Rural Economy and Society in North-western Europe, 500–2000

Social Relations: Property and Power

Edited by
Bas van Bavel and Richard Hoyle

in association with
Stefan Brakensiek, Piet van Cruyningen,
Christopher Dyer, Mats Morell
and Nadine Vivier
North-west Germany, 1000–1750

Stefan Brakensiek

North-west Germany includes the lowlands adjoining the North Sea, stretching from the Dutch border in the west to the Baltic Sea in the east, and from the Danish border in the north to a number of low mountain ranges in the south. Today the region covers the German federal 'Länder' of Schleswig-Holstein, Niedersachsen, Hamburg, Bremen, and the Westphalian part of Nordrhein-Westfalen.

In early medieval times this area was settled by Saxon, Frisian, and Slavonic tribes. In the early ninth century Charlemagne conquered Saxony and incorporated it into the Frankish Empire. The region north of river Elbe, the future duchies of Schleswig and Holstein, remained contested between Frisian, Saxon and Slavonic settlers until it was seized by Henry the Lion (1154–64). After his fall in 1180, this northernmost region, with its hybrid population, was gradually absorbed by the Danish crown, but it continued to be enmeshed in the politics, economy and culture of northern Germany.

Due to its late conversion to Christianity, north-west Germany only gradually gained access to European culture. In the time of the Ottonian and Salian dynasties (988–1024 and 1024–1125 respectively), Saxony became one of the central territories of the German Empire. Only the coastal areas of Frisia and Schleswig-Holstein kept their distance from imperial politics.

From the twelfth century until the great plague of around 1350, this late-developing region was remarkably dynamic. With the encouragement of steep population growth, soils in the remoter parts were cultivated for the first time, new farmsteads were established and the marshes on the North Sea coast and along the rivers Elbe and Weser were reclaimed by domestic, Frisian and Dutch settlers. Regionally, but mainly in the small loess basins with very fertile soils, scattered hamlets developed into nucleated villages, and a growing number of towns were founded which came to be affiliated to the Hanseatic League. Subsequently the colonisation of the Slavonic north-east was undertaken by noble entrepreneurs and their peasant followers, in large part drawn from the north-west of Germany. As a result, the region was integrated into a new system of political dependencies and economic exchange, acting as a channel of communication between Western and Eastern Europe. But compared with Western Europe as a whole, the north-west of Germany stayed weakly urbanised, leaving the countryside as the predominant social sector.

9.1 Ownership, power relations and the distribution of property

Types of landowners

From medieval times until today, north-western Germany has been dominated by peasant agriculture. But until the nineteenth century, peasants did not usually own
the soil they tilled: typically, freeholders were found only in the coastal regions close to the North Sea, and in the marshes of the rivers Elbe and Weser. In all other parts of this region, peasants were characteristically dependent upon manorial lords.

The ownership of landed property about 1000 is hard to assess due to the lack of sources. Apart from the extensive manors of the churches and abbeys, the demesnes of the Emperor and the noble dynasties were of great importance (Rüster, 1985). The imperial patrimony, originated in that of the Octorian dynasty, but over time, large parts of it had been transferred to ecclesiastical institutions. From the high Middle Ages, the importance of the royal demesnes also diminished, as they were annexed by the emerging princely territories. We know little about the economies of the palace demesnes and the system of villein tenures connected to them. But obviously these royal manors were managed to supply the king and his entourage with sufficient provisions and goods during their visits. In the middle of the twelfth century the Tafelgutfverzeichnis lists the royal manors, 10 of them lying in Saxony, most of them concentrated around the Harz mountains (Rüster, 1996: 294–96).

We know even less about the properties of the nobility in the high Middle Ages. Many high-ranking native nobles had acquired estates through holding office as counts after the incorporation of Saxony into the Frankish realm, and thus were able to expand their possessions. This so-called Antiquus became treated as inheritable family property, but at the same time, the nobility made many donations to churches and abbeys (Hauptmeier, 1997: 1056).

Therefore, a large proportion of the cultivated land and its servile peasantry belonged to ecclesiastical institutions. Since the church – especially the monasteries – were the guardians of literacy in a predominant illiterate environment, we are particularly well-informed about their possessions. Obviously the large churches and abbeys disseminated the system of the villaticum, a combination of servile tenant farming on local demesnes integrated into a hierarchy of manors, which originated in the Franconian hearthland and was adopted to some extent in the north-west. The Benedictine abbeys of Corvey and Werden, both founded in the early ninth century, offer the best examples of such systems organized in this way. Generous grants endowed them with estates all over Saxony. Their notorious holdings of land and bondsmen gave them a power that could easily compare with that of bishops and secular lords. At the beginning of the twelfth century, Corvey possessed about 100 manors and 3,000 tenant holdings (Rüster, 1980: 131). Where these monasteries had received donations of widely scattered land, they were satisfied with rents in kind produced by their villeins. In Frisia and much of Westphalia, manors functioned solely as collection centres for peasant dues. But, wherever possible, the Benedictines established consolidated demesnes managed by bailiffs (villici) who received an allocation of land or an allowance of produce for their service. For the Corvey demesnes in the Ems-Hunte area, the ratio between demesne land (Salland) and the land let to the peasantry has been calculated at about 1:4 (Laut, 1983).

The economy of self-sufficient demesnes may have played an important role when market relations were poorly developed in the Ottonian and Salian period. But one should not imagine that demesnes cultivated by unfree servants in husbandry and
by the corvées of villein tenants were so very extensive. All in all, the land in the possession of dependent peasants was three or four times greater than the acreage of the demesnes. Where fertile soils prevailed, we are more likely to find an agrarian system characterised by nucleated villages and villein tenancies providing labour for a demesne. In less fertile districts, lords of the manor were more likely to be consuming dues in kind from peasants settled in single farmsteads or hamlets.

**Changing social property distribution**

From the twelfth century, the increase in population, the expansion of the area of land under cultivation, the emergence of towns and of a market-based society generated new types of landed property. The disintegration of the villaggio and the transition to new types of manorial organisation should be emphasised. The dissolution of the old manorial system resulted from different factors, of which the new monetised economy, peasant resistance against labour service, and the struggle of the stewards for greater independence stand out (Hauptmeyer, 1997: 1084–87). The stewards (Meier, villèt) originated from amongst the villein tenantry and functioned as administrative heads of imperial, noble or ecclesiastical demesnes. In the twelfth and thirteenth centuries they strove for independence and a better legal status. From their ranks the new social group of knightly Ministerialen emerged. Many others succeeded in transforming their traditional administrative function into hereditary offices. Their descendants acquired the tenure of the demesnes and became members of the gentry. Typically, the possession of this lower nobility (Ritteradel) remained modest when compared to the considerable holdings of the ecclesiastical institutions.

Parallel to the dissolution of the old manorial system, the newly founded collegiate churches and reformed abbeys, most notably those of the Cistercians, developed a novel organisation of their manors. Unlike the Benedictine abbeys, the Cistercians managed their demesnes to a great extent as granges (gangae) operating with the help of lay brothers and wage-labourers (Wiswe, 1953). The produce of these monastic farms was sold in the flourishing cities, and the profits were used for improvement of the demesnes and for the acquisition of further farmland (Rosener, 1990). The economic success of the Cistercian abbeys like Loccum and Riddagshausen rested less upon agricultural innovations or clearings, and more upon their efficient manorial organisation (Boetticher, 1990). So, in late medieval times, a great variety of types of landed property and manorial systems existed side by side. Unfortunately, we have no reliable figures for the distribution of acreage or income among territorial princes, ecclesiastical institutions, nobility, townspeople, and self-holding peasants. But a number of local and regional studies show that a general process of consolidation took place because most lords were eager to sell the more remote parts of their estates in order to buy property close to their main demesnes.

Whilst the Emperors had lost all their possessions since the high Middle Ages, the territorial princes had gained crucial influence over the countryside, partly as state-owners, partly as beneficiaries of tithes, rents and services, and overall as the recipients of taxes. Even the imperial taxation to finance war against the Turks turned out not to be means of expanding princely revenues. As much of the German north-west followed the Lutheran Reformation, most monasteries were dissolved in the sixteenth century. We are particularly well informed about the effects of the Reformation on lordship over the peasantry in Schleswig-Holstein. Table 9.1 demonstrates that the prince took over monastic demesnes and the dues owed by peasants to ecclesiastical institutions, and although plenty of them were granted to noble followers or Protestant collegiate churches, he remained in possession of a high proportion of the land and income. Similar developments occurred all over Lower Saxony and in the secular principalities of Westphalia. For example, in 1550 in the Lutheran county of Ravensberg, 1,272 (43.1 per cent) of the serfs belonged to the prince, 1,219 (44.7 per cent) to members of the squirearchy, 259 (11.0 per cent) to ecclesiastical institutions, and 31 (1.1 per cent) to burghers and town magistrates (Schreiber, 1907: 19). Only in the vicinity of important towns, i.e. Braunschweig, Bremen, Lübeck and Hamburg, did burghers and city magistrates acquire former ecclesiastical possessions.

During the agricultural boom of the sixteenth and the eighteenth centuries, the regional nobilities tried to enlarge their estates and to increase the rent payments of their dependents, but – with the exception of Holstein – these efforts were restrained by the territorial princes, who in most parts of the north-west of Germany, succeeded in the preservation of the peasantry (Bauernschutz) in order to safeguard their tax revenues. Therefore, most noblemen lived on the basis of peasant rent, and had second incomes as courtiers, officers and civil servants of the princely states. Since the Reformation failed in most of Westphalia, there bishoprics, chapters and abbeys remained the main beneficiaries of peasant dues.

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**Table 9.1: Number and percentage of bondsmen of the territorial lords, of the nobility and of ecclesiastical institutions before and after the Reformation in the duchies of Schleswig and Holstein**

<table>
<thead>
<tr>
<th></th>
<th>Duke</th>
<th>Nobility</th>
<th>Church</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>Schleswig</td>
<td>1523</td>
<td>10,431</td>
<td>1,230</td>
<td>15.6</td>
</tr>
<tr>
<td></td>
<td>2023</td>
<td>11,511</td>
<td>2,527</td>
<td>17.2</td>
</tr>
<tr>
<td></td>
<td>1592</td>
<td>1,722</td>
<td>2358</td>
<td>32.2</td>
</tr>
<tr>
<td></td>
<td>1592</td>
<td>3,343</td>
<td>2,641</td>
<td>36.2</td>
</tr>
<tr>
<td>Holstein</td>
<td>1523</td>
<td>2,112</td>
<td>2,121</td>
<td>32.2</td>
</tr>
<tr>
<td></td>
<td>1592</td>
<td>1,211</td>
<td>2,815</td>
<td>38.6</td>
</tr>
<tr>
<td></td>
<td>1592</td>
<td>3,343</td>
<td>1,311</td>
<td>18.0</td>
</tr>
</tbody>
</table>

Source: Prange, 1983: 80, 89.
Systems of tenure

In the early Middle Ages, the manorial system of the *villicatio* with its tendency towards self-sufficiency was an aspect of an economy characterised by poorly developed exchange relations, the compulsory labour of serfs and very limited surpluses. The high medieval upswing of the urban sector and the intensification in the exchange of goods caused long-term changes in the system of rural surplus extraction. Two types of development can be distinguished. Firstly, the traditional manorial demesne (*Frohnhof*) might be leased to a single peasant who operated it with the aid of some corvée, but mainly with wage labour. In this circumstance, the demesne retained its closed character and remained the collection point for manorial dues. In the second scenario, the arable land of the demesne could be completely subdivided into farmsteads, and the corvée reduced to a few days a year, being mostly converted into fixed rents in kind or money. Both strategies did not result in the dissolution of the manorial system but in its monetarization. Although the peasants obtained more secure use rights and could farm more independently, their burdens may actually have increased.

In the fourteenth century, climate change caused crop failures and devastating erosion, which, coupled with the great plague, brought to an end the long expansion of the rural economy and led to an agrarian depression which affected all the different regions of the German north-west to varying degrees. Overall, approximately a quarter of all rural settlements were deserted (Abel, 1976). Permanent abandonment occurred mainly in the barren and remote regions, whereas temporary desertion of farmland and settlement prevailed elsewhere. The open fields of abandoned settlements were often added to the cultivated land of neighboring villages and their common lands used as sheep pastures by the lords of the manor. Sheep farming was one possible response of the lords to the dramatic decrease in their income, caused by decline in rents, dues in kind and agricultural prices. Other strategies included increasing the output of their demesnes through an expansion in the compulsory labour required from their tenants, or its reverse, the reduction of labour services to promote the recovery of the peasant economy (Hauptmeyer, 1997: 111-31).

The classic work of Werner Wittich provides us with basic information about developments in Lower Saxony and the eastern parts of Westphalia (Wittich, 1896). In the thirteenth century secular and ecclesiastical landlords began to lease the main garden of their *villicatio* to a personally free tenant, on short-term contracts of three, six or nine years. Initially the majority of the peasants remained in an unfree condition as Lehen, but following the great plague (which reached north-western Germany in 1349-50), lease contracts spread amongst them, too. All attempts to coerce peasants to stay in their traditional state of bondage proved to be futile. A study of the village of Tudorf, situated in the prince-bishopric of Paderborn (Lienen, 1991), shows the implications of the dissolution of a *villicatio*. After the great plague, most surviving peasants left the barren grounds of Tudorf for more fertile regions in the neighbourhood. To retain those who remained, the abbey of Bödedeken, as the local lord, had to abandon serfdom completely. Thereafter, peasants could lease land on short terms and at reasonable prices, according to the needs of their households and market conditions.

Leasehold did not establish any hereditary right nor a relationship of dependence. In the fifteenth century, the situation gradually changed. Initially peasant families tried to accumulate farms and property. From about 1480 they strove for longer leasehold contracts in order not to be exposed to the worsening terms of trade, and over the course of the sixteenth century, they had to accept new forms of dependence in exchange for security of tenure. A new feudal stability arose which was characterised by legal certainty for both sides: higher rents for the lord, hereditary use-rights for the peasant. Peasants though were required to preserve the unity of their farms and could only entitle them to a single heir, leaving the other surviving children with much smaller legacies. Nor was the tenant allowed to sell parts of his farm or to secure a loan without seigneurial permission. In most cases corvée played only a minor role. Peasants usually had to pay a mixture of rents in cash and grain or livestock. This relationship between lords and peasants was called *Meierrecht*, and it left peasants personally free (Achilles, 1998; Saalfeld 1998).

In the seventeenth and eighteenth centuries *Meierrecht* was the dominant legal form of the relationship between lords and peasants in nearly all the territories of Lower Saxony. In Braunschweig-Wolfenbüttel, Hildesheim and Paderborn, *Meierrecht* was accompanied by more advantageous leasehold contracts (*Erbeins* for those peasants with the most sizable farms. For instance, in Braunschweig-Wolfenbüttel in 1685, three-quarters of all peasants held their farms according to *Meierrecht*, one-fifth as leaseholds, and 5 per cent as freeholds (Saalfeld, 1998: 646). Leasehold was even more usual in the south-east, in Göttingen-Grubenagen.

By contrast, in most parts of Westphalia, an attenuated form of medieval bondage – *Eigenschlechtern* – was preserved until about 1800. The opportunity for peasants to move in the later middle ages to nearby regions with better terms of tenure forced lords to moderate services and rents. The numerous smallholders created since the sixteenth century had never been subject to bondage, with the result that the wealthiest peasants were bondsmen, whereas their poorer neighbours were personally free (Mooser, 1984). Table 9.2 shows the percentage of freeholders and bondsmen of the respective prince, noblemen, ecclesiastical institutions and townsfolk in several Westphalian principalities at the end of the eighteenth century. It demonstrates the continuing significance of serfdom in a small secular principality like the County of Lippe and shows the continuing importance of the clergy as feudal lords, both in bishoprics like Osnabrück, Paderborn and Münster, but also in Protestant territories like the Prussian province of Minden-Ravnberg and Lippe.

Westphalian bondsmen had to deliver a heriot (Starbfeld) and a recognition fee (Wenkauflauf) on their inheritance and marriage fines (Anführung) for a spouse who married into a farmstead. From the sixteenth century onwards, these dues lost some of their oppressive nature because they were monetarized, with the amounts being determined by the territorial courts. When grain prices recovered in the eighteenth century, lords tried to profit by increasing regular rents and casual dues. These attempts were only partly successful because the princely states were eager to protect peasants against this "reaction seigneuriale" (Scharpfinken, 1965). All in all they guaranteed stable feudal dues, and ensured that peasants retained an adequate
Table 9.2: Bondsmen and freeholders in some Westphalian regions in the eighteenth century (per cent)

<table>
<thead>
<tr>
<th>Territorial Lord</th>
<th>Nobility</th>
<th>Ecclesiastical Institutions</th>
<th>Burghers/ Magistrates</th>
<th>Freeholders</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Osnabrück (Artland)</td>
<td>4.4</td>
<td>14.0</td>
<td>11.8</td>
<td>1.3</td>
<td>68.5</td>
</tr>
<tr>
<td>Osnabrück (centre)</td>
<td>9.2</td>
<td>24.9</td>
<td>7.6</td>
<td>22.5</td>
<td>35.9</td>
</tr>
<tr>
<td>Paderborn</td>
<td>19.9</td>
<td>7.1</td>
<td>2.3</td>
<td>-</td>
<td>70.7</td>
</tr>
<tr>
<td>Münster</td>
<td>6.0</td>
<td>33.8</td>
<td>34.7</td>
<td>9.0</td>
<td>16.5</td>
</tr>
<tr>
<td>Lippe</td>
<td>66.7</td>
<td>7.6</td>
<td>8.7</td>
<td>-</td>
<td>17.0</td>
</tr>
<tr>
<td>Minden-Ravensberg</td>
<td>29.0</td>
<td>22.3</td>
<td>7.2</td>
<td>-</td>
<td>41.4</td>
</tr>
</tbody>
</table>

state demesnes, or the secularisation of ecclesiastical foundations. Again, these were important developments on a local level, but they did not change the fundamental character of the social structure of the region.

In the Duchies of Schleswig and Holstein, the situation of the peasantry developed in divergent ways. Freeholdings were characteristic of the western marshlands and customary tenants in the central region. In the eastern parts of Holstein bordering the Baltic Sea, heavily burdened servile peasants were commonly treated as mere accessories to estates from the fifteenth century (Steinborn, 1982; Prange, 2008). In 1524, at a moment of financial and political weakness, the Danish crown had to enact the so-called 'Great Privilege' (Großes Privileg) which assigned the exercise of high jurisdiction to prelates and knights. It resulted in a bifurcation of rural development in the sixteenth century, which only ended in the eighteenth. In the eastern parts of Holstein, favored by fertile soils and easy access to the Baltic Sea ports, the privileged lords used their unrestricted local power to erect an extreme form of manorialism, based on the coerced serfdom (Prange, 1971: 93–95). On these manors the famous Holsteinische Koppelwirtschaft, a productive convertible husbandry evolved. The more infertile and distant inland regions of Schleswig developed in a completely different way, along the same lines as neighboring Lower Saxony, and state and noble estates both remained small. As everywhere else in the north-west, noble landowners tried to extend their holdings in the course of the sixteenth century, but they made no great progress and with the crisis of the seventeenth century, they realised that Diensthalungen, the conversion of corvée into rents, produced better profits (Rasmussen, 2005). In the eighteenth century this policy was adopted by a minority of the Holstein nobility who granted their peasants manumission for humanitarian and commercial considerations (Cord, 1997).

Several regional studies provide us with sophisticated data on the impact of feudal and public burdens on the peasant economy in the eighteenth century, particularly for Lower Saxony, whereas details of the situation in Westphalia remain unsatisfactory. Table 9.1 demonstrates that the territorial princes received the lion’s share of taxes, duties and services of the rural population.

To start with the Duchy of Braunschweig-Wolfenbüttel in 1760, two-fifths of the state revenues stemming from the countryside consisted of taxes (mainly Kontributionen, i.e. real-estate taxes), another fifth in services, a quarter in taxes, and only 13.7 per cent in rents. Traditionally the tithes weighed heavily on the rural population, but the overall burden had been much aggravated by increases in taxation in the course of the seventeenth century. The rural tax incomes of the Duke increased from 5,700 Taler in 1636 to 39,000 Taler in 1650, reaching 14,9,000 Taler in 1698 (Achilles, 1998: 694). This demonstrates the striking ability of the princely administrations to access peasant surpluses, a necessary precondition for the survival of petty principalities until 1800 (Achilles, 1991: 35–41). By 1760, feudal and fiscal burdens had risen to a very high level indeed, ranging from a third to a half of the gross proceeds of the peasant economy. The smallest share of income was paid by leaseholders, whereas peasants with Meter-contracts were the most heavily burdened (Saulfeld, 1962: 39–46). Until rising grain prices in the late eighteenth century improved their economic situation, peasants owning substantial farms do not

| Table 9.1: Percentage of peasant taxes, rents and services paid to the princely states, noble lords of the manors, ecclesiastical institutions and townsfolk in the eighteenth century |
|---------------------------------|---------------------------------|---------------------------------|
| Territorial Lord | Ecclesiastical Institutions | Nobility | Burghers/Magistrates |
| Hanover (Alex. Land) | 44.5 | 34.2 | 21.5 | 6.0 |
| Hanover (Schloemberger Grant) | 69.5 | 26.3 | 4.2 | 8.0 |
| Hessen (Braunschweig-Wolfenbüttel) | 68.5 | 16.6 | 8.0 | 30.0 |
| Paderborn | 60.0 | 33.3 | 13.3 | 30.0 |

appear greatly better off than smallholders because taxes, dues, and services crept off so much of their income (Achilles, 1982). These findings should warn us not to have too great an admiration for the princely Bauernschatz-policy. To some degree, the situation of the peasantry in the smaller German principalities can be characterized as a form of state slavery.

In larger territories, the position of peasants was more advantageous. For example, in three northern districts of the Hanoverian principality of Lippe in the middle of the eighteenth century, substantial farmers had to deliver labour services for not more than 34 days per year (Risto, 1964: 9–14). In the Duchy of Brabant-Verden, situated in the west of Lower Saxony, services were negligible, and taxes were normally leased to the peasant communities. Taxes, dues and services amounted to at least 14.7 per cent and at most 35.7 per cent, all in all a modest proportion of the gross proceeds of peasant economies (Brümmel, 1975: 136–57). Peasants were better off in the periphery of the Hanoverian territorial complex. In the district of Wildeshausen owners of substantial farms (Vollmeier) had to deliver 11.1 per cent of their gross product. In the district of Diepenen the corresponding estimate is at 16.0 per cent. The owners of smaller farms were burdened with a smaller level of obligation (von Bremen, 1971: 79–83).

As one would expect, the situation of peasants in the Duchy of Holstein depended on their rights of ownership. A comparison of various regions shows that freeholders had to deliver about 25 per cent of their gross product, mainly in the form of taxes and public services, to church and commune. The subordinates of three state demesnes were charged with 37 per cent on average, the bondsmen of three noble estates with about 48 per cent (Steinbuhl, 1982: 61).

In the ecclesiastical principalities of Westphalia, peasants’ situation was relatively advantageous in general, though varying widely in detail, and dependent on whether a farmstead belonged to a bishop, to a monastery, or to a secular lord of the manor. In the bishopric of Osnabriick substantial farms belonging to manors were burdened with obligations ranging from 23.1 per cent up to 33.7 per cent of their gross product, whereas the demesnes of the bishops had to deliver between 19.5 to 28.5 per cent and those of abbots between 17.0 and 24.5 per cent. In the northern part of the bishopric of Minden the ecclesiastical prince received only very small percentages (2.8 up to 11.8 per cent) of the gross product of his Eigenbeherungen, while the peasants on the noble estate of Daren paid 25.0 per cent (von Bremen, 1971: 79–83). All in all, these findings confirm the contemporary opinion that it was ‘best to live under the crook’.

Finally, an attempt should be made to summarize these complicated variations. The total obligations of a peasant depended - as we might expect - on his legal status in relation to the lord. In each given region, a bondman owed higher dues than a free tenant or a leaseholder. Even if the occasional financial penalties of serfdom, namely payments on marriage or inheritance, did not pile up insurmountably, they were dreaded by peasants because they normally coincided and could cause heavy debt (Hennings, 1964). Therefore, during a period of high grain prices in the late eighteenth century, bondsmen were willing to pay astonishingly high redemptions to their lords in order to be rid of these aggravating personal obligations (von Bremen, 1971: 114–18). Nevertheless, in all regions, a trend towards standardization can be detected. As a rule, peasants situated far from the lord's administrative centre had to cope with much lower obligations than their unlucky companions farming close to the princely demesne or the manor to which they were attached.

In case of emergency (as a result of war, fire, hail, crop failure or epidemic), peasants under feudal obedience enjoyed a general right of remission of their obligations. As this entitlement was nowhere precisely formulated, the peasants concerned had to hope that the ideal of magnanimity and generosity would operate in practice. The example of the district of Wildeshausen (a part of the Hanoverian Duchy of Bremen and Verden) shows that this hope could be realised. There, remissions accounted for an average of 2.4 per cent of the expected annual income in the eighteenth century with a range of between 0.2 per cent and 16.8 per cent (von Bremen, 1971: 135–138). Remissions were a matter of constant bargaining between lords and peasants. The peasants often refused to deliver all dues on time, and called for a remission or a full remission. In case of official refusal, they nevertheless sometimes did not pay the full amount. Surprisingly, the disobedient were not normally evicted from their farmsteads although the law allowed for that to happen.

In the eighteenth century most peasants were inclined to convert their dues and services to money rents, whilst lords adopted different attitudes according to their manorial regime. In fact, the lease of arable in small parcels to the growing rural population proved to be the most profitable option and a majority of the lords of manors adopted this strategy. But where corvée was owed by peasants and their teams in abundance it was possible to run an estate successfully. The question of whether it was wise to preserve corvée was increasingly a matter of debate in the eighteenth century. In the Prussian provinces of the West, state demesnes were parcelled out and let for rent as early as the 1720s, whereas in the Hanoverian territories this was not done before the 1830s.

The trend towards cash rents involved not only services, but also those dues that peasants traditionally had to deliver in kind. In the eighteenth century the proportion of rents paid in kind ranged from nothing to more than half. Again, in times of rising prices, peasants were eager to commute payment in kind into cash. Where such a commutation had been agreed upon ‘since time immemorial’ (usually since the seventeenth century), the inflation of the eighteenth was to the peasants’ advantage. But most lords were aware of changing prices, so that the terms of commutation were often the subject of annual negotiation. Sometimes the manager of an estate agreed upon a rate of commutation tied to the Kammertaxe, an official price table published by the government which was regularly adjusted in line with market prices. As monetarised dues became more and more usual, the integration of the peasant economy into markets proceeded.

The economic and the cultural value of land

The economic value of land should be determined by examining its price, but this is not as easy as we might suppose because markets in land were subject to restrictions and peculiarities. In the early modern period, in most parts of the north-west of Germany, state authorities prohibited the buying and selling of peasant farmsteads and even single parcels of farmland. The price of estates also differed according to whether or not they conveyed political rights as well as land or permitted the exercise of manorial
9.2 The occupiers of the land

Peasant ownership of land

Before the Frankish conquest the Saxon population was divided into serfs (serui), semi-dependent peasants (Latens or liot) and freemen (liberi). But the sources are silent about the proportion of the different categories. The consolidation of the manorial system in the high Middle Ages resulted in a decrease in the number of free peasants, whereas the numbers of serfs and semi-dependent peasants rose. The latter, the so-called Latens, were the most numerous group in the rural population and their servile status came to predominate. From the eleventh century onwards, the sources increasingly name the people cultivating the land as simply peasants (rustici), and terms which record the degree of their servility gradually disappear (Hauptmeyer, 1997: 1058).

By the end of the Middle Ages only a few freeholders can be found in Westphalia and Lower Saxony. By contrast a greater number of free peasants could be found in the wetlands. Wealthy freeholders are mentioned in Frisian records from the eleventh century and they were not totally displaced by the expansion of manors in the twelfth and thirteenth centuries (Schmidt, 1973; Hauptmeyer, 1997: 1095–1105). The free peasants here were a wealthy minority who in turn had dependent smallholders, wage labourers and servants. Rural society took similar forms along the coast of Schleswig-Holstein and at the banks of river Weser and Elbe, where in the eleventh century, a series of new settlements were founded which joined together to form strong associations. All these freeholding communities were reliant on the construction and maintenance of dykes. They benefited from their easy access to supra-regional markets with the result that stratified societies emerged at an early date. But none of them were immune to threats from their nearby feudal lords. In the Weser marshes attempts by neighbouring lords to extend lordship over freeholding peasants were successful as early as the twelfth century (Deike, 1959). The most striking example of the erosion of economic and political freedom of freeholders is provided by the Hedingen-Cruses of the thirteenth century, which ended with the defeat of the peasant cohorts against the cavalry of the Bishop of Bremen in 1234 (Schmidt, 1982–83). North of the mouth of the river Elbe, the freeholders of Dithmarschen succeeded in building a territorial state in the fifteenth century, with an army that was able to defeat the knightly contingents of the Danish crown in 1502 at the battle of Henningsdorf. Even when this was overwhelmed by in 1539, the peasant Renten negotiated a peace with the Danish king which conferred regional self-administration and secure property rights (Strobl, 1959; Witt, 1975).

Everywhere else dependent peasants dominated agriculture, but that does not mean that there was social equality amongst the rural population. In the eleventh century every tenant family cultivated a Hufe (manus) which varied in size from about 5 to 10 ha according to the conditions of the soil. However, in the high Middle Ages numerous cottage holdings (Kiste, Kotten) came into existence which consisted of only a few hectares. By the later Middle Ages, stratification was far advanced throughout north-west Germany. In most villages peasants running substantial farms lived side by side with smallholders and lodgers who made their living as stockbreeders, day labourers, craftsmen, and peddlers.

During the economic revival of the sixteenth century, social differences among the rural population intensified. Table 9.4 shows the social stratification of the rural population of Lower Saxony in about 1600.

Certainly, the losses of the Thirty Years' War offered possibilities for smallholders to acquire larger farms. But in the course of the eighteenth century, social conditions deteriorated again as the rural population increased and agricultural prices rose sharply. The villages were crowded with labouring poor who tried to acquire a garden plot or a small allotment enclosed out of the common. In Lower Saxony the eighteenth-century increase in population pushed up the numbers of medium-sized farms (Kiste) and smallholdings (Brinkzeiten), while the numbers of substantial farms (Meier) stagnated or were even reduced in number (Achilles, 1991: 38). In Westphalia too, the holders of substantial farms, called Meier, Hagenower, or Wohlfelder, represented only a minority of the rural population. In the Prince bishopric of Paderborn for example, smallholders and crofters already constituted the majority in the early eighteenth century (Hennings, 1970: 30). At the same time in the county of Schaumburg-Lippe, peasants did not account for more than 35.0 per cent of the adult male population. Rural craftsmen formed 22.3 per cent, day labourers 10.5 per cent, subtenants who made their living as industrial workers or miners up to 12.0 per cent and servants in husbandry up to 16.0 per cent (Schneider,
### Table 9.4: Peasant classes in Lower Saxony at about 1600

<table>
<thead>
<tr>
<th></th>
<th>Percentage of farms</th>
<th>Percentage of acreage</th>
<th>Mean possession (ha)</th>
<th>Mean variation (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vollmeier</td>
<td>22</td>
<td>61</td>
<td>18</td>
<td>15 – 30</td>
</tr>
<tr>
<td>Hallmeier</td>
<td>13</td>
<td>18</td>
<td>9</td>
<td>6 – 15</td>
</tr>
<tr>
<td>Groß Kötter</td>
<td>18</td>
<td>11</td>
<td>4</td>
<td>2 – 8</td>
</tr>
<tr>
<td>Kleine Kötter</td>
<td>39</td>
<td>9</td>
<td>1.5</td>
<td>0 – 3</td>
</tr>
<tr>
<td>Brinksitzer</td>
<td>8</td>
<td>1</td>
<td>0.5</td>
<td>0 – 1.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100</td>
<td>100</td>
<td><strong>6.5</strong></td>
<td></td>
</tr>
</tbody>
</table>


In Minden-Ravensberg, Tecklenburg, Lippe, and in parts of Osnabrück where the linen industry was a major employer, the landless poor were in the majority from the late eighteenth century (Mooser, 1984: 272). The land the Heuerlins needed to cultivate for food and flax was subject to the peasantry. They made their living partly from smallholding and partly as labourers for the peasant who provided them with land.

### Communal land use systems, their adaptation and disappearance

German historians of the nineteenth and early twentieth centuries were fascinated by questions of origins. Following Romantic scholarship, they were confident of the great antiquity of the constitution of the commons (Markenverfassung), which was said to reflect the popular spirit (Volkgeist) in the German and even the Germanic past, characterized by general equality and community. This view cannot be verified by either archaeological or written sources. Not until population growth in the high Middle Ages was it necessary to regulate the use of heathland and moors, pastures and woods. These resources were then used in various ways by cooperatives, by whole village communes, or by privileged groups within the villages. They grazed their cattle there and gathered firewood and forage. Collective use was not limited to areas in common ownership; communal use rights could also be exercised over many fields, meadows and woods in private ownership. Common rights were of considerable significance particularly in those areas with nucleated villages and an open field system in which regular crop rotations were practiced. Domestic animals were driven on to stubble and fallow pasture. They were also allowed to graze on the meadows in spring when grass was starting to grow, and again in late summer, after the hay had been cut. Often village communities were allowed to collect fallen branches and firewood and to let cattle graze and swine feed in private forests. Private and common ownership of land was so intertwined that peasant survival could only be guaranteed if they took advantage of both (Brakensiek, 2002).

Large common woods, wastelands and pastures were owned by cooperatives known as Marken. The Markenverfassungen were complex self-governing organisations. The first references to them are found in the twelfth century, but sources become more numerous from the fifteenth century onwards. By that time, Marken were particularly common in the ecclesiastical principalities of Westphalia. Local courts, known as Holzung or Markengerichte, were held regularly and attended by lords and peasants. Peasants with full rights of usufruct on the commons were known as Erben ('inheritors'). The Markenrichter (lay judges) and Erben (persons entitled to use the commons in a privileged manner) were drawn from amongst the local nobility. The courts examined infringements of the regulations of the cooperative and controlled the use of the Marken according to agreed by-laws (Scheithe, 2004).

In the lay principalities, on the other hand, small Gemeinheiten (village commons) prevailed. Here the lords of the manor or the territorial princes exercised the right of ownership, although the peasants were granted rights of use over most of the land. In Lower Saxony access to the commons was only open to members of the rural municipalities according to the size of their holdings. In Westphalia and Schleswig-Holstein, use of the commons also depended on the occupation of land. Rights of usufruct were attached to some or all peasant holdings in a hamlet, village, municipality or parish. A recent edition of village by-laws (Dorfordnung) in the Duchy of Schleswig demonstrates how lords and village commons cooperated to regulate the Marken in line with local needs (Rheinheimer, 1999).

Wherever cultivable soils could be found in the north-west, common land was transferred to private hands as a Zuschlag: a form of piecemeal enclosure made from the late fifteenth to the eighteenth centuries. Allotments were made to old-established peasants as well as settlers and resulted in an increase of the arable at the expense of the commons. These newly cultivated plots of arable, scattered like an archipelago in the sea of common woods, heaths and fens, were used in several ways. Locally, such developments could result in the complete enclosure of the commons, but both in Lower Saxony and Westphalia, they normally remained largely intact until 1770. In contrast, an enclosure movement started as early as the sixteenth century in Schleswig-Holstein, gained pace in the seventeenth and had run its course by 1800. Some Holstein regions were notably quick to enclose, mainly in the surroundings of the ports of Hamburg, Lübeck, and Schleswig. Here, peasants were eager to participate in the prosperity of mercantile livestock farming, and took steps to enclose their open fields and common grazings before 1730. After a phase of stagnation in mid-century owing to cattle disease and a slump in agricultural prices, enclosure made rapid progress after 1763 with the support of the Danish crown, and it had largely been completed by 1800 (Prange, 1971: 610–39).

### The exercise of power within the village

Starting in the thirteenth century, rural communes emerged which developed out of older forms of informal regulation of crop rotation and pasture between neighbours (Wunder, 1986: 26–32; Troßbach and Zimmermann, 2005: 21–45). Where an association
of villeins belonging to a *villicatio* or a community of privileged settlers existed, their collective business might have been administered by an autonomous local court (Hofrichteramt, Meierding, Hagergericht) (Hauptmeier, 1991). But usually different forms of peasant communities developed as semi-autonomous corporations with varying functions in the late Middle Ages: the parish as a union of households whose members belonged to a local church, the Rentenhaus as the small estate of neighbouring farmers enabling peasants to solve jointly the diverse problems of everyday life, and the association of commoners (Markenverband) which normally embraced a larger number of Rentenhaussen and some manors. In those regions where scattered settlements prevailed, all three forms coexisted until about 1500, whereas in regions with nucleated villages the different functions were normally merged into one village commune.

In medieval times all types of communities and corporations used to administer their own local law: a lord in person or his deputy rendered justice in a judgement with the help of a peasant jury. From the fifteenth century, justice was increasingly administered without the involvement of peasants by powerful outsiders: sometimes by the lord of the manor or – more usually – by a man of law (Vogt) or a high-ranking princely official residing in the next town or borough. Full juridical and political autonomy of village communities survived only in some parts of Frisia, Holstein, and Westphalia (Lange, 1988). Elsewhere, early modern communities enjoyed only partial autonomy in day-to-day economic matters. But the history of the village communities is not only marked by the loss of autonomy.

Alongside the rising power of the princely territories, the functions of the peasant communities increased, because state officials could not avoid relying upon village functionaries to implement the state’s agenda. The state’s agent might be the parish priest (the traditional provider of writing in the village), but normally peasant village officials were held responsible for the collection of taxes and tithes, the construction and maintenance of roads and ditches, the collection of soldiers, and the organisation of schools and poor relief. The last two duties were carried out by parish authorities, i.e. churchwardens and dergen. Most other tasks were in the hands of secular village authorities, headed by a mayor who was assisted by a treasurer, and sometimes by a maior. In time these communal officials were obliged to record their transactions (Ostenjann, 2003). They were usually unsalaried, but here and there they were remunerated by reductions in taxes and services or exemption from military service.

In some regions the village mayor was elected by the village assembly, but in some places, notably Westphalia, the office was tied to a specific farmstead which had been the former centre of a *Schulthei* (Schule). In large parts of north-west Germany the office of the Bauernmeister circulated amongst the holders of some substantial farmsteads, notwithstanding their personal status as freeholders, tenants, or bondsmen, on a customary rotation. The appointment of all communal offices was subject to confirmation by the state authorities. In Lower Saxony the state regulations of Meierrecht resulted in a segmented social and political structure in the villages. The peasantry was nearly subdivided into classes depending on the size of their farms (Vollemeier, Hallmeier, Großmeier, Kleinmeier, Brünslmeier). This status conferred unequal rights in the use of the commons, sharply differentiated political influence in the parish assembly, but also graduated public dues and services, with particularly heavy burdens for the substantial farms of the Meier (Lange, 1988). The situation in Westphalia and Schleswig-Holstein differed only slightly. Here, political rights and financial dues inside the villages were not so closely linked to a formal hierarchy. Nevertheless, the owners of substantial farms formed the backbone of the socio-political order of the countryside. Two characteristics of the early modern rural commune should be stressed. Within villages the exercise of power was nearly intertwined with peasant wealth, in particular with the extent of individual holdings. And it was integrated into the emerging territorial state as self-government at the prince’s command.

**Forms of peasant resistance to landlord demands**

The crusade of 1234 against the Steeldinger stands out as the most spectacular medieval conflict between peasants and lords in the north-west. It ended with the defeat of the peasant universitas situated in an outlying area of the bishopric of Bremen (Schulz, 1977: 328–374; Schmidt, 1982–83). The conflict can only be understood against the background of the emergence of a number of wealthy and militant peasant federations in the marshland. In effect, the bishop and his followers were fighting a feud against a rival power.

The strength of the peasant communities in the marshes remained a factor in regional politics until the sixteenth century. For instance, they interfered in a conflict between King Christian 1 of Denmark and his younger brother Gerhard, viceroy of the Duchy of Schleswig-Holstein, in the 1460s. In order to force his sibling to divide their patrimony, Gerhard conspired with a coalition of discontented noblemen. Moreover, he visited and campaigned in those parts of the Duchy where peasants had achieved some autonomy. He negotiated alliances of mutual help with the peasant communities of the marshes near Hamburg and of northern Frisia. This coalition finally failed, but only because the Danish king was able to forge a stronger counter-coalition of nobles, the Hanseatic cities and the free city of Holstein (Poulsen 1989; Hoffmann, 1990: 293–304). So it can be argued that peasant rebellions acted like other powers until the eve of modern times. Their last engagement in a ‘normal’ state-building conflict was in the wars in the first half of the sixteenth century between the Danish crown and the Duchy of Holstein peasant federation. The peasants’ defeat in 1559 ended their role as an autonomous actor in the political process. From then on, the peasants in arms were held to be guilty of treason against their princely lord (Stoeb, 1996).

Apart from these conflicts, we are poorly informed about peasant resistance in the medieval and early modern periods. Traditionally, the north-west of Germany is regarded as a quiescent region without any major insurrections. This judgement is particularly based on the failure of the region to participate in the great German Peasants’ War of 1525 (Postel, 1975). But one has to be tentative about this because detailed studies are rare. It may be no accident that all the cases studies that deal with peasant resistance in the north-west examine those minor regions with stricter forms of manorialism, mainly in Holstein (Göpfert, 1991; Lorenzen-Schmidt, 1993) and in the eastern part of Lower Saxony (Fenske, 1999). Here, violent conflicts arose when lords of the manor tried to enlarge their demesnes at the expense of the peasants’ land and demanded more corvee. As bondsmen were obliged by law to accept these demands, resistance was exceptionally difficult and depended on unity between peasants and manorial workers, which was often enforced by intimidation.
There are good reasons for arguing that individual conflicts between lords and peasants over dues and services were as commonplace in the north-west as anywhere else. But joint actions of whole village communities seem to have been less widespread than in other German regions, perhaps because the peasant communities of the north-west were less comprehensive in the range of responsibilities they possessed, social stratification was more pronounced and political participation inside the villages was less egalitarian. Evidence can be found for the late eighteenth century that in some regions social segregation inside villages became so marked that wealthy peasants collaborated with the local state officials to exercise control over the populace rather than showing solidarity with the poor spinners, weavers, and migratory workers (Moosbrugger, 1984; Frank, 1995).

Apart from these peculiarities, developments were similar to those in other regions of the Holy Roman Empire in the early modern period. Where ever rural conflicts arose, they were increasingly resolved in the courts instead of being fought out violently. The imperial courts provided a model for territorial justice. Individual peasants, and their corporations and communities appealed to these tribunals. Normally conflicts arose because peasants reacted to initiatives of lords and princely authorities infringing their 'good old law', vested interests and 'traditional freedoms'. They resisted all attempts to levy new taxes, increase corvée, curtail the legal status of tenants, or abrogate contracts which peasants very often interpreted as perpetual (Trostbich and Zimmermann, 2003: 135–69).

Although village communities in dispute with their lord normally went to court, they acted violently as well, especially if they suspected that the lord would not respect the court's judgements or if their honour had been severely violated. Conflicts escalated if one of the petty princes was involved, because impartial justice was not guaranteed. Some of these rulers, in trying to keep up with more powerful and wealthy neighbours, went beyond what was bearable and encountered obstinate peasant resistance. They were therefore frequently forced to call for military help from their mighty neighbours (Hauptmeyer, 1988). Generally, peasants were well aware of the bargaining power of their adversary, since there was a difference between entering a conflict with a nobleman commanding a garrison as opposed to an aristocratic widow whose property rights were challenged by rival kin. In early modern times peasant resistance in the north-west was confined to localities; it had no regional dimension and it made no attempt to alter the whole social and political order.

9.3 Government and public policies

State policies towards landlords and peasants

In the Middle Ages there is no evidence for a state policy towards landlords and peasants. Beginning in the fifteenth century, territorial princes started to interfere in the relationship between the two with decrees that provided for the fixing of peasant duties. In 1433, for instance, Duke Heinrich of Wolfenbüttel decided to abrogate some heritos (Kiirtende), to regulate merchants (Bedenmand) and to restrain the Bestamp, a payment of cattle made on a peasant's death. As mentioned before, from the sixteenth century, the territorial states in Lower Saxony developed a consistent policy that enforced the stability of the Meierrecht because of its utility for tax collection and recruitment of soldiers. So, the princes pretended to be the protectors of the peasantry against aristocratic demands for their own private advantage. In Oldenburg peasant holdings were made indivisible in 1543, and in Ostfriesland in 1545. In Braunschweig-Wolfenbüttel princely and ducal negotiated a settlement to make holdings indivisible in 1597 (Saltedamblander Landtagabschied) and Calenberg followed in 1601 (Gandersheimer Landtagabschied). Laws protecting peasants against all too voracious lords of the manor were made in Westphalia and Schleswig-Holstein in the eighteenth century. Lords tried to take advantage of the recovery of grain prices in the last three decades of the eighteenth century by increasing both rents and occasional dues. These attempts were only partly successful, since the princely states were eager to extend legal protection to peasants against this seigneurial reaction. The Calenbergische Meierordnung of 1699 provided a model adopted by other Hanoverian territories. In Westphalia the Unabrückliche Eigentumordnung of 1722 marks the beginning of the process, followed by the Minden-Rauresburgische Eigentumordnung of 1741 for the western territories of Prussia, the Paderborn Meierordnung of 1765, and finally the Mindeschen Eigentumordnung of 1779 (Scharp, 1964). But it must be pointed out, that these orders also provided the legal means for the recipients of dues and services to compel peasants to meet their obligations.

The social standing of the peasant

From the high Middle Ages onwards the peasantry had a Janus-faced image. On the one hand, most members of the privileged estates despised them as filthy, servile, stubborn, rough, ignorant, and wily persons, who could not be trusted. After Paradise was lost, God's curse by the sweat of your brow you shall eat your bread seemed to have been primarily laid on them. But on the other hand, some clerics and scholars glorified the peasantry as hard-working, simple, upright, and honest. This ambivalence was never resolved until, in the second half of the eighteenth century, Justus Möser the counsellor of the Osnabrück estates, amongst others, 'discovered' the Westphalian peasant as the stronghold of social stability against all pernicious change - and launched a strand of thinking with long term political implications.

In the late medieval and early modern times it goes without saying that individual peasants suffered from their despised position in society, but nevertheless most of them enjoyed the legal capacity to make a contract not only with fellow peasants but with anyone else. What is more, peasant corporations such as village communities, and more importantly political federations like the peasant Landschaften might even be the contractual partners of princes and kings. But this capacity to operate on equal terms was restricted from the sixteenth century. In the memorable aphorism of Heide Wunder, in early modern times Herrschaft mit Bauern (ruled with peasants) turned into Herrschaft über Bauern (ruled over peasants).  

1 The titles of successive chapters of Wunder, 1986.
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