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## PROBLEMS

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### *Lords and Peasants: A Reappraisal of Medieval Economic Relationships*

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#### I

In the present paper we shall challenge some views and assumptions commonly held about the economic development of agriculture in the central and later Middle Ages. These views and assumptions, whether explicit or implicit, will be shown to touch upon some broader issues of social relationships in the countryside. A brief review of the research literature will reveal the main issues to which we shall address ourselves.

"In the fifteenth century, agriculture was in most cases, no longer conducted by the masters, but rather by the peasantry".<sup>1</sup> This was Georges Duby's conclusion to his analysis of the decay of manorial economy in the later Middle Ages. After his discussion of lords and manors, Duby devoted to the subject of the peasants the closing chapters of his great synthesis of a hundred years of research into the agrarian economy and rural life of the medieval West.<sup>2</sup> Similar views and structuring of the subject may be found in any recent major work on the topic.<sup>3</sup> The general consensus is that the XVth century, or at latest the

The following abbreviations are used:

CEH	Cambridge Economic History of Europe, 2nd ed., Cambridge 1966
HStAMünchen	Bayerisches Hauptstaatsarchiv München
MGSL	Mitteilungen der Gesellschaft für Salzburger Landeskunde
MIÖG	Mitteilungen des Instituts für österreichische Geschichtsschreibung
VSWG	Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte
ZAA	Zeitschrift für Agrargeschichte und Agrarsoziologie
ZBLG	Zeitschrift für bayerische Landesgeschichte

<sup>1</sup> G. DUBY, *L'économie rurale et la vie des campagnes dans l'Occident médiéval*, Paris 1962, engl. transl. by C. POSTAN, *Rural Economy and Country Life in the Medieval West*, London 1968, p. 331.

<sup>2</sup> DUBY, *Rural Economy*, pp. 332-357.

<sup>3</sup> Cf. F. GANSHOF, A. VERHULST, M. POSTAN and L. GENICOT in CEH I, pp. 305-339, 581-632, 705-739; G. FOURQUIN, *Le paysan d'Occident au Moyen Âge*, Paris 1972, pp. 112-141, 171-179; and most recently J.A. VAN HOUTTE, E. MILLER, A. VERHULST, J. FAVIER, W. ABEL in H. KELLENBENZ (ed.), *Handbuch der europäischen*

XVIth, saw the final stages of an extended and complex process — the restructuring of the organization of northwestern and central European agriculture. From the XIIth century onwards control over production was gradually transferred from the lords (here used in the most general sense, including both lay and ecclesiastical landlords) to the peasants. As major elements in this transformation, which, coupled with the infusion of urban capital, was to “launch the rural economy and the whole country life of western Europe into a new leap forward”,<sup>4</sup> can be seen the following:

(1) the contraction of the demesne and of direct cultivation by the lords; (2) the partition and leasing of demesne lands to the peasants under increasingly favourable conditions of tenure; (3) the commutation of labour services and the concomitant freeing of peasant resources; (4) a slow strengthening of the peasants’ community vis-à-vis the landlord.

Most of these trends were already dealt with by late XIXth — and early XXth — century scholars. The local and regional research conducted intensively and with increasingly sophisticated tools over the last forty years has made us aware of both the diversity and the uneven distribution of these phenomena and of their relation to general economic and demographic trends. In various periods, this general process was sometimes accelerated, as for example, during the XIIth century with its crisis in and the restructuring of lordly incomes. At times, direct cultivation of demesnes once more gained ground, as in the XIIIth century, when land was scarce and prices high. England remained a “bastion of manorialism” much longer than the continent. The Cistercians made a virtue out of direct cultivation and local research has lately revealed that all over Europe lords were busily managing what was supposed to have been disintegrating for years. Still, the process went on, accelerated finally by the late medieval “agrarian depression” when war, pestilence, rising wages, and tumbling grain prices made direct cultivation by lords economically unviable.

There can be little doubt that between the XIIIth and the XVth centuries in most parts of western and central Europe a major change had occurred in the management and organization of agriculture. The landlord economy of the early and high Middle Ages, which had been subject to a large extent to the will and whim of the lord, had developed into a kind of structure which could be termed a “peasant economy” as defined by T. Shanin. Namely, the family farm was the basic unit of production, seconded by the economic frameworks of the peasant community. Land husbandry was the principal means of livelihood directly providing the major part of consumption needs. There was a frequent need for credit, met outside the scope of homestead and community. The peasantry was

*Wirtschafts- und Sozialgeschichte*, II, Stuttgart 1980, pp. 113f., 238, 264, 274f., 316, 542-544. For a dissenting view but a similar structuring see J. HEERS, *L'Occident aux XIV<sup>e</sup> et XV<sup>e</sup> siècles*, 2nd ed. Paris 1973, pp. 128-161.

<sup>4</sup> DUBY, *Rural Economy*, p. 357.

politically and economically dominated by outside forces.<sup>5</sup> In this structure of production, the landlords appear as outsiders, mere rentiers, whose economic functions were increasingly eroded. Yet these "rentier-landlords" did not relax their grip on the peasantry. From the XIIIth century on there was a tightening of rent-collection, as witnessed by the abundance of property and rent registers all over Europe. Lords likewise increased their incomes from taxation, jurisdiction, banal monopolies and, in some places, the revival of peasant bondage — all prerogatives derived from extraeconomic sources. Thus, the line of reasoning goes, the withdrawal of the lords from the soil created a dynamic movement which further emphasized the political-legal, rather than the economic, aspect of late medieval lordship. To complete the symmetry of the picture, the peasantry is seen as having emerged from the tribulations of the late medieval crisis economically and demographically revitalized, ready to assume the tasks of modernization awaiting it in the Europe of early modern times.

The flaw in this picture would seem to lie neither in the evidence nor the conclusions concerning economic processes, but rather in the inferences regarding the relative position of lords and peasants. For these inferences seem scarcely reconcilable with indications of the vitality and strongly felt presence of lords in rural life which we see in the late Middle Ages and early modern period in many parts of Europe.<sup>6</sup> It is difficult to see how such a high profile could be sustained by a rent-collecting lordship through extraeconomic means of control, many of which were available only to the higher and highest ranks of lay and church aristocracy. We would like to suggest, therefore, that there were complementary means of influence upon and control of the peasant economy. The application of these means by the lords counteracted the tendency toward withdrawal inherent in the discontinuance of demesne production and made for the continued, or in some places renewed, involvement of the lords in agrarian economy and rural life.

The evidence for this thesis has been drawn mainly from German sources, a fact which might seem to militate against drawing any conclusions regarding the rest of Europe. Moreover, most scholars consider the German experience to have been special, if not unique, as in Marc Bloch's dictum about "that singular

<sup>5</sup> TH. SHANIN, *Peasant and Peasant Societies*, Harmondsworth 1971, p. 14f., and in full in his: *The Nature and Logic of the Peasant Economy*, *Journal of Peasant Studies* 1(1973), pp. 63-80.

<sup>6</sup> For England and Germany the evidence is unambiguous. See K.B. MCFARLANE, *The Nobility of Later Medieval England*, Oxford 1973, esp. pp. 41-60; the case studies in H. PATZE (ed.), *Die Grundherrschaft im späten Mittelalter*, 2 vols., Sigmaringen 1983; H. RÖSSLER (ed.), *Deutscher Adel 1430-1555*, Darmstadt 1965; Österreichische Akademie der Wissenschaften (ed.), *Adeliges Sachleben des Spätmittelalters*, Vienna 1982. For France see the indications in G. BOIS, *Noblesse et crise des revenus seigneuriaux en France aux XIV<sup>e</sup> et XV<sup>e</sup> siècles: essai d'interprétation*, in: PH. CONTAMINE (ed.), *La noblesse au Moyen Âge*, Paris 1976, pp. 219-233.

quality of archaism, which through almost the entire feudal era seems the distinctive mark of German society".<sup>7</sup> Yet if we leave on one side the idiosyncrasies of learned terminology, most of the structural features as well as the main lines of development of German agrarian history fit very well into the larger European framework.<sup>8</sup> This is especially true of the former Frankish and Frankish-dominated areas of northern, western and southern Germany which form the geographical framework of the present study. In this old-settled Germany developed manorial structures, although to a somewhat lower density and with obvious regional differences, which were structurally akin to the ones found further to the west. The process of decay which began in the XIIth century, as well as the concomitant growth of the peasant economy developed here along the same lines encountered in northwestern Europe.<sup>9</sup> The opening of woods, wastelands, and mountains in the XIth-XIVth centuries was undertaken in the same manner as elsewhere, by peasants settled on homesteads and under the direction of the lords. Even in more technical aspects, such as the evolution of common fields and the economic frameworks of the peasant community, Germany tends to conform to the European type.<sup>10</sup> To be sure, there were differences, but they are mainly found in the political aspects of lordship, which were part and parcel of the specific development of the German territories,<sup>11</sup> and in the legal differentiations within the body of the peasantry.<sup>12</sup>

What, then, were the means of lordly influence and control in the peasant economy of northern, western and southern Germany? As we shall show, they were part of the interlocking institutional arrangements of landlordship and peasant tenure prevalent in these regions. We shall proceed in order of increasing generalization, starting with fully documented institutions found only in southern Germany, passing on to arrangements prevalent in most parts of Germany

<sup>7</sup> M. BLOCH, *Feudal Society*, transl. by L.A. MANYON, London 1961, p. 270.

<sup>8</sup> CEH I, *passim*; DUBY, *Rural Economy*, *passim*; F. LÜTGE, *Geschichte der deutschen Agrarverfassung*, 2nd ed. Stuttgart 1967, pp. 45-56; Ch. Perrin, *La société allemande du X<sup>e</sup> au XIII<sup>e</sup> siècle d'après un ouvrage récent*, *Revue hist. de droit français et étranger* Ser. 4, 24 (1945), pp. 84-102.

<sup>9</sup> See the studies in Patze (note 6) and the penetrating analysis by PH. DOLLINGER, *L'évolution des classes rurales en Bavière depuis la fin de l'époque carolingienne jusq'au milieu du XIII<sup>e</sup> siècle*, Paris 1949, thenceforth cited in the updated German translation ed. by F. IRISGLER, *Der bayerische Bauernstand vom 9. bis zum 13. Jahrhundert*, Munich 1982.

<sup>10</sup> R.C. HOFFMANN, *Medieval Origins of the Common Fields*, in: W.N. PARKER-E.L. JONES (eds.), *European Peasants and their Markets*, Princeton 1975, pp. 23-72.

<sup>11</sup> O. BRUNNER, *Land und Herrschaft*, 5th ed., Vienna-Wiesbaden 1965; H. PATZE (ed.), *Der deutsche Territorialstaat im 14. Jahrhundert*, 2 vols., Sigmaringen 1970-71.

<sup>12</sup> K.F. BADER, *Studien zur Rechtsgeschichte des mittelalterlichen Dorfes*, 3 vols., Vienna 1957-67; TH. MAYER (ed.), *Die Anfänge der Landgemeinde und ihr Wesen*, 2 vols., Konstanz-Stuttgart 1964; Dollinger (note 9).

and western Europe, and concluding with a general discussion of investment in agriculture. Our final remarks will deal with the revisions which our findings require in the widely accepted thesis outlined at the beginning of this paper.

## II

The *Gericht*, the first institution which we shall discuss, is mentioned in southern German and Alpine Austrian sources from the late XIIth to the XVIIth century. Its last remains disappeared only in the early XIXth century. But the bulk of references dates from the period between the XIIIth to the XVth centuries. They are found by the thousands in the property and rent-registers known as *Urbare*, the German equivalent of the rentals and censiers-coutumiers of Western Europe.<sup>13</sup> Most of the surviving *Urbare* are of course of ecclesiastical origin, as are almost all other pertinent types of sources.<sup>14</sup> Still, the very few preserved records of lay landlords have similar entries using the same terms as those employed in ecclesiastical sources. This fact and the geographical distribution of the institution justify us in viewing it as a general phenomenon prevalent all over "Upper Germany", comprising Swabia and Bavaria, as well as in present-day Austria, in the regions of the Tyrol, Salzburg, Styria and Carinthia. It is mentioned also in Upper and Lower Austria, Franconia, German Switzerland and Alsace.

The *Urbare* refer to this institution by various names,<sup>15</sup> all used interchangeably. We shall term it *Gericht*, by the noun derived from the verb *richten*, to fix, to arrange. A typical entry of *Gericht* in an *Urbar* follows upon the rents and dues accruing from a certain property. It opens with the phrase "habet, debet zu gericht", followed by a list of five elements: (1) a sizable sum of money sometimes designated "viehgericht" or "pro jugalibus", in place of the draught animals which some earlier sources mention; (2) smaller amounts of grains, under the rubric "pro semine", or sometimes only "semen sufficiens", all of which clearly denote seedgrain; (3) some pigs and poultry; (4) essential agricultural equipment, such as a plough, cart, harrow and yoke, sometimes also

<sup>13</sup> See in general R. FOSSIER, *Polyptiques et censiers* (Typologie des sources du moyen âge occidental 28), Tournhout 1978. On the German *Urbare* see K.Th.v. Inama-Sternegg, Über Urbarien und Urbarialaufzeichnungen, *Archivalische Zeitschrift* 2(1877), pp. 26-52; H. OTT, Probleme und Stand der Urbarinterpretation, *ZAA* 18(1970), pp. 159-184; G. RICHTER, *Lagerbücher—oder Urbarlehre*, Stuttgart 1979.

<sup>14</sup> Mainly "Leihereverse", letters of tenure issued by the lord, counter-signed by the peasant and preserved in the lord's copyregister, and a few surviving account books. Cf. J. WILD, *Beiträge zur Registerführung der bayerischen Klöster und Hochstifte im Mittelalter*, Kallmünz 1973.

<sup>15</sup> In Latin *institutio*, *expedicio*, *iudicium*, *ius*, *procuratio*, *regimen curie*, *pro jugalibus*; in German *Recht*, *Gericht*, *Berichtung*, *Richtung*, *Hofgericht*, *Hofrecht*, *Hubrecht*, *Hubgericht*, *Samrecht*, *Stift*, *Weglos*.

numerous smaller tools; (5) hay in sufficient quantities, sometimes with the number of beasts to be fed for a given time span. Some of the entries are long, detailed inventories, while others are concise lists of essentials. Some specify amounts of cash, others only one lump sum. Pastoral holdings state numbers of cattle or sheep, a fisherman's tenure will list a boat and nets, a miller's millstones. There is even one rare reference to a bridge-warden's *Gericht*.<sup>16</sup>

Earlier scholars already identified these entries as formalized inventories of the material assets needed to keep in working order the holdings owned by the lord and cultivated by the peasant.<sup>17</sup> The most recent and detailed treatment of this subject is by J. Hopfenzitz,<sup>18</sup> whose interpretation is close to our own in that he stressed the legal point: that the homestead is entitled to or has an inherent right to the objects listed in the *Gericht* entries. We feel, however, that he erred in attempting to link the massive presence and fullness of these entries in XIVth-century sources to the "late medieval crisis", which he sees as having forced landlords to resort to decisive measures in order to make their depopulated possessions more attractive to new cultivators.<sup>19</sup> Such an explanation not only disregards the rapid development and diffusion of *Urbare* in this period. More important, it ignores some well-published and very detailed XIIIth-century references, in which the *Gericht* is already a fully developed institution.<sup>20</sup>

The origins of the *Gericht* go back to the XIIth/XIIIth centuries, the period of transition from direct cultivation by lords to peasant tenure. To be sure, nowhere is this transition explicitly described, but the earliest and, up to the XVth century, fullest *Gericht* entries refer to the big, well-equipped "curiae" and "Maierhöfe", the former centres of manorial administration where old structures were often preserved for centuries.<sup>21</sup> In this transitional period, with

<sup>16</sup> H. J. BUSLEY (ed.), *Die Traditionen, Urkunden und Urbare des Klosters Neustift bei Freising*, Munich 1961, p. 226.

<sup>17</sup> F. HUNDT, *Kloster Scheyern, seine ältesten Aufzeichnungen, seine Besitzungen*, Munich 1862, p. 76f.; S. Herzberg-Fränkell, *Wirtschaftsgeschichte des Stiftes Niederaltaich*, *MIÖG* Ergänzungsband 10, 1916, p. 225f.; A. DORSCH (ed.), *Die landesfürstlichen Urbare Nieder- und Oberösterreichs aus dem XIII. und XIV. Jahrhundert*, Vienna 1904, p. CXI; A. GSTIRNER, *Das Gericht oder die Stift in Steiermark*, *VSWG* 28(1935), pp. 313-347; Dollinger (note 9), pp. 127, 168, 359, 392; I. Bog, *Neue Quellen zur Agrarverfassung geistlicher Herrschaften in Bayern*, *ZAA* 9(1961), p. 60f.

<sup>18</sup> J. HOPFENZITZ, *Hubgericht-Hofgericht-Hubrecht. Eine Untersuchung zum mittelalterlichen Besitzrecht in Oberdeutschland*, *ZAA* 24 (1976), pp. 8-53.

<sup>19</sup> Hopfenzitz, p. 39.

<sup>20</sup> Exactly the sources used by the earlier authors and overlooked by Hopfenzitz, which are cited in note 17. To them should be added O. STOLZ, *Die Schwaighöfe in Tirol*, Innsbruck 1930, *passim.*, and A. HOCHHOLZER, *Grundherrschaftliche Fronhöfe und Ämterverfassung im niederbayerischen Raum*, *ZBLG* 31(1968), p. 55.

<sup>21</sup> Cf. the earliest reference, from the Swiss monastery Muri (mid-12th century): H. WOPFNER (ed.), *Urkunden zur deutschen Agrar-Geschichte*, Stuttgart 1928, p. 139.

landlords oscillating between direct cultivation, short-term farm, and peasant tenure, the equipment, livestock and grains belonging to the curiae were transferred too. These holdings were let "berichtet", i.e. equipped with the inventory. Their equipment, the *Gericht*, was then entered in the *Urbare* as part of the lord's property, at the appropriate place near to the rent and dues. For holdings acquired later, a new *Gericht* would have to be provided, as illustrated by some direct evidence from the XIIIth century.<sup>22</sup> Smaller holdings, the "hubae, beneficia, feuda", especially those situated at some distance from the manorial centres, usually show much shorter and schematic entries, indicating that their *Gericht* must be dated later. Thus we can assume a slow spreading of this usage, integrating at different times various components of the lordly property into local custom, which then developed into part of the customary law of the manor.

It is in this completed form, the "Hofgericht" as part of the "Hofrecht", that the *Gericht* presents itself in the XIVth and XVth centuries. Formally, as with other aspects of the law of the manor, there is a due process of law-finding, in which lord and peasantry cooperate.<sup>23</sup> In content, there was a reciprocal responsibility: the obligation of the peasant about to leave the homestead to safeguard the *Gericht*, and the commitment of the lord to continue to provide it. To be sure, in most of the sources, which originated, it should be remembered, from the side of the lords, only the former is mentioned.<sup>24</sup>

There was in fact good reason for this obligation. Up to the XVIth century the greater part of the area under discussion was subject to "Freistift", a type of non-hereditary short-term tenancy of a few years, terminable at the lord's will. This made for a high turnover of peasant cultivators, while providing little incentive to safeguard soil and equipment.<sup>25</sup> For this reason, and similar to so

<sup>22</sup> For instance in Niederaltaich (Lower Bavaria): J. CHMEL (ed.), *Die Besitzungen des Benediktinerklosters Niederaltaich in der Passauer Diözese, Notizenblatt d. kais. Akad. d. Wissensch.* 4 (Vienna 1854), p. 575.

<sup>23</sup> HStAMünchen, Geisenfelden Lit. 23 f. 13 (end of XIIIth century). Similar in Scheyern (*Monumenta Boica* X, Munich 1763, nr. 225, XIVth century) and Neustift (Busley, note 16, p. 251, 1st half of the XVth century). On the late medieval development and structure of manorial law see P. BLICKLE (ed.), *Deutsche Ländliche Rechtsquellen*, Stuttgart 1975.

<sup>24</sup> See the references from *Urbare* in Hopfenzitz (note 18), pp. 18-20, the sections in the laws of the manor in Wopfner (note 21), p. 321, and in G. FRANZ (ed.), *Quellen zur Geschichte des deutschen Bauernstandes im Mittelalter*, Berlin 1967, pp. 450-452, 505, 599; letters of tenure: *Monumenta Boica* X, 1763, nrs. 74, 158, 211, 225; Staatsbibliothek München Clm 1052 ff. 13, 16, 21', 22; A. WEISSTHANNER (ed.), *Die Urkunden und Urbare des Klosters Schäftlarn*, Munich 1957, p. 155; M. THIEL-E. ENGELS (eds.), *Die Traditionen, Urkunden und Urbare des Klosters Münchsmünster*, Munich 1961, p. 208; H.C. FAUSSNER-A.V. GROTE (eds.), *Urbarch des landesfürstlichen Kastenamtes Burghausen*, Munich 1983, p. XLVIII. On the ongoing debate about the lordly vs. peasant origin of the Weistümer, the rural documents of law-finding, see Blickle (note 23).

<sup>25</sup> On systems of tenure in the area see Bader (note 12); H. LIEBERICH, *Die Rechtsformen des bäuerlichen Besitzes in Altbayern, Mitteilungen f.d. Archivpflege in*

many battles of lordly power against peasant ruse,<sup>26</sup> the attempt to hold the peasant responsible was doomed to failure. To little avail were the variety of clauses inserted in the *Urbare*, laws of the manor, and letters of tenure cited above, as well as the periodical checks and inquiries instituted by the more conscientious lords.<sup>27</sup> Wherever we obtain a direct glimpse into the actual workings of manorial administration, we see that the lords had to invest in the upkeep of the *Gericht* on the peasant tenures.<sup>28</sup> As stated sometimes explicitly, the lords were prepared to do so in order to see their property produce, so that rents and taxes could be raised.<sup>29</sup> With no other incentive to the cultivator, it is precisely in those areas which clung longest to "Freistift" that the *Gericht* survives into the XVIth and XVIIth centuries, whereas it withered away wherever hereditary tenancy finally prevailed in the course of the XVth century, as in the Southwest, and on the ducal properties in Bavaria.<sup>30</sup> But for three centuries at least, this institution was economically viable indeed.

The institution of the *Gericht* then, as developed in the XIIth and XIIIth centuries and institutionalized in the laws of the manor in the succeeding period, must have played a considerable role in the transition from landlord to peasant production. This drawing upon the lords' stocks of equipment, livestock, grains and capital, effected a redistribution of the means of production which enabled peasant tenures to "go into business". Later, the *Gericht* served as a prop to the

*Oberbayern* 6(1941), pp. 159-176; O. STOLZ, *Rechtsgeschichte des Bauernstandes und der Landwirtschaft in Tirol und Vorarlberg*, Bozen 1949, pp. 82-126; H. KLEIN, *Die bäuerlichen Lehen im Erzstift Salzburg*, *MGS* 69(1929), pp. 145-168.

<sup>26</sup> Cf. M.-Th. Lorcin, *Un musée de la ruse paysanne*, *Études rurales* 51 (1973), pp. 112-124.

<sup>27</sup> For instance in Scheyern, cf. the marginal annotations in HStAMünchen, Scheyern Lit. 54 (ca. 1300), 55 (ca. 1315), 56(1400), passim, or in Neustift: Busley (note 16), p. 251.

<sup>28</sup> Cf. in Niederaltaich: Chmel (note 22) 4(1854), p. 575; 5(1855), pp. 168, 263; Scheyern: HStAMünchen, Scheyern Lit. 54 ff. 15, 36, 70; Lit. 77 ff. 5, 316; Kaisheim: H. HOFFMANN (ed.), *Die ältesten Urbare des Reichsstiftes Kaisheim 1319-1352*, Augsburg 1959, pp. 106, 112; convent of Augsburg: R. DERTSCH (ed.), *Das Füssener hochstiftische Urbar von 1398*, Kempten 1940, p. 10; Ellwangen: Hopfenzitz (note 18), p. 20; Langheim: F. GELDNER (ed.), *Das älteste Urbar des Cistercienserklosters Langheim*, Würzburg 1952, p. 59. For numerous, slightly ambiguous, references see note 27 above, where frequent mention is made of new cultivators installed on holdings and acknowledging for the abbey's officials the *Gericht* in place.

<sup>29</sup> Chmel (note 22), 4(1854), pp. 473, 507; 5(1855), pp. 192, 259, 309-311, all from the mid-XIIIth century. Similar in Geisenfeld at the end of the XIIIth century: HStAMünchen, Geisenfeld Lit. 23 f. 14, and in Neustift in 1403: Busley (note 16), pp. 204, 205, 207, 208, 212.

<sup>30</sup> For the former see Bader (note 12) and the regional case studies in Patze (note 6). For the latter G. Kirchner, *Probleme der spätmittelalterlichen Klostergrundherrschaft in Bayern*, *ZBLG* 19(1956), pp. 1-94.

peasant economy by putting the lords' resources at its disposal, while at the same time guaranteeing the lords a decisive voice in the administration of agricultural production. It is this last aspect which is most striking as one moves from the grain-producing Swabian-Bavarian lowlands to the Alpine regions, where the same principles were applied in different environmental and economic circumstances.

The Bavarian and Austrian Alps, in whose river valleys Bavarian peasants, led by their lords, had superseded a sparse Rhaeto-Romanic and Slavonic population in the course of the early and central Middle Ages, underwent a second phase of agricultural settlement during the XIIth-XIVth centuries.<sup>31</sup> At fairly high altitudes, often above the line where grain can be grown, there arose within a relatively short time many hundreds of *Schwaighöfe*. These represented a new type of dispersed peasant settlement devoted to animal husbandry and dairy production. Unlike the "Alm" with its temporary huts and exposed pasture used only during summer, the *Schwaigen* were true homesteads provided with sturdy buildings, extensive grazing lands, cultivated meadows for winter fodder and, wherever possible, small plots on which some grain could be grown for home consumption. Due to the difficulty of communication in this rugged terrain, which prevented the development of true transhumance, and on account of the relatively late date of their construction, we found no mention of *Schwaigen* worked directly under lordly management. In other words, of small and medium size, inhabited and cultivated by peasant families, and held in inheritance, the *Schwaigen* were from the outset genuine elements of the peasant economy. Yet at the same time they reflect more clearly than any other agricultural institution the strength of lordly influence on this peasant economy.

*Schwaighöfe* were established in two ways. One was the conversion of an existing grain-producing homestead into a stock-raising one, by the provision of cattle and the allocation of meadows and pasture from the lord's demesne or out of the commons (as a result of pressure upon the peasant community). The second, most common way was the erection of *Schwaigen* similarly equipped by lords, on newly assarted slopes belonging to the lords by virtue of their "ban" over virgin soil. As in other large-scale clearing projects, the peasants doing the actual work were provided with food and tools and then settled on the newly created tenures. They then enjoyed several years of reduced rent and

<sup>31</sup> The literature and source references for the following in: O. STOLZ, *Schwaighöfe* (note 20); H. WOPFNER, Beiträge zur Geschichte der alpinen Schwaighöfe, *VSWG* 24(1931), pp. 36-70; H. KLEIN, Über Schwaigen im Salzburgischen, *MGS* 71(1931), pp. 109-128; O. STOLZ, Beiträge zur Geschichte der alpinen Schwaighöfe, *VSWG* 25(1932), pp. 141-157; A. GSTIRNER, Die Schwaighöfe im ehemaligen Herzogtume Steiermark, *Zeitschrift des historischen Vereines für Steiermark* 31(1937), pp. 1-86; E. KRAUSEN, Die Schwaigenwirtschaft des Klosters Raitenhaslach, *Mitteilungen der Geograph. Gesellschaft München* 53(1968), pp. 339-351; W. FRESACHER, Wirtschaftsgeschichtliche Erkenntnisse aus den Gurker Urbaren, *Carinthia* I 161(1971), pp. 138-149.

later, improved conditions of tenure, in this case inheritability as mentioned above. But lords played a leading role not only in the creation of *Schwaigen*, but also in the assurance of their continued existence and ability to pay rent. Using the very terms employed in the lowlands for *Gericht*, there are constant references to lords regularly supplying cattle, salt, seed-grains, and to homesteads situated at altitudes too high to enable cultivation, even of food-grains. This principle of lordly responsibility embodied in the institution of *Gericht*, then, was also rigorously applied to the Alpine regions. Up to the XVIth century local customary law held that only *Schwaigen* properly equipped with cattle by the lord carried the obligation to pay rent.

Naturally, such a far-reaching commitment on the part of the lords was attended by vastly augmented possibilities, amounting at times to a virtual *dirigisme*, of interference in the peasant economy. In the XIIIth century, the chapter of Gurk (Carinthia) converted most of its possessions in one particular valley into cheese-producing *Schwaigen*. Since the soil, climate and elevation of this valley seem to have been the same as those in neighbouring possessions of the chapter, administrative convenience must have motivated this step. This is borne out by the fact that another group of holdings near Gurk cultivated mainly grains, while a third and distant one paid mainly cash rents.<sup>32</sup> A different principle seems to have guided the arrangements of the Styrian abbey of Admont, whose immediate vicinity was especially suited to meadowland. By providing a *Gericht* suited solely to animal husbandry, over several hundred years Admont built up an export trade in cheese, cows and oxen which was still thriving in the XVIIth century.<sup>33</sup> Finally, we have the case of the archbishopric of Salzburg, which had gradually converted the *Gericht* on its *Schwaigen* from sheep to cows, until, by the end of the XVth century, a group of only some twenty distant holdings continued to raise sheep. In 1498 the decision was taken to replace all sheep with cows. Within two years these holdings were producing melted butter instead of cheese, paying rent to the annual rate of some 5000-6000 huge chunks weighing up to ten pounds each.<sup>34</sup>

For both the grain-producing holdings in the lowlands and the stock-raising Alpine *Schwaigen*, provision by the lords of the means of production was the key to the very functioning of the peasant economy. There were of course obvious differences, the most important one being the marked prominence of *Gericht* in the latter as compared to its more obscure character in the former. In lowland grain-production *Gericht* seems to have played its main role in the XIIth - XIIIth centuries, during the poorly documented transitional phase from manorial to peasant production. In the later Middle Ages it continued to be

<sup>32</sup> Fresacher (note 31), pp. 141-143.

<sup>33</sup> Gstirner, *Gericht* (note 17), p. 323.

<sup>34</sup> H. DOPSCH, Wandlungen und Konstanz der spätmittelalterlichen Grundherrschaft im Erzstift Salzburg, in: Patze (note 6), II, pp. 258-261.

employed mainly on larger holdings, many of which were still exercising former manorial functions, such as rent-collecting and the lodging of the visiting lord and his officials. By contrast, the *Schwaigen*, established in a later period when written accounting was commoner, are much better documented. But more than anything else, the isolated nature of the settlements and the adverse climatic and topographic conditions of the Alpine regions must have created the strong dependence of peasant upon landlord, and consequently, the marked vitality of *Gericht* in this area, which continued into the early modern period. Beyond differences of timing and degree, the arrangements involved in *Gericht* in both areas served basic needs of agrarian society, so well that they were institutionalized and legitimized in customary law.

### III

In the foregoing discussion we indicated a convergence of needs which gave rise to the institutionalization of landlord interference in the direction of the peasant economy. It remains to be shown that this state of affairs was not confined to only one, albeit sizable, part of Germany, but was, rather, a basic configuration in agrarian society as a whole. To this end we shall examine the institution of share-cropping known in Germany as *Teilbau* or *Teilpacht* and in other parts of Europe as *facherie*, *métayage*, *mezzadria* or *tâche*. As is well known, its main feature was the contractual, short-term cooperation between landlord and peasant, matching in agreed proportions land, equipment, and stocks to the latter's labour, the fruits of which were to be divided accordingly. Historians have shown special interest in this type of commercial lease which is found in abundance in the notaries' registers of southern Europe. They see it as a channel for the influx of urban capital into the rural economy.<sup>35</sup> As suggested in the title of a much-cited study,<sup>36</sup> share-cropping is viewed as the primary instrument for tendencies towards intensification and modernization in late medieval agriculture. But, as recently pointed out, this concentration upon the urban features of *mezzadria* is prejudicial to an understanding of its northern counterparts.<sup>37</sup> True, nothing comparable to the large-scale investigations in Italy and southern France<sup>38</sup> has yet been undertaken for northwestern continental Europe, where the chronology and diffusion of *métayage* and *tache* are

<sup>35</sup> DUBY, *Rural Society*, p. 326f.; HEERS, *L'occident* (note 3), pp. 255-262.

<sup>36</sup> P.J. JONES, *From Manor to Mezzadria: A Tuscan Case Study in the Medieval Origins of Modern Agrarian Society*, in: H.A. RUBINSTEIN (ed.), *Florentine Studies*, London 1968, pp. 193-241.

<sup>37</sup> G. DUBY-A. WALLON, *Histoire de la France rurale*, vol. I, Paris 1975, p. 588 f., following DUBY, *Rural Society*, p. 326 f.

<sup>38</sup> I. IMBERCIADORI, *Mezzadria classica toscana*, Firenze 1951; G. SICARD, *Le métayage dans le Midi toulousain à la fin du Moyen Âge*, Toulouse 1957.

far from established.<sup>39</sup> Yet for a smaller area in central France, the role of *métayage* in the process of a more rational regrouping of holdings initiated by local lords after 1450 has been convincingly demonstrated.<sup>40</sup> We now know that wherever instituted, such arrangements became part and parcel of the traditional social framework of landlords and peasantry.<sup>41</sup>

The state of the research into the German *Teilbau* is even more disappointing, despite copious references in faultlessly printed sources and an abundance of local and regional studies mentioning it. Only very recently has there been an awakening of interest in the subject, focusing on *Teilbau* leases employed since the mid-XIIIth century in the Lower Rhine area by urban ecclesiastical institutions and possibly by landowning burghers.<sup>42</sup> Cases of town-dwelling merchants preferring to lease their landed property in this way have also been noted in Lübeck and Regensburg.<sup>43</sup> Similar references can probably be found in many more places.<sup>44</sup> In these contracts, in exchange for half the annual produce, the landlord provides, in addition to the land, all or part of the seed-grain, draught animals, and cattle, and often tools, and nearly always half the wages paid to the harvesters. Other clauses stipulate details of cultivation, bind the lessee to keep the soil in good heart, and mention inter alia the sowing of the fallow, and the growing of industrial plants.

But do these facts, however remindful of southern *métayage*, really necessitate an urban commercial modernizing source, originating in heavily urbanized neighbouring Flanders, for the diffusion of leases involving landlord-owned capital and stocks?<sup>45</sup> A look at the evidence would seem to require a different approach. Indeed, tenures held in return for part of the produce are found all

<sup>39</sup> Ganshof-Verhulst in CEH 1, 2nd ed., p. 324 f.; M.-TH. LORCIN, *Les campagnes de la région Lyonnaise aux XIV<sup>e</sup> et XV<sup>e</sup> siècles*, Lyon 1974, pp. 94-96. See also note 41 below.

<sup>40</sup> L. MERLE, *La métairie et l'évolution agraire de la Gâtine poitevine de la fin du moyen âge à la Revolution*, Paris 1958.

<sup>41</sup> D. NICHOLAS, *Town and Countryside: Social, Economic and Political Tensions in 14th Century Flanders*, Brugge 1971, p. 338; G. DESPY, *Un domaine seigneurial au bas Moyen Âge*, *Le Moyen Âge* 69(1963), p. 873 (Brabant); L. GENICOT, *La crise agricole du bas Moyen Âge dans le Namurois*, Louvain-Gent 1970, p. 72; G. BOIS, *Crise du féodalisme*, Paris 1976, p. 219 (Normandy); G. FOURQUIN, *Les campagnes de la région Parisienne à la fin du Moyen Âge*, Paris 1964, pp. 80, 480; G. FOURNIER, *La création de la Grange de Gregovie*, *Le Moyen Âge* 56(1950), p. 332f. (Burgundy).

<sup>42</sup> F. IRSIGLER, *Die Auflösung der Villikationsverfassung und der Übergang zum Zeitpachtsystem im Nahbereich niederrheinischer Städte während des 13./14. Jahrhunderts*, in: Patze (note 6), I, pp. 295-310.

<sup>43</sup> J.M. WÜLFING, *Grundherrschaft und städtische Wirtschaft am Beispiel Lübecks*, in: Patze (note 6), I, pp. 498-502; W. EIKENBERG, *Das Handelshaus der Runtinger zu Regensburg*, Göttingen 1976, pp. 261-270.

<sup>44</sup> Cf. Kirchner (note 29), p. 13.

<sup>45</sup> Irsigler (note 42).

over Germany, with the earliest texts dating from the late XIth and early XIIth centuries,<sup>46</sup> the most numerous references from the XIIIth-XVth centuries, and the latest from the XVIIth-XVIIIth centuries.<sup>47</sup> True, most of them state nothing but the bare fact that some piece of property owes a specified part of the annual produce, usually one third to one half. But, as already pointed out, the sole function of *Urbare* is to record the lord's rights, not his duties. These are found elsewhere. Wherever individual contracts or account books with detailed expenditures specify the terms of leases, there is an obligation of the lord corresponding to that of the peasant.<sup>48</sup>

Despite inevitable variations in so widespread a phenomenon, certain common features stand out. In arable husbandry *Teilpacht* was never universal. It seems to have been most prevalent in the XIIth-XIVth centuries and to have been employed largely on the great curiae let out for short periods, rather than on smaller holdings usually held in inheritance.<sup>49</sup> Again, it was on the former manorial centres still provided with some visible attributes of lordship, that considerable rights of direction and interference were preserved by way of *Teilbau* leases. Only in the XVth-XVIth centuries were they replaced in many areas by fixed rents, increasingly longer terms, and finally inheritability of tenures. On the properties of Cistercian abbeys where the transition from direct cultivation to peasant tenure was made only in the XIVth-XVth centuries, *Teilpacht* continued much longer.<sup>50</sup> Thus share-cropping in arable husbandry seems to have been connected mainly with the cessation of direct cultivation, a long process heavily dependent on the ongoing commitment of landlords to

<sup>46</sup> Wopfner (note 21), pp. 112, 117, 128; Kirchner (note 29), p. 13; Dollinger (note 9), p. 131.

<sup>47</sup> W. ABEL, *Geschichte der deutschen Landwirtschaft vom frühen Mittelalter bis zum 19. Jahrhundert*, 3rd ed., Stuttgart 1978, pp. 201, 250-255.

<sup>48</sup> Contracts: HStAMünchen, Passau-St. Nikola Lit. 7 f. 15; Chmel, *Niederaltaich* (note 22) 5, pp. 115, 216; 6, p. 427; Eikenberg, *Regensburg* (note 43); R. BRAUN, *Das Benediktinerkloster Michelsberg 1015-1525*, Kulmbach 1978, pp. 100, 102-104; M. SCHAAB, *Die Grundherrschaft der südwestdeutschen Zisterzienserklöster*, in: Patze (note 6), II, p. 77f.; W. RÖSENER, *Grundherrschaften des Adels in Südwestdeutschland*, *ibid.* II, p. 127f.; Th. ZOTZ, *Grafen von Leiningen*, *ibid.* II, pp. 196f., 201-205; Irsigler (note 42), p. 303f.; W. JANSSEN, *KÖLNER ERZBISCHÖFE*, *ibid.* I, p. 335f.; Wopfner (note 21), pp. 194-197 (lower Rhine); Franz, *Quellen* (note 24), p. 366 (lower Rhine); Wülfing, *Lübeck* (note 43), p. 498f. For account-books see Eikenberg, *Regensburg* (note 43); E. WISPLINGHOFF, *Untersuchungen zur Wirtschafts- und Besitzgeschichte der Benediktinerabtei Brauweiler bei Köln*, *Jahrbuch des Kölner Geschichtsvereins* 43(1971), pp. 146-152, 164f., and my forthcoming study on the economy of Bavarian monasteries.

<sup>49</sup> Cf. the case studies of Ph. Dollinger, *Les transformations du regime domaniale en Bavière au XIII<sup>e</sup> siècle d'après deux censiers de l'abbaye de Baumburg*, *Le Moyen Âge* 56(1950), pp. 294-298, and Zotz (note 48), pp. 201-205.

<sup>50</sup> Schaab (note 48), p. 66.

provide peasant tenures with the means of production. In this sense, throughout most of Germany, the function of *Teilpacht* was similar to that of *Gericht* in the south of the country. Indeed, we have found no instance of a homestead featuring both institutions at one and the same time, although lords might employ both on different parts of their property.

In other branches of agriculture *Teilpacht* assumed an even more critical importance. It made its earliest appearance in viticulture,<sup>51</sup> that branch of agriculture most dependent on constant and heavy inputs of labour and capital.<sup>52</sup> There it remained long the most prevalent type of lease, to be replaced by less onerous forms of tenure only in the XVIIth-XVIIIth centuries. The lord's contribution included not only grape-vines, props, manure, and outlays for the gathering of the vintage, but also grain liveries and cash advances for the sustenance of the vine-growers.<sup>53</sup> These extensive needs of the viticulturer are explained not only by the high cost of viticulture, but also by its vulnerability to bad seasons and its close dependence on the market. Apparently the peasant economy of the later Middle Ages and early modern period was incapable of conducting this branch of agriculture on its own.

A similar situation is found in the area of animal husbandry. Except for the Alpine regions, old-settled Germany by and large lacked the necessary space for pastoral husbandry. The peasant homestead with its meagre meadows<sup>54</sup> was unable to graze any sizable number of beasts. Nor could it rear the breeding animals necessary for proper stock-raising, as we see from the clauses in manorial law obliging the lord to provide breeding stock of all sorts for the use of the villagers.<sup>55</sup> With the marked expansion of animal husbandry in the XIVth-XVth centuries, another and more widespread solution was found in arrangements based on the principle of *Teilpacht*.<sup>56</sup> These short-term leases of livestock,

<sup>51</sup> See the references in Wopfner and Kirchner (note 46) and Wisplinghoff (note 48), p. 135.

<sup>52</sup> Cf. the expenses and works listed in L. Strebl, *Mittelalterlicher Weinbau in den Rechnungsbüchern des Stiftes Klosterneuburg*, *Unsere Heimat* 30 (Klosterneuburg 1959), pp. 11-21. In general see R. DION, *Histoire de la vigne et du vin en France*, Paris 1959, and Fr. BASSERMANN-JORDAN, *Geschichte des Weinbaues*, 1923.

<sup>53</sup> E. NEUSCHELER, *Die Klostergrundherrschaft Bebenhausen, Württembergische Jahrbücher f. Statistik* 1928, p. 161f.; R. ZIRNGIBL (ed.), *S. Emmeramische Kloster-Rechnung (1326, 1328)*, *Westenrieders Neue Beiträge* 1(1812), p. 257; 2(1818), p. 183; Germanisches Nationalmuseum Nürnberg, *St. Emmeramer Rechnungsbuch 1338*, ff. 6, 13; F. BASTIAN, *Das älteste Aldersbacher Rechnungsbuch, Festgabe für K.A.v. Müller*, 1933, p. 33; K. LAMPRECHT, *Deutsches Wirtschaftsleben im Mittelalter*, III, 1886, p. 527f.

<sup>54</sup> See for instance the *Urbar* of Scheyern of 1400, which lists the abbey's arable and meadows by size: HStAMünchen, Scheyern Lit. 56, *passim*.

<sup>55</sup> Lamprecht (note 53), I, 1885, p. 541; Wopfner (note 21), pp. 224, 245, 325, 339; H. DUBLED, *Les grandes tendances de l'exploitation au sein de la seigneurie rurale en Alsace du XIII<sup>e</sup> au XV<sup>e</sup> siècle*, *VSWG* 49(1962), pp. 73-75, 111-114; *idem.*, *L'administration de la seigneurie rurale en Alsace du XIII<sup>e</sup> au XV<sup>e</sup> siècle*, *VSWG* 52(1965), p. 446f.

<sup>56</sup> Abel (note 47), pp. 252-254.

cultivated meadows and grazing lands employed by rural and urban landlords up to the 18th century, are closely akin to the Italian "soccida" and French "gaisalle", which scholars have viewed as another avenue of urban investment in agriculture.<sup>57</sup> In Germany they developed out of the needs of rural society, as did the share-cropping arrangements prevalent in arable husbandry and viticulture. Of course, this is not to say that they could not have served as a vehicle for intensification and modernization, by channeling urban resources into agricultural production.<sup>58</sup>

*Teilbau* in Germany should thus be viewed primarily as a rural phenomenon. Like *Gericht*, it gave the lords a powerful tool for the organization of production in accordance with their particular needs and interests.<sup>59</sup> But above all, it is a further and more general indication of the basically underequipped and impoverished state of the medieval peasant economy and society. *Teilbau* like *Gericht* developed and spread as an answer to the problem of the uneven distribution of the means of production. As this imbalance was gradually corrected in the early centuries of the modern era, *Teilbau* disappeared from arable husbandry. However, like *Gericht* in the adverse circumstances of the Alps, *Teilpacht* continued, in the more demanding economic environment of viticulture and stockraising, to provide a solution to the problem of the provision of capital and capital goods, which the peasant economy was unable to generate on its own.

#### IV

Despite its overriding importance for such basic issues as levels of production and economic growth, the nature of investment, capital formation and capital goods in medieval agriculture has received surprisingly little attention. The significant exception is English rural historiography, which, building upon an unrivaled richness of sources, has provided a viable conceptual framework as well as hard facts.<sup>60</sup> Both Prof. Postan and Prof. Hilton, the former on the basis of his general analysis, the latter with the backing of precise figures from a sizable number of English estates, arrived at a pessimistic view of the level of

<sup>57</sup> DUBY, *Rural Economy*, p. 150f.

<sup>58</sup> For instance the case of sheep-rearing modernized in the vicinity of Augsburg, or the special cultures developed around Metz: R. KIESSLING, *Bürgerlicher Besitz auf dem Land*, in: P. FRIED (ed.), *Bayerisch-schwäbische Landesgeschichte an der Universität Augsburg*, Sigmaringen 1979, p. 135; J. SCHNEIDER, *La ville de Metz aux XIII<sup>e</sup> et XIV<sup>e</sup> siècles*, Nancy 1950, p. 406f.

<sup>59</sup> Cf. Schaab (note 48), p. 70f.

<sup>60</sup> R. HILTON, *Rent and Capital Formation in Feudal Society*, 2nd International Conference of Economic History 1962, vol. II, Paris 1965, pp. 33-68; M.M. POSTAN, *Investment in Medieval Agriculture*, *Journal of Economic History* 27(1967), pp. 576-587.

investment by landlords. On the estates checked, an investment "of not more than 5% of total income in buildings, stock and equipment seem to have been common in the thirteenth century...".<sup>61</sup> Outside England, similar or even lower figures have been noticed in the French Alps du Sud, Flanders and western Germany of the XIVth-XVth centuries.<sup>62</sup> As to capital formation by the peasant economy, the picture seems to have been even bleaker. What can be inferred from the English material points to such a level of impoverishment as to leave the vast majority of the peasantry with virtually no opportunities for saving.<sup>63</sup> Only in the XVth century, when more substantial peasants were finally able to augment their holdings and increase livestock did the peasant economy begin to contribute to capital formation.<sup>64</sup> Here again it is the late medieval agrarian depression which is seen as breaking the vicious circle of demographic pressure and technological stagnation, laying the groundwork for the early modern breakthrough achieved by additional investment and technical progress.

There is no reason to doubt the validity of this analysis as presented by Postan and Hilton. It corroborates, from a different angle, our conclusions as to the underequipped and impoverished state of the peasantry. Its one flaw lies in the clear-cut division made between investments in the landlord economy, i.e. in the working of demesnes, and investments in the peasant economy, i.e. in the peasants' holdings. This becomes evident when the conceptual framework underlying the analysis is applied to the German situation. As defined by Hilton, the constituents of capital include "(1) the tools and equipment of landlord and peasant economies; (2) buildings; (3) other permanent improvements such as enclosures, drainage etc.; (4) industrial premises and equipment; (5) mines and forges; (6) herds of livestock".<sup>65</sup> *Gericht and Teilbau*, when considered in these terms, thus clearly provided for constituents (1) and (6). Although Hilton excludes current expenditures on farming operations, for example on seed, from his definition of capital, we maintain that there are grounds for including them. As Postan and Hilton themselves point out, "it is as a rule very difficult to draw a line between the lord's outlays in the nature of investment and those in the nature of current disbursements on the running of the manor".<sup>66</sup> The problem is even thornier in the case of current expenditure on the peasants' homesteads, where investment in seed and harvesters' wages was

<sup>61</sup> Hilton, p. 53.

<sup>62</sup> G. DUBY, *La seigneurie et l'économie paysanne. Alpes du Sud, 1338, Études rurales* 1(1961), p. 306; Nicholas (note 41), p. 36; H.P. LACHMANN, *Die Höfe der Katzenelnbogener in der Obergrafschaft, Archiv f. hessische Geschichte und Altertumskunde* 32(1974), p. 178f.

<sup>63</sup> Postan, p. 585f.; Hilton, pp. 53-56.

<sup>64</sup> Postan, p. 586f.; Hilton, pp. 58-60.

<sup>65</sup> Hilton, p. 34.

<sup>66</sup> Postan, p. 578; Hilton, p. 44.

not one among several options, but rather a precondition for production. Through *Teilpacht* and *Gericht* lords met a good part of the peasants' needs for livestock and draught animals, tools and equipment, industrial premises such as mills not maintained directly on the manor, as well as part of seed and seasonal expenditure. The lords covered in most places even building expenses, as a matter of routine unconnected with the more elaborate arrangements of *Gericht* and *Teilpacht*.<sup>67</sup>

*Teilpacht* and *Gericht* are thus to be considered, together with more irregular forms of assistance, as institutionalized channels of lordly investment in the peasant economy. The needs leading to this engagement in the creation of capital goods have already been dealt with. What remains to be shown is its significance for the agricultural economy as a whole. In order to arrive at a realistic estimate of the overall capital formation carried by landlords, we must add, in the light of our findings, to demesne investments the outlays of lords on the peasants' holdings. In the few instances where figures are available, overall rates of investment much higher than the 5% mentioned — somewhere in the vicinity of 10–15% of total income from agriculture — become evident.<sup>68</sup> Given the manifold impediments to capital formation in medieval society,<sup>69</sup> this is quite an impressive rate. It is hard to see how lords, with so many more other claims to be satisfied out of their income, could have invested more.

Bearing these facts in mind, the question of low productivity, which is attested for the German as for other medieval agricultural economies,<sup>70</sup> assumes quite a different dimension. As even this low level of output depended on continuous investments by landlords, any reduction in landlord inputs must have caused farreaching repercussions. For instance, is it too farfetched a notion to suggest some connection between the crisis of income felt by many German landlords on the turn from the XIIIth to the XIVth century,<sup>71</sup> and the disastrous

<sup>67</sup> Instead of a mass of references cf. O. SIGG, "SPÄTMITTELALTERLICHE AGRAR-KRISE". ASPEKTE DER ZÜRCHER GESCHICHTE..., *Schweizerische Zeitschrift für Geschichte* 31(1981), pp. 123-133.

<sup>68</sup> Schaab, *Südwestdeutsche Zisterzienserklöster* (note 48), p. 77; Wisplinghoff, *Brauweiler* (note 48), p. 179f., and my own forthcoming study on Bavarian monasteries.

<sup>69</sup> Hilton, *Postan*, op.cit.

<sup>70</sup> The work on Germany is still behind research done on northwestern Europe: H. van der Wee-E. van Cauwenberghe, *Productivity of Land and Agricultural Innovation in the Low Countries (1250-1800)*, Louvain 1978. But see Abel (note 47), pp. 106-109; W. ACHILLES, *Die Getreidewirtschaft der Kirche zu Hedeper und Bornum*, ZAA 8(1960), pp. 138-158; idem., *Überlegungen zum Einkommen der Bauern im späten Mittelalter*, ZAA 31(1983), pp. 5-26.

<sup>71</sup> R. SABLONIER, *Adel in Wandel. Eine Untersuchung zur sozialen Situation des ostschweizerischen Adels um 1300*, Göttingen 1979, pp. 224-232. See also the case studies by E. WISPLINGHOFF, *Brauweiler* (note 48); idem., *Beiträge zur Wirtschaftsgeschichte der Abtei Siegburg*, *Rheinische Vierteljahrsblätter* 33(1969), pp. 78-138; H.P. SÄTTLER, *Die Ritterschaft der Ortenau in der spätmittelalterlichen Wirtschaftskrise*, *Die Ortenau* 42, 44-46 (1962, 1964-1966).

returns of agriculture in the first decades of the XIVth century, for which bad harvests have been commonly held as solely responsible? Considering the investments necessary to keep both landlord and peasant production going, the margin between incomes and outlays was just too small to leave room for a significant accumulation of capital. In other words, agricultural society as a whole does not seem to have been able, up to the end of the Middle Ages, to muster the resources needed to advance beyond the level of subsistence economy.

V

All this applies to conditions in Germany. Is there any evidence that a similar situation prevailed in the rest of Europe? It may be argued that the basic framework existed in every agricultural system passing from a landlord to a peasant economy. Indications of an impoverished and underequipped peasantry abound in the literature. Indeed, the spread of southern European *métayage* and *mezzadria* may be linked directly to the miserable state of the peasantry in these regions where it was practised.<sup>72</sup> The diffusion of share-cropping arrangements in the lands farther north has already been mentioned.

Other forms of letting land together with all or part of the inventory are well attested.<sup>73</sup> The understocking of peasant tenures is a well-known fact of English peasant life,<sup>74</sup> and livestock leases were much in use in rural Flanders, France and Italy. Even a minor detail like the widespread covering of building expenses is also found in England, where it was viewed by Hilton as an indication of a rise in the rate of investment by lords.<sup>75</sup> This rise is attributed to the landlords' distress during the crisis of the late XIVth and the XVth centuries. In England this crisis brought on the transition from demesne to peasant production, a transition which, on the continent, had long before prompted the pronounced forms of landlord assistance discussed in this paper. In Hilton's own words, "the creation of estate capital was as much the result of peasant demand as of landowners' inclinations".<sup>76</sup> Finally, let us consider the low rate of investment by landlords. As recently pointed out, on small English manors where the demesne was the major component and the lords had little authority over

<sup>72</sup> DUBY, *Rural Economy*, p. 327.

<sup>73</sup> Nicholas (note 41), p. 336; M. MATE, The farming out of manors: a new look at the evidence from Canterbury Cathedral Priory, *Journal of Medieval History* 9(1983), p. 339.

<sup>74</sup> M. POSTAN, Village Livestock in the Thirteenth Century, *Economic History Review* 2nd ser. XV (1962), reprinted in idem., *Essays on Medieval Agriculture and General Problems of the Medieval Economy*, 1973, pp. 214-248.

<sup>75</sup> Hilton (note 60), pp. 48-52.

<sup>76</sup> Hilton (note 60), p. 52.

adjoining-villages, rates of investment have been found to be considerably higher than on great manors with numerous peasant tenancies.<sup>77</sup> In other words, in England, whenever landlords were not burdened with the usual obligations towards their tenants, they could and would direct a higher percentage of their income toward capital formation. Indeed, it is the smaller cohesive estate and holding, which was for a time to be in the forefront of agricultural progress.

One might also speculate whether the early lead of modern English agriculture is not, in some way, related to the fact that, having passed from demesne to peasant production so much later than the continent, the landlords' capital resources were less exhausted by the demands of the peasant economy.

Most of the factors constituting the background and problems of German agricultural economy discussed in this paper, were present to some degree in the other rural societies of Europe. However, the question as to the means adopted in these societies to deal with such problems, can hardly be determined within the scope of this paper. The following questions, which come to mind when attempting to judge the implications of our findings, are thus first and foremost addressed to German conditions, although some parallels outside Germany have already been indicated.

Bearing in mind the constraints of capital formation in general, and of the contribution of the landlord in particular, we should perhaps take a more tolerant view of the backwardness and inflexibility of which medieval agriculture has been rightly accused.

Perhaps, too, we ought to re-examine the concept of the "late medieval agricultural crisis". During this period considerable parts of the peasantry, mainly the ones engaged in arably husbandry, left the tutelage of lordly assistance and control.<sup>78</sup> This would imply that by then they were able to conduct their affairs on their own, freeing landlords from the need for constant investments in the peasant economy. It seems that the results of this process are clearly visible in the period of economic growth which followed the late medieval centuries.

Turning to social relations, one wonders whether the concept of "Alpine freedom" evoked for the Swiss peasants as well as the Tyrolians of the German Peasants' War is really applicable to the Alpine peasantry subject for such a long time to such stringent economic control, as has been demonstrated above.

<sup>77</sup> R.H. BRITNELL, *Minor Landlords in England and Medieval Agrarian Capitalism, Past & Present* 89(1980), pp. 14-18. Cf. also the very similar situation described by F. IRSIGLER, *Adelige Wirtschaftsführung im Spätmittelalter. Erträge und Investitionen im Drachenfelder Ländchen 1458-63, Festschrift H. Kellenbenz*, I, Stuttgart 1978, pp. 455-468.

<sup>78</sup> For the legal and institutional aspects of this process see P. BLICKLE, *Grundherrschaft und Agrarverfassungsvertrag*, in: Patze (note 6), I, pp. 241-261.

Finally, we would do well to avoid rash judgements of the landlord of the central and late Middle Ages. Far from becoming a "rentier-landlord", his involvement in peasant affairs gave new meaning to the old protective and, at the same time, possessive attributes of lordship — "huld und munt", "tuitio et warrantio". Deeply influencing the countryside in many more ways than the purely economic one, the German "Herr" was to remain a most decisive factor in the agrarian society of the ancien régime.