

The Grievances of Rural Subjects—Kempten (Upper Swabia) (1492)

Abstract

Land, marriage, and mobility were the three principal determinants of peasant farming. The Imperial abbey of Kempten, one of the richest in the Empire, got into an unusually high number of conflicts with its tenant-subjects. The situation was complicated by the abbot's strained relations with the Imperial city of Kempten, and by the existence of three different levels of legal status among the peasants. The final paragraph of this text illustrates the fundamental inequality of the parties involved. Behind this inequality (and behind all lord-peasant relations at this time) lay the normally veiled (but here revealed) threat of coercion of subjects by lords. Population growth in the second half of the fifteenth century caused a multitude of social and economic problems for the rural population. In Upper Swabia, this prompted the lords to try to revitalize old conditions of servitude—historians call it “the second serfdom.” The peasants, on the other hand, strove to protect and extend their liberties. This document affords an unusually good glimpse into the difficult conditions that led to the German Peasants' War of 1525.

Source

Item, the following grievances and articles are to be submitted and spoken by the poor folk of the abbey of Kempten to their gracious lord of Kempten, for which reason they have gathered together.

[1] First, we believe we have just complaint regarding the tax and the war tax. Even after the reading of the charter, according to which the abbot should hold to the provisions of this charter and not raise the dues, our gracious lord, the abbot, nonetheless has not held to the charter but has levied new taxes on us without consulting us.

[2] The free tenants have always had, and in the future should continue to have, the right of free mobility, as it is their liberty. Our gracious lord, the abbot of Kempten, nonetheless arrests them, jails them, puts them in stocks, and tries to force them to sign unjust agreements not to leave the abbey's lands, and not to enter the power of any other lord, but to stick solely to the authority of the abbot and the abbey. All this violates their letters and the charter. And if he [the abbot] is not satisfied with corporeal punishment, he fines them 40 or 60 Rhenish florins, depending on how much the tenant has.

[3] The abbey's serfs complained that when a person dies and leaves married children behind, our gracious lord of Kempten seizes half the estate. If one or both partners die, he seizes their estate. If a man or woman dies and leaves no direct heirs, he seizes the entire estate and disinherits the siblings and other heirs, which is alien and unjust and also against our ancient custom and unheard of in our land.

[4] They complain that it is unheard of that when a free tenant marries a servile woman, or a free woman a servile man, that he or she must share the servile status of the partner. In the past there has never been any penalty for such marriages.

[5] He [the abbot] also forbids his serfs, and also his free tenants, to sell their own properties to anyone outside this jurisdiction. Also they may not sell liens or pay interest outside nor encumber their farms with them; rather they may only sell to persons within this jurisdiction.

[6] He also forbids his serfs and tenants to bring any additional livestock on the commons or into the

mountain pastures, except for his own livestock.

[6a] They say that when a tenure is leased to someone, he should be allowed to use it, along with his sons, married or not, so long as the father is alive.

[7] The commune of Günzburg complains that, according to a conversation between the abbot and Lord Markwart von Schellenberg, it was agreed that the Günzburgers would pay the abbot 30 lb. of Heller, which they did, in return for which he would confirm their ancient customs in every particular. But the abbot did not keep his word on many points, which the Günzburgers can describe orally, if necessary.

[8] Concerning the fines for crimes, they say that the court should not make them pay more for crimes than ancient custom dictates.

The people of the land assembled on account of these and other, unwritten articles, and they placed their grievances against the abbey of Kempten in the hands of their representatives and told them to request that the people be left with their liberties, their ancient customs, and their rights, according to the contents of their charters. In return, they will support the abbot and the abbey rightly and properly in conformance with the latter's rights.

For this purpose they assembled for some days. Lord Markwart von Schellenburg and Lord Hans von Frundsberg, both knights, etc., and Ott Zwicker, a burgher of Memmingen came to them. And Lord Hans von Frundsberg said that they had asked for adjudication, but he had not come to negotiate their grievances or to consider them at law; nor did he care a fig for their grievances. Rather he had come to bring them to obedience with the sword and to make their wives and children into widows and orphans, and their pikes will become their graveyard. [...]

Source of original German text: *Quellen zur Geschichte des deutschen Bauernkrieges*, compiled and edited by Günther Franz. Darmstadt: WBG, 1963, pp. 25–28.

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