English Summaries

André Holenstein:
The Swiss Confederation's rule. Aspects of Swiss governance and administration in bailiwicks and Shared Dominions.

The contribution discusses systematic aspects of the governance and administration of subject territories administered by a single canton as well as dominions shared by the Swiss Confederation and looks at the importance of those areas relating to the organisation and progress of old Swiss governance. Preliminary comments dealing with general characteristics of state building and statehood of the Swiss Confederation are followed by a discussion of the importance of subject territories ruled by one single canton or by a collectivity of several cantons as structural elements of old Swiss governance. Three aspects are to be highlighted:

1. Shared Dominions and territories subject to a single canton formed an essential part of state cohesiveness and integration in the Corpus helveticum complex.
2. These territories periodically turned out to be conflictual areas, severely threatening the cohesion of the Corpus helveticum.
3. The way territories subject to one canton and the Shared Dominions were governed provides specific insight into Swiss (medieval) statehood.

Werner Kuster:
Relationships of power and the right of preemption ("Verspruchsrecht") in the St. Gall Rhine valley. A right in its social and economic context at the beginning and the end of the early modern period.

The (eternal) right of preemption ("Verspruchs- oder Zugrecht") in the St. Gall Rhine valley is documented for the first time in the Early Middle Ages. Its aim was to privilege native people in purchasing property by giving them the right of preemption against foreigners. The idea was not specific to the Rhine valley, but the term "Verspruch" and the cadence and intensity of the resulting conflicts in this context were possibly characteristic of this region. In such conflicts the governing elite normally tended to guarantee the right of preemption, but claimed, for the first time in the middle of the 16th century, the absolute right of disposition of the validity of that right, which was exercised afterwards again and again.

The frequency and graveness of the conflicts can be explained with socio-economic and mental aspects in the Rhine valley, which – in the light of a Late Middle Age agricultural specialization – have their roots in the obligation of the city of

St. Gall and Hospital of the Holy Spirit in St. Gall to provide care for the needy, and especially allowed the area between Altstätten and the Lake of Constance to develop into a wine-growing region. This specialization led, in combination with the advantageous topographic and climatic situation, and the possibility to meet the prestige demands of an urban upper class, to a desirability of hillside estates, not at risk of floods by the river Rhine. This desirability was often felt by the poor local underclass population as a threat and they tried to fight it with the – sometimes quite blunt – instrument of the right of preemption.

Nevertheless, especially sources of the 18th century prove the well-established fact that neither the commoners nor the foreigners were equally concerned, contrary to the impression that historical documents may impart on this head. There is at least a tendency to count the (rich) Catholics – without differentiating between commoners or foreigners – as supporters of the right of preemption since most of the foreign buyers were Reformists. Despite this, the example "von Salis" in the critical period around 1770 shows the limit of schematization, because in this case the right of preemption was torpedoed by everybody hoping to profit from it, independent of what population group they belonged to. Moreover, there seems to have taken place a change in the 18th century among the financially strong buyership, as the St. Gall buyers were gradually replaced by buyers from the Grisons and – possibly based on the prosperous regional textile industry – citizens of the local upper class.

Andreas Ineichen:
Obedience without political participation? Governance in the Lucerne Bailiwick Entlebuch before the Peasants' War of 1653.

The contribution starts by dealing with the difference between the law, agreed by the city and the rural corporations on the one hand and the law set by the city council in respect of its judicial and governance power on the other hand. The sovereign contracts, negotiated during and after the integration into the town territory, formed part of the agreed law (the most important for the Entlebuch date back to 1405 and 1514). In the early modern era, the subjects expected the authorities – in return for their obedience – to respect those contracts, sometimes in detail. The one-sided legislation of the city council caused certain problems. The subjects of Entlebuch remained convinced of their power to reject writs if they seemed to violate those contracts. In conflict with this idea the authorities strove for sovereign legislation and decision-making power (Trattgeldeinführung 1619). The legislative procedure remained somewhat informal and open; participation of the subjects was allowed

at the discretion of the authorities. The subjects never achieved institutionalized participation (demanded already in 1423). Despite all this, they successfully negotiated an agreement with the authorities on concessions.

Matthias Zimmermann:
From the County of Sargans to Shared Dominion – power relationships in the early Bailiwick of Sargans (1483 to 1500)

The Shared Dominions of the Swiss confederate cities and localities arguably constituted what is known today as the Swiss Confederation. The example of the "Sarganserland" in the following paper serves to outline the shift of power in such a Shared Dominion from the ruling nobility to the Confederation in 1483. This paper argues that rather than restructuring regional ruling societies and institutions, the Confederation adapted them to their use. Hardly any changes can be traced stemming from the new authority in 1483, when the Sarganserland was bought by the Seven Confederates (cantons). Based on this conclusion, local sources of power have to be taken into account in such a Shared Dominion. A closer look reveals that a vast group of manorial lords, such as the Abbey of Pfäfers or the Bishop of Chur, and their respective stewards, as well as several leading families were, in fact, wielding most of the power. Thus, the position of the Confederate Landvogt (bailiff) must be considered as rather weak. Since the bailiff's term of office was two years only, he did not intend to intervene in the local day to day jurisdiction which remained with the same men among the leading group, originating from their office as representatives of the lords of the manor. Therefore, this group has to be considered the effectively ruling constant in the Shared Dominion.

Sibylle Malamud:
Rule and the exercise of rule in the bailiwick Sargans from 1483 to 1798. A workshop report to the "Sources of History of Law Volume of Sargans"

With the sale of the shire of Sargans by Count Jörg von Werdenberg Sargans to the Swiss Sieben Orte (seven cantons) of Zurich, Lucerne, Uri, Schwyz, Zug, Underwalden and Glarus in 1483 the rule of nobles in the region of Sargans was brought to an end. This contribution gives an insight into historical events and the practice of governance in the period of Swiss rule over the Bailiwick of Sargans, which was constituted a Shared Dominion from its acquisition until 1798. From a political angle, this period of Swiss rule is quite a peaceful time compared to the turbulent history of the region of Sargans in the Middle Ages. Thus, the crucial questions

emerge around the assumptions why this time is marked by stability and continuity, but also by stagnation. Particular attention is paid to the shared exercise of power by the Swiss Sieben Orte (seven cantons) and to the administration by the bailiffs and their officials.

Marco Schnyder:
Partners, Patrons and Mediators. Aspects of the Domination of the Swiss Cantons south of the Alps (17th–18th c.)

Among the bailiwicks under Swiss rule in Early Modern Times there were also the four territories – Lugano, Locarno, Vallemaggia and Mendrisio – south of the Alps, which were Dominions shared by all the cantons but Appenzell. The shared rule, their distance from the bulk of cantons and their diversity make these Italian bailiwicks a very interesting object for the study of the nature of Shared Dominions of the Swiss cantons.

Above everything, there is co-operation with the sovereign authority. The Swiss rule south of the Alps is made possible by the co-operation of local notables, with whom the rulers form multiple and durable ties. But there is also resistance to the ruling power and its drive for hegemony. Historiography has generally stressed this aspect by stigmatizing abuses as well as the ponderous and archaic system of government in the Ancien Régime. But there were advantages to be gained from the rulers: their subjects frequently invoked the intervention of the Swiss as mediators or protectors in the bailiwicks themselves as well as in foreign territories where regularly large numbers of people migrated.

Concentrating on the Bailiwicks of Lugano and Mendrisio, this paper shows that it is necessary to consider the different features of the sovereign, who may show himself as partner, patron or mediator.

To conclude, if, on the one hand, the preservation of local autonomy and liberties is a reality, the impact of Swiss legislation, on the other hand, must not be underestimated; it is not sufficient to project dichotomy and conflict only into the relations between rulers and subjects. Stability – or immobility, with negative connotations – of the governing system is not the result of a lack of initiative on the part of the sovereign, nor of the resistance of the subjects only, but a complex interplay of interests, relations and convictions on different issues and at several levels.