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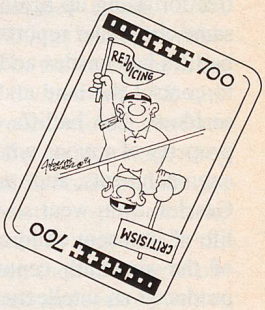
Multi-purpose house from Ostermundigen, Canton of Berne, 1797. Solid farmhouse built by Lieutenant-Captain Bendicht Gosteli. (archive photo)

include the baking of bread in woodburning stoves, weaving, carving and basket making. The museum also pays attention to local flora, and the herb garden is a very special gem, symbolising as it does traditional healing crafts.

We hope that this brief introduction to one of Switzerland's most attractive museums will encourage you to visit Ballenberg. We heartily recommend that our compatriots visiting their home country on the occasion of the 700th anniversary make a detour to the Swiss Open Air Museum at Ballenberg. *SM*

Reflections on the Beginnings of the Swiss Confederation

Freedom or Peace



One single band of brothers will we be,
In danger and in need unsundered still!
We will be free, as all our fathers were,
And rather die than live in bonds of shame,
We still will put our trust in God most High
And never cringe before the might of man!

This is how Friedrich Schiller presents the oath sworn by the founders of the Swiss Confederation in his drama "Wilhelm Tell". Schiller's universally-known play has profoundly marked popular opinion on the origins of Switzerland. Bondage is overcome by freedom, trust in God is stronger than fear of fellow-man, and good triumphs over bad. But is this the truth about the birth of the Confederation?

Schiller's "Wilhelm Tell" created a stir in many large German cities between 1804 and 1806. It was the time when the French Revolution had just swept away the old system of royal-aristocratic rule in France, and the Holy Roman Empire lay in its death agony. It "lacked reason", as Georg Friedrich Wilhelm Hegel had said, and was therefore no longer "real". All across Europe the bourgeoisie was storming the remaining bastions of the reign of the nobility, whose rule was based on privileges. America became the model for Europeans, and it is this background that enabled George Washington and William Tell to be portrayed side by side on the same page as the great freedom-fighting heroes of the history of the world.

No Fight for Freedom...

The most ancient of these chronicles tells us that Romans settled in Unterwalden, and that the Emperor granted them the freedom to live there and cultivate the land. It also recounts that the people of Schwyz came from Sweden as a result of overpopulation there, and that they too received permission from the Em-

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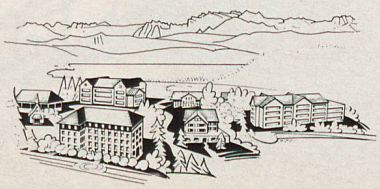

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peror to cultivate the land and settle. Freedom was what the Swiss were made of, as it were, and the threat to that freedom was their motive for rising up against the Habsburgs. The same chronicler reports reproachfully that the bailiffs had castles and houses built, in order to control the land and subject the people to serfdom. The bailiffs confiscated the entire property of anyone who dared to oppose their encroachments, and one of them, the cynical Gessler, even went so far as to endanger the life of innocent children. Around the middle of the sixteenth century, Aegidius Tschudi produced an intellectually appealing form of the chronicle tradition, by lending it a humanistic and scientific dimension. Approved as scientifically sound, it became an integral part of tradition, and in the eyes of the general public remains so to this day.

However, this tradition has never been accepted as historically factual. It has failed to stand up to comparison with the actual records, which are relatively objective sources.

Pictorial portrayals of the beginnings of the Confederation emerged at around the same time as the chronicle tradition.

(This illustration of William Tell shooting the apple is from Petermann Etterlin's "Kronica" of 1507.)

The tyranny of the Habsburgs and their bailiffs belongs to the world of legends, as there is no evidence for it. And that is the way it is likely to stay, unless new sources are discovered.

...but a "Conspiracy"

The emergence of the critical science of history in the nineteenth century produced a second version of the founding of the Confederation, one based entirely on verifiable facts. This version was first portrayed as representing a political act in 1891, when the Swiss federal authorities organised huge celebrations to mark the Confederation's six-hundredth anniversary. The festivities commemorated the birth of the Confederation on the 1st of August 1291, when the original Confederate Pact was sealed under oath by three Forest Cantons representing the historically-established Confederation. Internationally-renowned scientists of the period had carried out a scrutinizing analysis of the event recorded in the Confederate Pact and which was now being celebrated. And, with satisfaction, they described the authorities' decision as "a celebration of our science". However, the Confederate Pact has a considerable shortcoming: It cannot be linked to the ancient tradition of freedom. It fails to mention the Habsburgs or the wicked bailiffs with a single word.

It contains no reference to a traditional concept of freedom upheld by the people of Central Switzerland, nor does it mention a fight for freedom.

How then was it possible for such a legend to develop? In the fourteenth century, a number of "coniurationes" – confederations – were formed, mainly in Italian and German cities. Groups of citizens conspired to promote peace, to establish justice, and to take the day-to-day running of affairs into their own hands. They no longer paid attention to their rulers, thus threatening the reign of the nobility. The reaction of the Holy Roman Empire, to which the Confederation belonged – at least formally – was to outlaw the "coniurationes". Leading European lawyers worked out how to justify this action legally, and in 1356 confederations were banned once and for all by imperial law. From then on, political systems based on the idea of a confederation were seen as being nothing short of unnatural.

No political system can renounce legitimacy in external relations, and even less in domestic affairs. The Swiss Confederates responded to accusations by the nobility that they lacked legitimacy by declaring that the rule of Habsburgs amounted to a tyranny. They cited the deprivation of liberty and the confiscation of property to support their claim. Ever since Thomas Aquinas had resolved the question of resistance to tyranny theoretically for the Christian Occident, the widely-held belief in Europe was that it was legitimate to defend oneself against tyrants. The Swiss Confederation's first chronicler in fact undermined the European theory based on the concept of the three estates and granting the nobility a "natural right" to rule, by justifying Switzerland's existence on the basis of prevailing European legal theory.

This was a brilliant intellectual feat.

...to Secure Peace

If one is to trust the Confederate Pact, and there is no doubt that it is a source of utmost importance with regard to early history, the conclusion is that the desire for peace was the single motive for the birth of the Confederation. For in the Confederate Pact, Uri, Schwyz and Nidwalden promised each other active and material help against any form of violence within and outside the boundaries of their valleys. Each valley was to provide military reinforcements at its own expense. This agreement was sealed by oath, "Eid" in German, and the swearing of this oath turned the people of the three valley into "Eidgenossen", Confederates. Thus, on the basis of this act, Switzerland has called itself an "Eidgenossenschaft", a Confederation, for many hundreds of years. All people belonging to the Confederation agreed that disputes should be settled by the most judicious men, and they pledged to implement their rulings. Serious offences were to be prosecuted and severely punished by courts presided over by local judges. The penalty for murder was to be death, arson would cause a man to lose his general rights, and robbery was to result in the confiscation of property. The final part of the document again spells out the purpose of the alliance: In all cases without exception legal claims were no longer to be resolved through feuds and violent, warlike actions, but instead through judicial, peaceful settlements. The Pact was intended to last, for the alliance was formed "forever" and "for the benefit of all".

There are in fact numerous indications that this is the more reliable version. For the feuds which the Confederate Pact forbade strictly and without exception were widespread in Central Switzerland, resulting in huge human and material loss.

There were virtually permanent feuds between Einsiedeln Abbey and the people of Schwyz. In 1220, the Abbey's bailiffs, the Counts of Rapperswil, attacked the people of Schwyz, "burnt down their huts and what they had cultivated on their farms, took with them the cattle and goods they found, and killed a number of those who opposed them and wounded others". The situation for the people of Schwyz who lived on the Abbey's land had not improved a great deal three generations later. One of the Abbey's records of complaints tells us that some two hundred people from Schwyz and Steinen went to Finstersee and struck down a man connected with the Abbey, called Finster. They returned a short while later, "outrageously and with three hundred armed men, carrying a banner; they broke into the Abbey, took what they found and drove away the cattle, causing two hundred pounds worth of damage".

Feuds also appear to have been common among large families in the thirteenth century. Rudolf of Habsburg, for example, settled a feud between the Izeling and Gruoba families of Uri. The fact that the securities fixed to ensure peace were unusually high, indicates that the families were rich and their members spread out over a large area. Anyone violating peace "was to be treated like a perjurer and would be subject to Papal excommunication and the imperial ban; he was to be regarded as dishonourable and outlawed and to be judged in the same way as a murderer".

Despite this, however, the peace that had been established did not hold. Peace-breakers were driven from the land and their farms burnt down. Uri obviously suffered badly under this particular feud, for there is no other explanation why the people of Uri themselves called in Rudolf of Habsburg to help them. The sources state quite clearly that the initiative was theirs: The Count acted at «the request of the common people», and he passed judgement with their explicit endorsement.

Geographically, feuds had far-reaching effects in the Middle Ages, because the members of the various families, who were spread out over wide areas, were obliged to provide help. This also tended to affect neighbouring regions, including the cities. It is therefore not surprising that moves to secure peace in the city of Lucerne are recorded to have taken place at about the same time as similar efforts in the valleys of Central Switzerland. A major urban peace settlement was worked out in Lucerne in 1252 and amended around 1280. From then on, all legal claims had to be referred to a court, as was to be the case later in the rural areas of Central Switzerland. All citizens were obliged to prevent violent conflicts within the city walls. But neither were they allowed to get involved in feuds outside the city. Only relatives from the region on Lake Lucerne were still allowed to seek help in the event of a feud. But even then they were obliged to eliminate the feud and seek a positive outcome and penance, that is they were to help establish peace. Anyone involved in a feud was to be expelled from the city.

Feuds were obviously part of everyday life, both in rural and urban areas. I have merely mentioned a few examples here, and there are many more, but they are not as well documented. People could clearly no longer stand this situation. It remains somewhat unclear why feuds became such a threat and how they reached such an intolerable level. Whatever the answer, something remarkable happened in this situation: The rural and urban areas and their communities asserted themselves against these families. Communal associations began playing a much more important part in upholding order than the aristocratic ones. As a result, feuds became discredited socially and they were replaced by law courts.

The outstanding achievement of the Confederates of the late Middle Ages is that they made peace a political issue long before the monarchies of Europe established lasting settlements. The desire for peace helped to create new institutions: The Landsgemeinde, that is the open-air parliament, with its Headman, and the political commune with its mayor. Their legitimacy was based on the fact that they upheld peace in the name of society. It is no coincidence that measures to secure peace are always listed first in the rural and urban agreements establishing the rights of the people, and in the common laws of the Confederate Pacts. Society took over responsibility for what could no longer be settled under the ruling system. However, this was not achieved easily. The aristocracy and the Church refused to abandon their power and accept the political changes without opposition.

Security against external threats was established between the battle of Morgarten in 1315 and the battle of Sempach in 1386. But fighting a "war" against external forces and establishing "peace" internally are two completely different things.

Peter Blickle, Professor of Modern History at Berne University

The famous Tell story has also been a suject for the stylish art of silhouette cutting. This half-dramatic, half-idyllic depiction of Gessler's death dates from the 19th century. (Photo kindly made available)