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Niklaus Leuenberger: Predating Gandhi in 1653?

Concerning the Vindication of the Insurgents in the Swiss Peasant War

by Hans Leuenberger

The Peasant War

The 1653 Peasant War can be subdivided in the following phases:

- The beginning of the rebellion in the Entlebuch Valley, Canton Lucerne.
- The massive popular revolt under the leadership of Niklaus Leuenberger, chairman of the “League of Huttwil,” as of the signing of the Oath of Huttwil [*Bundesbrief*] with the aim of a renewal of the Oath of Rütli of 1291 [author’s remark], through to the conclusion of the Murifeld Peace Treaty.
- The willful and unilateral violation of the Murifeld Peace Treaty by the government in Bern following the jubilant withdrawal of the armed peasants as defined in the treaty.
- The abatement of the rebellion by the Bernese troops (Battle of Herzogenbuchsee) and the Federal Diets’ troops (Battle of Wohlenschwil) under the pretense that the rebels had no right to gather in assembly as declared in the Treaty of Stans.
- The persecution, torturing and conviction of the ringleaders which culminated in the quartering of leader Niklaus Leuenberger and in the compilation of an extensive list of rebels to be convicted.
- The assassination of Lucerne councilman Kaspar Studer (†1653) and the end of the rebellion in the Entlebuch.

Better understanding will be gained through a brief explanation of the contents of the Treaty of the Federal Diet of Stans and singular aspects of the six phases of the peasant war.

The focus of the text, however, is the impact of leader Niklaus Leuenberger, from his formulation of the Oath of Huttwil to his dismemberment by the executioner in Bern.

The Federal Diet of Stans

“Fasnacht” in Lucerne and the Secret Message from Nicholas of Flüe

On Shrove Tuesday [*Fasnacht*, pre-Lenten carnival] in February 1477¹ in the city of Lucerne some 2,000 men² from central Switzerland resolved to procure the missing payments which had been promised them as compensation for their having fought in the Burgundian wars. These men formed a “hog-banner campaign” [*Saubannerzug*] and marched towards Geneva. Interestingly, this peasant revolt happened 200 years after the first revolt against the Habsburg Empire in the thirteenth century. This incident caused a crisis within the confederation of the eight cantons, the independent small states in the Old Swiss Confederacy. Delegates of the eight governments therefore met in December 1481 as a Federal Diet [*Tagsatzung*]³ in Stans.

According to the Lucerne chronicle, it was a message from Nicholas of Flüe⁴ which led to agreement, even though the specific contents remain unknown. It is conceivable that Nicholas of Flüe, who had served as a judge and a member of Obwalden’s government and participated as an officer in the Zurich war, himself demanded that his message be treated as strictly confidential.

Council from the Wise Nicholas of Flüe (b1417-†1487)

Nicholas of Flüe was consciously aware that the general public would not accept a banning of Fasnacht. Therefore, it may be assumed that Nicholas of Flüe counseled the eight cantons of the Old Swiss Con-

¹ <https://en.wikipedia.org/wiki/Saubannerzug>

² https://en.wikipedia.org/wiki/Nicholas_of_Fl%C3%BCe

³ https://en.wikipedia.org/wiki/Stanser_Verkommnis

⁴ https://en.wikipedia.org/wiki/Nicholas_of_Fl%C3%BCe

federacy to not ban Fasnacht but to listen to the criticism from the public in order to avoid such insurrection. Additionally, it may be possible that he even suggested to consult the subjects to avoid revolts, a measure which was introduced after the Old Zurich War (1440-46).

“Ausburger” as Burghers of Bern and Burgdorf

Burghers of the cities of Bern and Burgdorf who lived in rural areas were designated as “*Ausburger*” (i.e., non-residential burghers) and in case of war had the right to seek protection behind the surrounding walls of the town.

Through their privileges as burghers, this group belonged to the upper class of wealthy free peasants and were assured security and legal assistance from Bern and Burgdorf in case of disputes with a neighboring lord. This agreement of the cities with wealthy free peasants was a “win-win” situation for both parties. Within the framework of the expansion of the territorial sovereignty of Bern [*Landeshoheit*] regarding Burgdorf and neighboring rural areas, the “*Ausburger*” and their descendants, free peasants, played an important role as allies, as the “fifth column” of Bern.

This upper class of free peasants residing in the environment of the city of Bern represented the backbone of the rural economy, owning farms, grain mills, oil mills, smithies, taverns, tanneries etc. These free peasants kept the economy alive, also during the decline of the lords who often were knights in the service of the Habsburg Empire. In this context, it has to be kept in mind that the lower court jurisdiction is an integral part of the bailiwick of the lord as long as this bailiwick does not belong to Bern,

Power Causes Greediness for More Power

With the decline of the feudal system, the patrician families in the cities started to purchase territories of the lords, i.e. its bailiwick with its lower court jurisdiction, along with their serfs. At the same time the city started to purchase the freedom of the families of serfs of a lord living in a specific territory. *Unfortunately, a consolidation of all subjects followed—ransomed serfs were recognized as equals to free peasants.*

Through this consolidation the hardest hit of all subjects was the “fifth column” of free peasants (“*Ausburger*”), burghers of Bern and Burgdorf and their descendants, who owned free farms within territories of a lord. All subjects residing in the territories purchased by Bern were obliged to pay a new feudal tax. These free peasants were opposed to paying this tax and felt cheated by the city of Bern. The discontent was fueled by the fact that they were asked to prove in court that they were not serfs of the lord but descendants of free peasants. Since there was no separation of powers, the descendant of a free peasant often lost the case in court.

Concerning the Wording of the Diet of Stans

It makes sense that the proceedings from Stans remain silent about the secret message of Nicholas of Flüe. It only included phrases which could be accepted by all parties: *the ban of forcible attacks; the security of cantons; the punishment of culprits; no free assembly of peasants without the permission of the authorities etc.* The presumed secret message from Nicholas of Flüe not to ban the Fasnacht, to consult the subjects and not to punish the peasants for their revolt is clearly a step forward to a more democratic system.

In the public awareness, Nicholas of Flüe was on the side of the peasants. The William Tell Song mentioning Nicholas of Flüe supports this hypothesis.⁵

The Beginning of the Rebellion in Entlebuch and the Magnitude of the Disturbances

The Entlebuch District Procession to Heiligkreuz

The pilgrimage procession to Heiligkreuz at the beginning of the rebellion is particularly significant. It was customary in times of crises and emergencies that Entlebuch’s inhabitants sought comfort and consolidation through the veneration of the relics in the Heiligkreuz church. The fact that this pilgrimage took place on a Monday rather than a church feast day is especially noteworthy.

⁵ *Tellenlied1653*, <https://www.youtube.com/watch?v=V5i6B9OWYdI>, Ulli Galli.

What were the reasons that caused Hans Emmenegger (1604-1653), the regional banneret [*Landespannermeister*] of the Entlebuch District, to support this pilgrimage on February 10 (Gregorian calendar), ten days before Fat Thursday? Did he want to soothe the enraged tempers of the peasants with this pilgrimage? Did Hans Emmenegger want to avoid having the Lucerne *Fasnacht* in 1653 get out of control to avoid a “hog-banner campaign” from being formed—as had happened following the fifteenth century Burgundian wars—and to preclude the rage of the rural inhabitants from being discharged? Had he originally planned that at the beginning of the Lucerne *Fasnacht* on Fat Thursday—where according to Swabian-Allemanic tradition criticism of the authorities was unexceptional—the three Tells, carrying truncheons and wearing costumes as William Tell, Werner Stauffacher and Arnold von Melchtal would appear?

Based on the Lucerne government’s stance on refusing the demands, which provoked the demonstration of peasants armed with truncheons on February 6, 1653, it appears that Hans Emmenegger arguably decided—with the consent of the clergy of the Entlebuch parishes—to undertake an Entlebuch District procession on *February 10th* to the Church of the Holy Cross [*Heiligkreuzkirche*] above the village of Hasle, Canton Lucerne.

On the other hand, no documents confirm that the three Tells wearing the costumes donated by Hans Emmenegger participated in the Lucerne *Fasnacht*. It therefore remains a mystery as to whether or not Hans Emmenegger originally planned to have the three Tells appear at the Lucerne *Fasnacht* of 1653 in their efforts to call the attention of the government authorities to their lost freedoms.

Refusal of the Oath (Untertaneneid) Demanded from the Peasant Subjects

On Fat Thursday, February 20th (Gregorian calendar), in front of the gates of Lucerne, the bailiff of the Rothenburg Bailiwick (Canton Lucerne) promised his peasant subjects—who felt that they had been treated unjustly—an improvement of their situation if they would take an oath bowing to the government authorities. However, the peasants refused to swear the oath and on that same evening Kaspar Steiner (1614-1653) assured the Entlebuch peasants that they had the support of their fellow men from Rothenburg.

Meanwhile, the turmoils had spread further and even included the inhabitants of the little town of Willisau. That was the purpose why Lucerne's city mayor (*Schultheiss*), Knight Heinrich von Fleckenstein visited the town of Willisau on February 20th, the Saturday following the beginning of the Lucerne Fasnacht on Fat Thursday. He reminded the local people in the little town that the city of Lucerne had provided them with diverse benefits in 1472 (five years prior to the turmoil of 1477!), but he was not able to calm the people in Willisau.

In 1653, Fleckenstein was the richest person in the Swiss Confederation since he provided foreign powers with the much sought Swiss mercenaries which was a major business of the leading patricians in the cities.

Attempted Intervention of Mayor Waser from Zurich

The disturbances encompassed the Bernese region and further areas in Switzerland. Bern requested Johann Heinrich Waser (1600-1669), the mayor of Zurich, to attempt an arbitration between the peasants and government authorities. In contrast to Mayor Fleckenstein of Lucerne, Waser was able to gain the confidence of the peasant deputies. His proposal was ultimately accepted by the representatives of the attending bailiwicks. Niklaus Leuenberger was also one of the deputies. On March 30, 1653, in the Bern city hall, under threat of punishment, all of the representatives took a new oath of allegiance as a reminder that all subjects still had to swear an oath of loyalty.

Regional Assembly of the Peasants in Signau

The next day, hundreds of discontented peasants from the entire Emmental and Aargau regions, *members of the Swiss Reformed Church, as well as Roman Catholic peasants* from the Entlebuch region and from Willisau, along with peasant farmers from the Solothurn bailiwicks, the Bernese Oberland and the communal dominion of Schwarzenburg were present in Signau. With a great majority, the representatives resolved to convene a new regional assembly with the goal — *as defined by the founders of the Swiss Confederation in 1291 (Oath of Rütli)*—to form an alliance for assistance when in need. Simultaneously, none of the peasants should swear the demanded oath of loyalty on the coming Sunday in the church.

The Assembly of Sumiswald

This new regional assembly with representatives from the farming communities in the cantons of Bern, Lucerne, Solothurn, and Basel, along with the communal dominion, was held on April 13/23 in Sumiswald.

At the assembly in Sumiswald, Niklaus Leuenberger was elected as commanding leader (*Bundesobmann*) of the insurrection. Niklaus Leuenberger was a man of noble aspect and an excellent speaker.

This skill of logic and eloquence could be acquired in the Society of Jesus' school (Jesuitenschule) in the city of Fribourg, which was founded in 1582 by Peter Canisius (1521-1597) to train students in the German language, which was unique since in other schools such as Lucerne the students were trained only in Latin. Inasmuch as lists of the names of students in Fribourg do not exist—as opposed to the Society of Jesus' school in Lucerne, where Kaspar Steiner had studied—the verification of Leuenberger's having studied there is difficult.

The Oath of Huttwil 1653

On April 20/30 the representatives of the peasants of the Confederation met under the leadership of Niklaus Leuenberger in the little town of Huttwil in order to take the Oath of Allegiance, i.e. the Oath of Huttwil 1653. The peasants chose the town Huttwil since it was their goal to renew the Oath of Rütli of 1291 for residents *living in a town and / or in a rural village of the Swiss Confederation.*

As an emblem of recognition banneret Emmenegger presented Niklaus Leuenberger with a magnificent red coat, a Casaque, which was to be worn on official occasions.

The Personality of Niklaus Leuenberger

Open Questions as a Result of His Controversial Assessment of his Qualification in Historical Literature

- How was it possible for Niklaus Leuenberger as an alleged “weak personal leader” to be able to contain the sharpshooters in 1653 when his troops besieged the city of Bern?
- Was he a fatuous peasant?

- Did he only believe in that which is good?
- Did he hope that with the successful signing of the Murifeld Peace Treaty in 1653 the conflict could be solved between the urban and rural population?

Figurative Portrayals of Niklaus Leuenberger

Fig. 1a shows Niklaus Leuenberger without a masculine hairdress. The first thing that happened when a criminal was captured was for his beard to be cut off. Did the authorities have the intention of portraying the peasant leader as a penitent criminal?

The portrayals of Fig. 1b were confiscated within the entire Swiss Confederation by the order of the Bernese authorities.

No portrayal exists showing Niklaus Leuenberger as a triumphant leader after he had signed the Murifeld Peace Treaty and declared the 37 articles of the treaty to his

Fig. 1b (right): Contemporary Portrayal of Niklaus Leuenberger before he was captured.



Fig. 1a: Niklaus Leuenberger, the allegedly penitent revolutionist. Portrayal after being captured in 1653.



fellow peasants as promised by the Bernese authorities, along with the additional merely verbal promise that after returning home the peasants would receive an indemnity payment of 50,000 pounds of Bernese currency.

The Leader's Personality as Seen in the Achievements of the Rebels

The following texts are an effort to gain a further description of the leader's personality based on the services rendered by the insurrectionists under the leadership of Niklaus Leuenberger.

The Oath of Huttwil—a Remarkable Accomplishment of the Rebels

The text of the Oath of Huttwil, aimed at replacing the Oath of 1291 (Bundesbrief, i.e. Federal Charter, author's note), as transcribed by André Holenstein (b. 1959) appears in the appendices of the book mentioned in the chapter Acknowledgments and References: "Niklaus Leuenberger, the 'Swiss Gandhi' of the 17th Century?" The Oath of Huttwil comprised seven articles, however, only articles 1, 2 and 5 will be mentioned in the following observations to show the visionary views of initiators.

In the first, most *important article* reference is made to the confederates' alliance, which was concluded several centuries earlier.

This article not only includes the basic principle of mutual support when life, property and personal possessions are in danger, but also the *principles that inequities are to be eliminated and not least that religious freedom is guaranteed, inasmuch as no difference is made between Reformed and Catholic peasants. This article simultaneously holds that all confederates are obligated to pay taxes to the authorities, and in so doing the authorities are not contested and should not be replaced by peasants.*

The *second article* concerns the question of the dispensation of justice, in the case of new laws and unjust decrees being made: How are controversies with the authorities to be settled and how can inequities be avoided? *It was the view of the responsible initiators that disputable*

issues could be resolved for all Swiss citizens—those in rural as well as urban regions (e.g., Huttwil, Willisau)—in accordance with a unified, legally binding arbitration process.

The *third article* is a supplement to the second article, in case the authorities should attempt to enforce unjust new decrees through the employment of domestic or foreign troops, the confederate allies commit themselves to disallow such actions and mutually assist one another.

In the *fourth article* a detailed definition of the third article is given, in case a fellow confederate should be aggrieved by measures taken by the authorities.

The *fifth article* states that *the federal charter is to be renewed each decade. Simultaneously, an account of the effectiveness of the articles in the federal charter is to be made.* In so doing, it should be clarified whether complaints against authorities remain by individual confederates in order that they can be given assistance.

The *sixth article* concerns the relationship among the fellow confederates and how they should deal with traitors within their own ranks.

In the *seventh article* the fellow confederates commit themselves to not conclude a one-sided treaty with the authorities which contradicts the matters outlined in the Oath of Huttwil.

Commentary on the Freedom of Religion

As already mentioned concerning the freedom of religion, no difference between Reformed and Catholic beliefs were made. That is a difference between the Oath of Huttwil and the first version made by the public assembly in Sumiswald, where Catholic belief was given priority. It is reported that Niklaus Leuenberger's father, Hans, was an Anabaptist. Anabaptists were heavily persecuted. Therefore, many Anabaptists emigrated. Amongst others, descendants are living in the United States as Amish and as Mennonites.

If the authorities in Bern and their fellow confederates at the Federal Diet in Baden had accepted the Oath of Huttwil on April 21/ May 1, 1653—which does not contest the role of the authorities—and showed strength for religious freedom as stated in article 1, Switzerland would have been spared from internal religious and fratricidal wars.

Accomplishments of the Oath of Huttwil 1653 (Summary)

In summary, it can be stated that the articles as understood in our contemporary, positive perception are revolutionary in the positive sense of the word:

- It concerns the introduction of *freedom of religion*, of a *uniform dispensation of justice and, in this context, of political participation* on the level of the entire population of Switzerland (*towns and rural areas*).
- Following the Thirty Years' War, the Oath of Huttwil corresponds thereby with a *modernized version of the Oath (Federal Charter) of 1291 of the old Swiss confederates*, an Alliance which according to tradition was concluded at the time of William Tell.
- The Oath of Huttwil *does not challenge the authorities as an institution enabled to levy taxes (article 1)*.
- The right of *mutual support and self-defense in case the authorities should war against their own subjects, either with local and/or foreign soldiers (article 3)*.

Commentary

Article 1 would have enabled authorities at that time to *enter into constructive dialogue* with the rebels in order to become acquainted with their views, problems, opinions and ideas, and examine them more closely. Thus, article 1 complies with the secret message of Nicolas of Flüe to consult the subjects.

The Oath of Huttwil does not question the authorities, and conforms to a *convergence of a parliamentary democracy*, wherein the executive authorities are in permanent dialogue with the representatives of their subjects. In the Oath of Huttwil 1653 the question is raised concerning dispensation of justice. That question—*in the sense of a further evolutionary, democratic development*—finally leads to a general *requirement of separation of powers* between the authorities and the subjects' representatives, as well as to the additional establishment of an

adjudication authority independent of the government. The peasants in 1653 realized the deficiencies of the existing legal framework in case of disputes with the authorities and could not understand why a descendant of a free peasant should pay a feudal tax. The freedom of the free peasants who swore the Oath of Rütli in 1291 was formerly granted by the Emperor of the Holy Roman Empire. Thus, since the legal separation of the Swiss Confederation from the Holy Roman Empire in 1648, the Emperor could not be addressed for an arbitration process.

Why did the rebels include article 3 in their oath? During the Thirty Years' War everything went well economically for the patricians in the city as well as the peasants. The *patricians were able to earn considerable wealth through the intermediation of soldiers (human trafficking of mercenaries)* and the peasants were able to export agricultural goods to the warring countries. In Switzerland, an *economic recession* followed the peace treaty of 1648 and the Swiss mercenaries fighting abroad enlisted by the patricians were out of work. The population was aware that in their mission soldiers were not only paid but were also officially allowed to increase their wealth through plundering. The *fears of the population that the local patricians could wrongly use their mercenaries for their own purposes is understandable.*

Reasons for the Rejection of the Contents of the Oath of Huttwil by the Bernese Government

The events in England must have played an important role.

King Charles I was executed on January 30, 1649. Cromwell fought against King Charles I, who wanted to transform England into an absolutist monarchy. Events in that country were importantly influenced by the draft of a constitution that included the postulates *freedom of religion, equality before the law, general political participation* and the end of prison punishment for debtors. Regarding references and the close relationship between the patricians of Bern and the personal physician of Oliver Cromwell see the book *Niklaus Leuenberger, the 'Swiss Gandhi' of the 17th Century.*

Can the *Oath of Huttwil (1653) be interpreted as being a Swiss version of the Cromwellian and Miltonian Agreement of the People?* As a person, Oliver Cromwell is controversial, however the Cromwellian

Republic, known as the “Commonwealth of England,” was an important step towards England’s democracy.

Commentary on the People’s Assembly at Huttwil 1653

The Oath of Huttwil (1653) can be referred to as an important step on the way to Switzerland’s democracy in the nineteenth century. Representatives of all social levels of the population participated in the assembly in Huttwil and no difference was made between Catholics, Protestants, registered citizens and residents without civic rights. *Such residents were known as Hintersässen and held a residence permit (in the USA a green card) to live in the municipality but had no civic rights as the burghers had. In this context it must be understood that a Swiss citizen is primarily a citizen of a Swiss municipality, the place which appears in a Swiss passport as Heimortort (i.e., “municipality of origin,” or “municipality of heritage”).* Swiss citizens may have several “municipalities of origin.” The oldest *Heimortort* denotes the municipality in which an ancestor of an individual first became a burgher. That place is of utmost importance in doing genealogical research.

The Siege of Bern under the Leadership of Niklaus Leuenberger

The siege of a city such as Bern is conditional upon an accurate general staff plan. Furthermore, it requires outstanding logistics in order to nourish some 16,000 armed peasants before the gates of the wealthy city of Bern.

In this context, the high level of discipline in the rebel’s army is recognized without exception by all historians. No comparison can be made between the armed peasants under Niklaus Leuenberger’s leadership and the “hog-banner campaign” of the rebels in 1477. The high level of discipline impressed the authorities of the city of Bern without fail.

Was the Commanding Leader Erratic in his Decisions or did he Follow a Plan?

Among other things, Niklaus Leuenberger feared that in his plan not to attack, plunder and burn Bern, he could be overruled by

his own council of war. In order to avert such danger, Niklaus Leuenberger recruited the following men for the council of war from his army camped at Murifeld: Hans Stampach, Daniel Ruch, Jakob Leuenberger, Joseph Kämpfer, Klaus Mey, Hans Kolb, Andres Leuenberger, Baschi Sommer, Alexander Leuenberger, Hans Frei, Melcher Hunziker, Bendicht Tschanz and Ulrich Krieg. Joseph Kämpfer from Kleinemmental was a neighbor of Jakob Leuenberger. Some insurgents, reportedly, were ‘hawks’, some were ‘doves’; these men, hand-selected by Niklaus Leuenberger, seem to have been of calmer sense.

Was Niklaus Leuenberger Hungry for Power and Wealth?

Niklaus Leuenberger did not have the ambition to take power. He also did not want to gain wealth, in a profitable military business like, for example, the Bernese patricians.

Due to his noble stature and because of his appearance when mounted and wearing his red coat, Niklaus Leuenberger was often referred to in the vernacular as “king of the peasants” (*Bauernkönig*), a title which in the end brought him the harsh conviction of the maximum death penalty of being “quartered.”

The Murifeld Peace Treaty of 1653 and the Rebel’s Contribution of Achievement

A plausible and successful siege of Bern necessitated the occupation of strategic access roads, bridges and passes in order for the surrounded population of the city to realize the earnestness of their situation. This objective was achieved by the besieger, whereby should the siege of Bern be lifted, the rebels were guaranteed not only exemption from punishment but, also, orally agreed upon—reparation in the amount of 50,000 pounds in Bernese currency.

The Murifeld Peace Treaty of 1653 represents a compromise and is not a dictation from the peasants. The three documents had to be drawn up by representatives of the Bernese authorities and the rebels within a short period of time. *It materialized on the basis of negotiations—without a drop of blood having been shed.* The results represent an outstanding achievement of the participants. *It came*

about only because during the siege of Bern, Niklaus Leuenberger and the peasants could bargain from a position of their strength.

The Peace of Murifeld

In confidence of the honesty of the Bernese authorities and compliance of the treaty, Niklaus Leuenberger announced the contents of the signed agreement to the rebels and ordered the armed insurgents to return home. The siege of Bern was rescinded. On May 19th, the Feast of the Ascension of Christ (Holy Thursday), all sections of the troops were informed about the peace agreement and thousands of the rebels started with massed pipes and drums, flags and weapons towards home, where work was waiting for them. On the same day, dispatches were received stating that in the Sternenbergrural court jurisdiction at Neueneegg, insurgents had been arrested by authorities. Various bailiffs captured further rebels contrary to contract on Friday, May 20th. *Niklaus Leuenberger admonishes the Bernese authorities to abide by the peace treaty.* Contrary allegations resulted and the situation continued to become more acute, which on Saturday, May 22nd, caused Leuenberger to write a first official letter to the authorities in Bern because no improvement had taken place.

After dispatches arrived from the Aargau region concerning pillage and looting by Zurich troops of the Swiss Confederation, Niklaus Leuenberger is once again forced to proclaim military landsturm, a general mobilization, and writes to the authorities a last time on May 24th to observe the peace treaty because only then are the rebels willing to pay homage.

The Battle of Wohlenschwil

According to the Peace Treaty of Murifeld, the return journey of the armed peasants occurred on May 19, 1653. They responded to the peace treaty and withdrew from all of the important strategic points around the city of Bern. *After some four days, it is an unbelievable accomplishment to convince the returning armed peasants that their situation is not futile and that they are competent to defend themselves.*

To maintain their validity, they had to be prepared on one hand to fight against possible attacks from General von Erlach's army in the west in case the Murifeld Peace Treaty was not observed. In the east, on the other hand, the further advance of General Hans Conrad Werdmüller's Zurich troops had to be prevented.

It is impressive that with some 15,000 troops on May 23 / June 2, 1653, in Mägenschwil, he and the peasant army were able to resist the penetration of Lenzburg by General Hans Rudolf Werdmüller (chief of staff of the army of Hans Conrad Werdmüller) from Zurich with his cavalry, four canons and 1,500 musketeers, a fourth of the well-armed Zurich Federal Diet troops. Lenzburg namely was war-weary and ready to surrender. The population had fear of pillage by the mercenary army of General Hans Rudolf Werdmüller, who had fought on the side of the Swedes in the Thirty Years' War (1618-1648) and was known for his brutality and for looting.

Leuenberger was aware that his peasant army had no cannons at their disposal and were not as well armed. Therefore, he wanted to better his situation and in a thundershower on May 24, 1653, along with Christian Schibi (see Fig. 2 on the next page), unsuccessfully attempted an assault on Zurich's artillery. Werdmüller's mercenary army cavalry broke through the lines and set fire to the villages of Wohlenschwil and Bublikon. Niklaus Leuenberger was aware that this pillage would demoralize his troops. He was also aware that he could no longer negotiate from a position of strength as he had with the siege of Bern.

Niklaus Leuenberger was convinced that General Hans Conrad Werdmüller did not know that the authorities in Bern had concluded a legally valid peace treaty with the insurgents. His only strength consisted in the fact that on his person he was carrying the legal peace treaty which he had concluded with Bern at Murifeld. By courier he sent a copy of the Murifeld Peace Treaty to General Hans Conrad Werdmüller, head of the Zurich troops.

In the meantime, Schibi unsuccessfully attempted to convince Leuenberger to violate the cease-fire and make a surprise attack in the dark on the Zurich army.

On May 25, 1653, peace was declared at Mellingen.

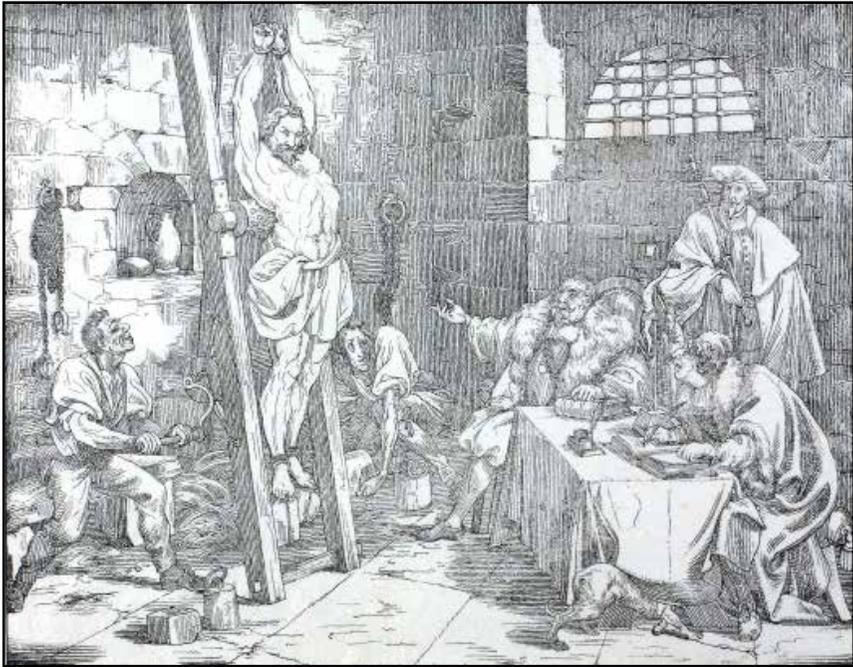


Fig.2: Torture of the leaders of the revolt: Christian Schibi,

Sigismund von Erlach's Vengeful Campaign Against the Rural Population

On May 27, 1653, General Hans Conrad Werdmüller received a message from Niklaus Leuenberger in Herzogenbuchsee complaining of the violence being leveled on the rural citizenry and the need for mutual continued compliance with the peace treaty agreed upon at Mellingen.

In the meantime, Daniel Küpfer, the deputy of Niklaus Leuenberger, the Emmental's commanding officer, had mobilized some 5,000 armed peasants at Herzogenbuchsee.

On May 28, 1653, Leuenberger received a clear reply from commanding General Hans Conrad Werdmüller supporting his request of compliance by the Bernese troops. Thus, Leuenberger decided to instruct his troops that peace was at hand and that they should return to their homes. At the same time he had a premonition regarding his own mortality, thanking his fellow freedom fighters for their support and

leaving them with the hope that the Peace Treaty of Mellingen which he did not sign, would grant some minimum of freedom and safety of the peasants. Thus, he could avoid that the 5,000 poorly armed peasants had to pay a high death toll in the battle of Herzogenbuchsee without a chance that the Bernese government would comply with the Peace Treaty of Murifeld, which would have boosted the democratic, legal, economic and cultural evolution of people residing in the rural areas and in the cities.

Commentary

Niklaus Leuenberger had a foreboding that the atrocities against the people committed by General von Erlach were actually directed towards him according to the principle of “*Sippenhaft*” — when the clan of an offender could be subject to revenge — and that his life was in danger. On the other hand, based on the intervention from Zürich, he trusted the commanding officer of the Federal Diet army that the Bernese government would acquiesce. He still believed in the good of mankind and that the Bernese authorities were interested in peace with the rural population. He therefore sent the soldiers home. Also, in part, because he knew the price they would pay would be extreme.

The Bernese authorities decided to renege on their agreements with the peasants, immediately after the abolishment of the siege of Bern. They attacked the peasants on their way to their homes, families, and their peacetime endeavors, now overdue. Was this decision agreed upon by all of the allies of the old Swiss Confederacy? When was the decision among the members of the Bernese authorities unanimously decided — before, during, or after the Peace Treaty of Murifeld had been signed? Were the frightened Bernese authorities primarily dealing an action of punishment in order to prevent future revolts and to show the people “where God is seated”?

The Battle of Herzogenbuchsee

Thanks to the decision of Niklaus Leuenberger to send the 5,000 armed rebels home based on the peace treaties of Mellingen and

Murifeld, greater carnage in the Battle of Herzogenbuchsee versus the mercenary army of General von Erlach was avoided.

Among other reports from sources, some partisan and some independent, the chronicler Jost von Brechershäusern reported an uncalled for attack on 200 peasant insurgents en route home, in Herzogenbuchsee by the troops of Sigismund von Erlach. His report did not comply with the official narrative that von Erlach defeated 2,000 insurgents.⁶

Jost von Brechershäusern was a wealthy peasant from Wynigen. Among other things, he also reported, in addition to the peasant war of 1653, about the First War of Villmergen in 1656. *He was murdered in 1657 not far from his home. The murder, however, was never clarified. Was this violence politically motivated? The latter cannot be fully excluded since he had his own opinion regarding the battle of Herzogenbuchsee and he had probably his own comments regarding the First War of Villmergen.*

Commentary

With the Peace of Westphalia in 1648 and through the efforts of Johann Rudolf Wettstein (b1594-†1666), the mayor of Basel, the old Confederacy of Switzerland was officially recognized as being independent of the Holy Roman Empire. As a result, there was no longer a possibility for Confederacy members and their subjects to appeal to the emperor as the final authority. It cannot be forgotten that the first treaty of the Confederacy only came about inasmuch as the emperor was the highest authority to guarantee special liberties to the original cantonal states.

The Rebels' Punishment

The vengeance campaign of the authorities under the leadership of General von Erlach can be seen in the sense of *Sippenhaft* tactics as a part of the rebels' punishment. Those who betrayed an insurgent received a reward.

Niklaus Leuenberger "confessed" while being tortured that the peasants had not urged, but instead forced him to accept the office as the

⁶https://en.wikipedia.org/wiki/Swiss_peasant_war_of_1653

head leader. He confessed nothing other than that. Perhaps he hoped for a reprieve owing to a passage recorded in the minutes of the examination proceedings: “As he [Leuenberger] adjourned from the last public assembly at Langenthal to his home town, Hobi, a man from Wynigen, called out ‘That [he] is our authority!’ . Clearly, he [Leuenberger]⁷ was very indignant [about that] and he hit him with his pole.”

Commentary

The official representatives of the Reformed and Catholic churches supported the government authorities in the peasant war. Niklaus Leuenberger’s appeal for clemency was not accepted and his death warrant—“quartering” (i.e., dismemberment)—conformed with that of regicide, that punishment reserved for attempts to murder a monarch. Evidence in favor of him was disregarded.

Executions of insurgents preceded the higher leaders’ doomed legal proceedings and the displays of their body parts reportedly were particularly psychologically harsh on at least one of Niklaus Leuenberger’s deputies.

The peasants were therefore clearly shown that participants in such a rebellious assembly had to reckon with the quartering of the body as the maximum death penalty.

The unity between the Bernese authorities and the church is supported by the fact that new government regulations were announced from the pulpit during Sunday church services.

Furthermore, in addition to secular courts, a church “consistory court” (*Chorgericht*) existed in an ecclesiastical parish. Infringements were punished with monetary fines, whereby the bailiff, as the representative of the authorities, could mete out the fines and collect the fees. The pastor served as secretary and noted the monetary fines in the consistory court manual.

Niklaus Leuenberger, the Penitent Rebel, Put on Exhibit in Bern

Niklaus Leuenberger, the most important prize of the peasant war, was portrayed to the public, in the city of Bern on June 2/12, 1653,

⁷ On horse with his magnificent red coat.

as a penitent leader who had been appointed against his will. He was put in handcuffs and marched through the streets in a triumphal procession. Finally, he was put in irons in the so-called “killer’s cell” in the Prison Tower.

The Conviction of Niklaus Leuenberger

On September 6, 1653, (Gregorian calendar) Niklaus Leuenberger’s sentence was pronounced. The peasant leader was condemned for violating the authority which God had placed in the city leaders. He was also condemned to be beheaded, drawn and quartered, and to have his body parts mounted for display at the main square and the four gates of the city of Bern.

Commentary

The conviction of the leader of the peasant league did not take place until after the arrest, torture and questioning of Uli Galli and Hans Konrad Brenner. Both of them (not only) confirmed the leader’s testimonies and confessions (in the examination minutes) but also provided closer and significant information concerning the (author’s remark: so far unknown to the Bernese government) selfish intentions and plans of some of his hawkish chiefs of the revolt, in that they avowed that it had been agreed upon by them that upon capturing the city, it would be relinquished and plundered, the government council abolished and a new one installed, whereby Leuenberger and Daniel K pfer be given the position of governing mayor (*Schultheiss*), Uli Galli that of treasurer, Michael Aeschlimann, called “*Bergmichel*,” that of military ensign (*Venner*), and notary Konrad Brenner that of state and court scribe.

In point of fact, Niklaus Leuenberger’s confession made no mention of the allegedly existing plans of his fellow campaigners (the hawks of the rebellion) no commensurate assignments of guilt and not even a clue that he had said anything verifying plans to pillage Bern. He never betrayed his colleagues and their plan, even in order to enable a better stance for or to save himself.

The End of the Peasant War and the Assassination in Entlebuch on September 19/29, 1653

The peasant war started in Entlebuch where the three *peacefully demonstrating* peasants dressed in historical garments represented the three first confederates of 1291: Walter Fürst, Werner Stauffacher and Arnold von Melchtal. Following the legend of William Tell and symbolized as the “Three Tells,”⁸ they wanted to call the attention of the Lucerne authorities to the lost liberties in the area of their bailiwick. As a result, Niklaus Leuenberger needed his full commitment in order to restrain those three hawks, when the siege of Bern took place with 16,000 men, from attacking the city with fellow hawks.

The peasant war ended in Entlebuch with the so-called “Tell’s shot” by Kaspar Unternährer (b1621-†1653) when he attempted to assassinate Lucerne’s *Schultheiss* Ulrich Dulliker, who was wounded, and Lucerne councilman Kaspar Studer, who was killed. Kaspar Unternährer came from Schüpfheim, where he was born on January 2, 1621. Ueli Dahinden also participated in the assassination of September 28, 1653, and was killed on October 8, 1653, during his attempted seizure by Protestant troops.

Although the government troops were unsuccessful in their attempt to capture both men alive, they were subsequently tried in court. Kaspar Unternährer was beheaded, as was Ueli’s corpse and both had their body parts displayed at key sites as a warning to the populace.

After regional military ensign Hans Emmenegger presented the “Three Tells” their costumes, Kaspar Unternährer internalized his role as William Tell and carried a crossbow in his right hand. The second “Tell,” Ueli Dahinden, represented Werner Stauffacher. The Lucerne authorities were not certain if the identity of the third assassin was Hans Stadelmann or a peasant who was called, “long [tall] Zemp” and was known as the third “Tell.” Hans Stadelmann was able to flee abroad as many other insurgents of the peasant revolt. After being captured abroad he was betrayed by “long Zemp”, who was therefore able to save his own skin. Hans Stadelmann was transferred to Lucerne in 1654 and beheaded on July 5/15.

⁸https://en.wikipedia.org/wiki/William_Tell

Kaspar Unternährer is the only known assassin in the history of the old confederacy.

Conclusions

Not one drop of blood was shed between the composition of the Treaty of Huttwil and the Murifeld Peace Treaty.

The peasant war was a war of the authorities against the peasants as a result of the unilateral termination of the Peace Treaty of Murifeld by the Bernese authorities in harmony with the advice of ‘The Prince’, Niccolò Machiavelli’s guidebook originally written with the intention of governance and not of tyranny in order to gain a subsequently better military situation.

The fact that relatively few rebels lost their lives on the battlefield is clearly due to the outstanding merit, the humanity, of Niklaus Leuenberger.

The Treaty of Huttwil and the Peace Treaty of Murifeld, which came about without the shedding of blood, are parallel milestones on the path of the old Confederacy towards democratization. They could only be reached from a position of strength and are comparable to the Glorious Revolution in England. The path of the Bernese patricians towards an aristocratic republic, however, continued. The erosion of democratic liberties was only stopped with the invasion by Napoleonic troops in 1798. The law of May 4, 1798, spelled the end of the Swiss Ancien Régime.

A study of the events during the European revolutions in the nineteenth century and during the peasant war of 1653 presents a rich source for conflict research. In that conjunction diverse questions present themselves:

The questions of liberty—especially religious freedom—equality and fraternity, “forerunners” of the French Revolution and about a more social tax system. All were present during the peasant movement in Niklaus Leuenberger’s lifetime and addressed in the Oath of Huttwil and in the Peace Treaty of Murifeld, see the book “Niklaus Leuenberger, the ‘Swiss Gandhi’ of the 17-century with the transcription of the relevant documents (German edition).

How can the questions be dealt with concerning the deeper reasons for the government's revenge campaign against the peasants following the conclusion of the Peace Treaty of Murifeld, and the circumstances of wealthy rural farmers acquiring a so-called "document of protection" (*Schutzbrief*) in order to be spared from looting by the government troops?

And, what about the question of councilman Studer's assassination, as well as that concerning the legal judgment of the assassin of Kaspar Unternährer, who was one of the "Three Tells" and an exponent of the insurgent's hawks?

Nelson Mandela asked himself when the use of force could be justified and thereby differed from Mahatma Gandhi who completely renounced the use of force.

Within the scope of the total abolition of the rebels at the end of the peasant war in Entlebuch, where the "Three Tells" were protected and hidden by the Catholic population, it became necessary for Protestant Bernese troops to be deployed. Needless to say, this fact created additional hatred. As a result, in the subsequent first religious war in 1656, 5,000 Catholic soldiers from Central Switzerland under the leadership of Christoph Pfyffer won the battle of Villmergen against 9,800 Bernese Protestant soldiers under the leadership of General Sigismund von Erlach. During this battle 600 Protestants and 200 Catholics were killed. The ecumenical oath of Huttwil was lost between Protestants and Catholics. Thus, tensions between Christians also remained after the second religious war of Villmergen, where more than 3,000 people were killed in 1712.

It is significant for church history that Nicholas of Flüe, who was later canonized by the church, was on the side of peasants at the time of the peasants' rebellion in 1477. However in 1653 the church sided against the rebellious party. This positive position of the church towards the government never changed through the nineteenth century and is responsible for Martin Disteli's anticlerical parodies and the introduction of the article in the Federal Constitution of 1848 which forbade any activity of the Jesuits in church or state affairs.

Interestingly, however, the Catholic priests supported the rural procession to the Heiligkreuz Church at the beginning of the rebellion

in Entlebuch. This *ecumenical unity is pioneer work* in Swiss church history. As seen on the whole, however, the Reformed and Catholic churches supported the authorities. The churches and the theologians were responsible for the entire scope of human life before the secularization. Religion was not a private matter.

The Reformed pastor Michael Ringier was also on the side of the rebels in 1653: In his dairy he referred to “murder,” i.e., to a “crime” about the Battle of Herzogenbuchsee. *In this respect the church betrayed their own values through their support of the authorities who induced a war against its subjects.*

In this context, the national and international role of the church in the history of Crusades, of European Peasant Wars, of the persecution of Jews, of Anabaptists, of Witches (in Switzerland!) etc., should be revised in order to restore the credibility and the primary mission of the church: “Forgiveness”. An objective analysis of the history of the church including the Thirty Years religious war⁹ from 1618-1648 would be helpful to explain why eight million people were killed in this “holy” war in the name of God? Was the driving force money and/or power? Even though the contemporary frozen conflict in Northern Ireland is not considered as a religious war,¹⁰ the Unionists/loyalists, who were mostly Protestants, wanted to stay with the United Kingdom and the Irish nationalists/republicans, who were mostly Catholics and wanted to join Ireland. Interestingly, the “underlying physics” of this frozen conflict in Northern Ireland has some parallels in Switzerland, which lead to the foundation of the Canton Jura.¹¹

Expedient, therefore, to the Peasant War of 1653 and for justification of the title “Niklaus Leuenberger, der ‘Swiss Gandhi’ of the seventeenth century?” are the following quotations from Mahatma Gandhi:

- *An eye for an eye only ends up making the whole world blind.*

⁹ https://en.wikipedia.org/wiki/Thirty_Years%27_War

¹⁰ https://en.wikipedia.org/wiki/The_Troubles

¹¹ https://en.wikipedia.org/wiki/Canton_of_Jura

- *The world has enough for everyone's need, but not enough for everyone's greed.*
- *Be the change you want to see in the world.*
- *There are no roads to peace, peace is the way.*
- *Strength does not come from physical capacity but from indomitable will.*
- *Victory attained by violence is tantamount to a defeat, for it is momentary.*
- *The weak can never forgive. Forgiveness is the attribute of the strong.*
- *At first they ignore you, then they laugh over you, then they fight you and then you win.*

Since the founding of the Confederacy, there is no historical precedent for the disproportionate punishment on the part of the authorities.

The question concerning remuneration of the rebels who betrayed friends has not been discussed in this article. The Bonus-Malus-System and the issuing of documents of protection by the authorities is a further research domain.

The following question and statements come to mind: Why is the history of the 'victors' still oppressively being imposed on the populace and what can be done to bridge the ancient gulf?

- The Peasant War plays a very menial role in official Swiss historiography.
- The texts of the Oath of Huttwil and the Peace Treaty of Murifeld do not appear in any school textbook.
- It may have been necessary to keep the message of Nicholas of Flue secret in order to reach a peaceful solution at the Diet of Stans in 1481, however it is a pity, that later the message did not become public.

- The impact of the Carneval allowing to criticize the government on the Freedom of Speech and on the democratization process in Switzerland should be a topic in school books.
- Should the Swiss Catholic and Protestant Church declare the date of the Oath of Huttwil (April 30) as an ecumenical church festival in memory of the worldwide first ecumenical event after 30 years religious war from 1618-1648?
- As the ancient agreements were darkly swept aside, so is the truth of history being shaded, moved out of the light.

An answer is that the descendants of Swiss patrician families that hold public offices or are in diplomatic services have achieved outstanding accomplishments—now, in the sense of the statesman-like conduct of Nicholas of Flüe, the historic reparation of the rebels of 1653 should be initiated by these patrician families. Such an obliging gesture would enable the victims of the Peasant War and their descendants to cleanly rule off a dark chapter of Swiss history.

Appeal for Amnesty for the Rebels in 1653

It is left to the readers and most especially the Swiss politicians whether the rebels of 1653 are worthy of an official vindication and are recognized as the true heroes preparing the democratic system of Switzerland and its constitution in 1848 which is an adapted copy of the American Constitution of 1787.

Acknowledgments and References

The author thanks Andreas Suter for his work regarding the correct narrative of the Swiss peasant war in 1653 in his habilitation thesis, as well as in the Historic Dictionary of Switzerland (<https://hls-dhs-dss>).

ch/de/articles/008909/2010-05-07/). Further thanks are due Urs Hostettler for his documentation of the events in 1653 published in the book *Der Rebell vom Eggiwil* (Zytglogge Bern 1991). Numerous persons are cited in the book *Niklaus Leuenberger, the "Swiss Gandhi" of the 17th Century* published at Amazon (German edition),¹² which contains more than 100 references, as well as further details including transcriptions of the relevant documents such as the Oath of Huttwil, the Peace Treaty of Murifeld, the Song of William Tell, and illustrations such as the public execution of the rebel leaders in Basel in 1653. This brutal event became a theme during the liberal uprising in Basel which led to the formation of the cantons Basel-Stadt (city) and Basel-Landschaft (rural part of the former Canton of Basel) and last but not least to the liberal constitution of the Swiss Federation of 1848.

Thanks to the liberal constitution, Switzerland evolved to be a prosperous, peaceful country with a strong economy, a low unemployment rate, a highly developed health care system, an educational system of high standard which enables teachers in primary classes to be well paid, a high social security network helping to avoid domestic terroristic attacks, despite the fact that the density of weapons per resident is comparable to the United States. The constitution allows a cultural, religious, linguistic diversity which includes four official languages and a diversity of different political parties forming the government, taking care that the diversity and the minorities are well represented.

Additionally, the book shows that thanks to computational science, artificial intelligence, all the sciences have a chance to converge for the benefit of mankind. In this context, the findings of Nobel Laureate Ilya Prigogine and the philosopher Isabelle Stengers (see the book: *Order Out of Chaos*) play an important role since processes far from equilibrium in an open system with an influx of energy are present in the exact sciences (see publication *What is Life?* In SWISS PHARMA 1-19, www.ifip.ch/downloads) and can be modeled as well as in social sciences such as the history of mankind.

¹²The English edition will be published soon at Amazon.com.

This process far from equilibrium in an open system is responsible for the development of life and acts in an opposite direction of the second law of thermodynamics, which is responsible for the process of aging (= increase of entropy, disorder, chaos). Thus, in history the energy of such a process far from equilibrium can be used for a peaceful positive evolutionary process leading to a higher order in a democratic system, if this process is not suppressed as in the case of the Swiss peasant war in 1653.

On the other hand, the energy of a process far from equilibrium may lead to a violent revolution such as the French Revolution of 1789 which did not lead quickly to a sustainable equilibrium. In this context, the book *Niklaus Leuenberger, the "Swiss Gandhi" of the 17th Century* also presents the question as to why only Switzerland and no other European Country has adopted and adapted the American Constitution of 1787?

It has to be mentioned that the English version of the book *Niklaus Leuenberger, the "Swiss Gandhi" of the 17th Century*, will contain an additional chapter regarding *The Impact of Computational Science on the Future of Historical Research. The conclusions of this chapter are summarized as follows:*

1) Last, but not least, Prigogine's works, together with those of philosopher Isabelle Stengers will lead to a convergence of the natural sciences and the humanities. This convergence will be accelerated through digitalization and the application of computational science in the era of artificial intelligence for the benefit of mankind. In this context, people must be aware that the "tool-kit" of artificial intelligence can be used, as the invention of fire by Prometheus, in a positive or in a negative way, to be a source of energy or to burn down the home of the neighbor.

2) Artificial Intelligence and the availability of a Super Quantum Computer will accelerate this convergence of all sciences for the benefit for mankind. On the other hand, this revolutionary technology can be misused for evil purposes and not for the benefit for mankind. In this context, it is important to recall the book *Brave New World* by Aldous Huxley, published in 1932, as well as his essay "Brave New

World Revisited” (<https://www.youtube.com/watch?v=qqLarz2nKs4>) in 1958.

3) Needless to say, “good” and “evil” are part of our world. Thus, in the good case, a system of checks and balances is needed leading to a democratic institution as a result of the process of “Order out of Chaos” (Prigogine/Stengers). On the other hand, in the worst case scenario the principle of “Order out of Chaos” will end up in a world of tyranny and dictatorship. Currently the chaos in the world is increasing in an unprecedented speed which may culminate in a world war. In order to avoid such a situation, Winston S. Churchill suggested in his famous Zurich speech (<https://www.youtube.com/watch?v=giilcPJsYuw>) in 1946 to create the “United States of Europe.” It is unclear whether he chose Zurich and Switzerland as a model of states (cantons) with different cultures, religions and languages living peacefully together.

The author of the book *Niklaus Leuenberger, the “Swiss Gandhi” of the 17th Century* appreciates the comments of historian Marc Tribelhorn writing in the NZZ (Neue Zürich Zeitung) of May 4, 2018: “Switzerland does not suffer from too many historical narratives but of not enough and the wrong ones. Swiss History needs to be re-written from the perspective of unselfishness”, i.e., not just to please the nation or its government. Thus, the author hopes with the book to contribute a small chapter of Swiss History without taking into account the nation’s wish of complacency.

Last, but not least, the author thanks the great support of Paul-Anthon Nielson, bilingual American Swiss historian and genealogist for the translation of the German version of the book. At the same time, the author thanks Daniel Lionberger, a U.S. citizen descended from ancestors who immigrated in the eighteenth century in Philadelphia, being a descendant of a brother of Niklaus Leuenberger, for proofreading the English version and for checking this condensed contribution to the *SAHS Review*. Daniel Lionberger is the author of the e-book “Dream View Two—The Kamikaze Candidate,” a political environmental thriller (...).