Factions and Parties in Early Modern Swiss Conflicts

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1 "The Worm in the Cheese": "Factions" in Early Modern Legal and Political Discourse

"We put first as a general maxim that factions and parties are dangerous, and threaten the well-being, of all kinds of commonwealths". This statement by Jean Bodin (1529–1596) might well have been an expression of early modern European common sense about the nature of factions and parties. He continues in his famous "Six Books of the Commonwealth", printed in 1576: "But if factions and seditions are dangerous to monarchies, they are even more so to popular states and to aristocracies. Monarchs can preserve their authority, either by impartially composing quarrels, or in alliance with one of the parties by bringing the other to reason, or by destroying it altogether. But if the people in a popular state are divided, there is no sovereign to appeal to, any more than there is when the governing class in an aristocracy splits up into cliques". According to Bodin, the partition of the body politic into rival groups threatens public peace, especially in a "popular state", because such a state's "sovereignty is vested in the very people who are divided, and the magistrates are nothing more than their subjects".[1]

Bodin's view represents the mainstream early modern attitude towards the phenomenon of factions. They were considered evil because they were often the first step to sedition, rebellion and even civil war. The Italian legal historian Mario Sbriccoli (1941–2005) reconstructed the semantics of the terms used by medieval and early modern jurists and political writers dealing with any form of disobedience that could be called *crimen laesae maiestatis*. According to the German jurist Philipp Andreas Oldenburg (c. 1620–1678), cited by Sbriccoli, "Factions and tumults gave birth to sedition which are the mothers of civil wars".[2] Oldenburg also cited Baldus de Ubaldis (1327–1400): "Partiality in the

1 Quotations from Jean Bodin, *The Six Books of the Commonwealth*, abridged and trans. by M.J. Tooley (Oxford, 1955), Book IV, Chapter 7, accessible online at: http://www.constitution.org/bodin/bodin_.htm [12 August 2015].

2 "Ex factionibus et tumultibus nonnumquam nascuntur et proveniunt seditiones quae matres sunt bellorum civilium", Oldenbourg (1675), quoted in Mario Sbriccoli, *Crimen laesae*

state is like the worm in the cheese: as the cheese vanishes, the worm gets fat", and Andreas Barbatia (1399–1482): "Discord in the state is an open door for intruding enemies".[3]

But this is only one side of the coin. Sbriccoli insisted on the other side; namely, that the Roman law tradition acknowledged the double character of *factio, seditio and discordia.* If a State was ruled by a tyrant, the nobles or citizens had the right or even the duty to disobey and organise resistance. One of Sbriccoli's sources, the German jurist Konrad Braun (c. 1495–1563), put it in 1550 as follows: "Faction is a division among the multitude produced by competition to prevail over others. Factions can be divided between lawful and unlawful according to their justifications. Therefore we have good and bad factions, although at the beginning the term had a positive meaning". And Braun later on: "If we can assemble our friends to defend our properties, we can even more assemble to defend the political community by connecting the good persons and to protect the political community. For the same reason the faction is right and lawful when it organises good citizens to expel tyranny from the community—if this cannot be done by other, more suitable means".[4]

Roman law tended to see factions as resulting from organised dissent. From the rulers' point of view organised dissent tended to disobedience, and disobedience was the basis of all sorts of *crimen laesae maiestatis*, from faction to conspiracy to rebellion and civil war. The only case of "legitimate" dissent was resistance to tyranny, a situation which permitted the nobles or citizens

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maiestatis. *Il problema del reato politico alle soglie della scienza penalistica moderna* (Milan, 1974), 300.

3 "Partialitatem in civitate esse tanquam vermen in caseo: sicut enim his caseum exedit, ipse pinguescit"; "discordiam in civitate esse portam patentem ad introducendos inimicos", quoted in Sbriccoli, *Crimen laesae maiestatis*, 278.

4 Konrad Braun [Conradus Brunus], *De seditionibus libri sex, rationibus et exempliss ex omni doctrinarum et Authorum genere locupletati* (Mainz, 1550), 64: "Factio est divisio multitudinis alicuius per aemulationem, in diversa studia, cum inter ipsos alij alija priores esse volunt. Quod & honestis ex causis, & ex inhonestis fieri potest. Unde & factio in bonam & in malam partem accipitur, ac initio quidem factio honestum vocabulum erat". And later, 64–65: "Quod si enim ad defensionem rerum nostrarum amicos congregare possumus, quanto magis pro defensione Reipublicae, bonis inter se societatem inire, & adversos improbos cives Rempublicam tueri licebit: sicut & iusta est factio, quae ob id inter bonos cives coalita est, ut Tyranni ex Reipublicae ericiantur, qui nulla alioqui ratione commode expelli possunt". Cf. Sbriccoli, *Crimen laesae maiestatis*, 282; Fabrizio Del Vera, 'Quietis publicae perturbatio: Revolts in the Political and Legal Treatises of the Sixteenth and Seventeenth Centuries', in Malte Griesse, ed., *From Mutual Observation to Propaganda War. Premodern Revolts in Their Transnational Representations* (Bielefeld, 2014), 305.

to form factions. Bodin's theory, however, did not recognise this case of "legitimate" resistance.[5]

According to the legendary narrative of the founding of the Swiss Confederacy, it was William Tell who, by killing the "tyrant" Habsburg bailiff Gessler, gave birth to the confederation of the three cantons, which sealed their alliance with an oath, a tale celebrated by Friedrich Schiller's (1759–1805) classic play "William Tell" (1804). The German dramatist Schiller, who had never been to Switzerland, adapted the legend from regional Swiss narratives documented since the 1470s. This story of the Swiss conspiracy against the noble Habsburg "tyrants" fits very well into the patterns of legal resistance provided for in Roman law.[6] Even if the tale has little to do with historical realities, it became an important touchstone for late medieval, early modern and even twentieth century justifications for Swiss independence. But the events described were not generally discussed in terms of "faction".

If factions were, according to Bodin, most likely to occur in popular states and aristocracies, the Swiss Confederacy and its member cantons, constituted as popular ("democratic") or "aristocratic" republics, should have provided a promising field for the study of factional conflicts. However, even if references to "party politics" at the Swiss Diet or in the cantons' councils are quite frequent in Swiss historiography, there are only a few recent detailed studies dedicated to the phenomenon of factions. These focus on factions in the con text of rebellions[7] or on factional strife in the rural, "popular" cantons.[8]

5 Wolfgang Reinhard, *Geschichte der Staatsgewalt. Eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart* (Munich, 1999), 112–13; Thomas Maissen, *Die Geburt der Republic. Staatsverständnis und Repräsentation in der frühneuzeitlichen Eidgenossenschaft* (Göttingen, 2006), 47–60.

6 Cf. Peter Blickle, 'Friede und Verfassung. Voraussetzungen und Folgen der Eidgenossenschaft von 1291', in Hansjakob Achermann, Josef Brülisauer, Peter Hoppe, eds., *Innerschweiz und frühe Eidgenossenschaft*, (Olten, 1991), vol. 1, 13–202, 24–36; Guy P. Marchal, 'Wilhelm Tells Geburt', in Guy P. Marchal, *Schweizer Gebrauchsgeschichte* (Basel, 2007), 283–303; Thomas Maissen, *Schweizer Heldengeschichten—und was dahintersteckt* (Baden, 2015), 53–78.

7 Rudolf Braun, *Das ausgehende Ancien Régime in der Schweiz* (Göttingen, 1984), 256–309; Andreas Suter, *"Troublen" im Fürstbistum Basel (1726–1740). Eine Fallstudie zum bäuerlichen Widerstand im 18. Jahrhundert* (Göttingen, 1985); Andreas Würgler, *Unruhen und Öffentlichkeit. Städtische und ländliche Protestbewegungen im 18. Jahrhundert* (Tübingen, 1995); Martin Merki-Vollenweider, *Unruhige Untertanen. Die Rebellion der Luzerner Bauern im Zweiten Villmergerkrieg (1712)* (Luzern, 1995); Niklaus Landolt, *Untertanenrevolten und Widerstand auf der Basler Landschaft im sechzehnten und siebzehnten Jahrhundert* (Liestal, 1996).

8 Fabian Brändle, *Demokratie und Charisma. Fünf Landsgemeindekonflikte im 18. Jahrhundert* (Zurich, 2005); Kaspar Michel, 'Regieren und Verwalten', in Historischer Verein des Kantons Schwyz, ed., *Geschichte des Kantons Schwyz* (Zurich, 2012), vol. 3, 9–67.

The phenomenon of political "parties" has recently been discussed in terms of clientelism[9] and corruption.[10]

In what follows I shall analyse the different types and forms of "factions" or "parties" that appeared in the early modern Swiss Confederacy.[11] Sections two and three describe episodic factions suppressed by "aristocratic" as well as "democratic" governments which characterised them as disturbances or rebellions. The fourth section discusses permanent factions among the governing elites in the Confederacy as well as within single cantons in connection with foreign relations, the latter a phenomenon which contributed to the structure of political life in early modern Switzerland, and which has traditionally been seen as a kind of "party" struggle. The fifth section discusses actors' options in choosing participation in a faction. The conclusion addresses the question of why factionalism was perceived as being a pernicious evil but nevertheless inevitable, and compares early modern factions to contemporary political parties.

9 Ulrich Pfister, 'Politischer Klientelismus in der Schweiz', *Schweizerische Zeitschrift für Geschichte* 42 (1992), 28–68; Daniel Schläppi, '"In allem übrigen werden sich die Gesandten zu verhalten wissen". Akteure in der eidgenössischen Aussenpolitik des 17. Jahrhunderts. Strukturen, Ziele und Strategien am Beispiel der Familie Zurlauben von Zug', *Der Geschichtsfreund* 151 (1998), 5–90; Simon Teuscher, *Bekannte—Klienten—Verwandte. Sozialität und Politik in der Stadt Bern um 1500* (Cologne, 1998); Christian Windler, '"Ohne Geld keine Schweizer". Pensionen und Söldnerrekrutierungen an den eidgenössischen Patronagemärkten', in Hillard von Thiessen, Christian Windler, eds., *Nähe in der Ferne. Personale Verflechtung in den Aussenbeziehungen der Frühen Neuzeit* (Berlin, 2005), 105–33; Carlo Steiner, 'Informelle Netzwerke in der Aussenpolitik der eidgenössischen Orte. Das labile Kräfteverhältnis in der Beziehung zwischen dem Zuger Solddienstunternehmer Beat II. Zurlauben und dem französischen Ambassador Jean de la Barde', *Argovia* 122 (2010), 45–65; Philippe Rogger, *Geld, Krieg und Macht. Pensionsherren, Söldner und eidgenössische Politik in den Mailänderkriegen 1494–1516* (Baden, 2015).

10 Valentin Groebner, *Gefährliche Geschenke: Ritual, Politik und die Sprache der Korruption in der Eidgenossenschaft im späten Mittelalter und am Beginn der Neuzeit*, Constance, 2000; Andreas Suter, 'Korruption oder Patronage? Aussenbeziehungen zwischen Frankreich und der Alten Eidgenossenschaft als Beispiel (16.-18. Jahrhundert)', *Zeitschrift für Historische Forschung* 37 (2010), 187–218.

11 For general background, cf. Andreas Würgler, '"The League of the Discordant Members" or How the Old Swiss Confederation Operated and How it managed to Survive for so long', in André Holenstein, Thomas Maissen, and Maarten Prak, eds., *The Republican Alternative. The Netherlands and Switzerland compared* (Amsterdam, 2008), 29–50; *Historisches Lexikon der Schweiz* 13 vols. (Basel, 2002–2014) [open access to all 36, 000 articles (without illustrations) of the *e-HLS* in German, French, and Italian versions, www.hls-dhs-dss.ch].

2 "Rebels" and "Obedients"? Faction as Sedition

The "communal basis" (David Sabean) of early modern rural revolts in Europe has been noted in the research since the 1970s.[12] Yves-Marie Bercé stated that in seventeenth-century southwestern France the most frequent mode of community organization was the unanimous village.[13] Village communities shaped everyday agricultural life by organizing forms of collective production, religious life through common worship within the parish, and local political life through election and control of communal officers in communal assemblies. For these reasons, communal institutions offered structure which could be used to organise resistance, and it should not be surprising that Swiss revolts followed this pattern of the "communalistic" (Peter Blickle) structure.[14] Two case studies of rural revolts illustrate these findings, but at the same time point to the fact that rebel movements lost their unanimity during conflicts that lasted longer than a decade. Both studies relate to factionalism within rebel movements, but without explicitly using the term.[15]

The first of these case studies involves a rebellion of the valley of Toggenburg against its lord, the prince-abbot of St. Gallen, which occurred from

12 Yves-Marie Bercé, *Histoire des croquants. Etude des soulèvements populaires au XVIIe siècle au sud-ouest de la France*, 2 vols. (Geneva, 1974), vol. 1, 185–226; and more clearly in the abbreviated version, Yves-Marie Bercé, *Histoire des croquants* (Paris, 1986), 385; David Sabean, 'The Communal Basis of Pre-1800 Peasant Uprisings in Western Europe', *Comparative Politics* 8 (1976), 355–64; Peter Bierbrauer, 'Bäuerliche Revolten im Alten Reich. Ein Forschungsbericht', in Peter Blickle, ed., *Aufruhr und Empörung? Studien zum bäuerlichen Widerstand im Alten Reich* (Munich, 1980), 1–68; Peter Blickle, *Unruhen in der ständischen Gesellschaft 1300–1800* (Munich, ^{3}2012 [1988]), 5.

13 Bercé, *Histoire des croquants*, vol. 2, 683.

14 In general: Peter Blickle, *Kommunalismus. Skizzen einer gesellschaftlichen Organisationsform,* 2 vols. (Munich, 2000), vol. 2, 85–99.

15 Peter Blickle, 'Bäuerliche Rebellionen im Fürststift St. Gallen', in Peter Blickle, ed., *Aufruhr und Empörung? Studien zum bäuerlichen Widerstand im Alten Reich* (Munich, 1980), 215–95; Suter, *Troublen*. More recent articles referring to the term 'faction': Sandro Guzzi-Heeb, 'Ribelli innovativi. Conflitti sociali nella Confederazione svizzera (XVII–XVIII secolo)', *Studi storici* 48 (2007), 383–408; Sandro Guzzi-Heeb, 'Revolte und soziale Netzwerke. Mechanismen der politischen Mobilisierung in einem alpinen Tal des 18. Jahrhunderts', *Geschichte und Gesellschaft* 36 (2010), 497–522. Rebellions in territories adjacent to Switzerland have been studied from the perspective of faction: David Martin Luebke, 'Factions and Communities in Early Modern Central Europe', *Central European History* 25, no. 3 (1992), 281–301; David Martin Luebke, *His Majesty's Rebels. Communities, Factions, and Rural Revolt in the Black Forest, 1725–1745* (Ithaca, 1997); Martin Zürn, *"Ir aigen libertet". Waldburg, Habsburg und der bäuerliche Widerstand an der oberen Donau* (Tübingen, 1998).

1701–1712. Peter Blickle identified the emergence in the valley, in the early eighteenth century, of two rival groups with different aims and tactics as an early manifestation of political parties in the context of the representative or proto-parliamentary system of the "Landschaft".[16] The Landschaft was the corporation used by communes to communicate with their lords.[17] The valley of Toggenburg had exhibited a tradition of resistance going back to the fifteenth century, but in the sixteenth and seventeenth centuries, confessional differences provided fresh grounds for division.[18] The prince-abbot of St. Gallen ruled over a territory roughly composed of two parts: the entirely Catholic "princely lands" and the mixed valley of Toggenburg where two-thirds of the population had adopted the reform in the sixteenth century. By the time of the revolt, however, which reached its height from 1704 to 1707 and again in 1734, the confessional antagonism was less important than political issues. The revolt was squelched by military interventions, but before that the abbot had managed to divide the rebels along confessional lines based on the rebels' own introduction of a policy of free exercise of the Reformed confession (alongside the "official" Catholic confession).[19] The Landschaft and the revolt itself were limited to the Toggenburg valley. Thus, on the territorial level, only one of the two parts of the abbots' possessions was involved in the revolt, but Blickle did not consider this division to be the product of "faction" because the princely lands and the Toggenburg valley did not share a common political organization (Landschaft), and therefore could not split from each other.[20] Within the valley, however, the rebel peasants were divided according to the classical dichotomy between radical and moderate. The opposing parties emerged because of differences about how far to go in opposition to the abbot, and were called "parties" rather than "factions" by historians, and called "hard" and "soft"

16 Blickle, 'Rebellionen', 290–91. Cf. for the eighteenth century Val de Bagnes in Valais, Guzzi-Heeb, 'Ribelli', 297.

17 Peter Blickle, *Landschaften im Alten Reich. Die staatliche Funktion des Gemeinen Mannes in Oberdeutschland* (Munich, 1973).

18 E.g., the assassination of the abbot's bailiff Hans Ledergerw by Reformed conspirators in 1621, cf. Bruno Z'Graggen, *Tyrannenmord im Toggenburg. Fürstäbtische Herrschaft und protestantischer Widerstand um 1600* (Zurich, 1999).

19 Blickle, 'Rebellionen'; Würgler, *Unruhen*; Andreas Würgler, 'Formen der Konfliktlösung im Vergleich. Unruhen in Schwaben und in der Schweiz (1650–1800)', in Wolfgang Wüst, ed., *Mitregieren und Herrschaftsteilung in der Frühen Neuzeit* (Erlangen, 2016), 147–69. For the seventeenth century, cf. Z'Graggen, *Tyrannenmord,* 230–45. This issue can be followed in the Dutch revue *Mercure Historique et Politique* 42 (1707), 546–48, 623–24; 44 (1708), 505–07; 45 (1708), 624–30; 46 (1709), 280–81, 522–31 and so on.

20 Blickle, 'Rebellionen', 237.

by their contemporaries.[21] The "radicals" or "hard" referred to their "reformist" rivals as "soft" or "wigs" ("Perücken").[22] The political difference between the radicals and moderates lay both in their goals and the means chosen to achieve those goals. The radicals were ready to use violence if necessary so that the valley of Toggenburg could become a free republic—hopefully the fourteenth canton of the Swiss Confederacy—just as Appenzell, a former subject territory of the same abbot of St. Gallen, had managed to emancipate itself to become the thirteenth canton of the Confederacy in 1513. The moderates, however, would have been satisfied to see their economic grievances redressed and their local autonomy preserved; they were generally closer to the prince-abbot's administration and therefore called "wigs".

The second case study relates to the revolt against the prince-bishop of Basel (1705–1740). This revolt was directed against the lord's plans to centralise the administration of his many different districts. To do this, he introduced new taxes and issued orders without, after 1707, consulting the representative assembly of the Estates ("Landstände", "Etats du pays"). The complex structure of the prince-bishopric, an exclave of the Holy Roman Empire between France and the Swiss cantons, made the subjects' resistance quite heterogeneous. Whereas some of the Reformed southern districts profited from the powerful support of the Reformed canton of Bern in resisting the prince-bishop's attempts to centralize and strengthen his rule, the northern, Catholic districts could not rely on Swiss support, but instead relied on the imperial courts. For his part, the prince asked the help of the Catholic Swiss cantons, but they could not assist him because the Reformed canton of Bern refused the transit of Catholic troops. As a subject of the Emperor, the prince appealed to the imperial courts and, in 1739, he entered into an alliance with the king of France, who provided troops to crush the revolt in 1740.[23] Andreas Suter limited his case study to the rebellion of the northern districts from 1726 to 1740. He underlined the importance of communal structures for the organization and mobilization of resistance, but at the same time he insisted on the fact that the communes' apparent unity in rebellion was quite often the product of rhetoric and coercion within the villages and not their "natural" condition.[24]

21 Cf. Alfred Mantel, *Über die Veranlassung des Zwölfer- oder zweiten Villmergerkrieges. Die Toggenburgerwirren in den Jahren 1706–1712* (Zurich, 1909), 133; Ulrich Im Hof, 'Ancien Régime', in *Handbuch der Schweizer Geschichte*, vol. 2 (Zurich, 1977) 673–784, 697.

22 Johann Hässig, *Die Anfänge des Toggenburger- oder Zweiten Villmergerkrieges 1698–1706* (Basel, 1903), 138–40, 188; cf. Blickle, 'Rebellionen', 252–53; Würgler, *Unruhen*, 55–56.

23 Würgler, *Unruhen,* 70–78.

24 Suter, *Troublen,* 368–72; 238–339 for the general causes of this revolt.

Suter presented this sometimes artificial unity in great detail at the commune and district levels, but again without using the term "faction". At the level of the commune, he showed that opponents of the rebellion were coerced by attacks on their houses, fields, fences and other belongings, or even subjected to bodily aggressions.[25] The same was true at the district level: if some of the village communities were not willing to follow the majority decision in the Landschaft (the assembly of the district's village communities) they might be "visited" by armed bands from villages belonging to the majority. Usually the simple "visit" was sufficiently threatening for the minority villages to change their minds.[26] One might add the territory as a third level of possible dissent from the rebellion. The districts had formerly attended assemblies of the Estates and they resumed this tradition during the revolt. At the territorial level, however, there was no consensus about the strategy of resistance, as shown above: the southern districts preferred a quick and positive solution with the support of the canton of Bern to a risky revolt with no assistance from external powers.[27] We may conclude that the difference between these options was not to "rebel" or "obey", but rather how best to preserve local autonomy and opportunities against the expansion of the lordship's or the state's centralising power.[28]

If we leave the two case studies and take a look at the greatest social conflict of the period, the Swiss Peasants' War in 1653, we discover similar phenomena. At the communal level, there were no major problems integrating individuals into the resistance, according to Andreas Suter's comprehensive study of this event.[29] The situation was very different at the district level. The peasants' protest movement succeeded in integrating all the districts only in the canton of Lucerne. In the canton of Bern, only the districts bordering on Lucerne joined the revolt, whereas those in the Bernese Alps negotiated separately with the government, and the peasant militia of the canton's French-speaking districts actually helped the government crush the uprising. By promising military support via their militia, the alpine districts obtained substantial concessions to their economic demands. Once these concessions were granted by contract (which was, surprisingly, respected by the government), the alpine militia

25 Ibidem, 117–20, 198–222.

26 Ibidem, 141–47.

27 Roger Ballmer, *Les Etats du pays ou les assemblées d'états dans l'ancien Évêché de Bâle* (Delémont, 1985); Würgler, *Unruhen,* 70–78.

28 This point supports Luebke, *Rebels*, 2–5, 22.

29 Andreas Suter, *Der schweizerische Bauernkrieg von 1653. Politische Sozialgeschichte—Sozialgeschichte eines politischen Ereignisses* (Tübingen, 1997), 501. On p. 225–26, though, he presents some evidence of dissent in a few communities.

went back home without being required to ally with the government against their peasant fellows, and in fact, in those alpine districts that had decided not to take part in the revolt, there were small groups of young men who went to support the rebels on their own.[30]

For the sixteenth century, there is some evidence that a tax revolt in the rural areas of Basel in the 1590s was not unanimously supported, but the documentation is too sketchy to discern the emergence of two factions.[31] The same goes for the conflicts concerning pensions during the Italian wars (1494–1516), in which divisions between individuals, communes and districts seem to have existed.[32] There is a lack of evidence of factions in the short-lived protests in Bern and Lucerne in 1513 and in Zurich in 1516, which may be because well-established factions were simply absent during these protests. This might also be due to the fluid and quickly changing character of factions in general. If factions did not become decisive for the course of a revolt, they had little chance to be documented, given the low level of literacy among rural communes. This absence of documentation would also have been true for internal conflicts in the cantons' capital cities, because council protocols only provided for documenting actual decisions, not discussions.

3 The "Hard" and the "Soft": Factions in the Popular Cantons

Social conflicts in the form of factions were common in those rural cantons of the Swiss Confederacy that were organised as popular or "democratic" regimes. This early modern version of "democracy" consisted in the fact that, depending on the canton and the century, all men above fourteen or sixteen years possessing the so-called "Landrecht"—a sort of "citizenship" in the country—had the right to participate in the general assembly ("Landsgemeinde"). The Landsgemeinde was regarded as the "sovereign" according to John Bodin's definition of that term,[33] and therefore legitimated to elect the "Landammann" (chief magistrate) and all other officers (responsible for finance, military and so on), and to make new or abolish old laws by majority decision. Given this constitutional setting, this general assembly served as the main arena for negotiating power relations in the popular cantons. The typical conflict that arose in these

30 Peter Bierbrauer, *Freiheit und Gemeinde im Berner Oberland 1300–1700* (Bern, 1991), 357–62.

31 Landolt, *Untertanenrevolten*, 442.

32 Rogger, *Geld*, 66–67, 168–69, 340–41.

33 This was also the explicit argument of an early eighteenth century "rebel" in Schwyz, quoted by Brändle, *Demokratie*, 325.

cantons, especially in Schwyz, Zug and Appenzell,[34] was popular resistance against the process of aristocratisation that allowed a few rich families to monopolise political benefits and opportunities; for example, privileged access to the mercenary market.

Historiography formerly referred to these conflicts as "party struggles". Both contemporaries and the historiography usually identified the two opposing parties as the "hard", i.e., the opposition, and the "soft", i.e., the ruling group of families. There is some evidence that such quarrels in the canton of Schwyz dated back to at least the mid-sixteenth century, but the absence of sources prevents detailed research.[35] The term "faction" is sometimes used by historians as a synonym for "party" in these situations, but without conceptualizing the difference in these terms.[36] In his most recent and most detailed analysis of five such conflicts in the eighteenth century, Fabian Brändle refuses to employ the label of "faction". To explain this type of conflict, he prefers the model of a charismatic leader usually from a non-ruling family who was able to voice the "hidden transcript" of popular grievances.[37]

For eighteenth-century conflicts in the popular cantons, it is not possible to identify the exact social composition of two opposing factions. This is partly due to the fact that the inhabitants of these cantons did not pay direct taxes, and so there are no tax records which could support a socioeconomic analysis. Nevertheless, one might say that regional rather than social factors were primarily responsible for an individual's choice of faction. Usually the ruling families were located in the geographical centre—in the main valley or in the

34 In the two other democratic cantons, Uri and Glarus, the setting of the conflict was slightly different, cf. Urs Kälin, *Die Urner Magistratenfamilien. Herrschaft, ökonomische Lage und Lebensstil einer ländlichen Oberschicht, 1700–1850* (Zurich, 1991), and Markus René Wick, 'Der Glarner "Landhandel". Strukturgeschichtliche und konfliktsoziologische Hypothesen zum Glarner Konfessionsgegensatz', *Jahrbuch des Historischen Verein des Kantons Glarus* 69 (1982), 49–240.

35 Michel, 'Regieren', 37–51; Brändle, *Demokratie*, 111–18.

36 Randolph C. Head, *Early Modern Democracy in the Grisons. Social Order and Political Language in a Swiss Mountain Canton 1470–1620* (Cambridge, 1995), 121–24, 141; Würgler, *Unruhen,* 198; François Walter, *Histoire de la Suisse*, vol. 2, (Neuchâtel, 2009), 110; André Holenstein, 'Händel—Schiedsgerichte—Vermittlungen. Konflikte und Konfliktlösungen in der alten Schweiz', in Peter Rauscher, Martin Scheutz, eds., *Die Stimme der ewigen Verlierer? Aufstände, Revolten und Revolutionen in den österreichischen Ländern* (*ca. 1450–1815*) (Vienna, 2013), 387–413, 407.

37 Brändle, *Demokratie*, 322, referring to Pierre Felder, 'Ansätze zu einer Typologie der politischen Unruhen im schweizerischen Ancien Régime 1712–1789', *Schweizerische Zeitschrift für Geschichte* 26 (1976), 324–89, 340–47; Braun, *Ancien Régime*, 272–76.

vicinity of the most important village of the popular canton—whereas the opposition tended to be stronger in the periphery. The great numbers of innkeepers, schoolteachers, barbers and priests supporting or even leading the opposition is noteworthy.[38] Though the factions were called "hard" or "soft" there is no evidence of identifying emblems or a specific dress code for the factions in Appenzell, Schwyz and Zug.[39]

These conflicts broke out into the open occasionally, mostly triggered by mistrust towards elites. The popular opposition advocated for "more democratic" rules for elections and especially for more transparency in public finances and in the ruling elites' role in the mercenary market. The latter point links these internal conflicts with international diplomatic affairs and explains why the French, Spanish or imperial ambassadors or the pope's nuncio were very likely to be involved in these struggles. This cast of characters allows us to look at these conflicts from another perspective.

4 The "French" and the "Spanish": Factions and Foreign Politics

In addition to temporary factions connected to peasant revolts and anti-aristocratic conflicts in rural cantons, we can also observe permanent factions and parties in the Confederacy. These resulted from foreign relations and occurred in both rural and urban cantons. The Swiss cantons did not act as a belligerent party in any European wars during the entire early modern period (1516/1536–1798). The large number of Swiss soldiers who did participate in warfare did so as mercenaries paid by European powers. The mercenary system was organised by treaties involving all or some of the cantons and various belligerent European powers. These treaties fixed the terms of access to the Swiss mercenary market, thus establishing a political monopoly. The most important treaties were negotiated with the French king in 1516 and 1521 by all the cantons except Zurich (which joined in 1614) and Bern (which signed in 1521, left in 1529 and joined again 1584). They were renewed several times, the last renewal occurring in 1777.[40] In exchange for the right to recruit soldiers within the Confederacy, the French crown granted Swiss merchants commercial privileges such as the elimination of taxes on Swiss exports to France and imports of salt and grain into Switzerland. Furthermore, the French crown paid considerable

38 Brändle, *Demokratie*, 331.

39 Ibidem, 332.

40 Andreas Würgler, 'Symbiose ungleicher Partner. Die französisch-eidgenössische Allianz 1516–1798/1815', *Jahrbuch für Europäische Geschichte* 12 (2011), 53–75.

sums, called official pensions, to the cantons' treasuries on an annual basis. Additionally, the French paid huge sums of money in private or secret pensions to important politicians who the crown considered able to facilitate decisions necessary to the mercenary recruitment process by the cantonal councils, the assemblies, and the federal Diet. Because the Catholic cantons entered into similar treaties with the duke of Savoy (1560), the pope (1665), and, far more importantly, with Milan-Spain (1587), and the Reformed cantons Zurich and Bern with the margrave of Baden (1612), Venice (1615, 1706) and the Dutch Republic (1712/1748), the European powers became direct competitors in the Swiss mercenary market.[41]

Because the cantons had established certain political monopolies with respect to the (legal) mercenary market, the diplomatic representatives of warring European powers attempted to tie Swiss politicians to their causes by providing them with precious resources: private pensions, salt, titles, jobs, information and so on. As a result, two or more client networks linked to different foreign powers emerged in most of the cantons. If it was quite common that single members of elite families received private pensions from more than one foreign power during the sixteenth century, this seems to have become rather rare during the seventeenth and especially the eighteenth centuries: by that time, the Swiss clients generally had to choose a single patron—either France or Habsburg Spain in the seventeenth century and either France or Habsburg Austria in the eighteenth century.[42] Some families, however, managed to secure patrons in both the French and the Spanish factions.[43] This was

41 Andreas Würgler, 'Eidgenossenschaft', in *Historisches Lexikon der Schweiz* vol. 4 (Basel, 2005), 114–21; André Holenstein, *Mitten in Europa. Verflechtung und Abgrenzung in der Schweizer Geschichte* (Baden, 2014), 115–24.

42 Rudolf Bolzern, *Spanien, Mailand und die katholische Eidgenossenschaft. Militärische, wirtschaftliche und politische Beziehungen zur Zeit des Gesandten Alfonso Casati (1594–1621)* (Luzern, 1982); Groebner, *Geschenke*; Andreas Würgler, *Die Tagsatzung der Eidgenossen. Politik, Kommunikation und Symbolik einer repräsentativen Institution im europäischen Kontext* (Epfendorft, 2013), 485–90; for Schwyz: Nathalie Büsser, 'Militärunternehmertum, Aussenbeziehungen und fremdes Geld', in Historischer Verein des Kantons Schwyz, ed., *Geschichte des Kantons Schwyz* (Zurich, 2012), vol. 3, 69–127, 80–84; Rogger, *Geld*, 153–207; for Zug: Schläppi, 'Akteure', 31–36. For the role of salt, Urs Kälin, 'Salz, Sold und Pensionen. Zum Einfluss Frankreichs auf die politische Struktur der innerschweizer Landsgemeindedemokratien im 18. Jahrhundert', *Der Geschichtsfreund* 149 (1996), 105–24; Windler, 'Ohne Geld', 126–30.

43 E.g. the Pfyffer of Lucerne, Windler, 'Ohne Geld', 116–21, and the Reding of Schwyz during the eighteenth century, Josef Wiget, 'Der Stand Schwyz im 18. Jahrhundert', in Historischer Verein des Kantons Schwyz, ed., *Geschichte des Kantons Schwyz* (Zurich, 2012), vol.

of great advantage to these families because one or more of the foreign powers was quite often in arrears with its payments. The absence of French pensions during the religious wars spurred the alliance with Milan-Spain in 1587, and Spanish arrears around 1600 facilitated a renewal of the French alliance in 1602.

Foreign relations became an issue in many factional conflicts beginning in the late fifteenth and early sixteenth centuries.[44] One type of conflict between subjects and rulers concerned proper competence to sign, renew or modify alliances with European powers. Rural subjects of the city cantons repeatedly asserted their right to participate in decision-making on foreign affairs (Bern 1513, 1531, 1653; Solothurn 1513, 1653; Lucerne 1513, 1653; Zurich 1516, 1531; Basel 1525, 1653) as did the non-ruling urban factions (Lucerne 1651–1653; Basel 1691; Bern 1710, 1744, 1749; Zurich 1713, 1734, 1777; Fribourg 1781–1784).[45] Sometimes rural subjects openly claimed their share of foreign pensions as well (Bern, Solothurn, Lucerne and Zurich in the period 1513–1516).[46] Factions within city elites often competed for election to the councils in order to gain access to the secret pensions. Only rarely did this competition lead to open conflicts; conspiracies or secret arrangements were more common,[47] and not only when the rivalry concerned pensions.[48] In the popular cantons, factional rivalries might cause popular uprisings, as discussed in section three. On occasion, these popular uprisings blended with permanent factional conflicts, as for instance in Zug 1728–1735 and 1764–1768[49] and in Schwyz 1763–1767,[50] but in

4, 9–43, 29. The same goes for the for the von Mont family in the Grisons, linked with the Spanish as well as the Venetian faction, Head, *Early Modern Democracy*, 141.

44 Cf. Teuscher, *Bekannte,* 144–55 (Bern); Würgler, *Tagsatzung*, 343–44, 362–63, 544–45 (Zurich, Bern, Lucerne); Rogger, *Geld*, 301–08 (Zurich, Bern, Lucerne).

45 Würgler, *Unruhen*; Würgler, 'Soziale Konflikte', in *Historisches Lexikon der Schweiz*, vol. 11 (Basel, 2012), 647–49. Cf. Holenstein, 'Händel'.

46 Rogger, *Geld,* 55–118.

47 For Basel 1521, Groebner, *Geschenke,* 210–17; for Lucerne 1559–1569 and Bern up to the 1620s, see Windler, 'Ohne Geld', 116–19, 126–30; for early modern Bern see Andreas Würgler, 'Zwischen Verfahren und Ritual. Entscheidungsfindung und politische Integration in der Stadtrepublik Bern in der Frühen Neuzeit', in Rudolf Schlögl, ed., *Interaktion und Herrschaft. Die Politik der frühneuzeitlichen Stadt* (Constance, 2004), 63–91, 66–75.

48 E.g., when it was a problem of public finances (Schaffhouse 1689), or of the distribution of power between the large and small councils (Basel 1691, Bern 1682, 1710), Würgler, *Unruhen*, 46–52, 99–101.

49 Brändle, *Demokratie*, 165–210; Renato Morosoli, Kaspar Michel, 'Harten- und Lindenhandel', in *Historisches Lexikon der Schweiz*, vol. 6 (Basel, 2007), 111–13.

50 Brändle, *Demokratie*, 243–80; Wiget, 'Stand', 27–34.

most cases the leading families managed to keep their disputes secret. Some of these aristocratic families, such as the Reding in Schwyz and the Zurlauben in Zug, were loyal clients of the French crown for centuries. The same goes for the Büeler of Schwyz and the Fleckenstein of Lucerne with respect to Spain, even if Spanish (and Savoy) money apparently stopped coming in after the War of the Spanish Succession (1701–1714).[51] These factions or parties, in contrast to the rebel factions discussed above, were more formed by family ties, client networks and professional or confessional opportunities than by political or ideological conviction.[52]

With respect to these factions, Swiss historiography again preferred the term "party" or "party struggles" to the more rarely used term "faction", even if contemporary sources used both terms. Most recently, these forms of conducting foreign relations have been described in terms of "patron-client" relations.[53]

The studies which have identified this political mercenary system as "patron-client" relations implicitly suggest that this situation was commonly accepted and even "natural". But research from other perspectives has emphasised a contemporary discourse from the late fifteenth to the late eighteenth centuries which used the term "corruption" to describe this system. Contemporary discomfort with pensions is mirrored in the (ultimately failed) attempts to control or even eliminate many kinds of pensions,[54] and in countless attempts to introduce more transparency in their payment.[55] There was a lively early modern discussion about what was "corrupt" and what was not in this regard.[56]

51 Büsser, 'Militärunternehmertum', 90; Markus Lischer, 'Fleckenstein', in *Historisches Lexikon der Schweiz*, vol. 4 (Basel, 2005), 550–52.

52 Schläppi, 'Akteure', 64–74; Büsser, 'Militärunternehmertum', 80–88.

53 Pfister, 'Klientelismus'; Schläppi, 'Akteure', 26–31; Windler, 'Ohne Geld', 108–09; Andreas Würgler, 'Verflechtung und Verfahren. Individuelle und kollektive Akteure in den Aussenbeziehungen der Alten Eidgenossenschaft', in Hillard von Thiessen, Christian Windler, eds., *Akteure der Aussenbeziehungen. Netzwerke und Interkulturalität im historischen Wandel* (Cologne, 2010), 82–85; Büsser, 'Militärunternehmertum', 85–88.

54 Martin Körner, 'Zur eidgenössischen Solddienst- und Pensionendebatte', in Norbert Furrer et al., eds., *Gente ferocissima. Mercenariat et société en Suisse (XVe–XIXe siècle)* (Lausanne, 1997), 193–203; Würgler, 'Verflechtung', 79–93; Würgler, *Tagsatzung*, 298, 485–87, 605–06; Rogger, *Geld*, 152–207.

55 Groebner, *Geschenke*, 37–49; Büsser, 'Militärunternehmertum', 100–03.

56 Groebner, *Geschenke*, 129–54; Würgler, 'Verflechtung', 85–92; Suter, 'Korruption', 200–11.

5 Choosing a Faction?

Why did factions and parties occur? Not every dissent within various groups making up a political entity (community, canton, confederation) resulted in the presence of factions. In the case of short-term seditions or revolts, the emergence of factions was the result of the minority's inability or unwillingness to accept crucial majority decisions.[57] In the case of permanent factions there seemed to exist a latent consent to tolerate factions in order to improve opportunities in the mercenary markets. But all mono-causal explanations of factions referring exclusively to geography (centre-periphery model), economics (forms of production, wealth), social structure (status), kinship (family and godparents), clientelism (patron-client relations) or confession (Catholic-Protestant) have proved to be too simple.[58] Each of these factors doubtlessly helped to shape factions, but none of them alone is able to explain why certain individuals, communities, districts or Estates chose one or another faction. In confessional or confessionalised conflicts, though, an individual's or group's unfettered choice of a faction was limited in the sense that Catholics were not likely to join the Reformed faction and vice versa. But factions involving members of both confessions existed, as the cases of Toggenburg and the Swiss Peasants' War showed. With respect to the latter, in 1653 the subjects of two Catholic cantons (Lucerne and Solothurn) and the subjects of two Reformed cantons (Bern and Basel) joined together to stage the greatest and most ambitious revolt in early modern Switzerland, called a "revolution" by contemporaries.[59]

It is possible to distinguish the importance of these various factors in shaping certain types of factions. First, we have seen in the Toggenburg and prince-bishopric of Basel cases that the division of a territory often followed district borderlines, and the division of a district occurred between communities.

57 For the problem presented by majority decisions, cf. Olivier Christin, *Vox populi. Une histoire du vote avant le suffrage universel* (Paris, 2014), 45–46.

58 Opting for economics (in his polemic against Luebke): Herman Rebel, 'What do the Peasants Want Now? Realists and Fundamentalists in Swiss and South German Rural Politics, 1650–1750', *Central European History* 34, no. 3 (2001), 313–56, and the reply: David M. Luebke, 'Symbols, Serfdom, and Peasant Factions', ibidem 357–82, esp. 374–78. For the other positions already discussed in this paper, cf. Blickle, 'Rebellionen'; Suter, *Troublen*, 342–68; Bierbrauer, *Freiheit*, 357–62; Pfister, 'Klientelismus', 34–39; Würgler, *Unruhen*, 97–99, 198; Landolt, *Untertanenrevolten*, 240–48, 427–34, 441–46, 608–10; Suter, *Bauernkrieg*, 225–26, 501; Luebke, 'Factions', 288–300; Luebke, *Rebels*, 212–31. Additionally: Guzzi-Heeb, 'Ribelli', 396–97; Guzzi-Heeb, 'Revolte'.

59 Suter, *Bauernkrieg*, 159–66, 160 ('revolution').

The same was true for the Swiss Confederacy and its cantons. Second, we can say that kinship and clientelism were probably more important in the context of permanent factions (e.g., the French and Spanish "parties") than for temporary factions. Third, we follow Luebke in observing that political and especially tactical options might best explain the choices made by temporary factions in the context of revolts,[60] but were probably less significant in the situation of permanent factions. Political options may also have played a role in the choice of patrons from among different European powers. But fourth, especially when it came to this latter choice, confessional factors were also very important—for Swiss elites' choices between France, Spain and the Netherlands, as well as, in the revolts, for choice of external allies—Reformed or Catholic cantons in the case of the Toggenburg, and Reformed cantons or imperial courts in the case of the prince-bishopric of Basel.

In the end, the actors (individuals, communities, districts, Estates) had options, but not all possible options were available at any given moment. Factions based on tactical options may have had the most flexibility, but they were short-lived compared to those based on confession or kinship, which in turn offered limited choices for action—and (therefore) more stability. Factions based on clientelism only offered choices if a new patron appeared (as did the Spanish in 1587 and the Dutch in 1712). Of course, rivalries might occur within factions as well: members of the French faction might quarrel about who would act as the main connection to the French patron, or about whether to send an embassy to Paris, and members of a confessional faction might divide into "hard" and "soft" camps.

6 Conclusion: Factions or Parties?

"Faction" meant "division" in early modern political discourse. Factions split the body politic into pieces, and dissolved peaceful harmony into quarrelling disorder. As shown above, factions might affect political structures at different levels: small units such as rural or urban[61] communities (e.g. within a rebel movement), territorial states in their monarchical, aristocratic or "democratic" (popular) form, and even the entire Confederacy in connection

60 "Factions represent the aggregation of people united by economic, social, or familial circumstance behind the same general articulation or choice of political options". Luebke, 'Factions', 300.

61 For early sixteenth-century Geneva, cf. the contribution by M. Caesar in this volume, 'The Prince and the Factions'.

with foreign politics, as the nuncio Ranuccio Scotti (1597–1661) observed in his final report to the pope: "In Switzerland one has to negotiate with countless factional persons who are linked with the emperor, or France or Spain" which made, as he noted, the mission to the Confederacy the most difficult of all.[62]

Faction as organised dissent was interpreted as a symptom of crisis because it signalled conflict. As we have seen, for Bodin, factions were an evil. Roman law drew a distinction between unlawful or—under certain circumstances—lawful factions, but they remained undesirable realities. This was true also for Jean-Jacques Rousseau (1712–1778) when he discusses the "general will" in his *Social Contract* (1762): "But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State: [...] It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts".[63] However, even if factions were disfavoured in early modern political theory, analysis of historical practice has made it clear that factional patterns were endemic to all levels of early modern societies. There seems to be a peculiar coexistence between political discourses praising unity and harmony within political bodies on the one hand, and the actual acceptance and exploitation of factions within these political entities. This can be seen in the representatives of the cantons who gathered regularly at the Swiss Diet: though they secretly fostered the interests of their foreign patrons—the pope or the emperor, the French or Spanish king, the duke of Savoy or the Republic of Venice—they were very eloquent in praising the cantons' reciprocal "love, fidelity and unity" which preserved the Confederacy's "freedom and harmony".[64] This search for harmony and unity was a consistent theme in early modern Swiss pamphlet literature and art as

62 "Nell'Elvetica dovendosi trattare con un'infinità di gente fazionaria chi aderendo all'Imperatore, chi à Francia, e chi a Spagna", quoted in Pierre Louis Surchat, 'Das Corpus Helveticum im Urteil der Nuntien', in Marco Jorio, ed., *1648. Die Schweiz und Europa. Aussenpolitik zur Zeit des Westfälischen Friedens* (Zürich, 1999), 111–19, 112–13.

63 Jean-Jacques Rousseau, *Du contrat social* (Amsterdam, 1762), english trans., G.D.H. Cole 1782, quoted online: http://www.constitution.org/jjr/socon_02.htm [11.8.2015]. The French original uses the term "brigues" instead of "faction". Cf. Luc Bovens, Claus Beisbart, 'Factions in Rousseau's *Du Contrat Social* and federal representation', *Analysis* 67, no. 1 (January 2007), 12–20.

64 Würgler, *Tagsatzung*, 410–23.

well.[65] But political actors, while complaining about the existence of factions, nonetheless tried to exploit them for their needs.

In contrast to Bodin and the Roman law, the Italian philosopher Niccolò Machiavelli (1469–1527) admitted that factional struggles might produce good outcomes in the form of new laws. This was a partially positive judgement about factions which was—as was the case with Machiavelli's ideas in general—not openly and approvingly cited during the early modern period, except by Rousseau. But there were, as Angela de Benedictis has recently shown, a few hidden followers of Machiavelli. One was the German lawyer Johann Wilhelm Neumair von Ramsla (1572–1641), who has become important to recent historiography because he was one of the crucial figures used by the German historian Winfried Schulze to support his thesis that "rebellions might trigger salutary laws".[66] So according to Machiavelli and Neumair, factions could, even if they were undesirable, produce positive new laws, and these positive laws were not unintended consequences simply because they arose from factional debates and the solutions they proposed. Factions did not only engender new laws as the plague might have engendered new sanitation concepts: unlike the plague, one of the goals of factional discourse was to produce solutions.

Yet, factions remained negative entities in the conception of early modern political and legal discourse. There does not appear to be an early modern view of factions that acknowledges this form of organised dissent and accepts factions as "parties" representing legitimate, if specific and partial, interests. Especially town and village communities were characterised as being strongly oriented towards consensus and therefore not really able to tackle open discussions between rival factions.[67] To acknowledge the existence of legitimate partial interests was, according to the political scientist Richard Löwenthal

65 Daniel Guggisberg, *Das Bild der "Alten Eidgenossen" in Flugschriften des 16. bis Anfang 18. Jahrhunderts (1531–1712)* (Bern, 2000), 273–356, 618–23, 781–84; for engravings and paintings cf. Würgler, *Tagsatzung*, 512, 533–37.

66 Winfried Schulze, '"Geben Aufruhr und Aufstand Anlass zu neuen heilsamen Gesetzen". Beobachtungen über die Wirkungen bäuerlichen Widerstandes in der frühen Neuzeit', in Winfried Schulze, ed., *Aufstände, Revolten, Prozesse. Beiträge zu bäuerlichen Widerstandsbewegungen im frühneuzeitlichen Europa* (Stuttgart, 1983), 261–85. Cf. Angela De Benedictis, '"According to Bartolo", "according to Baldo". Archives or Knowledge for the Study of Revolt', in Angela De Benedictis, Karl Härter, eds., *Revolts and Political Crime from the 12th to the 19th Century* (Frankfurt am Main, 2013), 17–40, 31–34.

67 Rudolf Schlögl, 'Vergesellschaftung unter Anwesenden. Zur kommunikativen Form des Politischen in der vormodernen Stadt', in Rudolf Schlögl, ed., *Interaktion und Herrschaft. Die Politik der frühneuzeitlichen Stadt* (Constance, 2004), 9–60, 28–42.

(1908–1991), an achievement of early modern representative or parliamentary systems.[68] Yet, the existence of permanent factions in early modern Swiss cities and the existence of long-lasting factions in villages, accepted by political elites in the Swiss cantons in practice, if not in theory, may also be seen as proof that it was possible to dissent within the community. The elites saw the necessity of a relationship with the French or Habsburg factions in order to ensure an adequate flow of resources into the cantons—even if one of the European powers was unable to fulfil their financial obligations. This meant that at least the rival factions accepted the existence of faction. They even jointly defended it against attempts—such as those by the "Landsgemeinden" and by reformed theologians like Zwingli—to abolish all foreign pensions.[69]

Some recent historiography has categorized these types of conflicts as "patron-client-(broker)" relations, and some older as well as more recent research has applied the term "parties" rather than "factions". "Faction", however, is probably a more appropriate label than "party" for this constellation of rivalry among sociopolitical elites and within rebellious movements. The term "party" is still in use and therefore raises potentially misleading associations with early modern "parties" as well as with the political system in which these "parties" operated. The nature of the contemporary party is that of a legal association with written and fixed statutes, a written platform, elected committees and organised procedures in order to foster open and visible competition, to gain the support of voters, and to represent the people in parliament by forming the government, a coalition or the opposition. Early modern factions, however, were rather amorphous, partly secret and generally not transparent groupings, operating by sometimes doubtful means to secure resources needed to achieve the implicit goal of maintaining access to power.

Apart from the differing nature of factions and parties, there are also great differences between the early modern and contemporary political systems. During the early modern period, factions were considered to be an evil, signs of disobedience, disease and corruption, because they were seen as the visible cause of divisions within a political unit which was conceived of as being united and harmonious (community, district, territory, confederation or even realm or empire).[70] In the present day, parties are, by contrast, considered

68 Richard Löwenthal, 'Kontinuität und Diskontinuität. Zur Grundproblematik des Symposions', in Karl Bosl, Karl Möckl, eds., *Der moderne Parlamentarismus und seine Grundlagen in der ständischen Repräsentation* (Berlin, 1977), 341–56.

69 Würgler, *Unruhen*, 198; Luebke, *Rebels*, 85, for the factions in the rural revolt of Hauenstein.

70 Gérard Mairet, 'Présentation', in Jean Bodin, *Les six livres de la République. Un abrégé du texte de l'édition de Paris de 1583* (Paris, 1993), 5–38, 17–21. This does not mean that factions

to be one of the pillars of modern western democracies: the parties organise the open competition of rival political norms and rival solutions to problems within constitutional boundaries—thus guaranteeing an open society and a pluralistic, democratic state under the rule of law. Whereas early modern social and legal theory perceived faction as the division of a united community, contemporary liberal concepts praise parties for uniting individuals.

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were not considered useful: foreign powers repeatedly profited from factual divisions within the Swiss cantons, Würgler, *Tagsatzung*, 362, 484–90, and town authorities attempted to divide rebellious citizens into rival factions in order to collaborate with one of them against the other, for instance in Basel 1691, Würgler, *Unruhen*, 46–52, 49.