of taille refusal had drawn attention to the case and since the royal authorities were only interested in high taille yields and not in their distribution, state interference served the interests of the peasantry.

The problem of _rèpartition_ became more complex when groups of villages were involved. Such conflicts occurred predominantly in those places, where registration of land was vague or absent. As has been seen in the conflicts over grazing rights, mountainous areas were very likely to cause disputes over rights and obligations. Open conflicts between villages or groups of villages were potentially very dangerous since they invited interference by lords or provincial authorities. It can easily be imagined that, if the Pouze peasants had difficulties in obtaining justice, it would be worse for rural communities in more remote areas. Weak authority, unclear boundaries and noble intimidation put the strength of those rural communities to the test—and since communities often had different interests or tried to get a lower taille at the expense of neighbouring villages, supralocal solidarity was not very strong.

As an example of supralocal conflict over the _rèpartition_ of taille the case of the pays de Comminges, in the Central Pyrenees, is well suited.207 The pays was relatively isolated and situated on the border of France, "... où estoit la guerre continuellement, ... plein de bandoliers et mauvais garçons qui voulontiers s'y

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204 ADHG C 707.
205 ADHG C 721
206 ADHG C 721 (29-1-1656 (copy))

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In the 16th century Comminges had its own États while it formed part of the Guyenne province, yet it resorted judicially under the Parlement of Toulouse and the Cour des Aides in Montpellier. Its status as pays de taille réelle did not prevent quarrels over taxation. A major problem in this mountainous area was that there had been a development of two totally different economies, a nomad, pastoral one in the mountains and an agricultural one in the valleys. The shepherds lived in the mountains, whereas the villages in the valleys prospered with the production and export of grain and wine.

The specific geographic and economic circumstances of Comminges caused two types of conflicts among the rural population over the distribution of taille. First, quarrels abounded over the boundaries in the higher areas where very few people lived permanently but whose possessions were relevant for fiscal purposes. Second, structural disagreements existed between the settlements in the valleys and those higher in the mountains. The mountain settlements claimed that their land was overtaxed because there were fewer opportunities for exploitation than in the valleys. Against this plausible complaint valley settlements argued that their relative wealth was in constant danger due to the continuous passage of military forces and brigands. This tension was increased after the introduction of the taillon in the late 1540's. As elsewhere in France, the urban centers in Comminges spread this tax over the countryside. Court cases were started over the taillon in which towns opposed villages, but also villages tried to escape their part of the taillon at the expense of other ones. As a result the solidarity of rural communities was even further weakened. Under these circumstances a major conflict over the repartition of the taille took place between 1545 and 1552. The whole pays eventually became involved in this conflict, an unusual form of rural collective action worth mentioning in the context of this study.

The pays de Comminges was governed by an atypical dual structure. As a pays d'Etat, the États held considerable influence. However, these États were completely dominated by the nobility which had numerical superiority while the voting system was one man, one vote. As a counterweight against the 'noble' États, the judicial and administrative authority was held by a juge ordinaire du pays. This construction led to permanent tensions between the juge and the nobility and, in contrast to the États of Languedoc, the Third Estate was almost excluded from influence in local government.

208 ADHG B 8-47,48 (18-3-1489).
210 ADH B 15-31 (14-11-1555); ADHG B 16-45 (7-5-1553).
The gradual increase of the taille in the early 1540's provoked sustained protest among the rural population over the distribution of the taille. The nobility in the Etats feared that this protest might be directed against their interests and hence they decided to comply with the request of the peasants for a recherche. The Etats formally sent a request for a recherche to the généralité des finances of Guyenne. The inquiry was allowed to take place and the juge ordinaire du pays was charged with this. In order to facilitate the recherche every châtellenie formed a syndicat in which both noblemen and peasants were represented. For the peasants this meant a first experience with a supralocal organisation apart from the Etats. In 1545 the syndicats received legal recognition. In view of the tensions between nobility and peasantry the latter increased supralocal contacts while the recherche was being done and an informal syndicat des villages developed to better serve the interests of the peasants. For the time being the opposition nobility-peasantry reduced the tensions among the rural population, although under the surface of solidarity these remained present.

In 1546 the juge announced a new distribution of the taille, the bouleuge (répartition, capitation). If the Etats accepted this, the bouleuge would be sent to the Cour des Aides in Montpellier to have it registered. But the Etats did not accept this. First, the nobility refused to accept any change since the new documents would endanger their present situation. They had only agreed to a recherche and to the inclusion of peasants in the committees to assess the value of land since they hoped that this would prolong the process of revision. The result was not in their favour and it was reached far too soon. Second, the Third Estate also had mixed feelings about the new agrimensure. Many communities felt that certain land was left out which was only exempt from taille by noble intimidation or fraud. Also, the balance between mountain and valley villages had shifted. The former received on average a diminution of taille of 26% whereas the latter had an increase of -on average-11%. Two strains of conflict coincided: mountain villages versus valley villages and nobility versus peasantry. For the time being, the latter prevailed. The informal contacts among peasant communities increased and a weak regional organisation, directed against the nobility, started to develop. Their leaders were the village syndics, mostly middle peasants who had been involved in the recherche and who were acquainted with the tactics of the nobility. However, the drastic change in taille burden for the mountain and valley communities prevented the development of a cohesive organisation and tensions between them remained strong.

212 ibid., p. 54.
Given the absence of agreement between the Etats and the juge, the Cour des Aides decided to take the matter in its own hands. It ordered that the new bouligue be accepted and applied in the pays de Comminges. This imposition meant a considerable loss of status for both the Etats and the juge and tensions only increased. In 1548 the Etats decided to reject the imposed bouligue on the initiative of the nobility and supported by some peasants who felt that more was to be gained. The syndical des villages tried to exert its influence in order to obtain a new and more fair distribution of tailles. At first, it seemed that they had been successful: a new recherche was ordered. This one lasted for four years, from 1548 to 1552. It seemed that this recherche was a more fair one. If villages were too poor to go to court in order to obtain a change in their fiscal burden, the pays offered to pay for all charges. Also, rural communities were invited to voice protest against lords who had usurped land which was taxable into terres prétendues nobles.

Now it was the turn of the nobility. Threatened in their interests they took recourse to legal tricks as well as blatant intimidation. Control of titles to land was sabotaged and communitites intending to go to court were intimidated in such a fashion that almost no case came before the Cour des Aides. Only the most extreme cases were allowed to come before the Court, whereas the general practice of changing changing the status of land remained the same. Simultaneously some noblemen tried to associate themselves with the peasants' union in order to control the more radical demands and to divert attention from anti-feudal protest to anti-fiscal protest in general. This proved to be successful.

After four years a new bouligue was accepted by the Etats. This body had regained control over the fiscal matters of the pays and the dominant noblemen had managed to defuse the threat posed by the united peasants. In fact, the noblemen benefited from the circumstances to increase their control over the peasantry. As tensions over the taillon increased the old opposition plat pays - villes came again to the foreground. The supralocal solidarity soon disappeared after the failure of 1548-1552 and local vertical solidarity - be it enforced or not - returned to Comminges. The events of the 1590's, to be discussed in another context, show a similar pattern: autonomous rural collective action, taken over by noblemen to suit their interests.

The strong control of noblemen over the peasantry in remote areas is a recurrent feature in Languedoc's rural history. The lords of Comminges turned into feared brigands during the Wars of Religion, sparing no rural settlement. Yet when three of these warlords escaped after having been arrested, in April 1625, the local population hid them and refused to cooperate with the Toulouse authorities. This vertical

213 Ibid., p. 260.
214 Ibid., p. 249.
215 ADHG B 451-5 (3-4-1625); ADHG B 451-428 (23-4-1625).
solidarity was provoked by the impotence of provincial authority and by intimidation in remote areas. It can be found in the Pyrenees (Foix, Comminges) as well as in the Massif Central (Vivarais). It had a particular effect on rural collective action which will be discussed later.

The example of the *boutique* in Comminges shows clearly how a conflict over the distribution of the taille could develop into a broader conflict if the conditions showed supralocal similarities. Yet, the difficulty for supralocal organisation has become clear as well: diocesan or regional allocation of taxes was not a matter which brought the peasantry closer to each other. In Languedoc, the system of *taille réelle* and its documentation guaranteed to a fairly large extent the equitable distribution of the taille. In case of conflict, recourse to legal procedures was routine. Only where provincial authorities were impotent - for geographical or political reasons - did conflicts develop beyond the court. To those cases, often consisting of illegal means of tax evasion, the following section is dedicated.

3.4 Tax evasion in the countryside 1530-1630.

In the century before 1630 the fiscal system of Languedoc had a turbulent history. A period of relatively calm growth and slow expansion (1530-1560's) was followed by a period of crisis, at the end of which the system seemed to have collapsed beyond repair. Yet, under Henri IV the system was rapidly revived and - not least through venality of offices and expansion of indirect taxes - made more beneficial for the state. By 1630 the royal government had firm control over all taxation in Languedoc. The royal intendants had been in the province since 1605 and these officials concentrated on the efficient levying of taxes above anything else. Hence rural communities saw themselves confronted with a complex development in fiscal matters. While agricultural growth stagnated for most of the period after 1530 a gradual expansion of indirect taxes and duties took place with a destabilising effect on rural society going far beyond its direct financial implications.

The most important development in the countryside of Languedoc was the incidence of civil wars in the years between 1560 and 1630. Apart from direct effects like war taxes, pillage, plagues and death, several indirect effects play an important role for the topic of this section.

First, civil wars increased the tax burden through higher ordinary and extraordinary taxes at a time when the agricultural surplus was under increased pressure from *gens de guerre* and brigands. As a consequence the real fiscal burden became considerably higher than the nominal figures suggest.

Second, relations between towns and the countryside became more strained since town councils primarily defended their own interests and tried to put the increased burden on the countryside. Later,
judicial bodies started to follow this policy as well although generally less explicitly in dire times, urban interests came first.

Third, increased taxation took place in a period of declining influence of the state and central government - at least where the maintenance of law and order was concerned. Increase of royal taxation was so resented not least because there were no visible signs that payment in any way served the interests of the peasantry. On the contrary, more taxes only protracted the wars. The growing discrepancy between what the authorities did and what they ought to do only enhanced the ever present resentment against taxation.

Fourth and finally, the wars and pillaging led to a structural change in rural society: violence became part of routine peasant resistance. Violence not only in the form of legal self-defense against brigands or gens de guerre, but also against representatives of the state, either tax collectors or other royal officers. Rural Languedoc was under a permanent strain due to war and extraordinary taxation. In these circumstances recourse to legal redress of complaints rapidly became less effective and other means were used as well. Yet, recourse to violence only became an added tactic, since for Languedoc - with its strong legal tradition - the same was valid as has been noted for Normandy during the Wars of Religion: "A constant guerilla action was waged against taxes, but action through legal channels was still the most important means." Recourse to other means should be seen in the context of continuous threats to the life and possessions of the rural population as well as weakened law and order, both royal and provincial. In a society pervaded with violence it comes as no surprise that the peasantry adapted its tactics, in general self-defence or more in particular for the purpose of tax evasion.

In principle the taille system did not offer many possibilities for tax evasion apart from local or regional collective action. The taille was allotted per diocese and then per village. Individual evasion or refusal was thus difficult and not accepted. On the other hand this system offered a possibility for 'safe' action since supralocal collective action was difficult to punish or repress. Nevertheless, non-payment of the taille was a very strong signal, a clear provocation of royal authority. It is thus only found in the most extreme circumstances and often preceded by long complaints against the distress brought by war, gens de guerre and extraordinary taxation. The authorities may have seen the burdens of war and pillaging of brigands as prétextes for taille refusal, for the rural communities the relation between the two was self-evident and all too real.

Taille refusal was a radical collective action, just like refusal of tithes. Between the two there was a fundamental difference: tithe refusal was enhanced by the Reformation and it occurred predominantly in Protestant areas. Taille refusal, on the other hand, occurred independently of religion. When a wave of taille refusals spread in the autumn of 1579 in Yivarais, a region suffering from brigands and warlords, Joyeuse wrote to Queen Catherine de' Medici: "Je Yivarais en masse, sans exception de religion, refuse le paiement de l'impôt..."

The coincidence between regions with a tradition of anti-fiscal protest and regions with a predominance of Protestantism has to be explained differently. These were isolated peripheral regions where Protestantism had spread rapidly as a true protest religion, accepted especially by the impoverished post-1559 nobility. Regions like Yivarais were characterised by a very weak influence of provincial and state authority. Hence, warlords and brigands went unpunished, tax evasion was relatively easy and the ideas of the Reformation were accepted eagerly.

Given the regulation of the taille and the rapid expansion of other taxes in the 16th and 17th centuries it is understandable that tax evasion was concentrated on the latter. It is of the greatest importance to see this phenomenon from the point of view of the peasantry. To them, there existed a fundamental difference between the taille, strongly rooted in the provincial regulation of rights and obligations and all other taxes and duties. These were new, unfamiliar, alien to the province and often poorly documented. Hence they had a considerably lower degree of legitimacy, especially since many of these taxes were not collected by the well-known diocesan authorities but by urban strangers, or even by people from outside the province.

The few tax refusals documented by the Parlement of Toulouse before the 1570's, when the civil wars were well underway, are related to non-taille taxation. The issues at stake were essentially two: the new tax collectors, and the new, unfamiliar taxation.

In 1555 Antoine Fabre, who was a fermier des droits, a tax farmer, took the communities of Mirandol, Lagarde and Biauer to court since their inhabitants did not acknowledge his right to levy duties and had committed excess against him and his agents. Fabre was one of the first, and many were to follow especially in the 17th century, to experience the outrage against new indirect taxes and duties. Venality of offices only enhanced this problem, causing structural tensions all over France, in the countryside as well as in towns.

217 D. DeVic & D. Vaisssette 1876: XI,671.
218 A. Molinier (1984: 252) assumes a far too direct relationship between Protestantism and taille refusal.
219 ADH B 15-34
Another example illustrates the problems royal officers had with new taxes. Around 1510 all over Languedoc a new tax was introduced, meant as a special war tax, the droit de commun de la paix. Protest against this tax was widespread, as is shown by the archives of the Parlement, yet it was to no avail. A particularity of this tax was that it was a royal one, to be collected by royal officers. The procureurs généraux were charged with the collection and this caused broad resentment among the nobility who wanted to collect and possibly keep the taxes themselves.

In 1511 a conflict between the notorious Jean d'Arpajon and royal officers escalated. By a ruling of the Parlement, the royal procureur général was given permission to levy the tax in the barony of Sèverac, a possession of d'Arpajon. Yet d'Arpajon continued to levy this tax for himself and he hired some foreign mercenaries to protect his interests. After a violent clash the latter were sent into exile, d'Arpajon was condemned and the levying of the new tax by the proper authorities could proceed.

Next to the continuously growing taille and the rapidly increasing non-taille taxes, like duties and the gabelle, a very common cause for attempts at tax evasion and rural collective action was the increasing incidence of extraordinary taxation. Between 1560 and 1595, the first wave of civil war in Languedoc, these taxes and the institutional developments aimed at facilitating their collection were a prime cause for peasant resistance. As of the late 1560's war taxation became a regular feature in rural Languedoc. This taxation often consisted of a combination of legal extraordinary war taxation and semi-legal levies to pay for regional defense or to maintain garrisons in nearby towns. As the wars continued and many areas had switched hands, these taxes increasingly took the form of ad-hoc taxation by those forces who happened to be in control of the region. In the early years of the civil war the authorities tried to take measures against illegal taxation and the excesses of troops. In 1562 the sieur de Lamothe was fined 6000 livres because his troops had committed excès in the village with the same name. Such measures stopped as the 1560's passed. The incidents occurred too often and execution of arrêts was simply impossible.

While the peasantry suffered increased burdens, war taxation was used as an instrument for state building. From the late 1560's royal officers were extremely active in the field of war taxation to the annoyance of the provincial authorities. In January 1572 the Cour des Aides still tried to claim jurisdiction in conflicts over war taxation, but the facts had overtaken such statements rapidly.

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220 ADHG B 14-720 (14-4-1511).
221 ADHG B 14-845 (6-9-1511).
222 ADHG B 55-378 (22-4-1562).
223 ADH B 2-90 (11-1-1572).
In 1575 new tax collectors were appointed, charged especially with the collection of war taxes. As the civil war continued the capacity of the population, rural or urban, to react adequately and distinguish between types of taxation disappeared rapidly. Killings, brigandism, plagues and high taxes became the rule instead of the exception and resistance against all taxation began to build up. Although taxes were paid no authority offered protection in return and no legal institution reacted effectively to protect the position of the peasantry. From the late 1570's to the mid-1590's the Languedoc peasants entered a period of disasters.

Payment of taxes became increasingly difficult and the authorities reacted accordingly. In the 1570's the number of royal officers charged with tax collection was increased and often recourse was sought through drastic measures. The sergents and huissiers increasingly decided to confiscate cattle and ploughs to make up for the failure to pay taxes. They came with documents which gave them these semi-legal rights. However, as these tax collectors often were royal and not provincial ones, the Parlement and the Cour des Aides came verbally to the support of the peasants. In 1577 a total ban on constraints et executions was issued for the taille collection in the hard hit diocese of Albi.224 It is not very likely that this arrêt had any effect since the necessities of war held absolute priority. By the late 1570's outright tax refusal, even taille refusal, became about the only possible way for the Languedoc population to escape total destitution. From those years until the late 1590's the legal institutions of the province became practically impotent. These were the founding years of the machine de l’Estat as it was called in 1595.225 The inflexibility of the absolutist state in the 17th century has its origins in the inevitable inflexibility of war taxation in the late 16th century.

The signs of taille refusal appear in the 1570's. When the inhabitants of Castelnay-de-Vaux were condemned to a fine of 1000 écus for their attempts to block the collection of tailles in 1579, their case was an exception to the extent that it came before the Parlement of Toulouse.226 In the same year taille refusal became widespread in Viarais as a protest against the burdens of war taxation, warlords and brigands in this isolated region.227

In the 1580's matters got even worse. Civil war continued in Languedoc and the resources of the peasantry were now totally exhausted. Furthermore, the production of the rural economy suffered badly. E. LeRoy Ladurie has noted the close relationship between taille refusal and failed harvests in war torn

224 ADHG B 75-278 (1-4-1577).
225 BN 500 de Colbert 18 f. 376.
226 ADHG B 81-43 (1-12-1579).
Above all the poorest regions, geographically isolated, show a high incidence of tax refusal in these years. In Haute-Uzège tax refusal was a regular feature from 1582 to 1593. Here poverty and isolation also protected the peasantry as tax refusal went unpunished since military enforcement would probably cost more than yield. Tax collection was opposed and the archers who had been sent along with the tax collectors were driven away. In the course of the 1580's the archives of the Cour des Aides became filled with procès verbaux of sergents and huissiers who were unable to collect the taxes. From these files it becomes clear that three issues prevented the collection of taxes.

There was the constant threat of gens de guerre. In some villages the garrisons drove away the tax collectors, in order to be able to collect the taxes themselves. There was also the resistance of the peasants often intimidating unarmed huissiers. Finally, and this happened very frequently, huissiers were unable to collect taxes and present the relevant documents (contraints) to the rural communities because all the inhabitants had fled into the woods and hills. This occurred regularly in Vivarais and other remote areas of Languedoc. This equivalent of the German Landflucht became the most efficient tactic of the peasants against both gens de guerre and tax collectors. Many peasant syndics knew that the contraints were illegal, but in the uncertain period of civil war a legal procedure was less attractive than flight into the mountains or active resistance.

The year 1585 became one of the worst of the century. Continuing warfare coincided with a total failure of the harvest. The Cour des Aides tried to influence the warring parties by issuing a decree ordering troops to stay in their garrisons and not to roam the countryside, "consommant la substance des pauvres paysans" but one may doubt the effects. The next decade was a disaster for the Languedoc peasantry. Tax refusal was widespread in Vivarais, Gévaudan and Velay, and both Huguenot and Ligue administrations were affected. Massive retaliation, confiscation of cattle and armed interference only provoked more resistance.

In the 1590's the rural population lost all the support it had enjoyed so far from legal institutions. In Vivarais peasants were forced to accept bad coins (pinetelles) in exchange for their marketable products. The decay of legal institutions and the blunt egoism of town councils caused the political isolation of the rural population. In these critical times the anti-urban sentiment, so strongly visible in the Croquants of 1594-1594, was generated. The peasant communities realised that they were on their own. In these years the Croquants of Limousin spread to Northern Languedoc, but with a difference both in organisation and

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228 E. LeRoy Ladurie 1985:1,400
229 ADH B 22425 (1587)
230 ADH B 92-92 (5-7-1585).
231 E. LeRoy Ladurie 1985:1,400.
programme. In Languedoc rural communities protested predominantly against the taille and other taxes and were less radical than in Limousin. There were only brief, isolated protest gatherings and no supralocal organisation was formed. Taille refusal may have been maintained in some regions for more than a decade but only on a local basis. The protest occurred predominantly in poor and isolated regions where refusal was relatively easy whereas supralocal contacts and networks were weakly developed. In Languedoc it was truly tax evasion and not (yet) tax revolt. The protest was rural, autonomous and mostly local. Self defense against gens de guerre and brigands and attempts at tax evasion formed the essence of peasant resistance in the late 16th century.

E. LeRoy Ladurie has estimated that after 1600, or the late 1590's "toute action contre la dîme ... est abandonnée. Seule est mise en cause ... la fiscalité royale". This generalisation is often heard as an example of the structural differences between French society in the 16th and in the 17th century. However, in the case of rural Languedoc it is incorrect. Tithe conflicts and anti-feudal contestations rapidly returned after the peace of the late 1590's. The archives of the Toulouse Parlement bear witness to this resurgence. But it is true that the most remarkable cases of rural conflict in Languedoc between 1598 and 1630 are of a different nature.

A distinct feature of tax resistance in the 17th century is the level of violence. Resistance with force against tax collection became more frequent and the archives of the Cour des Aides contain many verbaux des chirurgiens to testify of the injuries to tax collectors. Second, provincial solidarity, especially between urban institutions and the rural population weakened further. Third, the control of the royal government over tax collection, direct or indirect, increased steadily. For example, a new gabelle law was issued in 1598, giving all jurisdiction over gabelle conflicts to royal officers. Furthermore, intendants were present in Languedoc from 1605 onwards and rapidly growing in number.

The big fiscal offensive of Sully, from 1606 to 1610, was only partly successful but the second phase, from 1615-1629, had more effect. By then a new civil war gradually developed in the Eastern part of the province. The increased legal protection from which the peasantry ought to have benefited after Henri IV's

235 ADH B 161 (1598).
reign materialised only slowly and bore no relevance to their fiscal burden.\textsuperscript{238} After 1615 civil war coincided again with higher taxes and increasing economic stagnation.

In the early 17th century the resistance against the \textit{elus} on a provincial level was matched in intensity by the local resistance against new taxes and duties. Many noblemen had serious difficulties in adapting themselves to peace, having to refrain from war taxation and brigandage. Already from the early 1600's onwards one finds evidence of noble gangs making regular tax collection difficult or even impossible. These actions benefitted the peasantry, as they were spared higher taxation. However, the tradition of brigandage must have caused harm to the rural population as well. In 1615 the inhabitants of Andoufille organised themselves to protect them from noble brigands. The Parlement ordered the arrest of their syndics and some inhabitants.\textsuperscript{239} Half a year later the inhabitants received permission from the \textit{lieutenant du Roi} to arm themselves and to ring the \textit{tocsin} in self-defence against the violence of brigand noblemen.\textsuperscript{240} Such permits were very frequent and indicate the liability of peace in rural Languedoc.

Many noblemen protested with armed force against the intrusion of the fisc and the Parlement regularly had to issue arrêts against armed prevention of tax collection.\textsuperscript{241} The lords not only protested against the taille, but also against the gabelle. In 1609 several lords and their complices were arrested for armed actions against the collectors of this salt tax.\textsuperscript{242} These matters were frequently discussed in the \textit{Etats de Languedoc} and in some areas village consuls followed the lords' example and refused to cooperate with the collection of the taille.\textsuperscript{243}

In general the gabelle was not a heavy burden in the largely littoral Languedoc. However, an institutional development changed this in the early 1600's. In 1604 it was decided to decentralise the sale of salt by creating of the \textit{regratier} system. Now more people were involved in the sale of salt, which thus became more expensive. These offices were put up for sale in 1608 and this venality of the sensitive salt trade caused a considerable stir in the province.\textsuperscript{244} On the first of June 1613 it was reported to the Parlement in Toulouse

\textsuperscript{238} G. Tholin, 1885: 61.
\textsuperscript{239} ADHG B 344-460 (28-3-1615).
\textsuperscript{240} ADHG B 352-82 (6-5-1616).
\textsuperscript{241} \textit{e.g.} ADHG B 249-259 (1607).
\textsuperscript{242} ADH B 3-156v (25-10-1609).
\textsuperscript{243} ADHG B 448-489 (26-1-1625).
\textsuperscript{244} ADH B 30-438v (18-12-1608).
that a group of regatiers had been chased out of the Aran valley in the Pyrenees. Three weeks later the syndic of the valley, a certain Patin, was arrested comme prévenue de rébellion. The authorities had decided to react forcefully in all incidents concerning the sale of salt.

The inhabitants of the Pyrenee valleys showed an enhanced awareness of fiscal matters. In 1618 the inhabitants of the Barousse valley demanded and received permission from the Parlement that the syndic général of their region account for all the taxes they had paid over the last 20 years.

Later, in 1627, the collection of tailles became impossible in the isolated pays de Foix, due to a fierce civil war. The tax collectors issued contraints to force the rural population to pay, but they refused and brought the huissier to court. In fact, these contraints were at best semi-legal and the nombreux procès which followed indicate the awareness of the law in the Pyrenees as well as the still present propensity for legal redress of complaints wherever possible. The Parlement put the matters before the Etats and it was decided to nominate a committee (half Protestant, half Catholic) to investigate the matter.

Two forms of tax resistance are new in the Languedoc of the early 17th century. First, attacks on ferme officers. In principle, the levying of duties was of little concern to the Languedoc peasants. Most of their surplus and of the goods they needed to buy were exempt from duties, or these were not levied visible to the buyer. Many noblemen had more interests at stake and their actions influenced both the views of the authorities and the attitude of peasants towards tax protest. A typical case is that of the conflict between Urbain de la Motte, fermier des cinq grosses fermes, and sieur Ramond Casolle. The latter had gathered a group of about 20 men and they had attacked a tax office on an island in the Rhône, near Beaucaire. This office was charged with collecting duties on all merchandise coming from the fair of Beaucaire. Sieur Casolle had business interests in that town and he resented the tax office. In the course of a nocturnal attack several commis had been killed or wounded, one had been taken prisoner and the king's arms had been removed.

Whether as a protest against royal taxation or against venality this must have served as an example to other groups, urban or rural.

Second, the phenomenon of fraud in tax collection. When in the 15th and 16th centuries forging of documents occurred, it concerned above all noble titles and wills. As a sign of changing times forging in the early 17th century took another course. In 1614 Antoine de Collondres was arrested because he had been

245 ADHG B 319-1
246 ADHG B 319-264 (20-6-1613).
248 ADHG B 470-114 (19-1-1627).
249 ADH  B 30-598 (4-8-1612).
forging documents for the inhabitants of St. Julien. Apart from *titres de noblesse* he was charged with having forged documents granting tax exemption and tax receipts. The latter became rapidly the type of documents most frequently forged. In a way de Collondres is a symbol of the transformation of Languedoc from Renaissance France to the absolutist France of the Fronde. Bureaucracy, administration and tax documents had become more important than noble titles.

This change could already have been noted in 1610, when at a meeting of the Etats of Languedoc, long complaints were heard against *faux gebeleurs*, illegal toll and tax collectors. The phenomenon described here illustrates the rapid and effective adaption of the Languedoc warlords, often impoverished and politically and socially isolated nobility. Some of them could not and would not give up the habit of brigandage and open violence. Many others adapted themselves to the rapidly changing society and in a prime example of social mimicry, they took recourse to fraudulent tax collection. In rural Languedoc, tensions over feudal rights and tithes had not disappeared, but as elsewhere in France the 17th century was going to be the century of tax resistance. The financial importance of taxation combined with the uncertainty over many legal issues, due to rapid reform and loss of documents, made tax fraud an interesting business for many lords. The Languedoc peasantry followed suit, as always interested in evading taxes.

When in 1638, seigneurs were found to be supporting their peasants in evading control on salt smuggling and payment of the gabelle, the Parlement reacted fiercely. Yet the changing circumstances in the 17th century had made vertical solidarity more likely than could be expected half a century earlier.

Linked to the changing structures of state and society, tax resistance rapidly became a routine and structural form of protest against which the authorities acted (in times of peace) with similar routine measures.

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250 ADH B 31-165v (10-3-1654).
251 ADHGC 2293.
252 ADHG B 588-302 (July 1633).
Chapter 4  Non routine escalated conflict.

4.1 Problem definition.

When looking at rural societies as "societies under tension", one could argue that all conflicts in such societies were routine events, regularly recurring in well-known manifestations. When looking at the reactions of the people involved another picture emerges. As has been shown in the case of the origins of the German Peasant War, certain routine incidents might lead to unexpected escalation because the assessment of the situation differed from expectations, due to external circumstances. Non-routine forms of conflict were not necessarily escalations, yet very often escalations occurred because the parties in the conflict did not have earlier experience in dealing with the resolution of the problem. An exception has to be made here for a type of conflict in rural France in the 16th and 17th century which was all too routine and all too often escalated: warfare and related brigandism. Since these phenomena did not fit in the established pattern of mutually accepted conflict resolution they may be labelled as non-routine.

Routine conflict can be seen as taking place at such a place and time and in such a form that all parties involved knew what to do and how to achieve a resolution of the particular conflict. This was the case when standard legal procedures were well known or when the expression of discontent or threat took such a form that it did not lead to panic or extraordinary reactions among the actors. Yet even routinely, Languedoc in the 16th and 17th century was already a very violent region to live in. Civil war, brigandism and religious conflicts caused a semi-permanent state of emergency in which routine conflicts could easily escalate. The growing influence of the state through taxation and the imposition of a bureaucracy and the religious wars complicated the picture. In principle, tax revolt and tithe refusal were dramatic events since they challenged the existing order in society. It was only the extreme frequency of such acts and the broad support among peasants, local nobility and the clergy, which made such manifestations of rural collective action routine passive resistance.

Non-routine rural collective action manifested itself most clearly in the great émeutes of the 17th century and in the war protests, of whatever form, during the Wars of Religion. Yet there were many less conspicuous cases deserving attention as well. The case of the community of Bagnols may serve as an example.

In August 1517 the small town was condemned to pay a fine because of a revolt. One third of this

253 An expression coined by B.H. Slicher van Bath (1957).
254 C. Barrière-Flavy 1927.
255 ADHG B 16-742 (17-9-1517).
fine had to be spent on the reconstruction of the local church. Was this revolt a manifestation of anti-Catholic sentiment, shortly before Luther's Articles? It remains unclear. In 1550, several inhabitants of Bagnols were condemned for séditions, monopoles et hérésie, a standard expression for suggesting that they were Protestants, although there were members of the clergy among them.256 Then, in 1666, Bagnols returned to non-routine conflict escalation: after a community revolt several inhabitants were fined and had to lodge groups of soldiers in their houses. At the same time the procureur-général of the region was removed.257

These three events were seen by the authorities as revolts and they acted accordingly. Clearly, the events were seen as extraordinary, requiring more action and repression than a routine civil court case could provide. Thus, from the point of view of the authorities, these were cases of non-routine conflicts demanding a forceful solution.

From the point of view of the inhabitants of Bagnols these events may have been regarded differently. The revolt of 1517 was probably no more than a routine conflict between the inhabitants of Bagnols and some members of the clergy having worldly interests there.

The success of Protestantism in specific regions of France cannot solely be explained by an anti-centralist and therefore anti-Catholic current in the peripheral provinces in the South. Anti-centralism and resistance to the royal fisc in Languedoc may well have merged with the economic anti-clericalism of the populace in a region where tithes were higher than average and where the Catholic presence was relatively strong - compared to the presence of the royal government - since the late Middle Ages.258 In view of all this, the hérésie of 1550, 33 years after the anti-Catholic revolt of 1517 may very well have been a new chapter in an ongoing conflict, now presented to the authorities as an extra danger: the Protestant threat. Again, judging from the formulation of the arrêt, it seems that the event as such was a routine one, yet perceived by the authorities as threatening in the context of the specific circumstances during a period of rapidly growing Protestant influence in Languedoc.

The third revolt in Bagnols, in 1666, is a good example of how from the 1620's onwards, during the establishment of absolutism, the routine of conflict resolution had changed. Although the government, by withdrawing a high ranking civil servant, acknowledged a mistake, the ones who had brought it into the open were still to be punished. After the Fronde no revolt, however justified, was acceptable to the central government.

256 ADHG B 92-148 (1550).
257 ADHG B 92m-492 (1666).
258 For economic anti-clericalism in Germany, H.J. Cohn, 1979.
The Bagnols examples clearly demonstrate the changes in France between the 1510's and the 1660's. They also indicate that events which might have been forms of routine conflict for one of the parties could escalate through the reaction of the other party or the authorities. The distinction between routine conflict and non-routine conflict was clearly in the eye of the most powerful beholder, i.e. the provincial and royal authorities.

So far, only one aspect of non-routine conflict has been dealt with regarding Southern France in the 16th and 17th century: particular circumstances transforming routine conflicts into non-routine ones, that is into more serious situations where escalation was feared due to circumstances not related to the issue of conflict itself. For the purposes of defining non-routine rural conflict at least two other aspects have to be taken into account even though the aspect of the particular circumstances should remain in the foreground of this analysis.

One of these aspects is the organisational one. The distinction between routine and non-routine conflict becomes very obvious where the aspect of organisation of protest is concerned. All parties involved whether peasants, royal officers, agitators or the worried civil servants of a provincial body, knew that there was a distinct difference between a protest demonstration (for instance such as the one in Labruguière in 1626) and sustained, organised supra-local protest. It was only with the greatest reluctance that authorities accepted supra-local rural bodies, like the resistance movements against brigands in the Hundred Years War or the Wars of Religion. Supra-local peasant organisation was bound to attract critical attention from the authorities. In France these forms of organisation were not so rare as in Germany. However, these organisations were usually very weak and directed against a single body, the fisc. Languedoc never had such forms of anti-fiscal protest due to its specific fiscal regime. Yet on several occasions in the 16th and 17th century supra-local rural protest emerged under particular circumstances. These cases will be discussed later in this section on non-routine rural conflict. At this stage it will suffice to indicate the extreme worry of the authorities over supra-local self-defence or protest in the countryside.

As in Germany organised rural resistance was very difficult to sustain in Languedoc. The constraints of peasant life, the limited extension of contentious issues and the awareness in communities of their specific interests prevented sustained supra-local organisation. The exceptions to this general absence have been well documented: the Camisards in the Cévennes, the 1579/1580 peasant groups in Vivarais and Dauphiné and the

259 See the Prologue.
organisations in Comminges. During my archival work in France only one case of sustained supralocal peasant organisation came up, one in the Cévennes in 1617/1618. This case will be presented below, but is mentioned here to serve as an example of the attitude of the authorities. Although the supralocal peasant organisation was clearly aimed at only one purpose - the arrest of brigands, already condemned by the Toulouse Parlement - the worry of the authorities was substantial. In January 1618 a special emissary of the Parlement was asked to stop the “Assemblées que font ces communes pour les inconvenients qu’en peuvent arriver” although its main task was to arrest the brigands. These supralocal assemblies led, in the eyes of the authorities, to a closer cooperation since in November of the same year reference was made to a syndicat des communes unies des pays and the next day to the syndics et députés des communes, clearly indicating organisation aimed at a long term period by means of representatives. Perhaps this case of sustained supralocal organisation has escaped the attention of historians so far because the very thing contemporary officials feared, escalation, did not happen.

The third major aspect which influenced the perceptions of routine and non-routine conflict were new issues at stake in conflicts. This factor was the most likely one to provoke forms of non-routine rural conflict.

Between 1520 and 1660 many new issues were brought up for debate in the formal forums of Languedoc. None of these provoked such debate in combination with swift and subversive action than the advent of Protestantism. Whether extraordinary circumstances, forms of organisation, issues or leadership are concerned, everywhere Protestantism comes to the foreground. Furthermore, the heresy offered a tactical opportunity for many discontented members of the ruling elite. As much as in 16th century Germany or Switzerland, conversion to Protestantism was not so much a reference to the flaws of Catholicism as an indication of tactical planning. Here too, a power struggle was lifted to the sphere of religion.

The three typical aspects of what has been termed in this study as non-routine escalated conflict are closely related. New issues at stake in rural conflicts were often tithe refusal and resistance to new taxes. Both manifestations of rural discontent were related to the advent of Protestantism and the following Wars of Religion. The decay of the social fabric in Languedoc, where rapidly all strata of society became divided in a Protestant and a Catholic or League camp, was an extremely disquieting process for those charged with the

261 ADHG C 2296-25r (31-1-1618).
262 ADHG C 2296-146(Y) (28-11-1618).
263 ADHG C 2296-146(Y) (29-11-1613).
maintenance of law and order in the countryside. Semi-permanent warfare moved from Languedoc's Southern and Eastern borders to the heartland. The presence of the military not only created new protest issues in the countryside (pillaging, extraordinary taxation), it also stimulated the peasantry to look for unconventional means of self-defence, unheard of before the 1560's. As the power of the Parlement decreased, other means of redressing grievances were sought. At this stage, both supralocal rural organisation and the recruitment of support from the nobility or clergy were phenomena most likely to occur. It was only natural for peasant communities to take recourse to extraordinary measures against the rapidly increasing tax burden and dangers of brigandism from 1560 onwards.

In the eyes of the authorities every peasant action in times of unrest, war abroad or civil war, was suspicious. Even if the new issues had not appeared and no change in tactics or organisation of protest had occurred the suspicion would have been there. Hence, routine forms of conflict resolution became fewer and fewer, especially because conflict over extraordinary taxation, the writing off of tax arrears and tithes in regions severely struck by civil war and violent manifestations of self-defence by rural communities became the most frequent forms of contention in the countryside. Quarrels over land rent or grazing rights disappeared from the records as soon as the civil wars started. In the darkest days of the Wars of Religion the Toulouse Parlement simply ceased to offer a possibility of obtaining redress for rural communities.²⁶⁴ It is therefore justified to take a closer look at the precise nature of the extraordinary circumstances in which routine conflicts were transformed into non-routine manifestations, often escalating into violence. This will be discussed in the next section, preceding a presentation of case studies and an analysis thereof.

4.2 Extraordinary circumstances influencing the escalation of rural conflict.

In this section four sets of circumstances will be discussed as they may account for nearly all the non-routine rural conflict cases presented in this study.²⁶⁵ Geographically induced constraints on the power of provincial and royal authorities are the most important circumstances for peasant actions - as opposed to reactive self-defence. The regional spread of civil and criminal disobedience toward State and Church in 16th century Languedoc is as crystal clear: be it the spread of brigandism, tax refusal, spread of Protestantism or sustained organised rural protest, the same regions appear. In the North-East of Languedoc these are Vivarais, bordering Dauphiné, further towards the heart of Languedoc one finds Gévaudan and the Cévennes and finally at the Southern border the Pyrenees. These regions shared the advantages and disadvantages of being peripheral areas as far as government control and

²⁶⁴ See chart above, chapter 2.
²⁶⁵ Chapter 2.
economic development were concerned. The advantages were obvious. Many regions were virtually inaccessible for tax collectors or huissiers who came to collect arrears or who were charged with executing arrêts. Yet the weakness, the near impotence gave free way to an escalation of the tensions between rural communities, nobility, the Church and urban settlements. Towns could effectively protect themselves against taxation and brigandism. The Church could not control the behaviour of its distant clergy and noblemen, either as landowners or as leaders of brigand groups which severely strained the peasant economy as well as the development of trade and commerce. Moreover, all this took place in regions where natural resources were limited and where civil war meant the end of many rural communities.

Due to these circumstances recourse to legal institutions was useless; the lower judicial bodies were so intertwined with the noble and urban elites that little was to be expected there and appeal to the Parlement - even if it would have had a large degree of fairness - had limited value since its arrêts were bound to age unexecuted. Little was to be expected from the nobility (the most likely opponents of the peasantry in conflicts). The peasants' attitude toward towns in these peripheral areas is also clear. In Vivarais, anti-urban peasant actions were provoked in 1595266 and the Western Languedoc Croquants made their view quite explicit in 1594: "Car les villes, au lieu de la faire entretenir et tenir la main à la justice, ne se soucient de la ruine du pauvre peuple ..."267 Without an effective regime of provincial government the peasant communities perhaps paid fewer taxes, but the disadvantages clearly outweighed the fiscal benefits. In combination with the permanent hardship, suffered in remote valleys and barren volcanic plateaux, the vicissitudes of life in the geographically peripheral areas can be imagined easily. Here, active self defence by peasant communities was crucial to their survival.

The second set of extraordinary circumstances leading to non-routine rural protest is war and its direct effects on the countryside. The devastation of war and the presence of the gens de guerre brought communities together and inspired supralocal collective action in the form of sustained self defence.

Furthermore, war taxes meant a burdensome form of extraordinary taxation. This was not only an increased burden on the peasant economy, it also eroded the fiscal system with its institutionalised checks and balances. The confidence of rural communities in the provincial or royal authorities quickly evaporated during war in their region and not without reason. Not only were the central authorities unable to control the military and the often terrible effects of their presence, they also seemed to be rewarding some of the

266 M. Greengrass in P. Clark (ed.) 1985:133.
military by the process of enhanced enoblement. This was a cheap way of paying off officers but affronted old nobility and rural communities alike. Thus war not only brought death and serious disturbance of the peasant economy on the material level, it also showed the inefficacy of the existing institutional framework.

The third set of extraordinary circumstances underlying the manifestation of escalated rural conflict is the phenomenon of brigandism and its social effects. This phenomenon was closely linked to the wave of civil war in France between 1560 and 1650. Only the order of 18th century France, established by Louis XIV, managed to bring this social excess under control.

Brigandism was a consequence of the rapid social change in France from the reign of François I onwards. Dismissed officers from the Italian campaigns were active in the Wars of Religion, soon followed by dismayed noblemen who felt that they could not benefit from the expanding state bureaucracy. As boundaries between social strata were rapidly changing and sometimes disappearing altogether noblemen and bourgeois sometimes took to the same strategy for enhancing their income: brigandism. The victims were tax collectors, noblemen and peasants alike, especially in the peripheral regions of Languedoc.

The unchecked brigandism sometimes inspired peasant communities to combined resistance. On other occasions strong forms of vertical solidarity developed or continued. Whichever, brigandism like war provoked different manifestations of social behaviour in the forms of organisation and attitudes of the Languedoc peasants. The transformation of French society had come to the countryside of Languedoc in a sometimes marginal fashion, but its indirect effects were irrevocable.

Escalated conflict has often been described as a phenomenon related to processes of social change. Apart from the three sets of unusual circumstances mentioned above, the implications of 'social change' in rural Languedoc deserve further clarification. The difficulties of life in geographically and economically peripheral areas, the burdens of war, taxation and brigandism and the ordinary risks of the rural economy all formed the background for tremendous social changes. These changes, sometimes acute, sometimes hardly visible in a generation's lifespan, together strongly disturbed the fabric of rural society.

Rural communities came under tension as political and religious affiliation divided villagers. Strongly increasing indebtedness enhanced already existing tensions between rich and poor in the villages. Fathers and sons often found themselves opposed to each other for material reasons which were presented as religious.

268 E. Schalk 1982.
The 'natural' feudal relationship between lord and peasants decayed into various forms, sometimes protracted feuds surfaced whereas elsewhere (arguably enforced) vertical solidarity prevailed.

The changing strength of provincial institutions like Parlements and Etats in a time of civil war and rapid social change also contributed to more escalated manifestations of rural discontent. In the period of decay of provincial authority, alternatives were sought and found rapidly. In the worst years of civil strife in Languedoc, recourse to the Parlement of Languedoc was almost completely substituted by self-defence of local communities. Later, when provincial institutions were threatened by the intrusion of the centralised state, many rural communities rallied to the support of their province, however underdeveloped this concept must have been in their consciousness. But then, provincial institutions gave at least some protection to the rural community. The fiscal provincial revolts were exceptional, as far as their rural component was concerned, since supralocal organisation was rare and difficult to achieve. Rallying to the province became a new form of rural collective action in some areas of Languedoc, a manifestation of discontent which was to stay, just like some other escalations of protest. The whole process of social change inevitably led to permanent changes in manifestations of conflict and peasant resistance. These, considered to be non-routine, were initially seen as strongly disturbing the social fabric. But they remained: the 'masked men' of the 1560's and 1620's still existed in the late 18th century.

In a period of upheaval and social change new manifestations of rural protest appeared, partly provoked by changing circumstances, partly as a consequence of calculated assessment of the chances of success in which the tactical opportunities of communities played a complementary role to the acuteness of issues, the level of participation and the presence of leadership - the parameters of collective action.

Four regions of Languedoc will be discussed in the following section. These regions provided the theatre of escalated forms of rural collective action. They shared the aspects of peripheral areas in Languedoc: weak central authority, poverty, religious dissent, political and fiscal de facto autonomy and a high degree of violence. The theatre of 'peasant revolts' in Languedoc.

4.3 Four case studies of escalated rural conflict in Languedoc.

The escalation of rural conflict in Languedoc and South-West France as a whole took place in a crescent-shaped region: from Guyenne (the Pitauds of 1543) South-East through the peripheral areas of the Pyrenees and the Cévennes to Gévaudan, Vivarais and Velay. A fertile crescent for political and religious
dissent, anti-fiscal protest (especially in the North-West) and social strife in the countryside. Most of this area was economically and politically peripheral, but between 1560 and 1715 the names of the regions and provinces entered the “grande histoire” of France. The Croquants, the Pitauds and the Camisards reflected the willingness of the rural population to organise self-defence against fiscal oppression, war or religious intolerance and economic marginalisation.

Four cases have been chosen for this study, all in Languedoc, to illustrate the various manifestations of peasant resistance and the peculiar circumstances under which they occurred. All were to some extent unusual in size, duration or form. They were all influenced by the particular sets of circumstances described above, lifting them from the permanent routine forms of rural protest and resistance. The four regions are: (i) the Pyrenees, where the Comminges and Audijos revolts transcend the usual resistance of mountain communities and defence of valley autonomy, (ii) Gévaudan, the desolate and poor region where poverty, violence and isolation prevailed, (iii) Yivarais, north of Gévaudan, a border region suffering from gens de guerre as much as it was aware of different systems of fiscal administration and government, and finally (iv) the Cévennes, refuge of the Protestants in the 17th century but no less than Gévaudan or Yivarais suffering from unrestricted behaviour of noblemen and the fisc - the price for relative geographic isolation.

Some of these regions have been studied in detail, like Audijos, Comminges, the Cévennes or parts of Yivarais. The purpose of this presentation is to place the extraordinary events in the context of the regional or provincial history so as to show the continuity of rural protest and to indicate why escalations of rural protest occurred. The different circumstances under which these revolts took place - or escalated - only show the complexity of rural society and the many external influences disturbing the peasant economy and the balance of power between peasants, lords and the representation of provincial and royal authority. These cases are therefore episodes in the history of rural Languedoc and should not be seen as isolated events, even though there may exist particular circumstances for each of them.

**Escalated conflict in the Pyrenees.**

*Par les associations de bergers, le paysan échappe aux seigneurs et au roi.*

The geographically isolated communities of the Pyrenees were extremely vulnerable economically,

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living off the mountains in a semi-nomadic fashion where all sorts of extra income were urgently needed. These communities were also unprotected by the judicial authority of the distant Parlement, and in practice handed over to the will of their lords, gens de guerre and brigands. Self-defence was here an imperative as rapid intervention of the authorities was totally impossible and the subsistence economy did not allow for significant setbacks. The level of violence had always been high and remained high throughout the Ancien Régime, especially in the Western Pyrenees where impoverished nobility often chose the career of brigandism.275

In the 1570's a conflict between the community of Pujo and its lord, François de Comis, escalated as the latter refused to hand over the rights to pasturage on a nearby mountain. Although the issue was brought up before the court, excès and attentats occurred between the two parties. The violence had attracted the attention of the authorities and in 1578 - in the middle of civil war - the case appeared before the Parlement of Toulouse.276 Three years later, the Parlement ruled in favour of Pujo and their rights were de jure confirmed.277 Such a case, with limited violence, was not at all exceptional. The violence played a pivotal role inasmuch as it was the consequence of the absence or impotence of judicial bodies for peaceful settlement of the conflict, whereas it was also the cause of the final court case, having provoked the attention of the central authorities.

Another case in the Pyrenees illustrates this even more clearly. The community of Tarascon-sur-Ariège was situated in a narrow valley and its main source of income apart from some pasturage was the levying of droit de parcours et de dépaissement. A nearby lord, Paul de Selles, abused his power and tried to avail himself of the revenues of these rights. In 1550 the tension escalated and the inhabitants of Tarascon pillaged the castle of de Selles and killed him.278 As a consequence a long judicial procedure was started in order to establish the holder of the rights at issue.

Tarascon was a community situated like Labrugière (see the Prologue): passing gens de guerre (between 1644 and 1655 a total of 30,000 was recorded279) were a continuous burden for towns with strategically important bridges. There self defence was part of daily life as well.

The violence and its punishment did not prevent a judicial procedure, perhaps not least because the

275 F. Braudel 1985:11, 92.
276 ADHG B 79-132 (17-12-1578).
277 ADHG B 84-205 (20-6-1581).
278 D. Borzeix et al. 1982: 94.
279 C. Barrière-Flavy 1926: 25.
judges of the Parlement saw this as a possibility to enhance their influence against the independent nobility of the mountainous areas.

The pays of Foix was another area where conflict escalation was frequent. The peripheral location furthered the quest for autonomy of rural communities and disregard of laws and customs by the nobility alike. The community of Massat in the county of Foix forms a prime example.

In the late 14th century Massat twice engaged in conflicts with lords. First in 1474 it refused the *serment de fidélité* to Arnaud de Comminges. This refusal, a grave crime in a feudal world, was accompanied by *vies de fai*, usually a description for a minor degree of violence. Normally, a pardon was given soon after, but this time it took until 1563.280 This will have influenced the decision of the Parlement of Toulouse to refuse the settlement reached by (among other communities) Massat and the viscount of Couserans, Jacques de Lomagne in 1490.281

This settlement was interesting because its conditions (a fine of 2000 livres for the viscount and a fine of only 500 for Massat and other communities) indicate that the villages were put in the right and this had been accepted by their lord. It is not clear why the Parlement overruled the settlement. It may very well have been for a tactical reason: normally it insisted on taking care of settlements itself.

In the early 17th century noble brigandism became a true plague in the Foix area and peasant self defence became a necessity. When armed groups of peasants beleaguered the castle of Camarades in 1615 this act was denounced by the Parlement on 2 May.282 However, only 28 days later an arrêt was issued in which the demolition of the castle was ordered, a customary punishment for brigand nobles.283

The climax of conflict between peasants and noblemen in Foix is the case of the count of Rabat, J.P.G. de Foix and his son, the marquis of Rabat, J.R. de Foix who also served as governor of Foix. For half a century conflict smouldered, was brought to court and sometimes escalated. In the early 1630's father and son had already built up a reputation for extortion under threat of the quartering of gens de guerre.284 An arrêt, ordering the arrest of the younger de Foix, was issued in 1633 but had no effect. The governor managed to continue in his position.285 Nine years later, in 1642, the Toulouse Parlement issued an order for the

281 ADHGB B 341-641.
282 ADHGB B 8-195 (2-4-1490).
283 ADHGB B 341-110.
284 C. Barrière-Flavy 1926:27.
banishment of both father and son and the confiscation of their property. Again no result but for legal procedures and the intimidation of members of the Parlement in the following years. 286

The actions of the peasants of the Massat valley must be seen against this background. Faced with the painful impotence of the judicial authorities, peasants pillaged the castle of the count of Rabat, refused to pay tithes and allegedly committed other excesses.287 The count of Rabat decided to take action and started to raise a military force which was forbidden by the Parlement in 1650.288 In 1651 his son, the marquis of Foix, was arrested. This by no means stopped the actions of the de Foix family. Another member, the viscount of Rabat F. de Foix managed to escape a death penalty in the 1650’s.289

As the circumstances did not improve for the rural population the fluctuations of the economy became increasingly burdensome. In 1663, Massat and other communities resorted to another drastic measure of collective action: refusal to pay taille in combination with flight in the mountains.290 This was the final point in a series of events which were enumerated in the lettres de pardon which were issued in 1666: séditation, rébellion, soulevements, attougement, port d’armes.291 Perhaps stimulated by the rapid pardon the peasants continued their resistance and one year later, in 1667, the new count of Rabat had to issue an interdiction on the arming of his subjects.292 There was little true peace in the valleys of the Pyrenees in the 17th century.

Audijos and Comminges

In his description of the Audijos Revolt, J.H.M. Salmon focused on institutional rivalries and clashes of interest between estates, Parlement, intendants, governors and royal power in South West France.293 The background of this revolt reflects the changes which France was undergoing in the 17th century. The homeland of Henri IV, Béarn, had been spared the intrusion of the central state to some extent between the 1620’s and the 1640’s. But Colbert and Louis XIV intended to redress this and to bring the Pyrenees provinces under firm military and administrative control after the peace with Spain in 1659.

286 ibid., pp. 253-255.
287 D. Borzeix et al. 1982: 207.
288 ADHG B 723.
289 ADHG B 789 (1657).
291 ADHG B 892-93 (24-11-1666).
292 A. Garrigou 1846: 360.
293 J.H.M. Salmon 1934: 119-149.
A first move was the imposition of the gabelle in areas which had hitherto been exempt (payes francs) or had redeemed their obligations (payes rédimés). This move, started in 1655, met with strong popular protest. The poor Pyrenees regions not only feared higher prices but they also were threatened with the loss of a substantial source of income, the faux saunage. The protest of the late 1650's was widespread. From Bayonne to the high mountain areas resistance occurred and sometimes violence was used.

The Conseil du Roi issued an arrêt in 1657 against the armed assemblies organised by lords in Armagnac, Comminges, Rivière-Verdun and Bigorre to resist the royal troops which were sent to put an end to faux saunage. This resistance spread to a more general tax resistance in the mountainous regions and the next year more forces were sent to repress taille refusal in the county of Foix, the Vallées and Nébouzan.

The central authorities tried to appease the local authorities as they feared the danger of disloyalty of the border areas. For this reason and due to their geographical isolation, many valleys and other regions had been able to retain privileges in the field of fiscal exemptions and political autonomy. Their representatives defended these privileges, codified in âges in the estates against the intrusion of the Parlement. All of them were aware of the danger posed by the intrusion of the central state through taxes, intendants and political reform, aimed at the weakening of the regional and provincial institutions. Thus, the introduction of the gabelle brought the tension between provincial institutions and between the province and the royal authorities to the public. There was a close watch how the estates defended the privileges of the people, many of them feeling very strongly about the gabelle issue. When Louis XIV passed through Béarn in 1660 he promised to uphold privileges which had been violated already for several years and which continued to be infringed.

The valleys of Béarn were regularly the scene of peasant resistance against external intrusion. The customary autonomy of the semi-nomadic rural population created a broad degree of preparedness for resistance. A large degree of vertical solidarity existed when issues of taxation were at stake. This is not surprising nor is its contribution to the organisation of resistance. As shown in the gabelle resistance in Roussillon in 1668 and 1669, the revolt was very widespread which surprised the authorities.

Resistance against tax collectors was strongest in those border areas where the most frequent intervention from outside consisted of pillaging gens de guerre. Experience with self-defence and the support

294 AN E 1706-626 (24-10-1657).
295 AN E 1708-405/6 (27-1-1659).
297 Ibid., p 141.
of many noblemen and the lower clergy made the peasants of Béarn well prepared to resist.\textsuperscript{298} Colbert's policies gave them every reason for their worry. In 1662 a new tax-lease was issued to a Bordeaux gabelle farmer, Gervaizot, under new and more burdensome conditions. This provoked protest in the towns, especially in Bayonne. Hence, it was decided to establish tax bureaux only in the smaller towns for fear of popular action in Bayonne. At the same time the offensive of the central authorities continued. It was decided in the Conseil du Roi to confiscate the main source of salt in Béarn, a salt fountain in Salies. A new intendant was nominated as well, Pellot, \textit{Impitoyable}.

The protest which was first provoked continued in the normal fashion as a delegation of the estates demanded the return of the salt fountain in March 1664. The refusal of this legitimate demand demonstrated the sudden impotence of the provincial institutions and provoked the first violence linked with the Audijos revolt. In April 1664 the gabelle bureau of Hagetmau was attacked and the officials were chased away.\textsuperscript{299} Two uncertainties remain: was Bernard d'Audijos already the leader and was this bureau chosen on purpose? To start with this last question, the bureau was situated on the territory of the absentee governor, Antoine de Gramont. Therefore this action was sure to attract the attention of provincial and national authorities. This may very well have been the purpose of the attackers.

Bernard d'Audijos was the leader of a band of guerilleros (the \textit{invisibles}) who started attacking officials in the summer of 1664. He was a nobleman who had returned to his estate in Chalosse after his military unit was disbanded in 1661. He was also one of the organisers of the broad popular protest in Béarn between April 1664 and the summer of 1665. His tactics were simple: counting on the broad support of the peasantry, rural clergy and nobility he decided not to seek support in towns or from the provincial institution. This has placed him somewhere in between the qualifications 'brigand' and \textit{défenseur des droits de la Gascogne}.\textsuperscript{300}

The guerilla in the summer and autumn of 1664 provoked rapid intervention and repression by the intendant Pellot and the quartering of dragoons in Chalosse. As a consequence, d'Audijos and his inner circle of leaders fled to the mountains of Béarn, in the region of Lavedan, known for its independent peasants who had been chasing tax collectors ten years earlier.\textsuperscript{301}

After the initial repression royal troops under marquis de Saint-Luc were sent in late 1664. This

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{298} ibid., p. 128. Especially the lower clergy was known for its organisational support.
\item \textsuperscript{299} ibid., p121.
\item \textsuperscript{300} ibid., p.146.
\item \textsuperscript{301} C. Barière-Flavy 1926:18.
\end{enumerate}
\end{footnotesize}
intervention of royal forces in the province suddenly brought back the issue of provincial liberties. Indirectly, d'Audijos had forced the provincial authorities to make a move. We do not know whether this was his intention, but from the perspective of the rural population d'Audijos had done the right thing. In the absence of efficient provincial institutions he had provided a means for the redress of their grievances. In early 1665 the peasants showed their solidarity by joining in a large protest march against Lourdes which was occupied by dragoons, protesting against the gabelle. As the weather prevented repression the seigneur of Bigorre offered his services as a mediator and although the intendant tried to execute the representatives of the peasants a certain compromise must have been reached. The peasants disbanded and in April a royal pardon was granted for the Lavedan peasants. This was done against the will of the intendant but taking into account the loyalty of Lavedan whose peasants had refused military assistance from Miguel Joan, a Spanish noble who lived just across the border.302

The repression which followed in the spring of 1665 was mainly aimed at catching d'Audijos and punishing the noblemen who had supported him. Thus royal authority intruded in the Pyrenees valleys. This called -finally- for action by the provincial authorities and as d'Audijos fled in the summer to Joan in Spain quarrels over jurisdiction started. By December all but d'Audijos and the main leaders received a royal pardon and the conflict returned to the institutional level. The intervening force was reduced as most of the leaders had been arrested and the estates took the initiative by refusing to pay the imposed fine. At this stage the defence of the interests of the rural population was again in the hands of the provincial institutions, which were to a large degree successful. Bernard d'Audijos returned several times in secret to the region but he never mustered any support. This caused him to fully use the royal pardon of 1675 and to return to France in order to become again an officer in the royal army.303

From the perspective of the rural population this episode shows a clear logic. In the absence of a defence of their interests by the provincial institutions a substitute was found in the able person of d'Audijos. The massive demonstration of support - in the season when there was little else to do in the rural economy of the Pyrenees - had indicated the awareness of the peasants about the present situation. Benefiting from the strategic importance of their location on the border they managed to voice their grievances in a very drastic manner with a minimum of punishment. Again tactical opportunity had provided good circumstances for collective action. Under the particular conditions of Béarn in the 1660's the rural population in its support for d'Audijos (whatever his ultimate intentions may have been) found an effective way of defending its interests, even if it did involve the escalation of conflict.

303 Ibid., p.141.
A final manifestation of escalated rural conflict in Pyrenees to be discussed are the *Ligues Campanènes* in Comminges in the early 1590's. As discussed above, Comminges had experience with supralocal rural conflict and the rural population knew how to use the provincial institutions. During the Wars of Religion, provincial authority rapidly deteriorated. Again, the communities decided to strive for supralocal organisation proven to be successful in the 1540's. This time, the situation was more dangerous. War taxation, gens de guerre and brigands had done grave damage to the rural economy in Comminges. As in the 1540's the supralocal organisation of the peasantry only became possible under very unusual circumstances. In 1590, brigands formed the most acute problem. In combination with the passive resistance of tax refusal (the taille was not paid between 1591 and 1594) a police force of peasants was formed to combat brigands. The feuding religious factions were especially detested as both Protestants and Ligueurs abused the *tréves de labourage* for their own purposes.

The league at first was purely rural. However, in order to obtain access to the Etats of Muret it was necessary to find assistance from either the nobility or bourgeoisie since the rural population was not represented. Some noblemen in the Etats tried to incorporate the peasant force in the League but this was to little avail. Many noblemen joined the peasants as leaders in their resistance against gens de guerre. Yet on the political level the peasantry was well aware of the self-interest of the nobility. The one leader they chose to represent them was a merchant, Jean Désirat, who represented the moderate wing of the peasant movement.

The struggle between moderate and radical forces among the representatives of the villages within the *Ligue campanènes* paralysed their action. Even though collective action was taken on the basis of past experience - the villages of the 1590's had almost all already been involved in the 1540's - no decisive progress was visible. Under the prevailing circumstances the differences between radical peasants, who wanted a total refusal of payment of taxes and tithes and the moderates, who opted for a pro-league approach of tactical reconciliation, were too big to be overcome. This seriously hampered rural resistance and the establishment of noble control over the protest movement was only a matter of time. By 1595 the marquis de Villars had taken over control and the demands of the *Ligue campanènes* receded into the background. The gradual establishment of peace, later in the decade, broke the horizontal solidarity of the peasants.

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305 Y.-M. Bercé 1974-1, 291.
The Comminges case also illustrates the fragile nature of vertical solidarity. The leadership of noblemen was generally perceived as needed for organisational reasons. Moderate peasants wanted this for political reasons as well. Yet noblemen were not fully trusted and cooperation occurred only for tactical reasons. The fragility of the cooperation was realised by the royal officers charged with the expansion of central authority. In 1645 an intendant wrote to Seguier about the Comminges peasants:

"... j'ay si bien pratiqué le menu peuple que je l'ay divisé d'avec la noblesse et principaux habitants ... laquelle avec l'assistance du peuple ennemy de la noblesse, parce qu'elle lui fait payer la taille que la noblesse devrait porter... " 206

By the end of the 1590's the peasants in Comminges had learned the hard way that the Wars of Religion had changed their opportunities for successful collective action through supralocal organisation. From then on they relied again on the trusted action of isolated communities: tax refusal. Their unique attempt, twice in half a century, to obtain access to political institutions through sustained supralocal organisation had failed.

Escalated conflict in Gévaudan: les communautés unies du pays

During the Grands Jours of Nîmes, in 1666, two conseillers of the Parlement of Toulouse were ordered to investigate the situation in Gévaudan, a region in the North-East of the province where the power of the Parlement was negligible. On the scarce authority of arrêts and other Parlement orders in Gévaudan the following comment was made:

"... jusques icy de nui effect, ceux qui pourroient révéler, estens retenus par l'appréhension de leurs seigneurs et autres personnes qualifiées et intéressées, qui les intimident journellement et les menacent d'exercer en leur endroict toute sorte de mauvais traitemens et de les faire tuer; y avant mesme plusieurs curés et autres personnages ecclésiastiques qui, par ceste crainte, n'osent pas proceder à la publication dud. monitoir, ou qui le font pas se cognoissant coupables des crimes contenus en icelluy, à quoi il est important de remédier... "306

This was hardly new for an area where impotence of the provincial authority was continuous. A similar assessment of Gévaudan was made in 1541, well before the Wars of Religion, when an arrêt of the Toulouse Parlement referred to the crimes, port d'armes et violences in the region, further aggravated by the growth of the sectes lutheriennes307.

Gévaudan, like the Pyrenees, was an isolated region where political and religious dissent were frequent.
and where brigandism was a permanent problem during war as well as peace. The poverty of the region was notorious and it was a main source of migrant labour needed for the vineyards elsewhere in France. Together with the remote parts of Cévennes in the South and Vivarais in the North-East, Gévaudan formed a world of its own, with trade in wine and grains limited to these regions and little incorporation in a larger economy. Due to this economic geographical and psychological isolation Gévaudan was a refuge for Huguenots, brigands and political dissenters alike. As a consequence the rural population, thinly spread over the infertile region, had more than its share of violence and crime, even though the fiscal was easier.

A particular phenomenon of Gévaudan is the high degree of vertical solidarity due to the strong grip of noblemen over their peasants. There did not exist the degree of autonomy enjoyed by rural communities in the Pyrenees nor the awareness of the uses of judicial procedures of the communities of Western Languedoc. The peasants of Gévaudan were on their own and they could not count on assistance from provincial or royal authorities, or from the towns of Mende and Marvejols which were continuously threatened by violence and which suffered greatly during the Wars of Religion. Indebtedness and requests for the remission of taxes occurred here earlier than elsewhere in Languedoc. From the 1580’s onwards such requests recurred almost annually in the records of the Toulouse Parlement.

Another reason why Gévaudan often appears in official documents is the frequency of armed ‘leagues’ which roamed the countryside. These leagues may just have consisted of noble brigands but they were feared by the authorities. Here again it is striking that such leagues existed before the outbreak of civil war. The fear, expressed in an arrêt of 29 February 1580, was that these leagues attirant sous faute prétexta tes les sujets, pour les joindre à euxx et les aliéner et distraire é? t’obèyissancedu £cy. The level of violence in Gévaudan always had been high. The rural population, even with the assistance of the Etats, was often unable to convince the authorities to act against brigands. The case of brigand Bursec is a good example. He was condemned in 1549 by the Parlement but nothing was done against him because he had influential relatives in the Parlement. Five years later Parlement and the Etats still quarreled over this man, Etienne d’Olmières.

The reciprocal violence was usually localised and did not lead to supralocal organisation. It was brief violence of pillaging and killing by groups of brigands or sometimes peasants. Sustained, well organised resistance did not exist in the countryside. Tax refusal, religious dissent and self-defence against brigandism

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308 E. LeRoy Ladurie 1985:1,26-120.
310 ADH B 26-374*(16-4-1559).
311 ADHGB 81-359.
312 ADHGB 42-31 (11-4-1549).
were the prevailing manifestations of rural collective action. The troubles in Gévaudan, from the 1540's to
the 1680's were thus a mixture of defiance of provincial and royal authority by brigand nobles, Huguenot
action by nobles, peasants and townspeople alike and self-defence of rural communities against nobles and tax
collectors.

Supralocal peasant action always drew the immediate attention of the authorities. During this study
only two of such cases in Gévaudan proper have been discovered, which leads one to assume that such
manifestations were extremely rare.

The first one to be presented here is the case of La Roche Redonde. In January 1660 this village
leased land from the Hôtel-Dieu of Puy. This lease had been granted because the owner of adjacent property,
the brigand noble Balthasar de Langlade, had been pestering the clergy and stealing the harvest ever since he
owned his land. Inevitably the peasants of La Roche clashed with Langlade. The village went to the Toulouse
Parlement which issued an order to arrest Langlade after an inquiry had confirmed its claim. Twenty days
after this arrêt, three neighbouring villages also filed a complaint against Langlade as well as against other
brigand nobles. Their optimism was unjustified. Langlade took recourse to a legal trick: he filed a complaint
with the sénéchal of Riom under the jurisdiction of the Paris Parlement. This did not help him, as he was
condemned in absentia to 6 years in the galleys and a fine of 3000 livres (13 July 1660). Meanwhile, the
case had attracted the attention of the governor of Languedoc. Langlade had managed to obtain the lease from
Hôtel-Dieu to which the community of La Roche reacted with the filing of a complaint in Riom! Now the case
was put in the hands of the governor who organised a hearing in 1661 in Puy. Even though the peasants won
the case they did not recover the lease. To solve the complicated lease issue it was decided to have a public
auction. This session was disturbed by Langlade’s men and the governor now leased the land to the brigand’s
brother. In turn the peasants of La Roche went to court again but after several years this was blocked because
of struggles over competence between the Parlement of Paris and Toulouse. Even with the support of the
governor and the legal institutions and with concerted action of various communities it proved impossible to
obtain justice against brigands in Gévaudan.

The second case of supralocal actions relates to the border area between Gévaudan and Cévennes at the
beginning of the 17th century. There the notorious Gabriac brothers were prosecuted for assassinats,
incendies, actes d’hostilité, pillages à main armée in 1609.  

313 D. DeVie & D. Vaissète, 1876, Xiii: 397-399. 
314 AN E 22-268° (30-6-1609).
The arrêts of the Chambre du Roi and the Toulouse Parlement had little effect although the punishment increased. By 1617 the brothers and their accomplices had been condemned to death while the destruction of their castles was also ordered. It was in view of the obvious impotence of the authorities that a group of villages in lower Gévaudan decided to get together and to try to capture the brothers. For this purpose two of the syndics, Pierre Pagès and Autoine Rampon of the communautés voisines interessées approached the Etats of Languedoc with a request for financial support. On 31 January 1618 the Etats ruled that no support could be given, but that the royal authorities had to be addressed. Furthermore, the governor of Languedoc was asked to faire cesser les Assemblées que font lèsd. communautés pour les inconvénients qu’en peuvent arriver.315

The approach of the rural communities was well organised. After having waited for many years they decided to act on their own and to try to execute the arrêts against the brigands. After several gatherings their representatives asked for financial support. At that stage the principle of their supralocal self-defence was not questioned. Their intended action against the noble brigands was not seen as a rebellion although the supralocal organisation caused some worry. The basic problem was financial support.

By the end of 1618 the initiative of the peasants had proven to be successful. On 28 November it was reported in the Etats that with the assistance of the communautés unies du pays one of the brothers had been captured and the castle of St. Julien destroyed.316 The next day the documents of evidence for the expenses made by the united communities were studied. The requests were refused and at the same time stronger criticism was voiced of the supralocal organisation. The royal officers were asked de ne permettre et souffrir telles et semblables unions.317 Now the tension in the countryside had been defused, collective action of the peasantry was seen with considerably greater worry in the Etats.318

As time passed the tide turned against the peasants. In 1624 the pays was even condemned to a fine to be paid to Claude Gabriac as a compensation for the destruction of his property. The Etats refused on the (incorrect) grounds that they had never spent money on the execution of the ordered destruction.319 They had allotted money for this in 1618 but they had never compensated the villages for the expenses made. De Gabriac continued his offensive as he approached the Parlement, the procureur du roi and later, in 1626, the

315 ADHG C 2296-25f.
316 ADHG C 2296-14f.
317 ADHG C 2296-146v (29-11-1618).
318 Such statements were also intended to please the representatives of the King. The Parlement issued regularly arrêts in which all types of assemblies were forbidden because they incited ... le peuple à la rebellion et au rélus de l'impôt... (ADHG B 360-350 (22-2-1617)). The negative attitude towards this particular assembly may very well have been a routine one in view of its marginal importance in the report to the Etats.
319 ADHG C 2299 (May 1624).
Crown. By then this offensive had been resisted in the traditional fashion; by means of a cahier de doléances. Once again the limits of success had been shown. The strength of noble brigands was not to be underestimated. However, the Gabric case also showed the usefulness of supralocal organisation. At least it provoked the provincial authorities to rapid action after a decade of indolence. This action may have been inspired by suspicion but at least the aim of the united rural communities, action against the brigands, was achieved.

Escalated conflict in Vivarais: Le Vivarais en masse, sans exception de religion.320

Yivarais was a region in Languedoc with a considerable degree of autonomy as it was located on the periphery of the province. Economically and politically, even more than Gévaudan, it was susceptible to the dangers of economic mishaps and the miseries of war and brigandism. Its political structure was unusual with Etats in which only the nobility and the towns were represented. Feudal political relations, the source of vertical solidarity, played an important role well into the 17th century. The subsistence economy with a relatively low degree of monetisation was a major cause for the different degrees of resentment against seigneurial dues and the fisc. Even though the nobility was practically unchecked in its exactions no strong anti-seigneurial sentiments seem to have developed in the countryside as opposed to strong anti-fiscal movements incited by scarcity of currency, its devaluation and, not least, the heavy burden of war taxation.

The Rhône was not only the border of Languedoc, often it was a border between taille systems, provincial administration and economic activity as well. As a border region, Yivarais had strategic importance during the Hundred Years’ War and afterwards. The region was familiar with war, extraordinary taxes and brigandism.

This had caused the development of strong rural communities and a strong sense of peasant solidarity. In adjacent Dauphiné the value of collective action and awareness of problems beyond the community had been recognised in the mid-16th century as institutional changes with regard to tax systems, land possession and war taxation took place. In the face of this rapid change only supralocal resistance was possible and some success was achieved, although the bloodbath after the Romans Carnival showed its limits.321

In Vivarais community organisation had originated during the Hundred Years’ War. As elsewhere in France peasant militias had been formed in order to obtain some degree of protection. This experience of self

defence proved to be useful in the 1570's when the Wars of Religion divided the Vivarais nobility and towns while paralysing the provincial institutions and judiciary.

The Reformation entered Languedoc through Vivarais and left its traces. By the 1560's many towns opted for the Reformation although support from the nobility or the peasantry was less frequent. For political reasons noblemen sometimes switched sides and religious affiliation, revealing the true nature of the Wars of Religion. Among the peasantry religion never became an issue during the wars; solidarity against brigandism, gens de guerre and war taxation prevailed. To a certain degree the small towns sided with the rural population. This occurred mostly during the 1570's when war and brigandism hit Vivarais hardest. It was also during this decade that escalated rural conflict took place in Vivarais with a surprising degree of supralocal organisation and political finesse. This rural resistance, although only scarcely recorded, deserves at least the same degree of attention as the Vivarais revolt of 1670 or the Carnival of Romans. In this section the rural protest of 1575-1580 will be dealt with as an example of escalated conflict with a small excursion to 1670.

The failure of the harvest of 1575 in Vivarais came at a time when debasement of the coin, war taxation and the fiscal crisis had disrupted the rural economy as much as the provincial administration. The financial management of the war (in Catholic as well as Huguenot institutions) was rapidly getting out of hand and the provincial governors had no choice but to resort to ad hoc maintenance of garrisons through extraordinary taxes. As this did not suffice many of these garrisons took to pillaging the countryside, unhindered by the regional nobility or officials of the province. Religion played no role here. Most units of brigands consisted of both Huguenots and Catholics or were at least employed by both parties. Their tactics, like the kidnapping of the better off peasants for ransom, indicate that no wealth was found anymore in the Vivarais villages.

It is in these circumstances of protracted war, economic disaster and monetary and governmental disarray that the inhabitants of some villages in South West Vivarais decided to organise. In the summer of 1575 representatives of several villages formed a syndicat near Largentière with the purpose of coordinating resistance and tax refusal. The timing suggests preventive action against brigands and tax collectors, the hated visitors in autumn. This action provoked the attention of the authorities and its purpose was understood. The political leaders of the parties agreed upon a trêve de labourage in 1576. But the decisions of the leadership hardly influenced the behaviour of the garrisons which were expected to supply

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themselves. Thus, the violence in the countryside continued, with a considerable degree of unpunished refusal of payment of taxes, tithes and even seigneurial dues.

This success inspired other communities to follow in the summer of 1577 in the wake of renewed war. Near Sablières six villages cooperated and drove away the troops of a garrison. Elsewhere 22 villages formed a league. The provincial authorities understood the causes of the revolt but they did not know for what to do. A suggested reduction of the number of troops quartered in the region was dismissed by the military. The only possibility which could be realised was a new truce, a combined effort of both Catholic and Huguenot leaders. This cooperation was clearly stimulated by the fear of an estât populaire over which the province would have lost de facto control. When, early 1578, unrest occurred also in rural Dauphiné while in Vivarsais resistance against troops and tax collectors continued, the Etats convened in joint Catholic-Huguenot sessions. It was agreed to request a remission of two years' taille (granted in the autumn by Henri III) and to institute a special tribunal to investigate war crimes. This never happened and during 1578 tax refusal and supralocal coordination of rural resistance continued.

Then in February 1579, a certain Jean Rouvière, self-proclaimed procureur des suppliants du tiers état, presented himself as leader of all the Vivarsais peasants and presented the authorities with a document with very detailed grievances and requests. Among the latter were: (i) the investigation of corruption in provincial administration and bookkeeping of debts, (ii) the establishment of an effective police force and a syndic comun du plet pays for combatting brigandism, (iii) the establishment of a special tribunal which had to deal with these problems, (iv) a reform of the judiciary in order to make it better suited for controlling crimes of the military and their (noble) accomplices.

These requests, well prepared and reasonable in the circumstances, reveal the cause of the grievances of the peasantry, the impotence of provincial institutions in the face of war, war taxation and brigandism. Within a month Henri III replied with some favourable concessions although no institutional changes were promised. Later in 1579, a royal pardon was issued. However, in the countryside organised self-defence continued as well as the violence of the brigands.

In August 1579 the Etats invited Rouvière and three other representatives of the peasants to come to their session in Anonnay. Investigations into crimes were promised and a request for a new delay of taxes was

325 ibid., p.10.
326 ibid., p.11.
327 ibid., p.15.
issued, supported by the Queen Mother who was touring the region. In November Rouvière chose a unique tactic for the pacification of the countryside. Balancing between the peasants who feared warlords who wanted their support and the authorities who were under pressure from the count of Joyeuse to engage in bloody repression, Rouvière suggested sessions of reconciliation.

Representatives of the still active peasant leagues and of the regional nobility and provincial officials met in the early months of 1580. There solemn oaths were sworn: the peasants promised to start paying all their dues and taxes again as soon as peace was established effectively. Also, they offered to put their militias under the command of the provincial authorities. New sessions of the peasant assemblies seem to have met in the spring of 1580, with representatives of the nobility and the province present.

This formed the climax of rural collective action in Vivarais in the 15th century. Under the particular circumstances of civil war and provincial impotence, peasant leagues had gained recognition from the authorities and their militias were de facto part of the otherwise nearly absent executive branch of government.

The grievances of the peasants were directed against the burden of war taxation, brigandism and war in a period when the provincial institutions were next to impotent. Although the leagues were feared as rebellious, the leadership in the region immediately recognised the limited aims of the rural population and cooperated to a certain degree. The coordination and leadership of Rouvière transformed supralocal peasant protest into "a kind of spontaneous judicial process" created to deal with the burden of pillaging soldiers.

In the long run the success of the Vivarais peasants was limited. War and brigandism burdened the region for a long time. However, the manifestation of peasant protest in the 1570's had shown that something could be done, given the right leadership and opportunities. But Vivarais remained poor and isolated and its population never again found such strong willingness of the authorities nor so inspired a leader and advocate. Once again tax refusal became the routine form of resistance.

Finally a note on the Vivarais revolt of 1670. From the statements in the Etats of 1669 and 1670 and from subsequent studies the aspect of the fiscal overburdening of an impoverished province has become very clear. It seems wrong to ascribe the 1670 revolt purely to antifiscal sentiments. The language of the protest may have been anti-fiscal but the causes were more complex. It seems that at least two other aspects have to be taken into account: military brigandism and economic deterioration.

328 Ibid., p.19.
329 Ibid., p. 23.
330 Ibid., p. 27.
331 ADHG C 2316 (29-3-1669); E. LeRoy Ladurie 1985:1,6C7-611.
After an attack on a gabelleur in 1668 the King had sent Swiss troops to Vivarais. These dragoons misbehaved and were a great burden to the whole region. In the words of the archbishop of Toulouse, who reported to the King: ..., ces communautés qui se trouvent dans une actuelle souffrance pour un crime dans lequel elles n'ont aucune part.\footnote{ADHG C 2316-160f (29-3-1669)} After the revolt of Roure support for the rural population continued and the 1670 revolt was related to this. In a recently discovered manuscript of the mémoires of the Count d'Aligny, one of the first actions of the revolt in 1670 is called the assault of the castle of Aubenas ... où nous avions des Suisses.\footnote{J. Bouvier 1983: 181.}

Furthermore, a direct motive may have been other than rumours over an increase of taxes or the introduction of the capitation, the detested personal tax. According to the mémoires the Grand Maître des Postes in Vivarais had not only increased postage rates - of little concern to the average peasant - but he also tried to establish a monopoly over the horses to be used for transport in the region. This would have meant that an important source of extra income for the middle class of horse-owning peasants would disappear. Thus, very real grievances were already existent when the rumours over the capitation entered Vivarais. The following revolt was by no means a sudden fury.

**Escalation of rural conflict in the Cévennes: economic marginalisation and religious dissent.**

... cette guerre civile ... rend compte ... des traits originaux de la société qui l'a vu naître...\footnote{E. LeRoy Ladurie 1985:1,629.}

Rural society in the Cévennes in the 17th century was strongly influenced by its physical condition and its geographical location. Already in the Middle Ages the region had a vulnerable economy, balancing between abandonment comparable to the German Wüstungen, and overpopulation. The limited resources of the region did not allow for coping with sustained growth.

Migration and transhumance supplemented the peasant economy and hence this isolated region developed many contacts with the towns towards the South East and its inhabitants were therefore in touch with the flow of people, goods and ideas between Languedoc and the Lyonnais.

A peculiar mixture of circumstances influenced the development of social relations in rural Cévennes. The poverty of the economy stimulated the development of very restricted structures of inheritance.\footnote{A. Collomp in H. Mediack & D.W. Sabeau (eds.)1984: 145-170.} On the basis of the extended households common in the Midi a strengthening of the authority of the father vis-à-vis...
vis the rest of the household can be seen. As the daughters left the household upon marriage they were excluded from inheritance. Consequently the scarce resources remained concentrated in the extended household of parents and (married) sons. The next step in order to optimise the use of resources was the system of frèreche, under which the sons agreed to share all the wealth they accumulated. Such a system strengthened the role of the father while also creating latent conflict within the family. Only after the long period of economic growth in the first half of the 16th century did the frèreche system become rare but its social and psychological consequences were felt well into the 18th century.336

The economic expansion of the early 16th century partially relieved the Cévennes from isolation. The growth of the population forced many peasants into other activities, part-time or full time. This established a strong link between towns and countryside, although the latter hardly functioned as an economic hinterland. Many of these paysan-ouvriers worked in mines, mills, silk- and cloth-factories, fabrication of wooden products and tanneries. Most of this industry was based on rural products and formed an intermediary between the development of the Cévennes and the economy at large. During the first decades of the 16th century the Cévennes lagged behind other parts of France in economic development and faced tough competition. It was during these years, from 1527 onwards, that the Calvinist ideology entered the region.337

The rapid spread of Calvinism in the countryside cannot but be contributed to the presence of the peasant-artisans who had been acquainted with the new ideology in the towns whereas they also knew the precarious nature of their jobs.338 The economic expansion of the Cévennes after 1550 was essentially an expansion of urban Huguenot enterprise. The new religion in its turn, influenced the social and economic developments.

A good example is the production of silk. Soon after its start in the early 1540’s the industry faced problems of competition. The entrepreneurs, almost exclusively Huguenot bourgeois, tried to enhance their competitiveness by offering sharecropping contracts (metayage) to the peasants which were very unfavourable.339 What the artisans, the lower class in the countryside had brought to their villages did not turn out to be positive. As elsewhere the Calvinist religion in the Cévennes insisted on tithes as well. The landed peasantry was quick to interpret the Reformation in its favour.

An immediate consequence of the intrusion of Calvinism in the countryside was enhanced social

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339 Ibid., p.438.
The logical persons to exert this control were the pères de famille. Often the labourers and servants in a household were forced to adhere to the new religion as they were threatened with cuts in salaries. Social control was extended from the family itself to economic units in the countryside. Rapidly the economic and social status of the 'non-housed' deteriorated. In the first half of the 17th century a process of social differentiation took place without precedent within the rural communities. In the Cévennes the orthodox interpretation of Calvinism, adhered to from the very beginning, was dominant. The new religion became the pure and sole faith, infinitely superior to Catholicism which had tolerated superstition and hypocrisy. Yet it also sanctioned rapid social change.

The intrusion of the central Catholic state further complicated the social and economic development of the rural Cévennes. In the 1620's a decade of war as a consequence of the duke of Rohan's campaign caused grave damage. This was followed a period of peace and relative prosperity which lasted until the early 1680's. In this period the social differentiation - enhanced by the already threatened and hence more orthodox Calvinism - proceeded most rapidly. The countryside became the bearer of the heterodox faith, relatively unharmed by repression. In the urban revolts of the 1640's it was the peasants who came to town and incited the urban artisans - in contrast to the 1540's.342

When the crisis of the last quarter of the 17th century arrived, the Huguenots were hit hardest. Not only did the remote, Huguenot rural areas suffer badly, so did the silk industry which was dominated by Huguenots.343 This economic crisis developed as pressure on the Protestant minority increased. The timing of the Revocation of the edict of Nantes (1685) could not have been worse: the all pervasive religion, so important in times of crisis, was now repressed fiercely. In the words of LeRoy Ladurie a sudden process of "déculturation" took place.

The rural conflict in the Cévennes between 1686 and 1715 had two faces, reflecting the social differentiation in the countryside and the changing relationship between the state and rural communities. The economic marginalisation of large groups of society had tremendous effects after the Revocation. Contrary to Upper Austria where the rural upper class was the first in rising in protest against the intruding state, in the Cévennes the rural poor took the initiative. No noble or bourgeois leadership was formed. The leaders

340 In Germany a similar case is described for Protestant Hohenlohe, T. Robisheaux 1981:281-300. For Austria: H. Rebel 1983.
342 ibid., p.497.
343 ibid., p.530, 440.
were often only half-literate preachers as ministers had been chased away. Their ideology was not only
directed against the new measures or economic hardship but also against the decadent order of Catholic society
itself. This hardship, it was argued, was only an introduction to total renewal of life on earth.

Prophecies, Messianism and the advent of an empire which would last for thousand years drove the
rural poor, especially women and children, to extasy. A new Messias was expected in the person of the Prince
of Orange.344 Yet his Glorious Revolution took place in England and not in Languedoc. As children and prophets
had convulsions and spoke in strange tongues (the French of the Church instead of the local language?)
repression started. The leaders, like Thomas Müntzer in 1525, assured their followers that they were
inivulnerable and that bullets could not hurt them.345 They did, and in the 1690’s order seemed to have been
restored in the Cévennes.

As the international situation made new war taxes inevitable, rural conflict returned to the Cévennes,
but now in a distinctly different form. Even though some degree of Messianism occurred as well, religion was
not the main issue: it was simply the form given to the protest. In the early phase of the war of the Camisard
protest against taxation more than religion was the issue at stake. Attempts were made to engage both Catholic
(or politique) and Huguenot peasants, and tax refusal was widespread. In 1703 about 70% of the capitation
in Languedoc was not paid.346 However, it was not possible to create a broad coalition against the state. The
Camisard movement spread rapidly but was soon marginalised. No bourgeois or noble support occurred and
soon the movement was back to the situation of the 1680’s.

The complexity of the Camisard resistance is perhaps best illustrated by one of its leaders, Jean
Cavalier. When active, he had convulsions and acted as a prophet - which he denied in his memoires in which
he pretended to have defended the independence of the people, provincial institutions and religious freedom. He
was also perceived as the defender of betrayed sons against guilty fathers.347 The Camisard movement
retained the desperateness of the protest of the 1680’s: economically and culturally marginalised and
politically impotent, the rural lower classes revolted against the repressive state which threatened their
religious convictions. In a time of economic hardship and social marginalisation in rural households the
weakest were in a hopeless position. Yet the causes were not forgotten: the state, religion and the patriarchic
family structure.

346 Ibid., p. 627.
347 Ibid., p. 622-623.
Rural resistance under these circumstances was no longer the resistance of communities against the fisc, seigneurs or brigands. It was the desperate resistance of impoverished artisans and the poor peasants and labourers against a military, religiously and economically hostile state surrounding it.

The tradition of resistance did not die. The masked men of 1783 were comparable to those of the 1560's.\textsuperscript{348} The homme à moustache of the 1820's was a classical bandit in the positive sense - paying for his food and board when travelling from one community to the next.\textsuperscript{349} And the Maquis of the Second World War still referred to the Camisards. Their fate deserves further attention.\textsuperscript{350} They exemplify not only the lower class in rural Cévennes, who were victims of a religious ideology which they themselves had helped introduce.

\textsuperscript{348} N. Castan 1976.
\textsuperscript{349} G. Lewis 1965: 146.
\textsuperscript{350} H. Bosco (1965) has approached the Camisard history from the viewpoint of Languedoc autonomy, stressing their fight against centralism.
Chapter 5

Conclusion.

The various manifestations of rural conflict in Languedoc: patterns of resistance.

The differences between a court case before the Toulouse Parlement over rights to woodlands on the one hand and the revolt of the Messianic Camisards on the other seem huge. Over a period of two centuries Languedoc and its peasants underwent tremendous changes. The proud semi-autonomous Languedoc of the early 16th century was reduced to a loyal province in the 1630's. Its independent Parlement never overcame the disarray of the Wars of Religion. The system of intendants introduced in the first years of the 17th century took over a large part of the executive and the system of parallel royal officers for many provincial fonctionnaires was very successful. Between the 1570's when many offices were introduced and the 1620's royal officers and royal courts had established themselves definitively in the province.

The gradual intrusion of the state, through increasing taxation, legislation, the introduction of new offices and intendants formed a permanent feature of our period of research. In Languedoc this process was just about completed in the 1640's. From then on the definitive solidarity between the provincial elite and royal officers developed further and was strengthened through intermarriage and parallel interests. This strengthening of the ruling class had a precedent, at least when viewed from 'below'.

In the second half of the 16th century the process of integration between the urban elite (often the members of the Parlement and the judiciary in general) and the landed nobility started. At first there was competition between the impoverishing nobility and the well-to-do but non-noble bourgeoisie. The issues at stake were land, noble titles and - above all - social prestige. The rural communities initially benefited from this tension since many members of the judiciary were inclined to take an anti-noble, hence pro-peasant stand. This changed rapidly as the Wars of Religion started. Due to these Wars the peasantry was unable to invest the accumulated wealth of the prosperous first half of the 16th century through the acquisition of land. Instead, bourgeois came to the countryside trying to acquire land and noble titles as this was seen as the fastest road to taille exemption. Formally the annoblissement of land was forbidden but the many conflicts over this issue betray the frequency of the attempts.

The gradual decay of the rural economy after 1560 coincided with devastating civil wars. These decades witnessed the first wave of social and economic differentiation in rural communities in Languedoc.

352 H. Hauser 1933:261.
Partitioning of land and decreasing wages of labourers were normal in regions saved from the worst excesses of war. Elsewhere, especially in Eastern Languedoc, indebtedness and the growth of a nearly landless rural lower class began in the late 16th century. The last fifteen years of the century were especially difficult and forced sales of land were frequent, accentuating the speeding up of social differentiation in the countryside.

The Wars of Religion only made matters worse. Extraordinary taxation became hardly bearable as troops roamed the countryside. Where the provincial authority disappeared warlords of either party or religion took over the collection of taxes and tithes. For many noblemen and officers conversion to Protestantism proved to be financially profitable especially in the remote regions of the province where punishment was unlikely.

In the 17th century some degree of peace was established and the rural economy recovered. In some regions the economic expansion was very fast whereas elsewhere it lagged behind: Languedoc also provides evidence for Gutman's thesis of the relationship between the type of rural economy and the impact of war.

The weakening solidarity in rural communities due to the rapid progress of social differentiation was halted by new external developments after 1610. New taxation, above all the gabelle, threatened Languedoc. This once again united the peasants, who au seul nom de gabelle... semblent estre hors d'eux memes... Yet the state had become too strong and resistance against the royal fisc was to no avail. Times had changed.

In the aftermath of the civil wars two more structural changes strained the social fabric of rural Languedoc. The semi-permanent brigandism, either in war or peace, was not only a burden to the peasantry but also changed their attitude towards the nobility and the state. Protection by noblemen was only to be expected in cases of higher taxes since these potentially threatened seigneurial revenues. In all other cases, feudal solidarity faded away quickly. The peasants of the 17th century had to rely on themselves and their institutions. Furthermore, annoblissement and the acquisition of noble titles caused strong resentment: former officers in the army, laboureurs and tax officers managed to acquire noble titles. Their feeling for the needs of their maistre was minimal.

354 ibid., p.353.
The successful intrusion of the state manifested itself in Languedoc stronger than elsewhere in the field of religion. The province was saved from the huge tax increases in the 1630's and 1640's but received religious repression instead.\(^{360}\) The process of suppression of the Huguenots only strengthened the ongoing social changes.

The Counterreformation and its stress on rebuilding of consensus dissuaded rural communities from starting legal proceedings. When this became noticeable in the countryside the limits of the judicial process had already been discovered. The Wars of Religion had shown the problems of accessibility and functioning of the courts. The courts had become less efficient due to royal officers' interference and - increasingly - bureaucratic procedures. The shared interests between the judiciary and the landed elite made it less attractive to go to court.

The repression stressed the effects of social differentiation in the countryside. The better-off peasants, the coqs de paroisse, often chose the easy way out by becoming politiques - reconverted out of calculation. This left the poorer peasants and landless labourers in the hands of prophets whose visions betrayed the hopelessness of their prospects in society. Languedoc in the early 18th century had become a society in which people either knew their place or were shown their place by force. The establishment had incorporated first the military, then the provincial elite and the nobility and finally the rural elite. Languedoc was to become the tranquil and prosperous province of the later Ancien Régime, a wealthy province with a quiet yet large rural lower class of landless labourers.

Against this background of gradual and sometimes rapid change in Languedoc the various manifestations of rural conflict must be analysed. How were issues, organisation of protest and the tactics of conflict escalation influenced by these dramatic changes?

**Did the issues at stake in rural conflict change?**

Rural protest in Languedoc had many faces. It was not simply the widespread refusal of tithes in the 1560's or the collective action against the fisc in the 17th century. Nor was it simply desperate self-defence against brigands or the dragonnades which were instituted to repress the Huguenots. The resistance from the Camisards and other Huguenots did not consist solely of hysteric convulsions and prophecies. The Camisards waged a guerilla war against the enemy, the state of France - Babylon in their eyes. This required measures which were not very different from the self-defence a century earlier, when the Wars of Religion had threatened rural communities in Languedoc. It is the protest against the fisc and religious repression which

springs to mind. However, conflicts over woods and pasture continued as well. It is the despair for which the Camisards are known, but it was organisation and inventiveness which kept them going for almost a generation. Was there, from the point of view of rural Huguenot communities, such a difference between the brigands of the 1590's and the dragonnades of the 1690's? Arguably not. The hiding of stocks, the disassembling of mills to save them from destruction, 361 flight into the inaccessible woods of the Cévennes were all recurring manifestations of resistance, indications of the all-encompassing issue in Languedoc: self-defence of rural communities.

Through the records of the Toulouse Parlement and the reports of fiscal officers and intendants one is able to analyse the extraordinary broad scala of issues at stake in rural conflict in Languedoc. Almost all were collective ones which engaged communities or even whole regions. But, increasingly, there were exceptions. Within communities conflicts occurred between individual families over land or the level of taille to be paid or over the status of land with regard to its potential exemption from tax as terre noble. The social differentiation within rural communities often led to tensions as rich peasants leased land from noble landowners and therefore claimed exemption from the taille.362 In these attempts they often secured the support of the noble landowner who was obviously only interested in his own revenues. In general conflict issues were collective ones, not the least because the assiette, the division of the taille went per community, leaving it to the village organisation to divide it further.

As in Germany the issues in Languedoc were the issues of the middle peasants and certainly not of the rural poor. They wanted to be left in peace as much as possible with access to markets, stable currency and the lowest possible dues and taxes: the request of all peasant households to produce beyond the subsistence level. In Languedoc this meant first of all resistance against increases of dues. In particular the tithes and their level were detested. They were higher than elsewhere in France and they failed to have the essential element of quid pro quo, the reciprocity which legitimised the payment of rent and seigneurial dues.

The rapid social change and the effects of the civil wars undermined the relationship between lords and peasants. The refusal of payment of dues and land rent was the most serious breach of this social contract. Recourse to this was rare but when it happened it was not simply out of poverty but also as an indication that the lords had failed in their main duty: the protection of their vassals against outside violence and injustice. The Yivarais case illustrates the political use of refusal of dues in the 1570's. 363

361 P. Joutard (ed.) 1965: 89.
363 supra, chapter 4.
After it had become obvious that Huguenots demanded tithes as strictly as the Catholic clergy, tithe refusal gradually disappeared. Its place as a dominant issue in rural conflict was first taken by resistance against brigands.

War and brigandism brought rural communities together and enhanced supralocal solidarity. The grievances of communities in this respect went unheard in Parlement, Etats or in other courts and there was no option but to organise the peasants in self-defence. Sometimes semi-permanent militias were formed, but more often resistance was ad hoc. The peace in the interior of France after the Fronde did not apply to the remote parts of Languedoc where brigandism and later religious repression forced rural communities to remain alert. There self defence remained the priority issue.

Resistance against the fisc was of a peculiar nature in Languedoc. On a regular basis between 1560 and the late 1620's war taxes were exacted which were a tremendous burden. The taille was not a major issue due to its system of distribution in this pays d'Etat and also due to the 1632 Edict which caused taxes to rise at first, but which saved Languedoc from the big tax hikes of the late 1630's and the 1640's by which the rest of France was hit.

The gabelle and other indirect taxes were another matter. When it was Languedoc's turn to be hit by these, protest was no less fierce than elsewhere in the Western provinces.

Hence, different issues were at the center of the stage in different periods. Tithes, war taxes, the burden of brigandism, the intrusion of the state through new taxes and religious repression were the changing faces of conflict issues in rural Languedoc. The core, defence of the interests of landed peasants and their community organisation, remained unchanged.

The organisation of rural resistance.

In the preceding sections many forms of the organisation of rural resistance or conflict manifestation have been shown. The most common one was the rural community led by its syndic or by another respected peasant. Outsiders were often chosen as organisers and leaders. In cases of self defence against brigands little was to be expected from the seigneur, but in case of protest against tithes or new taxes the noble lord was a natural choice. From outside the rural community two types of leaders were usually recruited: merchants and lawyers. They were perhaps not always fully trusted but their knowledge and capacities were recognised. The role of the Catholic clergy is more limited and often restricted to the organisation of anti-fiscal protest. In most parts of Languedoc the clergy was considerably more loyal than elsewhere in France in view of the religious tension in this heretical province. Their presence and activities were more controlled than in
Germany. However, in mountainous areas the clergy frequently sided with their flock, conscious of the legitimacy of their grievances. Huguenot ministers, protestants by definition, were tremendous leaders inspired by the Bible and effective due to the high degree of authoritarianism in the Calvinist communities.

The rural lower classes only furnished leaders in the Camisard period, after the ministers had fled. Then the landed peasants realised that their interests were best served by giving in to the demand of recatholisation. It was the fathers of the large households, the middle peasants, who formed the backbone of rural collective action. And when they were pacified during and after the Wars of Religion their sons took over, often following dissident noblemen, or organised in rural youth groups like those before the Carnival of Romans. Nevertheless, the fathers were responsible towards the authorities and they were consistently held responsible for the behaviour of members of their household.

The degree of organisation depended strongly on the issues at stake. An inter-village conflict involved opposing community-leaders or perhaps individuals. Grievances over tithes involved all, over the distribution of the taille only groups of communities, acting together.

Brigandism was the main cause for supralocal organisation as self-defence required intelligence, planning and the support of many. Besides, all communities were at risk, as opposed to conflicts over the taille where the successful protest of one community meant the increase of the tax burden for the others.

It was resistance against brigands and the garrisons which tried to exact war taxes which required the highest degree of organisation. There, sustained protest was made possible through semi-permanent peasant militias, a degree of organisation only rarely reached in South West Germany.

With two main objectives in mind, redress of grievances and self-defence, two roads were open to rural communities in early modern Languedoc: the judicial procedures and self-help. Even though virtually all attempts at settlement of conflicts started in courts, known to be accessible and reasonably fair to rural plaintiffs, results in serious cases had to come from self-help. No court was effective against brigands or the exaction of war-taxes and the royal courts invariably sided with the new measures of the executive to introduce the gabelle and other taxes. With these issues there was no deliberation possible over the question how to optimise result with minimal risk. However moderate, reasonable and justified grievances and protest may have been, often the external circumstances (war above all) made it totally impossible to have even the slightest chance of redress through the routine, peaceful judicial process.

The timing and occurrence of escalated rural conflict in Languedoc.
Even though the escalation of conflict into violence was extremely rare, escalation to lower levels of conflict beyond the institutionalised judicial process was not uncommon in Languedoc.

Almost all escalated conflict took the form of defensive action, be it against brigands, gabelleurs or gens de guerre. In those cases action was undertaken because the alternative seemed worse. It was not a blind fury nor despair that motivated communities to resist tax collectors or to attack castles where brigands had their quarters. These actions were a consequence of a realistic assessment of possibilities of redress of grievances. Many of the options were unrealistic as they took too much time (a court case) or were bound to be ineffective due to circumstances of war or force majeure of the provincial authorities.

Even though the judicial system of Languedoc was accessible to the most remote communities it did not always represent the right forum for conflict resolution. It did so, however, in the very large majority of cases of rural conflict. These cases are not considered to be revolts although the content sometimes was: the assault of a castle or violence against a noble lord. The success of the legal bodies of Languedoc in the resolution of conflict prevented its escalation in most cases.

The timing and occurrence of rural conflict escalation must be explained through the presence of extraordinary circumstances, either war, brigandism or the presence of strong leadership, new issues or the temporary absence of authority or forces normally used for the repression of rural collective action. These extraordinary circumstances are not simple events which can be isolated. They also include social differentiation, religious dissent and changes in values and attitudes.

Thus, rural conflict, the pattern of resistance, formed the foundation on which structural and extraordinary developments and events placed their weight to provide the preconditions for rural collective action at a particular moment.
1. Rural Conflict in a changing society.

The research topic of this study, as described in Part I (in particular its fifth section) has been approached for Germany and France separately. Yet, the conclusions of Part II and Part III show the many similarities which existed in the process of redress of grievances or escalations of conflict in rural Languedoc and South West Germany. Although the “national” structures and their consequences were distinctly different (taxation, war, interference of the authorities) the rural societies were to a large degree similar, as were the conditions of life and structures of rural settlement and communal organisation. Conflict issues were often identical or comparable: feudal dues, tithes, taxes, restrained access to markets and the absence of effective means of influencing political decision-making.

Protest, routine or escalated, shows a large degree of similarity as well. The rural communal organisation was the basis for collective action with all its inherent possibilities and limitations. Autonomous organisation was to a considerable degree influenced by peasant culture and its collective manifestations. Youth groups and church fairs carried the manifestation of protest, even if the formulation of issues was left to conspiring village elders, religiously inspired urban agitators or discontented noblemen. Whenever peasant protest was autonomous the issues at stake were of particular interest to the rural elite of landed peasants, the backbone of the village community.

Manifestations of protest occurred in various forms over the decades. Sometimes other sections than the peasant elite engaged in collective manifestations of protest. Yet the most frequent ones were always closely linked to the socially and politically dominant strata in rural society. In a rapidly changing world, peasant culture, and indeed popular culture, continued to dominate the ways in which protest and resistance were formulated. This accounts for the large degree of continuity and the many similarities between French and German rural protest.

In order to analyse manifestations of rural conflict micro- and macro-levels using anthropological and historical analysis have been chosen to explain the occurrence, timing and form of rural protest manifestation. This broad approach has proven to be useful in reaching the conclusions of the parts dedicated to Germany and France. In the following section the anthropological and historical perspectives which have served as a guide in the detailed analysis of the preceding pages will be briefly recalled.

A short excursion to rural Castile and Holland will serve as an example of how much work still has to
be done on the rural history of these European regions. The questions raised may perhaps best be answered in using the approach chosen in this study for South West Germany and Languedoc. At least, it will be worth trying.

1.1 An anthropological perspective.

"It is difficult to imagine the moral assumptions of another society and culture. It is especially difficult for us to conceive that there was a time and a place, within a smaller and more closely integrated community, where possession of a particular strip of land was central to a person’s whole sense of identity.”

(J.W. Knott 1984: 105)

The study of rural conflict in early modern Germany and France is as much a study of the fate of individuals, families and communities at a time when social structures were considered to be very dominant features in society as a study of rural conflict itself. The ‘given’ order, legitimised through the feudal ideology and the teachings of the Church, was supplemented by the moral perceptions of the rural population. The resulting normative order was not a fixed one, but one full of ambiguities and contradictions strongly influencing individual and in particular collective behaviour. For example, among anthropologists it is assumed that there is not necessarily a direct relationship between the conflict issue brought up in a manifestation and the real underlying one.

Manifestations always took similar forms, constituting a limited language of protest. This is not surprising if one assumes that over the years the interactions between a society and its people develop channels for voicing frequently occurring grievances and procedures for conflict resolution. Given the permanence of conflict, either over property, money, honour or social status, it is easy to understand that frequent conflict issues resulted in the establishment of institutions for redress of grievances or resolution of conflict. For a routine conflict there was always a ‘routine’ resolution, whose mechanisms, possibilities and limitations were known to all parties and individuals involved.

A French court case, German ritual pillaging of a castle or an exotic complex African ritual do not differ fundamentally. Hence, a legal anthropological perspective can contribute to our understanding of rural conflict as described in this study. It is, for example, not coincidental that the pragmatic distinction which has

3 As was stated in 1524: “...denn diewol sej um nichts anders appelliert werden, als um Eigenthum und Erbe und Ehrenverletzungen.” (J. Strickler (ed.) 1873: 437.)
been made in Part Two (conflicts between rural communities or within these; conflicts between peasants and
their lords; and conflicts between peasants and the state through taxation) follows the analytical distinction
between three general types of disputes: - those between parties of relative equality, - conflicts which cross
lines of stratification and - conflicts which arise out of the government of the ruler.4

Yet this study does not only deal with institutionalised forms of manifestation of protest ("routine
conflict"). It also deals with conflict escalation. Here, an anthropological approach can also contribute to our
understanding of manifestation of conflict. In a society the ruler, the central authority, is supposed to
maintain law and order effectively. Fighting, or even lesser forms of violence are disapproved of. In non-
European societies this general attitude is reflected in the importance given to procedures of mediation and the
development of rituals of conflict resolution.5 Where enforcement was difficult, such procedures became even
more fixed and ritualised. It can be stated that "where fighting does survive under strongly established central
government it is likely to be subject to close normative control, often taking on a ritual form, fighting in
stateless groups tends to be closely rule-governed also.6 The escalation then occurs where no mechanism for
institutionalised redress was present. Gluckman states for South East African manifestations of violence: ...
rebellious rituals may perhaps be confined to situations where strong tensions are aroused by conflict
between structural principles, which are not controlled in distinct secular institutions."7

Thus, escalation of rural conflict in early modern Europe should also be seen in the light of the
prevailing normative order and the limitations of routine conflict manifestation and resolution. Burke notes
for 17th century Naples: "Since aggression was ritualized, it was kept under control. Violence was largely
symbolic. Popular action was neither blind nor furious."8 The rituals of protest and resistance were
embedded in the popular culture and collective action in escalated conflict often relied on well known symbols
and forms of manifestation resembling experience from day to day life. The banners and slogans and the
supra-local organisation on the basis of youth groups or through market fairs or a Kirchweih were also
intended to make up for the lack of experience and the absence of a widely known language for voicing protest
in this fashion.

The interaction of a rational process of weighing grievances, opportunities for redress and risks in
doing so was strongly mixed with elements from popular culture. The result often led to behaviour which at

4 S. Roberts in J. Bossy(ed.) 1983:9
5 Mediation can also be seen as an intermediate procedure between autonomous social regulation and state
regulation (N. Castan in J. Borsy (ed.) 1983: 219-260.)
6 ibidem, p.10.
8 P. Burke 1983: 11.
first sight may seem ‘irrational’ or derived from a ‘blind fury’. The role of religion as a legitimising force may illustrate this.

The Reformation, and later the Counter-Reformation offered many opportunities to legitimise the manifestation of protest. Whereas in the early phase of the German Reformation communal identity and autonomy were stressed, later use of the same theological principles served only the interests of the landed peasantry and the authorities. The rural lower classes used another interpretation of the ideology of the Reformation as a galvanising force for their protest. Thomas Müntzer, the poor in Upper Austria and the Cévennes Huguenots all relied heavily upon the ideas of the Reformation. Yet, like the Jansenists in the 1730's in Paris, they had become isolated and marginalised, cut off from the dominant political culture. This resulted in sometimes ‘irrational’ hysterical convulsions, in Africa, Languedoc or Paris, suffered by “politically unsophisticated, inexperienced, and inarticulate people who basically lacked any conventional or approved forums of communication of their own and who were permitted few formal means of protest or opportunities of self-assertion.”

The appropriation of religion by the governing elite inevitably harmed those who opted for heterodoxy in a society where religion was all pervasive. This was valid for the French Crown as opposed to the Huguenots of the Cévennes, but it has also been seen as a possible explanation for a strange phenomenon described by Schär.

In sociological analysis rapid social change in various forms can account for the ‘anomie’ as explained by Durkheim in his work on suicide. In the 16th century the Kanton Zürich witnessed a growth in suicide in the countryside, instead of in the city. This has been explained by the fact that the Reformation had been adopted by the town council and imposed upon the countryside. Furthermore, only sons of town dwellers were allowed to become preachers. Thus, the rural religion was suppressed and no chance was given to men familiar with popular rural religion to accommodate the normative order in the countryside with the new ideology. Social and cultural disorientation in the countryside resulted perhaps in a higher rate of suicide.

Religion could have many uses in rural conflict. The main precondition was that there existed flexibility in the prevailing theological views. The dogmatic rigidity of the Counter-Reformation and

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9 Similarly, the Dutch open air Reformation services ('openbroden') were most frequent where and when central political authority was weak, and communal autonomy was revived. Restoration of order made them disappear rapidly. (P.M. Crew 1979.)
established Protestantism did not serve rural communities very much. In the early 16th century Protestant religion could be used in the manifestation of rural protest as it legitimised protest, united communities, provided a common programme and helped in its formulation. The Twelve Articles of 1525 are sufficient proof for this. In the absence of clear procedures and institutions for the redress of grievances religion contributed in various ways to the formulation of political protest, not least because it was a system of values shared between remote villages and the central authority.

When one takes a look at the role of religion in the development of France and Germany a distinct difference appears. It has been argued that diverse patterns of religious practices influenced people to understand personal rights differently in different regions. One could imagine a certain Lokalbhereit to develop in a rural society where local religion with many local saints and shrines was dominant. In the opposite case a development in religion which transcends local tradition facilitates the development of notions of central authority. The speculation that the success of the worship of Mary in France facilitated the expansion of central government in the late mediaeval period may be too far-fetched, not to mention Rothkrug's theory on the origins of the cultural differentiation between France and Germany. Nevertheless, the dominance of local religion in Southern Germany and Castile may very well have hampered the organisation of supra-local solidarity in the countryside.

Anthropology has traditionally studied small and often isolated communities and the influences of social and economic change through integration in a larger economic and political framework. As such, the anthropological perspective can serve the study of rural conflict in early modern Europe. It has not only contributed to the depth of historical analysis in general but also in the particular field of rural conflict. Only some aspects are mentioned here: the importance of a complex normative order in a changing society, the role of religion and popular culture and the importance of ritualised protest as a means of attempting redress of grievances with the lowest possible risk. One more aspect, although self-evident in this study, deserves to be mentioned. Anthropological case studies are virtually based upon the assumption of complex tensions and different interests within rural communities. Thus no generalisation like the peasantry, describing a socially homogeneous category or class will be made easily. Landed peasants may have cooperated with the landless labourers in resistance against the fisc or pillaging soldiers, but in times of peace they were well aware of

15 For Castile, see W.A. Christian 1981. Local religion even stimulated inter-village violence (Ibidem, p.113).
their own specific interests. Even in Tsarist Russia, where the division between an absentee lord and his peasants was tremendous, tactical cooperation of the richer peasants with lords occurred as a consequence of simple rational calculation. Such behaviour accounts for the various manifestations of rural conflict with its greatly differing issues, participation and opponents.

1.2 A historical perspective.

Social and cultural change may have modified the forms of manifest rural conflict, developments in the economic and political structures of France and Germany must also be taken into account.

In the general process of modernisation of rural society, so accurately described by Barrington Moore jr. as the story of "lord and peasant in the making of the modern world", the developing institutional framework of a central authority was an important feature. It provoked rapid social change, new opportunities for some and higher burdens for many. It caused new taxes, it changed the balance of power in the countryside through the introduction of royal jurisdiction and administration.

The process of modernisation took place in periods of varying growth and recession in the economy. The establishment of central power in France and of regional autonomous states in Germany continued as if the rural population was not involved. The Wars of Religion and the Thirty Years' War showed clearly where the rural population's place would be in the modern states to be constructed - at the bottom. Yet, in these mainly agricultural societies the regular production of a rural economic surplus was essential for the establishment of a central state. Even if royal officers did not want to acknowledge the political rights of peasants beyond their status as soldiers, tax payers and subjects (Untertanen, vassaux) some form of solution had to be found for the uncertain position of the peasant households. In the 16th century the feudal mutus obligation between lord and peasant rapidly eroded and was gradually replaced by increased protection of the state in the judicial sphere. The establishment of territorial courts in Germany where increasingly rural conflicts were settled coincided with the formalisation of the very limited political rights of the subjects. In Languedoc, provincial and royal institutions continued to give access to peasant plaintiffs and gradually the executive branch of royal government was able to support justified peasant claims.

The intermediate phase in between a relatively large degree of communal autonomy within a strong feudal framework and the centralised state with an effective executive was a difficult one for peasant

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communities in Languedoc and Southern Germany alike. In the national and international power struggles which were permanent in the timeframe of this study peasant communities inevitably suffered most, directly as well as indirectly.

In Germany, perhaps due to the trauma of the Peasant War of 1525, the nobility and the urban elites steered clear of supporting the peasant demands and protests against the territorial governments. Yet these did contribute to the institutional changes enabling rural communities to seek redress of grievances in fairly independent legal institutions.

In Languedoc, the growing influence of the Crown caused a decline of provincial autonomy, with royal intendants checking the functioning of the institutions of government and administration. In the period of transition, however, peasant communities had to rely on self defence and optimal use of their legal rights and autonomy. The restructuring of France from the reign of François I to Louis XIV caused peasant resistance against war taxation, gens de guerre, brigands and tax collectors. Very few accepted forms of resistance were available against such formidable opponents. Even where it existed, the authority of the Parlement or royal courts was often totally insufficient. Resort often had to be taken to communal and supra-local self-defence.

After the Fronde matters changed. Escalation of rural conflict almost disappeared with the firm establishment of central authority. Conflict issues changed as well. No longer was it possible to organise on a regional or provincial level because resistance against gens de guerre and new taxes was replaced by local issues. Resurgence of anti-feudal conflict issues not only meant a privatisation of rural conflict (with no government officers as a party in the conflict), it also meant the localisation of this conflict. The absence of "recognized avenues of political expression of participation" was mitigated by the general peace and economic development of rural Languedoc in the 18th century accentuating the presence of feudal obligations.

The present study has dealt almost exclusively with rural conflict in the period between 1500 and 1650. This was a period of transition in both Germany and France. It was also a period in which ruthless and increasingly powerful machines de l'estat were established. The rural communities survived, but not without sacrifices and not in the same form. Social differentiation in the villages, institutional changes and economic development had tremendously changed the outlook of the rural population. Landed peasants now wanted more than ever access to markets, hence they demanded lower feudal dues and effective protection against the increasing number of landless labourers in their villages. Inevitably this led to a change in the issues at stake.

in rural conflicts. However, the issues were still representative for the same group, the landed peasantry. Manifestations of conflict seemed to have changed less than the underlying issues. Even in the 1820's and early 1850's rural protest in Southern France was organised over issues like the right to hunt and access to woods. A village tambour was still used to attract people. Poorer peasants were still told to join by richer peasants whose participation legitimised the escalation - or at least minimised the risks.

Rural conflict had changed more than was realised by many participants. Industrialisation and the creation of truly national markets for the agricultural surplus rapidly erased the remnants of "feudalism" in France. The youth groups and secret societies developed, within the span of a generation, into political clubs and parties.

Political emancipation of the rural communities was not so quickly attained on German soil. Yet the Peasant War of 1525 did not exclude the peasantry from participation in the social developments in large parts of Germany. The rapid escalation of litigation, the Verrechtlichung sozialer Konflikte in Germany, was not confined to its Western parts. Also East of the Elbe judicial reform took place. Territorial princes resisted lords who tried to maintain their Gerichtsherrschaft. In those areas litigation was added to sabotage of the performance of obligations or the payment of dues and the temporary Landflucht. It was also here, according to recent case studies, that one finds a parallel to the escalating anti-feudal protest in late 13th century France.

On the basis of growing income resulting from structural higher prices and a large surplus Prussian peasants fought feudal obligations in court. This sudden (ritualised!) escalation shows how peasant communities optimally used their opportunities: from the income of the sold grain money was spent on apparently hopeless court cases. The richer peasants managed to transform labour dues into payments, but the poor followed in their own way through strikes and Landflucht. The whole system was under fundamental attack.

A similar phenomenon has been noted for France in the late Ancien Régime. In Prussia the growing price of wood stimulated exploitation of woods thereby increasing the wages of labourers. Landed peasants benefited from higher income in exchange for the rent of their horses (after long struggles against their lords who wanted to expand labour dues). In France, indebted communities in Burgundy sold off the woods in their possession at good prices thereby raising money owned by the communauté used for court cases when broadly

20 G. Lewis 1985: 147.
21 T. Margadant 1979: 152.
22 Ibidem, p. 335.
25 H. Wunder (1993:233) has called this strong demand for territorial judicial institutions a process of Territorialisierung von unten.
26 Ibidem, p. 84.
shared issues were at stake.27

I have attempted to place the body of my research presented here in a somewhat broader perspective, however sketchy the excursion into the 18th and 19th century might appear. This is to show how the results of my research fit into a larger historical perspective. I will now attempt another excursion, more in place than in time, to two regions with a reputation for an absence of peasant revolts or escalated rural conflict in general, Castile and the Netherlands. Were circumstances different in those places and if so, how did they differ?

1.3 Castile and the Netherlands: two outsiders?

The absence of rural revolt in Castile has been noted by many scholars.28 It has been called a “notable absence” for which various explanations have been sought.29 However, when Braudel discussed rural communities in Castile, he wrote: “Querelles, tensions, luttes de classe ne manquent jamais dans ces microcosmes agités, les incidents y sont tantôt dérisoires, tantôt tragiques, mais ont un sens.”30

There is a broad consensus on the fate of the Castilian peasantry and which was such as not to be envied. Climate and ecology made agricultural enterprise difficult. Land was used not very intensively used and well into the 17th century the pasturage of sheep (the Mesta) prevailed over settled agriculture. The dramatic demographic and economic decline of the late 16th century showed the difficulty of life in Castile. Agriculture was underdeveloped and sometimes had traits of the “slash and burn” system.31 Yet Castile had to bear the burden of very high taxes and continuous garrisons of troops. It also suffered from dramatic social changes. In the 17th century depopulation, brigandism and vagrancy abounded: clearly something had gone wrong in rural Castile. But there is no evidence of a peasant revolt of any sort. How is this to be explained? Admittedly, the absence of major revolts is also noted for Languedoc, but there a different situation existed. The Wars of Religion made subsistence and survival such an issue over the decades that all other grievances were secondary. In Castile on the other hand, no wars took place: in the 16th century Spain had successfully exported war. This is one of the reasons given to explain the absence of rural escalated conflict. Evidence of a later period indicates a close relationship between the fighting in Spain during the Wars of Succession and the

27 H.L. Root 1985: 663.
29 This expression is used by C.S.L. Davies and J.H. Elliott in P. Clark (ed.) 1985: 246, 305.
31 J. Casey in P. Clark (ed.) 1985: 246, 305.
Many other explanations have been provided. In comparing Castile with France, Elliott has argued that a high degree of social stability and the fact that there were no splits in the ruling elite (no royal minorities, no adult cadet princes) may account for the ‘immunity from rebellion’. The exclusion of powerful contenders for a share in power is more often given as an explanation: the Comuneros of 1521 had marked the end of the autonomy of the cities and the nobility had been successfully brought under the control of the king. Furthermore, there was only a weak bourgeoisie. Indeed, the maintenance of provincial liberties and the strict control over cities, together with a loyal nobility prevented the development of tensions in powerful circles.

Troubleshooters could be sent abroad as officers in the armies or as royal officers in the Americas: for them there was always the opportunity for exit. But all this solidarity with the Crown had a price which was to be paid by rural communities. Exit was frequent: flight from poverty to the towns (where a huge system of poor relief and price controls effectively prevented urban unrest) and to the Americas, especially in the 17th century.

Doubts remain about the position of the Castilian peasantry in the 16th and 17th century. Was there indeed a dominance of medium sized holdings, creating a solid class of landed peasants? If there was, how can the rapid transformation to a structure of very large holdings with landless labour be explained: why was there no resistance? The rapid decay of Castilian agriculture is generally agreed upon, but high taxes, the transformation into sedentary agriculture (enclosures) and rapid social change were developments which are assessed differently. Were shorter leases frequent, or did short leases not occur because at the expiration tenants had to be reimbursed by the lord for improvements they had made on the farm? Did rural communities easily give up their right to elect village councils in order to have them replaced by imposed “village tyrants” who gained control over the commons? Was any potential for resistance immediately suppressed by the strong military and administrative presence of royal power?

It could be argued that the strong royal presence benefited the peasants because the power of the

34 F. Braudel 1965: I, 300; II, 39, 55, 69.
36 H. Heine 1984: 117.
nobility was checked. But the dramatic social and economic changes remained. Yet where are Braudel's *Toutes de classe*?

The picture is not altogether bleak. Communal land was transformed into vineyards and the money received could be used to pay off debts. This explains the shared interest between the crown and landed peasants in breaking up the commons from the 1550's onwards. Royal decrees protected tenants and rent conditions were not very bad. Often royal intervention prevented evictions. Women frequently held co-ownership of the farm, effectively preventing the loss of the property. But all this could hardly offset the dramatic changes in the countryside. The question remains whether rural communities were simply unable to resist in a fashion similar to peasants in France or Germany.

The special case of Castile can be approached in a fashion similar to what I have done earlier for South West Germany and Languedoc. The same questions should be asked: if there were grievances, how could redress be sought in an accepted fashion? If this was impossible then how could peasant resistance be organised, what were the opportunities for successful resistance with initial success as a major source for escalation?

From this perspective Castilian rural conflict becomes very interesting. First, the tremendous spread of litigation. A contemporary observer wrote that Castilian peasants were "fearful and envious of their neighbours and for most of their grievances saw no better vengeance no better triumph and satisfaction than going to court". This not only confirms the assumption of weak supralocal solidarity (already indicated by the continuing blossoming of local religion), it also indicates the existence of conflict and ways of peaceful conflict resolution.

A closer look at the Castilian juridical system leads to the following conclusion. The judiciary rights of the nobility had not been suppressed by the expanding central authority. Instead, an effective system of appeal was organised. Thus, the 16th century witnessed a tremendous expansion of the volume of the litigation through effective royal courts where access was easy and not expensive. In this fashion royal officers extended royal power and reduced the power of the nobility. A considerable degree of legal protection was offered to peasants with grievances. Also, a considerable degree of peace took place as the court became the place where conflicts were resolved.

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44 quoted ibidem.
The relatively safe position of rural communities under royal protection did not prevent the rapid social and economic deterioration from the latter 16th century onwards. It did give litigants a feeling that redress for grievances was possible in court. But *raison d'état* prevailed in the 17th century. The shift of the economic weight of Spain from the center of the country to the Atlantic left Castile weak. Royal support disappeared as royal jurisdiction was sometimes sold to noblemen. As the new elite of lawyers mixed with the aristocracy, corruption destroyed the chances for rural communities. Rapidly, recourse to the royal courts was becoming physically difficult and very expensive, whereas the communities became increasingly poor.48

All this still does not satisfy the reader's question; why were there no large scale revolts in Castile? The existence of a judicial system did not prevent the Valencia peasant revolt of the 1690's. In this case, lack of success in a court procedure stimulated peasants to organise themselves supralocally to support a new request for legal redress of their grievances.49

In Castile the presence of peaceful means of redress was important but only until the 17th century. The grievances were present which leads to several questions such as whether communities were too weak to organise themselves or whether the presence of military forces prevented any large scale organisation. Was the nobility effectively incorporated in the government so as to prevent noble leadership or were the relations between rural communities so tense that it was practically impossible to organise supralocal collective action? Braudel never illustrated the "luttes de classe" he claims to have found in rural Castile. I would suggest that work along the lines of my approach for Languedoc may perhaps provide some more satisfactory answers.

Whereas Castile somewhat resembles Languedoc in the 16th century, the Netherlands only vaguely resemble South West Germany. The Netherlands were flat with many ways of communication and densely populated. It was a highly urbanised society with a developed rural and urban economy. The province of Holland had farmers instead of peasants and the market economy was strongly developed. Furthermore, government was decentralised and many towns enjoyed important privileges and liberties.

Yet the Netherlands also had backward areas where the power of nobility and Church was considerable and where feudal dues were only abolished in the 19th century. The Netherlands are known in the 16th and 17th centuries for the considerable fiscal burden of Habsburg government and for enterprise in trade and commerce. They are not at all known for the occurrence of peasant revolts in whatever form. Urban unrest did

occur and was frequently caused by the venality of offices and struggles among the political elites in town, province and national government (to the extent this last existed). Increasingly, urban unrest has been studied and clear similarities with French urban unrest have been found.50

Rural unrest is little heard of. Parker only mentions one, during the War of Independence and he plausibly suggests that these so called Desperados in the Eastern provinces Gelderland and Overijsel were urged on by political manoeuvring.51 All the evidence suggests that the timing, in the winter of 1579, and the absence of a direct cause make authentic rural protest unlikely. With thousands of foreign troops in the country for decades, no other case of escalated peasant resistance is recorded.

According to a recent study, the absence of peasant 'revolts' must be explained by lack of research into the matter.52 It is true that very little research has been done, but is this not to be explained by the absence of a major peasant revolt like the German Bauernkrieg or the French Croquants? Was the Netherlands an outsider, like Castile?

A quick look at Dutch history shows that there were true 'revolts' comparable to French or German cases with regard to participation and grievances. However, many of these were peculiar in the sense that the issues at stake were at that time not yet conflict issues elsewhere in Western Europe. The Flanders peasants of 1302 and 1328 were rich and protested against the discrepancy between their wealth and inferior social status.53

In Flanders as well as in North Eastern Drente in 1227 one detects an economic anti-clericalism and anti-fiscal revolts. In the 14th and 15th centuries rural protest was predominantly directed against extraordinary taxation and the intrusion of central government. By the time these issues became important in France and Germany the political elite of the Netherlands was preparing for its major coup: the Dutch Revolt against the Habsburg rulers (1560's). Apart from this event of international consequence very little (inter)national attention has been given to Dutch rural protest, with one exception: the Kaas- en Broodspe (1492).54 In a later study Scheurkogel has compared the revolts of 1426, 1447 and 1492, all in the same region.55

While agreeing with Scheurkogel's conclusion that far too little research on rural conflict in the Netherlands has been done a brief presentation will be given of the revolt of 1492. This is done in order to

50 R. Dekker (1982) has provided a good overview of urban unrest in the 17th and 18th century towns of Holland.
53 F.W.N. Hugenholtz 1978: 95, 238.
present material which will allow for a broader overview of the various manifestations of rural conflict under different circumstances. However distant the market-oriented and densely populated Holland may have been from the Black Forest or Vivarais, a similar analysis will perhaps show analogies or differences which increase our understanding of the particular events.

The *Kaes- en Broodspel* has often been analysed as part of a long series of armed conflicts in the Netherlands in the 14th and 15th centuries, the *Hoekse- en Kabeljauwse twisten*. These were manifestations of the struggle for power between town councils and urban bourgeoisie, noblemen and the central authority. Seen as an authentic rural revolt the events of 1490-1492 show traits present in other revolts as well - resistance against extraordinary taxation and the intrusion of central government.

The region of Kennemerland North of Haarlem near the coast was a prosperous region where a market oriented rural economy was dominant. Many commercial contacts with other parts of Holland, Utrecht, Flanders and England existed and the peasants - so called here for the sake of consistency - were well aware of the importance of trade and exports.

The direct cause for organised resistance of the rural population was the sending of forces to assist in the collection of extraordinary taxes (*ruitergeld*). These taxes had been levied to pay for the costs incurred by the estates in subduing several towns. The forcible collection of these extra taxes occurred eight times between 1486 and 1490.56 The taxation came at a highly inopportune moment. The Dutch quarrels over power took place in the context of international conflict. There existed a *de facto* state of war with the French, whereas many town councils in Holland refused to acknowledge the peace with Philip of Cleve.

As a consequence, international trade was seriously disrupted and unemployment was high. The monetary policies of Holland had caused inflation which even more acerbated the situation. Cases of *Landflucht* have been reported, which caused higher taxes for those who stayed on.57 In circumstances similar to South West Germany in 1524 or Languedoc in the 1560's the peasants decided to organise themselves and to refuse the payment of war taxes. In late 1490 the representative of the Estates, Claes Corff was chased away with his soldiers. This "revolt" in Kennemerland coincided with tithe refusal in the Northern part of Holland.

In April 1491 the Estates of Holland convened all village mayors of the region for consultations. This was partly caused by news that the communities involved held supralocal gatherings to discuss tactics. The result showed the ritual character of conflict manifestation. First, the seat of the tax collector Corff was stormed and his furniture was destroyed. This form of *rügen*, similar to many cases in Germany, symbolised not only the tax revolt, but also the protest against the undue interference of the Estates. These were held

57 ibidem, p. 207.
responsible for the continuation of the war, and hence for the economic crisis.

In the autumn of 1491 a new symbolic action was undertaken: poor peasants and town dwellers demonstratively begged for bread with rich townsfolk.\textsuperscript{58} Town councils were represented in the Estates and hence also responsible for the continuation of the war. The political demands, once more repeated in a march on Haarlem in 1492 were simple: peace, and through peace, growth in employment and the abolition of war taxation.

The grievances are clear, and for peasants it would have been difficult otherwise to further political claims at that time. With a minimum of violence and smooth supralocal cooperation the point was strongly made: the late medieval farmers needed peace to facilitate export of their products: the Dutch variant of peasant revolt!

This example clearly illustrates the necessity for further research on rural conflict in the Netherlands. Easy access to courts, relative prosperity and minimal feudal burdens in Holland made revolts unlikely. But dependence on international trade made agricultural enterprise dangerous in unstable periods. And no courts could decree that peace be restored and that Dutch trade ships would be unharmed.

The example of Kennemerland shows how similar this revolt was to German or French ones: the grievances of war and war taxation, the supralocal organisation, the ritualised, contained violence and the calculated manoeuvring were all present. Some differences are also noticeable. The peasants who fled from the region were not the poor but the rich: they left for the towns where they thought themselves to be safe from new fiscal burdens, thereby increasing the tax burden on the poorer peasants staying behind. This may perhaps explain the coalition between poor peasants and artisans who went begging. A socially differentiated peasant society defended its varying interests in different ways.

Finally, were Castile and the Netherlands outsiders? Most certainly not the Netherlands. For the Netherlands its reputation needs to be tested through further research. The results presented here suggest many similarities. And Castile? The approach of a broader definition of rural resistance, including routine and non-routine violent and non-violent manifestations of protest and attempts and redress of grievances has been useful. The peasant communities did not wait and watch their future be destroyed. But what actually happened still awaits further clarification. It is beyond any doubt that the recourse to law through massive

\textsuperscript{58} Ibidem, p.194. Hence the name "cheese and bread".
2. Peasant revolts reconsidered.

The purpose of this study has been to show that peasants and peasant communities did contribute to the shaping of their world and indeed, that their actions could and did make a difference.\(^5^9\) These contributions may have been small and very limited in political forums. Indirectly many changes in society took place which mitigated the transformation of feudal Languedoc to modern France and feudal Germany to a modern federal republic.

Rural resistance has not subsided. Agricultural labourers in Andalusia and Sicily revolt: they organise hunger strikes and ritual burials of the fruits of their labour. Young farmers in Northern Europe gather and demonstrate against their national governments. But these no longer decide on agricultural policies. The transformation of rural resistance into political parties has been a major step forward, but the European Parliament has no say in the agricultural budget of the EC. The once distant king or emperor is now a psychologically distant bureaucracy in Brussels.

German and French peasants tried to defend their interests in various ways. Depending on circumstances and grievances they had a choice of possible manifestations within the 'horizon of possibilities'. It has been argued here that the whole horizon should be analysed in view of the specific circumstances in order to understand why and when a specific form of action was chosen. In this fashion, sterile and inaccurate models like Brustein's typology\(^6^0\) are avoided, as well as artificial distinctions like those between 'high' and 'low' levels, or 'revolts', 'rebellions' and 'revolutions'.\(^6^1\)

If indeed, peasant revolts can be compared to modern day strikes, as Bloch has argued,\(^6^2\) one needs to keep in mind that strikes are very infrequent, non-violent ritualised ways of voicing protest, calculated in timing and with clear purposes. It is not coincidental that the wrong timing of the British miners' strike in 1985 has been widely noticed.

In a rapidly changing society peasants relied on their communal institutions and the support of judicial

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\(^{60}\) V. Brustein 1985.

\(^{61}\) P. Zagarin 1982: i, 177,179,191.

\(^{62}\) M. Bloch 1976: i, 156.
institutions to fence off the attacks on their subsistence. After all, in the areas and period of this study rural resistance was often in defence of life and the chance to survive, not simply over the allocation of the produced surplus.

It has been argued here that in order to understand peasant revolts all analysis should start with the routine forms of conflict resolution such as who initiated routine forms of conflict resolution, what could be settled, was there an acceptable degree of 'justice' as perceived by the parties involved, and were the institutions, however formal or informal, effective?

Secondly, how can escalation of conflict be understood: were the formal channels insufficient or non-existent, were new issues at stake, were there special circumstances which made non-routine behaviour necessary or attractive?

Thirdly, what were "the weapons of the weak"63, the everyday forms of peasant resistance, and how did their use and efficacy influence escalation of conflict?

Fourthly, how can the individual and collective processes be understood which caused peasants to take risks. When one can see a rebellious mentality as the willingness to take temporarily higher risks this must be explained.

All this is best approached by detailed study of issues, participation, leadership and timing of collective action. Although analytic models may be applied, the general process of modernisation does not explain a peasant revolt or a court case. Yet these singular actions make 'history'. Rural resistance, its timing and the attitude of those in power determined the future of those who resisted, be it rich landed peasants or landless labourers, in court or through sabotage.

Shaped by opportunity, interests and goals of participants and their tactics, rural resistance had various outcomes. Far from being blind furies most revolts were calculated and carefully planned collective undertakings of peasants. Most of them had something to lose, the result of the tenacity and shrewdness of themselves and their ancestors.

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