

The Abbot and His Peasants

Katherine Brun

Quellen und Forschungen
zur Agrargeschichte

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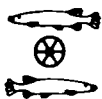
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Katherine Brun

The Abbot and His Peasants

Territorial Formation in Salem from the
Later Middle Ages to the Thirty Years War



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Notes on Usage, Currencies, and Measures

As the first English title to appear in a long-established German series, this book has required certain style choices and compromises with respect to the usual conventions in both languages. I have followed American forms of style, punctuation, and spelling over British or Continental European usage, with the exception of certain house rules in keeping with the series, *Quellen und Forschungen zur Agrargeschichte*. I thank the publishers for their flexibility and understanding.

English equivalents for German terms have been used wherever practical, and German terms are *italicized* upon first mention. Important terms and those that appear frequently may be found in the glossary, and infrequently encountered terms are italicized throughout the text; all translations are mine unless otherwise noted. Source quotations appearing in the footnotes have been transcribed as closely as possible to the original, with the following minor exceptions. The letters u and v as well as i and j have been transposed so that u and i indicate vowels whereas v and j indicate consonants, according to modern usage. The abbreviated word endings -en and -er are spelled out, but other abbreviations reflect the original spelling. Capitalization and accent marks have been retained to the greatest possible extent, and punctuation has been altered only where necessary to make a passage more readable. German place names are spelled throughout the text according to current local usage, with the exception of a few places commonly known in English by an alternate name or spelling: Constance, Lake Constance, and the Danube, among others. Personal names are spelled for the most part as in the original, though frequently recurring names have been slightly regularized according to modern German usage. This avoids the confusions inherent in multiple spelling variations that are characteristic of the period. Only the names of kings and emperors have been Anglicized.

The territory under study did not possess its own unitary system of weights, measures, or currency.¹ Constance, as the region's leading city and market center, set the primary standards shared by Salem and many of its closest neighbors. Measurements in Überlingen deviated slightly and served in some cases as an alternate regional standard. Ravensburg's measures were customary in the eastern Linzgau.

¹ On local coinages and other measurements, see Rudolf BÜTTNER, *Das Konstanzer Heilig-Geist-Spital und seine Besitzungen im Linzgau*, PhD diss., Constance 1986, pp. 569–584; Wolfgang v. HIPPEL, *Mass und Gewicht im Gebiet des Grossherzogtums Baden am Ende des 18. Jahrhunderts*, Mannheim 1996, p. 211; Meinrad SCHAAB, *Münzen und Währung*, in: *Handbuch der baden-württembergischen Geschichte*, vol. 1 part 2, ed. Meinrad Schaab and Hansmartin Schwarzmaier, Stuttgart 2000, pp. 575–585; Glossary by Diethard NOWAK, in: Xavier Staiger, *Salem oder Salmansweiler*, 2nd ed., Meersburg 2008, pp. 377–382. Also GLAK, 61/13373 1624, 66/10418 1600, 98/2018–2019 1566.

The most common local currency in the period was the *Rheinisch Gulden* (fl.), whereby 1 *Gulden* (fl.) = 15 *Batzen* (bz.) = 60 *Kreuzer* (kr.) = 240 *Pfennig* (dn.). Another fairly ubiquitous currency in the region was based on the *Pfund Pfennig*, or pound pence (lb. dn.), an accounting measurement whereby 1 pound (lb.) = 20 shillings (ß) = 240 pence (dn.). Eight gulden were equivalent to seven pounds pence. Another currency found occasionally in the area was the *Reichsthaler*, worth around 1½ gulden. The actual values and weights of the many coins in circulation, especially the smaller ones, fluctuated over time and place. The period experienced a long inflationary trend, which was especially severe in the years 1618–1623.

The *Jauchert* was the most common land measurement used for arable as well as forests. It was roughly equivalent to one acre, or the area an individual could cultivate with a plow team in one day. The Jauchert was known across the German-speaking south, but its exact size varied by region (between 0.3 and 0.6 hectares). In the southern Linzgau, a Jauchert was equivalent to an estimated 4,427 square meters. A *Mannßmad* was a meadow parcel identical in size to one Jauchert. A *Hofstatt*, used for measuring vineyards, was approximately one-sixth of this size.

The usual grain measurement was the *Malter*, a giant sack containing 202 or 493 liters and weighing somewhere between 150–300 kilograms depending on the grain type (in Überlingen). One Malter of the “heavy grain” varieties (wheat, rye, husked spelt and barley) was made up of eight *Viertel* (quarters), whereas one Malter of the “light grain” varieties (oats, unhusked spelt and barley) comprised sixteen quaters. One Viertel, either heavy or light, was equivalent to four *Imi*. The eastern Linzgau used the *Schoffel* as a grain measurement. In 1600 one Malter was roughly equivalent to 2.7 Schoffel.

The *Fuder* was a wine measurement equivalent to a large wagonload, also estimated at a volume of 1,500 liters in the Lake Constance region. One *Fuder* = 30 *Eimer* = 120 *Viertel* = 960 *Maß*.

Maps, Illustrations, and Charts

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Preface

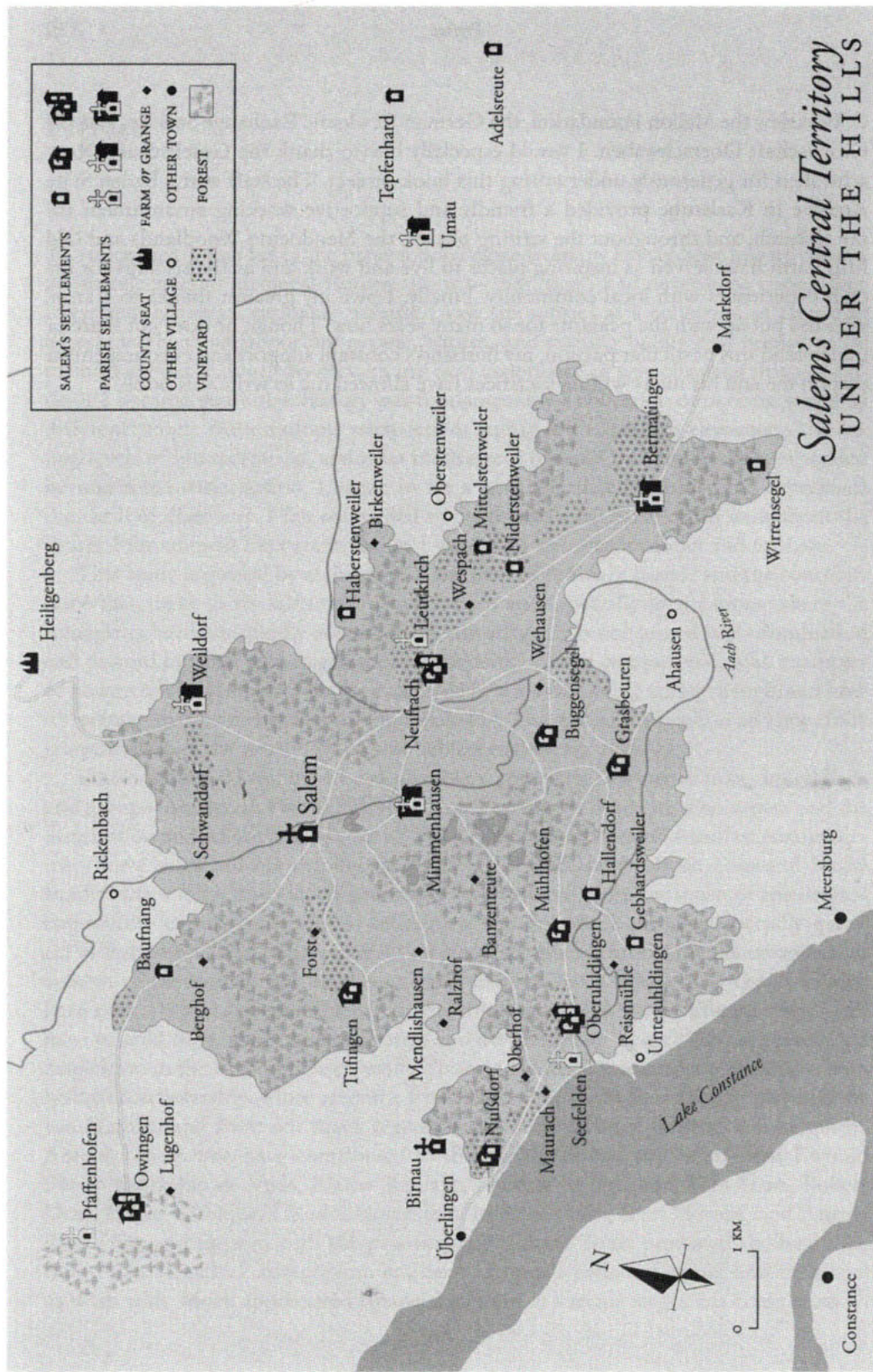
The initial spark that led to the present book came from my first college history course, an introduction to medieval Europe. Prior to that time I had never been consciously interested in history, probably because I saw the subject as a collection of facts and dates, mostly about important people, battles, and turning points that needed to be memorized but had little to do with my own experience or way of seeing things. Suddenly I became aware that history was fundamentally a collection of narratives told by different people from multiple perspectives and that it contained elements of meaning, levels of interpretation, and even inadvertent biases. Once the horizon expanded beyond rote memorization, I began to see a new relevance in history and experience the thrill of discovery. I felt compelled to contribute a narrative of my own about the things I found most important, things I wanted to know more about and to share.

This study is guided by an interest in the lives of ordinary people and the contributions they make to the historical process, even and especially in situations where the struggle is hard and hardly seems worth the effort. It is concerned with domination and discord but also with negotiation, incorporation, and compromise, with examples of how needs and interests can be expressed in ways that bring about change, and how differences may be reconciled through dialogue. The message is hopeful and hopefully relevant, despite the seemingly remote subject matter, for all of us.

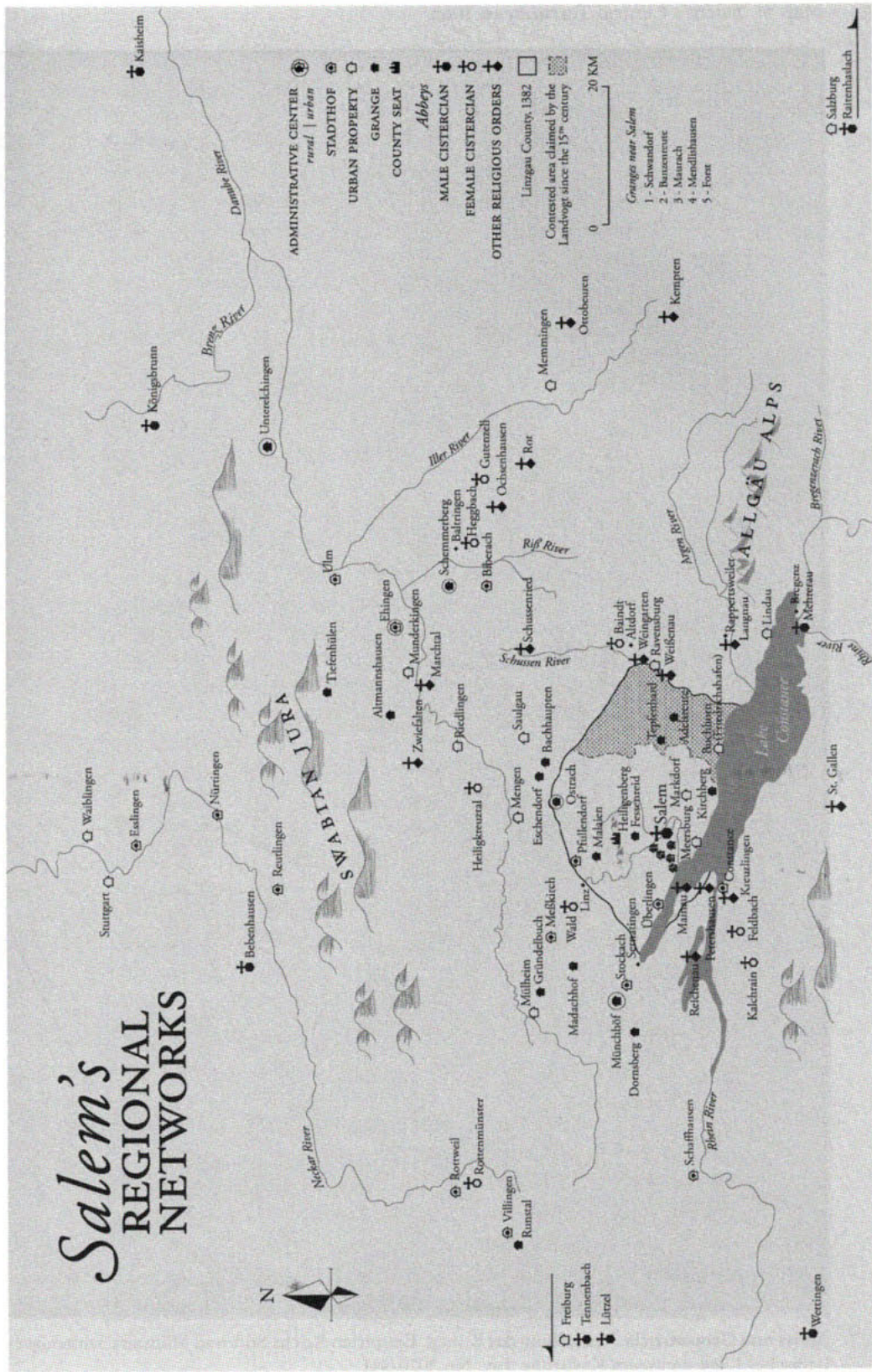
This book would not have been possible without the support of many individuals and groups. Above all, I would like to thank Thomas A. Brady Jr., who supervised the dissertation and whose key insights as well as practical advice and steadfast encouragement have sustained me through many times of uncertainty. Both Tom and Kathy Brady have shown unequalled generosity and fostered a strong sense of intellectual community embracing students, colleagues, and friends. I am also especially grateful to Randolph Head, whose careful reading and thoughtful comments on an earlier version of the manuscript have been most helpful. Peter Blickle and David Sabeau have not only had a great influence on my thinking in their own different ways, both have offered their advice and support. Leonard Smith and Valerie Kivelson provided inspiration in the earliest phases, while Thomas Tentler introduced me to the German historical scholarship. More recently, I have benefited from the example provided by Jon Mathieu and from our many conversations about history, writing, and language. Among others who have contributed to this project in one way or another, I would like to thank Jan de Vries, Elaine Tennant, Thomas Robisheaux, Tom Scott, Robert Dees, Elmar Kuhn, and André Holenstein. Michael Jenks, Joan Morton, and Angela Rose Heimann assisted with the proofreading. Emma Tome produced the maps. As the editor, Clemens Zimmermann has been extremely patient, flexible, and congenial to work with. Much appreciated financial support at various stages has come from U.

C. Berkeley, the Mellon Foundation, the German Academic Exchange Service, and the Gesellschaft Oberschwaben. I would especially like to thank the Gesellschaft Oberschwaben for generously underwriting this book project. The staff at the Baden State Archive in Karlsruhe provided a friendly and supportive working environment for my research, and throughout the writing phases, the Mendocino Woodlands and Old Mill Farm have served as inspiring places to live and work and as the settings for my own experiences with local community. Finally, I owe my greatest thanks to Aaron, who has put up with the peasants for so many years now. Though he does not share or understand this particular passion, my husband's constant support and encouragement sustain me and his many willing sacrifices have allowed me to write this book.

Map 1: Salem's Central Territory Under the Hills



Map 2: Salem's Regional Networks



Map by Emma Tome

Map 3: Salem's Central Territory in 1665



Abriss und Geometrische Vorstellung des Königl. Eximierten Reichs Stift und Münsters Salmanßweyer
Badisches Landesmuseum Karlsruhe, Inv.-Nr. 2010/911



Map 4: Salem's Central Territory in 1765



Geometrische Mappa über den hohen Jurisdiktionsbezirk der Herrschaft Salmansweiler de a. 1765, by Brother Humbert of Salem

Chapter 1: The Imperial and Cistercian Abbey of Salem and the Political Development of Its Central Territory, 1473–1637

This study investigates how peasant subjects contributed to political development in the South German territory belonging to the imperial and Cistercian Salem Abbey. It proceeds from a central premise, namely, that the demands and actions of ordinary people can and do influence the political process in various ways, even under seemingly adverse circumstances. Here we will explore the relationship between community and lordship in a process of political quickening, characterized by the consolidation of various forms of authority at the territorial level. Two legal treaties frame the period, one from 1473 between Salem Abbey and the subjects of its central jurisdiction and the other in 1637 between the rulers of Salem and Heiligenberg, the abbey's major political adversary and immediate neighbor. Both agreements settled long-standing disputes through arbitration and compromise, and both emphasized the centrality of law in the construction of territorial identity.

The decades around 1600 are characterized by economic stagnation and decline, increasing socioeconomic stratification and competition for resources, and the strengthening of territorial rule at the expense of local autonomy. Yet the conventional view—that the peasantry was pushed to the margins of political life after the German Peasants' War of 1525—is in need of revision. The histories of the imperial and Cistercian Salem Abbey and the subjects of its central territory north of Lake Constance provide a basis for challenging this and other prevailing interpretations. Based on detailed archival research, the following study offers examples of the peasantry's continuing political relevance in the century after 1525. It also argues for broader and more inclusive political models for the early modern period, ones that do not explain historical development in linear or teleological terms, privilege large centralizing states, or assume that some people's claims to political authority are inherently more legitimate, or worthy of attention, than others.

The fascination of history, I find, comes not only from discovering the “facts,” though any historian worthy of the name strives meticulously for the greatest possible accuracy. It comes also from the interpretations and narratives presented, for what they reveal about a situation, a people, a way of thinking, or even about ourselves. Histories contain perspective, as do the views of those who write them: no matter how hard we may try, still we see the world and the human past through the filter of our own experience.¹ The

¹ Wim BLOCKMANS, *Citizens and their Rulers*, in: *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300–1900*, ed. Wim Blockmans et al., Farnham and Burlington 2009, pp. 281–282.

Illustration 1.1: Earliest Known Depiction of Salem Abbey



By Augustin Hirschvogel, 1536

From the British Museum in London

present study has developed out of my continuing interest in “history from below,” the historical contributions of ordinary people. It contains a plea for more emphasis on and recognition of the historical contributions made at the lower end of the social spectrum, for the relevance of everyday life and local experience, and for the broader population of nonelites as a focus of intrinsic interest and as a motor for historical change.

The major actors in this unconventional political narrative fall into roughly two groups: monks and peasants. In the historical literature on early modern German and European state formation, neither one has been viewed as especially competent in political affairs.² Yet small, monastic polities were not by definition weak, backward, primitive, or rudimentary. Salem’s rule over its tiny rural territory was largely successful by early modern standards. Arguably, this ecclesiastical territory enjoyed certain advantages over the dynastic principalities of its time. The organizational techniques and political principles employed there were well adapted to its situation. The territory’s

² Monks and peasants were not legally incapable of political action, yet they are often perceived as irrelevant to political history. For a plea on behalf of the political significance of these respective groups, see Wolfgang Wüst, *Geistlicher Staat und Altes Reich: Frühneuzeitliche Herrschaftsformen, Administration und Hofhaltung im Augsburger Fürstbistum*, Munich 2001, p. 1; Peter Blickle, *Obedient Germans? A Rebuttal: A New View of German History*, trans. Thomas A. Brady Jr., Charlottesville 1997, p. 97.

government was certainly more participatory, populist, and negotiated in nature than in many other places. Overall, Salem also enjoyed greater peace, stability, and financial security than did many larger, dynastic states. Because Salem's social and administrative configuration was unusual in certain respects (and perhaps more representative than has been previously recognized), this study offers a new perspective on early modern political development. It highlights the strengths and limitations of ecclesiastical governance and provides new evidence of peasants' long-term political influence over the course of the long sixteenth century.³ Though political concerns serve as the primary focus, emphasis is also placed on social and economic aspects in the belief that these elements cannot be treated in isolation from one another.

In preparation for what follows, it will be helpful to briefly describe Salem—what it was, what rights and powers it claimed, and in what political and geographical framework it was located. First and foremost, Salem was an abbey of the Cistercian Order, founded in 1134/8 and located a short distance north of Lake Constance, east of Überlingen, in a tiny settlement called Salmansweiler.⁴ See Illustration 1.1, *Earliest Known Depiction of Salem Abbey*. From its modest beginnings, in keeping with the early Cistercian ideals of poverty, humility, charity, and self-sufficiency, the abbey grew in stature to become one of the wealthiest and most powerful ecclesiastical foundations in the southwestern corner of the empire.⁵ Already in 1142 it obtained the German king's special and exclu-

³ The long sixteenth century refers to the period from the late fifteenth to the early seventeenth century. It emphasizes structural changes in the agrarian economy and social organization, resulting from developments in demography, prices, markets, and productivity. Each of these areas was characterized by expansion until at least mid-century, followed by stagnation in the decades before 1600 and finally by contraction in the early seventeenth century. I use the term long sixteenth century to accentuate the underlying significance of these trends for rural development. See Thomas ROBISHEAUX, *Rural Society and the Search for Order in Early Modern Germany*, Cambridge 1989, pp. 1, 259; André HOLENSTEIN, *Bauern zwischen Bauernkrieg und Dreissigjährigem Krieg*, Munich 1996, pp. 44–45.

⁴ The foundation, granted in 1134, was not confirmed by the order until 1138. According to legend, Salmansweiler (Salomon's villa) was named around the year 630 after the settlement's founder. Later, the name was reported to be a comparison to King Solomon's Temple. The name Salem, a reminder of holy Jerusalem, came from the Cistercians. It derived also from the Arabic and Hebrew terms for peace and greetings (*salaam* and *shalom*) and means "place of peace." Throughout its history the two names, Salmansweiler and Salem, were used interchangeably in reference to the abbey. For more on the date of Salem's foundation as well as the origins of its name, see Werner RÖSENER, *Reichsabtei Salem: Verfassungs- und Wirtschaftsgeschichte des Zisterzienserklosters von der Gründung bis zur Mitte des 14. Jahrhunderts*, Sigmaringen 1974, pp. 20–24; Xavier STAIGER, *Salem oder Salmansweiler*, Constance 1863, p. 59; MARKGRÄFLICHE BADISCHE MUSEEN, ed., *Kloster und Staat: Besitz und Einfluss der Reichsabtei Salem*, Tettngang 1984, p. 62.

⁵ Hansmartin SCHWARZMAIER, *Reichsprälatenklöster*, in: *Die Territorien im Alten Reich*, vol. 2 of *Handbuch der baden-württembergischen Geschichte*, ed. Meinrad Schaab and Hansmartin Schwarzmaier, Stuttgart 1995, p. 598; Thomas HÖLZ, *Krummstab und Schwert: Die Liga und die geistlichen Reichsstände Schwabens 1609–1635*, Leinfelden-Echterdingen 2001, p. 127.

sive protection, and by 1354 it could claim the status of a free and unmediated imperial estate, under no political authority other than that of the emperor.⁶ Between 1213 and 1331 the abbey acquired lordship rights over its first nine villages, including most of the land and its inhabitants as well as jurisdictional rights and freedom from vassalage (*Vogteirechte*).⁷ Through donations and purchases, Salem accumulated other properties in strategic locations surrounding the abbey and throughout the region, including around thirty towns and twenty granges over time. Ownership of land in many of these places was the basis of *Dorfherrschaft*, local lordship over the inhabitants, jurisdiction, regulation of agriculture and trade, parish churches, and many other associated rights.⁸ From the late fifteenth century, Salem claimed as its serfs all the dependents of the abbey who lived in the villages of its central territory. In addition, abbey leaders asserted that a central court exercised exclusive jurisdiction over the surrounding countryside, consisting of twenty-some settlements in two administrative districts.

Yet in spite of several imperial privileges and legal charters in support of such pretensions, Salem's claims were contested in the early modern period and subject to overlapping claims, especially those of its closest neighbor to the north, the count of Heiligenberg. During the period 1473–1637, political authority over the people and places in close proximity to the abbey was consolidated in a process of “territorialization,” or the strengthening of political authority on a territorial basis.⁹ By territory, I

⁶ Salem was the only male Cistercian house in the German Southwest to possess free imperial status in this period; Armgard von REDEN-DOHNA, *Die Zisterzienser im schwäbischen Reichsprälatten-Kollegium*, in: *Rottenburger Jahrbuch für Kirchengeschichte* 4 (1985), p. 52.

⁷ RÖSENER, Salem, pp. 92–94.

⁸ Werner Rösener has described Salem's early acquisitions, making good use of the abbey's carefully preserved legal charters and medieval copiaries. Many of them are published by Friedrich von WEECH, ed., *Codex Diplomaticus Salemitanus: Urkundenbuch der Cistercienserabtei Salem*, 3 vols., Karlsruhe 1883–1895. The Leuchtenberg Treaty between Salem and Heiligenberg lists the places belonging to the abbey's jurisdiction in 1390, the same year Bermatingen became the abbey's tenth village. According to the purchase agreement, Salem became the holder of rights in Bermatingen pertaining to “lut und güt, kirchensatz, vogty, vogtrecht, zwing, bann, chafti, geriht, stura, dienst, tafern, schmid, waid, kelnhof, dinkhof, huser, hofstett, hofrait, punda, wingarten, holtz, veld, akker, wismad, marka, tratt, waid, pongarten, vischentza, wasserleiti, wasser fluss mit allen nutzin, rehten.” RÖSENER, Salem, p. 94.

⁹ In contrast to the earlier drive to accumulate rights and properties, the new objective was consolidation: to give positive substance to lordly rights the ruler had previously acquired. Territorialization was effected through a two-pronged approach, which on the one hand excluded external lordship claims within a bounded area and on the other hand leveled resident dependents' status and duties, creating a common band of subjects. See Hans-Martin MAURER, *Die Ausbildung der Territorialgewalt oberschwäbischer Klöster vom 14. bis zum 17. Jahrhundert*, in: *Blätter für deutsche Landesgeschichte* 109 (1973), p. 157; André HOLENSTEIN, *Äbte und Bauern: Vom Regiment der Klöster im Spätmittelalter*, in: *Politische Kultur in Oberschwaben*, ed. Peter Blickle, Tübingen 1993, p. 263; Claudia ULBRICH, *Leibherrschaft am Oberrhein im Spätmittelalter*, Göttingen 1978, pp. 275–280; Volker PRESS, *Kommunalismus oder Territorialismus?*

mean a relatively unified political entity defined by supralocal geographical and legal boundaries. A territory, unlike a state, is not an exclusive or sovereign power. Territories such as Salem's grew by pulling together multiple strands of authority under a single ruler, on the basis of integration and exclusion. They developed also by incorporating the needs and interests of their subjects. The primary themes of this study concern the establishment of Salem's territorial governance as well as the interactions among ordinary villagers, local elites, and the abbey's monastic and lay officials who participated in this dynamic process.

In the sixteenth century, Salem exercised petty jurisdiction over a population of around 3,800 inhabitants in twenty or so villages and smaller settlements surrounding the abbey. The area was commonly referred to as "Under the Hills" (*Unter den Bergen*)—that is, the basin between Heiligenberg Palace and Lake Constance.¹⁰ This area is shown in Map 1, Salem's Central Territory Under the Hills. For Salem, low justice was the primary foundation of territorial authority and the basis for additional rights and claims such as labor services, imperial tax collection, military contributions, and the loyalty oath.¹¹ Jurisdictional authority was central to Salem's status as an unmediated imperial estate as well as to perceptions of its legal and territorial boundaries.¹² Salem's unitary law and its court, established by the fourteenth century if not earlier, possessed enormous influence over territorial development in later centuries.¹³ The

Bemerkungen zur Ausbildung des Frühmodernen Staates in Mitteleuropa, in: Die Bildung des Frühmodernen Staates – Stände und Konfessionen, ed. Heiner Timmermann, Dadder 1989, pp. 117–119; HÖLZ, Krummstab und Schwert, pp. 86–87.

¹⁰ Under the Hills (*Unter den Bergen*) is a term designating the area between the range of hills to the north and Lake Constance to the south of the abbey, which various sources indicate as the area belonging to Salem's authority. I distinguish this area, defined by shared jurisdiction and early privileges, from a number of outlying administrative districts where Salem's lordship claims were much weaker.

¹¹ Low justice encompassed authority over minor offenses, punishable by fines, as opposed to high justice, which concerned the major and capital crimes including manslaughter, robbery, and arson. The derivation of such rights from low justice was relatively uncommon elsewhere, though it was also prevalent in Franconia, another region characterized by small-scale governance.

¹² The significance of the court and its jurisdiction in perceptions of Salem's territorial authority becomes clear when searching any set of records for the word *Gericht* (court). When an individual moved into or out of the abbey's territory, the records speak of the *Gericht*. When someone was banished from the abbey's lands, they were expelled from the *Gericht*. The location of land parcels was described with respect to the *Gericht*. The same was true of property sales, both land and other moveables, which were normally restricted to the *Gericht*—in other words, straw could not leave the territory and land could be sold only to persons residing within the abbey's jurisdiction.

¹³ In 1354 a royal privilege mentioned the abbot's court in the context of Salem's imperial status and exemption from overlordship by the counts of Heiligenberg. According to the privilege, the abbey's court settled all worldly disputes involving its dependents, no matter what their status or

court, known as the *Sidelgericht*, was not only the centerpiece of Salem's rule; it was also the heart of the territorial community. Its members were 15 peasant subjects chosen from villages across the jurisdiction. The court served to unify the territory externally and internally but not solely to the abbey's benefit. At the same time, it provided a point for villagers' interests and communal values to enter into a broader political arena.

Communal organization and popular participation characterized territorial development in the region, though not in the same ways as have been demonstrated elsewhere. "Communalism" in Salem took place within territorial rule, interwoven with lordship, rather than in opposition to it.¹⁴ Peasant subjects participated in territorial governance and influenced the direction of political development in many ways. Some of their contributions are surprising, even extraordinary. Besides the *Sidelgericht*, one of the best examples of popular participation in rule was the election of Abbot Thomas Wunn (r. 1615–1647), a former serf from Salem's village of Grasbeuren. This remarkable man guided his abbey through the difficult times of the Thirty Years War, became the first president of the Cistercians' Upper German Congregation, and signed a momentous treaty with Heiligenberg that substantiated the abbey's claims to free imperial status with full jurisdictional authority inside set physical boundaries. A third area where common subjects had a major influence in territorial decisionmaking was through their presentation of petitions and grievances before the *Verhör* or "Audience," which were formal weekly hearings by a body of the abbey's senior monastic and lay officials. This study suggests that since Salem's peasant subjects performed such a significant role in territorial development, the strengthening and even centralization of authority incorporated their customs and values at a higher level rather than leading to their displacement.

This situation—the communalization of rule and peasants' participation in key areas of governance—could not have happened just anywhere. In addition to the territory's size, location, and social composition, Salem's ecclesiastical identity was an important factor. A working hypothesis is that the lordship's corporate organizational structure and shared monastic values, as a spiritual brotherhood and intentional community of those who lived, worked, and prayed together, had a considerable influence on the development of its territory by providing certain political opportunities while limiting others. The monastery, like the village, employed associative as well as hierarchical principles. The professed monks elected a leader from their own ranks by a majority vote of all members. The abbot, to be sure, cut the figure of an ecclesiastical prince in his representation of the abbey and its lordship, yet he was chosen by his peers and bound to represent their interests. His ability, not his lineage, determined his right to rule.

the source of conflict. According to later records, the fifteen peasant judges participated in the creation of the territory's ancient legal customal, the *alte Jarbrief*, in 1301. There are also references from 1224 and 1262 to Salem's jurisdictional rights and its court.

¹⁴ Peter Blickle's employment of the term communalism is discussed below.

Because the abbey and its subjects shared certain common interests and had others that were not directly opposed, together they were able to build an effective territorial polity. Furthermore, a greater obstacle to Salem's territorial authority than its peasant subjects was the count of Heiligenberg. With respect to external powers, the abbey found its peasants useful in the augmentation of its authority. For peasants, on the other hand, the greatest concerns in daily life as well as the reasons for political action arose not only from the effects of domination imposed on them from beyond the village but also and especially from the relations between households, kin, and neighbors within the village and across the region. Often, village communities and individual subjects found structures and representatives of rule to be useful in their local or personal struggles. Additionally, since many local and territorial officials were commoners and area residents, the distinction between rulers and ruled was not always clear. The primary intermediaries between the abbey and its villages identified to some extent with both of them, melding elements of lordship and community and softening oppositions between them. Monks and peasants worked together in many cases, not because they agreed or shared identical interests, but because negotiation had its benefits for each side and because a stronger territorial polity served goals that went beyond politics.

Salem Abbey and its territorial rule lasted until the Napoleonic period, though this study ends much earlier. Salem's secularization in 1802/3 resulted not from any political deficiency, but rather, as a consequence of the entire empire's collapse and reconfiguration. Since today's churches no longer exercise direct political authority over bounded territories in Europe (besides the Vatican), some may view Salem as a historical oddity and a dead end. This study takes a different approach. Salem offers a new way of understanding political development in early modern Europe and elsewhere. It presents an alternative to the received political models based on large dynastic states. It shows how the common people in one small German territory contributed to the political process.

1.1 Sources and Methodology

Salem's archive is the most extensive of any Cistercian abbey in South Germany and is indeed among the richest and best-preserved monastic archives in all of Central Europe.¹⁵ Salem's document collection was relocated in the mid-nineteenth century and is housed today in Baden's *Generallandesarchiv* in Karlsruhe (GLAK). The most important sources for this study are listed in the Bibliography. The archive's Section 4 contains Salem's collection of over 8,000 legal charters (*Urkunden*), including contracts, privileges, agreements, and other official, parchment manuscripts. The archive's Section 98 also deals exclusively with Salem and contains an assortment of files that are

¹⁵ For a description of Salem's archive and its scope, see SIWEK, *Zisterzienserabtei Salem*, pp. 94–96; GLAK, *Abteilung 98 Registerband, Einleitung*.

likewise handwritten manuscripts, but these “acts” (*Akten*) possess a less formal nature, lacking the legal standing of sealed charters and agreements. Section 98 includes over 4,500 dossiers, many of them bound volumes that are hundreds of pages long, and the entire collection takes up approximately one hundred meters of shelf space. Sections 4 and 98 each contain two parts, the *Generalia* relating to the abbey overall, and the *Spezialia* with its focus on individual villages or places. Many villages boast extensive records. Besides these two major archival collections, both exclusive to Salem, there are important holdings in the GLAK’s Section 62 (account records, 1,000 volumes), Section 65 (manuscripts, 150 volumes), Section 66 (rents, 100 volumes), and Section 67 (copiaried, 110 volumes).¹⁶ Section 229 contains documents from various individual villages. The most useful of all for this study are the contents of Section 61, the minutes (protocols, 350 volumes). These include serial records from the Sidelgericht, Audience, and chancery, each of which begins in the early 1580s and spans thousands of pages, providing volumes of rich material covering the final 50 years of this study and beyond.¹⁷

This case study is primarily based on archival research. The astounding quantity and quality of documentation have led necessarily to decisions about what to include and how to organize the selected material. In the early stages I chose to focus on Salem’s central territory, the lands in the southern Linzgau often referred to collectively as Under the Hills. Since this study aims to describe the participation of peasant subjects in early modern political development, it made sense to concentrate on the major villages and on developments within this domain, rather than the abbey’s external relations, general economy, or widely dispersed properties including granges and urban properties beyond its immediate vicinity. Using the selection criteria of location, size, and source coverage, I narrowed the study area to look in greater detail at a dozen or so rural communities within the two centrally located administrative districts, settlements ranging in size from 20 to over 500 inhabitants in the late sixteenth century.¹⁸ I paid somewhat less attention to other tiny hamlets and isolated farmsteads and to the outlying areas where the abbey’s political authority was relatively insubstantial.¹⁹ These selection criteria allowed for a concentration on records from a comparable sample of

¹⁶ SIWEK, Salem, pp. 94–96.

¹⁷ Chancery records are found in GLAK, 61/13316–13320 (1582–86, 1587–93, 1604–12, 1612–22, 1632–66); Sidelgericht in GLAK, 61/13322–13329 (1583–87, 1588–92, 1593–97, 1604–11, 1609–24, 1625–31, 1646–48, 1646–54); Audience in GLAK, 61/13369–13488 (1583–1610, 1610–17, 1617–19, 1619–21, 1621–29, 1630–42 and beyond).

¹⁸ The study concentrates on the following villages and hamlets: Bermatingen, Buggensegel, Grasbeuren, Leutkirch, Mimmehausen, Neufrach, Nußdorf, Oberuhldingen, Owingen, Pfaffenhofen, Tüfingen, and Weildorf.

¹⁹ Other frequently mentioned villages and hamlets include: Adelsreute, Gebhardsweiler, Mühlhofen, Seefeld, Tepfenhard, Urnau, and (Mittelsten- and Nidersten-) Weiler.

known places in a central area, where we find a greater density of source material and a better opportunity to investigate relations between Salem and its peasant subjects.

It also became necessary to practice selection with regard to the abundant serial records from the Sidelgericht, Audience, and chancery, since it would have taken too much time to read, let alone transcribe and analyze these volumes in their entirety. Instead, I chose a number of years over the period 1583–1635 and did a quantitative analysis of all records from select years.²⁰ Beyond these samples, I also read and transcribed more broadly from each of the three record sets, searching for information from particular years and about certain topics, including officials, landholding, kinship, communal affairs, and other special interests. Examples throughout the study come from an extensive reading of each series.

1.2 Historiography

Theoretical concerns do not drive this study, and neither does the historical literature, in part because existing models of political development do not lend themselves particularly well to understanding Salem, and in part because Salem is a single, small example from which it is difficult to generalize without in-depth comparisons that are beyond the scope of this study.²¹ Salem does, however, provide important points of intersection with several key areas of historiographical debate involving the dynamics of people and politics. The case of Salem, in spite of its tiny size and unusual composition, proves to be a topic of broader significance that will be of special interest for the study of early modern polities, clerical rule, local and regional communities, and rural socioeconomic development.

The Alternative to Statebuilding in Salem

One obvious theme this study shares with larger historical concepts and narratives is the concern with processes of early modern state formation. The concept of the state and views on its development have been heated topics of debate for many generations, and

²⁰ For the court records I chose the first available year and nine subsequent years at five-year intervals: 1583, 1585, 1590, 1595, 1605, 1610, 1605, 1620, 1625, and 1630. From the Audience records I examined the seven years 1584, 1589, 1599, 1600, 1611, 1624, and 1630. The chancery sample includes 1584, 1590–92, 1612–14, 1620, and 1632–35.

²¹ Though I have consulted and cited many works by other historians, the strength of this project lies in its rich source material. The focus here remains on the details specific to Salem, yet it is hoped that the reader will recognize the contributions and relevance of this narrow case study to major discussions within the field and that the examples presented here may be of service for future research. While revising the manuscript for publication, I have included new references to more recent studies where they seemed especially vital.

for the premodern period they remain controversial issues, particularly in Germany.²² It is generally acknowledged that within the limitations of the Holy Roman Empire's overarching structures, political development in Central Europe took place primarily at the territorial level.²³ Especially since World War II, the Reformation era has held a prominent position in the view of modern German political development as being characterized by weakness and failure.²⁴ Recently, however, the interpretation of territorial fragmentation as a major source of Germany's political troubles has come into question. A revitalized image of the empire has emerged, shedding a more positive light on the German territories.²⁵ Whereas the small-scale polities, once so dominant in the German Southwest, were often viewed as proof of political backwardness, and whereas territorial "particularism" was a term used in the most pejorative sense, it is now possible to see that smaller polities offered considerable political advantages. This becomes especially evident when we view history "from below." Research on governance in regions such as Upper Swabia not only confirms the effectiveness of small-scale polities, it also contributes to a more balanced view of the early modern period.²⁶

Though it is widely recognized that the territories were the dynamic element of political formation in the early modern empire, the question remains as to whether the German territories may be considered states, and the answer depends on how we define this term. Especially in Germany, variations and exceptions have thwarted all

²² For Germany, where the national state was established relatively late and where the tragedies of the Nazi era have driven the search for historical explanations, the problem of the state has been emotionally charged and essential in importance. See Thomas A. BRADY Jr., *Some Peculiarities of German Histories in the Early Modern Era*, in: *Germania Illustrata: Essays on Early Modern Germany Presented to Gerald Strauss*, ed. Andrew FIX and Susan Karant-Nunn, Kirksville 1992, pp. 197–216; idem, *Translator's Introduction: A New View of German History*, in: *Blickle, Obedient Germans*, pp. ix–xiv.

²³ Karl Siegfried BADER, *Territorialbildung und Landeshoheit*, in: *Blätter für deutsche Landesgeschichte* 90 (1953), p. 130; Dietmar WILLOWEIT, *Territorialstaat*, in: *Handbuch der deutschen Rechtsgeschichte*, ed. E. Erler and E. Kaufmann, vol. 5, Berlin 1998, p. 147; Ernst SCHUBERT, *Fürstliche Herrschaft und Territorium im späten Mittelalter*, Munich 1996; PRESS, *Kommunalismus oder Territorialismus*, p. 117.

²⁴ The Reformation was also at the center of earlier and heroic narratives, above all those of Leopold von Ranke and Heinrich von Treitschke. See BRADY, *Peculiarities of German Histories*, pp. 199–200; idem, *Translator's Introduction*, pp. ix–x.

²⁵ BRADY, *Peculiarities of German Histories*, pp. 197–216; idem, *German Histories in the Age of Reformations, 1400–1650*, Cambridge 2009; James J. SHEEHAN, *What is German History? Reflections on the Role of the Nation in German History and Historiography*, in: *Journal of Modern History* 53 (1981), pp. 1–23.

²⁶ Even for the period before the establishment of national states, the focus has traditionally been on the centralizing monarchies such as England and France or the larger principalities such as Prussia and Austria. Upper Swabia, an extremely decentralized region, is generally defined as the area bounded by the Danube River to the north, Lake Constance to the south, the Swabian Jura (or the Black Forest) to the west, and the Iller (or Lech) River to the east.

attempts to produce a common political model or define such terms as state (*Staat*), territorial state (*Territorialstaat*), territorial sovereignty (*Landeshoheit*), or territorial rule (*Landesherrschaft*).²⁷ According to Ernst Schubert, too many conflicting studies have led to “research confusion” and to more disagreement than ever.²⁸ One of the biggest challenges for those who would see late medieval and early modern polities as states in Central Europe is that they lacked geographical unity and exclusivity. No village was entirely subject to a single lord, let alone large, bounded areas containing cities and countryside, roads, forests, rivers, and the castles of many minor nobles. In the early modern era, no ruler—not even the greatest princes of the empire—was effectively able to unite all subjects equally under a geographically closed, uniform, exclusive political authority.²⁹ According to some historians, the very idea of political boundaries was lacking before the sixteenth century.³⁰

Another problem with the construction of a general model for premodern statehood is that territorial rule developed from disparate combinations of elements and at different rates.³¹ Karl Siegfried Bader questioned whether the description of half a millennium of German constitutional history according to such a concept could further our understanding of the historical process.³² To define statehood too narrowly based on specific factors would be to disqualify many polities that did not grow out of an identical political medium. To define the concept too broadly, however, leaves it without any real meaning or shared characteristics with which to distinguish it from other political types.

²⁷ Peter BLICKLE, *Landschaften im Alten Reich: Die staatliche Funktion des gemeinen Mannes in Oberdeutschland*, Munich 1973, pp. 30–33; Karl Siegfried BADER, *Der deutsche Südwesten in seiner territorialstaatlichen Entwicklung*, Sigmaringen 1978, pp. 161–167; BADER, *Territorialbildung*, esp. p. 110.

²⁸ SCHUBERT, *Fürstliche Herrschaft*, pp. 51–52.

²⁹ Peter BLICKLE, *Bauer und Staat in Oberschwaben*, in: *Zeitschrift für Württembergische Landesgeschichte* 31 (1972), p. 108; SCHUBERT, *Fürstliche Herrschaft*, pp. 53–55; BADER, *Territorialbildung*, p. 130.

³⁰ SCHUBERT, *Fürstliche Herrschaft*, p. 5; idem, *Vom Gebot zur Landesordnung: Der Wandel fürstlicher Herrschaft vom 15. zum 16. Jh.*, in: *Die deutsche Reformation zwischen Spätmittelalter und frühen Neuzeit*, ed. Thomas A. Brady Jr., Munich 2001, pp. 33, 50–53. Theodor Mayer introduced the idea of “*Flächenstaatlichkeit*,” or the geographical concentration of authority, in 1935. For a critical view, see SCHUBERT, *Fürstliche Herrschaft*, pp. 57–58. On the other hand, patterns of monastic land purchases in the High Middle Ages suggest the intentional consolidation of territories, even if not conceived initially as the basis of political power. See MAURER, *Ausbildung der Territorialgewalt*, pp. 156–157; RÖSENER, *Salem*, p. 94; Thomas HÖLZ, *Krummstab und Schwert*, pp. 85–86; Jürgen SYDOW, *Die Zisterzienserabtei Bebenhausen*, Berlin 1984, p. 144.

³¹ BADER, *Territorialbildung*, p. 129; WILLOWEIT, *Territorialstaat*, p. 147; HÖLZ, *Krummstab*, pp. 86–87.

³² BADER, *Territorialbildung*, pp. 111–112.

A third problem with the concept of the state is that it is a modern term rooted in the national experience of the nineteenth and twentieth centuries. Our view is distorted if we focus only on the political developments of the past that appear to have led in some essential and direct way to the formation or failure to form modern national states as we know them today. To compare the past with our own political experience, and to highlight and value only those forms we recognize as our own, is to reject and ignore those traits that have lost usefulness or value in our own society; it is to view the past through historical blinders. The search for the foundations of the modern state has led back to earlier and earlier points in history until the concept has lost all concrete meaning, so that the particular conditions that distinguish premodern political entities from modern states are all too easily forgotten.³³ Political experience and development is not linear and does not lead always in the same direction. There is therefore no special path, no single path, and political diversity is not tantamount to political failure. This is especially true in the German lands where authority was dispersed. As Immanuel Wallerstein has demonstrated in a broader European context, the success of one polity eliminates opportunity for its neighbors, so that political imitation often fails to achieve its goal.³⁴

In the early modern period, diversity and smallness of scale characterized the political experience of Central Europe in general and the German Southwest in particular. By some definitions of statehood, polities such as the one in Salem would be rejected as states based on size alone. This study rejects the notion that strength and stability are directly proportional to size and that small implies political irrelevance or economic weakness. We should view smallness of scale not as the grounds for categorical rejection as something politically insignificant, but rather, as an opportunity to discover alternatives that have been historically neglected due to our own modern biases.³⁵ The objective here is to understand historical experience in its own terms, not to search out the origins of the modern national state or judge political success by any other single standard.

³³ SCHUBERT, *Fürstliche Herrschaft*, esp. pp. 53–55. This point, along with the appeal to avoid modern concepts in favor of period-specific terminology (*geschichtliche Grundbegriffe*), is one of the most important contributions made by Otto BRUNNER, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James Van Horn Melton, from the 4th rev. ed., Philadelphia 1992, p. 97. See also BRADY, Translator's Introduction, p. xi.

³⁴ Immanuel WALLERSTEIN, *The Modern World-System*, vol. 2: *Mercantilism and the Consolidation of the European World-economy, 1600–1750*, New York 1980, chap. 5.

³⁵ Armgard von Reden-Dohna presents a strong defense of imperial abbeys against what she perceives as historians' bias in favor of larger polities. In her judgment, "There were indeed problems of smallness. However, these problems did not exactly concern the estates themselves, which enjoyed their secure place in the many-layered structure of the Old *Reich*. Rather, they concern the historian, who was educated within a macrocosm—that is, the large and modern state—and who feels confident in asserting the weakness of the small." Idem, *Problems of Small Estates of the Empire: The Example of the Swabian Imperial Prelates*, in: *Journal of Modern History*, supplement vol. 58 (1986), p. 87.

With this in mind, I propose that we consider political development in Salem without relying too heavily on comparisons with “the state.” I would even suggest that we try, as Wolfgang Reinhard has argued in a polemical essay against “statebuilding from below,” to liberate our discussion of political development in Salem from the domination of this political model, to think instead in terms of the possible alternatives.³⁶ This is because the state is such a heavily loaded term, carrying with it connotations of modern political experience and based on the assumption of large, centralized, unified, warmaking, national states. To apply the concept of the state to the early modern period may be legitimate, especially if we are primarily concerned with understanding how political development in that period relates to more recent times. It may also be legitimate to employ the state model if we are willing to broaden the definition of the state to include the smaller polities, overlapping competencies, and diverse organizational forms more characteristic of the premodern period. In this study, however, the goals are different. Here the focus is on the political developments of a small abbatial territory in the early modern period, before states as we know them today became the standard political model. In this task, we are better off to take our discussion out from under the long shadow of the state where it is too easy to judge what came before according to modern standards as less unified, less strong, less comprehensive, less politically significant. Some may argue that polities such as the one in Salem are irrelevant to our own experience and therefore not worth taking the time to understand. I strongly advocate the opposite view: by looking at alternative political models, we can perhaps discover some values we have overlooked, which may even provide correctives for the deficiencies of our own political system, in the present and for the future, to see that there are other possibilities besides the “moloch” of the modern national state.³⁷ Furthermore, it will be argued, smallness of scale is not necessarily a liability or a limitation. For truly, there are cases where less is more, where bigger is not better. As we shall see, governance in tiny Salem was well suited to the needs of the abbey and its peasant subjects. This religious foundation and its political identity evolved over a period of more than 650 years. What state today can boast of such a long and successful history, characterized by peace and prosperity?

Elements of Ecclesiastical Rule in Salem

Territorial authority in the early modern empire was constituted in various forms and in no way derived from a single element or an identical set of building blocks. It evolved through the combination of multiple strands of dominion that varied over space and time. Still, monks typically were and are not viewed as the legitimate bearers of political authority. It is true that the abbot’s right to rule was recognized, similar to that of

³⁶ Wolfgang REINHARD, *No State-Building From Below! A Critical Commentary*, in: *Empowering Interactions*, ed. Blockmans et al., p. 303.

³⁷ *Ibid.*

any lord, and that the privileges and protections of corporate legal status the convent enjoyed were not at all unusual at the time. Yet a Cistercian abbey's claim to political authority required noteworthy and unusual modifications to standards of noble rule, for reasons of principle and practice. Several historians have called attention to clerical rule in the German territories and to the characteristics that distinguished this type of polity from its noble counterpart.³⁸ There are monographs devoted to many individual bishoprics and monasteries of various religious orders, but a general study of ecclesiastical territories in the early modern period, or of monastic lordship as a specific political type, would be a welcome addition to our knowledge. This is not the place to embark on such broad topics, but throughout the following chapters it will be useful to keep in mind some of the peculiarities of ecclesiastical rule in general and of Cistercian rulers in particular, to think about whether and to what degree the clerical nature of Salem's rule played a role in the territory's political development. Here we will consider four important aspects of ecclesiastical rule in Salem: election, economy, peacekeeping, and administrative organization.

Perhaps the most important difference between clerical and aristocratic rulers is that churchmen were elected whereas nobles ruled by hereditary right.³⁹ Elective rule had several important consequences. First, when an ecclesiastical lord died, the community maintained continuity by choosing his successor from among themselves. As long as there remained a spiritual brotherhood of cardinals, canons, or monks, the ruling line would not die out. Thus, the longevity and alliances of ecclesiastical institutions were based on the social criteria of recruitment rather than the biological limitations of birth and marriage. Second, election provided flexibility in the direction of leadership by allowing members to choose someone whose abilities suited the current needs. They could reinforce or correct previous trends, considering such factors as charisma, skill, age, personal background, networks, prudence, and experience. Third, election relied in principle on cooperative participation among equals. In Cistercian houses, each monk had one vote and each vote carried equal weight in abbatial elec-

³⁸ HOLENSTEIN, *Äbte und Bauern*, pp. 237–262; WÜST, *Geistlicher Staat*; Lawrence G. DUGGAN, *Bishop and Chapter: The Governance of the Bishopric of Speyer to 1552*, New Brunswick 1978; SCHWARZMAIER, *Reichsprälätenklöster*, pp. 546–609; MAURER, *Ausbildung der Territorialgewalt*, pp. 151–195; Pankraz FRIED, *Zur Ausbildung der reichsunmittelbaren Klosterstaatlichkeit in Ostschwaben*, in: *Zeitschrift für Württembergische Landesgeschichte* 40 (1981), pp. 418–435; REDEN-DOHNA, *Zisterzienser*, pp. 51–58; Katherine BRUN, *Ruling Class and Regime in an Ecclesiastical Territory: The Case of Salem*, in: *Politics and Reformations: Communities, Politics, Nations, and Empires. Essays in Honor of Thomas A. Brady Jr.*, ed. Christopher Ocker et al., Leiden and Boston 2007, pp. 359–380.

³⁹ The emperor is an important exception to this rule. Yet even the emperor often indicated his choice of successor, and dynastic power certainly played a major role in imperial elections, which was generally not the case in Cistercian abbeys.

tions.⁴⁰ The choice of a leader from within was an important reminder of the dualistic nature of rule, a powerful check against absolutist tendencies, and an expression of associative principles.⁴¹

A second major difference between the territories of nobles and churchmen concerns their properties and wealth.⁴² Clerical celibacy and the lack of heirs guaranteed that possessions and lordship rights never split into pieces, never fell to outsiders. There were no younger sons to outfit, no daughters in need of dowries, no noble courtiers to reward for loyal service, and fewer obligations to support a network of kin and followers through favors or patronage.⁴³ In fact, monks' families often left significant property to the abbey and were thus a source of income, not expenditure.⁴⁴ Furthermore, church property and property rights were held in common and could not, in principle, be alienated.⁴⁵ This created much greater stability than in most dynastic lordships, not

⁴⁰ According to a papal bull in 1265, the convent alone had the power to elect a new Cistercian abbot. The pope and the abbot of Cîteaux confirmed him, not the bishop. On election practices in Salem, see Reinhard SCHNEIDER, *Die Geschichte Salems*, in: idem, ed., *Salem: 850 Jahre Reichsabtei und Schloss*, Constance 1984, pp. 61–63; Walter LEODEGAR, *Die Abtwahlen in Salem im 16. Jh.* and idem, *Die Abtwahlen in Salem im 17. Jh.*, both in: *Cistercienser-Chronik* 48 (1936), pp. 98–106 and 321–338.

⁴¹ Principles of association and practices of corporate rule were used not only by peasants and burghers but also by nobles, as pointed out by PRESS, *Kommunalismus oder Territorialismus*, p. 115. Salem's political organization, social composition, and fundamental values as a Cistercian monastery may have made it in some ways more similar, more sympathetic, or at least more open than many other lordships to the social and political norms originating in the villages.

⁴² REDEN-DOHNA, *Small Estates*, p. 83.

⁴³ MAURER, *Ausbildung der Territorialgewalt*, p. 155. This last point is true especially for Cistercians and other religious orders with an emphasis on personal poverty, as opposed to the cathedral chapters and many of the older Benedictine houses, which drew members and support from the nobility and where ties to the regional political elites were much more pronounced.

⁴⁴ One legal charter describes the rights of Johannes Waybel, a monk, to inherit a share of family property in the nearby village of Lipperatsreute, equal to that of his siblings, with his portion payable to the abbey. Another document mentions land in Bermatingen worth 950 gulden that the abbey had acquired from the parents of one of its monks, P. F. Robert Rueff. GLAK, 4/62; 61/13374; see also SCHNEIDER, *Geschichte Salems*, p. 57.

⁴⁵ In practice Salem sold, mortgaged, and traded properties as early as the thirteenth century, but canon law forbade the alienation of church lands (with some exceptions: DUGGAN, *Bishop and Chapter*, p. 185). Schubert recognized the inalienability of church property as one of four major structural differences between episcopal and noble regimes, citing it as the reason why the territorial foundations of bishops were stronger and more stable than those of secular rulers. Idem, *Fürstliche Herrschaft*, pp. 6–7. Unlike Benedictines and canons, Cistercians did not distinguish between the property of the abbot and of the convent, and monks held no individual benefices. This strengthened the convent's solidarity. See Hermann TÜCHLE, *Süddeutsche Klöster vor 500 Jahren, ihre Stellung in Reich und Gesellschaft*, in: *Blätter für deutsche Landesgeschichte* 109 (1973), p. 112; Cécile SOMMER-RAMER, *Einleitung: Die Zisterzienser*, in: *Helvetia Sacra*, ed. Cécile Sommer-Ramer and Patrick Braun, vol. 3/1, Bern 1982, pp. 36, 45.

only in terms of property but also in customs, written records, and relations with subjects.⁴⁶ The consumption patterns and financial needs of a monastery were also quite different from those of princely courts. Household expenses including clothing, food, travel, and display were extremely modest in comparison to that of the prince and his court, not to mention military expenditures, and many of Salem's territorial officials were unsalaried monks, laybrothers, or villagers.

Cistercians are well known for their economic prowess, and in terms of landholdings, Salem was among the most affluent abbeys in the German Southwest.⁴⁷ Decentralized treasury and accounting records make it difficult to assess the abbey's total wealth, but as for land and other possessions, Salem kept careful records.⁴⁸ Even before the order relaxed its property restrictions in the early thirteenth century, lordship rights accompanied the land Salem acquired by donation and purchase.⁴⁹ The monks converted some properties into granges and displaced their former inhabitants—at one time Salem had around twenty grange farms—but this strategy proved to be difficult and unpopular with neighbors.⁵⁰ Before long Salem had acquired several entire villages, many of them purchased for extremely large sums and located strategically

⁴⁶ This was a definite advantage for territorial residents, who did not have to worry that authority over them would be sold or mortgaged to some overly harsh or less scrupulous lord. See Tom SCOTT, *The German Peasants' War and the 'Crisis of Feudalism.'* Reflections on a Neglected Theme, in: *Journal of Early Modern History* 6 (2002), pp. 277–280. In contrast to Salem, rule in neighboring Heiligenberg passed between lines or dynasties in 1277, 1428, 1534, and 1716.

⁴⁷ According to Schwarzmaier (*Reichsprälätenklöster*, p. 598), Salem was the wealthiest in this region overall.

⁴⁸ The lack of centralized accounts may have been intentional, since Salem paid exorbitant taxes to the empire and its wealth was a subject of great envy. On Salem's administrative organization and accounting practices, see Hermann BAIER, *Des Klosters Salem Bevölkerungsbewegung, Finanz-, Steuerwesen und Volkswirtschaft seit dem 15. Jahrhundert*, in: *Freiburger Diözesanarchiv*, n.s. 62 (1934), pp. 96–126. For early property acquisitions, see WEECH, *Codex*; RÖSENER, *Salem*.

⁴⁹ Early Cistercian ideals rejected feudal relations and forbade members to exercise authority over villages and subjects or to profit from rents, interest payments, trade, or dependents' labor. Not until 1208 did the order permit certain properties to be rented out, followed by more general permission in 1220. RÖSENER, *Salem*, pp. 118–123; idem, *Entwicklung des Zisterzienserklosters Salem im Spannungsfeld um normativer Zielsetzung und gesellschaftlicher Anpassung während des 12. bis 14. Jahrhunderts*, in: *Zeitschrift für die Geschichte des Oberrheins* 133 (1985), pp. 47–48; Maren KUHN-REHFUS, *Konserven und Pfründner in südwestdeutschen Zisterzienserkloöstern*, in: *Das Zisterzienserkloster Bebenhausen: Beiträge zur Archäologie, Geschichte und Architektur*, ed. Wilfried Setzler and Franz Quarthal, Stuttgart 1995, p. 105.

⁵⁰ Salem became embroiled in conflicts with the rural populations it tried to displace in this old-settled region; see Werner RÖSENER, *Bauernlegen durch klösterliche Grundherren im Hochmittelalter*, in: *Zeitschrift für Agrargeschichte und Agrarsoziologie* 27 (1979), esp. p. 78; idem, *Salem im Spannungsfeld*, pp. 48–49. By the sixteenth century many of Salem's granges had been converted to ordinary farms that were rented out to area residents. RÖSENER, *Salem*, p. 119; SCHNEIDER, *Geschichte Salems*, pp. 98–99, 117–119.

around the abbey and nearby urban markets. Landed possessions, and the incomes they generated, were among the primary foundations of Salem's political authority and an advantage over neighboring rulers.⁵¹ Salem guarded its property rights fiercely, and in the early modern period, its subjects complained about both the terms of leases (annual renewal, nonhereditary) and the level of rent (including a percentage of the crop rather than a set quantity).

Salem's villages and rent-bearing farms were important sources of income, but they were only one of three pillars in the Cistercian economic system. The second was the aforementioned granges, self-administered monastic farms under the direction of laybrothers, and the third was their urban properties, especially those designated as *Stadthöfe*. These town houses were exempt from the usual taxes, tolls, and military contributions required of all burghers. They provided a residence and guesthouse that could fulfill symbolic functions of display and hospitality, but more importantly, they were storage facilities and marketplaces for the abbey's duty-free produce. They served as access points to the region's most important political and administrative centers and to an extensive trading network of at least 29 cities.⁵² Abbey officials stationed in the various granges and *Stadthöfe* oversaw properties and subjects scattered throughout the surrounding countryside. Map 2, Salem's Regional Networks, gives an idea of the abbey's influence beyond its central territory. Salem is an excellent demonstration of Armgard von Reden-Dohna's argument that many monasteries, Cistercians in particular, were financially powerful and efficient in spite of their small size.⁵³

A third characteristic of ecclesiastical rule is routinely described as a limitation, for according to canon law, clerics were forbidden to shed blood. They could not attack, defend, protect, or punish using physical means. They were not allowed to wage wars or seek violent retaliation. In the terms of modern national states, this would certainly be viewed as an impediment, and in the Middle Ages it was perhaps an even greater problem. In a period of noble feuding, when there was literal truth in the saying that "might makes right," this clerical prohibition on violence placed ecclesiastical rulers in a difficult position. Some church leaders, especially bishops and prince-abbots, ignored the sanctions and even came to practice guardianship over their weaker neighbors.⁵⁴ Others employed lay officials to carry out the worldly duties of physical defense and legal enforcement on their behalf. In the medieval period, churches normally required a guardian

⁵¹ REDEN-DOHNA, *Zisterzienser*, pp. 52–53.

⁵² These properties varied in privileges and status, not all enjoying the extensive rights of a *Stadthof*. See RÖSENER, Salem, pp. 130–140; SCHNEIDER, *Geschichte Salems*, pp. 119–124; MARKGRÄFLICHE BADISCHE MUSEEN, *Kloster und Staat*, pp. 71–86.

⁵³ REDEN-DOHNA, *Zisterzienser*, p. 53.

⁵⁴ Kempten is a good example. See Wilhelm LIEBHART, *Die Reichsabtei Irsee im Kampf um die volle Landeshoheit 1551–1692*, in: *Das Reichsstift Irsee: Vom Benediktinerkloster zum Bildungszentrum. Beiträge zu Geschichte, Kunst und Kultur*, ed. Hans Frei, Weißenhorn 1981, pp. 152–167; FRIED, *Ostschwaben*, pp. 428–429, 433.

(*Vogt*), and the institution of church guardianship (*Kirchenvogtei*) evolved in ways that accommodated the defenselessness of churches by providing them with physical and legal “protection,” which at the same time compromised their political autonomy. Church guardians were responsible for the failure of many abbeys to consolidate territorial authority or to achieve the status of unmediated imperial estates.⁵⁵ For some, such as those located in Württemberg, it led to secularization in the Reformation period.

Lacking the authority to use force, ecclesiastical lords turned readily to legal arbitration and written records in defense of their rights and properties. Ecclesiastical rulers also joined regional peace associations and defensive leagues in order to protect themselves and their interests. Membership in such groups was especially beneficial in areas of dispersed political authority such as the German Southwest. In comparison to Franconia, another region typified by small-scale governance, the peacekeeping associations in Upper Swabia made feud much less of a problem.⁵⁶ Salem belonged to regional organizations including the Knights of St. George’s Shield, the Swabian League, the Swabian Circle, the College of Imperial Prelates in Upper Swabia, and the Cistercians’ Upper German Congregation. Salem was also a strong supporter of the empire and of the Habsburgs (who held the imperial throne in the early modern period and were simultaneously major landowners and political players in the region), and the abbey was careful to have its privileges confirmed if not extended by each new emperor. The abbey secured its properties and freedoms not through a demonstration of military strength but through these personal relationships, legal charters, regional peacekeeping efforts, and the decentralized, loosely federal superstructure provided by membership in the empire and various regional associations.

Against this nonviolent approach to governance, the objection could be raised that Salem and other tiny rulers in this corner of the empire were extremely fortunate not to have been simply wiped out by larger, stronger neighbors. It is true that the imperial wars in the south and to the east drew militants away from the area, promoting an “oasis of peace” in Upper Swabia.⁵⁷ It is equally true that the Thirty Years War (1618–1648) brought total devastation to the region. Yet the Thirty Years War had a similar impact on the larger dynastic territories and in other regions of the empire. The effects of this war, especially for rural populations, were indiscriminately horrific. We must also consider military expenses and their political consequences.⁵⁸ Rulers with small terri-

⁵⁵ Maurer, *Ausbildung der Territorialgewalt*, pp. 173–174.

⁵⁶ Volker PRESS, *Oberschwaben in der frühen Neuzeit*, in: *Oberschwaben: Beiträge zu Geschichte und Kultur*, ed. Peter Eitel and Elmar L. Kuhn, Constance 1995, p. 104.

⁵⁷ *Ibid.*

⁵⁸ The cost of warfare is one of the reasons usually cited for the rise of large national states in the modern period, because wars were becoming so expensive that only larger units possessed the resources necessary to conduct them and to avoid being swallowed up by stronger neighbors. In the early modern period, however, the scale of warfare was much smaller than today, and in Upper Swabia, national states did not provide the model for political formation.

tories and smaller budgets, those with few resident subjects and fewer resources, were limited in the scale and frequency of aggressive acts. Conversely, less warfare required less government expenditure and this made good economic sense, especially from the perspective of taxpayers and subjects.⁵⁹ The weakly federal organization of petty rulers in Upper Swabia should not be seen as the consequence of a political vacuum, something cobbled together haphazardly in the absence of “real” power. These petty rulers were in fact the real rulers, and although many of them were small and militarily weak, their regional associations for defense and collective policymaking deserve greater attention. Again, we must be careful not to judge early modern Salem according to modern standards. Applying the criteria of peacekeeping rather than warmongering, Salem turns out to have been a successful polity indeed, as will be demonstrated in the following chapters.

A final difference between clerical and aristocratic rule, though others could be mentioned, concerns their administrative structures. As already indicated, many of Salem’s administrative offices were filled by monks or laybrothers, unsalaried members of the abbey who were, at least in comparison to most bureaucrats, extremely loyal to its objectives. The abbey’s own subjects, both local elites and other villagers, also carried out many of the tasks associated with Salem’s territorial administration. The social origins and professional mobility of abbey officials are discussed in Chapter 6, but here it will be useful to briefly describe the major administrative offices and bodies responsible for territorial decisionmaking and recordkeeping.⁶⁰

The abbot was the head of the monastic community as well as a territorial ruler who represented Salem, both spiritually and politically, to the outside world. Unlike most monks, he was free to leave the cloister and could be absent for long periods during his travels to distant places including Innsbruck, Vienna, Cîteaux, and Rome. Salem’s abbot also conducted annual visitations and attended elections at other Cistercian abbeys, including four (male) “daughter” houses and eight subordinate female convents.⁶¹ With the establishment of the Cistercians’ Upper German Congregation in 1624, Salem’s abbot became the General Vicar over 62 male and female abbeys from Franconia to the

⁵⁹ Franz Quarthal cites this as a major advantage for abbeys, because in the larger secular territories, fifty percent or more of the entire budget commonly went to military expenditures in the eighteenth century. Even though abbeys paid much higher imperial taxes, these were minor in comparison to maintaining a standing army. Idem, *Unterm Krummstab ist’s gut leben: Prälaten, Mönche und Bauern im Zeitalter des Barock*, in: *Politische Kultur in Oberschwaben*, ed. Peter Blickle, Tübingen 1993, pp. 283–284.

⁶⁰ For greater detail about these and other administrative positions, see BAIER, *Bevölkerungsbewegung*, pp. 96–126; Katherine BRUN, *The Abbot and His Peasants: Building the Territorial State in Salem, 1473–1637*, PhD diss., Berkeley 2008, pp. 606–623; SCHNEIDER, *Geschichte Salems*, pp. 67–73.

⁶¹ The locations of these “daughter” houses (Königsbronn, Raitenhaslach, Tennenbach, and Wettingen) as well as affiliated female houses (Baindt, Feldbach, Gutenzell, Heggbach, Heiligkreuztal, Kalchrain, Rottenmünster, and Wald) are indicated on Map 2.

Swiss Confederation and from Alsace to Bavaria, with the responsibility to visit and oversee them all. The abbot attended imperial and regional assemblies, served on arbitration committees, and maintained correspondence with many other rulers as well as his own administrative officials.⁶² No other monk, monastic official, or member of Salem's territorial community had a greater personal impact on its political development than the abbots. More is also known about them than any other group: the biographies of Salem's forty abbots have been written several times, and the abbey's history has been chronicled according to each abbot's challenges and achievements.⁶³

The convent consisted of all the professed monks who lived and prayed within the monastery's walls. As an entire body they met regularly for religious services but rarely to make decisions, with the exception of electing the abbot, which was their most significant political activity. The convent did possess its own seal, and many documents refer to the abbot and convent together as the lords of Salem, yet there is little evidence that the monks collectively attended to or participated in the worldly affairs of business, administration, or rule. Individual monks, however, held several of the abbey's highest administrative offices, including the *Großkeller* (grand cellarer), *Pfister* (master baker), and bursar.⁶⁴ Salaried employees normally held other administrative positions, such as the many *Hofmeister*, who were responsible for overseeing each of the abbey's

⁶² Salem's abbots attended at least four Imperial Diets (Regensburg 1471, Lindau 1497, Worms 1497, Freiburg 1498) and were members of the Imperial Governing Council (*Reichsregiment*) in 1500 and 1521. Salem's abbots presided over the College of Imperial Prelates in Upper Swabia from 1580 to 1591 and served as assistant directors from 1591 to 1618. See SCHNEIDER, *Geschichte Salems*, p. 130; Armgard von REDEN-DOHNA, Weingarten und die schwäbischen Reichsklöster, in: *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung*, vol. 5, ed. Anton Schindling and Walter Ziegler, Münster 1993, p. 233; HÖLZ, *Krummstab*, p. 107.

⁶³ See especially Gabriel FEYERABEND, *Chronik des ehemaligen Reichs-Stiftes und Münsters Salmannsweiler in Schwaben, von seiner Entstehung bis zu seiner Auflösung, 1833* [unpublished manuscript, Universitäts-Bibliothek Heidelberg]; STAIGER, *Salem oder Salmannsweiler*, pp. 62–189; Gerhard KALLER, *Zisterzienserkloster Salem*, in: *Helvetia Sacra*, ed. Cécile Sommer-Ramer and Patrick Braun, vol. 3/1, Bern 1982, pp. 351–375; Alberich SIWEK, *Die Zisterzienserabtei Salem: Der Orden Das Kloster Seine Äbte*, Sigmaringen 1984, pp. 131–353.

⁶⁴ The *Großkeller* was the abbey's chief economic overseer, in charge of granges and farms, land sales, rents, and forests. He also oversaw one of the two central administrative districts (west of the Aach River). The *Pfister* was initially a laybrother who supervised the abbey's provisions and storehouses. By the sixteenth century it was a monk who held this office, and his expanded responsibilities included supervision of the other central district (east of the Aach). He also oversaw the distribution of bread alms. The bursar handled the abbey's financial affairs including the majority of cash income and expenses (though many district officials reported directly to the abbot, who kept his own separate accounts). In addition, he oversaw tithes, vineyards and wine production, grain storage, and the payment of employees' wages. There was considerable overlap among the competencies of these officials, which underwent significant reorganization during the early modern period. All three officers were among the habitual members of the abbey's small council and Audience.

outlying districts, granges, and urban properties.⁶⁵ One senior official who interacted most frequently with territorial subjects was the *Oberamtmann* (called the *Kaufmann* until 1590).⁶⁶ The *Oberamtmann* represented the abbey in its legal prosecutions, mediated disputes, collected fines, witnessed property transactions, and supervised the village headmen. Other hired employees were the secretary and later chancellor, responsible for keeping many of the abbey's records.⁶⁷

The territorial court (*Sidelgericht*) and the Audience (*Verhör*) were two of the abbey's most important decisionmaking bodies; others included the small council (*Rat*), the spiritual council (*Geistlicher Rat*), and the high court of appeals (*Hofgericht*).⁶⁸ The various courts, councils, and assemblies met at different frequencies and were composed of different members, but it is significant in each case that they reached their decisions collectively. Later chapters examine the territorial court and Audience, which are of special interest because of their excellent records as well as for their relevance to the politics of everyday village life and local socioeconomic structure.

Communalism

There is a long tradition of interest in the communal element of German history, especially in the later Middle Ages.⁶⁹ The legal historian Otto Friedrich von Gierke (1841–1921) developed the influential concepts of association (*Genossenschaft*) and corporate personality (*Verbandspersönlichkeit*) in the framework of medieval Germanic law.⁷⁰ In several important contributions focusing on the German Southwest, Karl Siegfried Bader (1905–1998) recognized both the internal political capacity of the vil-

⁶⁵ The typical Hofmeister (alternatively called a *Vogt* or *Pfleger*), who was stationed at a distance from the abbey, was heavily involved in trade and diplomatic activities as well as travel, written correspondence, and recordkeeping. Many Hofmeister were recruited from nearby cities; a few were monks, laybrothers, retired pensioners, or abbey subjects.

⁶⁶ There was an *Oberamtmann* for the central territory and another for the northern district surrounding Ostrach. The *Oberamtmann* usually lived in one of the villages and was often recruited from among the abbey's subjects.

⁶⁷ Both senior chancery officials kept official records, drafted correspondence, made copies, and supervised lower-ranking scribes. In the early seventeenth century these offices were held by legal doctors recruited from nearby cities who also served as legal advisors and headed Salem's high court of appeals (*Hofgericht*). Employment contracts are found in GLAK, 98/232 and 98/240.

⁶⁸ An assembly of territorial representatives (*Landschaft*) was notably absent in Salem.

⁶⁹ For an overview, see Bob SCRIBNER, "Communities and the Nature of Power," in: idem, ed., *Germany: A New Economic and Social History*, vol. 1, London and New York 1996, pp. 291–325.

⁷⁰ Otto Friedrich von GIERKE, *Das deutsche Genossenschaftsrecht*, 4 vols., Berlin 1868–1881. F. W. Maitland translated some of Gierke's major works in 1900 under the title *Political Theories of the Middle Ages*.

lage commune and the communal influence on small-scale political development.⁷¹ In recent decades, Peter Blickle has been the leading historian associated with the political actions of the common man and with the commune as an organizing principle in the towns and countryside, especially during the period 1300–1800. In his many monographs and essays, collaborative efforts and conference volumes, he has addressed several of this study's central themes. One focal point of Blickle's research is what he calls the *Agrarverfassungsvertrag*, or agrarian constitutional agreement.⁷² Such agreements, which resulted from popular resistance against the intensification of lordship as well as the commune's own political self-confidence, took the form of arbitrated settlements and contained important gains for peasant subjects. In Salem, the 1473 settlement between the abbot and the territorial judges is one such agreement. It expresses many of the concerns shared by peasants in other small, ecclesiastical, and South German territories in the years preceding the German Peasants' War, a second major theme of Blickle's research.⁷³ According to his formulation, the "revolution of the common man" in 1525 exemplified the highest expression of communal principles. Its revolutionary aspect derived from its foundation in godly law, an objective that not only proposed radical change but also united the interests of peasants with burghers, miners, and all common people. Third, Blickle has proposed the term "communalism" as an organizing principle to describe the period 1300–1800 "from below."⁷⁴ He sees communalism as the embodiment of political values held by working people, both urban and rural, but not of lords.⁷⁵ The collections of studies he has edited, many of them resulting from conferences organized around the themes of communalism, have added

⁷¹ See especially Karl Siegfried BADER, *Studien zur Rechtsgeschichte des mittelalterlichen Dorfes*, 3 vols., Vienna 1957–1973; idem, *Der deutsche Südwesten in seiner territorialstaatlichen Entwicklung*, Sigmaringen 1978.

⁷² Peter BLICKLE, *Grundherrschaft und Agrarverfassungsvertrag*, in: *Die Grundherrschaft im späten Mittelalter*, vol. 1, ed. Hans Patze, Sigmaringen 1983, pp. 241–261; Peter BLICKLE and André HOLENSTEIN, eds., *Agrarverfassungsverträge: Eine Dokumentation zum Wandel in den Beziehungen zwischen Herrschaften und Bauern am Ende des Mittelalters*, Stuttgart 1996.

⁷³ Peter BLICKLE, *Die Revolution von 1525*, Munich 1975, translated by T. A. Brady Jr. and H. C. Erik Midelfort as *The Revolution of 1525: The German Peasants' War from a New Perspective*, Baltimore and London 1981.

⁷⁴ Peter BLICKLE, *Kommunalismus: Skizzen einer gesellschaftlichen Organisationsform*, 2 vols., Munich 2000; idem, *Der Kommunalismus als Gestaltungsprinzip zwischen Mittelalter und Moderne*, in: *Studien zur geschichtlichen Bedeutung des deutschen Bauernstandes*, Stuttgart and New York 1989, pp. 69–82; idem, *Kommunalismus, Parlamentarismus, Republikanismus*, in: *Studien*, pp. 191–211; idem, *Kommunalismus: Begriffsbildung in heuristischer Absicht*, in: idem, ed., *Landgemeinde und Stadtgemeinde in Mitteleuropa: Ein struktureller Vergleich*, Munich 1991, pp. 5–38.

⁷⁵ See for example BLICKLE, *Kommunalismus*, vol. 1, p. 131.

immensely to our knowledge of rural life and confirmed many of Blickle's principles through an increasing number of case studies.⁷⁶

Not all historians of the German peasantry have agreed with Blickle. Some critics believe he has romanticized the rural commune as a unity of equals who shared common political goals, ignoring or at least minimizing factional interests, which increased during the early modern period and split the commune internally. This often led to the commune's identification with the interests of local elites or inhibited popular political action altogether.⁷⁷ Blickle's use of the term communalism to encompass both urban and rural political traditions in terms of parallel historical developments, structures, and values has also been subject to criticism.⁷⁸ Third, some historians object to Blickle's portrayal of communalism as if it were fundamentally opposed to lordship. He recognizes communalism not only as an organizing principle contrary to feudalism and absolutism, he also sees in it the roots of modern political traditions, parliamentary democracy, and republicanism. Here, too, critics suggest that the commune may have been less heroic than he supposes.⁷⁹

In two major areas, this study diverges from the path Peter Blickle has established. First, it argues that Salem's territorial rule developed through the integration of community and lordship, in a negotiated process involving cooperation as well as conflict and a composite of interests rather than a binary opposition between high and low,

⁷⁶ See especially Peter BLICKLE, ed., *Aufbruch und Empörung? Studien zum bäuerlichen Widerstand im Alten Reich*, Munich 1980; idem, ed., *Resistance, Representation, and Community*, Oxford and New York 1997; idem, ed., *Gemeinde und Staat im Alten Europa*, Munich 1998.

⁷⁷ David Warren SABEAN, *Landbesitz und Gesellschaft am Vorabend des Bauernkrieges: Eine Studie der sozialen Verhältnisse im südlichen Oberschwaben in den Jahren vor 1525*, Stuttgart 1972; Govind P. SREENIVASAN, *The Peasants of Ottobeuren, 1487–1726: A Rural Society in Early Modern Europe*, Cambridge 2004; David LUEBKE, *His Majesty's Rebels: Communities, Factions, and Rural Revolt in the Black Forest, 1725–1745*, Ithaca 1997; Wolfgang KASCHUBA, *Kommunalismus als sozialer "Common Sense."* Zur Konzeption von Lebenswelt und Alltagskultur im neuzeitlicher Gemeindegedanken, in: *Landgemeinde und Stadtgemeinde*, ed. Peter Blickle, Munich 1991, pp. 65–91; Tom SCOTT, *Society and Economy in Germany, 1300–1600*, Houndmills 2002.

⁷⁸ Thomas A. BRADY Jr., *German Burghers and Peasants in the Reformation and Peasants' War: Partners or Competitors?*, in: *Between the Middle Ages and Modernity: Individual and Community in the Early Modern World*, ed. Charles H. Parker and Jerry H. Bentley, London and New York 2002, pp. 33–51; Tom SCOTT, *Freiburg and the Breisgau: Town-Country Relations in the Age of the Reformation and Peasants' War*, Oxford and New York 1986.

⁷⁹ David Warren SABEAN, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany*, Cambridge and New York 1984; Volker PRESS, *Kommunalismus oder Territorialismus*, p. 126; Robert von FRIEDEBURG, *Village Strife and the Rhetoric of Communalism: Peasants and Parsons, Lords and Jews in Hesse, Central Germany, 1646–1672*, in: *Literature and Theology* 7 (1992), pp. 201–226; Robert von FRIEDEBURG, "Kommunalismus" und "Republikanismus" in der frühen Neuzeit, in: *Zeitschrift für Historische Forschung* 21 (1994), pp. 65–91.

center and periphery, ruler and ruled. This ensured that as political authority grew at the territorial level, the village commune did not lose its functions. Peasants retained their influence rather than becoming marginalized. Second, and perhaps because of this difference, political development in Salem after 1550 and the place of communalism in it differed fundamentally from that described by Blickle and others. It was not characterized by peasant revolts and resistance to the tax state, nor did Salem have a representative territorial assembly (*Landschaft*). Blickle does not believe, as did earlier generations of historians, that the German Peasants' War marked the end of peasants' political activities. Yet in each of his major examples of communalism's development after 1550—the village communes, territorial parliaments, and peasant revolts—it appears that the movement began to decline well before the age of absolutism.⁸⁰ My modifications of Blickle's concepts with respect to communalism in Salem are not to be seen as a rebuttal, but rather, as new ground for a broader understanding of community and its continuing influence after 1550, through its integration with lordship and in the political growth of the early modern territory.

These concerns bring us back to the earlier discussion of the state as a problematic model for understanding smaller polities in the early modern period. There has been a recent surge of interest in the topic of "policy" (*Policy*, *Polizei*), and some of the most compelling research in this area has focused on the interactive processes of communication and mediation between center and periphery.⁸¹ As interpretations of political development become more inclusive, less binary, and increasingly informed by the role of local actors and social contexts, the political example of Salem may prove to be less unusual than it had at first appeared.⁸²

⁸⁰ According to Blickle, the period between 1550 and 1650 was a second stage in the development of the communal-associative model, in which the German princes posed a challenge to the commune and appropriated the Protestant Reformation. After 1650, he says, communalism was routed by the absolutist state. BLICKLE, *Obedient Germans*, p. 78.

⁸¹ See André HOLENSTEIN, "Gute Policy" und lokale Gesellschaft im Staat des Ancien Régime: Das Fallbeispiel der Markgrafschaft Baden(-Durlach), 2 vols., Epfendorf 2003; idem, *Die Umstände der Normen – die Normen der Umstände: Policyordnungen im kommunikativen Handeln von Verwaltung und lokaler Gesellschaft im Ancien Régime*, in: *Policy und frühneuzeitliche Gesellschaft*, ed. Karl Härter, Frankfurt am Main 2000, pp. 1–46; in the same volume Achim LANDWEHR, *Policy vor Ort: Die Implementation von Policyordnungen in der ländlichen Gesellschaft der Frühen Neuzeit*, pp. 47–70; Steve HINDLE, *The State and Social Change in Early Modern England, ca. 1550–1640*, New York 2000.

⁸² Contributions pointing in this direction include Sheilagh OGILVIE, *The State in Germany: A Non-Prussian View*, in: *Rethinking Leviathan: The Eighteenth-Century State in Britain and Germany*, ed. John Brewer and Eckhart Hellmuth, Oxford 1999, pp. 167–202; Caroline CASTIGLIONE, *Patrons and Adversaries: Nobles and Villagers in Italian Politics, 1640–1760*, New York 2005; BLOCKMANS et al., *Empowering Interactions*.

1.3 Physical and Political Geography

Salem Abbey is located in the Aach river valley above the northern shores of Lake Constance, twelve kilometers east of Überlingen, in one of Germany's mildest and most fertile climate regions. The rolling landscape alternates between wide, open valleys and moderately steep, forested hillsides left by retreating glaciers. In many places, the banks north of the lake rise in a band of low hills parallel to the shoreline. Above them, the land continues to slope gently upward in a south-facing basin. From prominent places throughout the region, and all along the lakeshore, the snowy peaks of the Swiss Alps provide the backdrop on a sunny day. The abbey sits in a long valley stretching from northwest to southeast, parallel to the lake and slightly higher in elevation.⁸³ Meandering through the valley, the Aach River provides a major source of water (with the abbey built directly over its course) and hydropower, which ran several mills in previous centuries. The Aach connected the inland areas with the lake and generally bisected the central territory into its two major districts, the *Großkelleramt* (or *Kelleramt*) to the west and the *Pfisteramt* to the east. The river valley and other flatlands were then and still are well suited for arable, meadows, and orchards. A few villages lie in hilly areas or at the base of steeper inclines. Some of the surrounding slopes were planted with grapes. Others remained forested, and supported grazing, wood harvesting, and other foraging activities. Although it is an old-settled region, parts of the southern Linzgau are still heavily forested to this day. Other areas are low and marshy, most notably the area along the river between Salem and Mimmehausen.⁸⁴

Two major agricultural products dominated the regional economy in the sixteenth century: wine and grain. Viticulture took on special importance for the area's socioeconomic structure because it required a great deal of labor and relied heavily on markets. The emphasis on arable versus viticulture varied not only among individual households but also by village—for example, the south-facing hills along the lake were unsuitable for grain but produced decent wine. The effects of these differences were evident in local social structure. Textiles and dairying, two major by-employments further east

⁸³ Elevation in the southern Linzgau lake basin ranges from 400 meters at the lakeshore in Überlingen to 756 meters at Gehrenberg by Markdorf; Heiligenberg straddles a ridge below a peak at 787 meters. Xavier Staiger provides elevations for Salem and each of its villages (in feet!), ranging from 1,300 feet for Nußdorf to 1,770 feet for Haberstenweiler; Salem sits at 1,485 feet above sea level. See also BÜTTNER, *Konstanzer Heilig-Geist-Spital*, pp. 22–23; Adolf FUTTERER, *Die Geschichte des Dorfes und des Kirchspiels Billafingen im Linzgau*, Radolfzell 1970, pp. 1, 4.

⁸⁴ In the twelfth century, Heiligenberg granted Salem a large wetland along both sides of the Aach between Frickingen in the north and Mimmehausen in the south. These areas were drained and improved to create meadows, pastures, and fish ponds.

and especially south, never played a major role in the economies of Salem's villages.⁸⁵ The abbey was a major employer of both fieldworkers and craftsmen.

Salem's landed possessions resulted from early donations as well as what may be called "acquisition politics."⁸⁶ Two historical maps of the central territory, from 1665 and 1765, represent the abbey's lordship as a unified and exclusive whole, downplaying the overlapping claims that characterized our period. Nevertheless, the numbered boundary markers located around the perimeter of both maps (see Maps 3 and 4) had been established much earlier, and the size and shape of Salem's central territory remained essentially fixed over the course of earlier centuries.⁸⁷ The carefully numbered stones demarcated the abbey's jurisdictional boundaries. The key feature shared by the villages, hamlets, and isolated farmsteads of the Großkelleramt and Pfisteramt is that they all belonged to the abbey's justice and to its central court, the Sidelgericht.⁸⁸

In addition to this spatially circumscribed area, two outposts east and west possessed special significance and were also part of the core territory referred to as Under the Hills. In the eastern Linzgau, a number of properties in and around Adelsreute and Tepfenhard were among the earliest donations granted by Salem's founder to support the abbey's material needs. Initially converted into granges, they enjoyed legal status and protections equivalent to the abbey itself, and they were specifically mentioned in several royal and papal privileges. For this reason, Salem carefully guarded these early possessions and made them part of the Pfisteramt. To the west, Salem acquired the village of Owingen (including most of the land, jurisdiction, and other rights of lordship) through two costly purchases in 1213 and 1273. This provided convenient access to the region's primary urban market in Überlingen and secured a position on the trade route between that imperial city and Pfullendorf, a route also connecting Lake Constance with the Danube.⁸⁹

⁸⁵ See Peter EITEL, *Die Rolle der Reichsstadt Überlingen in der Wirtschaftsgeschichte des Bodenseeraumes*, in: *Schriften des Vereins für Geschichte des Bodensees und seiner Umgebung* 89 (1971), p. 13. Salem lay just beyond the regions of linen production in Upper Swabia and around St. Gallen; see Map 1.2 in Tom SCOTT, *Economic Landscapes*, in: *Germany*, vol. 1, ed. Bob Scribner, p. 14.

⁸⁶ RÖSENER, Salem, pp. 111, 116–118; idem, Salem im Spannungsfeld, p. 52; MAURER, *Ausbildung der Territorialgewalt*, p. 156.

⁸⁷ Even in 1240, Salem's possessions were consolidated enough for Rösener to describe them as a roughly bounded, "*zusammenhängenden Komplex*." Idem, Salem, p. 104. Authority over the maintenance of boundary markers was among the topics of the 1464 Lullin Treaty between Salem and Heiligenberg (GLAK, 67/1431). There were slight fluctuations in the southeastern boundaries around Wirrensegg, and around the hamlet of Oberstenweiler, which became part of the central territory in 1637; previously it had belonged to Heiligenberg.

⁸⁸ An exception was Bermatingen, which had its own village court and claimed exemption from the Sidelgericht. Still, residents of Bermatingen appeared before the central court and also served among its judges.

⁸⁹ See Elmar KUHN, *Mönche und Bauern: Herrschaften und Untertanen im Mittelalter*, in: *1000 Jahre Owingen, 983–1983*, ed. Gemeinde Owingen, Owingen 1983, p. 23.

Despite their relative distance, Owingen and its parish hamlet of Pfaffenhofen were attached to the Großkelleramt. Thus the abbey's lordship Under the Hills included not only the consolidated central territory but also a handful of settlements between Adelsreute and Owingen, which were also bound to its jurisdiction. These possessions in the southern Linzgau form the primary focus of this study.

Lake Constance, the major geographical feature in the area, was important not only because of its climate effect.⁹⁰ The lake also straddled major trade routes both north-south and east-west, with ports including Bregenz, Buchhorn, Constance, Fußach, Lindau, and Überlingen among others.⁹¹ It served to connect various regions rather than to create boundaries between them, and the Rhine flowed through the lake on its course from the Swiss Alps all the way to the North Sea. Salem did not possess any major harbor along the lake, relying on Meersburg or Überlingen for transportation to Constance and elsewhere. Uhltingen was the most important of several lakeshore communities within the territory, at the mouth of the Aach River.⁹²

Salem Abbey sat slightly off the major trade routes but close enough to afford easy access. In addition, Salem enjoyed trade networks far more extensive than its location might suggest, thanks to its possession of numerous Stadthöfe and other urban properties. For Salem and the surrounding region, Überlingen was by far the most prominent market.⁹³ This imperial city of around 4,000 residents was smaller than Constance, with less extensive trade networks, but it was the primary wine and grain market on the lake and it connected the breadbasket of Upper Swabia with the upland areas to the south, especially St. Gallen, Graubünden, and central Switzerland.⁹⁴ Überlingen's close proximity and its specialization in agricultural products secured its position as Salem's primary trading partner. Among the larger cities and for long-distance trade, Constance ranked first in importance.⁹⁵ The Stadthof in Ulm provided access to the Danube and to the major east-west route between Augsburg and Lyon.

⁹⁰ The difficulties of overland travel made water routes preferable. Tom Scott points out that all Germany's major wine-producing regions were located along important waterways. *Idem*, *Economic Landscapes*, p. 12.

⁹¹ Peter EITEL, *Handel und Verkehr im Bodenseeraum während der frühen Neuzeit*, in: *Schriften des Vereins für Geschichte des Bodensees und seiner Umgebung* 91 (1973), pp. 67–89.

⁹² The village of Unteruhldingen is located directly on the lake and it belonged to Heiligenberg's jurisdiction. Oberuhldingen, across the river and slightly upstream, belonged to Salem.

⁹³ By 1211 Salem had established its first Stadthof in Überlingen. It still stands today near the town's Franciscan Gate and next to the old city Hospital of the Holy Ghost.

⁹⁴ Six times more grain was sold in Überlingen than in Constance. In 1611, between 6,000 and 7,000 tons of grain were sold in Überlingen, enough to feed 20,000 people for a year. See EITEL, *Überlingen*, pp. 18–19.

⁹⁵ Hektor AMMAN, *Untersuchungen zur Wirtschaftsgeschichte des Oberrheinraumes II. Das Kloster Salem in der Wirtschaft des ausgehenden Mittelalters*, in: *Zeitschrift für die Geschichte des Oberrheins* 110 (1962), pp. 371–404. Salem spent more on purchases in Constance than in Überlingen, though the volume was less.

Illustration 1.2: Salem on the Eve of Secularization



By Johann Sebastian Dürer, 1804

Heiligenberg Palace sits on a hill above and to the right of the abbey.

Generallandesarchiv Karlsruhe B/Salem/2

Politically, Salem and the majority of its possessions lay within the borders of the Linzgau, one of the old Alemannic counties (*Gau-Grafschaften*) named after the Linzer Aach, the river running through the valley past Salem and into the lake. North of the abbey, a range of steep hills divided the central territory from the county's northern districts (hence the names used to distinguish the two regions, Under the Hills and Over the Hills). Today, the imposing Renaissance palace and former residence of the counts of Heiligenberg still sits atop one of these hills, providing an expansive view over the lake, the Aach valley, and the entire southern Linzgau. This symbol of the count's authority could also be seen from the abbey and throughout much of its territory, providing a constant reminder in terms of position as well as proximity of Salem's uphill struggles over the centuries against this neighbor and his superior claims. See Illustration 1.2, Salem on the Eve of Secularization. Yet as we will see, the counts of Heiligenberg possessed a weak central authority with power and lands concentrated in the north rather than the south of the county, where Salem's competing claims to property and rights prevailed. Until 1637, Salem held scattered rights over land and serfs in northern parts of the county just as Heiligenberg did in the south, but in that year the two sides agreed to a regularization of the boundaries between them so that each enjoyed an exclusive geographical sphere.

In contrast to this great and constant rivalry with Heiligenberg, Salem enjoyed relatively peaceful relations and fewer direct conflicts with other neighbors. Überlingen had its own large rural hinterland further west, mostly in the Hegau.⁹⁶ Overlapping authority with respect to land and serfs caused only occasional disputes between Salem and Überlingen in villages such as Owingen and Nußdorf. The other major lord in the area was the bishop of Constance, whose authority radiated out from the small towns of Markdorf and Meersburg (where the bishop resided throughout the period). Despite some disputes over spiritual authority, especially resulting from the Council of Trent, Salem's Cistercian privileges exempted it from most of the bishops' claims.⁹⁷ In the Linzgau and in the wider region, confessional identity provided a source of unity and alliance—even the county's two imperial cities, Überlingen and Pfullendorf, remained loyal to Rome. Further afield, the Linzgau was bordered to the west by the Hegau county of Nellenburg and to the east by the *Landvogtei* of Upper Swabia, both of which were areas of Habsburg influence belonging to "Outer Austria" (*Vorderösterreich*).⁹⁸ Not far beyond Heiligenberg's lands to the north flowed the Danube River, and beyond that was Württemberg. To the south was Lake Constance, and beyond that the Swiss Confederation and its associates.

Salem's location in an area of dispersed authority shaped the nature of its political development to no small degree. The rights and claims of minor nobles, cities and towns, religious foundations, and other diminutive polities overlapped and intermingled with respect to land, justice, and serfs, so that no one power dominated the region

⁹⁶ Überlingen had the fifth-largest territory among imperial cities, including 33 villages and hamlets in five districts. Überlingen did not possess high justice outside the city walls until 1779. BÜTTNER, *Konstanzer Heilig-Geist-Spital*, pp. 29, 31.

⁹⁷ In 1540 the bishop attempted to turn Salem into a dependent prebend, but the abbey was able to secure an imperial privilege in 1541 confirming its rights and extending new jurisdictional exemptions, so that a similar attempt in 1562 also failed. SCHNEIDER, *Geschichte Salems*, p. 133.

⁹⁸ Salem was loosely surrounded by Outer Austria, yet the regions under Habsburg influence were located just far enough afield that they posed little threat in comparison to other abbeys such as Weingarten. The *Landvogt* of Upper Swabia, the vice-regent who administered the scattered imperial lands, encroached on Heiligenberg's authority and held high justice in the eastern Linzgau where Salem's villages of Adelsreute, Tepfenhard, and Urnau were located. Salem enjoyed generally good relations with the Landvogt, who served as an ally against Heiligenberg. On the dispute between Heiligenberg and the Landvogt in the eastern Linzgau, see Helmut MAURER, *Bäuerliches Gedächtnis und Landesherrschaft im 15. Jahrhundert: Zu einer oberschwäbischen "Kundschaft" von 1484*, in: *Recht und Reich im Zeitalter der Reformation: Festschrift für Horst Rabe*, ed. Christine Roll, Frankfurt 1996, pp. 179–198; Max BINDER, *Zur staatlichen Geschichte des Linzgaus*, in: *Badische Heimat* 23 (1936), p. 66. For maps of the Outer Austrian lands, see Friedrich METZ, ed., *Vorderösterreich: Eine geschichtliche Landeskunde*, 4th ed., Freiburg im Breisgau 2000, p. 36; SCHINDLING and ZIEGLER, *Territorien des Reichs*, vol. 5, p. 256.

or even exercised lordship uniformly over a single village.⁹⁹ Upper Swabia's common identity arose in part from the threat that more powerful outsiders such as Bavaria, Württemberg, Austria, or the Swiss might upset the delicate balance. The petty rulers of this region also shared a close relationship to the empire. Salem's geographical location was especially fortunate in this respect, because it sat just beyond Habsburg's predatory reach. Under Emperor Maximilian I (r. 1493–1519), the region was dubbed the turntable of imperial influence, but it was largely freed from Habsburg territorial ambitions once the dynasty acquired the kingdoms of Hungary and Bohemia in 1526 and turned its attention to the east.¹⁰⁰ This simplified Salem's relationship with Austria and the emperor, and the abbey maintained strong imperial ties throughout its history. It is hard to imagine the success or indeed survival of a polity such as Salem's in a region characterized by strong central authority. It is no coincidence that we find it in the German Southwest. This political landscape was built on dense urban networks, proud imperial abbeys, and active rural communes. It was characterized by small-scale self-administration and loyalty to a safely distant Emperor, sustained by common participation in weak federal organizations that kept the peace and maintained balance through mutual aid, councils, courts, and arbitration.¹⁰¹ A recurrent theme throughout this study is the issue of political geography and landscape: were small size and dispersed, localized authority decisive developmental factors, and if so, were their effects constructive or obstructive in nature?

Abbey, County, Empire: Salem's Struggle for Political Autonomy

For Salem, external relations focused above all on the attempt to define and build territorial authority free from the interference of a single neighbor: the count of Heiligenberg. In fact, centuries of struggle against Heiligenberg as well as the collection of imperial privileges and protections relating to this conflict had a determining impact not only on Salem's external affairs but also on relations with its territorial subjects. This section provides a brief overview of Salem's foundation and early constitutional history, which serves as essential context for the abbey's imperial ties and relations with neighboring rulers in the early modern period. Since these topics have been covered in great detail by Werner Rösener, and because I have also discussed them more fully elsewhere, here we will focus on only a handful of key events, privileges, and legal settlements.¹⁰²

⁹⁹ Swabia was the most politically fragmented region in the empire according to PRESS, *Kommunalismus oder Territorialismus*, p. 124.

¹⁰⁰ PRESS, *Oberschwaben*, pp. 104, 111.

¹⁰¹ *Ibid.*; BADER, *Der deutsche Südwesten*.

¹⁰² See RÖSENER, *Salem*; BRUN, *Rulers and Regime*, pp. 364–370; BRUN, *Abbot and Peasants* (2008 diss.), chap. 6.

In 1134 Salem's founder, the nobleman Guntram von Adelsreute, made a modest donation to the Cistercians of a few farmsteads in and around Salmansweiler, Tepfenhard, and Adelsreute, some forests and meadows, and a small chapel.¹⁰³ He took great care to have the abbey's foundation and endowment legally recognized and witnessed at a regional court assembly attended by members of the Linzgau's leading noble families. Then in 1140 the new Cistercian house received a privilege from Pope Innocent II, stating: "Since the monks of the Cistercian Order stand under the sole protection of the pope, all others are forbidden to practice or usurp guardianship over Salem."¹⁰⁴ In light of the ongoing dispute between popes and emperors over control of the church during this period, it comes as no great surprise that King Conrad III officially recognized Salem in a privilege granted shortly thereafter, on 19 March 1142. This royal letter proved to be the abbey's most important foundational document. The German king confirmed all Salem's present and future possessions, forbade any person to disturb or molest the abbey in any way, and most significantly, called himself Salem's only protector under God.¹⁰⁵ After securing the king's special protection of his abbey, Guntram von Adelsreute voluntarily renounced his rights as founder and died without a male heir. These actions left Salem free from the influence of a founding dynasty and encouraged a close relationship between the growing abbey and later emperors.¹⁰⁶

As is already evident in the foundational privileges of 1140 and 1142, the pope and king each laid claim to the same exclusive authority as Salem's sole protector. For the young abbey, continuing struggles between a series of popes and emperors led to even bolder claims and greater privileges, including the offer of special protections and tax exemptions not granted in later centuries or to other religious orders. In 1155 King Frederick I "Barbarossa" granted Salem a privilege in wording based heavily on earlier papal letters (1140 and 1146), except that the new text asserted it was the emperor, and not the pope, who provided exclusive protection to the Cistercians and to the entire

¹⁰³ This donation was admittedly inadequate to support a community, but his offer was accepted and Lützel Abbey in southern Alsace sent the first twelve monks to Salmansweiler in 1137. In 1138 Guntram made a second donation, consisting of the entire village and church in Adelsreute and parcels in several other locations. Some of their place names no longer exist, and they were most likely converted into granges. RÖSENER, Salem, p. 20.

¹⁰⁴ "Quia vero fratres eiusdem ordinis sub solius romani pontificis tuicione consistunt, aliquem ibi officium advocacie gerere vel usurpare pariter interdicimus." WEECH, Codex, vol. 1, p. 2 no. 2. With its claim to exclusive protection not only over Salem but also over the entire Cistercian Order, this privilege is among the best examples of papal support for Cistercians' claim to freedom from ecclesiastical guardianship. RÖSENER, Salem, p. 34.

¹⁰⁵ "alium Advocatum post Deum praeter Nos non habent." WEECH, Codex, vol. 1, p. 5 no. 3; STAIGER, Salem oder Salmansweiler, pp. 70–73 (full text with German translation); RÖSENER, Salem, pp. 31–34.

¹⁰⁶ Since 1356 the German king was chosen by seven electors, and according to tradition he was considered the emperor only after coronation by the pope. Many privileges and confirmations were obtained from a new king before he had been crowned.