The Imperial Diet's Response to the Peasants' War, Speyer (August 1526)

Abstract

Recent scholarship has debunked the oft-repeated myth that the defeat of the insurrection of 1525 put an end to peasant resistance and opened the way for seigneurs to exercise unrestricted control over their peasants. In fact, when the Imperial Diet met at Speyer the following year, some of the Imperial estates proved attentive to the rebels' demands. As the Memorandum on Abuses (August 18, 1526) demonstrates, the Diet acknowledged and discussed the rebels' grievances. Indeed, this memorandum shows a very clear understanding of the chief issues at hand, e.g., tithes, free mobility, and death duties. Yet the decisions of the Imperial Diet (i.e., the recess), signed by emperor (actually his vicar) and the estates on August 27, 1526, excerpts from which are reproduced below, described the insurrection predominantly in terms of authority, obedience, and repression. This same Diet failed to reach a decision in the matter of the religious schism and left each estate answerable to God and the emperor for its actions.

Source

Memorandum on Abuses, [issued] by of the Great Committee of the Diet of Speyer, August 18, 1526.

Concerning the small, new tithe:

Concerning the small, new tithe which is a burden on the common man, the committee suggests that there where it has been collected for as long as anyone can remember, this should continue to be the case, but where it is not a long-established tradition it shall be discontinued, and the common man shall remain unburdened.

The sixth article of the towns, concerning tithes and interest:

Furthermore it was considered, proposed, and discussed, that there are very inconsistent practices and habits throughout the Empire in regards to purchases and the levying of interest, so that each district or circle should be granted the authority to formulate an ordinance concerning the payment of interest which is collected on houses and goods and paid to certain individuals in these places rather than to the authorities for their own sake […].

[…] every authority should be careful to avoid putting an unfair burden on their subjects, and also not allow their bailiffs, stewards, or officials to do so. And [they should] always graciously and amicably listen to their subjects' petitions and then reach a fair and prompt decision as befits the situation. And no subject who desires to be heard should be sentenced or punished based solely on the charge of an official, forester, or another lord's servant without a hearing. And whoever is willing to submit to the law shall remain within the law and not be burdened beyond it.

Also, every authority should provide for legal settlement of all disputes among its subjects and assist them in legal claims against foreigners, so that dangerous delays and maneuvering within the law can be discontinued.

Also as the subjects complain about unlearned, incompetent persons being installed as pastors and

ministers, it should be considered above in Article 3.[1]

The harvesting of grapes:

Also, in many places the tithe-holder does not permit the poor to harvest their grapes until it is convenient for him, according to the order he stipulates, so that the grapes often spoil on the vine.[2] On the fifth article it was considered that the local authorities should formulate an ordinance regulating how and when the grapes are to be harvested and pressed, so that the poor man are not burdened in this malicious way and so that every authority in possession of pressing rights should pay attention to these so that everyone can harvest and press his grapes in a timely fashion.

Concerning the tithe:

And because the subjects have continuously complained that they are disproportionately burdened by the tithe, it is considered necessary that each authority diligently inform themselves so that the subjects not be burdened with tithes which exceed those to which they are obligated by the law or honorable tradition.

Concerning freedom of movement:

Also, the common people complain that their freedom of movement is restricted in many places and that they are held in some places as serfs and must remain there where they were during the recent uprising. And if one of them marries another from beyond his lord's territory, then they are punished for this.

Note concerning serfdom: it is to be left to the deliberation of the lords as to what should be done [about it], and also how to deal with the marriage of the serfs.

Also, those who have hitherto been free to move about as they please may not be placed into bondage, and especially not because of the recent rebellion. Also, whether measures cannot be found with which serfs might free themselves from bondage.

Complaints about game:

Also, the common man complains about the wild game which is kept by lords in many territories and which causes significant damages in the fields of the poor. Thus it is considered fitting that game not be held to excess and that the poor be allowed to fence in their crops as well as they can and also to chase off game and keep it at bay with dogs. And should the princes not wish to allow the poor to scare off unharmed the game which is causing damage to their own or the territory's property, then they should compensate the poor according to the severity via a remission of their interest, rent, tithes, or other reparations. Also, in the future, the shooting or trapping of game should no longer be punished corporally, but rather a fitting monetary fine should be imposed. If corporal punishment is to be administered, it shall only happen within [the confines of] the law.

Aliment[3]

Also, it is burdensome to the common man that many authorities have laid claim to fishing waters which had traditionally been common property and forbidden the commoners [from fishing] there.

Also, some authorities have taken away meadows, forest, and pastureland from the common man to fence it in for game or use it for other purposes. As a result, the poor have lost pastureland and wood.

On these two articles it was considered appropriate that where there is proof and evidence that an authority or anyone else with a legitimate title has taken the aliment or the common waterways, pastures, forests, fields, or the like away from the commune or from individual persons, these shall be

returned and they shall again be allowed to make use of them. However, no authority should be hindered from creating their own appropriate ordinance regulating their subjects' use of the common properties along fitting guidelines. And if there is tension or disagreements about this, then a settlement should be reached according to the form and extent outlined below for the settlement of subjects' [complaints] against their authorities.

Also, the authorities overload the subjects with diverse compulsory labors, frequently during the harvest period, so that the poor have food shortages and are forced to leave their own work undone.

It is considered fair that that labor and service which is attached to the properties should be performed, but that which is personal service [i.e. attached to the person] should be used by the authorities so that the subjects are not overly burdened with labor and other personal services, except as it has traditionally been performed and held in each place and custom. And the authorities over the poor, who are owed services attached to their person and not to their properties, should refrain when possible from demanding these during the harvest period in the autumn. And any personal service which has been introduced within human memory should be discontinued, and any tension or conflict that results from this should be dealt with as follows and every authority should consider for themselves the salvation of their soul.

Also, the poor currently incur remarkable sums for death taxes, tithes, duties, and hereditary taxes when they die, which [drives] the poor man's widow and many young children into poverty and deprives them of their livestock, sustenance, and property.

The 13th Article concerning heriot[4] is considered under the point on serfdom.

Now [it must be discussed] whether it seems good that the personal heriot be abolished and the property-associated heriot or other appropriate mitigation maintained or, because the heriot is dealt with differently from place to place, that each [imperial] circle be ordered to formulate and implement an appropriate ordinance on this matter.

Also the poor in many places are forced to pay their lords for their fiefs again when the owner dies, so that it can happen that a fief is purchased three or four times within a single year. On this point it is considered that it must indeed be seen as burdensome that a fief and the improvements made by the late occupant should be repurchased every time by his children as the heirs. On the other hand it was found that such properties are conferred with these contracts and stipulations and for low interest, so that the properties might under certain circumstances be more profitable. In order that no one has cause to complain on grounds of fairness it is considered good that the authorities in those places where this is custom and habit should raise the rents somewhat on their fiefs, setting the rents and tithes as appropriate to the property, and to discontinue the [other] stipulations or contracts which constantly require the heirs to pay. For the maintenance of their property they should be satisfied with an appropriate hereditary tax of the 20th or 30th pence[5] when the heir takes over a tenured property. Or the rents on these fiefs should remain at their traditional, old levels and the feudal lord should take this opportunity to name an appropriate, known, fixed amount which is to be paid whenever an heir takes over the fief from the deceased and no more. And this amount should be set so that it does not exceed a fifth or sixth of the value of the fief.

And because there are all kinds of burdensome practices in many places regarding inheritances and property such as bachelors, divisions of property, and others, whatever they may be called, it is considered fair that there be an appropriate investigation so that the common man should not be overly burdened in this way.

Also, many authorities fine or penalize their subjects based solely on accusations or their reputations,

and even if a subject is of the opinion that he can be exonerated before the law, this right is denied him. It is considered fitting that whoever wishes to settle with the authorities shall be permitted to do so, but anyone who wishes a legal appeal, to appear before a court, or to legally exonerate himself shall be tried and not burdened contrary to or outside the law.

Also many authorities mete out and impose penalties which are much too harsh or serious, including corporal punishment for minor infractions like trapping game, fishing in forbidden waters, and speaking carelessly or imprudently, and, [furthermore] they do so without any legal justification. On this article a similar conclusion was reached to the next point, [namely,] that no one who wants to appeal to the law shall be burdened contrary to it. On this point it is considered fair that every authority set an appropriate civil penalty for the trapping of game, fishing, and other similar poaching. And, if an authority desires to impose corporal punishment or even the death penalty, it shall always happen according to due process of law, and no one shall be punished in this way outside the law.

Recess of the Imperial Diet of Speyer, August 27, 1526.

5.) Second: in the past year a terrible, unprecedented, and unchristian insurrection of the subjects in almost all parts of the Upper German Nation against the authorities and establishment emerged and surged, leading to significant Christian bloodshed as well as the degradation and spoilage of many places and people. Because of this, his Imperial Majesty desired and ordered with clear words in the instructions given for this imperial diet that a thorough investigation be made so that in the future such rebellion and insurrection might be anticipated and avoided […].

6.) Although the common man and subjects rather badly forgot themselves and acted offensively against their authorities, they should nevertheless sense that the mercy and graciousness of their superiors is greater and milder than their unreasonable action and deeds. Thus every authority should have the right and power to restore to their former honorable estate as they desire and see fit those subjects who have unconditionally surrendered and been punished, and to deem them qualified and capable of sitting on councils and courts, bearing witness, and holding office. Furthermore, they should graciously hear the petitions and complaints of these and other [subjects] and rule graciously and timely according to the matter, and [they] should not unfairly burden them [i.e., the subjects] either directly or indirectly via their officials, bailiffs, or other servants, but rather let all who want to submit to the law.

7.) If subjects of any authority insult or cause damages to anyone and have not on this account been pardoned and settled the claims [for compensation], then they should compensate those who have been thus injured as the authority responsible for their place of residence or the Imperial Chamber Court, according to the imperial ordinances, deems appropriate. And that which the responsible authorities deem appropriate according to the guidelines here shall be sufficient, and the injured party should desist from all further claims or attacks against those who injured them, whether legal or otherwise. Should it happen that anyone is of the opinion that the sentence or decision of the appointed judge is unfair, he shall not be refrained from appealing up to the Imperial Chamber Court. This [ordinance] shall in no way impede upon or interrupt those treaties and ordinances which the Swabian League made during the peasants' insurrection.

8.) Every authority shall also proceed individually according to the situation against those who fled because of the peasants' rebellion so that the subjects who are willing to surrender experience and feel more mercy and favor than harshness and ruthlessness. However, unless there is an exceptionally good reason or motivation [for doing so], which shall be within the discretion and power or each authority, those who were the leaders, inciters, important players, or otherwise exceptional supporters of the rebellion shall not be granted mercy, and no one shall be allowed to grant them lodging, shelter, or protection, rather wherever they are to be found they shall be properly and seriously dealt with and punished according to their infraction. And from now on the subjects shall be obedient, faithful, peaceful

toward their authorities, both of the ecclesiastical and secular estates; behave as they are bound by duty and their oath; and offer no cause for their destruction and ruin.

9.) Hereupon we, the electors, princes, prelates, counts, and the estates of his Imperial Majesty, united in service, agreed that should the subjects of any authority, be it secular or ecclesiastical, come together in an attempt to incite rebellion and insurgency despite the demonstrated mercy and clemency described above, then the nearest electors, princes, counts, and other authorities to this authority in whose territory the rebellion occurs should immediately come at their request by horse and by foot as quickly as possible to aid and help [them]. And should this help which is sought prove to be too weak for the rebellion, then the other nearby electors, princes, and estates should respond to their appeals in similar manner as described above, with as much strength as possible, to contain the disobedient rebels, to subjugate them, and to punish them appropriately. And we shall each respond and act against the others as though such rebellion and unrest had occurred and arisen in our principality, territory, or dominion, and to the extent that each would like to have and become [should one be in need of aid].

10.) So that this assistance should not lead to disputes or misunderstanding between those who go to give assistance and those who receive it, [it was stipulated that] the electors, princes, prelates, counts, and estates who are asked for help and assistance by the others shall provide the strongest support possible on horseback and by foot against the disobedient subjects for one month—including the march there and back— at their own expense and risk. If the assistance is needed for more than a month, however, then the one who needed help should compensate and settle with those who provided the help provided beyond the month's time. In addition, the helper should deal with the one he helps in a reasonable, friendly, neighborly way on account of this assistance and behave as he would like to have done if the circumstances were reversed.

11.) And, as it was considered and observed at the present imperial diet how in many places the clerical and secular [authorities] face danger to life and limb, and that their interest, rents, dues, and tithes are withheld and they are impeded from collecting these, and [because] no one shall be deprived of his rightful property, [it was decided] that every authority, ecclesiastical and secular, shall faithfully protect and defend their subjects, ecclesiastical and secular, against violence and injustice according to the terms of the public peace and the ordinances of the Holy Roman Empire, so that, until a future council, peace, unity, and equality might reign between the ecclesiastical and secular [authorities] and neither clerical nor secular persons should have reason to complain of being unfairly assaulted or dispossessed. Furthermore, they shall deal with each other in a friendly and reasonable manner as each estate deserves, merits, and is due.

NOTES

[1] The document does not include an Article 3—trans.
[2] The poor were often required to assist wealthier tenants in the harvest of their grapes, and while they were assisting elsewhere, there was a risk of their grapes overripening and rotting on the vine—trans.
[3] From the Latin *alimentum/alere* which means nourishment/to nourish. This section is about the right to use the common property for fishing and pasturing which contributed to the livelihood of the commoners—trans.
[4] A sort of death tax to be paid from the estate of the deceased to his lord—trans.
[5] i.e. every twentieth or thirtieth penny which equals 3–5%—trans.

Source of original German text: *Quellen zur Geschichte des Bauernkrieges*, compiled and edited by

Günther Franz. Darmstadt: WBG, 1963, pp. 593–601.

Translation: Ellen Yutzy Glebe

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