

## BOOK I

### THE ZENITH OF THE SWISS CONFEDERATION, 1499–1519

#### CHAPTER I

##### THE SEPARATION OF SWITZERLAND FROM THE EMPIRE

THE SWISS CONFEDERATION is one of the numerous states which have arisen out of the dissolution of the Holy Roman Empire, but it differs from all the rest both in its origin and in its characteristics. Whereas elsewhere the German states owed their origin to princely houses, which had brought together their various domains by inheritance, by marriage, and by conquest, Switzerland grew out of the voluntary union of small communities to form a republican federation of states. In Germany the political obligations which the imperial central government had proved incapable of discharging, fell to the temporal and ecclesiastical princes; but in Switzerland these obligations were taken over by a union of cities and rural districts, the freedom of which was firmly established in the struggle against the dominion of the Habsburgs.

In August, 1291, the three Forest Cantons, Uri, Schwyz, and Unterwalden, became united by an Everlasting League into an indissoluble community, and secured their democratic independence by the glorious victory which in 1315 at Morgarten on the Lake of Aegeri they obtained over Leopold of Austria and his knights. These three original Cantons constituted the nucleus around which gathered all those between the Jura, the Rhine, and the Alps that were hostile to the Habsburg rule. In commemoration of the victors at Morgarten, the men of Schwyz, this union received the name of the *Swiss* Confederation. Towns such as Lucerne, Zurich, Bern, Fribourg, and Solothurn, and rural districts like Glarus, Zug, and Appenzell endeavoured by joining the Confederation to secure their right to self-government. Whereas the great peasant revolts of the fourteenth century in England and France met with

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crushing defeats, and whereas the leagues between the German towns, when defeated by the princes and nobles, were broken up, the Swiss gained decisive victories in 1386 and 1388 at Sempach and at Näfels, and thus prepared an asylum for republican ideas in the midst of monarchical and feudal Europe. In Germany the feudal aristocracy and its princely leaders maintained their authority; in Switzerland, on the other hand, the lower social strata, the burghers, and the peasants, took the power into their hands. With the diminution of the power of the Habsburg ruling house went that of the higher and the lower nobility, save in so far as the nobles submitted to absorption into the civic communities. With trifling exceptions, the lordships of the nobles which separated the towns from the rural districts of the Confederation gradually fell to the latter by purchase, by mortgage, and by the fortune of war, and thus there came into existence the continuous geographical area which was essential for the formation of the Swiss state. In 1499 King Maximilian enumerated fifty castles belonging to counts, and one hundred and sixty other seats of the nobility which had been seized by the Swiss, and the rightful owners of which had been defeated or expelled by them. The Swiss were regarded as the born “suppressors and exterminators of all the nobility.” The wars between them and the house of Austria were, in addition, fierce class struggles between burghers and peasants, on the one side, and nobles on the other.

On the part of the Swiss Confederation this obliteration of social distinctions was also manifested by the emancipation of the serfs throughout its domain. In the towns it was a general principle that residence entailed emancipation, in that a serf who dwelt for a year and a day within their walls could no longer be claimed by his lord. What was peculiar to Switzerland was that this process of enfranchisement extended also to the rural districts. In the democratic Forest Cantons the numerous serfs of the lords, ecclesiastical and temporal, who existed here as everywhere else, obtained the rights of the free-born peasants, either by way of revolt, or by purchase. From these domains of the nobles, each Swiss town, whether by the sword or by purchase, secured the territory which surrounded it. But the town did not grant equal rights, ruling the region around it as a subject province. The largest of these subject areas was acquired by Bern; but the proud town on the Aar perceived that

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it was unfitting to be leagued with the free peasants of the Forest Cantons, and yet itself to rule over serfs. From 1413 onwards, in a manner ever memorable for the date, the Bernese government worked methodically for the abolition of serfdom by means of purchase, and by 1485 was able to declare that hereditary servitude would no longer be tolerated within its dominions. Thus it came to pass that serfdom disappeared in the greatest part of Switzerland, whereas north of the Rhine it was becoming continually more burdensome because of the pressure due to the increasing requirements of the feudal lords.

At the end of the fifteenth century there existed in Switzerland two classes only: on the one hand, the burghers of the sovereign towns, and the country folk of the sovereign rural cantons; and, on the other, the dwellers in the subject domains. The contrast, however, was not a marked one, for every individual could easily put an end to it by his own exertions. There did not yet exist that narrow-mindedness on the part of the ruling towns and rural cantons which arose at a later date. Every "subject" could enter a town, and could there, for a few gulden, acquire the right of citizenship; and then the path to honours and offices was as open to him as to any burgher by birth. It was hardly possible to rule against its will a people every one of whom had a pike and a halberd hanging on the wall of his house. Even though the governments of the town cantons were exclusively composed of the burghers of the chief town, the authority of these was limited by the laws and the customs of the country regions. Moreover, it was found advantageous, in important emergencies, to ask the opinion of the whole people, not merely that of the burghers in the town, but also that of their relatives in the country districts, and to be guided by the popular voice. It followed that the inhabitants of the subject lands felt themselves to be also free Confederates; they also were proud to be liberated from the "arbitrary rule of the princes and the nobles"; and by them also the tyrannicide, William Tell, was honoured, in word and picture, as a national hero.

The proud sense of freedom felt by the Swiss was closely connected with their military institutions, which were developed in the struggle with Austria, and which made them the terror of their neighbours. In contradistinction to the feudal knights, the Swiss, in accordance with the newly awakened principle of the universal

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duty to bear arms, created once more an infantry always ready for war. To use the words of Machiavelli, they became “a people in arms,” and in a glorious series of battles they maintained their superiority over the feudal armies of Germany, Burgundy, France, and Italy. Until towards the middle of the fifteenth century, however, the Confederates had not looked beyond the boundaries of the Holy Roman Empire. It was the house of Austria itself which brought them into contact with France. In 1444, in response to an appeal for help from Austria, Charles VII of France sent the Dauphin Louis against the Swiss with a great army, and at St Jakob on the Birs this army required a whole day to crush a small body of 1500 Confederates. It was, indeed, the heroic fight at St Jakob which led to the important friendly alliance between Switzerland and France. The Dauphin (afterwards King Louis XI) wished to have such warriors in his own service; and on their side, the Confederates perceived that it was necessary, in order to guard against the danger to which they were exposed in consequence of Austrian intrigues with French-speaking powers, to meet the advances of those who were best inclined towards them. The common opposition of France and Switzerland to Charles the Bold, duke of Burgundy, confirmed this policy. In 1474 the Swiss concluded with France the first mercenary alliance, which was to hold good for the life of Louis XI. This showed the same features as did those of the similar alliances during three centuries, namely the granting of recruiting facilities by the Swiss, the promise of help in case of need, and the provision of annual payments on the side of France.

After the Confederates, at Grandson, Morat, and Nancy, had conquered and overthrown Charles the Bold, the greatest warrior prince of his time, they were regarded as “the masters of modern warfare.” Theirs was the military model after which King Maximilian created the infantry of the German lansquenets, in emulation of which Louis XI endeavoured to form a French infantry, and which provoked imitation even on the part of the Spaniards. This Alpine folk, so mighty in war, became an important factor in European politics. The Pope, the Emperor, kings as well as republics, were rivals for the friendship of the great “League of Upper Germany,” in the hope of having the dreaded Swiss pikemen on their side, or, at least, of keeping them from joining the enemy. It cannot be maintained that the Confederates displayed conspicuous ability in

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the field of the “haute politique.” Whilst in defence they exhibited an admirable unity and resolution, they showed themselves incapable of the consistent pursuit of political aims beyond the immediate demands of the moment. Instead of employing their strength in war for their own aggrandisement, they preferred to squander it in military service for the advantage of others. So far as their own interests were concerned, they were content with that policy of neutrality which subsequently became their guiding rule of conduct, when the attempts of the imperial authorities to bind them again more firmly to the Empire had involved them in a further period of heroic struggles.

When the Confederates formed their “Everlasting Leagues,” and fought their battles for freedom against Austria, there was no thought in their minds of a separation from the Holy Roman Empire. In all their Leagues they had reserved the rights of the Emperor and of the Empire. Their rebellion had been against the imperial officials, who were becoming independent hereditary princes, but had not been directed against the imperial suzerain as such. On the contrary, their highest aim had been to maintain their position as “immediately dependent on the Empire,” to maintain, that is to say, the *direct* connection between ruler and subject which exists in every healthy state, and to abolish the parasitic intermediate authorities by whom this direct connection was destroyed. For this reason, moreover, the Emperors and Kings who did not belong to the house of Habsburg had always favoured the Swiss movement for freedom, and had formally recognised the Leagues of the Confederates. These imperial privileges constituted the legal title to their freedom. Owing to the increasing weakness of imperial rule, “immediate dependence” on the Empire had in fact become equivalent to complete independence. The Emperors and Kings, ever at their wits’ end for money, had always been prepared to alienate their rights and dues piecemeal; and the result had been that no course was left open to the Confederates but to acquire these for themselves, unless they wished them to pass into the hands of one of the neighbouring local rulers. Consequently, the Swiss towns and rural Cantons had in the course of time acquired numerous imperial privileges, which guaranteed them in the possession of complete sovereign power. The king could no longer name any officials for them, he could obtain no more taxes from

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them, he could levy no more customs-dues on them, he had no jurisdiction to exercise over them; all these rights had passed over to the community of the Confederates. They possessed complete republican self-government, and conversely, they were entirely dependent on themselves for their own protection and defence. Yet in the first half of the fifteenth century they still regarded themselves as genuine members of the Empire. When their sovereign appeared within their borders, they paid him all the honours due to him, and they were willing, within certain limits, to furnish him with military aid.

But the moral bond which still linked the Swiss with the Empire must inevitably be ruptured directly that bond threatened to become a noose with which their freedom could be throttled, directly, that is to say, their hereditary enemy, the house of Austria, entered into permanent possession of the imperial throne. No one had done more to stifle the attachment of the Swiss to the Emperor and to the Empire than the Habsburger, Frederick III. During the half century of his reign (1440–1493) he had worked with all his power to destroy the Swiss Confederation in the interests of the house of Austria; he had refused to confirm the Swiss charters of freedom; he had induced Zurich to secede, and thus brought about a grievous civil war; he had repeatedly proclaimed against the Confederates the ban and double ban of the Empire; he had endeavoured to kindle an imperial war against them; he had summoned the French into the Empire against the Swiss; and in the Burgundian war he had practised the basest treachery against them. It was not the fault of the Emperor that the famous nuptials of his son, Maximilian, with the daughter of Charles the Bold, were not celebrated amid the ruins of the Swiss Confederation. A whole generation grew up which knew of the Emperor only that at all times, openly and in secret, he had worked for the destruction of the Confederation. The Empire itself was involved in the well-grounded hatred of the imperial sovereign, from whom, since he had mounted the throne, nothing had come but threats of war, of litigation, and of punishments, but never the slightest help.

In other respects, as well, the Confederates had become strangers in the Empire, owing to the special characteristics of their political and social institutions. In the eyes of the dominant class in Germany these “lordless peasants,” whose halberds crashed down even on princely heads, constituted a permanent social danger, for



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the example of the Swiss might spread by contagion to the peasantry elsewhere. “They want to become Swiss” was the proverbial expression in Germany used by all those who wished to throw off allegiance to their lawful lords. To the dominant princely aristocracy of the Empire the self-government of these “rude cow-milkers” was an abomination, which was tolerated only because the defence of pikes and halberds was too strong.

The democratic and republican form of the state prevented the Swiss from assuming in the Empire a position commensurate with the importance of their country. In the fifteenth century, Switzerland was the one centre of energy in the Empire, a land which no German principality could rival in military strength, as was recognised in the specifications of the imperial levies to be made against the Turks and the French, for in these the military burden imposed on Switzerland exceeded tenfold or twentyfold that laid upon an Elector of the Empire. If the Swiss, with power equal to that of the Confederation, had had a prince at their head, this prince would inevitably have acquired the leadership of the Empire. But in practice the strongest community in the Empire had less voice in the imperial counsels than the pettiest bishop or imperial abbot, for the imperial constitution had as good as no place for Switzerland.

On the other hand, after the events of the Burgundian war, the Swiss had become fully conscious of their own strength. They had the proud feeling that they needed no other protection than that of God and their weapons. The Confederation had become to them a fatherland, whose greatness they celebrated in song and chronicle. It resulted that all these combined influences, their hostility to the imperial house, the differences in political and social matters, and the consequent enmity, no less than the impossibility of taking the place in the Empire to which their strength entitled them, impelled the Swiss to separate from the Empire.

Since the Burgundian wars, in which the Empire failed to come to their assistance, while the Emperor had betrayed them to the duke of Burgundy, the Confederates were hindered by no opposing considerations. They simply put on one side the imperial demands for support against the French, the Hungarians, and the Turks; they suffered no more appeals to the Emperor and the imperial courts; and even the resolutions of the Reichstag were no longer

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respected. But in Germany there was a general unwillingness to consent to the separation of “so notable a member of the German nation.”

The idea of an internal reform of the disordered Empire, an idea which for the past two generations had busied the leading minds of Germany, took definite shape at the Reichstag held at Worms in 1495. In return for the pecuniary aid which King Maximilian, the son and successor of Frederick III, demanded from the estates of the Empire for the war with France, the Reichstag compelled him to agree to internal reforms, proposals for which had hitherto always been wrecked by the obstinacy of his father. “Perpetual public peace” was demanded; that is to say, every arbitrary exercise of power, despotic acts, and feuds, were forbidden once for all under penalty of the ban of the Empire. Law was to replace physical force, and in the last instance to be administered by a reformed imperial court. In order to end the imperial “cabinet jurisdiction” (*i.e.* justice administered in the personal interest of the Emperor), which was ill-famed for venality and procrastination, the Reichstag created the Imperial Court of Chancery (*Reichskammergericht*). In this court the President alone was to be named by the king, whilst the estates of the Empire nominated the assessors, of whom half were to be nobles and half professional lawyers. For the maintenance of the Imperial Court of Chancery and for the needs of the war the Reichstag assented to the king’s imposing a general pecuniary levy upon the Empire, the “Common Pfennig,” an admixture of property tax, income tax, and poll tax, the expenditure of which was to be subject to the control of the Reichstag, which in future was to meet annually.

It is beyond the scope of this work to estimate the importance for the future of Germany of the decisions taken at Worms in 1495. So far as the relation of Switzerland to the Empire was concerned, their effect was similar to that of the Stamp Act and the Boston Harbour Bill upon the relation of the North American colonies to the motherland. Envoys from the king and from the Reichstag demanded of the Confederates a recognition of the Public Peace and of the Imperial Court of Chancery in accordance with the decrees of Worms, and also that a beginning should be made with the collection of the “Common Pfennig.” The Confederates refused to accede to this demand, because this would have involved a loss



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without a compensating gain, for the recognition of the decrees of Worms would have meant the loss of their independence. What the Public Peace, the Imperial Court of Chancery, and the “Common Pfennig” were now to provide for the Empire—peace and justice within, and strength abroad—were benefits they had already long enjoyed. Their perpetual Public Peace had been established among them by their Confederation, and in certain covenants such as the *Pfaffenbrief* (Parsons’ Ordinance) of 1370 and the “Compact of Stanz” of 1481.

In contrast with Germany, where robber knights and feudal licence flourished luxuriantly, in Switzerland there prevailed, as natives and foreigners agreed in testifying, security upon the highways, as well as the maintenance of law and justice. The recognition of the Imperial Court of Chancery would have reversed the growth of a century. By means of prohibitions and of imperial privileges the Confederates had consistently rejected all foreign judicial authority. They were now ordered to revive the unending and costly protraction of litigation, to give an opportunity to sulky fellow-citizens or to hostile neighbours to summon them before a foreign court, in whose composition they had no voice, and from which they could expect no sympathy for or understanding of their peculiar circumstances. What the “Common Pfennig” was to realise for Germany for the first time—a powerful military organisation—was a thing they had also long possessed, and for which they had not shunned heavy burdens. Moreover, who was to provide any guarantee that the Habsburger, to whom they were to pay the taxes, would not employ his increased powers against themselves?

When the Confederates refused to accept the Worms decrees they were within their formal rights. It was by no means firmly established that decrees of the Reichstag must be regarded as binding upon dissentient or absent members of the Empire; the Duke of Lorraine and the Elector of Brandenburg roundly declared that they would never submit to the authority of the Imperial Court of Chancery. Against the Reichstag, the Confederates could oppose their dearly bought imperial privileges, by which they were liberated from all foreign judicial authority and from all imperial taxation. A decisive feature in the judgment of their situation was that Maximilian and the Reichstag demanded from the Swiss the sacrifice of that political independence which they had purchased

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with so high an expenditure of blood, without offering them any equivalent whatever in the shape of increased influence in imperial affairs. It was simply expected of them that they should obediently accept what the princely aristocracy and the king thought fit to decide in the name of the Empire. Such was the view taken by the Swiss themselves, and such the view taken by their opponents. "They want to give us a master," was said everywhere throughout the Confederation; "the Swiss must have a master, the bull of Uri must bow his neck beneath the yoke, the bears of Berne are to be hunted," was the chorus of jubilation that arose from the nobles and their retainers in Swabia; and the Elector of Mayence declared in the presence of the envoys of the Confederation that a way had been found to tame the Confederates with paper, pen, and ink. Were it possible to imagine that Prussia had had no voice at the German Bundestag of 1866, and yet had been bound to accept the decrees of that body, bound to accept blindly whatever Austria, with the central and smaller states, thought fit to determine, we shall have some sort of idea of the feeling in Switzerland about the Worms decrees. The result was the "Swabian War" of 1499, which for Switzerland had the same significance that the War of Independence had for the United States of America.

In the year 1488, under the influence of Austria, the princes, nobles, and towns of Swabia had constituted a powerful "Swabian League," which was at first directed against the princely house of Bavaria, but before long turned against the Swiss, and ultimately came to embrace almost the whole of South Germany and Tirol. The outbreak of an intense hatred between "Swabians" and "Swiss" was the consequence. With the support of the Swabian League the imperial authorities undertook to force the Confederates to accept the Worms decrees. The Imperial Court of Chancery entertained complaints against members of the Confederation, and proclaimed against them the ban of the Empire. Military preparations began on both sides. In the sultry calm before the storm, both were endeavouring to increase their strength still more. The Swabian League succeeded in securing for its own side the town of Constance, which had already been in treaty with the Swiss Confederation, with a view to joining that body; they also secured the towns in Alsace which in the Burgundian wars had been allies of the Swiss. Basel alone remained neutral. But these