New Approaches to the History of Late Medieval and Early Modern Europe

Selected Proceedings of Two International Conferences at The Royal Danish Academy of Sciences and Letters in Copenhagen in 1997 and 1999

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Abstract

From 1995 to 1998 the Danish Research Council for the Humanities financed a research network on 'Denmark and Europe in the Later Middle Ages'. This initiative to strengthen Danish research in the Later Middle Ages arranged two international conferences hosted by the Royal Danish Academy of Sciences and Letters in Copenhagen. The first conference which took place from 28th to 30th August 1997 under the heading *Northern Europe 1400 to 1648: Crisis or Transformation?* consisted of a mixture of international papers and papers treating Scandinavia only. Two years later, from 23rd to 26th August 1999, the second conference followed, this time with a distinguished group of international scholars giving papers on *New Trends in Late Medieval Studies.* In the present volume most of the papers from the second conference have been collected together with the 'international' papers from the first conference. The result is an anthology which in nineteen articles presents the most important bulk of new research on European history from 1350 to 1650 that has been done in the last generation by some of the scholars who have been pioneers and front figures in that research. The articles in the first three parts of the book try to outline and assess new trends within late medieval studies. Focusing on first political history, then social and cultural history, and finally legal history, they are especially interested in those areas where research has advanced most from the late 1960s to the late 1990s, and where results of importance for our understanding of the late medieval period as such has been produced. In a large fourth part, the articles address all aspects of crisis and transformation in the late medieval and early modern period.

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Preface

From 1995 to 1998 the Danish Research Council for the Humanities financed a research network on 'Denmark and Europe in the Later Middle Ages'. This initiative to strengthen Danish research in the later Middle Ages arranged two international conferences which both took place in the conference rooms of the Royal Danish Academy of Sciences and Letters in Copenhagen.

The first conference took place from 28th to 30th August 1997 under the heading *Northern Europe 1400 to 1648: Crisis or Transformation?* Intending to bridge the traditional divide between medieval and early modern history, the conference discussed the relevance of the two traditional approaches to the social history of the period 1400 to 1648: On the one hand, it attempted to assess the view which interprets the period as one of crises and upheavals, constantly appearing and receding, often taking on the form of one long crisis. On the other hand, it tried to evaluate the view that what the period witnessed was no more than a slow transformation following a period of little or no change. At the conference fifteen scholars from both Scandinavia and the rest of the world gave papers dealing with the religious, economic, social and political aspects of crisis and transformation in the late medieval and early modern period.

Two years later, from 23rd to 26th August 1999, the second conference took place, this time with fifteen international scholars giving papers on *New Trends in Late Medieval Studies.* The purpose of this conference was to outline and assess the results of international research in the late medieval period during the last generation; approximately from the late 1960s to the late 1990s. The conference was especially interested in those areas where research had advanced most during the last generation, and where results of importance for our understanding of the late medieval period as such had been produced.

The steering committee for the research network 'Denmark and Europe in the Later Middle Ages' planned the second conference as its contribution to a very large common enterprise among Danish research institutions and individual scholars announcing 1999 as 'Year of the Middle Ages'. The Royal Danish Academy of

Sciences and Letters supported the initiative by giving the conference the status of an official Academy conference. This included that the Academy had beforehand accepted to include the conference proceedings in its publication series which is financed by the Carlsberg Foundation.

As responsible for the research network 'Denmark and Europe in the Later Middle Ages' I took on the task of editing the papers from the 1999 conference together with Professor Troels Dahlerup of the Royal Danish Academy of Sciences and Letters. Due to many other engagements I had, however, to postpone the task again and again and it has therefore taken more than eight years before a publication can finally be presented.

It is therefore understandable that a couple of the scholars who contributed to the conference in 1999 have chosen to publish their papers elsewhere. On the other hand this gave the opportunity to include some of the papers from the 1997 conference in the present volume. It was originally planned that the papers from the conference on *Northern Europe 1400-1648: Crisis or Transformation?* which consisted of a mixture of international papers and papers treating Scandinavia only was to be published in a volume from one of the large British publishing houses. Since that plan proved impossible to realise I agreed with the Royal Danish Academy of Sciences and Letters that we could offer the international contributors to the 1997 conference that their papers be included in the publication of the proceedings of the 1999 conference. This solution seemed reasonable as these international papers fitted well together with the papers from the conference on *New Trends in Late Medieval Studies*. The same was not the case with the Scandinavian papers.

The resulting volume of conference proceedings is, thus, the present anthology on *New Approaches to the History of Late Medieval and Early Modern Europe*. I have chosen to group the articles in four parts. In Part I: Political History, Part II: Social and Cultural History, and Part III: Legal History, are most of the papers from the 1999 conference on the new trends in late medieval studies. The papers in Part IV: From Late-Medieval to Early-Modern Europe: Crises, Revolutions and Transformations, mainly originate from the 1997 conference, although supplemented with a couple of papers from 1999.

I am well aware that it comes near to a scandal that it has tak-

en so many years to publish the papers from the two conferences in Copenhagen in 1997 and 1999, and no one regrets that more deeply than I do. In spite of the age of the papers I hope that the volume will stand out as an important contribution to international research on the late medieval and early modern history of Europe, presenting the most important bulk of new research that has been done in the last generation by some of the scholars who have been pioneers and front figures in that research.

The authors contributing to the volume have shown admirable patience for which I am deeply indebted. It is unfortunate that my co-editor Troels Dahlerup did not live long enough to see the conference proceedings published. He died in February 2006 at the age of 80. Apart from the contributors and my co-editor I would also like to express my profound gratitude towards the Danish Research Council for the Humanities, the Royal Danish Academy of Sciences and Letters, and the Carlsberg Foundation for the economic support which made it possible first to arrange the two international conferences in 1997 and 1999 and now to publish this volume of papers drawn from their proceedings. PhD Philip Kelsall kindly undertook to control and correct the language in the papers written by scholars from outside Britain and North America.

Århus, 1st December 2007

Per Ingesman

Part I

Political History

Political Society and the Late Medieval State

Jean-Philippe Genet

There is little doubt that political history, at least in the usually accepted meaning of these terms, has become a rather unfashionable area of historical research. One of the reasons for this situation is well known: it is the violent attack upon the traditional historians of institutions launched by the so-called 'Ecole des *Annales*' in the thirties;[1] they were exposed for their useless erudition and their artificial reconstruction of a past organised as an endless succession of dates, events and constitutional changes, seen in a teleological perspective. On the contrary, historians were expected to adjust to different scales of time, and to unearth, from under this upper crust, the blood and life of men with the help of economic and social history. At first, the influence of these views was rather weak outside of France, but it gained a new strength when in the sixties suspicion of the state in general grew. The hardly conscious view that the model of the occidental state was the ultimate goal of the evolution of all political structures was in its turn exposed and definitively collapsed; significantly, American historians, once the most productive group in the field of medieval political history, have now deserted it.

However, political history has not entirely disappeared, far from it. True, academic theses and text editions have continued to appear regularly, but even more important is the fact that during the last thirty years, which are those I intend to scrutinise, the aims of political history have undergone a more or less complete transformation. If the history of the state as such, and even more that of a given state or of a given institution, no longer appears as a legitimate and self-justified object for historical research, politics are understood as one of the many ways in which power was exercised

1. See Philippe Contamine's comments on the review of Henri Jassemin's study of the *Chambre des comptes* of Paris in the fifteenth century by Lucien Febvre in the *Annales* of 1934: Contamine 1996, pp. xxxi-xxxvii.

in a medieval society; politics has taken its place alongside economy, social relations, religion, social history and cultural history; and political history has practically merged, as most other 'specialised branches' of history, in a global history of medieval culture and society.[2] It is noteworthy that the historians of the *Annales*, who had practically withdrawn from this particular field of historical research, despite their later denials, came back to political history[3] through their search for what Jacques Le Goff and Pierre Toubert call an 'histoire totale du Moyen Age',[4] even going as far as to vindicate the merits of 'historical biography', an historical genre which the *Annales* school disapproved of as such (though Marc Bloch did not despise it):[5] Fernand Braudel's comments on the non-mention of the death of Philip II in the course of his *Méditerranée* still provides the best example of this attitude.[6]

To take but one example, the general organisation of the 'Origins of the modern state'[7] programs was not conceived in a political history framework, but in a more general interdisciplinary context. This willingness to work inside a global perspective has on the one hand had consequences for the definition and the understanding of the medieval state as such, and on the other hand for the various approaches to the analysis of power which appear most useful, depending upon the definition which has been accepted.

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2. This would be long to substantiate, but it seems clear to me that, if certain branches of history keep more autonomy than others (religious history, for instance), the general evolution is unmistakable and has to be related with what American medievalists call the realization of the alterity of medieval societies: see on this alterity the comments of Alain Guerreau: Guerreau 2001.
3. Le Goff 1971 (reprinted in French in Le Goff 1985, pp. 333-49).
4. Le Goff and Toubert 1977; see also Le Goff 1964; Le Goff and Schmitt 1996.
5. Le Goff 1996, pp.13-27; if Le Goff's *Saint Louis* epitomizes the *Annales*' redemption of biography, another kind of distance from traditional historical biography may be found in Bernard Guenée's books: Guenée 1987 and 1992.
6. Braudel 1993, vol. 3, pp.417-20.
7. Genet 1990, for the CNRS program. The results of the ESF program have been published under the direction of Wim Blockmans and myself in seven volumes published in English by Oxford University Press and in French by the *Presses Universitaires de France*: Bonney, ed. 1995; Coleman, ed. 1996; Reinhard, ed. 1996; Blickle, ed. 1997; Padoa Schioppa, ed. 1997; Ellenius, ed. 1998 and Contamine, ed. 1999.

The definition of the state

It seems to me that the publication in 1970 of Joseph Strayer's short but influential book *On the Medieval Origins of the Modern State in Europe*[8] and in 1971 of Bernard Guenée's *L'Occident aux XIV^e^ et XV^e^ siècles. Les États,*[9] may provide us with a convenient starting point. Joseph Strayer's work had a striking effect, because Strayer, though with retrospect he may today be seen as idealising medieval kings and their motives far too much,[10] was not considering the medieval state as a blueprint for a constitutional draft to be perfected, but simply testing the administrative methods and the political devices of the kings of France, England and Aragon in terms of sheer efficiency. The French historian brought for his part a distinctive social flavour, nurtured in his own thesis on the *gens de justice* of the *bailliage* of Senlis (with its companion book, a prosopographical catalogue, issued much later)[11] and in the contemporary works of Raymond Cazelles[12] and Edouard Perroy.[13] As a matter of fact, constitutional problems disappeared from view, which is a paradox if we consider the title of Strayer's probably best known article ('Philip the Fair – a Constitutional king'):[14] his preoccupation was with the real day-to-day working of finance and bureaucracy, enabling the historian to assess the actual efficiency of the government and the real impact of its decisions; the power of kings grew by the acceptance of their claims by subjects who reaped the benefits of a more secure, more peaceful, less aggressive and probably less unpredictable structure of power.[15] Justice, administration, finance and even more so men, either as agents of the state or as subjects, came to the fore, making the discussion of the nature and the definition of the state a technical nicety with-

8. Strayer 1970.
9. Guenée 1971 (Fourth ed., 1991).
10. Spiegel 1999, especially pp. 118-24.
11. Guenée 1963 and 1981.
12. Raymond Cazelles appears to be the first to have used the phrase 'political society' at least in French historiography: Cazelles 1958 and 1982.
13. Édouard Perroy is not mainly remembered to-day as a political historian, but his contribution to the economic undercurrents of political life, embodied in several of his papers, remains highly valuable; see Perroy 1979.
14. Strayer 1969 and 1980.
15. Kaeuper 1988.

out much interest and the medieval state being simply seen as the direct chronological (and not necessarily structural) ancestor of the modern European state (which it is...).

This new line of enquiry was followed by Strayer's American colleagues and pupils, and in France by historians such as Bernard Guenée, Jean Favier, Philippe Contamine and their disciples. Though English historians could not or would not entirely free themselves from their own insular tradition of political history, they were perfectly aware of what was going on and followed very much the same lines, as shown by Gerald Harriss' work,[16] whereas Thomas Bisson[17] introduced the new approach in the Iberian peninsula, mainly in Catalonia and Aragon, soon to be followed on their own terms and following well established traditions in their respective historical schools by Iberian historians of the crowns of Aragon, Castille, Navarra and Portugal[18] who contributed highly significant works to the history of fiscality,[19] ideology,[20] state departments[21] and representative institutions.[22] American historians also brought the same kind of approach to the history of the Italian city state, and nowhere more strikingly than in Florence.[23] Only in German history did this new approach have a less significant impact, both because the German historians were paying more attention to earlier periods of political history, and because the development of medieval 'states' in Germany had to be approached from completely different points of view, and through a reconsideration of the power and organisation of cities and of

16. Harriss 1975; see also Harriss 1988.
17. Bisson 1979; and a convenient summary of his views in Bisson 1996.
18. See Gonzalez Jimenez 1999; Palacios Martin 1999; Nieto Soria 1999 and Ladero Quesada 1999.
19. Of specific importance are Ladero Quesada 1993 and Sánchez Martinez 1993 and 1995.
20. Nieto Soria 1993.
21. Pérez Bustamente 1976; de Carvalho Homem 1990 and Gonçalves de Freitas 2001.
22. Pérez Prendes 1974; O'Callaghan 1980 and 1988; Más y Solench 1995; Sarasa 1977; see also the important publication by Sánchez Martinez and Orti Gost 1997. For Portugal, De Sousa 1990 and see the publication by de Oliveira Marques, Campos Rodrigues and Pizarro Pinto Dias 1982 and de Oliveira Marques and Pizarro Pinto Dias 1990.
23. Brucker 1977 and Trexler 1980 and in general Martines 1963 and 1968; for Venice, Lane 1973.

regional principalities[24] rather than an analysis of the *Reich* itself (obviously, this does not apply to German historians working on non-German areas[25]). We shall come back to the results of this economic and social approach, which has deeply modified our understanding of medieval realities, but for the time being, we must first concentrate on the problem of the definition of the state.

It is striking that during this period, medievalists were shy of theorising their findings. In Europe, theoretical discussions used to be monopolised by Marxist historians: whatever its own specific interest, the long-drawn discussion on the transition between feudalism and capitalism offered few new insights on the history of the medieval state.[26] Most of the debates of the *Annales* school turned on other problems as well. In the United Kingdom and in the United States, theoretical reflection did not spring from historians alone, but also from historical sociologists and politologists who so to speak, needed them for their own trade, in order to be equipped with a coherent view of the medieval period. The findings of the historians having contradicted the analysis of the great sociologists of the previous generations, Marx, but also Weber and Elias, who saw the modern state as fully modern, and not at all medieval: Perry Anderson,[27] Charles Tilly[28] and Michael Mann,[29] emulated in Great Britain by W. G. Runciman[30] and by John Hall,[31] did enter the field and, quite reasonably, encapsulated the history of the state as a political structure in a general analysis of the dif-

24. Some of the most significant works are Blickle 1973; Heinig 1983 and Isenmann 1988. For a general view, see Moraw 1985.
25. Paravicini 1975 and 1976 and his edition of the correspondence of Charles the Bold, Paravicini, ed. 1995; Bulst 1992.
26. For instance Philpin, ed. 1985; see also Bois 2000 and the papers of R.H. Hilton: Hilton 1985.
27. Anderson 1974.
28. Tilly, ed. 1975 and more especially his two own chapters, 'Reflections on the History of European State-Making', pp. 3-83 and 'Western State-Making and Theories of Political Transformation', pp. 601-38. But see now Tilly 1990 and 1993.
29. Mann 1986, chiefly chapters 11 to 15. See also Mann 1988 and his introduction to Mann, ed. 1990.
30. Runciman 1989, especially pp. 192-208 on 'Functional alternatives' and pp. 386-411 on 'Test-Cases'. See also Runciman 1993.
31. Hall 1985.

ferent forms of power and constraint.[32] Perry Anderson was exceptional in his adhesion to the Marxist framework, while most of the others operated within a broadly Weberian structure. The result is that, whereas Perry Anderson highlighted the class struggle between monarchy, nobility and peasants, most of the other exponents of these problems insisted upon the organic nature of the medieval state (Mann distinguishing between two phases, 1155-1477 for a first phase of centralisation and territorialisation, and 1477-1760 for a second phase of development of the organic states proper), usually equating the modern state with the nation state; but though this seems to point towards a somewhat later period than the medieval one, they considered that the modern state, the direct ancestor of our own contemporary state, came into being well before the so-called modern times, and therefore during the medieval period. The 'Origins of the modern state' program, while comparative and interdisciplinary, tried to reintroduce the theoretical discussion within the scope of the historian's interests. The denomination of the program itself equates the modern state with the late medieval state without restricting itself to a precise chronological span of time, to adjust to the different rhythms of development of European countries. Several definitions of this type of modern state were worked out during the course of the program, the latest to my knowledge being that of Wolfgang Reinhard,[33] but I shall restrict myself here to the definition I gave in my own paper about the program.[34]

In this definition, the modern state is understood as a state whose material basis depends upon a public tax system accepted by the political society, and this on a scope larger than that of a city, all subjects being concerned at some stage. This is my own working definition, and it has not necessarily been followed by the participants of the Centre National de Recherche Scientifique and European Science Foundation programs. Let us stress three points. First, the description is that of a structure, and implies no chronological restriction (which the use of the epithet 'modern' would make untenable): such a state may be late medieval (as in the case

32. Skinner 1978: see vol. 2, pp. 349-58 for the pre-requisites to the emergence of the concept of the state and Skinner 1989.

33. Reinhard 1999.

34. Genet 1997. See also Genet 1992.

of France, England, Scotland, Portugal, Aragon and Castille, not to speak of large principalities such as Savoy, Burgundy, Britanny or Brabant or even large city-states such as Florence, Venice and Milan) or early modern (such as Sweden and Prussia) or even late modern (as Russia). Second, the description is not that of a political form: this state may be a monarchy or a city-state, though its size has to be specified, since it has consequences for the structure, and this makes it more likely that such a state will be a monarchy.[35] But the main point is the importance this definition gives to the political society and to the notion of acceptance, by this political society, of taxation. The political society is the part of society which is affected by the operations of the state: through its justice, through its military activities and requirements, through its taxes, levies and purveyance, that is, in fact, practically everyone. But everyone is not affected in the same way, either in benefit or in loss: if the political society encompasses more or less all sections of a given society, it is organized in response to the action of the state in a specific way which does not correspond exactly to traditional social divides, which, in thirteenth century Europe at least, have been shaped by the feudal revolution (or mutation, or evolution, since I do not wish to be drawn into that other controversy). If the part played by the political society is so important, it follows that its study is the corner-stone of knowledge of the medieval state, and this is why we are led to walk out from the traditional field of political history to explore other fields of study which shed new light upon political society, and therefore upon the late medieval state as well.

The social approach

Given our working definition, the first interesting line of approach is that of social and economic history. True, it has been stimulated by the intellectual atmosphere of the sixties and its accent on the primacy of economic and social factors, and it is still thriving, because its methods have been made much more efficient by the appearance and development of computing. First of all, there

35. For the problem in a non-monarchical context, in Italy, for instance, see besides Skinner's works mentioned above the papers in Chittolini, ed. 1979 and in Chittolini, Molho and Schierra, eds. 1994.

is the descriptive and empirical history of the political society. However, historians have usually worked within the framework of what could perhaps be labelled the 'Cazelles' concept of political society',[36] which though extremely useful is more restricted in its empirical scope than the one I have just proposed.[37] Generally speaking, they have been working on the history of the elites, writing the history of state institutions and of their agents, and the history of the ruling classes (nobility as such, and court society). The sociology of the medieval state has therefore made remarkable advances during the last thirty years, and this advance has been made both easier and more wide-ranging by the use of prosopography[38] and even of computerised prosopography.[39] A catalogue of all the populations which have been studied would be as impressive as, unfortunately, it would be tedious, but an enormous amount of data about officers, bureaucrats and members of representative institutions have been collected, organised and interpreted in many European countries.[40] However, it is impossible to draw a strict borderline between people who are serving the state and those who are not: here the concept of political society proves useful, because we are not obliged to see conflicts or contradictions in the service of the King, of a prince or of the Church; most people moved from the one to the other, or even served simultaneously Church, cities, princes and King![41] More important, the prosopography of the agents of the state is only part of a general prosopography of elites which the advent of serial sources makes easier and that of the computer feasible: here I am thinking of canons and clerics, students and masters, the knowledge of whose careers is essential to our understanding of the status of the agents of the state. For instance, we now know that many canons were serving the state, but proportions differ widely from one European area to another, as one of too few comparative studies has

36. See note 12 above.
37. For an application of the concept albeit to England with its own definition, see Payling 1991.
38. Genet and Bulst, eds. 1986; Genet and Lottes 1996.
39. Millet, ed. 1984.
40. Outstanding is the British contribution: Roskell 1965; and Roskell, Rawcliffe and Clark 1992, among many others. For France, see Bulst 1992.
41. Many examples in Matteoni 1998.

proved.[42] It is also important to remember that not all students were employed by the Church, and that recent studies have shown that the whereabouts and careers of a high proportion of apparently lay students are unknown.[43] What became of them? Why was the state so slow to make use of these able and apparently available men? To understand the social fabric of the medieval state, it is necessary to be able to look at it from both sides: from the inside, and from the outside. From the inside, we may be struck by the proportion of law graduates employed by a given state among its agents: but from the outside, this proportion may appear very low in relation to the number of graduates produced by the new university system, the birth of which, it must be observed, is contemporary with the appearance of the 'modern state', a point to which we shall come back.

The other social approach is that of the political elite, centred upon the nobility and court society. The study of aristocracy (that is nobility and gentry) is still thriving, but it is very remarkable that here prosopography is scarcely used at all,[44] even when the sources are abundant and well explored: I am at a loss to understand why the many (and excellent) studies of the gentry done county by county in England have not led to a prosopographical and statistical survey that could be extremely rewarding; no other European country is in such a favourable situation, both in terms of sources and scholarship. It is a serious drawback, because recent studies of the nobility point to a number of problems that deserve quantitative treatment. The first one concerns the homogeneity of European nobilities/gentries: these two levels that English historiography has made us familiar with seem to be found in many other European countries,[45] though with different reasons and different effects. Several comparative enquiries have been made, but these ought to be based upon fresh research, and if possible, as in the study of the canons I mentioned earlier, on a common questionnaire and a

42. Millet, ed. 1992.

43. De Ridder Symoens 1992; the most systematic examination of this issue is Schwinges 1986; see also Verger 1997.

44. Ornato 2001.

45. Jones, ed. 1986; Contamine 1998; for France, Contamine 1997; for England, McFarlane 1973, remains of fundamental importance, to be updated by Given-Wilson 1987; but see Carpenter 1992; for Germany, Ranft 1994 and new perspectives in Morsel 2000.

common methodology including quantitative measurement. Two connected problems are here especially important: the implication of the aristocracy in the war business, and its relation with the new aristocracy, that of knowledge and bureaucratic efficiency, which will one day give birth in France to the *noblesse de robe*, still a distant prospect in medieval times. It is not simply the subject of humanistic dialogues or moral debates: Attendance at medieval universities socially opened a way to promotion and offered elevation to the elite of power for the sons of bourgeois and peasants.

Another trend, and a very popular one at the moment, is the study of courts and court life.[46] Some important research is still in progress[47] and in some ways the most important of all medieval courts, the court of France, has not yet been adequately surveyed, but here too important advances have been made or may be confidently expected.[48] However, the notion of court itself (especially in relation with notions such as 'household' or *hôtel*) seems to raise some problems,[49] and the medieval court must not be seen with the distorting glasses of Norbert Elias and of modern historians unable to recover from the Versailles trauma. It is still in essence a feudal court; if the direct exercise of power by the King himself or by his men is becoming more and more limited by the work of the administration and bureaucracy (and the court itself is in some respects an administrative department), it is still the place from which princely power radiates and the people surrounding the Prince in his daily life are therefore of great importance. But there are probably different types of courts, and the social and cultural importance of medieval courts as specific organisations is probably not to be exaggerated, as opposed to the importance of 'courtly' society as such (that is, aristocratic society). It is noteworthy that only Italian medievalists have systematically investigated the matter of princely courts, and precisely thrown a clear light upon the transition from the medieval to the modern court.[50]

46. Vale 2001.
47. For the study of the Burgundian Courts, see Cauchies 1998, and some of the many papers by Werner Paravicini: Paravicini 1986, 1991 and 2001.
48. See the papers in Chapelot and Lalou 1996.
49. On *hôtel*, see Gonzalez 2004.
50. See the publications of 'Europa delle Corti', Centro studi sulle società di antico regime: for instance Cerboni Baiardi, Chittolini and Floriani 1986; Papagno and Quondam 1982.

The main weakness of this sociological approach in relation to our concept of political society is that the prosopography of the elites of power and culture and the study of the ruling classes only provides a truncated vision of political society. Urban society and the peasantry, which is the vast majority of the medieval population, is left out. We know that these sections of society were also affected by the activity of the state and were quite conscious of it: as regards even the lower social strata, this is made crystal clear in the course of the great social upheavals, be they the numerous fiscal urban revolts, the *Jacquerie*, the Peasants revolt of 1381,[51] the *Ciompi*,[52] the *Remensas* or the War of the Peasants in Germany.[53] But if the relations between urban oligarchies and states have been explored,[54] the positions of the other social strata have hardly been taken into consideration, with the possible exception of their attitude towards royal justice.[55] This gives a distorted image of the medieval society as a political society, and this is certainly one point upon which we might be led to modify in depth Strayer's analysis of the medieval state.

We have said that the idea of an accepted taxation was of crucial importance. An accepted taxation is a taxation which has been legitimised in such a way that it becomes practically impossible to refuse it (though cheating remains – and still remains, should I add – an open possibility, but precisely because such a refusal is not to be admitted). The legitimisation is usually (though not always) juridical, that is the levy is made with the official approval of a representative body, but the sources of this legitimacy spring from a deeper level, playing upon the military necessity and the preservation of peace and of national integrity and defence. However, the ultimate test of the acceptance of state taxation by political society is the level reached by the taxation output, in a system in which means of coercion are few and weak, rather than the formal conclusions of the institutional dialogue itself: to put it briefly, the actual sum levied after the grant of a tenth by the English Parliament is a better and more precise indication than

51. See the papers in Hilton and Aston, eds. 1984; two recent books illuminate the point in discussion here, Faith 1997 and Justice 1994.
52. Stella 1993.
53. Blickle 1985.
54. Chevalier 1982.
55. Gauvard 1991 and Chiffoleau 1984.

the grant itself. It is noteworthy that most recent works on fiscal history (from John Henneman to Mark Ormrod, Manuel Sanchez Martinez, Miguel Angel Ladero Quesada or Eberhard Isenmann) have been deeply concerned with the measurement of the exact sums levied by the governments.[56] This is not to belittle the role of the representative institutions, but to suggest that, below the public and visible dialogue acted by the King, his councillors, and the deputies (this being easily transferable to a civic structure in the case of a city-state), some sort of political dialogue is going on and is thriving in all sections of the political society. To express it in a more provocative way, class struggle is an element, and a most important one, in the building of the modern state. All strategies are possible in such a context: the alliance of monarchy and peasantry against lords is plausible, enough at least to be expected by peasant rebels in 1381; the alliance of monarchy and aristocracy against peasantry is however much more likely.

How, through which channels, does this political dialogue work? It is obvious that one answer is that the dialogue is channelled through the traditional social fabric, which is the feudal one, following the lines of lordship and vassalage. Medieval aristocrats are lords, which is not true, at least at the same point, of aristocrats of the modern area. The links of patronage and clientele, the feudal ties, the lord's authority over his men, either military vassals or peasant tenants, all this was used and played its part. Acceptance was therefore not a question: it was a due, extracted not by an anonymous and distant king or his government, but by his vassals, clients or servants. However, that was not enough, and acceptance had to be gained by other means as well.

The cultural approach

This drives us toward another field of study which is now gaining a central position for the history of the later medieval state, the study of medieval culture. As I mentioned earlier, the transformation of feudal monarchies into strong states started at the end of the eleventh century, with the organisation of the English king-

56. Bonney and Bonney, eds. 1999. For France, see also Lassalmonie 2002.

dom of William the Conqueror,[57] but the most impressive changes appear to be those introduced by Henry II after the middle of the twelfth century.[58] Other feudal kingdoms were soon following the same path, and these feudal monarchies started to turn into modern states in the second half of the thirteenth century. Now, broadly speaking, this happens to be a period of cultural revolution in the West: the spread of literacy[59] and the diffusion of pragmatic writing,[60] the appearance and development of a new school system, with cathedral schools succeeding monastic schools and then being replaced by universities,[61] a move initiated in Paris and Bologna and later on followed throughout the whole of Europe. The dramatic increase in the number of educational opportunities offered from the elementary levels of education, the rediscovery of Roman Law and the assimilation of Greek-Arab science and philosophy combined together to engender a totally new cultural atmosphere. A key element in this transformation was the birth of written vernacular literatures, which made communication through texts familiar and generalised: and these texts were not only charters or legal documents, but narratives, dealing with facts, sentiments and abstractions alike. It does not necessarily mean that everyone was able to read these texts, but that everyone had access to them, either through public reading or simply by the fact that some of the content of these texts inspired speeches, sermons and, though they left no traces, conversations.

The same observation may be made about the gothic style,[62] which from its first realisations inside the Capetian demesne spread quickly throughout Europe: not only its purely architectural manifestations, but also a new style of decoration and representation which made images far easier to read and interpret, and easier to organise in narrative sequences, opening new paths

57. Bates 1982.

58. Brand 1992; Hudson 1996. On the Angevin Empire, Gillingham 1984 (Second ed., 2001).

59. Clanchy 1979 (Second ed., 1992).

60. Britnell, ed. 1997.

61. Genet 1999.

62. I am not speaking of the architectural and decorative components of the gothic 'style' some of which are noticeable at Durham for instance as early as 1093, but of complete buildings such as the Saint-Denis of Suger or the Sens of Henri Sanglier; in general, see Recht 1999, pp.146-62.

for the diffusion of messages of all kinds. The new role conferred to images prompted the development of complex liturgies and ceremonies, not restricted to small groups in secluded naves, banqueting halls or chapels, but designed for a much wider public, such as solemn processions[63] and public entrances.[64] The excellent work of the so-called 'american ritualists',[65] many of them pupils of Ernst Kantorowicz whose *The King's Two Bodies* still exerts an enormous influence upon younger generations of historians,[66] has drawn attention to all these royal ceremonies, combining the insights of law history, art history and medieval theology to elucidate the mass of material they have assembled and mastered, among which the coronation records are outstanding, but by no means unique.[67] In fact, a complete reorganisation of the communication system took place, transforming the relative positions of text, image, and speech; the writing of a large corpus of literature, often directly related to positive action, offered new opportunities for explanation, controversy, discussion and justification, using either rational demonstrations or symbolic illustrations.

The whole structure of communication indeed appears to be of fundamental importance for the formation but also for the working of the late medieval state. The writing of a large corpus of texts written in connection with public life offered new opportunities for explanation, discussion and justification, using either rational demonstrations or symbolic illustrations. Obviously, one of the most important sections of this corpus of literature for the proper understanding of the medieval state (I shall leave images aside for the time being but they would also deserve consideration)[68] is the corpus of political and historical texts. I shall be brief on these topics, since this happens to be the field of my own personal re-

63. Rubin 1991.
64. See Kipling 1998; Guenée and Le Houx 1968.
65. For instance, Giesey 1960; Jackson 1984; Hanley 1983.
66. Kantorowicz 1957. See Benson and Fried 1997.
67. Le Goff, Palazzo, Bonne and Colette 2001.
68. This is also partly because I feel we are just at the beginning of the exploration of these corpus of images. Several research teams (Jean-Claude Schmitt's GAHOM at the EHESS in Paris, or the Krems Institut für Realienkunde des Mittelalters und der frühen Neuzeit) are producing important studies. For a brief sample, Schmitt 1996; Pastoureau 1996, 1998 and 2000; and Baschet 1993 and 2000.

search, and that would lead me to concentrate upon one particular trend, which is not the aim of this paper. Suffice it to say that neither history nor politics were included in the curriculum of the new schools when they emerged in the twelfth century,[69] politics simply because it did not exist as a subject in a feudal world, history because it was still part of the traditional monastic culture. And they remained largely so: politics as an autonomous field of text production did not appear before the mendicant friars created the genre of the *Fürstenspiegel* at the Capetian Court in the second half of thirteenth century, modelling it on the towering figure of Saint Louis while cautiously preserving the prerogatives of the superior spiritual power of the Church.[70] 'Political literature' is but a modern concept which covers a wide range of different texts, from speeches delivered in assemblies, whether they were circulated or not, to satirical verse, not forgetting law tracts or works of moral theology. As regards history,[71] ecclesiastical writers continued to produce universal, ecclesiastical and even national histories up to the end of the Middle Ages, but the writing of history was deeply transformed by the appearance of a vernacular historical literature, written first by clerics to answer the demands of a lay public, and then by lay *litterati* and by clerics together, either to charm a chivalric and aristocratic public or to meet the requirements of city officials or merchants.[72] In both cases, there will be no unified language and norms until humanists made both subjects an important part of their pedagogic program, thus breaking with the medieval university curriculum.

For this period, historical and political literature ought not be studied only with the 'history of ideas' paradigm in mind; in the perspective of a history of the late medieval state, they benefit from being approached, as literary and artistic works, through a careful history of their reception and of their public audience. Thus we may reach some of the basic components of this political dialogue which is both so important and so difficult to trace. Even more important is the fact that they give us access to what the linguist Saussure described as 'the most important of all social

69. Flüeler 1992.
70. Krynen 1993.
71. Guenée 1980; for England, see Gransden 1974 and 1982.
72. Genet, ed. 1997.

institutions', the language. Here, the interest must be focused on contemporary texts, but historians need to learn to borrow the methodological tools of linguists and lexicologists, as they must learn how to use them for their own purpose: this process is now slowly emerging, though it will gain in impetus when medieval texts are made more easily available on CD-Rom or internet.[73]

Cultural anthropology

However, whatever the importance of the study of the communication system and of these corpuses of texts and images, no one would agree that 'acceptance' was obtained by convincing people that there was such a thing as the 'Modern State', and that this new system would improve their status and life! Acceptance came because it was enforced, not simply by the strength of soldiers or non-existent policemen, but rather because a process of legitimisation of the state and of its ruler, be they kings, princes or city magistrates, took place and resulted in a widespread recognition of such a legitimacy; from this recognition sprang the authority of rulers.

To understand this, we have to turn our attention towards a new field of research, which I shall call cultural anthropology, and which is absorbing many subjects and issues which were usually dealt with by a more traditional religious history. The two fields are closely related and one could even say that the first named is an updated version of the second. Two points may be worth stressing here. First, a decisive factor in the development of the medieval state was the relative independence which medieval monarchies enjoyed from the encroachments of papal power. By siding to a certain extent with the popes to rescue some of the basic tenets of the 'Gregorian' program while safeguarding most of their own pretences, Western kings gained a certain degree of ideological independence while keeping the collaboration of churchmen for the development of their own administrations. They soon reaped the benefits: while using at low cost for them the services of the

73. It is for obvious reasons impossible to provide a list of sites here, but the best way for research is through generalist medievalist sites such as *Labyrinth* (UK), *Menestrel* (France) or *Reti Medievali* (Italy).

best-educated men of the period in their households and courts, they could also bend to their proper ends the intellectual expertise of these clerics to create and develop a symbolic discourse which instilled in the minds of their subjects the new legitimacy and the sacred authority which they now claimed to be theirs.

The second point is precisely the fact that the symbolic power of the Church was itself violently challenged. Medieval heresy is often perceived as a succession of distinct manifestations of autonomy by small groups of people (even when such a group gained widespread support, as in the case of the Cathars), crushed in the end by the central authority of the Church to eradicate all temptations to deviate from the right path. In fact, heresy appears to have been a spiritual by-product, so to speak, of the cultural revolution mentioned previously: the first heretics of the eleventh century, those of Orléans, for instance, are strictly contemporary with the rise of the cathedral schools. When people started to read more widely, turning their eyes to the pages of the Bible or opening their minds to those who did, they began to question the authority and the status conferred on the priestly order as it was defined by the so-called 'Gregorian' reform. As their monopoly of access (and interpretation) to the fundamental texts of the Christian religion had now gone for ever many other problems soon emerged, when the Church tried to reassert its symbolic authority by innovations such as the creation of the purgatory[74] and the complex structure of the *économie du salut*[75] (salvation economy), the very triumph of which, best exemplified by the tremendous success of the selling of indulgences was also one of the immediate causes of the Reform.

This process necessitated a new repartition of symbolic power between rulers and the Church to emerge and gave a wide circulation to its manifestations. The antagonism between the lay and ecclesiastical powers which is conveyed by many subjects of religious art and literature in the high Middle Ages left room for images (in paintings, sculptures, but also texts) which were leading towards an unconscious identification between Christ and his mother as king and queen and the kings and queens of this world. The peak reached by the crisis of the relations between Church and state under the pontificate of Boniface VIII was soon succeeded

74. Le Goff 1981.

75. See Chiffoleau 1980; Fournié 1997.

by a period of co-operation: the Pontifical State borrowing more and more the appearance of the 'modern' state (taxation system, army, war-making, territorialisation of its lordship, bureaucratisation and professionalisation of its manpower),[76] and states (monarchies, principalities and cities alike) benefiting from the help of the Church and of churchmen both to invent and to realise these ceremonies we have just alluded to, and to staff the courts and the offices of these states. This interpenetration had its advantages for both parties, but it also prompted theologians to turn their minds to the problems towards which it inevitably led. Augustinism, which was the fortress behind which Giles of Rome and the followers of the Hermits of Saint Augustine had entrenched political pontifical supremacy, became its plague in the hands of Wyclif, Hus and, later on, Luther. This means that theology too is an important field where we can trace important elements for the understanding of the medieval state.

Conclusion

This discussion seems paradoxically to have left political history as such outside its scope. In fact, I take it for granted that those who are interested in the late medieval state (or, to use my own working definition, the 'modern state' in its creation stage) are still doing political history, and doing it well, as many of the works mentioned in the footnotes of this paper testify, not least the seven volumes of the 'Origins of the Modern State' program which offer, among other things, an excellent European bibliographical guide to recent publications in this field. But, to give full justice to its object (the late medieval and 'modern' state), political history has had to enlarge its horizon and to consider other approaches and other fields which were often thought to lie outside its preoccupations. To take but one example, Alan Ellenius and Janet Coleman[77] were able to muster in their panels of experts for the

76. Guillemain 1966; Partner 1990; Prodi 1982.

77. She herself started as a philosopher, and one of her recent books could not have been written without this training: Coleman 1992; but she has also been interested in literature (Coleman 1981) and is of course mainly an historian of political thought (Coleman 2000).

volumes they directed for the 'Origins of Modern State' program scholars coming from different backgrounds and equipped with different skills: political history has entered the age of pluri-disciplinarity.

The fields toward which historians of later medieval policy are now turning their attention are among the most productive and lively in historical research today. However, it is remarkable that some of those who are most active here are doing this precisely to escape the determinist, positivist and Eurocentric view of history they denounce in what purports to be the history of the state, its institutions and its officers. But global history also has its constraints: if political historians are starting to take into account economic and social history as well as cultural anthropology, the historians specialised in these fields must not forget that the late medieval state is a reality, and that most of the late medieval states are typologically modern states, which means – though I am afraid this is not a very trendy view – that they find themselves at the root of the long evolutionary process that has produced the kind of political organisation and structures which are still dominant in today's world. The deep otherness of the Middle Ages is one thing, but historians must be careful not to have time chopped up into seperate compartments between which evolution will be neither recognisable nor comparable.

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The New Political History

Recent Trends in the Historiography of Later Medieval England

W. M. Ormrod

Introduction

If the late twentieth-century demise of political history, like the much-vaunted death of medieval history itself, was always somewhat exaggerated, then its revival during the 1980s and 1990s has nonetheless been truly remarkable. Taking up the challenges posed by social and cultural theorists, political historians have found new approaches, new perspectives and new conclusions to their subject: a breath of fresh air has blown through the sub-discipline, ruffling some of its former complacency and re-invigorating many of its practitioners. In this paper, I should like to discuss some aspects of this 'new political history' with specific reference to the study of later medieval England. This subject has undergone such major changes in terms both of method and of outlook that it stands as something of a paradigm of the more general recent renaissance in political history.

If we seek to identify the character of this 'new political history' and to rationalise it in more than mere relation to the personalities and abilities of its proponents, then it is useful to look at the topic from three perspectives: source materials, methodologies, and subject-matter. I shall address each of these issues in order. While it may be argued, of course, that it is subject-matter that often drives the search both for new sources and for new methods, it is surely also true that historians are conditioned both by the pragmatic (what is, and is not, available in terms of primary sources) and the methodological (the intellectual framework in which they wish to develop their work). Indeed, I wish to suggest that the new political history promotes and perpetuates what many still regard as a hallmark of our discipline: the ability of truly innovative historians to work *from* the empirical *towards* the conceptual, rather than vice-versa.

Sources

Most historians dream of finding 'new' material: to locate a single document, a dossier, even a whole archive that has been overlooked or neglected by past scholars and which provides vivid new perspectives on the past. The cult of the source is particularly evident in those microcosmic approaches to later medieval social history, epitomised in Emmanuel Le Roy Ladurie's *Montaillou*, that seek to illuminate the general by teasing out (and sometimes taking license with) the specific.[1] This has not, on the whole, tended to be an approach favoured by political historians, who find that their personal 'discoveries' in the archives are too fragmentary to allow for self-contained discussion and who continue to observe the empirical tradition of accumulation and synthesis. Yet discoveries there have been, and important ones at that. This may, in turn, be explained in two ways.

First, there is the very practical and positive consequence of the professionalisation of archive management in the United Kingdom. The extraordinary success not merely of the national archive, the Public Record Office, and of other major bodies such as the Royal Commission on Historical Manuscripts and the National Records Society, but also of numerous county and local record offices scattered over the country, in collecting, cataloguing and providing access to their existing and new holdings has meant that historians are now, as never before, able to explore the documentary minutiae of medieval life. The on-going process of sorting and listing has certainly transformed the usage of certain materials in The National Archives: witness the long process of sifting and recording the huge and previously largely inaccessible class known somewhat dispiritingly as 'Chancery Miscellanea' and the current project under way to provide a detailed computerised list of the so-called 'lay subsidy rolls'.[2] But it has been in the local record offices that the transformations of the last generation have perhaps been most marked, as innumerable private collections have, for

1. Le Roy Ladurie 1980.
2. Full information on The National Archives' resources may be found on its website: http://www.nationalarchives.gov.uk. The National Archives has ceased most of its work on printed calendars, although a project is currently under way to continue the *Calendar of Inquisitions Post Mortem* through the fifteenth century.

the first time, been made accessible to a public and professional readership. When that herald of the new political history, K. B. McFarlane, set out to work on the later medieval English aristocracy in the inter-war period, he was constrained both by time and by access to study the high nobility; it is only since the 1970s that his disciples and successors have enjoyed the access to local record office collections that makes it possible, logistically as well as academically, to write the history of the lesser aristocracy or 'gentry'.[3]

The second explanation for a growth in the quantity and quality of primary source material lies in the increasing interdisciplinarity of late medieval political studies. Long before McFarlane, of course, historians were perfectly aware of the interest and utility of visual and literary materials: it was, after all, through the study of tombs, stained glass, illuminated manuscripts and vernacular poetry that the antiquarians of the eighteenth and nineteenth centuries made their own links with the past.[4] But in more recent times historians have developed a greater appreciation of the relevance of the cultural to the study of medieval politics: indeed, it is common form now to speak of politics itself as a 'culture'. The surviving fragments of that culture may therefore be used not merely as forms of illustration but as suggestive evidence that can work dynamically with (or against) the written record to provide new insights into the beliefs and value systems of the medieval polity.

A couple of examples must suffice. First, there is that most arcane of medieval artistic accomplishments, heraldry. The cluster of disputes over rights to armorial bearings brought in the Court of Chivalry at the end of the fourteenth and beginning of the fifteenth centuries has attracted much antiquarian interest since Sir Nicholas Harris Nicolas published one of them *in extenso* in the early nineteenth century.[5] But it is only the recent work of Maurice Keen and Andrew Ayton that has allowed us to appreciate that such material can be studied not merely to know the heraldic record of the period but also to understand why such disputes arose in the first place: namely, to defend honour, to advance status and to

3. McFarlane 1973; Richmond 1983; C. Carpenter 1995.
4. For recent studies of the political significance of royal and aristocratic material culture, see Binski 1995; Saul 2001; Vale 2001.
5. Nicolas, ed. 1832.

prove title to land.[6] A second example lies in the literary output of the period. Two collections of so-called 'political songs' of the later Middle Ages were published in the nineteenth century by Thomas Wright and have been regularly plundered ever since.[7] Yet it was only when Janet Coleman, J. R. Maddicott and P. R. Coss began to ask questions about the place of these texts in the political culture of the period that their form and circulation began to be appreciated, they lost their spuriously popular label of 'songs', and they began properly to be appreciated as generally sophisticated commentaries on contemporary events composed not, on the whole, with a reformist agenda in mind but as forms of political satire relevant and generally acceptable to an 'establishment' audience.[8] Now that historians can deal more confidently with such material, it is likely that this intersection of the cultural with the historical will advance and the interdisciplinary field will become one of the most fruitful approaches to the politics of later medieval England.

Method

This brings me rapidly to the second main section of my study, a review of the new methodologies that have informed and transformed the 'new political history' of later medieval England. It would, of course, be difficult to summarise all the approaches that historians have taken to the study either of 'old' or of 'new' evidence, not least because there is, as already suggested, a strong and enduring commitment to empiricism in this, as in so many other areas, of English political history. However, there are three methodologies that have had a discernible impact on the study of later medieval politics, and on which I should like, in varying degrees of depth, to concentrate my attention here. They are: prosopography; the so-called 'new constitutional history'; and new historicism.

The proposopographical method is one with which empirical historians feel quickly at ease and its impact on Anglophone schol-

6. Keen 1992; Ayton 1998.
7. T. Wright, ed. 1839 and 1859-61.
8. Coleman 1981; Maddicott 1986; Coss, ed. 1996. See also Taylor 1987; Kaeuper 1988; Justice 1994; Musson and Ormrod 1999.

arship on both sides of the Atlantic has been very marked. Prosopography, or the study of collective biography, offers the scholar the opportunity to select a collective – a nobility, a bureaucracy, a parish community, and so on – and, by building up data on the lives and careers of its members, to ask general questions about the degree of similarity or contrast, cohesion or tension, between the individual and the group.[9] It can usefully challenge or reinforce our own assumptions, as well as medieval perceptions, of social dynamics, hierarchies and solidarities. There is nothing particularly new about prosopography other than its name: T. F. Tout, for example, began his great study of the medieval English civil service before the First World War, and McFarlane was at work on prosopographical studies of the aristocracy long before such jargon became either accepted or desirable in historical writing.[10] But the more conscious inclusion of this method into the panoply of approaches to the Middle Ages during the 1970s, and the launch of its own designated journal, *Medieval Prosopography*, in 1980, has certainly helped to spur a much greater understanding of the individual motivations that informed the collective political endeavour of later medieval England.

The 'new constitutional history' is a label that has come to be applied to a method derived from the work of Quentin Skinner and other scholars of the early modern period.[11] It seeks to establish the constitution of Plantagenet, Lancastrian and Yorkist England not in terms of a grand teleological framework such as that espoused by so-called Whig historians of the nineteenth century and exemplified (brilliantly) in the work of William Stubbs,[12] but through an understanding of the basic principles and normative practices that governed public life in the period – a kind of 'grassroots' constitutionalism that is concerned with perception and reception as much as action and reaction. Since the later 1980s, a group of historians – Christine Carpenter, Edward Powell, John Watts and Helen Castor – have created a sophisticated and quite self-conscious methodology for uncovering this more pervasive

9. Stone 1981, pp. 45-73; Beech 1992.
10. Tout 1920-33; McFarlane 1972, 1973 and 1981. For the application of the methodology of 'network analysis' to the prosopography of medieval gentry, see C. Carpenter 1994.
11. Skinner 1974.
12. Stubbs 1906.

and 'relevant' notion of the late medieval constitution.[13] Rejecting the rush for patronage as the prime dynamic in politics, they insist that public life was driven by ideas and principles, a set of enduring, though perhaps not entirely static, notions against which the majority of the polity judged the ability and credibility of its leaders. It was essential in such a society for those in opposition to the prevailing regime – Simon de Montfort against Henry III, Thomas of Lancaster against Edward II, Henry Bolingbroke against Richard II, or Richard, duke of York, against Henry VI – to project themselves as offering a positive programme to deliver and guarantee these principles.[14] It matters not, therefore, whether such figures were sincere or critical in their support for the 'common weal', as they tended increasingly to call this set of constitutional assumptions; what is significant is that they recognised the need to attach themselves to political principle at all. Thus far, these historians and their disciples have followed two principal avenues of research in aiming to uncover and reveal the nature of these underlying principles. Avoiding the timeless and formulaic political thought of the scholastics exemplified in the 'mirrors for princes' tradition, they concentrate their attention on a careful reading of that admittedly rather sparse body of discursive writing on politics composed by those within or close to secular government, such as Thomas Hoccleve's *Regement of Princes*, the anonymous *Somnium Vigilantis*, or, most famously, the work of Sir John Fortescue. Secondly, drawing on a close analysis of the official records of parliament, the royal council, and the common law courts, they argue that the fundamental guiding principle of late medieval politics was the rule of law – and, above all, the sanctity of the law of property. In this context it has been argued that late medieval political discourse was so thoroughly imbued with legal principle, legal language and legal metaphor as to make politics into a substantive expression of the law.

The use of vocabulary more usually associated with literary analysis (and which is, it should be noted, usually avoided by the 'new constitutionalists') brings us to the third of our informative meth-

13. C. Carpenter 1983; Powell 1989, pp. 1-20; C. Carpenter 1992; Powell 1994; Watts 1995 and 1996; C. Carpenter 1997; Castor 2000.

14. For additional studies of these individuals and episodes, see Maddicott 1970 and 1994; Johnson 1988; Harvey 1991; Saul 1997; Bennett 1999.

odologies, new historicism.[15] This method is presumably the best known of the three discussed here, being established in reputation, international in usage and apparently ubiquitous in its application to the cultures of the past. New historicism is, of course, by no means the only modern cultural theory available as a tool for the study of history.[16] But so far as we are concerned here, it offers particularly important and challenging opportunities to historians of late medieval English politics. First, it demonstrates the need for, and advantages of, the kinds of interdisciplinarity already noted in relation to source material. To read 'literary' as well as 'documentary' sources within a framework set down by modern cultural theory can be an enlightening experience for the traditional, empirical historian: the work of John Carmi Parsons on later medieval English queenship is a good example of the riches that can result from such an open-minded approach.[17] Secondly, and substantively, new historicism provides alternative ways of reading well-established historical documents. Paul Strohm has caused both excitement and controversy with a radically new interpretation of the Lancastrian 'revolution' of 1399, demonstrating through a series of microcosmic studies the manner in which Henry IV's usurpation of the throne from Richard II raised profound anxieties about the theme of legitimacy in the political culture of early fifteenth-century England.[18] Similarly Strohm, Steven Justice and Sylvia Federico have used the analytical tools derived from philology and discourse theory to find in the chroniclers' narratives of the Peasants' Revolt a kind of authentic political voice of the common man (and woman), and have thus begun to offer solutions to what has become perhaps the most urgent challenge for political historians: namely, the need to prove that there was a 'popular' as well as merely an 'elite' politics in that much-governed and troubled society that was later medieval England.[19]

15. Veesner, ed. 1989; Brannigan 1998.
16. Rigby 1995.
17. Parsons, ed. 1993; Parsons 1995, 1996 and 1999.
18. Strohm 1998.
19. Strohm 1992, pp. 33-56; Justice 1994; Federico 2001. See also Ormrod 2000. For studies of peasant ideology and popular politics in later medieval England, see Hilton 1973; Faith 1984; Harvey 1995.

Subject-Matter

This cursory survey of the influence of new sources and new methods on the study of later medieval English history inevitably begs the question as to their impact on the subject-matter of this branch of the discipline. I have already hinted at some of the ways in which topics of research and debate have shifted during the final decades of the twentieth century in response to some of the new challenges set both by empiricism and by theory; it is now time to address a few of those topics directly and to offer some critical appraisal of the current state of play in the study of later medieval English politics. As illustrations of recent trends in this area I take the political history of peasants, of the gentry, and of parliament.

If it once seemed that one of the hallmarks of *the peasantry* in the Middle Ages was its very exclusion from the political process, then recent studies have, as just suggested, begun to quash the notion. David Carpenter's analysis of peasant politics in the period of the Barons' War (1258-67) has revealed the growing awareness of the lower orders that their lives were conditioned not merely by seigneurial authority but increasingly by the burgeoning state.[20] As Alan Harding and others have shown, the huge expansion in the range and number of cases recognised by the king's courts during the second half of the thirteenth century created a decisive shift of peasant litigation away from the seigneurial and customary courts of the manor and the county and towards the local and central judicial agencies of the crown; this, coupled with the growth in statute law under Edward I and Edward III, made the free peasantry much more conscious of its rights and ability to participate actively in the legal processes provided by the crown.[21] By the end of the thirteenth century, even the servile peasantry was drawn into the scope of the state: the Statute of Winchester of 1285 extended to villeins the public military obligations previously the preserve of the free; and the forms of direct taxation that became regular under Edward I drew no distinction between the taxable liabilities

20. D. Carpenter 1996, pp. 309-48.
21. Harding 1975 and 1984; McLane 1986; Musson and Ormrod 1999; Musson 2001.

of free and unfree.[22] In the fourteenth century it became common form for villein tenants to use a particular legal loophole, the appeal of ancient demesne, to seek redress against unreasonable lords through the protection of the king's courts.[23] In turn, the inclusion of minor criminal actions (trespasses) within the scope of the king's courts and the frequent imposition of royal taxation imposed a heavy administrative burden on the lowest levels of the government hierarchy, the bailiffs of hundreds and the constables of vills, themselves mainly of substantial free peasant stock.[24] It was men of this standing who probably generated the petitions that went up to the king in parliament and council from the early fourteenth century addressed in the name of the 'poor commons' of manor or vill.[25] The ability of such kulaks to organise a common purse to fund their litigation, to obtain the legal advice necessary to compose the petition, and to take action upon the judgment given down by the crown suggests that there was an immediate causal link between the inexorable growth of the state and the rapid extension of political activity below the ranks of the landed aristocracy.

If this inclusive and participatory model of government had any reality, it was surely tested to the limits by the violent disruption to the demographic, economic and social organisation of England that came in the wake of the Black Death of 1348-9. It is now widely held that the plague had a transformative effect on politics. G. L. Harriss, Richard W. Kaeuper and others have argued that the proprietary classes, which had previously attempted to protect the peasantry from the worst depredations of the state, now recognised that their own prosperity was jeopardised by a new and acute shortage in the agricultural workforce; they therefore forged a new alliance with the crown in implementing the restrictive economic legislation contained in the Ordinance and Statute of Labourers (1349 and 1351) and the regressive forms of taxation represented by the experimental poll taxes of 1377-81.[26] More recently, Robert C. Palmer has developed this line of thinking further, arguing that

22. Goheen 1991.
23. Faith 1984.
24. Poos 1983; Ormrod 1996.
25. Maddicott 1981.
26. Harriss 1975; Kaeuper 1988; Fryde 1996.

the governing elite of the second half of the fourteenth century was driven by an almost ideological desire to devise a whole range of legislative and legal measures designed to impose a sense of obligation and accountability in social, professional and employment relationships.[27] This broadening of the scope of the state into forms of economic regulation and public morality has long been appreciated to have alienated the lower orders of society, who found themselves marginalised from the political process by a increasingly sectarian and exclusionist state and used the only means of political expression left to them in the so-called Peasants' Revolt of 1381.

Much remains to be done and said about the Peasants' Revolt and its place in the political culture of the later Middle Ages. What seems clear, however, is that the revolt can no longer be dismissed as arising purely from the disturbed economic conditions of the third quarter of the fourteenth century. The prosopographical work undertaken by Christopher Dyer and others on the social profile of the rebels of 1381 has confirmed what was long suspected: namely, that those who rose up against the state were not drawn merely from the unfree, from the landless labouring classes, or from the marginals and the displaced, but were often substantial free men with sizeable tenancies who had close contact with, and often direct experience of, the structures of royal government operating in the localities.[28] What offended such men was the fact that the justices of the peace and, above all, the special commissions appointed in the spring of 1381 to enforce the third poll tax, represented a threat to their own established role in organising the most basic functions of the state: local policing and tax collecting. Indeed, as Nicholas Brooks' work has emphasised, the revolt itself represented something of a re-assertion of those functions, as the rebel leaders actively used the administrative structures and military organisation of their areas to mobilise popular support for the rising.[29] If we have discredited the nineteenth-century idea that the rebel bands of 1381 were part of a 'great society' of revolutionary cells closely co-ordinated through a secret network of communications, it is interesting that recent work has tended to re-

27. Palmer 1993.
28. Dyer 1984; Ormrod 1996.
29. Brooks 1985.

assert both the organisational abilities and, indeed, the ideological commitment of the leaders.[30] Now that Richard Firth Green, Anne Hudson, Steven Justice and others have properly re-examined the role played by the *Piers Plowman* tradition and by the teachings of Lollard preachers in radicalising the rebels' programme, we can at last begin to appreciate the popular political culture engendered by the rising and perpetuated through a rich folk memory in the generations after its suppression.[31]

As a term used to denote the lower ranks of the English aristocracy, *'gentry'* was once confined to the vocabularies of early modern and modern historians. Since at least the 1970s, however, it has been fashionable to assume that the gentry had its origins in the later Middle Ages. Although early and high medievalists would surely be perfectly entitled to point out that there was a lesser nobility long before the thirteenth century, the way in which the term is now used tends not merely to imply a status group of roughly comparable economic and social standing bound together by its common military function (providing knights and men-at-arms for the baronial contingents brought to royal armies) but also a political group drawn into alliance through the common experience of administrative service to the crown and the desire to ensure that its own interests were promoted in the government of the realm. This 'political' slant to the term helps to explain why we now conventionally place the origins of the gentry in the thirteenth and fourteenth centuries, when there was a sudden proliferation of royal offices in the regions and when lesser landed society first began to articulate collective concerns about the impact of state-building on an earlier and enduring tradition of local self-government.[32]

The basic unit in which these new office-holders exercised authority was the shire or county. (The two words mean the same thing, but the former is of Anglo-Saxon original, the latter Latin.) The shire was an ancient tribal and jurisdictional region which had been applied throughout England during the process of conquest and unification in the tenth and eleventh centuries; by the later

30. Hilton 1973; Dobson 1983; Faith 1984; Justice 1994.
31. Green 1992; Crane 1992; Hudson 1994; Justice 1994; Harvey 1995; Green 1998.
32. Palmer 1993; Harriss 1993; Coss 1995.

Middle Ages, it was already therefore an 'ancient' institution and created an obvious focus of political, and to some degree of cultural, identity among the landed classes. The county court, which met in most shires once a month at a prescribed urban centre, was an important political, administrative and social occasion for the elite: it was in the county court, for example, that the representatives of the shires were 'elected' for service in parliament.[33] Most of the historians who have undertaken prosopographical studies of the later medieval gentry have therefore used the county as their starting point and the means of defining and limiting the sample of families within their research.[34] Yet they have reached radically different conclusions about what the shire actually meant to these individuals and groups.[35] One school of thought sees the so-called 'county community' as an expression of the powerful horizontal bonds that linked the lesser aristocracy in a common set of economic concerns and social interests. Other scholars, however, have emphasized that the most powerful sense of identity among the lesser aristocracy remained the 'vertical' bonds created by association with great lords. This latter phenomenon explains the continued interest in, and research on, the subject of 'bastard feudalism': that is, the forms of patronage and clientage that gradually replaced tenurial feudalism as the basis upon which the lesser aristocracy of late medieval England provided service to the titled nobility.[36] Recent work on the crown's own experiments in bastard feudalism has also served to emphasise the social and political importance of this phenomenon in the late fourteenth and fifteenth centuries.[37]

In the current state of our knowledge, there is no overwhelming argument, and possibly no particular need, to argue that English political society was more inclined to the vertical or the horizontal forms of association in the later Middle Ages. Those historians who have stressed the importance of noble influence in the localities have also been at pains to emphasise its fragility, above all because of its very personal nature: the unexpected removal of

33. Maddicott 1978; Palmer 1982.
34. Saul 1981; Bennett 1983; S. Wright 1983; Saul 1986; Payling 1991; Acheson 1992; C. Carpenter 1992. For a regional approach, see Pollard 1990.
35. C. Carpenter 1994.
36. The most recent summary of work in this area is Hicks 1995.
37. Given-Wilson 1986; Horrox 1989; Castor 2000.

the 'good' lordship of a family as a result of dynastic or political accident could significantly alter the power structures and political identities of the area in which it had once held sway.[38] Furthermore, there is a strong argument that, for all its apparent cohesiveness, the kingdom of England in fact accommodated a whole series of local polities whose forms of identity derived from many different and diverse influences.[39] What is reasonably clear is the sense that attempts to extend noble (and royal) lordship became more widespread, and more politically charged, in the late fourteenth and fifteenth centuries than had previously been the case. Even so, many scholars are now strongly critical of the nineteenth-century historiography which attributed the political instability of the mid-fifteenth century, and the breakdown of central authority that resulted in the Wars of the Roses, merely to the practice of bastard feudalism: rather, there has been a general tendency to reinforce McFarlane's argument that the political troubles of the period are to be attributed to the crown itself, and to Henry VI's failure to sustain the political and moral authority of the crown in the provinces.[40] The new emphasis on a public debate driven by local concerns and constitutional issues does not negate the relevance of patronage and personality in the turmoil of the mid-fifteenth century; but it does help to demonstrate how much more sophisticated and multi-valenced is our new understanding of late medieval politics in England.

Parliament is such an 'old' subject of English medieval political history that its inclusion in a discussion of 'new approaches' may seem anomalous. Parliament has never really been out of fashion as a subject of study, even if there was something of a lull with regard to published work on the later Middle Ages between the 1930s and the 1970s. It was in the 1950s and 1960s that scholars first began to apply to this period the prosopographical method earlier championed by Sir Lewis Namier with reference to the eighteenth century and slowly thereafter applied, with painstaking thoroughness, in the huge biographical index of Members of the House of Commons still in development by the History of Par-

38. See, for example, Walker 1990.
39. Ormrod 1995.
40. McFarlane 1981; Watts 1996; C. Carpenter 1997.

liament Trust.[41] The publication in 1993 of the first fully comprehensive collection of biographies relating to the medieval period, those covering the parliaments of 1386-1421, was recognised as a defining moment in the study of later medieval politics, even if the sheer weight of the evidence therein amassed could ironically be seen as something of a disincentive to interpretative analysis.[42] The principal effect of this publication is not surprisingly to stress the human face of the medieval commons: to represent parliament less as an institution (which, in any case, it never really was before the seventeenth century) and more as a collection of individuals, a network of lobbyists and legislators, a complex of private and public interests – above all a *social*, as well as a purely 'political', occasion.

Illuminating and accurate as this picture may be, however, it demonstrates the reductionist tendency of the prosopographical method and its limitations in deducing the *corporate* nature of parliament. Earlier work by historians such as Helen Cam, Sir Goronwy Edwards and May McKisack, more recently picked up and developed by Susan Reynolds and others, has demonstrated that those elected to parliament from the late thirteenth century had a very clear sense of their relationship both with their electors and with each other: in other words, that the 'commons', as the knights of the shire and the citizens and burgesses tended generally to become known from the 1330s, identified and functioned as a collective with a responsibility to articulate the 'common' concerns of the realm.[43] It is therefore only through a close reading of the records of parliament that we can reach a proper understanding of the significance of those concerns and of the substance, manner and timing of their articulation. The rolls of parliament were edited in the late eighteenth century in the original mixture of Latin, Anglo-Norman French and Middle English; remarkably, even the great political set pieces such as the Good Parliament (1376) or the Merciless Parliament (1388) remained almost en-

41. Namier 1929; Wedgwood 1938; Roskell 1953 and 1965.
42. Roskell, Clark and Rawcliffe 1993; Harriss 1994. Wedgwood 1938 is being replaced by new Commons' biographies in progress with the History of Parliament Trust.
43. McKisack 1932; Cam 1962 and 1963; Edwards 1979; Ormrod 1990(a); Prestwich 1990; Reynolds 1997.

tirely untranslated for the following two hundred years.[44] In 1997, however, Chris Given-Wilson set up a team of scholars, funded by the Leverhulme Trust, to provide a modern critical edition and parallel translation of the complete run of extant parliament rolls from the reign of Edward I to that of Henry VII. The production of this edition in the form of an internet site and a CD-ROM will allow for elaborate, electronically-assisted searching in a manner impossible in conventional published formats. By also providing an accessible, continuous translation, the edition will greatly encourage close reading of the parliamentary record and generate new appreciations of the place of parliament in the late medieval polity.

Those appreciations are certainly long overdue. For a number of reasons, the new constitutional historians have tended to eschew parliament. First, they have concentrated their attention not on the fourteenth century (when they acknowledge that parliament was the forum for major constitutional debate over the crown's feudal, fiscal and legislative rights), but on the fifteenth, when parliament met only rarely and tended to concentrate merely on short-term political issues. The search for a more profound sense of the late medieval constitution has therefore shifted away from parliament and towards the courts, where a contemporary understanding of the common weal can arguably be more readily detected through the promotion of public propriety and the punishment of the aberrant.[45] Secondly, close analysis of contemporary political thought has itself promoted the view that public discourses were predominantly legal: that is, that all issues in politics tended to be articulated through the language of the courts. This means that, when the parliament rolls are examined, they are exploited only selectively, to generate examples of common petitions that relate directly to the law or which deploy the imagery of the law; there is no real discussion of the substance of those petitions that actually deal with other issues.[46]

This seems unnecessarily limiting. One alternative approach (of many) is to concentrate not on the landed classes' undoubted preoccupation with the law of property but on the mercantile inter-

44. Topham, Morant and Astle, eds. 1783.
45. Powell 1989; C. Carpenter 1997.
46. C. Carpenter 1983.

est represented by the citizens and burgesses in the parliamentary commons. At least until the fifteenth century, when they tended to be taken over by lawyers and gentlemen, the urban constituencies usually elected prosperous and prominent merchants to parliament. Their agenda – the prosperity and 'worship' of their towns, the promotion and protection of internal and external trade, the encouragement of bullion into the country and the guarantee of an abundance of ready coin within the realm – might be dismissed as merely 'political' rather than constitutional, but they were nonetheless fundamental and consistent, representing the principles of a discernible late medieval 'political economy'.[47] Such a perspective is also a reminder that constitutional issues about fiscal policy were not altogether concluded in the mid-fourteenth century: the final elements in the cluster of late medieval taxes on overseas trade were not properly established until the reigns of Richard II and Henry IV; and the reign of Henry V witnessed some vitally important discussion – and a decisive defeat for the crown – on the important issue of peacetime direct taxation.[48] Above all, the determination of fifteenth-century parliaments to maintain the limits earlier established on the legitimacy and the scale of direct and indirect taxation speaks of more than a mere disingenuousness over the supposed abundance of the king's resources; it also betrays a profound belief in the notions of financial rectitude, public accountability and 'value for money' – matters that seem just as significant as legal principle in the contemporary sense of the 'constitution'.[49] In the matter of political economy, then, on which scholarship is as yet relatively undeveloped, the parliament rolls in particular may yet help us to elucidate important new facets of the political culture of the later Middle Ages.

Conclusion

This survey of current trends and new directions in later medieval English political history has, I hope, demonstrated not only that much is being done, but also that much still remains to be done.

47. Ormrod 1990(b); Liddy 2001.
48. Harriss 1982; Harriss, ed. 1985; Ormrod 1999.
49. Harriss, ed. 1985; Harriss 1988; Britnell 1993 and 1998.

Historians of this subject, predominantly British or American and trained in the empirical and positivist traditions, have often been resistant to the new theoretical approaches that are now so much the vogue in cultural history. This is very largely a function of the archival resource: the sheer magnitude of the available primary material inevitably provokes the response that we have neither the time nor the need for theory. Nevertheless, the techniques both of the new constitutionalists and of the new historicists have, in their very different ways, opened up for us a new awareness of the importance of language in determining and signifying the political ideas and political debates of the later Middle Ages. Jean-Philippe Genet has even used the literary technique of close reading to help identify the end of a medieval tradition of political discourse at the close of the fifteenth century, and thus to rekindle the previously redundant debate about the so-called 'new monarchy' of Edward IV and Henry VII.[50] If these and other novel approaches of the late twentieth century have indeed re-invigorated the sub-discipline and are set to establish a discernible 'new political history', then the future of the subject seems assured.

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50. Genet 1998.

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Communalism as a Concept

Peter Blickle

Why do the humanities and social sciences use terms like 'feudalism', 'absolutism', and 'capitalism'? It is because they intend to bring out the significant aspects of an epoch. Such epochs are defined by their institutions, by their social basis, by a system of accepted norms and values, and finally by reflections on those institutional, social, and normative premises in the form of a 'theory'.

The term 'communalism' assumes – let me anticipate this – that common institutional, social, and normative structures existed in villages and valleys, towns and markets of late medieval and early modern Europe. Communalism is a 'concept', a 'model', a 'type'.[1] It is drawn from a region encompassing the southern part of Germany, the western part of Austria, and the eastern part of Switzerland, and, thus, from a highly differentiated region in respect of its political structure. By contemporaries it is named 'Upper Germany' (*Oberdeutschland*).

I shall firstly present this concept, secondly ask how far it fits for Europe, and thirdly examine whether or not we can find any traces of it in European political theories.

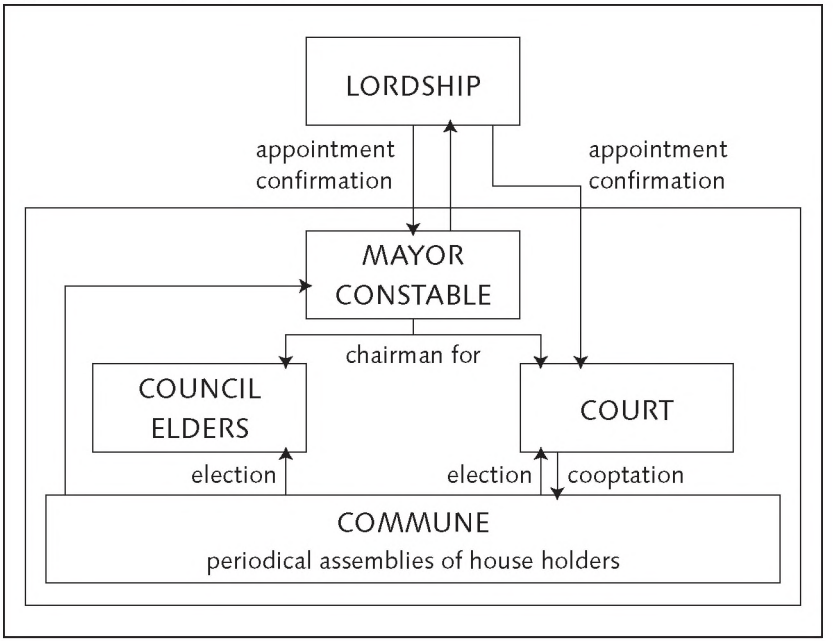
The concept

The concept is best introduced in three steps, beginning with a description of the institutional forms of communal order, followed by a shorter paragraph dealing with the social basis of communes in the form of the 'common man' (*Gemeiner Mann*), and ending with the question what sort of norms and values this system was able to develop.

The institutions in villages, valleys, markets, and towns are the communal assembly, an administrative body organized on a collegial basis, and the court (cf. Figure 1).

1. The concept of communalism was developed in 1981, see P. Blickle 2000. For a short introduction in English, see P. Blickle 1998.

Figure 1. System of communal institutions



Communal assemblies usually take place periodically, mostly once a year. At communal assemblies in the countryside elections are held to those offices that can be appointed by the community itself. The communal budget is dealt with, commands and bans are issued, and sometimes court sessions take place at the same time. There is a greater regional difference in the nature of communal authority in the cities. Usually it is also more complicated. This is particularly so because the guilds were organised as an electoral body. But the 'burgher assembly quite often elects a council that changes every year.'[2] In addition to that, the commune meets when the need arises, especially when far-reaching decisions have to be made. A village does not write a grievance list to its lord before the communal assembly has passed the resolution. Normally the alliance of two cities has to be confirmed by the communal assembly. The same is true with new statutory laws, both in the countryside and in the cities. Naturally, in villages legal matters are closely

2. Isenmann 1988, p. 134.

linked with questions of agriculture and in cities with questions of the market. In summary we can say that 'more fundamental matters': appointments to offices on the one hand, and far-reaching commitments with serious consequences like alliances on the other, are decided upon by the communal assembly.

Administrative bodies are set up by both rural and urban communes. The number of the elders (*Vierer, Sechser, Zwölfer*) in a village depends on the size of the commune. Sometimes this communal organ is called a 'council' (*Rat*). They have their equivalents in the city council (*Rat*). Decisions are taken co-operatively and issued as commands and bans or by-laws.

To enforce these ordinances, new offices have to be introduced, offices like the pasture- and forest warden (*Flurschütz und Forstwart*) in the villages and the tax-collector in the cities. They are meant to regulate everyday business, to apportion wood, to draw out the commons, to watch the weekly market, to control the baths, and to prevent fires and fights. To use a contemporary term, they support the 'good police' (*Gute Polizei*).

A village, a valley, a market, and a city have a *court*. Administration and jurisdiction were not strictly separated in former times. This is most evident in the cities where the councillors totally control the court. The commune is represented by the council and therefore linked to the court. These bonds are reflected in the court's chairman, the *Schultheiss*, who was initially an agent of the city lord, and later became an organ of the urban commune.

Once more, conditions are simpler in the countryside. The office of an elder (*Vierer, Sechser*) is more distinct and communal connections are closer, because the members of the court are either elected by the commune itself, proposed by it, or co-opted onto the court by its judges. Occasionally they might also be designated by the lords. There is no doubt that of all the communal institutions the court is the one that shows the most traits of lordship. This is understandable, since to guarantee rights is one of the noblest duties of a lord, but at the same time the legal matters it deals with make the court a communal institution. It negotiates the violations of the norms that have been introduced by the statutes of the communal assemblies.

It may well be that there is more to the following sixteenth century proverb than scientific attempts at reconstruction have

yet discovered: 'Nothing but the city wall separates burghers and peasants' (*Bürger und Bauer scheidet nichts als die Mauer*). The division of the occidental world into one of 'oikonomia' and one of 'chrematistic',[3] a world of peasants and nobles and one of burghers, loses a lot of its persuasive power when one looks inside a village or a city.

Let me formulate a first result concerning the theme's aspect of the history of institutions. Communalism is not an abstract term for just any form of commune, but rather for politically constituted communes equipped with such basics as legislative, jurisdictional, and penal authority. In this sense not only cities but also villages are an expression of the *societas civilis cum imperio*, to use the terminology of Old Europe.

Legislative, jurisdictional, and penal authority must have their proper institutional counterparts: from the communal assembly via the council and the court to the town mayor and the village constable. Communalism as a term requires the guaranteed relation of those institutions to the commune. This does not necessarily mean that urban and rural officials are elected by the commune. But urban and rural officials have to see themselves, and must be seen, as representatives of their communes.

One of the distinctive features of communalism is the fact that political rights used in the communes themselves and in their name cannot be seen as rights purely delegated by the lords. The commune's legislative, jurisdictional and penal competence have their origin in the altered organisation of work and the new forms of social coexistence which crystallised when villages and cities developed. A need for regulations, which did not exist before, helps to develop and to promote communal autonomy.

Nowadays – to turn to the basic social features of communal order – historians take the dichotomous separation of rural and urban people, peasants and burghers, for granted. The supposed evidence relates to various observations. Year after year the peasants sow and harvest, drive their cattle up to the pastures and down to the valleys, but they do this work according to the seasons, without conscious reflection, illiterate as they are. Not so the burghers. Their point of orientation is the market, they know how to read

3. Brunner 1968.

and write and are therefore predisposed to a more intellectual mode of Christianity, namely Protestantism, and so they are able to escape the circle of eternal sameness.

In the view of contemporaries in the Late Middle Ages, both burghers and peasants primarily have in common, that they do not belong to the lords. This social group, situated below nobility and clergy, bears the name of the 'common man' – *Gemeiner Mann.* Not only do the lords make use of this word in a tactical way as an expression of their pejorative intentions, it is also used by the burghers and peasants to locate themselves within society.

Under the assumption that this derivation is correct, it defines the common man with his own deficiencies – he is excluded from *potestas,* from political power. It may also be assumed that the term *Gemeiner Mann* is replacing the *laboratores* in the theory of estates. *Laboratores* work with their own hands, but the term does not distinguish between peasants and craftsmen.

If common man is a translation of *laboratores,* then the term describes an 'estate' (*Stand*), too. But this estate does not include everyone: mercenaries and professional soldiers, travelling people and beggars, vagabonds and minstrels are excluded, while the common man is defined by his respectable, regular work and his own house (*Haushäblichkeit*). A house in a city or a farm in a village is necessary to be part of a commune.

When these observations are applied to the commune's institutional forms, then it is the common man who establishes a totally new kind of political organization inside the commune.

Each coherent social group develops its own norms and values. Is this also true for communalism?

If the common man is more than a rough idiom, if he rather unifies peasants and burghers in one term, and if the institutions in rural and urban communes outlined above, are not only accidental analogies, but rather a common principle of the community's formation, then it should also be possible to discover common norms and values.

Peace is a guiding category of communal order. A quantifying evaluation of the village regulations (*Dorfordnungen*) shows, that in 80 per cent of the statutory laws in Upper Swabia the keeping of the peace (*Friedewahrung*) was a prominent feature. We know that

this is the same in the cities.[4] It seems reasonable to object that in this case a banality is expanded to a norm, since the keeping of the peace is, by definition, part of every body politic. But this objection can easily be refuted. The innumerable decisions of urban communities and city councils from the thirteenth to the fifteenth century confirm that feuds belonged to the cities' life. Similar things can be said about the countryside: central Switzerland experienced political associations like Uri and Schwyz as a counter-movement to the numerous feuds of the local clans and families. Alliances of rural und urban communes to the Swiss Confederation and alliances of cities in Upper Germany aimed at nothing more than the prevention of feuds and the establishment of peace.

Guild rules, civic law, and village regulations are often improved by their legitimation of the '*common good*'. Common good (*Gemeiner Nutzen*) is very popular in rural and urban society. Scientific discourse comments on it in the same way as it does on peace: every political order is based on common good, on *bonum commune*. But, in fact, the legitimation of law in cities and the countryside is far more closely related to the common good than it is in the Empire and the territories. This can at least be said of the Late Middle Ages.[5] With a few exceptions at the level of the Empire, the common good is only mentioned in connection with public peace (*Landfrieden*), but not until the late fourteenth century. Such a peace is, however, greatly aided by the burghers' and peasants' interest in a peaceful life.

Urban and rural society uses the argument of the common good earlier and more extensively than the Empire and the territories. Common good is referred to in Bern from 1350 onwards as the reason for alliances and appears in court regulations and market and guild rules. In Upper Austria the term is found in manorial bylaws (*Taidinge*).

There is no etymological connection between the common good in the context of communalism and the rhetorical figure of *bonum commune* in Greek-Latin antiquity.[6] Representative investigations of urban and rural sources show one distinct tradition: it is a development of the old formula 'increase profit and limit damage'

4. Rublack 1984.
5. Brunner 1970.
6. Eberhard 1986.

(*Nutzen mehren und Schaden warnen*), promised by the vassal to his lord (*Lehensherr*), by the burgher to the city lord (*Stadtherr*), and by the peasant to his landlord (*Grundherr*). This traditional profit 'for the lord' could become 'common' profit wherever cities and villages, i.e. communes, could extend their rights as a body politic. It is the common good upon which officials in cities and villages usually take their oath.

The transformation of the lord's profit into the common good results, naturally, in a kind of explosive ideological power. All 'private' profit is to be examined for its compatibility with the whole community. It is not without reason that common good becomes a leading term in fighting feudal power in the revolts of the Reformation period.

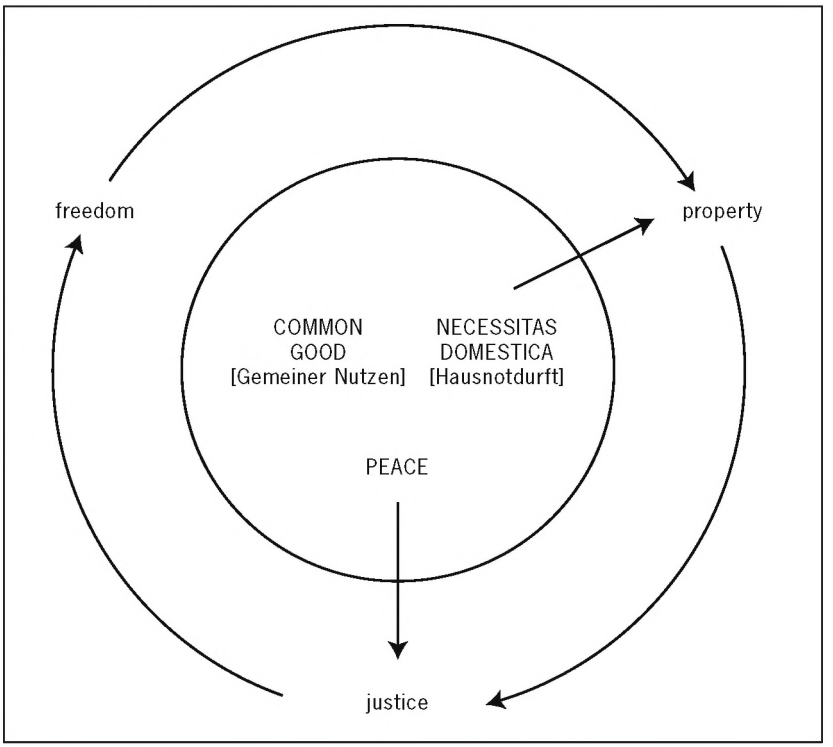
Common good is the ideology of communal order. Its analogy in the communal subsystem of the household is the *Hausnotdurft*, in Latin sources called *necessitas domestica*.[7] The term implies that proper sustainability must be guaranteed to each household according to its size and provisions. This explains a peasant's right to purchase corn seed outside the official market or to cut as much timber or firewood as he needs. Furthermore a crosscheck shows the similarity of *Hausnotdurft* to a basic right. A nobleman is allowed to ask for labour services to build a castle but not to build a city palace or to maintain a brickyard or a brewery. This would go beyond his *Hausnotdurft* and must not be demanded from the peasants.

Hausnotdurft as a norm also has considerable defensive substance because it is oriented towards free labour. There were two threats to the 'reward of labour': the rents on land and the person's bondage. The former enabled the lord to siphon off the profits of the peasants' labour every year and the latter to collect parts of his property (e.g. cattle) at the end of his life. Both threats could only be prevented if land was owned and personal dependencies, bondage, were replaced by freedom (cf. Figure 2).

Property and *freedom* were first successfully achieved in the cities but since found considerable response in the countryside. On the one hand, rights of ownership improved from the Late Middle Ages to Early Modern times: from the limited annual use called *Freistift* via 'life tenancy' (*Leibrecht*) followed by the 'right of inheritance' (*Erbrecht*) to tax-loaded 'property' (*Eigentum*). On the other

7. R. Blickle 1987 and 1988.

Figure 2. System of communal norms



hand, in the whole span of the Late Middle Ages and Early Modern times no aristocratic right was so strongly and continuously attacked as that of serfdom and bondage, and, it may be noted, with considerable success.

In the context of communal order and security, the imperative *labora* in the ideology of the three estates (*Ständeideologie*) developed a strong vigour of modernisation. Nevertheless, communalism does not have its successor in the modern community. Any remnants of autonomy that had not been devoured by absolutism were swallowed by the sovereignty of the people.[8]

Communalism is a term valid for a society of estates and therefore it is useful only for the Late Middle Ages and for part of the Early Modern period. Communalism does not favour the territorial state but certainly tolerates it. This is made clear by the 'sym-

8. Cf. Koch 1983, especially pp. 76, 83, 92.

bioses' communalism can form together with the territorial state: the representation of the cities and of rural communes in the territorial diets (*Landstandschaft*).

Communalism in Late Medieval and Early Modern Europe

A cursory glance at Europe summarising some evident observations may show that communalism can be interpreted as at least complementary to feudalism, if not as a widespread alternative to it.

Europe in the late medieval and early modern period has been described as aristocratic, monarchic, feudal, and thus hierarchical, with regard to its political structure. This interpretation, being in accordance with contemporary theories, which conceded to members of the nobility an innate right to rule, is one-sided and only partially covers Europe. The so-called 'urban belt' of Europe, stretching from the middle of Italy over Switzerland down the Rhine to the Netherlands was mostly non-feudalised, on the contrary, the common political pattern was the city. A city's internal structure can be metaphorically described as an ellipse, oriented toward the two focal points 'commune' and 'council'. Cities developed during the high noon of the theoretical debate on sovereignty in the seventeenth century the concept of a shared sovereignty between the commune and the council, and in practice there was a loud echo in the revolts, whereby citizens (i.e. the householders) expressed their right to articulate themselves politically as a commune. Cities are insofar communal in their very essence.

The urban belt of Europe can be complemented by a 'rural belt', covering Scandinavia, encompassing a region, to be more precise, from Norway to Finland. It is sufficient here to remember a few essentials of the bodies politic, which have been outlined by Steinar Imsen for Norway, and Eva Österberg, Gösta Åquist and Peter Aronsson for Sweden. Keeping the peace and administering justice on the one hand, and administration in the sense of management of economic and social problems on the other, were (at least in Sweden-Finland) the separate responsibility of two different institutions, the rural commune (*herred*) and the parish (*socken*). The rural commune grew out of an older court (*ting*) and, therefore, local administration is strongly bound to jurisdiction. The 'ting as-

sembly' operated like a court in Upper Germany but included the competencies of a council. The parish on the other hand was obviously able to establish statutes in the field which historians today call 'good policy'. That both institutions were complementary may be shown for Sweden, where the grievances for the diets of the realm were brought forward by delegates from the parishes, who elected their respective representatives for the sessions in Stockholm on the commune-court-ting level.

Cities did not only exist in the urban belt, and rural communes not only in Scandinavia, but were structural elements characteristic of European kingdoms and principalities. There were, however, remarkable exceptions in space and time. Eastern Europe and Britain has nothing to do with any communalism at all, and Spain seems to have a stronger communal organisation than France. The Habsburgs, from the fifteenth to the seventeenth century, elevated some thousand villages to the legal status of a city, because of the political activities of the respective peasant landowners and the state's financial interests. In Italy, the communal development starts very early on in the eleventh century, though, on the other hand, the city-states were, from the fifteenth century onwards, more and more subjected to princes, but, nevertheless, they saved their urban institutional and legal scheme.

Of course the political competences were on the one hand limited by the kings' or princes' *imperia*, yet on the other hand the communes were given responsibilities and tasks arising from the daily problems of their economy: for instance, agriculture in rural areas and guilds and trade in the cities and the increasingly consolidated settlements of the cities and villages, tasks which they attempted to accomplish with the help of ordinances and by using their own administration. There are good arguments to suppose that the communes brought 'politics' back to Europe and therefore shaped the modern state, which is mostly rooted in administration.

If this is plausible, then the norms and values growing out of labour and neighbourhood must also have had an influence on the modern state's legitimacy as well. Summarising the results of a research project recently edited by Wim Blockmans and Jean-Philippe Genet,[9] it can be said that peace, the common good, and domestic necessity were norms of a more communal than feudal

9. Blockmans and Genet, eds. 1995-2000.

nature, familiar to the common people but alien to the medieval nobility.

Living together in the household, working together and participating in the duties and responsibilities of the village and small town communes, were the elements which were combined in Ferdinand Tönnies' definition of the term 'community' (*Gemeinschaft*),[10] against which he set modern 'society' (*Gesellschaft*). This may be a good starting point to answer the question as to whether or not Old Europe's political philosophy had developed a 'theory' of communalism, which has remained unknown among historians concerned with the history of ideas until today.

Communalism in political theories

The theory of communalism starts in the Middle Ages and ends on the eve of the French Revolution. To show the broad debate over the centuries of Old Europe's history I will present four examples to support my argument.

With the debate on imperial reforms at the end of the Middle Ages, the 'theory of communalism' begins in Germany. The so-called 'Oberrheinische Revolutionär'[11] demands respect for divine law, imperial law, and old conventions as a basis for social and political orders; this being the only way to put the real purpose of a state into effect, i.e. the common good and justice. Institutional safety is ensured by a *consistorium imperiale* which elects the Emperor, controls him, supports his ruling and functions as the Supreme Court of the Empire. It is staffed by three senior officials, and each of them has five councillors. The senior officials and the councillors represent in equal shares the three estates: the first that of the ruling princes, the second that of the peasants and the third that of the craftsmen. Obviously, the senior officials of the *consistorium* are elected, but we do not know how. The community seems to be the point of reference, because of the introduction of the 'sent' as the court (*Rügegericht*) for clerical *and* secular offences. The *consistorium imperiale* can be appealed to by the 'sent' meeting once a year in each church and relating equally to urban and rural

10. Tönnies 1963.
11. Lauterbach 1985.

communes. Hence, peasants and villages, cities and burghers are thoroughly integrated in the Empire's constitution.

The ecclesiology of the reformers of the early sixteenth century could be called a theological theory of communalism. Jakob Strauss, Martin Bucer, Huldrich Zwingli and Johannes Brenz are inclined to translate *ecclesia* with commune. They allow the commune to elect the pastor, to decide on the norms of religious belief and to exclude members. All the above-mentioned reformers could refer to Martin Luther.[12] Since 1520 he had again and again supported elections of the pastor by the commune and its right to decide on the true doctrine. Finally, in 1523, he had justified it fully in his pamphlet 'The Christian Congregation's or Community's Right and Power to Decide on the Teaching and the Teacher, to Put Him in and Remove Him from Office. Reasons and Causes from the Gospel' (*Dass ein christlich Versammlung oder Gemeine Recht und Macht habe, alle Lehre zu urtheilen und Lehrer zu berufen, ein und abzusetzen, Grund und Ursach aus der Schrift*). Is it going too far to see this theology as a theory of institutional forms of communal order? Is it a mere coincidence that the election of the pastor can be compared with the election of the major, the decision on such a great issue as religious belief with the decision on alliances, and the communal power of command with the communal power of excommunication?

The theory of communalism reaches a new level in the seventeenth and eighteenth centuries. Its main purpose is to establish the principles of communes as basic for the state. All concepts of a 'social contract' on the continent promote the functioning of communes on a territorial or national level. Johannes Althusius in his *Politica*[13] has built up the body politic through the voluntary association of private institutions (*Vergesellschaftung*), especially of the families or their respective representatives, the house fathers (*Hausväter*). Thus, the *consociatio publica particularis* comes into being. It is also called *universitas*. There are different universitates: 'Porro universitates illa est vicus, pagus, oppidum, vel urbs.' This basic assumption is essential. For the first time villages (*vicus*) and cities (*oppidum, vel urbs*) and their sub-systems, the households, are integrated as equal and indispensable elements into a theoretical

12. Luther 1883-1980, vol. VI, pp. 379-402; vol. XII, pp. 420-26.
13. Althusius 1603.

political blue-print. The way this is being done is closely equivalent to real communalism. *Consociatio publica particularis* or *universitas* is defined as *communicatio rerum*, *communicatio operarum* and *communicatio iuris*. *Communicatio rerum* refers to the common land, *communicatio operarum* to the offices and *communicatio iuris* to the town or village statutes. All levels of Althusius' body politic are based on contracts and on free will. Therefore offices are appointed through elections, and the law is confirmed by the communal assembly. – We can add that Althusius' *Politica* despite being based on social contracts still tolerates the overlordship of princes and kings. Both the horizontal orders of communities and the vertical ones of principalities are joined in the theory.

Jean-Jacques Rousseau based his state theory on the 'social contract', *contrat social*.[14] Different ways of describing the theory are possible. Let us begin with the key term *volonté générale*. The *volonté générale*, the general will, is expressed in laws. The people, being subjected to law, should also be its author. The law's purpose is to guarantee freedom and equality and to promote 'the common good' (*le bien commun*). Every human being wants to maintain freedom and equality and to participate in the public good. Therefore, the *volonté générale* can be extracted through votes from the *volonté de tous*, the total of all individual wills. These fundamental assumptions of the *contrat social* can be understood as a theory of communalism. Even the social contract itself can be seen to have its roots in history, namely in the *coniuratio*. When a given number of people transform themselves into a body politic or a moral body through the social contract it seems to be the same procedure as that of medieval burghers or peasants being bound together by swearing an oath to secure the peace in their respective commune. Rousseau himself leads the reader to such an interpretation, arguing that sometimes a *contrat social* results from a revolution, explicitly referring to the Swiss *coniuratio* of 1291, and implicitly to the revolution in Geneva in the 1520s and 1530s when the bishop and his baillif were expelled from the town and a new law was introduced by Jean Calvin's *ordonnances écclesiastiques*. Thus, the *contrat social* could be interpreted as a very late theoretical frame for a very old institution. Such interrelations are still not widely known among scholars.

14. Rousseau 1964.

Over the centuries there have been attempts to assimilate communalism theoretically. Certainly, the theory of communalism is not a raging torrent in political thinking, but perhaps its real extent will only be seen when the claimed interrelations are reinforced by further investigations.

Conclusion

Communalism as a concept is drawn mostly from the archives. In some respects it may be linked with other concepts of interpreting European history – for example the *Deutsche Genossenschaftsrecht* of the legal historian Otto von Gierke,[15] or the *Gemeinschaft und Gesellschaft* of one of the fathers of German sociology, Ferdinand Tönnies.[16]

Let me conclude with a short reference to Alexis de Tocqueville. Tocqueville says that in most European countries political life has its origin in the top social stratum unlike in America, where 'the commune (township) was formed before the shire, the shire before the state, and the state before the union'.[17] He continues by stating that 'real political life exists in the communes, it is active, entirely democratic and republican'. If aristocratic-monarchic authority is weak or non-existent, democracy grows out of the communes. By checking this result in his analysis of the French Revolution, Tocqueville concludes that, under the Ancien Régime, communes were developed to various degrees but that they existed in the whole of Europe.[18] During the Middle Ages even villages had 'administered themselves democratically', not to speak of the cities. And – for Tocqueville – there was a 'striking' similarity to American communes.

Supposing that Tocqueville was right, this would mean that communalism and democratisation are mutually dependent. Such connections must not be understood as a direct process with rising tendencies to democracy. Instead they are broken continuities coming into the modern nineteenth century as fragments and transformations: as vague memories and as political theory.

15. Gierke 1954.
16. Tönnies 1963.
17. Tocqueville 1984, p. 46.
18. Tocqueville 1952, pp. 108-22, especially pp. 119-20.

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Part II

Social and Cultural History

History of Family, Women, and Children in Late Medieval Europe

Barbara A. Hanawalt

While study of family, women, and childhood seemed to be a new frontier of scholarship in the last quarter of the twentieth century, family and women were important subjects in the late nineteenth century as well. A brief consideration of these earlier works gives a context for understanding intellectual and political influences on the subject matter and how similar or different these are from the current day. In writing this reflective essay, I have not tried to be comprehensive in citing all recent studies, but rather have identified some of the major areas of contribution and what their future might be in the twenty-first century.

History of the Family

It is instructive to start with something of a quiz: Can you guess the origin of this quote on the history of the family? 'Up to the beginning of sixties, a history of the family cannot be spoken of.' The quote has nothing to do with Peter Laslett and *The World We Have Lost* (1965),[1] rather it is the preface to the fourth edition (1891) of Frederick Engels' *The Origin of the Family.* The rest of the quote is a give away about the state of the research at the end of the nineteenth century: 'This branch of historical science was then entirely under the influence of the decalogue. The patriarchal form of the family, described more exhaustively by Moses than by anyone else, was not only, without further comment, considered as the most ancient, but also as identical with the family of our times. No historical development of the family was even recognized.'[2]

What made the study of the family new in the nineteenth century was an outgrowth of Darwinism and, to a certain extent, im-

1. Laslett 1965.
2. Engels 1902, p. 13.

perialism. Darwin moved the history of the family away from the Old Testament into the realm of biological development and adaptation of the species thus separating it from religion. Imperialism gave educated Europeans and Americans a view of primitive cultures that they had only surmised reading Homer as students. Indeed, one of the curious intellectual developments among the European intelligentsia was that, rather than abandoning the old myths and looking at new evidence, they increased scrutiny of the old myths. Using observation of primitive societies, they looked for evidence of European family origins in Greek literature. Perhaps the most recognized among these efforts was Freud's analysis of the dysfunctional family of Oedipus.

As Engels pointed out, however, the real breakthrough of the late nineteenth century was less the reinterpretations of the Greek myths than the anthropological and linguistic observations of the American ethnographer, Lewis Morgan (1877), on the Iroquois.[3] His work destroyed the idea of patriarchy as the natural form of social organization. Using his work, Engels fostered the study of the family through the many editions of his work in the late nineteenth century. He was also highly influential in the beginnings of women's history in the 1970s, because he was one of the few well-known authors who expressed views on the origins of the family that gave women prominence in that institution.[4] He popularized the notion of matriarchy and of alternative familial organization patterns.

The other great contributor to the nineteenth-century history of the family was Edward Westermarck, a Finnish professor who had part of his career in London. Strongly influenced by both anthropology and Darwinism, he wrote a three-volume study of *The History of Human Marriage* in 1871.[5] Westermarck drew on what was becoming a vast literature on primitive societies and on bird and animal behavior.

Westermarck's approach is far more critical than that of many of the authors he was reading. He used, for instance, Brehm's *Bird Life*, but mocked his enthusiasm for the sexual and familial fidelity of birds, noting that Brehm 'enthusiastically declares that "real

3. Morgan 1877.
4. Tilly and Scott 1978.
5. Westermarck 1921 (reprint of 1871 edition).

genuine marriage can only be found among birds."' Westermarck perceived the problem of analogy of human behavior with animals: a desire to take moral lessons from animals or to impute to animals the behavior the observers desire in humans.

Least we are quick to laugh at the nineteenth-century moral ascriptions from animal to human behavior and vice-versa, we must not forget that E. O. Wilson in the second half of the twentieth century founded the school of socio-biology that also carries with it moral imperatives taken from nature, this time insects.[6] Socio-biology has been popular with historians and with anthropologists who use history to form theories of human behavior. The 'selfish gene' has been used to explain polygamy and monogamy. In polygamous unions, the dominant male makes sure that his genes will be perpetuated by keeping a large portion of the females to himself. But he does not want ordinary females, but rather those that are most attractive. In this way his genes will be enhanced in his offspring as well as being passed on in the next generations. The economy of perpetuating a large household and many offspring, of course, presents its own constraints and for that reason it is possible for only a few men in elevated economic circumstances. It also has the problem of raising aggression in other males who are thereby deprived of mates. Monogamy, on the other hand, cuts down on sexual aggression and provides a more viable economic unit. Those interested in socio-biology should follow articles in the *Journal of Evolution and Human Behavior.*[7] For historians interested in the parallels of primate behavior and humans see Richard Trexler's work and an edited volume, *Gender Rhetorics: Postures of Dominance and Submission in History.*[8] The most informed of the anthropologists using historical materials is Sarah Blaffer Hrdy in a variety of articles, but in particular in *Mother Nature.*[9]

While the study of the family got off to a fine start in the late nineteenth century, social history in general dropped out of favor after the first quarter of the twentieth century. The First World War and the Russian Revolution did much to kill social history. Once socialism and Marxism moved from an orderly critique of

6. Wilson 1978.
7. See also Betzig 1986 and Betzig, Mulder and Turke, eds. 1988.
8. Trexler, ed. 1994.
9. Hrdy 1999.

society to revolution, it fell out of favor with many of the Western European intelligentsia. Furthermore, the shaky road of democracy and the rise of fascism diverted historian's interests to political history. Questions about why democracy evolved in some countries and not in others became the central issues of historical writing. Economic history survived more as a history of capitalism than of the working class, but social history became less important in general. Family history went into limbo until long after World War II.

Not all medieval historians gave up on social history. Josiah Cox Russell published his *British Medieval Population* in 1948, using the methodology of sociologists and demographers.[10] George Homans published *English Villagers of the Thirteenth Century* in 1941 using structural anthropology as his framework of interpretation.[11] Sylvia Thrupp published *Merchant Class of Medieval London* in 1948 adapting Lewis Namier's prosopography of parliamentarians to the merchant class.[12] As a medievalist I delight in pointing out that medieval historians were the first to revive scholarship in social history. In addition to new theories, their work was novel in relying on primary source materials derived from archives.

Family history came into prominence again because of contemporary political issues: the baby boom following the Second World War and an increase in intra-familial tensions leading to high divorce rates. The new interest in family history was encouraged by two new developments of the modern world. The government began to supply money to scholars to undertake large research projects and the computer made it possible to amass and manipulate quantities of data. Historical demography became more feasible with funding and computers. Thus David Herlihy and Christiane Klapisch-Zuber, with funding from both the United States government and France embarked on the large scale project on the Florentine *catasto* of 1427 to write *Tuscans and Their Families* (French 1978 and English 1985).[13] Meanwhile, the British government had funded the Cambridge Group for the Study of Demography and Family History. Scholars in this group produced a number

10. Russell 1948.
11. Homans 1941.
12. Thrupp 1948.
13. Herlihy and Klapisch-Zuber 1985.

of important studies on demography with Richard Smith leading the way in medieval demographic studies.[14]

In addition to the macrocosm level of large data sets derived primarily from tax records, medievalists began to look at the microcosm through village and family reconstitution. Peasant studies came into their own in the 1960s and 70s. Ambrose Raftis, inspired by Sylvia Thrupp's use of prosopography and his background in anthropology, began his large project of village and family reconstitution for Ramsey Abbey villages. He and his students at Toronto produced a number of books and articles that investigated social structure in villages and interfamilial relations.[15] A parallel development occurred in England in village studies and family reconstitution as, for example, Zvi Razi's demographic study of Halesowen.[16] Although there have been trans-Atlantic skirmishes over who had the better reconstitution technique, one cannot take away the originality of Raftis. While all the studies have contributed to a greater understanding of peasant society than Homans' static, structuralist approach of 1941, the trans-Atlantic feuds have been a hindrance in an assimilation of all that we now could know about peasant communities. The dismissal of arguments has been detrimental to the overall accumulation of knowledge.

History of the family began to move away from the early interest in demography and family reconstitution in the 1980s. This is not to say that these are dead issues. Quantitative methodologies have much to offer and should be used where data is available. One of the dead ends has been lack of data including continuous manorial court rolls and records suitable for demographic analysis. It is regretful that some legal and cultural historians, I tend to think of them as an a-numeric group, took an ideological stance against quantitative history and falsely eschewed it. Where the data are robust, quantitative methodologies produce the best results and are a counter to purely impressionistic readings of repetitive materials.

Family history became part of the current trend toward cultural history. One could point to a number of examples of this change,

14. Smith, ed. 1984. See also Hollingsworth 1969; Levine 1987; Lee, ed. 1977.
15. Raftis 1964 and 1974; DeWindt 1972; Britton 1977. I have selected only a few of the many publications from the Toronto school of village reconstitution.
16. Razi 1980; Poos 1991.

but, personally, I find the shift that Christiane Klapisch-Zuber made the most interesting. A rereading of David Herlihy's foreword to her *Women, Family, and Ritual in Renaissance Italy* indicates the radical change that occurred by 1985. He speaks of the problems for medievalists of moving from the sure footing in quantitative history and toward the shaky ground of interpretive and ethnographic history.[17]

A perusal of the Klapisch-Zuber's essays gives an indication of the subject matter one finds in the newer family history. Kinship and family friends have become increasingly important as we try to establish the network of people that offered mutual aid to get ahead or to overcome crises. Childhood and child rearing have become major issues of family history, even evolving into a whole field of study on their own. The nursing of children including maternal breast feeding as opposed to hiring of wetnurses has given rise to a number of monographs. Other subjects Klapisch-Zuber broached were attitudes toward fathers as well as fathers' attitudes toward children, the problem of stepparents, and the relations of husband and wife. Family history is now more all encompassing than simply establishing the formation of marriage, the types of family structure, and the age of marriage. Historians now want to look at the culture behind these facts.

Family history has not come to an end in the twenty-first century. It is still as vital as it was in the late nineteenth century. Family values and the problems of dysfunctional families have given rise to studies on domestic violence, child abandonment, foundling homes, and the problems of old age. It would take another radical political change to eliminate family history from its current popularity.

Women's History

Unquestionably, women's history had a major impact on the study of family history. Women's history, like family history, had its origins in the social awakening of the late nineteenth century and it

17. Klapisch-Zuber 1985. This is a collection of essays formerly published by the author, but the collection has had a major impact on research on women, family, and children. Other books that added culture to quantification were Mitterauer and Sieder 1977 and Flandrin 1976.

too was revitalized in the late twentieth century. In the early 1970s, following on the heals of the struggle for civil rights for Afro-Americans in United States and the protests against the Vietnam War, American women examined their roles in both these movements and found a need for their own liberation. In Europe the 1968 student uprising had a similar effect. Historians immediately took on the cause looking to the past for examples of women's leadership roles and finally looking for women's experiences in general. For discussions of the early historiography of women's history from the Renaissance through the 1970s, I recommend the essays in *Women in Medieval History and Historiography* (1987) edited by Susan Mosher Stuard.[18]

As with history of the family, I would like to take a book from about a century ago to give a context to the late twentieth-century studies. Alice Clark in *Working Life of Women in the Seventeenth Century* (1919)[19] explored women's role in the pre-industrial family economy. Growing up in a politically liberal household that espoused women's rights, Clark gained an interest in the working conditions of women. Like others in the Fabian Women's Group, she was interested in the way that the industrial revolution had changed women's role in the family and espoused the idea of a degradation of the women's importance as co-producers of the family well being and economic viability. She pointed out that in the pre-industrial era the whole of the dairy industry including the keeping milk cows and goats, milking them, making butter and cheese was all women's work and marketed by them. The cloth industry, including wool, linen, and silk thread, relied on the spinning of women. She also pointed to the number of ways in which women contributed to the general economy including housework, childrearing, nursing, and teaching – tasks to which it is admittedly difficult to give a monetary value.

The economic issues that Clark raised have received considerable attention in recent years. By reconstituting the families in the village of Brigstock from manorial court rolls, Judith Bennett, a product of the Toronto School, was able to explore the role that women played in peasant society and economy in *Women in the Me-*

18. Stuard, ed. 1987.
19. Clark 1919 (reissued 1982).

dieval English Countryside.[20] Her conclusions show a mixed picture. She found that, while 'conjugality reinforced gender stereotypes by encouraging the authority of husbands and the dependency of their wives' in the public sphere, widows and adolescent girls did not necessarily conform to these assigned gender roles. Women's participation in the household economy was very dependent on their age and life cycle experience. Adolescent girls might earn wages and acquire a certain ability to negotiate their marriage with some land and savings. Married women passed through the period of childrearing (if they had children) and as the children grew they entered into some domestic occupation such as brewing that permitted them to contribute to the household economy and use the available labor of maturing children in this endeavor or to relieve them of some of their other work such as herding, tending children, and gathering fruits, nuts and herbs. As widows they ceased brewing and might take charge of agriculture thus giving them some degree of independence as heads of household. The latter was not an unencumbered position, but it was one that allowed the greatest legal freedom that a woman would know in the medieval countryside. The close connection between life cycle and work patterns is more pronounced for women than for men in the medieval rural and urban environments.

A number of scholars have published on women and work in the medieval urban environment. David Herlihy attempted a summary of scholarly knowledge about women's work in *Opera Muliebria.*[21] The most valuable chapter in that book is his study of the Paris *Books of the Taille, 1292-1313.* These tax records list not only the people but also their occupations. Women appeared in 172 occupations in 1292, but the number had declined to 130 by 1313. Women appeared in a number of different positions such as money lenders, mint workers and so on, but they predominated in the less prestigious ranks of household servants, food provisioners, retailers, workers in silk and linen, and clothiers. Using church court records, P. J. P. Goldberg in *Women, Work, and Life Cycle in the Medieval Economy* has studied the variety of women's work in medieval York showing provincial urban parallels.[22]

20. Bennett 1987.
21. Herlihy 1990, pp. 127-53.
22. Goldberg 1992.

While women's participation in work and crafts will continue in importance, the more nuanced scholarly contributions now investigate the position of women in urban power structures. Martha C. Howell in *Women, Production, and Patriarchy in Late Medieval Cities*[23] showed how guild and urban regulations became more restrictive in the late fifteenth century, so that increasingly women in the Low Countries and elsewhere were excluded from craft and trade positions that carried prestige and power in the market place. Men replaced women as masters of women's guilds in Paris and guilds restricted men from employing women outside their family to aid them in production of goods. Judith Bennett in *Ale, Beer, and Brewsters in England* has traced a similar pattern in the brewing industry in which, over the fifteenth century, women lost status in brewing to the increasingly large-scale brewing done by men. Women, who had started out as brewsters, wholesalers, and retailers of ale and beer, were reduced to the role of retailers or home-producers of ale and beer in the sixteenth century.

The strikingly new direction that the study of medieval women in the economy is now taking is away from women and work and toward women with property connections. The economic influence of the infusion of money and real estate at the formation of marriage has been overlooked in the discussion of capital formation in the medieval period. But the exchange of that amount of wealth among the upper classes and the influence of even the smaller amounts of wealth on the formation of marriages at the peasant and working class levels are beginning to receive attention. Christiane Klapisch-Zuber pointed out the tremendous influence that the dowry had on women both at marriage and in the subsequent lives of the widows and their children in Florence. The exchange of wealth was one-sided with the young women (early teens) bringing to their husbands (in their thirties) a considerable wealth in dowry at their marriage and then remaining with the husband's kin for a long widowhood.[24] Anthony Molho in *Marriage Alliance in Late Medieval Florence* went on to add even more information about the way the marriage alliances worked in Florence.[25] But what might describe the economic impact of the marriage of

23. Howell 1986.
24. Klapisch-Zuber 1985.
25. Molho 1994.

women in Florence, who had little control over their dowry, does not describe what happened in Venice where women kept a considerable discretionary control over this property. Widows' wills indicate that they had leeway in disposing of their goods to benefit female relatives.[26] In any case, the use of dowry alone meant that women entered marriages at a young age and did not remarry or could not have enough independent control over their dowry to make decisions about remarriage.

While in Italy and much of the European Mediterranean women had long since lost the enjoyment of the dower (that portion of the husband's property which he promised to his wife for her life use in the event that he predeceased her),[27] in northern Europe it remained a part of every marriage settlement. Marriages in northern Europe were still contracted with dowry and dower on the part of the bride and groom. The bride's family and friends gave the traditional dowry of goods, money and perhaps some real property toward the marriage while the groom and his family promised at marriage to endow the bride with a portion of the real estate or other property (a third to a half of that which he possessed at the time of the marriage) for her maintenance during her widowhood. In the northern European pattern, the property usually became communal property under the control of the husband, but for the benefit of the whole family. The widow could not alienate the dower property, but she could take it into another marriage. She had free choice over a marriage partner in the second marriage. The substantial amount of property that changed hands at marriage and remarriage, therefore, could have a major impact on the economy and on social structure.

Martha Howell in *The Marriage Exchange* has examined the customs of Douai and of late medieval Flanders in general. In this region of southwestern Belgium and northern France custom favored the conjugal unit at the expense of both the lineage and the family.[28] The property brought together in marriage belonged to the couple and, at the death of one of them, passed to the survi-

26. Chojnacki 2000.

27. Hughes 1978.

28. Howell 1998. This book is an excellent place to start in looking at the complexities of medieval marriage contracts, dower and dowry because the author has situated the case of Douai within the broad context of existing studies of marriage in medieval and early modern Europe.

vor. Usually the children of the marriage received portions of the property, but in Douai this was not strictly necessary. Custom, however, shifted in Douai giving the husband a greater control over the conjugal property. The widow lost the position of manager of her property and that belonging to her former husband. Her legal and practical control over property came closer to that of other regions of northern Europe. The stronger emphasis on patriarchy gave rise to the use of wills and contracts to limit the ability of women to take control of conjugal property.

Parallel with the patterns that emerged in Flanders are those in medieval London. My own research has shown that London's late medieval laws were generous to widows granting them not only the third of the husband's real estate for life use if they were widowed, but also the guardianship of their minor children. This meant that a widow with minor children potentially had control over two-thirds of her former husband's estate. It is not surprising that widows were in high demand for remarriage because this infusion of wealth into an aspiring artisan's or merchant's fortunes would provide capital and perhaps social standing to further his career. While widows were always in demand for remarriage in London, following the Black Death in 1349 the number of widows remarrying increased substantially. The effect of this circulation of wealth with the remarriage of widows was to create strong horizontal ties among status groups at the expense of patrilineages. But like the experience in Flanders, by the end of the fifteenth century custom had changed and widows had less control over the fortunes of their orphaned children's property and less control over their remarriage.[29]

The capital associated with women in the dower and dowry had profound effects on the social structures of the urban places studied. In Florence and Venice, the young age of marriage, the control that the husband had over his wife's dowry and the children of the marriage meant that women tended not to remarry. The patrilineage was enriched and preserved by the money women brought to the marriage. Patrilineage was so important in these two cities that men kept genealogies to know their privileges in society. The pattern of dower and dowry in London and Douai produced the opposite effect. Widows had control over their dower wealth

29. Hanawalt 1993(b) and 1994.

and could also claim their children as well as the inheritance of children until they reached the age of majority. Widows were in great demand for remarriage. But this meant that the horizontal ties among craftsmen and merchants became more important than the vertical, patrilineal model. Men wanted to keep wealth within their social strata. Yet another model prevailed in Ghent. The wife brought a dowry and received a dower on the death of her husband. She could take the dower into a new marriage, but she did not have control over the children, who remained with the father's family. In Ghent the patrilineage was carefully preserved even though the widow remarried.[30]

Because widows generally had more freedom than married women or adolescent girls, more documentation exists of their activities as business women, vowesses, nuns, heads of family and networks of friends, and single parents. Most books on women contain chapters on widows and in addition there are collections of essays such as *Upon My Husband's Death* edited by Louise Mirrer.[31] This book includes essays about widowhood in late medieval Europe and explores both literary and historical materials.

Those studying the history of women have been eager to move outside the context of women in a family environment and to explore women as nuns, mystics, and as single women.[32] Religion, particularly mystical exercises, gave women a measure of freedom from male domination that they could not otherwise achieve. Caroline Walker Bynum in *Jesus as Mother* and *Holy Feast and Holy Fast* has been the most prominent of the authors in this area.[33] She and other authors point out that by controlling their intake of food and using a feminization of religion women mystics were able to form their own spiritual life. Bynum's work has been very influential and has led to a number of other books using the same mystical and visionary materials.[34] The problem is that the texts for these studies are limited and after one hears the stories of saintly women eating puss and other revolting physical torments, one does not need to read another book using the same striking data.

30. Danniel 1989.
31. Mirrer, ed. 1995.
32. Bennett and Froide, eds. 1999.
33. Bynum 1982 and 1987.
34. Elliott 1993; Newman 1995.

It gets old quickly even if new interpretations and readings offer originality.

But women in religion will remain important to the study of women's history because there is so much information on nunneries, lay women and their piety, and women in their local parishes. Jane Tibbetts Schulenburg's book, *Forgetful of Their Sex: Female Sanctity and Society,* is an example of this broader approach to women's religious experiences that will be more typical of future studies.[35] The Beguines, lay women who lived pious lives either in communities of their own or among lay people, are discussed in a study by Walter Simons, *Cities of Ladies: Beguine Communities in the Medieval Low Countries.*[36]

The potential for the study of women is not lagging and documents abound for more studies of single women making their way as never married, poor women, prostitutes, female felons, female victims of violence, and so on. Women's history has been lively and it will continue to be so. Furthermore, no longer will social history be creditable if it is written without including women as a large part of the discussion.

Women's history and feminist studies have added a theoretical component to history as well as literature and philosophy. While some of the theory has been partisan and, fortunately, short lived, it has added a dimension to our historical thinking that has moved us beyond a dry empiricism. It has also given us a broader concept for gender history. Thus some of the questions and theoretical concerns first explored in women's history have opened up a new field of gender history in which men and maleness have become a focus of study. Gay and Lesbian theory, also an offshoot of feminist theory have made major contributions to historical and literary interpretation in the last few years. To return to biology, one of the issues that will confront gender history in the future is the increasing knowledge of genetics. The nature versus nurture arguments will become more important as we know more about humans' genetic makeup. Biology is not necessarily destiny, but it does put some constraints and parameters on culture alone, as Robert S. McElvaine shows in *Eve's Seed.*[37]

35. Schulenburg 1998.
36. Simons 2001.
37. McElvaine 2000.

The History of Childhood

Like the history of women and family, the history of childhood saw a major development of interest in the late twentieth-century. The earlier interest, sparked by Freud, Piaget, and Erikson among early twentieth-century psychiatrists and psychologists, encouraged a biographical, psychoanalytical approach as one sees in David Hunt's book on *Parents and Children in History* from 1970.[38] More influential was Philippe Aries's *Centuries of Childhood* from 1960.[39] In this book, translated into English in 1962, he argued that people in the Middle Ages did not recognize a particular life stage of childhood nor distinguish the teenage years from those of adults. The statement from his book that is most quoted among scholars of the Middle Ages is: 'In medieval society the idea of childhood did not exist; this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with affection for children: it corresponds to an awareness of the particular nature of childhood, that particular nature which distinguishes the child from the adult, even the young adult. In medieval society this awareness was lacking. That is why, as soon as a child could live without the constant solicitude of his mother, his nanny or his cradle-rocker, he belonged to adult society.'[40]

Medieval scholars read his use of evidence for this startling conclusion and found that he based it on reading back sixteenth and seventeenth century writers, such as Molière and Montaigne, into earlier periods and that his use of medieval evidence was limited and did not accord with their knowledge of the same sources. Ariès's dismissal of a medieval concept of childhood led to a reexamination of the sources that historians already knew, such as art, sermon literature and other church writings, poetry, ages of man literature, and advice books. It also pushed historians of the period to look for other sources on children and the parent and child relationship that had not previously been used, such as saints' miracles, coroners' inquests into accidental deaths, private letters and papers, and other social-history sources. The research of the last forty-five years has provided a rich account of childrear-

38. Hunt 1970.
39. Ariès 1960 and 1962.
40. Ariès 1962, p. 128.

ing practices in the medieval period, the sentimental attachment of parents to their children, the culturally defined period of adolescence and how it changed over the 500 years that comprise the first section of Ariès's book.

The literature on the subject is vast and I only want to note some of the recent highlights of the ongoing research into the history of childhood. The work on the history of childhood has been international, but I find most interesting that of French historians who have been particularly involved in refuting Ariès recently. Since much of Ariès's evidence was based on artistic representation, one of the first attacks was made by Pierre Riché and Danièle Alexandre-Bidon which presents both literary and educational texts showing that medieval writers were not only aware of the life stage of childhood, but also that they commented favorably on the games that children played, their obvious interest in their own bodies, and their early attempts to walk and talk.[41] The visual imagery shows pictures of children nursing, playing games, interacting with adults, and being disciplined. Archaeological artifacts found in France, such as dolls, toys, bowls and feeding tubes for children, cradles, and other objects reinforce the pictorial representations. Sally Crawford has done a similar study using archaeology in *Childhood in Anglo Saxon-England.*[42]

In addition to investigating the evidence that Ariès misinterpreted or used with too little reflection, historians have used entirely new sources for understanding medieval childhood. I have used the medieval English coroners' inquests into the accidental deaths of children to form an idea of child development, care of infants, and attitudes toward children and their nurturing. I have used other records such as the court of orphans in London, apprentice contracts, and court cases to provide evidence for a discussion of child rearing and adolescence.[43] Following my lead in using the coroners' rolls, are two new studies based on the miracle stories that were collected for the beatification of a holy person. Miracle stories, like coroners' inquests, are full of detail such as the activities of the young victims, adults and children who were present or near, the first finder of the child, the one who prays to the saint,

41. Riché and Alexandre-Bidon 1994; Alexandre-Bidon and Closson 1985.
42. Crawford 1999.
43. Hanawalt 1977, 1986 and 1993(a).

the grief of the parents, and even such incidental information as that of a female child of three is still nursing at her mother's breast. In an extensive new study of the miraculous cures of saints Didier Lett, *L'enfant des miracles: Enfance et société au moyen âge*[44] has analyzed miracle stories of the twelfth and thirteenth centuries. His evidence shows that, contrary to Aries's thesis, ages of children and precise language describing children of different ages are characteristic of miracles recorded in both French and Latin.

Lett did not do an analysis of the type of children's activities that led to the necessity of miraculous intervention, but another study by Ronald Finucane, *The Rescue of the Innocents: Endangered Children in Medieval Miracles* has analyzed the activities of children in miracle stories when they had accidents.[45] The miracle stories parallel the coroners' inquests in showing that children were playing with balls, or trying to get a feather or flower out of a body of water, or were climbing on logs or tables and had a fall. Play persists as the primary cause of accidents. By the ages of three and four children are imitating their parents in their play and have accidents that reflect future gender roles. In both coroners' inquests and miracle tales, play predominates well beyond Ariès's eight-year limit.

The tenacity of Ariès's picture of medieval childhood, adolescence, and attitudes toward childhood in modern textbooks of psychology and social work as well as in daily parlance will keep medievalists busy with continued documentation of childhood and childrearing in the Middle Ages. Part of the reason for the robustness of the negative view of medieval childhood comes from our folk culture that lumps everything that is undesirable as being 'medieval' whether or not the practices had anything to do with the Middle Ages. Another part seems to come from an innate Whiggism on the part of modern scholars of childhood who would like to think that we are more enlightened than parents and writers on childhood in the Middle Ages. Not only are medievalists motivated to overcome this barrier among social scientists, they continually find new sources of information on the history of childhood that gives us a more intimate view of the life period than we ever thought possible.

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44. Lett 1997.
45. Finucane 1998.

Conclusion

A final consideration about the future of these three fields of research comes from an amusing and reflective article by Bernard Cohen, 'History and Anthropology: The State of Play' that appeared in the *Journal of Comparative Studies in Society and History* in 1980.[46] In it he explains how historians can be sure that the field of research on which they have embarked will be a lasting one and permit them to progress in academia. He points out that the first step to a lasting place for a subject is a 'big book' which the revisionist can then attack. The revisionists attack the 'big book' and make their reputations in reinterpreting the sources or adding new sources to change the interpretation. Certainly, Aries's book is in the category of the 'big book' and the subject of history of childhood is still thriving on attacks on it. Another sign of longevity of a field is that 'workshops' form around 'new problems'. Cohen assumes that because of the term 'workshop', historians are really living in the preindustrial age. Certainly, family history, women's history, and history of childhood have had their share of workshops with printed volumes coming out of these encounters.

As subjects progress toward more stability, Cohen observes, the workshops turn into journals that are published on a quarterly basis. Thus we have the *Journal of Family History, Signs: Journal of Women in Culture and Society, Journal of Women's History, Gender Studies, History of Childhood Quarterly,* to name but a few. Finally, departments feel that they must hire a faculty member to teach the new subject. Fields that have really succeeded to the heights of academic recognition have separate departments and graduate programs. Of the three areas investigated in this paper, only women's studies has made that leap into permanence. But all three fields reached the other levels of permanence in the academic world and show no signs of disappearing in the twentieth-first century.

46. Cohen 1980.

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Outcasts and the Underworld in Late Medieval Europe

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The aim of this paper is to give a short review of people living at the bottom of society in late medieval Europe: vagrants, mercenaries, journeymen, beggars, prostitutes, unemployed servants, wandering scholars and so on.[1]

For the title of the paper I have chosen the terms outcast and underworld. I will firstly explain the problems of definition: Can historians consider properly all these different kinds of people? In a second step I will make some remarks about the sources, and then I will try to give some examples of the general historical interest in the study of the medieval 'underworld' or to put it another way: The study of marginalised people is not a marginal problem in social history. In a fourth step I will describe how attitudes towards the so-called outcasts have changed together with the attitudes towards poverty around 1500.

The subject: The different definitions for being an outcast

Since Bronislaw Geremek's famous book about the underworld of Paris[2] many studies have investigated this problem in other cities. For instance in recent years the distinguished studies of Alexander Reverchon and Guido Schneider about the red-light district of Metz[3] and about the bottom of society in late medieval Strasburg have appeared.[4] Not only articles represent the modern discussion but also a most remarkable book describing the underworld of London in

1. For an introduction based on images, see Mellinkoff 1983.
2. Geremek 1976 and 1980.
3. Reverchon and Schneider 1996. For comparison see the study of medieval Ragusa: Janekovic-Römer 1995.
4. Voltmer 2000.

late medieval times by interpreting among other things the protocols of the London Coroners.[5] Frank Rexroth refers to the modern research sufficiently carefully, so it is not necessary to repeat his well-founded results. But it is necessary to add my standpoint to the discussion. Geremek's classical studies were often criticised as an example of narrative social history only without any theoretical, and this means sociological analysis.[6] But – in my opinion – Geremek was right, because it is not possible to define 'outcasts' and 'underworld' in sociological terms. The medieval *Büttel* could not capture the outcast, nor can we capture them by exact definitions.

A social group? That remains the question. Even for contemporaries it was not possible to make exact distinctions between the several groups of beggars; between those who only hung around and those who suffered – to quote a contemporary term – from deadly poorness.[7] How exact are our distinctions between the poor man and the outcast? In times of penury the wandering outcast had to fear starvation whilst the locally well known poor could at least hope to get some alms. These poor men didn't die of hunger immediately, yet they suffered hunger and died commonly before their time in consequence of undernourishment.

Before discussing the modern attempts to capture the outcast by definition, we have to refer to an older attempt which convinces at first sight by using a term accorded in medieval and early modern sources. *Unehrlichkeit* described not only dishonourable members of society, but meant discrimination by law. And that makes the difference. The canon law discriminated against the *spielman*, the secular law discriminated in the thirteenth century against the champion; and the common man discriminated against the miller. It is evident, that *Unehrlichkeit* has got different roots and a different history.[8] Therefore it cannot contribute much to solve the problem of a definition of outcast.

The inconsistency of *Unehrlichkeit* evolves from the fact that this term is taken from normative legislation and not officially speaking clergymen. The latter for instance considered the juggler as a servant of the devil, but these servants of the devil were at the same

5. Rexroth 1999.
6. Rexroth 1991.
7. Schubert 2001.
8. Schubert 1988(a).

time popular servants at the courts of ecclesiastical and secular princes.[9] They were welcomed in the houses of citizens and at the fairs of peasants. In contrary to what was quoted, in late medieval legal sources *Unehrlichkeit* does not have a clearly defined content.

The hangman was considered to be dishonourable but nevertheless people sought his help because in medieval times he was the only expert in surgery, he was the only one who knew human anatomy.[10] The miller was not dishonest by law, yet in medieval times he was considered to be some special kind of thief. But this didn't have any legal consequences. However, during the sixteenth century it became very difficult for him to place his sons in a craftsman-guild. In most cities – Hamburg is one exception – the popular perception of the dishonest miller led to the implementation of an accepted law by custom. He became a victim of a general development, which will be explained later on.

The concept of *Unehrlichkeit*, the concept of capturing the people of the underworld through legal terms became old fashioned in the 1980s.[11] During the last twenty years many historians were trying (following a study of František Graus in 1981)[12] to find special terms for all these 'outcasts', for all these members of the so-called medieval underworld. In this way the following terms became popular among historians: stigmatisation, marginalisation, deviance.[13] In the title of my paper I used none of them. If you suppose this is an indirect program, you are right. The terms offer some advantage in their specific historical approach, but do not really help to clarify our subject.

The term deviance I would reserve for special marginal groups, the apostates and converts, the heretics and all those who were far from common and accustomed piety.

Stigmatisation has become a key word in the interpretation of lower classes. But the term covers not only the different kinds of human behaviour but also the different levels of social estimation. The term promises to link a problem of social history with the history of mentalities. But do the sources really allow an interpreta-

9. Schubert 1995, pp. 111-30.
10. Oppelt 1976.
11. Rexroth 1995.
12. Graus 1981.
13. Hartung 1986 and 1989; Hergemöller 1994.

tion in that way? Of course many people looked at the poor with disregard. But there was no chance to define for instance the vagabonds as a special public nuisance which had to be expelled from a city. In no way could these vagabonds be distinguished from those poor peasants who drifted to the cities. Their rural exodus, the migration from the land, was a requirement for the growth of late medieval cities.

In contrast to stigmatisation and deviance, marginalisation is a concept I can agree with provided it does not enclose exclusion. I will give an example for the seeming contradiction. The whores in the *Frauenhaus,* the medieval brothel, had a special place in the church, but they were not excluded from the service. It was a work of piety to help these poor women; it was even a work of piety to marry them.[14] It was well known, that prostitution was a derivation of poverty. The concept of stigmatisation had to fail because it neglected a simple fact: In medieval times people believed unshakably in the cleansing function of penance, of *Buße,* not only in a religious but also in a social sense.

Like the married former prostitute[15] the hangman could wash off his sins. We mention the hangman in order to demonstrate that there are no substantial differences between the seemingly old fashioned comprehension of *Unehrlichkeit* and the seemingly modern comprehension of stigmatisation.[16] Like the concept of *Unehrlichkeit* the concept of stigmatisation confuses medieval with early modern times. It also confuses the importance of *Buße,* which in medieval times was a sociological fact, with the individual one it had in the era of confessionalism.

Those who try to describe the condition of living at the bottom of society open a window upon normal social problems in society. Considering this, I would like to show why research into marginalised people is not a marginal matter. The point is: Do the members of the medieval underworld live at the bottom of the social hierarchy or outside of society? Let me try to investigate to what extent syntheses and case studies complement each other, to ask what each method of research can offer the other. To make the question take shape, I will also connect it with an analysis of the sources.

14. P. Schuster 1992; B. Schuster 1995.
15. P. Schuster 1994.
16. Benecke 1889.

The sources

Although the issue of outcasts and underworld is a subject of European history, I'd like to discuss the problem by facing just German sources. One should mention that the monographies of Geremek and Rexroth with their great importance for the international discussion focus on capital cities, a very special form of settlement in the medieval world. There were no comparable cities in Germany. Cologne as the largest German town had in its medieval era at best 40,000 inhabitants.[17]

The material I deal with mainly depends on official sources. Still I have to accept the old proverb *De normalibus non in actis* ('Normality is not being recorded'). And the poor and the outcast were looked upon as a normal occurrence. There is no way to get systematic or even demographic information about the outcasts from serial sources.

In looking at the conditions of the medieval way of life the problem of the outcasts or of the underworld is the problem of vagrancy or of migration.[18] This reveals another obstacle: The sources only reflect the problems of sedentary communities. Like a puzzle of which most parts are lost, the perception of the outcasts has to be laboriously reconstructed; or (using another metaphor) our attempt is like that of a French pointilist who has to paint a large picture with a small amount of paint. This is the typical lament of a historian over the lack of information.

The German statistical sources cannot be compared with those of England. For instance: There is no corresponding tradition to the English episcopal registers in medieval Germany – we cannot refer to similar sources, when we are concerned with the history of criminality, the history of marginality, or the history of poverty.

Germany's lack of sources in comparison to England is further exacerbated by the backwardness of administrative practice. But nevertheless let me accept the challenge and let me try to explain the difficulties by referring to the German sources. During the last two generations German historians had great hopes that they could understand social stratification in the medieval town by an analysis of urban tax-lists and account books. In general, Ger-

17. Cf. in our context Lassotta 1993.

18. McCall 1979; Scribner 1988; Evans, ed. 1988; Graus 1989.

man urban accountancy first became serial at the beginning of the fifteenth century; lists of inhabitants, *Bürgerlisten*, even in a large city like Nürnberg did not exist before the middle of the fifteenth century. The exception is Frankfurt.[19] It lists the new *Bürger* (that means inhabitants of towns who are provided with special rights and privileges) since the beginning of the fourteenth century.

In the accounting records expenses for jugglers, for actors and actresses, for professional wandering musicians, flutists and so on are to be found.[20] These are important hints, testifying to the astonishing lack of effectiveness of clerical discrimination. All these people were condemned by the Church as servants of the devil and were supposed to be excluded from the sacraments, but instead they were hired and were paid by municipal officials.

However, the tax-lists as main urban sources for social stratification are not suitable for answering our questions concerning outcasts. In tax-lists the outcasts were not the subject of attention. Although these lists do contain some valuable statements for the understanding of poverty, it is evident that the outcast, who was accustomed to hide himself when necessary, could not be found by tax-collectors, when for example in the late fifteenth century the diet of the Holy Roman Empire (1495) tried to tax even the poor in a German attempt at a poll tax, the so-called *gemeiner Pfennig*. The listed so-called 'have-not', the German *habnit* or *habenichts*, 'have-nothing', signified someone who did not possess anything to declare for taxes: the 'fiscal poor' in England, the 'pauvre fiscal' in France. One should remember that poverty in late medieval Germany was a widespread phenomenon in the cities and affected up to 50 per cent of the inhabitants.[21]

Without any doubt the so-called *Verfestungsbücher* (*libri proscriptionum*) are an important kind of source.[22] They listed persons who were forbidden to enter the town again and who were proscribed. But they only name persons and list the reasons for proscription, they do not give insights into the circumstances and therefore they are quite difficult to interpret for historians who are interested in the history of criminality or even in the history of outcasts.

19. Bücher 1886.
20. Schubert 1995, pp. 174-88.
21. Schubert 2001, pp. 660-63.
22. Frensdorff 1875; Vogtherr 1984.

The so-called *Stadtbücher*, books registering the liberties and the statutes of a town, contain the urban legislation, from which in medieval Germany the legislation of both the secular and the clerical princes was derived. From these books we get information about the rules and the dangers of daily life. For instance, in German towns as well as in the English ones, there were high penalties for persons who habitually did not obey the curfew. This was not only applied to the poor and the outcast, who were the suspected cause of robbery or manslaughter, but also to the normal *Bürger*. The poor and the outcast were not usually a special subject of such regulations.

I also want to make some remarks on the sources, even though one could get the impression that this just continues the traditional lament of us historians over missing links. But beyond the said grief, the survey of the main sources intends to arrive at a statement of our general problem: the perception of poverty. And indeed this survey tries to trace back the perception of poverty. Poverty was such a normal manifestation that it was unnecessary to mention it explicitly. In late medieval times – in opposition to the early modern period – there were seldom special statutes for beggars or outcasts. We must accept the *De normalibus non in actis*, and that in medieval times the poor and the outcast were looked upon as normal. The dishonourable persons mentioned previously did not drop out of a fictive society, because people had to live together – and they did.

The sources, the society and the vagrants

There are no special sources or types of records we can consult. We must consult them all. Referring to the urban sources I have to mention the chronicles, which for Germany are edited in a great collection.[23] Like all chronicles they were not interested in normal everyday life, but from time to time they do give us significant answers, describing the circumstances of urban events. In the following example the chronicler was interested in the Dominicans in Erfurt. The townsfolk scoffed at them by comparing them to the magpies on their church tower: The magpies looked like the

23. *Die Chroniken der deutschen Städte.* 1862-1931.

Dominicans (or the other way round) and were considered to be stealing, too. The unhappy monks hired an *abenteuer man*, who was able to climb up the tower.[24] An 'adventurer' – often mentioned in urban chronicles – was not a man who represented the *aventiure* in high medieval epics. What *Abenteurer* really meant is explained in the letters of merchants, delivering merchandise: *Auf dein Abenteuer* – 'on your own risk'. In this sense an *Abenteurer* was a man without liability. Our *Abenteurer* in Erfurt ascended the tower and destroyed the nests of the magpies. For this dangerous job he demanded five weeks food and shelter. A vagrant's good fortune: to obtain for a short time a better way of life than usual.

Another example from the sources, while searching for a revealing detail and hoping to solve a part of our puzzle: In the *Stadtbuch* of Schlettstadt all those who were banished from the town were registered, and amongst all these names – which are not of great interest, because we do not know the biographical background of the persons connected to them – there is the following note: *Heinrich Jocundus episcopus Constantiensis et Johannes Liber episcopus Churiensis.*[25] Of course these names do not appear in the official bishop lists of Chur and Constance. Johannes and Heinricus were wandering scholars and they called themselves *Jocundus* and *Liber* – it is to be noticed that the name *Jocundus* is a typical name of the medieval player or musician translatable as *Froidenreich*: plenty of joy. The name of the other vagrant *Liber* quotes a waggish definition of medieval 'freedom', the meaning which the German term *Vogelfreiheit* conserves. 'Freedom' as social danger: The man, who is 'free' has no protection. In front of the town's clerk both vagrants made fun of being banished by giving themselves impressive titles, and the clerk far from stigmatising these wandering scholars, enjoyed the joke and wrote it into the official *Stadtbuch*: The bishops of Constance and Chur are banished from town. In the dialogue between outcasts and the authorities we can usually only hear the officials. In this case we can, indirectly, hear two vagrants.

Through his way of life the outcast is characterised as suffering extreme poverty, as a man without protection. Our adventurer in Erfurt demonstrated penury as the main problem of his lifestyle, and the vagrant in Schlettstadt who called himself *Liber* demon-

24. Schubert 1995, p. 11.
25. Schubert 1995, p. 28.

strated a special meaning of 'liberty' in medieval times: Free of bonds and without any protection. The hangman in late medieval Germany was often named *Freimann*, the prostitutes outside of official brothels were called *freie Frauen* and the name of the barefooted mercenary who fought at his own risk and not as the servant of a military entrepreneur (I used this term in respect to Fritz Redlich) was the *Freihart*.

The medieval merry tales provide another kind of detail: The plots of these tales are of course of less historical interest, but not the circumstances, because the merry tales tried to convince contemporaries that the story had really happened and they therefore created a believable background.[26] It is a similar method to that of examining the background in paintings for their realistic content, as Wim Blockmans proves in his contribution to this volume. Let me give an example of the importance of merry tales as historical sources: We do not know much about everyday life in medieval boarding houses. However, the plot of several stories is based upon the fact that, apart from in the big capitals, there were no specialized hostels, which meant: what was available as a hostel was visited by people of all social classes, including adventurers, gamblers, jugglers and journeymen. The merry tales often mention these men in a hostel. They were not excluded, but when the table was laid, the adventurer had to sit down at the end of the table, the better men sat at the head of table. When the dishes finally arrived from the head of the table to the ordinary part, the scanty and meagre rest was all the adventurer got. He chewed when the better people digested. I suppose the adventurer who had to stand up hungry was convinced of the concept of marginalisation.

According to the merry tales, the so-called outlaws were not excluded from society; on the contrary they are popular figures in these tales, for instance the famous Till Eulenspiegel. He became a representative of poor men who had to suffer a lot but were able to take revenge.

There was no identity of profession among all these outcasts, but there are remarkable signs of a group identity in the way of living amongst the wandering folk in the later Middle Ages. Since the end of the thirteenth century they had developed their own language: The Pedlar's French, the *Gerfgo* or argot; this *Rotwelsch* in Germany

26. Schubert 1986.

lived parasitically on the grammar of the common language but used words no outsider could understand.[27] To give an example: The German Rotwelsch phrase *Ein Gelbling schwächen* directly translated to 'to make a "Gelbling" weak' does not make much sense at first sight. The *Gelbling* is something of yellow colour. But in Rotwelsch *Einen Gelbling schwächen* means 'to drink a beer'. The German Rotwelsch word *Gleistrampelmarodepink* is a composition: *Gleistrampel* = a cow, *marode* = sickness, *pink* = the man. *Gleistrampelmarodepink* is the man who can cure the animals, the later veterinarian.

This jargon belonged by definition to a closed social network. (From this point of view the argot can be compared with the specific scientific jargon.) Its main function is to conceal meaning from outsiders. But reconsidering this function we must say: This use-pattern of a special language was not at all closed against society. The argot enriched the vocabulary of the common language. For instance the German words *beschickert sein* ('to be drunk'), or *malochen* ('to do a hard work') are both derived from Rotwelsch.

Contemporaries could not distinguish among the several kinds of homeless people.[28] In the cottages near the town-wall or even in churchyards beggars mingled with ruffians and rascals. They built huts in the unhealthy regions of the towns near the rivers, since they were forbidden to build huts on the bridges.

Those living in medieval slums before or behind the town-wall were lucky, as it at least offered a chance of survival, even though conditions were overcrowded and unhealthy, with wet and cold housing. All these homeless people were not integrated into the parish community, and I believe it is in this sense of the word that they were really 'outcasts'.

The history of outcasts and its general importance – The underworld as part of the medieval poverty

Our example of the adventurer in Erfurt gives some idea of the connection between underworld and poverty. What is poverty? Poverty cannot be defined in absolute terms.[29] There are vary-

27. Kluge 1901; Wolf 1956.
28. Mommsen and Schulze, eds. 1981.
29. Mollat 1974 and 1992; Geremek 1994.

ing shades in the appearance of destitution. Helpful for an understanding is Paul Slack's division between 'deep' and 'shallow' poverty,[30] or the division between an inner circle of poverty which is comparatively closely linked to society and an exterior circle, to which our so called underworld belongs. Poverty could be a part of the life of the simple craftsman who was forced to ask for alms from time to time, just as it was of the beggar who had to beg the whole year round. The exterior circle included all the homeless men and women and – not to forget – the homeless children tortured by penury. They all suffered from scab, the so-called beggars sickness, they all suffered from lice, because their clothes were never cleaned, they suffered from severe winters, when even stags died in the forests. The crying of poor homeless children, their lamenteous asking for alms was a common, every-day molestation, for the normal '*burger*', the citizen. Indigence, hunger, unemployment, homelessness: Living in the exterior circle of poverty meant living in life-threatening poverty.

All these people living at the bottom, the members of the so-called underworld were not separated from society, this even though the impulse of compassion, given in the thirteenth century by the Franciscan Revolution, did begin to fade in the fifteenth century; alms were still given to all those people for Gods sake.[31] Although vagrants aroused suspicion as quacks, card-sharps, fortune-tellers, wizards etc., and were often involved in doubtful activities, although they were regarded as low characters, they were not excluded from society. Reputable citizens played together with vagrants, ignoring the latter's reputation of carrying loaded dice. In the greater towns playing dice became proscribed in the fifteenth century.[32] One should mention that usually the townsfolk didn't abide by that judgement of their magistrates too eagerly, but that is not our point of issue. Still the magistrates allowed playing dice in so called suspicious locals such as the brothel, and of course there were also exceptions, often assumed by historians to be normal. But it is quite easy to prove the exceptionality of such statutes. Life in the great or middle towns was not representative of that of the majority of citizens, most of who lived in small towns of

30. Slack 1988.
31. Schubert 1992.
32. Jütte 1988(b).

around 1,000 inhabitants. In late medieval Germany – and the figures appear to be comparable in France and England – more than 90 per cent of all citizens lived in those small towns. This 'normal life' is far more accurately reflected by the records of the municipal clerk of Volkach, a market place near Würzburg, than in the statutes, which even in the great cities were isolated in the urban legislation. In the year 1504 the clerk created a *Stadtbuch* and listed all kinds of 'officials'. And unlike modern times: He did not avoid including both ladies of the local brothel as being an important part of the town's public life.[33]

Neither was giving alms to members of the underworld uncommon, because in spite of various contemporary perceptions of poverty it was a well-known fact that there were no remedies against poverty, no remedies against the problem of unemployment, no remedies for helping the poor and weak, old men and women, who were unable to earn some money. Giving alms to all those who asked for them without making strict divisions could at least give the donor the feeling of not being completely helpless in the face of this common misery. And not to forget: Giving alms not only supported the poor, but aided in the salvation of the donor. In regard of medieval charity we must notice: Alms could only provide relief to the poor, but were not a real help.

We also have to distinguish between seasonal poverty and permanent poverty. As soon as prices began to rise begging also increased, because of the shortage of work. In times of greater dearth the tight labour-market nearly collapsed, and poor men and women had no opportunity to earn money.[34] There were – so remembered by a chronicler of Constance in the year 1438 – many servants in the streets tortured by hunger, who even offered to serve for no wages if only they would be provided with food. The problem of the cost of living was reduced to a problem of survival.

To resume our main question: It is not possible for historians to integrate poverty into a framework of social statistics, but they have nevertheless, the great possibility of describing the social problems of late medieval society by focussing upon the problems of the everyday life of the poor. In our case: We admire medieval buildings,

33. Kramer 1985.

34. Those are the same problems in early modern times, cf. Dinges 1988; Jütte 1994.

but we do not recognize the process of constructing these buildings as being part of the labour market. In Italy the construction season usually lasted two months longer than in more northern areas. This was to the advantage of the many poor unskilled workers, who were needed for medieval architecture, the labour market was open two months longer; and these two months had an immense effect upon their income – in the winter all the workers were unemployed and out of work.

The labour market of a town depended to a large degree upon the price of grain. For instance the citizens of Nürnberg in the so called *Fastnachtsspiele* – the carnival plays – were used to make fun of the foolish and impolite peasants: But the same citizens had to deal with reality when the prices of grain once again rose, and the laughing soon stopped. We should not underestimate the impact of the price of grain on social attitudes and even seasonal begging.

The problem of seasonal begging is a structural one. In distinction from the structures of poverty it is necessary to describe the individual conditions of poverty. Is it at all possible to provide an adequate description? According to Petrarca the life of the little people is beyond historical interest. Of course from our point of view Petrarca is wrong, but from that of his contemporaries he was right. Sometimes and in passing they mention poverty or the seasonal increase in begging, but to discuss the reasons of poverty did not belong to the scope of their intellectual interest.[35]

Petrarca and his contemporaries were not pitiless. The special bag for alms containing small coins for the poor was part of late medieval fashion. But these crying and singing people (singing was common for begging in medieval Germany) appeared to be a case of every-day misery to a person of average income, not a case of intellectual interest. Where can we find the sources for the main obstacles in the life of the poor and thus the individual reasons for begging? In my opinion, one chance for historians is the examination of fraudulent begging. Bronislaw Geremek and Frank Rexroth mentioned this sort of fraudulent beggar in Paris and London and Robert Jütte discovered in the smaller towns of southern Germany a similar social type.[36] In London and Paris officials and magi-

35. Schubert 1988(b).
36. Jütte 1988(a).

strates were confronted with the same problem: how to distinguish the real beggar from the beggar with fraudulent intentions?

To avoid moralistic interpretations: To have no protection and to live in extreme poverty were the biggest risks in the life of outcasts. Often they could only live by acquiring illegal strategies of survival. Theft was not the monopoly of poor men and women, but the crimes of the poor generally were those most likely to come to court, especially when they were committed by strangers.

The problems of late medieval magistrates are not ours. But we have to be thankful for their investigations. No one knows society better than the beggar who is urged to live from its charity. The fraudulent beggar had to convince people. The worry of the magistrates was that people would give alms to beggars who didn't deserve them. However, the people who gave alms to a fraudulent beggar were convinced of his penury.

Poverty in the underworld can be caused by the same reasons as poverty in common society. I will identify three reasons, often used as arguments for begging by fraudulent beggars. Their tears were false, but the explanation for their penury, they argued, was taken from a believable background.[37]

The primary reason for poverty – the main camouflage for fraudulent beggars and beggar women – was to have too many children. Therefore beggar women borrowed children from others, in order to have a visually convincing argument for begging. The people who gave alms to them knew: Poor parents had great difficulties feeding their children. This is reflected in the tale of 'Hänsel and Gretel'. A related reason: miscarriage. Fraudulent beggar women asked for alms pretending to have just given birth to a child or having suffered a miscarriage. The reason for this begging was usually convincing to contemporaries. These women could not work, could not earn a living, and for poor women married or unmarried, it was necessary to raise money. In several cities foundations of special alms were made in order to help poor maidens in their postnatal poverty.

The second reason: illness. Beggars pretended to be born blind or to be born dumb, others pretended to suffer from epilepsy using soap hidden in their throat. Most astonishing is another method of simulation: The medieval leper is assumed to have been entirely

37. Schubert 1998.

excluded from society, living in special hospitals outside the village and cities. But the information fraudulent beggars have given to historians is that even though leprosy was thought of as extremely contagious there were wandering beggars asking for alms as lepers. In the German argot, in the Rotwelsch, a beggar who was able to master this kind of simulation was called *Jungfrau*, 'a virgin', because he is unsullied, untouched by the disease.

Power: the third reason for poverty. Wandering beggars demonstrated their penury by showing the chains or part of chains from the prisons they pretended to have escaped from. The people who gave alms to these beggars were convinced that the prison, even if it was an official one, was only an instrument of power, dangerous for men and without legitimacy to keep society in order. This special type of a fraudulent beggar personified a good, but in constitutional history forgotten, part of the mentality of common people. A monopoly of power belonging to the state appeared odd to them. On the contrary they were convinced that the power of rich men, either noblemen or influential citizens, was not necessarily beneficial for poor men and women.

Let us try to explain, why the underworld in the modern sense of the word was only a problem of the greater urban societies: Let us compare one outcast in a settlement of 10 neighbours, with 10 outcasts in a village of 100 inhabitants and 100 outcasts in a town of 1,000 citizens. In each case they constitute 10 per cent of the population, the difference being that in the first two cases it was possible to integrate the outcasts into society, or at least to live with them, but in the third case a social group of its own could emerge. Still our example of Volkach demonstrates, that even in a market place of around 1,000 inhabitants, the normal form of urban living, the neighbourhood, was able to prevent a social group of outcasts. Of course, the citizen looked with disregard upon a poor man, who for instance earned his living driving geese to the market: *Hans Gensmelker.* But the nickname proves that he was, although disregarded, a member of urban society. Disregarded could also be a member of the established society because she was lacking in patience: *Thrut Ungeduld.*

All these *sackträger*, these 'ribalds' were not completely excluded. In urban society the economy needed temporary workers, the masters of houses needed someone to clean the toilets (the so-called *Goldgräber*) and in a tedious society people were looking

for entertainment. The discriminated *ribalde* – different from the French soldier – was also an expert in gambling often considered to be a cheat. Living in crowded huts, often in the graveyards or on the corners of narrow streets, these people were associated with poor beggars, proscribed thieves and so on. All these poor men were only known by nicknames, often discriminating ones like *Scheißinbrunnen.* All of them were asking for charity. And they did recieve alms because, in a deeply religious society, giving alms was a kind of assurance to reach heaven.

The great change, or: Why it's so difficult to understand the medieval underworld?

The main problem consists not only of finding the sources, but also of interpreting them properly. Historians are part of history. Their imagination is inspired by historical developments. It is impossible to understand the specific character of marginal social groups in medieval times without knowledge of how society perceived them. The change in this perception at the end of medieval times leads modern historians to at least two differing perspectives, which, if not carefully handled, could cause some confusion.

A great social change took place from late medieval to early modern times, especially in the sixteenth century, an often forgotten change, because historians commonly prefer the higher ranks of society as their subject of research. This great change was not a part of the Reformation, because its roots can be found in the generation before Martin Luther. The Reformation itself was a part of the new humanistic inspired political thought.[38]

The keyword for the new ideas of public order is the term *gute Policey,* a term arising in Germany around 1500. Like in other countries in early modern Europe the aims of a Christian and well organized state were based on the use of legislation as an instrument of state-controlled order. This legislation involved the discrimination of all vagrants, outcasts and all the homeless men and women who were assumed to have chosen idleness, i.e. that they wanted to be unemployed. They became victims of a new social thinking. Social stereotypes came into fashion in early modern Europe: the

38. Schubert 2000.

sturdy, the idle beggar. The 'masterless men' in England were stigmatised in the new legislation in the same way as the *herrenlose Gesindel* were in German territories.[39] The changing meaning of the word *Gesindel* shows the effect of this legislation. In late medieval times *Gesindel* did not have any pejorative or negative sense, it merely denominated a lower rank of servant, but in the sixteenth century the meaning of the word was over-imposed by the negative sense of 'rabble'.

The example of the Gipsies, a kind of homeless wandering people, *fahrendes Volk*, testifies to this great change.[40] Coming to Germany for the first time in 1417 they always got alms because people had compassion with these dark men and women who told them the legend, that their ancestors lost their homes in Egypt, because they had given shelter to the fleeing holy family.

In 1498 the diet (*Reichstag*) of Freiburg ordered the Gipsies to leave the Empire. It was the beginning of condemnation. The *gold-en eeuw* of the Gipsies (to use an expression of Olav van Kappen) came to its end.[41] At first nobody in Germany respected this order, which was hidden among two hundred paragraphs in a *Reichstags-abschied*, a decision of the diet. Nevertheless it was part of a whole body of prescriptions which expressed a new political idea, the idea of a disciplined society: the concept of the *gute Polizei*. This concept was repeated in the legislation of the territories. And in all these new laws and statutes, contrary to medieval legal custom, Gipsies were condemned. Gipsies became people outside of society.

Another example: In late medieval towns, even in smaller ones, brothels were to be found. The wandering whore had become sedentary. Everybody in a late medieval town knew the whores. It was not dishonourable to visit such a *Frauenhaus*, the German term for brothel. The wage of a whore, although very low, was usually guaranteed. But by the middle of the sixteenth century nearly all *Frauenhäuser* in the towns and the cities had been closed. The whore became the female counterpart of the male outcast. This was the beginning of the red-light culture.[42]

39. Beier 1985; Schubert 1991.
40. Gilsenbach 1998.
41. Kappen 1965.
42. Roper 1985.

These are only two examples of a process, which we define as the formation of society. (The traditional focus on society is a model of hierarchy, looking at only five per cent of the population.) This process of change followed two tracks which eventually joined.

In late medieval times the extremely poor men and women were despised and ridiculed but they were not prosecuted for their way of life as they were in early modern times. Late medieval authors often criticised, what in their eyes, was the bad behaviour of the poor. But no one described them as later early modern theologians did, for instance William Perkins (1558-1602), the first English Calvinist, who wrote that the life of beggars and vagabonds resembled that of a beast.

The background for this process was provided by the increasing population. People had to find new rules for living together. The guilds tried to close their ranks against newcomers. *Unehrlichkeit* took on a new more widespread dimension. The social cleansing function of penitence vanished. The hangman could no longer become honourable by making a pilgrimage to Rome. The towns began to make immigration more difficult. The new ethos of work was about to be accepted, helping masters of the house to strengthen their position. At the centre of the developing society could be found the master of the house, the patron, and at the top of his society the lord, defining himself as father of the territory.

The perspective of the man on the street was another. The population increased rapidly and legislation started to condemn the poor, but nevertheless the compassion of ordinary people with poor men in general did not disappear immediately. But neither in Catholic nor in Protestant regions did there remain a single religious foundation of alms.[43] Begging became more difficult and begging became a shame. Therefore it was no longer beneficial for the majority of outcasts to hide themselves in the world of the poor. An underworld in the strict modern meaning, similar to that which already existed in the extensive late medieval cities of London and Paris, emerged in early modern time. But what in medieval times was an exception owing to the astonishing size of London and Paris became in early modern times rather normal.

43. Fischer 1979.

What is the reason for the great change?

It is not a change in the attitude of society to the problem of poverty, it is a constitutional problem. The German term *Obrigkeit* is – quoting English historians – 'untranslatable'. *Obrigkeit* means: There is no difference in German territories between authority, administration and government. One attempt of the developing *Obrigkeit* (since the end of the fifteenth century) was to educate people to be members of a society, to which God could extend his grace. Therefore blasphemy and cursing, which were common in medieval times, were forbidden as was becoming drunk. About 1500 a new target of discrimination appeared in *Polizeiordnungen*, laws and statutes: the valid beggar.

This attempt was strengthened by the Reformation for different reasons. The reformators postulated begging to be generally forbidden. Giving alms was the most significant manner of *Werkgerechtigkeit.* Men must work. Discrimination of the valid beggar (blinded against the problems of unemployment) was at the same time the best argument against the most popular figure of the old church, the friar.

Let me conclude: The medieval underworld can not be described by terms like *Unehrlichkeit*, deviance, marginalisation or stigmatisation. All these terms are helpful to describe the social thinking after the development we have characterised as the great change, but using these terms for the description of medieval times brings an unnecessary dance on the slippery ice of anachronism. The medieval underworld is part of the biggest medieval social problem, poverty. To quote a remark made by Gerhard Jaritz: In the view of beggars and outcasts the sixteenth century was a dark one.[44]

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44. The remark was put forward at the conference in Copenhagen in 1999.

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The History of Late Medieval Everyday Life

A Review of Patterns and Contrasts

Gerhard Jaritz

The history of everyday life was fashionable in the 1970s and 1980s, particularly in German-speaking historical research,[1] but since this fashion has visibly decreased. It has, however, had quite a number of positive results, and the subject has become a serious and seriously taken field among the historical disciplines.[2]

Medievalists did not participate or contribute considerably to the theoretical and methodological discussion on the history of daily life; if they did, it was later than the representatives of modern or contemporary history.[3] Among the main results of the discussion was that it demonstrated the necessity of an interdisciplinary approach, dealing with various evidence in written texts, pictorial sources, and archaeological materials.[4] This also meant leaving the boundaries of the humanities.[5] Also emphasised was the importance of comparative, qualitative and quantitative studies.[6]

The weakness of some 'Histories of Everyday Life in the Middle Ages' can be seen in the rather descriptive approaches and results of research offered, with too little care taken for the contextuali-

1. See, e.g., Elias 1978; Borscheid 1983 and 1987; Tenfelde 1984; Lüdtke, ed. 1995; Scholliers 1997, pp. 130-33; Kocka 1997, pp. 140-42.
2. A group of critics, however, still may be traced. In the 1980s, Hans-Ulrich Wehler spoke of historians of everyday life as dealing with 'bland, conventional oatmeal': see Lüdtke, ed. 1995, p. 10. In the mid-1990s, Arnold Esch still did not recognise any value in the history of daily life. He posed the question 'Hat die Alltagsgeschichte Zukunft?' and, without any convincing arguments, gave the answer himself in negating any future for the field, or 'nur insofern, als sie einen kleinen, dienenden Bezug auf das Gesamtbild hat'. See Esch 1996, pp. 32-35.
3. See Jütte 1995; Goetz 1990 and 1994; Goetz 1999(b), pp. 299-310; Romeikat 1999; Jaritz 1989 and 1994.
4. See Goetz 1999(a); Hundsbichler 1999. Cf. Kühnel, ed. 1996; Dyer 1994; Iñigo 1995.
5. See Jaritz, ed. 2000(a).
6. See, e.g., Jaritz 1989.

ties of the source material. One still can recognise the tradition of late nineteenth- and early twentieth-century *Kulturgeschichte*.[7] The problems and influences of norm and practice,[8] of (patterns of) intention and (patterns of) response,[9] of perception and realisation, of terminology,[10] of symbols and signs,[11] of types, stereotypes and topoi, of didactic aims, etc., are only a few considerations that have to play a major role in today's research. Sometimes there is still too little occupation with a number of them. Out of the 'reality' of the various sources a picturesque 'reality' of life may be developed too quickly, one that does not take into account the power of our, that is, historians' own cultural filters.[12]

The necessity of comparative approaches

To escape at least some of these difficulties, comparative approaches to analysis have become indispensable. When, for instance, studying sumptuary laws and their influence on society and the life of the members of different late medieval social groups, their information cannot be taken unchecked as a reflection of certain aspects of the material practice of everyday life.[13] It is not only necessary to consider court evidence for the breaking of such laws,[14] but also to consult sources that deal with the material objects and the social groups mentioned in the sumptuary laws in other contexts – as, for example, didactic or narrative texts, and images. There, one may be able to recognise different criteria of perception, explanation, and effect. One may also discover or have confirmed that operating with contrasts played an important role

7. See, in particular, some voluminous overviews having used large numbers of sources: Schultz 1889, 1892 and 1903; Heyne 1899, 1901 and 1903. For France, see, in particular, Gay 1887; d'Allemagne 1928.
8. Jaritz, ed. 1997.
9. Concerning visual sources, cf. Baxandall 1986; Freedberg 1989.
10. *Terminologie und Typologie mittelalterlicher Sachgüter*. 1988.
11. See Blaschitz *et al.*, eds. 1992.
12. For the problem of cultural filters with regard to the description and analysis of images, see, e.g., Baxandall 1986, pp. 105-11.
13. Concerning sumptuary legislation, see, in particular, Bulst 1988; Hunt 1996; Killerby 2002; Muzzarelli and Campanini, eds. 2003.
14. Bulst 1988, pp. 51-56. Concerning court sources and the history of daily life, see Simon-Muscheid 1994.

in late medieval life.[15] The creation and usage of such (patterns of) contrasts can be seen as a phenomenon that not only influenced norm and didactics, but also the practice of life; just think of the confrontation and polarisation of 'elite' and 'popular' culture,[16] of one's own and the other,[17] of old and new,[18] and so on. For all these spheres, a context-bound comparison of the different 'realities' of the sources is indispensable; and also a connection of qualitative and quantitative approaches and analyses, particularly when dealing with types, stereotypes or topoi, and their usage.[19]

Moreover, one has to concentrate on different kinds and levels of the 'simultaneity of the unsimultaneous' (*Gleichzeitigkeit des Ungleichzeitigen*) in the sources, in which, for instance, certain objects, persons, situations and qualities may on the one hand seem to represent a clear 'closeness to everyday life,' but on the other hand, and simultaneously, are to be seen as symbolic and/or metaphoric references and messages, in the religious as well as in the secular space.[20] Such different phenomena and functions of 'closeness', and their utilisation as patterns of argumentation can be found regularly, starting from the apparent proximity of the contents of late medieval religious images to everyday life situations, generally,[21] to the sometimes complicated visual and literary symbols of the Virgin Mary and her representations, and so on.[22]

In search of patterns

Any aspects of such quotidianity, their perception and evaluation, were strongly connected with, and depended on the public character and role which they played in human life. The degree of public

15. Jaritz, ed. 2000(b).
16. Still important, Frijhoff 1984, pp. 30-31, and Burke 1990.
17. See, e.g., Harbsmeier 1987; Mellinkoff 1993.
18. See *Alltag und Fortschritt im Mittelalter.* 1986.
19. For the comparative utilisation of these methods, the application of computer-supported research seems to be relevant. This is true for the interpretation of texts as well as for the analysis of pictorial source material, where digital image analysis has gained more and more importance; see Jaritz 1999(a).
20. See Jaritz 2002(a).
21. E.g., Lavin 1994, passim.
22. Salzer 1893.

appearance influenced the way and necessity of discussing situations or trying to regulate them. Such public space has to be seen as status-, place-, and situation-dependent. For members of the nobility, burghers or peasants, it had, for instance, another meaning than for monastic communities. For the members of the latter, an area that one might call 'private space', often did and should not exist.[23] Each action inside the monastery was evaluated as though to be seen by everybody in the community, to be public, therefore, and publicly justifiable. Especially in the high medieval monastic rules, we find regulations for how to get into one's bed, which clothes to wear at night, how to go to the toilet, etc.[24] – normative aspects of life that one does not find regulated in secular space.

All spheres of everyday life are connected with the phenomena of communication that may reach from the local area to rather 'international' contacts and co-operation. Communication itself has to be seen as influencing daily life and also as a part of quotidianity. Manifold mutual interests, influences, adoptions, and interdependences existed.[25] Many connections lead from the 'daily' to the 'non-daily', and vice versa.[26] In addition, an important number of connections between everyday life and politics, religion, economy, the arts and sciences, and so on, should be recognised and have to be analysed.

When one is interested in late medieval daily life, its routine, its repetitiveness and habitus, one must concentrate on tracing and studying the patterns that the source evidence may contain. Their appearance, and their role and meaning in particular, depended on aspects of any kind of social order, of space, of intended messages, of the languages of signs, and so on. Historians' 'quasi knowledge' about any individual situation, object, action, or quality alone must be seen as meaningless. Their significance may only be seen if one also becomes aware of and acquainted with contemporary medieval classifications, evaluations, or connotations, and the differences and contrasts in context; and if one is able to integrate them into one's construction of results. One has to recognise the fact that there were regularly different levels and patterns of mean-

23. See Zimmermann 1973.

24. Zimmermann 1973, pp. 120-22, 140-43, 409-13, 448-52.

25. See *Kommunikation und Alltag in Spätmittelalter und früher Neuzeit.* 1992; *Kommunikation zwischen Orient und Okzident.* 1994.

26. See, generally, still Elias 1978, pp. 25-29.

ing which might have operated simultaneously or supplemented each other.[27] For this reason, they may also have lead to different (ways of) reception and perception.

Context-bound 'daily life'-patterns can be found through the analysis of many source corpora. With the help of last wills, for instance, one comes across the important, mainly socially dependent, value structures, functions, and esteemed qualities of material objects like dress, vessels, jewellery, weapons, books, beds, and so on.[28] Similar results can also be obtained through the qualitative and quantitative analysis of the contents of account books.[29] They may range from the type of objects mentioned, their value, need, and context, to certain aspects of esteem and quality. The analysis of such criteria always has to take place in a comparative framework. The various patterns of any 'realities of the sources' should not only be seen individually but comparatively, referring to their varying contextualities. Literary sources also offer a great deal of information about aspects of medieval quotidianity and mentality, much more than the stories about the daily life of the figures mentioned in the text.[30] One has to emphasise for historical as well as for literary sources that the 'real fiction' and the 'fictitious reality' of the varied evidence from the past does not mean loss of information but, through their analysis, may be seen as an enrichment.[31]

The recognition and comparison of late medieval patterns of daily life may also lead to various results of the distinct meanings, functions, values, and legitimacy of objects concerning their owners and users, and their role and position in the social and the socio-economic system. This may also offer clearer results in those cases in which specific objects had a highly esteemed and positive connotation for one or more social groups, while for others, however, they might have represented paradigms of vanity to be evaluated in a strictly negative way. This seems to have been true, in particular, for things that were expensive, new, and fashionable.[32]

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27. Cf., e.g., Kluckert 1974.
28. See, e.g., Baur 1989.
29. See Dirlmeier 1990.
30. Concerning the role of literary sources for the history of daily life, see, e.g., Schüppert 1982, 1984 and 1986.
31. See Simon-Muscheid and Simon 1996, p. 19.
32. Cf. *Alltag und Fortschritt im Mittelalter.* 1986, passim; Jaritz, ed. 2000(b), passim.

What the patterns reveal

Similar results can be attained when comparing the patterns of norm and patterns of practice in the study of daily life. One of the main outcomes of such analyses has been the conclusion that one cannot generalise concerning the acceptance or rejection of the manifold laws meant to influence certain, mainly public, aspects of daily life. In this context, one has to emphasise again that 'public' and 'private' must be seen as relative terms and definitions, with distinct meanings for everyday life in the late Middle Ages.[33] There, and also regarding the aforementioned acceptance and rejection of norms, we are regularly confronted with various types and aspects of compromises – compromises sometimes well-defined through rather obvious profit and loss accounting.

One finds different variants of socially, economically or religiously determined connotations and evaluations in all types of sources. They are based on comparison, on constructed differences and opposition, and on the consciousness of varieties of meanings. Old and young, rich and poor, small and large, close and distant, high and low, up and down, left and right, much and little, clean and dirty, male and female, and so on, all of them are regularly used pairs of difference or opposition that mediated contents and messages in the process of their context-bound reading. Arguments made with them and their use regularly occurred in late medieval daily life-situations and their constructions. A kind of 'neutral' daily life does not exist in our sources.

The material aspects of everyday life may provide some examples. There are the many instances of patterns of the good and beautiful in the broadest sense of the word versus the bad and the ugly – always to be seen in their manifold levels of adequacy.[34] In an urban context these might have been connected with a rather high number of innovations and improvements: with window glass, with roof-tiles, with the paving of roads, with mechanical clocks, etc.[35] They increased the standard of living, security, and prestige. Particularly in the first and most attention-attracting phase of their installation and application, they also seem to have played an im-

33. See Hebert 1987; Vincent 1989; Austin 1998.
34. Jaritz 1993(a).
35. See Jaritz 2001.

portant role in a number of other contexts. One used such positively evaluated objects – signs of (one's own) material success – to mediate other, immaterial messages: of the purity of the Virgin, the learnedness of a saint, or the 'buon governo' in a community.[36] Parts of already existing or just developing ideals of material culture became – in new or other contexts – explanatory signs for positive, often immaterial and spiritual, aspects of 'daily life'. And the opposites may have been used for visualising negative aspects. One was confronted with context-bound patterns of the positive ideal versus patterns of negative deviation, from the social order or from material possibilities of the communities or from other phenomena that were seen as generally relevant for communal life.

Without taking into consideration all the connections, contexts, and networks, ambiguities might occur that make any interpretation difficult or impossible. An example concerning late medieval dress, its visual representations,[37] and the 'ambiguity of their language' may be used to demonstrate the problems.

Visual representations of dress

Medieval pieces of dress and their depictions received meanings and connotations in context with the status, position, and function of their wearers, with occasions and actions at which they were used, with the type of representation in which they were utilised. Without the existence and recognition of these contexts, they could be meaningless or bear ambiguous connotations. One has to be aware of the fact that the same piece of dress may have created a positive image of its wearer in one case, while in another, with regard to a person of different status and function or concerning another action, it may have aroused negative connotations and messages. Without knowing the contexts, medieval people might have been at a loss to identify the message(s) just as today's analysing historians are.[38]

36. Concerning the 'buon governo' patterns, see Deuchler 1984; Kempers 1989. See also Burkart 2000.

37. Concerning the role of visual images for the history of medieval daily life, see Moxey 1996.

38. One fifteenth-century example comes from the German town of Wismar, where it was prohibited for maidservants to wear trimmings on their dresses. In

We are confronted with such a phenomenon, in particular, when studying costume in pictorial and written sources of the late Middle Ages, and with regard to the variety of representations in which dress occurs in the evidence of this period. It is indispensable here to consider the different existing 'languages of dress' and their 'dialects'[39] when analysing the meanings and messages that the outer appearance and costume of people were to carry. Especially patterns and contrasts played a decisive role in using and understanding dress as an object of classification, connotation, and perception of oneself and 'others'.

To recognise such others by their outer appearance and to be recognised correctly oneself was generally an important domain of medieval life and order. Conventions and norms influenced outer appearance and its evaluation crucially. One has only to think of the wide range of sumptuary laws that were intended to regulate many spheres of human activities and material culture. They had an important standing in late medieval society, and concentrated on explicit and detailed norms to control human display: to show order, to make the relevance of social grouping and hierarchy visible, to reduce expenditure, and to point out morals. In them, dress regulations often played the most important role.[40]

The pieces or patterns of clothing that became the main objects of discourse were connected with fashion, with value and prestige, with the extraordinary, or with novelty. They attracted attention and could therefore be used as particular signs and distinguishing marks. In some cases they were used as negative representations and signifiers of various kinds of illegitimate rank and behaviour, their utilisation to be socially regulated, forbidden or controlled. They were seen as ostentatious marks of *superbia,* to be criticised,

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their function as controllers, the executioner and his servants were urged to cut them off if trespasses were found. However, this could not be upheld for long. It happened that the trimmings were cut off the dress of *maniges amtmanns erber kind* (honorable daughters of various officials), but were not touched in the case of two actual maidservants. The correct contextualisation had not worked, as the necessary knowledge and recognition did not exist (Eisenbart 1962, p. 47). Concerning the context-bound role and function of visual representations of medieval costume and dress, see, e.g., Reichel 1998.

39. Cf. Jaritz 2000.

40. See, e.g., Eisenbart 1962; Bauer 1975; Zander-Seidel 1993; Jaritz 1993(b); Bulst 1993; Muzzarelli and Campanini, eds. 2003.

Fig. 1-1. The pointed shoes of a sorcerer. Detail from the temptation of Saint Martin by the devil clad as a sorcerer, panel painting of a winged altar-piece, before 1500. Göflan (South Tyrol), parish church. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

Fig. 1-2. The pointed shoes of Emperor Frederick III. Detail from Emperor Frederick III, 'Wappenbuch', coloured ink drawing, last quarter of the fifteenth century. Vienna, Austrian National Library, cod. s. n. 12820, fol. 23v. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

Fig. 1-3. The pointed shoes of a standard-bearer. Detail from the institution of the First Grand Master of the Order of the Knights of Saint George, panel painting, c. 1500. Klagenfurt (Austria), Kärntner Landesmuseum. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

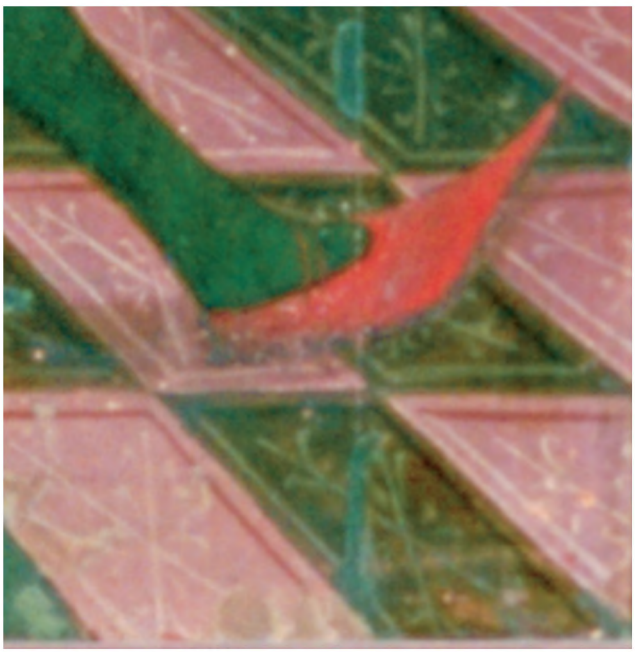

Fig. 1-4. The pointed shoes of a tormentor of Saint Vitus. Detail from the oven martyrdom of Saint Vitus, panel painting of a winged altar-piece, 1470/80. Klagenfurt (Austria), Kärntner Landesmuseum. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

Fig. 2. The striped dress of Malchus. Detail from the imprisonment of Christ, panel painting of a winged altar-piece, c. 1520. Pulkau (Lower Austria), Holy Blood church. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

Fig. 3. The striped dress of a tormentor of Saint Stephen. Detail from the stoning of Saint Stephen, panel painting of a winged altar-piece, 1500/20. Krenstetten (Lower Austria), parish church. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

Fig. 4. The striped dress of a standard-bearer. Detail from the institution of the First Grand Master of the Order of the Knights of Saint George, panel painting, c. 1500. Klagenfurt (Austria), Kärntner Landesmuseum. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

Fig. 5. The striped dress of a nobleman. Detail from the institution of the First Grand Master of the Order of the Knights of Saint George, panel painting, c. 1500. Klagenfurt (Austria), Kärntner Landesmuseum. (Photo: Institut für Realienkunde des Mittelalters und der frühen Neuzeit of the Austrian Academy of Sciences, Krems an der Donau (Austria)).

condemned, or burnt.[41] In other cases, they could serve as positively meant, extraordinary material characteristics of upper-class social membership that was not touched by any sumptuary regulation. Such objects were, for instance, horn-shaped female headdresses,[42] long trains, pointed shoes, many types of furs, precious metal applications, and so on. Only knowledge of the contexts in question can offer information on their significance, connotation, and categorisation.

Pointed shoes may be seen as one of the most discussed and most controversial pieces of dress in the fourteenth and fifteenth centuries.[43] Written normative, didactic, and narrative sources show a clear concentration of heavy criticism and condemnation, particularly in urban space, based on the deadly sin of *superbia*. The visual evidence followed this direction regularly; at the same time, it also represented contrast by using the pointed shoes as a specific legitimate and necessary mark of distinction worn by upper class members of society: mainly noblemen and also their servants, to show the high status and the extraordinary position that they represented. The meaning of the object 'pointed shoe' could therefore be, at least twofold. The compilation (in fig. 1) of the Austrian depictions of four examples of fifteenth-century pointed shoes out of context proves the impossibility of finding out what they represented: the positive signs of members of the late medieval upper classes, or the negative characteristics of villains, torturers, and other social undesirables. Without the contextualisations we are helpless; we do not know whose shoes they were and what they meant. Only when seeing or being told, may we understand. This example shows the negatively characterising pointed shoe of the sorcerer (= the devil) who tried to seduce Saint Martin (fig. 1-1), another highly positive worn by Emperor Frederick III (fig. 1-2), the third by a standard-bearer on the occasion of the institution of the First Grand Master of the Order of the Knights of Saint George (fig. 1-3), and the last pointed shoe is the footwear of a tormentor of Saint Vitus (fig. 1-4). The shoes differ in the meaning

41. One may think of the fifteenth-century preachers against the Vanities and their success concerning matters of dress, e.g., Saint John Capistran's sermon in the Cathedral Square at Bamberg and the following Burning of the Vanities in 1452, which was depicted on a panel painting of c. 1470. See Ruß, ed. 1989.

42. See, e.g., Reichel 1998, pp. 271-74.

43. See Jaritz 1994/95 and 2002(a).

of their sign character. In the right context, they can be seen as representatives and signifiers of the heavily negative connotation of the persons who wear them. As they were a clear negative mark of *superbia* for all people who did not represent the upper classes of society, they fit well for any bad figures in visual and textual material as, for instance, the enemies of saints and the Christian faith. On the other hand, they could also function as legitimate material signs of exceptionality for the members of the upper classes or from their direct environment. It was 'necessary' to depict Emperor Frederick III as wearing them, in the same way as the servant who bore the standard at the occasion of an important festive meeting of the members of the uppermost strata of society, like the Emperor and the Pope. Only the context of the representation counted and should lead to the understanding of the positive or negative role and significance of specific material objects.

Such a phenomenon is also true for the colourful striped dress that Michel Pastoureau dealt with, the 'devil's cloth', for which he showed its general negative characteristics and significance, not least in the visual source evidence of the late Middle Ages.[44] One finds it, for instance, as a clear sign for negative figures in the Passion of Christ (fig. 2) or for the torturers of various saints (fig. 3). It also should be clear, however, that the same object, but with a contrasting meaning, had to occur in other contexts, with the distinction going in the direction of upper class significance. If one, for instance, goes back to the representation of the institution of the First Grand Master of the Order of the Knights of Saint George that had taken place in 1469 and was depicted in c. 1500, not only the standard-bearer with his pointed shoes wore such striped cloth (fig. 4), but also a number of noblemen who attended the ceremony (fig. 5). One is confronted with the portrayals of explicitly positive figures of distinction, for whom these types of dress and cloth were legitimately used to show their extraordinary position as members of the upper classes of society or as their servants.

One could offer a large number of other examples – concerning doublets, hose, codpieces, the décolletage of females, the lengths of female and male clothes, etc. In each case one may find a similar situation of representation: the utilisation of special or extraordinary pieces of dress to characterise and to make recogniseable

44. Pastoureau 2001.

specific negative persons and, in another context, the same pieces used as material objects to identify and to signify positive figures of distinction and high social status.

Conclusion

Similar situations may be found when taking people as the initial 'material' basis of analysis: for instance, peasants as the objects of discourse. Members of the rural population were portrayed in texts and pictures as positive models and examples. Their visual and textual representations were to show the ideal peasant's life and work, as the basis and support of medieval society. In other functional contexts, other peasants entered the stage: the negative ones. They could be represented as doing the wrong work; or they could wear the wrong clothes, such as fashionable doublets, hoses and pointed shoes, and have the long curly hair that was normally significant for young upper-class persons.[45] Something must have been wrong; one made fun of the objects 'peasant' that had unfittingly tried to leave their social status.[46] At the same time, this could become a warning for everybody not to behave in a similar way.

Again, any research into medieval daily life and material culture has to be done in awareness of the context of representation. Without it, the individual bits and pieces may be ambiguous or completely meaningless, the feasibility of understanding the language of objects and signs correctly would be lost.[47] The 'ambiguities' put into the right context offered possibilities for late medieval 'participants' to identify and understand, and also to 'construct' material culture and people better. The same has to be true for today's 'observers', that is, the historians of everyday life.

To summarise: The history of late medieval daily life nowadays represents an integrated and indispensable part of social history, of cultural history, and of the history of mentalities.[48] It no longer

45. See Jaritz 1999(b), p. 63.
46. See, e.g., Schüppert 1984; Raupp 1986; Moxey 1989, pp. 35-66; Jaritz 1995.
47. Concerning the sign language of dress in literary sources, see, in particular, Raudszus 1985.
48. See Goetz 2000, p. 5.

concentrates on the usage of picturesque details out of, for instance, urban sumptuary laws, 'realistic' late Gothic images, or individual pieces of archaeological evidence. It focuses on patterns, on habitus, routine and the repetitive, and systematic comparison based on them. It tries to connect the material aspects of life with the immaterial ones. In this way, the history of late medieval daily life no longer represents a curiosity cabinet, as everyday-life studies have been generally seen by a number of 'traditional' historians. The danger of the 'rhétorique de la curiosité', as Jean-Marie Pesez called it in the specific context of the history of material culture more than twenty years ago, has decreased.[49] The history of daily life in the Middle Ages has become a field of research interested in the interdependence between humans, objects, environment, and space in the context of micro-and macro-levels, and in the course of historical processes and developments.[50]

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49. Pesez 1978, p. 130.

50. See Romeikat 1999, p. 313.

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Showing Abstractions

Late Medieval Images of States and Status

Wim Blockmans

As we are today living in a world full of visual images, photos and videos, it is obvious that the historians' attention is also drawn to the role of the image in the past. In the following paper, I shall first deal with research techniques by which visual sources can be retrieved. In a second section, I shall discuss the much broader question of the types of information historians can get from these sources. The traditional division of labour between historians and art historians needs to be overcome if we want to integrate the visual dimension of medieval societies in our knowledge.

Research Techniques

Publishers and television producers are now offering opportunities to reproduce and publicise visual material from previous ages that our colleagues of one or two generations previously could not have dreamt. We thus see more of the preserved visual source material and in a better quality of reproduction. Moreover, visual sources have become much more accessible to us over the internet and in CD-Rom publications. Technology nowadays facilitates not merely reproduction but also manipulation, which allows reconstructions of lost items. In the field of architecture, virtual imaging allows the recreation of lost monuments,[1] as it facilitates computer assemblies of fragments and analyses of paintings.[2] Further, search-machines have revolutionised methods of data collection since all kinds of associations, of which nobody may have thought before, can now be made in a few seconds. This enables researchers to collect and compare far more visual sources than ever before, and

1. See for example *Hochrenaissance im Vatikan.* Vol. 1: 1503-1534. 1999, pp. 582-85 and the video demonstration.
2. Ainsworth and Martens 1994, pp. 40-52; Koreny, ed. 2002, p. 16.

to analyse it systematically from more complex questionnaires. Indeed, generally available information technology offers keys to scrutinize the sources in a more penetrating way than could ever be done before on a large scale. Nevertheless, one has to keep in mind that any data available on the internet has been collected on some existing basis, such as museum collections, and has been described on the basis of some frame of reference.

In the light of these revolutionary developments, heroic efforts made by our predecessors to develop new tools to unlock the wealth of visual sources have rapidly become technically outdated. However, digitalisation projects are normally based on existing collections, which unavoidably continue to play their role, even if the premises of their composition have become scholarly irrelevant. To make the difference more concrete, I may refer to three avant-garde projects dating from the fifties and sixties. In the *Centre de Culture et de Civilisation Médiévale de Poitiers*, an important *photothèque* was the object of pride of the dynamic organizers such as Michel Crouzet. Tens of thousands of black-and-white photographs of Romanesque buildings, paintings and sculptures have been collected and identified on cards. The objects having a function in the cult, most of the representations had a religious theme. As the main field of interest of the initiators was the history of art, the whole collection was focused on the problems considered to be relevant for that discipline. Although the *Centre* was based on a collaboration of several disciplines, its issues and the methods remained fairly monodisciplinary. It is hard to use this *photothèque* to collect data on problems interesting to historians such as the symbols of power or the representation of social classes.

Léopold Génicot launched a similar initiative with the aim to use the visual art material for the purposes of the history of agriculture. His project aimed at collecting iconographic material containing representations of people living in the countryside, their working methods, tools and techniques, and lifestyle. Being a progressive man, he chose for the application of the newest computerized techniques of his day, the early sixties. The collection can still be seen in the medieval history department at the University of Louvain-la-Neuve. Nobody has used it for years, and no great effects of it can be traced in research. Its main value may perhaps be for the history of scientific development, as it really deserves a place in a museum for the history of science because

of its progressive endeavour. The collection consists of two files: 1. some two-thousand black-and-white photos of panel paintings; the observations esteemed to be relevant for agrarian history (and only for that, leaving out other topics on the same panel) have been typed on cards; 2. a collection of punched cards by which it is possible to sort out the indexed references, if one manages to apply with the required manual skill the appropriate equipment, which resembles a knitting-machine.

Obviously, Génicot was a blasphemer – or iconoclast – in the eyes of the art historians. Methodological doubts seem justified indeed, as the project split up works of art into details judged to be relevant or not for that particular type of research. As a consequence, the meaning of the work as a whole composition got lost, and thus also a meaning which might have had implications for the detailed representation under consideration. More practical objections concern the limitation to panel painting and the loss of an opportunity to create an instrument which might at once have unlocked the material for other research purposes. The project nevertheless was a stepping-stone from which historians could reach further.

The third project started in the fifties that I would like to mention is known by some as *Iconclass*. It was conceived by the Leiden art historian Henri Van de Waal as a universal classification of key-words to describe representations on paintings. The system as such is simply a thematic and numeral nomenclatura, its value depends on its application on particular collections.[3] Only a limited number of collections have been effectively unlocked by this system, which obviously seriously limits its use. For art historians, it seems to work well in those collections which have been described along this classification: all references to, say The Adoration of the Magi, or to dogs or Jews can be traced. The iconographical coherence of the work has been respected and divergent questionnaires may be served by its use, on the condition of knowing the right names or terminology in advance. However, the keywords have been selected from the art-historians' background, and they thus have only a limited applicability for a historian who might be interested in blue velvet hats or in female moneychangers.

In our day, we see the publication of CD-Roms with thousands of full-colour reproductions of whole museums and libraries, such as

3. Van de Waal, Fuchs and Couprie 1985.

the Vatican Manuscripts or those of the Dukes of Burgundy in the Brussels Royal Library. This massive but delicate material has been studied far less intensively than panel painting, partly because it is more fragile, maybe less spectacular for the public and preserved in far larger quantities. So, masses of visual materials are now becoming available to us in an unprecedented way, and the software allows us to analyse it on a much greater scale and with a broader scope than before. Which use are we as historians going to make of these sources? Ideally, we should try to combine all the previous approaches, adding to them the refined interpretative models developed by Jacques Le Goff, Michel Pastoureau and others.[4] However, the bottleneck obviously remains: the transposition of visual observations to concepts and keywords that make sense for all kinds of research questionnaires. This requires a huge amount of highly qualified work whereby the great challenge remains to transcend the limits of one's own discipline and of the existing research paths. Techniques for electronic pattern-recognition are seemingly not yet adequate for the refined questionnaires we are dealing with, and even then the patterns will always have to be defined by scholars trained in some way or other.

The Image as Testimony

A first dimension of the analysis of visual sources is their informative value for the historian who wants to study material culture and social practices. The analysis of visual sources can be intended to be purely informative: we can use them to get more and other information than we have from other sources. The issue is an old one: we refer for example to the so-called realism of the early Netherlandish painters. It inspired some nice confrontations of preserved artefacts such as copper kettles, chandeliers, furniture and tapestries with their painted representation such as that in the Cloisters Museum in New York.[5] It even provoked discussions about the authenticity of the landscape in Van Eyck's Mystic Lamb triptych; while more than three hundred botanic varieties have been identified on this single painting, and the tower of the Utrecht cathedral

4. Le Goff 1977; Pastoureau 1986 and 1989.
5. Prevenier and Blockmans 1985, p. 89.

is easy to recognize, the composition of the landscape as that of the whole work was obviously fictional.[6]

A type of visual source which has been underrated in this respect is that of the miniature painting. Much less worth in sales value per item than panels, they have only recently received due scholarly attention. I see three major advantages in their use for historical fact-finding, in comparison to panel paintings: 1. they are preserved in a far greater quantity; 2. they have in many cases been designed more loosely, in a serial production which became, in the early sixteenth century, even standardised and reproduced in workshops; 3. they mostly accompany a written text which offers a context of interpretation. Looking for historical realism, one can find a huge amount of it in a large number of miniatures, if one leaves aside the purely devotional figures representing saints in their most simple appearance and without any background. A revealing example of these possibilities has been offered in a magnificent book published under the direction of Walter Prevenier.[7] It shows more than 400, mostly unpublished, miniatures as factual information about all kinds of current instances in daily life, dealt with in the scholarly text. Given the large quantity of the preserved material, which is still quite difficult to get a grasp of, one can expect that they offer the possibility to define certain frequently appearing situations as normal and of contrasting them with deviant behaviour, attitudes and situations. The preserved material is huge: we may certainly count some four thousand richly illuminated manuscripts produced in the Burgundian Netherlands between, say, 1430 and 1530.[8] As a measure to delineate the database, a minimum of five miniature paintings per manuscript has been adopted. On such a large number, one might try a sampling of fifteenth-century 'Flemish' miniatures looking for 'realistic' social interaction, and all forms of status affirmation by the length, the materials, the colours and the fashion of clothing, the jewellery, hair dress, and other symbols. The illustrations of particular types of texts are particularly informative: works of history normally con-

6. Harbison 1991.

7. Prevenier, ed. 1998.

8. H. Wijsman presented in 2003 a PhD thesis at Leiden University identifying and analysing these illuminated manuscripts. An edition in English translation is in preparation.

tain lots of ceremonial and military representations, while moralistic works show different types of situations with desirable or indecent behaviour. Since most of such scenes are represented by dozens of paintings, they can be grouped by workshop tradition and by literary context before leading to an interpretation. Anyhow, the manuscripts were intended as 'mirrors' for correct behaviour, so they must have reflected recognisable experiences, either ideal or abhorred ones. They were more than just illustrations in the text: the visualisation must have had a reinforcing effect intended to impregnate the reader and onlooker with the norm.

A great number of miniature paintings reflect scenes of daily life without having an outspoken moralizing function. I refer here to marginal illustrations in general and those in books of hours in particular. This type of book was been produced in the Low Countries for export all over Europe from the late fourteenth century, and many of them were lavishly illuminated, containing hundreds of representations. They had only a loose connection with the text, often just a reference to activities currently practiced during the month of the calendar shown on the particular page. A nice example of this use of miniature paintings is offered by a recent book which identified no less than 155 children's games in the borders of Netherlandish books of hours, dating mainly from around 1400 to the early sixteenth century. The author could confront the paintings systematically with archaeological material, which demonstrated the high level of precision of these marginal illustrations, however standardised they may have been in a serial production. Some of her identifications even led to the discovery of games which were not described in texts.[9] Thus, there can be no doubt about the utility of miniature painting as an invaluable source of information about realistic aspects of daily life, not only with regard to objects but also to practices.

The Medieval Communication System

I think that we can go farther than the simple identification of authentic objects. In the line of François Garnier's, Jean-Claude Schmitt's and Gerd Althoff's inspiring books on the meaning of

9. Willemsen 1998.

gestures,[10] I think that works of visual art contain massive amounts of information about attitudes, gestures and modes of behaviour. One might object that panel paintings are by definition exceptional representations with a high symbolic value. This might imply that people were not represented in their normal way, but rather, in a particularly tense situation. While this objection certainly applies to a great number of panel paintings, especially those representing exclusively holy figures, the argument doesn't apply in all cases. Lots of early Netherlandish 'realistic' paintings produce highly realistic elements besides the central theme, such as townscapes or circumstantial evidence. This is especially the case for miniature paintings which have been produced in series and often represent scenes in daily life, either as illustrations of a narrative or as embellishment of books of hours.

The new techniques now offer the opportunity to take into consideration much larger quantities of data than a man's mind could oversee before. If association by memory, based on formal or intrinsic analogies was the prevailing basis of the study of art, huge data bases compiled systematically can now be screened in a very short time and with less risk of fortuitous findings. Moreover, as a consequence of being split up into different disciplines, text and images are currently being studied in isolation; and the idea of intertextuality, the transfer between texts of a different nature, is scarcely studied, e.g. between theological texts, normative documents, historiography and propagandistic inscriptions. For contemporaries, however, the meaningful context of their life was to be found in the various types of documents circulating between them, as each medium had its own reach and public. If we become more aware of the communicative functions of the documents we are studying and the acts or representations they describe, we might be able to reconstruct the communication system as it functioned in late medieval societies.

In societies where reading remained limited by the difficulty and price of text reproduction, the reach of this medium was still restricted to particular uses – such as liturgical, devotional, administrative and legal – and to learned elites. However, even the elites needed the support of the population at delicate moments such as the transmission of power. For political messages to reach

10. Garnier 1982-89; Schmitt 1990; Althoff 1996; Baschet and Schmitt, eds. 1996.

the masses, monumentalisation and ritualisation were the obvious means, and both were visual. A monument had its effects mainly through its permanence and its functions, location and sheer volume in the public space. Rituals included buildings and the space around them as the evident scene of action; they added gesture, sound and especially interaction. The public was not supposed to remain purely passive, it had to play its own role, showing off its identity and adherence. The full meaning of the performance could be explained orally and by writing on *banderolles*, and it was further to be found in the books in the hands of the reading elite. For the masses, however, emotional participation could be stirred up by the colourful appearance of authorities, the display of heraldic emblems, and above all by the demonstration of cult objects such as relics and images of the holy. A ritual was an event of a certain duration during which a strong feeling of sympathy could be expressed in some kind of mutual self-confirmation by authorities and subjects alike. Its effects could be perpetuated by collective memory; early printing was soon used to attain a much larger and lasting dissemination of the images and descriptions of glorious events such as King Louis XII's entries in Italian cities, Prince Charles' inauguration in Bruges 1515 and his imperial coronation in Bologna 1530.[11]

Some marvellous case studies have shown that contemporaries were constantly involved in such types of intertextuality. Think of the beautiful demonstration by Anna Galletti on the iconographic programme on the fountain in the central square of Perugia, between the Palazzo dei Priori and the San Lorenzo cathedral.[12] Nicola Pisano sculpted in 1278 a fountain, with three basins, each having twelve sides. The symbolism could hardly be more typically Christian. The bas relief sculptures show at eye-height and explain by inscriptions the city's double origin: on the one hand it was a member of the papal state, represented by John the Baptist, on the other we have the local hero *Heulixtes* (Euliste), the alleged founder and legislator of the city. Each of them is surrounded by more saints and heroes representing on the one hand the origins of the Catholic Church, and on the other those of the urban community. In 1293, a jurist of the city sponsored the writing of an epic

11. Scheller 1985; Blockmans 1999; Burke 1999.
12. Galletti 1988.

in Latin on the origins of the urban community and its constitution. It stressed the harmonious organization of the city and its territory, through its confrontations with the emperors and the popes. A few years later, the local hero Euliste was presented as a chivalrous hero in a history of the city in the vernacular. The cult of local saints such as San Lorenzo has consciously been used by city authorities in conjunction with mythological local heroes such as Euliste in order to stress the city's political independence and its autonomous rule over its territory. This autonomy needed to be legitimised against rival political powers. The chain of meaning between various media – the cult in church, the images and texts on the fountain, the learned epic in Latin and the popular historiography – all served the purpose of making abstract structures understandable for the larger public. The constitutional arrangement and conflicts regarding the division of power between the city, the territory, the Pope and the Emperor were complicated matters which had to be explained to the citizens by the available symbolic means of mass communication. Precious materials, artistic and innovative design and a conspicuous location attracted the attention of as wide a public as possible. Rituals certainly enhanced the effect of monuments.

Quentin Skinner made a masterly demonstration of a chain of meaning in different media in a reverse order. He showed that Lorenzetti's famous frescoes in the Palazzo Pubblico in Siena, painted around 1340, had been constructed to illustrate precisely the constitutional structure as it was formulated in legal texts of the late thirteenth century.[13] The frescoes thus reflected a purely lay vision of the political order in the city based on abstract values represented by allegorical figures, whose names were added in inscriptions. It could be seen and understood immediately by all visitors to the Room of the nine justices.

In a similar way, during the second half of the fifteenth century many city halls in the Low Countries were decorated by panel paintings representing the righteous judges. The lost work by Rogier van der Weyden for the Brussels city hall has been followed by dozens of similar works such as the famous ones by Gerard David for Bruges. Panel painting, which has received most of the attention of art historians, is only one medium. Especially targeted at

13. Skinner 1989.

mass audiences were the sculpted decorations on the hall's façade and the stained glass windows. Works of art obviously symbolised the norms and values to be respected and imposed by urban authorities. Their message could be understood by all entering these public rooms or looking at the buildings. By taking all these sources and their written descriptions systematically into account in combination with the written sources with which historians are better acquainted, we simply restore the communicative processes as they functioned in late medieval society itself, i.e. by multimedia. As historians, we should be fully aware of the fact that visual means of communication played a considerable role in a society where literacy certainly was spreading, but where its use as a means of mass communication was still not attained.

Bernard Guenée has drawn our attention to the transfer of the ritual scenario of the Corpus Christi processions into the secular sphere of royal entries.[14] This view can be generalized: most of the artistic production of the early and high Middle Ages functioned in a liturgical context. Utilitarian architecture in the cities first developed into more artistic styles in symbolic buildings, such as bell towers. As we have seen in the examples of Perugia and Siena, secular authorities increasingly applied techniques for mass communication for their own propagandistic purposes. Since communities and mass movements played a growing role in political life, it mattered for the authorities to secure their adherence by the most effective means. The spoken word had only a limited reach; the visualisation of public acts was therefore of utmost importance: gestures could be perceived and understood in a mass audience, especially since the tradition of symbolic interaction had certainly not been lost after the introduction of the written record. More or less ephemeral products carried in processions such as escutcheons, costumes and pageantry are mostly not preserved as objects, and art historians have become interested in them only recently, as their value was considered to be inferior. However, some descriptions and even series of illustrations came to us of French royal coronation ceremonies.[15]

Processions, purely religious ones just as their mainly lay counterparts, were all carefully constructed with well-defined groups,

14. Guenée and Lehoux 1968, pp. 13-20; Rubin 1991, pp. 258-60; Guéry 1996.
15. Le Goff 1990; Bonne 1990; Blockmans 1997, pp. 271-73.

ordered hierarchically. Each section was easily recognisable by its heraldic symbols and/or by its garb. They constituted a reflection of the society as it was divided by class and rank. In daily life, external symbols such as the shape, material and colour of garb signalled each individual's social position.[16] The Church had made illiterate people acquainted with complex abstract notions by reference to visual, audible or even odoriferous analogies. Just as kings revived for themselves the concept of the *corpus mysticum,* they gradually extended this identification to encompass the abstract notion of the state. In the mystification of Emperor Charles V after his death in 1558, the Ship of State, named Victoria, was the highlight of his funeral procession in Brussels. The float, representing a huge galleon steered by the three theological virtues: Hope, Faith and Charity, carried all his flags and emblems and was decorated by depictions of the emperor's twelve triumphs. The printed report of this *Magnifique et sumptueuse pompe funèbre* was published in five languages and it contained 33 coloured copper plates designed by Hiëronymus Cock. It showed the abstract and invisible empire as an endless succession of flags and coats of arms carried by noblemen representing all the territories which had been ruled by the defunct emperor.[17]

The scene of this extraordinary demonstration of power was the city of Brussels; it held a particular lustre by the presence of Philip II who had already succeeded his father. Mourning ceremonies and processions were equally held in other cities of the empire, in Valladolid, Rome, Mexico and Augsburg. Cities were thus the visible scene for ceremonies of the abstract state: tangible were city palaces, the persons of the monarchs and members of their dynasty. They could be represented permanently through visual symbols, which originally were merely heraldic. In the sixteenth century they became increasingly emblematic through a mixture of Christian and antique themes.[18] Visualisation helped people in the late Middle Ages to grasp abstract concepts such as constitutional structures, power relations, invisible states. It equally helped people to internalise patterns of behaviour: the current, desirable, as well as the undesired are shown. It is up to us to grasp these

16. Blockmans and Janse, eds. 1999.
17. Blockmans 2002, pp. 5-6.
18. Muir 1981; Kipling 1998; Arnade 1996.

refined bits of information about the more subtle side of human relations, communication and interaction, which we hardly find described on such a scale in written documents.

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Late Medieval Religion

The Evidence from Material Culture

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One of the teachers at the Catholic school I attended in the early 1960s used to recall a conversation he had overheard years before in Gloucester Cathedral. Two tourists, one of them a Catholic priest, were very loudly deploring the wickedness of the Reformation. 'Just think', said the priest to his companion, waving his hand around at the glorious building, 'just think: all this was ours once'. This was the last straw for a verger who had been listening to their conversation with visibly mounting indignation. 'If you don't mind me saying so, sir', he burst out, 'it'd still be yours if you'd behaved yourselves properly'.

The verger's devastating repartee was more than an unanswerable put-down: it exactly summed up the conventional historical view of the state of the late medieval Church in England. The Reformation, on this view, was a desperately-needed clean-up operation, rendered absolutely necessary by the corruption and the failure of late medieval Christianity. The monasteries were peopled by lazy and lecherous monks, the parishes by greedy and ignorant parish clergy, while the laity were fed on superstitious legends, excluded from worship carried on in an alien language, gulled out of their money by the sale of indulgences, and oppressed by unscriptural teaching designed to frighten them out of their wits with the horrors of purgatory. As a result, the late medieval Church had exhausted its credit with its constituents, the laity. The more intelligent of them were growing impatient with the spiritual food provided by the Church, drawn to the anticlerical and anti-sacramental heresy of Lollardy, a religion of plain dealing and bible reading, and they were chafing at the demands of the church courts and the financial burden imposed by the clergy. So Professor A. G. Dickens, the leading English historian of the Reformation, whose work dominated the field for a generation or more, from the early 1960s until the late 1980s, saw everywhere in the late Middle Ages in England the signs of the Church's institutional decline – the

decay of monastic vocations, the drying up of the establishment of new chantries (funds, and often buildings, established in perpetuity to provide prayers and masses for the dead, and staffed by priests whose sole or main occupation was intercession for the dead). He thought that the dwindling of such institutions on the eve of the Reformation was a sign that people were ceasing to believe in purgatory or the benefits of intercessory prayer for the dead. Thus the Reformation, when it came, fell on welcoming ears, for it was the breaking in of light and air on a claustrophobic and intellectually exhausted and discredited institution.

Behind all this, of course, was a vast raft of unacknowledged ideological and religious assumptions which were devastatingly revealed in the opening words of the 1989 revision of Dickens' *The English Reformation.* 'In England as elsewhere', Dickens wrote, 'the protestant reformation sought first and foremost to reestablish Gospel Christianity, to maintain the authority of New Testament evidence over mere church tradition and human inventions masquerading as universally approved truths and unwritten verities'.[1]

Over the last twenty years most of these assumptions have been overturned or quietly abandoned. In part, this change has come from a 'revisionist' account of the Reformation which emphasised its slow and contested character. The evidence on which these newer perceptions have been based is very varied, and many historians have contributed to the shift in understanding, beginning perhaps rather unexpectedly with Sir Geoffrey Elton's magisterial study of the enforcement of the Henrician Reformation, *Policy and Police,*[2] with its heavy emphasis on the need for both repression and persuasion in winning hearts and minds away from medieval catholicism. Professor J. J. Scarisbrick, in *The Reformation and the English People,*[3] demonstrated the piece-meal and improvised nature of the Henrician Reformation, which was imposed and slowly accepted item by item, without anyone having much sense of the momentousness or finality of what was taking place. Dr. Ronald Hutton used churchwardens accounts from hundreds of Tudor parishes to trace the slow and partial character of the implementation of central policy in the localities, demonstrating both the extent of

1. Dickens 1989, p. 1.
2. Elton 1972.
3. Scarisbrick 1984.

Tudor deference to the Crown and the evident lack of positive lay enthusiasm for the new religion.[4] Dr. Christopher Haigh in a series of important studies demonstrated the imperviousness of whole regions to protestant ideas and institutions, the role of conservative clergy and laity in frustrating the spread and establishment of protestantism, and challenged some of the conventional assumptions about the unpopularity of the clergy on the eve of the Reformation.[5]

All these studies observed late medieval Christianity primarily in relation to the religious revolutions which swept through Tudor England. But there has also been a reappraisal of late medieval religion in its own terms, regardless of its fate at the hands of reformers. A series of regional studies have explored the working of late medieval religion in cities like London, Bristol and Norwich,[6] and in the regions more generally.[7] National studies of the evolution and working of the parish and its institutions[8] and a series of regionally based studies of late medieval guilds[9] have all mapped the variety, adaptability and popularity of late medieval English Christianity which was one of the main contentions of my own *The Stripping of the Altars: Traditional Religion in England c. 1400-c. 1580* from 1992.[10]

The evidence of the material culture

This reappraisal would have been unimaginable without the opening up to researchers of the exceptionally rich local archives of late medieval and early Tudor England. But even before historians began seriously to investigate the wills, churchwardens accounts

4. Hutton 1987.
5. His findings are summarised in Haigh 1993.
6. For Bristol, a series of studies by Clive Burgess: Burgess 1985, 1987(a) and 1987(b); for Norwich, Tanner 1974; for London, Barron 1985 and Burgess 2002.
7. For the diocese of Salisbury, Brown 1995; for Suffolk, Stewart 2001; for Somerset, French 2001.
8. Especially Kümin 1996; Wright, ed. 1988; and French, Gibbs and Kümin, eds. 1997.
9. Most notably Bainbridge 1996 and Farnhill 2001.
10. A representative overview of the newer assessment of late medieval Christianity in England can be found in Harper-Bill 1996.

and guild records on which the new perceptions have been largely based, the vitality of the late medieval Church was manifest to anyone who took seriously the surviving evidence of the material culture of late medieval Christianity. This was a distinctive type of evidence, previously almost totally neglected, yet which has greatly contributed to the questioning of earlier negative views of late medieval religion.

England is almost unique among countries in which the Reformation took a 'reformed' or Calvinist form, in preserving a huge body of surviving late medieval and religious artifacts – thousands of medieval church building which not only encode within their structures a good deal of information about religious practice on the eve of the Reformation, but which contain an astonishing richness and variety of medieval religious artifacts – pictures, stained-glass, carving, sacred vessels – from the last two centuries of the Middle Ages. Moreover, these objects are often astonishingly well-documented. England, once again almost uniquely, preserves hundreds of late medieval and early Tudor churchwardens accounts, and tens of thousands of wills: in them we can see the religious attitudes and beliefs which shaped and furnished the parish churches of the late Middle Ages; by attending to them we can penetrate a little further than before into the religious world of ordinary men and women.[11]

The century before the Reformation was one of massive investment by lay people in church building, most obvious in the great wool churches of East Anglia or the West country, but everywhere that growing prosperity gave lay people money to spare and a desire to bestow it in pious provision – and display. Whole new churches were created, like the magnificent church funded by the local landowners and masterminded by Anne Boleyn's great grandfather Godfrey Boleyn at Salle in Norfolk.[12] Other churches were not built anew from the ground, as Salle was, but were added to or extended: many late medieval churches, for example, were given a new porch, in which the opening ceremonies of baptism were performed, and

11. Marks and Williamson, eds. 2003.

12. Much of the surviving documentation on medieval Salle is gathered or summarised in Parsons 1937; there are brief architectural accounts by T. A. Heslop in Ford, ed. 1988, pp. 194-9; Fawcett and King 1980; Blomefield and Parkin 1769, vol. IV, pp. 421-6.

which provided the setting for that essential sacrament of the laity, matrimony. The sacramental part of the marriage ceremony in late medieval England took place not at the altar, but outside, at the church door. That accounts for the creation at Tiverton in 1525 of a splendid new church porch as part of the chantry chapel complex added to the south side of Tiverton parish church by John Greneway, the wealthiest man in central Devon, whose fleet of wool-ships sail proudly round the pediment of the building in which his priest was to sing for the repose of his soul till the world's end. Inside the porch, Greneway and his wife Joan had themselves portrayed as devout catholics, kneeling at their prayer-stools, their books of hours open before them in adoration of the Virgin assumed into heaven. Whatever Greneway's motives – a mixture no doubt of flashy display of wealth and real concern for his soul – this wealthy and powerful couple choose to portray themselves, at vast expense, as devout catholics, investing in the doctrine of purgatory, and appealing to the intercession of the Virgin.[13]

That pious self-portrayal is to be found everywhere in the religious benefactions of the laity in late medieval England. It is in evidence in the Withipole altarpiece, commissioned by the leading London and Bristol merchant Paul Withypole from the Venetian painter Antonio de Solario, in which the donor kneels devoutly before the holy family, invoking the saving power of Christ and the prayers of Mary.[14] Much more humbly, it is in evidence in the Bacon family, reciting the Rosary together on the screen put up sometime after 1512 in the small Norfolk parish of Fritton. The Bacons too, are praying to the saints, but these saints have a special significance: they are the four Latin Doctors – Saints Ambrose, Augustine, Jerome and Gregory, and in late medieval England they stood for the teaching authority, the *magisterium* of the Church. Donors who had themselves painted in supplication to these saints – as John and Hilary Baymend also did at Foxley in Norfolk in the reign of Henry VII – are doing more than display devotion to the saints. They are explicitly depicting themselves as obedient to the Church's teaching.[15]

13. Welsford 1984.
14. The picture is currently in the Bristol city Art Gallery; it is illustrated in Marks and Williamson, eds. 2003, p. 275.
15. Reproduced in Duffy 1992, figs. 124-5.

The self-portrayal of Tudor people in their tomb-brasses as devout catholics is routine enough for its startling significance to have been missed by historians. In the famous and exquisite Pownder Brass, from the later 1525, a wealthy Ipswich merchant and his family display their rosaries and ask in English for prayers for their souls. Yet these merchants are precisely the sort of people to whom, on the older account, the Reformation was thought to have appealed most: it was these wealthy, educated and powerful men and women who are supposed to have been disillusioned with the old religion, thirsting for the refreshment of the Protestant gospel. Yet in early Tudor England these very people were investing lavishly in the material forms of medieval religion, with no apparent inkling that it was about to be swept away. Thus, in the early 1520s, Thomas Spring III, newly armigerous and anxious to mark his social arrival, built a chantry chapel in Lavenham parish church, and installed a priest to celebrate mass and pray there: his arms occurs more than thirty times in the decoration of the church. That Spring's endowed masses were valued by the parish is witnessed to by the elevation squints crudely cut elegant new panelling, so that those kneeling outside could see the host by Spring's priest.[16]

Lavenham was a particularly wealthy community, but in most parish churches the nave, the people's part of the church which the laity paid for, maintained, and controlled, would have had several nave altars served by priests paid for – and therefore hired and fired by lay people. These altars were not all chantry-foundations. There were fewer perpetual chantries being founded anyway, since they had always been the prerogative of the very wealthy, and in any case the late medieval laity had come to prefer short-term to perpetual foundations. It was common in the fifteenth and early sixteenth centuries for prosperous people to hire a priest for a fixed term – one, five or seven years – and these priests said their masses at existing altars. The vessels, vestments and books provided for such temporary chantries might return to the possession of the donor's family when the chantry expired, or pass to the use of the parish, as a secondary benefaction. It is important to grasp that these priests were more than mere massing machines. Many ran schools, or acted as administrators and scribes for the com-

16. Duffy 1992, figs. 52 and 53. The Pownder Brass is reproduced in Marks and Williamson, eds. 2003, p. 444.

munity. They were often local men – the font at Salle is inscribed with a Latin legend explaining that it is the gift of one of the fifteenth-century chantry priests of the church and of his parents, who were local people. At any one time there were up to half a dozen priests serving the guild and chantry altars of Salle, and we have the names of more than thirty of the clergy for the century or so before the Reformation. Many of them came from local families, and were well integrated into the local community, respected and valued members of it, not resented aliens. The obit or funeral liturgies celebrated at these altars were also a social as well as a religious asset, for they provided not only daily masses, but on the anniversaries of the benefactors doles to the poor. Communities valued the presence of these priests, who often acted and were expected to act as assistant clergy at the main parish liturgies, who provided musical resources (an ability to sing both plainsong and polyphony was sometimes stated as a requirement for chantry-clergy) and who helped the parish priest hear confessions in the busy season of Lent. The common presence of a chaplain as witness to fifteenth and early sixteenth-century wills suggests that they also shared in the ministry to the dying.

Social context and religious meaning

A sense of the social context and religious meaning of this material culture can be gained by attending to the religious benefactions of a single fifteenth century donor to her city parish. Between the death of her husband Henry in 1470, and her own in December 1485, the wealthy Bristol widow Alice Chester showered a series of major benefactions on her parish church of All Saints, in the heart of the city. She continued and extended the chantry established by her husband 'for the loving of almighty God and the augmenting of divine service'. This chantry provided the parish with the services of an auxiliary priest, who conducted masses and prayers of intercession for Alice Chester's family every Friday in the year and on the anniversary of Henry's death. She paid for the installation of a riverside crane for loading and unloading merchandise by the Marsh Gate, a crucial amenity in this city devoted to maritime trade. Above all, she funded an extensive programme of renewal of the church's liturgical furnishings and devotional imagery. She

commissioned a statue of the Trinity 'over the image of Jesus', standing in a gilded tabernacle covered with a curtain which could be closed or drawn back 'when it shall please the vicar and the parishioners'. She gilded the Lady Altar, paid for a painted frontal, and commissioned a carved tabernacle with three of the most popular late medieval representations of Mary – the Pieta, the Annunciation, and the Assumption. She had the rood altar gilded and carved with images of the saints – St Anne, St Mary Magdalene, St Giles, St Erasmus, St Anthony, and she provided another painted veil to cover these images 'at certain times'. She presented a long linen towel or 'houselling-cloth' to be held under the chins of her fellow-parishioners as they knelt in rows to receive their annual communion on Easter day. She gave a great brass basin for the ritual washing of the church's relics on Relic Sunday, and a new cross of enamel and silver gilt to be carried in the weekly processions before the main Sunday mass. And 'taking to her counsel the worshipful of this parish with others having best insights in carving, to the honour and worship of almighty God and his saints, and of her special devotion unto this church', she commissioned a new roodloft, the great partition separating the chancel and high altar from the body of the church, filled with twenty-two carved and gilded images, arranged in pairs on pillars and tabernacles round the principal image of the Trinity, which was flanked by statues of St Christopher and St Michael the Archangel. Finally, considering that 'there was no hearse cloth in the church of any reputation in value ... for the love and honour she had unto almighty God and all Christian souls, and for the ease and succour of all this parish unto whom she owed her good will and love in her day', she presented the church with a black pall, decorated with her own and her husband's initials and an inscription in latin asking for prayers for their souls, for use at the funerals of other parishioners.[17]

Mistress Chester's bounty epitomises many of the preoccupations at the heart of late medieval lay piety. It was a Christianity rooted in the concrete, nourished by the sight of images and the touch of relics and of 'sacramentals' (sacred objects and ceremonies) like holy-water, focussed on the passion of Christ and the intercession of the saints, above all the Virgin Mary, but also practical helper saints like Christopher, protector of travellers, Michael, protector of the

17. Details of these gifts in Burgess, ed. 1995, pp. 15-7.

death-bed, or Erasmus, protector against disorders of stomach and bowels(!). It was a piety much concerned with death, with the power of prayers and pious works to ease the souls of the departed through the cleansing pains of purgatory, and with the mutual obligations of prayer and charity which bound the living to the dead. It was a ritual piety, intensely reverential towards the sacraments, above all the Eucharist, it was keyed to the annual cycle of the liturgy, processions and masses, the feasts of the saints and their relics, and the Church's seasons – Lent, when the many images in the church were concealed behind veils painted with tokens of the Passion, and Easter, when the community celebrated and consolidated its often fragile unity by reconciling quarrels and kneeling shoulder to shoulder to receive communion together. It was a Christianity which coloured, and was coloured by, the structures and values of society, emphasising the virtues of neighbourhood and hence attributing religious merit to practical benefactions like the riverside crane, acutely conscious of rank and precedence, endearingly and competitively sensitive to appearances and respectability. Planning her munificence, Mistress Chester consulted the vicar and the leading parishioners, the 'worshipful' of the parish. The element of pride of wealth and conspicuous consumption in her giving is crystalised in the gift of the hearse cloth or pall prominently embroidered with her own and her husband's initials. Those embroidered names must have had the effect of annexing every funeral at which the cloth was used, thereby exacting repayment in the form of the perpetual reciprocity of the parish's prayers. Through Mistress Chester's benefactions we catch a vivid glimpse of the social dynamics of an urban community, in which skilled and articulate craftsmen expected even lavish benefactors to observe the courtesies of consultation and group decision-making. These were communities used to transacting business, dealing with the demands of ecclesiastical and secular authorities, electing their own churchwardens and guild officers, managing their own funds, mounting their own ambitious schemes of decoration and rebuilding. We glimpse too the physical layout of a prosperous late medieval church, crammed with altars and images and lights, the theatre for a liturgy which sanctified matter by blessing and venerating it, which sanctified space by processing around it or dividing it into holy corrals with decorated screens and partitions, and which sanctified time in the cycle of fast and feast, penitence and celebration, that made up the ritual year.

All this suggests a high degree of comprehension of the symbolic world which lay people inhabited, and attests the resolutely public and social character of fifteenth-century Christianity, nowhere more in evidence than in the luxuriance of the cult of Corpus Christi. The feast of Corpus Christi was introduced into England in 1318; by the 1390s it had become universal, and its texts and observances were a target for Lollard polemic – the Twelve Conclusions of 1395 denounced 'the service of Corpus Christi made by friar Thomas (Aquinas) ... untrue and painted full of false miracles'.[18] Corpus Christi indeed became a touchstone of orthodoxy and orthopraxis, and the reformed Lollard Philip Repingdon rigorously enforced its observance in his diocese. But in fifteenth century England enforcement was hardly necessary. The feast's central theme of community in and around the sacramental body of Christ made it an ideal vehicle for the proclamation of communal values and social hierarchy, and elaborate Corpus Christi processions, in which civic officials and craft guilds took their place became a feature of the feast in many towns. By the 1380s the city of York had added to the liturgical procession an elaborate processional cycle of plays, responsibility for which was devolved to the city guilds, and precedence within which became an important element in jockeying for power and influence within the community, ritual not so much a mirror of the community as an arena in which the strains as well as the bonds of community could be displayed and negotiated. Cooperation with the city's celebration of the feast became a mark of good citizenship: thus York householders were required to hang their best hangings or bedsteads out of their windows to beautify the processional route.[19] The same union of citizenship and religious observance is visible everywhere in fifteenth century England. The Corpus Christi procession at Bristol was a 'religious' not a 'civic' occasion, the mayor and corporation leaving its organisation to the city clergy and religious houses, but the mayor and corporation processed in full robes to the city churches on the other major summer liturgical feasts of the year like Easter and Whitsun, and on many saints' days. The most distinguished Bristol mayor of the century, William Canynges, became a cleric himself in the last weeks of his final term of office as mayor, and for the last

18. Hudson 1978, pp. 24-9.
19. Johnston 1976.

six years of his life played as large a role in the city and diocese's religious life as he had in the city's secular affairs. His effigy, robed as a canon, was placed as a memorial in Westbury Collegiate church, where he was dean, but he was buried alongside his wife in St Mary Redcliffe, robed in secular dress as mayor, a one-man embodiment of the interweaving of religious and civic life in late medieval England.[20]

Lay religious understanding and religious orthodoxy

The Eucharist and its attendant public observances offer us a way into the difficult question of lay religious understanding and religious orthodoxy. It is tempting to assume a gulf between public observance and internal conviction, and difficult in any case to gain access to lay religious opinion. The Mass, however, was no mere symbol of power and hierarchy, and if we seldom encounter non-formulaic lay confessions of eucharistic faith, there is plenty of evidence from lay manipulation of the symbolic language of the eucharist to suggest that it was widely understood and valued. The communal dimensions of the Mass could readily be deployed in defence of popular community values in the face of overbearing authority, and also as a means of creating or repairing social bonds from below, in an exercise of what John Bossy has called the 'social miracle'. Two examples of lay manipulation of the symbolism surrounding the distribution of the 'Holy Loaf' on Sundays will illustrate this aspect of the social character of late medieval Christianity. The Holy Loaf was a loaf of ordinary bread ceremonially presented to the priest each week before the main parish mass by a householder – there was a rota to determine whose responsibility this was. The bread was then blessed by the recitation of the opening verses of St John's Gospel over it. At the end of Mass it was cut up, and the pieces were distributed to the congregation as a communion substitute, and as a symbol of the unity and blessing which flowed from the Mass. In some communities the pieces were carefully graded by size, and the larger pieces went to the parishioners of greatest consequence. As was the case with another peace ritual, the kissing of the paxbrede after the priest's communion,

20. Sherborne n.d.

disputes over precedence and order during this ritual were common, a mark of its key role in determining due order and precedence within the community.

The Peasants Revolt of 1381 had eucharistic resonances. It broke out, surely by prearrangement, on the feast of Corpus Christi, June 13th 1381, and historians have recently become intrigued by the interplay between the social dimensions of that feast and the social breakdown expressed in the Rising.[21] The Revolt is particularly well-documented at St Albans, where the Chronicler Thomas Walsingham was an eye-witness. The grievances of the Commons at St Albans were varied, but one important issue was the Abbey's much resented monopoly on the milling of flour. An earlier abbot had succeeded in forcing the local tenantry to surrender their millstones, and in token of the Abbey's control over milling, had set the confiscated millstones into the floor of the monastery parlour. During the rebellion, therefore, a mob armed with the implements of their trades broke into the Abbey, marched to the parlour and dug the stones out of the floor. They proceeded to break the stones up, and distributed a piece each to the men present to take home. The chronicler was much struck by their action, and recognised it as a deliberate reference to the Holy Loaf ritual. The Commons took the stone particles home, he declared, that 'seeing the pieces, they might remember that they had once triumphed in this dispute with the monastery'. He went on to lament the damage to the monastery in a cluster of phrases from the Psalms which rang the changes on eucharistic images of bread, corn and sheaves.[22]

One of the most striking features of this incident is the extraordinary and assured power of the St Alban's Commons' deployment of a familiar para-eucharistic ritual to express their sense of injustice and its setting to rights. The sensitivity to social order and decorum which normally characterised Holy Bread rituals was here heightened to reflect an ideal just ordering of society. In it the fragment of stone became what the Corpus Christi antiphon *O Sacrum Convivium* calls the consecrated particles of the Eucharist, a *pignus*, a token, sign and downpayment of a hoped-for reality, at once a reminder of liberation achieved and a standing testimony to the power of that victory in the present and the future. For the Com-

21. For example, Aston 1994.
22. Riley, ed. 1869, pp. 308-9.

mons of St Albans in 1381 the victory and justice celebrated in the Mass was in some sense reflected in their protest against the oppression of the Abbey which put an unjust price on their daily bread.

My second example is derived from an account of the resolution of disputes in the small Bristol city church of St Ewen's in the early 1460s. The church of St Ewen derived much of its income from the rent of shops and tenements in the town centre, and the church wardens were locked in an expensive and long-drawn-out dispute with one wealthy parishioner, the corn-merchant John Sharp, over the rental of one of these properties. It was finally resolved in January 1464, and in token of restored charity Sharp changed his will, to include a handsome donation to parish funds, in return for which he, his wife Elizabeth, and deceased members of their family were entered in the church's bede-roll to be prayed for publicly as benefactors. On the following Sunday, as it happened, it was the turn of the Sharps to provide the loaf to be used in the Holy Bread ritual. There was a prescribed ritual for presenting this bread, which happened before Matins and Mass began. On the Sunday in question Elizabeth Sharp turned up in pomp, accompanied by a maid who carried the bread and the candle which was offered with it, and also a long embroidered linen towel. This was a 'houselling towel', the long cloth held under the chins of parishioners when they made their annual Easter communion, to prevent crumbs of the eucharistic host falling to the ground. Having duly presented the loaf, Mistress Sharp summoned the parson and the chief parishioners. She expressed her great joy at the restoration of unity and charity within the parish and between her family and the rest of the community, and she donated the towel as a sign of that unity. Up till now, the parish, which did not own a single long towel, had improvised by pinning three short towels together. The unity of the new towel symbolised that the peace which had just been concluded was no patched up affair, but a seamless whole, and the towel was to be used on the one day in the year when the whole parish celebrated and cemented its unity by receiving communion together. There are a lot of subtexts here, and Mistress Sharp's gift was clearly designed in part to recover a lost authority in the community: she stipulated that till her death the towel was to remain in her keeping, and would be fetched at eastertime by the parish clerk: holding on to the towel, she sought to exercise power in the community. But however that may be, once again, there is no mis-

taking the assured lay deployment of a eucharistic symbol and its accompanying language of unity and charity.[23]

The furnishings and iconography of late medieval church buildings therefore witness not merely to massive lay investment in objects designed to express and teach the Church's teaching, but to a sophisticated and engaged comprehension of that teaching. The Seven Sacrament windows of the West Country, most famously that at Doddiscombsleigh, are a prime example of a sophisticated theology vividly conveyed in pictures, as streams of blood flow from the wounds of Christ to give the sacraments their power. In the same way in East Anglia the late fifteenth and early sixteenth century saw the creation of a new type of font – octagonal, with the seven sacraments, portrayed with scrupulous theological correctness depicted on seven of the eight sides.[24]

These were benefactions by lay people for lay people: clerical advice was no doubt involved in the choice and execution of such religious patronage, but it was paid for by hard-headed lay-people who knew what they wanted. Nor was such benefaction confined to the very wealthy like Thomas Spring or John Greneway. Many of the most impressive religious art-works of the late Middle Ages in England were corporate commissions, paid for by the united efforts of parishioners contributing to an ongoing project or pooling their resources in a single large-scale object. At Ludham in the 1490s the magnificent carved and painted screen, covered with saints, was inscribed for the main benefactor, John Salmon who, the inscription brashly tells us 'gave fourteen pound'. But we know that the screen was also paid for by many smaller gifts, some of just a few shillings. At Cawston the saints were added in groups or one by one as the money came in from local farmers: the four panels on the north side of the screen were paid for by William Athereth, who had an inscription in English recording the fact put underneath. Moreover, the decision to install such paintings had to be agreed by the parish, and we have a few contemporary accounts of the process of consultation between benefactors, clergy, and the 'honest' people of the parish: they usually involved a corporate decision taken at the parish meeting of all the householders. We can be sure, therefore, that these objects do indeed represent the

23. Both incidents are discussed more fully in Duffy 1996.

24. Both types of representation are explored in Nichols 1994.

religious choice of the laity, and they were anxious to have their involvement in and gifts to the communal religious life of the community recorded.[25]

The indications are, therefore that in most parishes throughout the land people understood and valued the symbolic world of late medieval Catholicism, and that they were investing in it in a very concrete way up to the moment of Reformation. This situation was not changed, as is sometimes claimed, by the advent of print. By and large English publishers, like Wynkyn de Worde or Richard Pynson, were unenterprising: they played to a safe market and the books printed in and for England for two generations after the introduction of printing were overwhelmingly conservative and orthodox in character. That in itself of course tells us a great deal about the religious market and the tastes of the laity, but it does not mean that the quality of these religious books was poor, or that there was no innovation. Popular works like the *Kalendar of Shepherds* and the *Art or Craft to Live Well* contained high-quality catechetical and devotional material in English (much of it adapted from French originals) and by far the most popular books on the market were the Primers or Books of Hours, which sold in their thousands, some for a few pence, and which show a steady evolution to incorporate new pictorial styles, more English content, in general to respond to market demand. On the eve of the Reformation, therefore, the overwhelming majority of the population seem to have been committed to the Church.[26]

All this was of course conventional religion, but convention does not necessarily mean merely routine or external. We can get some sense of the continuing vitality of the symbolic world in which these people were investing by looking at part of the painted screen put up in the early 1530s, while the Reformation Parliament was in process of dismantling English links with Rome, in the tiny Norfolk parish of Wellingham. The screen was a joint enterprise, funded by donations from a group of local families. I want to draw attention to just two of the pictures painted on it.[27] The

25. I have explored the relationship between private benefactions and public decision-taking in Duffy 1997.

26. On lay reading habits, see Bennett 1970, pp. 65-7, 69-71, 182-93; Duffy 1992, chapter 2. For a fascinating recent survey of women's reading which throws light on lay devotional taste in general, see Erler 2002.

27. Reproduced as fig. 50 in Duffy 1992 (between pp. 116-7).

first of these is the so-called 'Psychostasis' or judgement of souls. The Archangel Michael, charmingly portrayed sword in hand and wearing the feathered calf-length trousers which were the costume of actors playing angels in the religious plays of the period, treads down Satan, in the form of a dragon, while he weighs in a balance two naked human souls. In the other pan of the balance a wriggling mass of demons try to tip the judgement against the human souls. But behind the archangel, Mary, crowned and attended by an angel, approaches and lays a coral rosary on the scales. This scene, which occurs widely in late medieval painting, glass and carving, is a vivid and powerful image of the intercession of the Virgin at the moment of death. The second image is known as the Image of Pity. In it the dead Christ emerges from his tomb displaying his wounds and surrounded by the weapons which have caused them – the Instruments of the passion – scourge, nails, lance and so on. The image occupies only the upper part of the panel, for below it was a small nave altar at which was celebrated masses for the repose of the souls of the donors of the paintings. The Image of Pity is of course intended as a devotional evocation of the Passion – it occurs, for example, in block-prints which invite meditation on the scenes of the passion represented by the different images – the hand which slapped Christ in the face, the cock which crew when he was betrayed, and so on. But it is also a eucharistic image, associated with the so-called Mass of St Gregory, during which the wounded Christ appeared above the chalice and bled into it, thereby proclaiming the reality of the eucharistic presence. And the Mass of St Gregory was assimilated in late medieval piety to the so-called Trental of St Gregory, a series of thirty masses said for the repose of the souls of the dead which was believed to be especially powerful. For that reason, the Mass of St Gregory is found portrayed on tombs, like the Kirkham monument in Peignton in Devon, or on so-called 'Pardon brasses'. The image at Wellingham therefore encapsulates a whole cluster of late medieval religious beliefs – the presence of Christ in the eucharistic elements, devotion to the Passion, belief in the reality of purgatory and the power of the Mass to assist the souls in purgatory. Every Mass celebrated at the little altar in Wellingham became the Mass of St Gregory.

Changes during the Reformation

English lay investment in the devotional world of Catholicism faltered as the Crown's hostility towards some aspects of that world became clear; but in many places it continued deep into the Reformation period. The screen at North Burlingham, eleven miles from Norwich, was completed only in 1536, its saints paid for by lay clients with the same names – St John and St Cecilia paid for by John and Cecily Blake, the picture of St Benedict and the rest of the north screen paid for by the Benet family. One of the principle donors was still alive when the screen was completed – the inscription asks for prayers for the good estate of Thomas Benet, not for the repose of his soul – and he paid for the figure nearest the chancel door, St Thomas Becket.[28] By the winter of 1538, however, Henry VIII had identified Becket as a symbol of the Church's freedom from Royal control, and he ordered the destruction of all images of the saint, and the removal of his name and his liturgy from the service books. At Burlingham they scraped the image away to the knees, but the rest of the saints were left untouched till Edward's reign, when they were all defaced, by a recognisably different hand. The same reluctant obedience is in evidence elsewhere. At Ranworth, in the Norfolk broads, they dutifully scraped the saint's name out of the calendar of the parish's great choir book, but instead of cutting St Thomas' service from the book, as they were required to do, they merely drew a thin line through it: in Mary's reign they would restore Thomas' name to the calendar, and once more sing his services.[29] At Ludham, the saints on the screen are mostly unharmed; but the papal tiara of Gregory the Great and the cardinal's hat of Jerome have been cut away – evidence not of protestant hostility to the saints, but of Henry's feud with the Pope.

The death of Henry VIII and the accession of his nine year old son, under the tutelage of a protestant Council, raised the stakes. The Reformation radicalised, and Edward was presented as the new Josiah, raised up by God to purge the worship of the new Isra-

28. Reproduced as figs. 58 and 59 in Duffy 1992.

29. The calendar deletion of St Thomas' name in the Ranworth antiphoner is reproduced as fig. 136 in Duffy 1992.

el of England, and to burn the idols. A wave of religiously inspired devastation spread across England, carefully enforced by the civil and religious authorities. It was widely resented and sometimes frustrated, though in the end it achieved almost total compliance. The great rood screens, carrying the main image of Christ in the church, were a particular target. The crucifixes were removed and burned, the lower panelling and the tympanum which carried the Doom scenes were usually whitewashed and painted with scripture sentences – they survive at Binham, and at Wenhaston, while at Cawston the plaster of the chancel arch retains the impress of the great crucifix. At Foxley the people obeyed the royal command to saw down the upper part of their screen – but instead of burning it, they hid it and put it back in Mary's reign.

The Crown enforced the rebuilding of at least two altars in every church, required each parish to have a statue of their patron saint and a great carved crucifix flanked by Mary and John, on which the figure of Christ was to be at least five feet high. The workshops could not cope with the demand, and some parishes, while they waited, made temporary provision of two-dimensional crucifixes, like the one which still survives at Ludham, painted on canvas stretched over the old tympanum. These images were required by law, but many parishes began voluntarily to restore the devotional imagery defrayed in the Edwardian holocaust. At Lessingham in Norfolk the early Tudor screen had carried pictures of the twelve apostles, scrubbed to ghosts under Edward. The parish repainted five of the panels (these probably represent donations by individuals, with a view to the whole screen eventually being covered). The choice of saints is striking – the four Latin Doctors, a symbol of restored obedience to the Catholic Church's *magisterium*, and St Rocco, the plague saint. Plague swept through Norfolk in the mid 1550s, decimating the population: here is a vivid piece of evidence that in one village at least, despite the protestant years, they still believed that the saints could assist them. But the Marian interlude proved to be just that, a pause in the process of the Crown enforcement of reform.[30]

30. Lessingham parish church is now closed, and the screen panels are kept in the Church Museum at St Peter Hungate in Norwich.

Concluding remarks

With the accession in 1558 of Mary's protestant half-sister, the daughter of Anne Boleyn, the deconstruction of the symbolic world of Catholicism was resumed. Once again the parishes obeyed – at Ludham once more they stretched canvass across the tympanum, covering the Marian crucifix, and painted the Queen's arms on it.[31] In place of the Blessed Sacrament Elizabeth ordered the placing of boards painted with the Ten Commandments, to instruct the people and beautify the churches. Once more the scrapers, the hatchets and the whitewash brushes went to work, and the religion of England moved once again from image to word, from a culture of symbol to a culture dominated by speech. The pulpit displaced the altar. The transition is nicely captured in two funeral brasses in the south aisle of Cley parish church, one from the reign of Henry VIII, the other from the year of the Armada. The Symonds brass commemorates a Cley shipowner and merchant, John Symonds, and his wife Agnes, and dates from 1512 (when he died) or soon after. It depicts these wealthy parishioners naked and cadaverous in their shrouds, surrounded by their children and a series of scrolls which carry the legend 'now thus'. An English inscription asks for prayers – 'Of your charite pray for the souls of John Symonds, merchant, and Agnes his wyfe, the which John decessed the 14 day of Januare 1508 and the said Agnes decessed the last day of May 1512'.

Shroud brasses of this sort were becoming fashionable in the last years of Henry VII and the early years of Henry VIII: they present the wealthy person commemorated as a needy neighbour in need of help, and remind the onlooker that one day they too will be 'now thus'. There is another fifteenth-century Norfolk example at Salle, for John Briggs, which has a verse inscription which spells out the message of the imagery more explicitly:

> Here lyeth John Brigge under this marble stone
> Whose sowle our Lord I H S have mercy upon
> For in this world worthily he lived many a day
> And here his body is buried and couched under clay.
> Lo friends fro whatever you be pray for me, I you pray
> As ye me see, in such degree so shall ye be another day.

31. Reproduced as figs. 137-8 in Duffy 1992.

Five or six paces from the Symonds brass in the south aisle at Cley is another, much plainer memorial. It commemorates another wealthy Tudor citizen of Cley, Richard Ralph:

> Here lyeth the body of Richard Ralph late of this Towne who in his lyfe was of honest and quyett behavyor, frendly to the poore, and at his death gave dyvers legacyes aswell to this Towne as to others, whose godly example god graunt others may folowe. He deceased the fyrst of January 1588. From corruption to incorruption we shall all be changed.

Both these Cley memorials mark the graves of members of the local elite, both marshall concepts of corruption, mortality and salvation. But between the Symonds' brass , with its vivid pictorial evocation of the needy dead, and its direct vernacular supplication for the charitable prayers of the parish, on the one hand, and the purely textual evocation of Richard Ralph's godly example on the other, there stands a great watershed, and the passing of the symbolic world of late medieval religion.

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Part III

Legal History

Ecclesiastical Courts, Marriage, and Sexuality in Late Medieval Europe

L. R. Poos

Every year during the later Middle Ages in Latin Christendom, thousands – I think it is perfectly safe to say, as an order of magnitude, tens of thousands – of men and women found themselves before one kind of court or another because they were accused of illicit sexual activity, or because there was a question surrounding the validity of their marriages. Many of them – again, I think it is safe to say, the great majority – made their appearance in courts held under the auspices of the Church and were judged according to the content and process of Roman canon law. When we can see the record of what happened in court, redacted into scribal Latin, the results range from the maddeningly uninformative to the tantalizingly provocative.

Consider the following cases, all from the court of the Dean and Chapter of Lincoln in the second quarter of the fourteenth century.[1]

First case, from January 1337

Custance Petnale is charged with adultery with Thomas Walcot. The woman appeared, confessed, and abjured the sin. Ten floggings around the church are ordered. Afterward she bought off the sin for 6d. Not paid.

Beatrice Botulston is charged with fornication with Robert Frer. The woman appeared, confessed, and abjured the sin. Six floggings around the church are ordered. Afterward she bought off the sin for 6d. Not paid.

John son of Peter is charged with fornication with Maude daughter of Robert Gissebourn. They appeared, confessed, and say that they have contracted marriage. It was ordered that the vicar pub-

1. Since this paper was first written, the text of the Lincoln record has appeared in a scholarly edition in Poos, ed. 2001. The original Latin texts of the cases translated here appear in an Appendix to this paper, see below pp. 202-4.

lish the banns between them. A penance of three floggings around the church was ordered. Not paid.

Legia Frer is charged with fornication with Richard Frer. The woman appeared, confessed, and abjured the sin. A penance of six floggings around the church was ordered. Not paid.

Second case, from July 1341

Roger de Lissington is charged with adultery with Alice de Wadingham after having abjured the sin and suspect places under penalty of 20s. Both appeared and confessed that they had lain together in bed; but they deny sin. Both have to purge themselves [*by oath*] with the twelfth hand. And because they failed in their purging, they are declared convicted. Therefore they are condemned in the penalty [*i.e. of 20s.*].

Afterward he came to Lincoln and was absolved, and a penance was ordered for him to say six psalters in the parish church of Friesthorpe in a surplice and six privately and to pay the penalty incurred. Afterward the penalty, to wit 20s., is reduced to 40d. to be paid at Lincoln on the twentieth day after Christmas, under condition that if he thenceforth be convicted upon the sin or suspect places he should pay the remainder. Robert the parish priest and John the brother of the rector oblige themselves for the payment. Afterwards he paid 40d.[2]

Third case, from November 1347

Simon son of Thomas Piers of Wellingore and Alice Pleyneys are charged with fornication and with marriage contracted clandestinely, and also that the same Simon in the presence of Adam brother of this Alice, and Peter Sadeler, and Henry Rotur, in the barn of this Alice's mother, acknowledged to this Alice the aforesaid marriage contracted. Both appeared and they confess the sin. But the woman says that the said Simon contracted marriage with her by these words, 'I will marry you as soon as I am a man in

2. In fact, Roger de Lissington's appearance here is one small chapter of a longer story. It turned out after repeated citations with Alice that the issue in the court's eyes was, was his previous wife still alive? He claimed that she had gone abroad several years ago and that he later heard she had died; the court eventually accepted this story and his claim that he had subsequently married Alice, and no more was heard of him until his will was proved before the same court after he died during the Black Death: Poos 1995(a), pp. 295-6.

such a position that I can marry, so that you may let me know you carnally, and thereto I give my faith.' And that she, agreeing, said that it was pleasing to her, and thereto she gave the said Simon her faith. And that for a long time afterwards the same Simon often carnally knew the same Alice and begot one child. Wherefore she prays that the said Simon be adjudged husband to her. Which same suit and charge the said Simon denies, saying that what has been said is not true and what is sought ought not to be granted... [*Further hearing ordered at later date*].

This discussion originated as a paper at a conference dedicated to 'New Trends in Late Medieval Studies', which begs at least two questions: what is a 'new trend', and what is 'late medieval'? The latter may seem easy enough and I define it as roughly 1250-1520, but I also want to argue that with regard to my subject – the node of intersection between the ecclesiastical courts on the one hand, and marriage and sexuality on the other – it has some claim to coherence as a historical period in this respect. By the later thirteenth century, the major outlines of the canon law on marriage and sexuality, and indeed many of the more esoteric questions regarding these matters as well, had been mapped out by canonists; there was little beyond minor refinement in the positions that the formal law took. What seems to have altered more is the involvement of secular authorities in what can be called sex crimes. Particularly, it seems, in Italian urban communities, civic courts began vigorous prosecution of some kinds of offenses.[3] It was also distinctive of the period that many European cities harboured officially tolerated and even municipally licensed or operated prostitution.[4] Despite some jurisdictional realignments of this sort, this was a period of relative continuity as compared with the Romano-canonical legal revolution of the twelfth century or the upheavals that would come in the sixteenth century with the Protestant and Catholic Reformations.

As for 'new trends', I also want to argue that the past twenty years or so have witnessed a number of historiographical developments in the study of church courts and sex that qualify for the term. These include: the history of the canon law itself and

3. Ruggiero 1985.
4. Rossiaud 1988; Karras 1996(a).

the courts that dispensed it intersect in interesting ways with the recent historiography of sexuality, particularly in the wake of or in reaction to Foucault and his successors; developments in the social and cultural history of subaltern groups in Western Europe, in many respects heavily influenced by anthropological theory, and dealing with gender, community, gossip and rumour, 'popular religion' and social control; and finally some issues regarding the way one reads 'law' itself and the products of legal process.

Canon law and church courts

Both the canon law and the ecclesiastical courts of the later Middle Ages were largely a product of developments in the twelfth and thirteenth centuries. In Catholic Europe during that period, popes, commentators, and practitioners elaborated the Church's law into a formidable jurisprudential system with an immense theoretical apparatus. Obviously that law touched upon an immense range of issues apart from marriage and sexuality, and James Brundage's is the definitive work on the shaping of that jurisprudence, especially insofar as these subjects are concerned.[5] No doubt most historians of the period are familiar with that story, at least in outline. Most importantly, canonists elaborated a theory of marriage consisting of free consent between individuals: exchange of vows *per verba de presenti* between a man and a woman not too closely related to each other, of legal minimum age and otherwise capable of enunciating a solemn promise, and without prior attachments to someone else, was the basis for a valid marriage, even if done without solemnisation *in facie ecclesie*, though without such solemnisation the marriage was binding but clandestine and as such liable to spiritual correction. Much medieval ink was spilt by academic writers of the learned law in unravelling every hypothetical complicating factor that could arise to cloud the issue and delight the legal mind. Moreover, sex outside valid marriage was not just a sin to be dealt with by the 'internal forum' of the confessional and penance, but was also subject to the ecclesiastical courts' version of criminal proceedings (the 'external forum').

5. Brundage 1987, for much of what follows; see also Brundage 1995.

But if the Church's courts undertook to punish illicit sex, how would they discover it? It would be mistaken to presume that detection of illicit sexual liaisons necessarily rested upon the tangible evidence of an extramarital pregnancy or a bastard birth in all or even most cases. In one set of proceedings from the court of the Dean and Chapter of York during 1457-61, of 96 fornication cases, only 12 mention pregnancy, though it is probably reasonable to suppose some further, unknown number of cases in which pregnancy was not explicitly reported in the record but nonetheless formed the basis for the charge.[6] In the proceedings of the jurisdiction of the Dean and Chapter of Lincoln during 1339-49, an even smaller minority of fornication cases – 21 out of 578, or 3.6 per cent – mention pregnancy or childbirth.[7] And so, clearly, a different mode of information-gathering was necessary. From the Fourth Lateran Council (1215) onward (as Brundage has recently described), the Church employed a new inquisitorial process in its *ex officio* or 'criminal' proceedings: a judge could proceed by virtue of his office on the basis of common fame (*fama*), requiring those suspected of illicit acts to clear themselves by purgation, an oath of denial accompanied by

6. Borthwick Institute, York (hereafter BIY) D/C AB.1 fos. 138-60.

7. Lincolnshire Archives (hereafter LA) D&C A/2/24 fos. 25-83v; since this paper was written the present author's critical edition of the Lincoln record has appeared in Poos, ed. 2001.

In this record, unlike the York court book, many of the cases are repeat-offenses by the same couple, and so the total of 578 overstates the actual number of persons or couples brought before the court. But the present exercise is concerned with how individual acts came to the court's attention, so it seems more reasonable to count for this purpose citations rather than couples. In 8 of the 21 cases, pregnancy by an unnamed or unknown man formed the basis of the charge: e.g. one case in 1340 (fo. 37v) where *Johanna Elrik pregnans est & nescitur cum quo.* In the archdeaconry of Norwich during the sixteenth century, only about one-third of sexual delicts came before the commissary court explicitly as a result of pregnancy, though in other ecclesiastical jurisdictions in the late Tudor and early Stuart period the figures were higher: Houlbrooke 1979, p. 76. Higher estimates are made in Ingram 1987, p. 260, noting that from a number of English ecclesiastical jurisdictions during the later sixteenth and early seventeenth centuries, percentages of all fornication or incontinence presentments mentioning pregnancy ranged from 37 to 78 per cent. Cf. Wrightson and Levine 1979, p. 126: in the late-Tudor/early-Stuart Essex parish of Terling, 'bastardy was by far the commonest offence prosecuted by the churchwardens, followed by prosecutions for incontinency and adultery which did not involve pregnancy.'

corroborative oath of neighbours.[8] This stood in procedural though not substantive contrast to the other main type of proceeding before the ecclesiastical courts, the *ad instanciam* or 'litigation' category of case, in which a specific plaintiff brought sought against a specific defendant, as most notably in the case of matrimonial litigation in which putative partners resorted to church courts to resolve disputed marriages, enforce contracts, or (more rarely) dissolve unions.

Jurists and other learned commentators upon the canon and civil law, in their treatises dealing with proofs and evidence, described a variety of means of proving sexual delinquency. As one canonist put it, 'Because adultery and prohibited intercourse are usually committed secretly and in hiding, they are thus difficult to prove.'[9] Jurists described a spectrum of degrees of presumption, ranging from tangible evidence (such as a pregnancy outside wedlock, or where a wife became pregnant during her husband's absence), to observation of the sexual act itself, to various types of suspicious circumstances in which witnesses observed couples – were they lying together, or in a closed room, or naked, or with his hands on her breasts, and so on?[10] The formal dictates of the learned law thereby placed prime importance upon the weighing of circumstantial evidence rendered by servants, neighbours, and other witnesses. The cases that survive from later-medieval courts imply that information from observant third parties was of decisive significance in actual practice as well as in the jurists' opinions.

One of the most important 'new trends' in the study of medieval canon law has in fact been the turning of historians' gazes from jurists' commentaries to actual practice. That is to say: the past few decades have seen the beginning of serious scrutiny of court cases enshrined in the regular records of the church's jurisdictions, amongst others notably by Helmholz, Sheehan, Donahue, and Pedersen for England; Donahue, Lefebvre-Teillard, and Gottlieb for France; Vleeschouwers and Van Melkebeek for present-day Belgium; and Albert for three German dioceses.[11] The reason why

8. Brundage 1996.

9. Menochius 1617, Liber 5, Praesumptio xli (vol. ii, p. 666): *Cum clam & occulte committii soleant adulteria, & prohibiti concubitus, sintque ob id difficilis probationis...*

10. Menochius 1617, Liber 5, Praesumptio xli (vol. ii, pp. 666-8); Mascardus 1593, Conclusiones lvii-lix (vol. i, fos. 81r-83v). The author is grateful to Richard Helmholz for suggesting the importance of the learned law to this article's topic.

11. Helmholz 1974; Sheehan 1972; Donahue 1983; Lefebvre-Teillard 1973; Gottlieb

the traditional study of the learned law and synodal legislation has tended to overshadow study of case law is complex, and has a lot to do with sources. During the 1970s and 1980s, Professor Charles Donahue Jr organized an international team to search out and describe the surviving records of the church courts of pre-Tridentine Catholic Europe, and has recently published the results in two volumes.[12] The results are instructive: for many countries virtually nothing can be shown to have survived before 1500 and for others the idiosyncrasies of archives prevent more than a very preliminary survey of what may have survived (which, remarkably, seems to hold true especially for Italy, where the earliest regular ecclesiastical courts may have existed, and to a lesser extent Spain and the German territories). It is I hope not mere Anglocentrism that leads me to remark that the records of the English church courts seem to have survived in greater bulk than elsewhere. It also remains an open question whether this paucity of surviving material says more about subsequent destruction or the chronology of record-making and record-keeping; for it appears to be the case across much of Western Europe that the ecclesiastical courts, especially at the level below the diocese, lagged significantly behind secular government and law in the inception of regular curial record series, as Robert Swanson has recently shown in his survey of 'pragmatic literacy' and the late-medieval Roman church.[13]

The business of the ecclesiastical courts

Recent study of the records of the episcopal courts has done much to illuminate procedure and types of cases, and to render initial quantitative impressions of volumes of business. It is clear already that though they dispensed the same canon law and jurisprudence

1974; Vleeschouwers and Van Melkebeek 1982-3; Albert 1998. Pedersen 2000 appeared after this paper was written.

12. Donahue, ed. 1989 and 1994.

13. Swanson 1997, p. 164: 'The real efflorescence among the extant ecclesiastical archives ... post-dates the Black Death of 1348-9. That, however, is not a period of major innovations in types of record, merely a watershed in survival. Significant steps in creating an archival system had been taken between 1260 and 1330; that they are so incompletely recorded is regrettable, but is an unavoidable side-effect of their innovatory nature.'

throughout Catholic Europe, the courts of different places and times reveal some real differences in the types of cases that predominate, leaving open as for now the question of whether such differences in case patterns might really stand as surrogate measures for genuine differences in family culture from place to place or time to time, or alternatively simply reflect quasi-random jurisdictional idiosyncrasies. Most of this research has however concentrated upon the *ad instanciam* or litigation side of the church courts' business: understandably so, in that this judicial arena permits the legal historian to observe pleading and counter-pleading, jurisprudence, and even the circumstantial details of intimate exchanges that were recorded in deponents' testimony. The records of *ex officio* proceedings – into fornication and adultery, sabbath-breaking, defamation, even the very occasional case of witchcraft, along with usually less contentious matters such as proof of last wills and testaments and maintenance of church fabric and furnishings – by contrast appear to offer (as I once put it in an article) a superficially random glimpse into a moral underworld.

Moreover, the survival-rates of the local church courts which dealt more exclusively with *ex officio* business have clearly been much more dismal than those of episcopal tribunals. Any brief summary of the pattern of ecclesiastical courts in Europe by 1300 must be extremely generic: different dioceses developed different numbers and types of courts as a result of local custom and precedent, and adopted different terminologies for courts and their officers.[14] But it is possible to sketch an outline, and Donahue's survey confirms that the surviving records of Latin Christendom as a whole show this outline holds true to a reassuring degree across national boundaries.[15] The bishop held primary judicial authority within his diocese, and might exercise it in person in a court of audience. Increasingly over the thirteenth and fourteenth centuries, as business proliferated and a corps of academically trained, professionalised legal personnel became available, bishops deputed their authority over more routine matters to officers called Officials, or Commissaries, or Commissaries General, in one or more varieties of consistory court, either in a fixed central location, or

14. For generic descriptions, Swanson 1989; Owen 1975, esp. pp. 200-5. For important studies of particular dioceses, Woodcock 1952; Wunderli 1981.

15. Donahue, ed. 1989.

in periodic visitations through the diocese, or in both. Above the episcopal level there lay the provincial courts as venues of appeal and in some cases of first instance, and above them the *Curia Romana.*

Below the episcopal level there were a variety of lesser authorities. A diocese contained one or more territorial subdivisions called archdeaconries, and each archdeaconry in turn contained deaneries. Deans and archdeacons (by themselves or through their own Officials) had a variety of local functions which, in some times and places, included the authority to hold courts, in theory at least as deputies of their bishops. Moreover, there were many enclaves, exempt or 'peculiar' jurisdictions, typically in the possession of monastic houses, secular cathedral chapters or prebendary canons, or individuals, and each a jurisdictional oasis claiming independence from the bishop in whose diocese the territory of the peculiar was located.

It is a commonplace among historians who have written on the subject that whereas the existence of courts held by or for archdeacons, deans, and possessors of peculiars – 'lower ecclesiastical jurisdictions', as I call them in my recent study of two such courts[16] – can be demonstrated by the end of the thirteenth century in many places, the exact nature of their activities is much less clear, and much less easy about which to make generalisations. Direct evidence, in the form of surviving records of the proceedings of lower ecclesiastical jurisdiction, is exceptional before 1300 and still rare by the middle of the fifteenth century. In its absence, one must deduce the presence and proceedings of local jurisdictions largely from more elliptical mention of them in such sources as bishops' registers, or from the records of occasional clashes between secular law and the activities of the courts Christian.[17]

This is unfortunate, in part because it is demonstrable that the clientele appearing (willingly or unwillingly) in the proceedings of what I choose to call 'lower ecclesiastical jurisdiction' and especially in its *ex officio* proceedings were drawn from a much more humble slice of humanity than those who sued (and amongst other things paid for their lawyers) in the litigation of the bishops' courts. They

16. Poos, ed. 2001, from which some of this discussion has been derived.
17. Owen 1975, pp. 202-4; Hamilton Thompson 1943; Scammell 1971; Dunning 1967; Hyams 1985.

were, in fact, in most cases peasants in the Dean and Chapter of Lincoln from which I quoted earlier (as shown by cross-reference to tax lists and land records).[18] And so it was in these courts that canon law collided most frequently with the messy reality of ordinary men's and women's daily private lives. It also may be the case that these local tribunals seem to have been more flexible than the episcopal tribunals in eliding between the formally defined categories of business, as for example in our third case where an *ex officio* inquest into fornication and clandestine marriage turned into a determination of the validity of vows which, at least on some reading of the authorities, a local court such as this ought not to have had the competence to determine.

Church courts and sexuality

If scrutiny of this collision between formal law and subaltern life via the records of lower ecclesiastical courts is likely to be a fruitful and developing field in the near future, one would have to concede that the history of sexuality has already established itself. There is a long tradition of serious historical interest in marriage and sexuality, of course, but what marks the current scene seems to be competing models and, particularly with respect to the Middle Ages, no dominant one.[19] Debates surround the biological/psychological-deterministic and ahistorical versus the completely culturally specific and historically contingent understanding of sexuality, whereas the history of marriage has had to contend with mutual accommodation amongst emphases upon demographic, economic, and emotional/cultural factors. Particularly in the USA and in part a response to influences from cultural anthropological and literary theory, one especially dominant approach to understanding the history of sexuality has dealt simultaneously with an emphasis upon power and social control, and with dominant or competing discourses which seek to shape the very essence of what people will think and do – John Baldwin's book on the discourses of sex in France around 1200 being a particularly intriguing example of the latter.[20]

18. Poos, ed. 2001, pp. lxi-lxiii.
19. Some useful discussions of these points appear in Weeks 1989, and Murray 1996.
20. Baldwin 1994.

This has been a common approach to the current matter – church law and the humble laity. Indeed, a traditional approach emphasizes the imposition of a code of sexual conduct by church and/or other authority 'external' to humble lay society upon a largely supine, undifferentiated mass of common people. Such is implicit, at the least, in much of the very voluminous recent writing about the articulation of Christian codes of sexual conduct: first as a piece of theological or intellectual history with its own internal dynamic and agenda, then a centuries-long effort to reform an unregenerate laity, especially in connection with enforcing a model of Christian marriage, perhaps a fair characterisation of Jack Goody's arguments.[21] In this case the dominant discourse is of course canonical teaching, and the battleground is the contention to force compliance with prescriptive models of marriage and sexuality. Thus a number of historians have written about the spread of confessors' manuals, guides for parish priests, and a more morally activist *genre* of sermon (along with wider dissemination of model sermons), another distinctive product of this period's clerical writers in Western Europe generally, which increasingly sought to drive home normative rules. In fact, one mid-fourteenth-century English confessor's manual is distinctive in that it includes detailed rules for those who would hear the confessions of Officials and rural deans exercising ecclesiastical jurisdiction: in other words, those who presided in local church courts. Among the many questions that the manual directed the confessor ask the judge:

> ... did you ever prescribe for any accused person too burdensome a purgation and so, compelled by necessity, he redeemed his vexation by paying you money on this account? Item, did you cite or fix a term for any subject of yours, in order to oppress or harass him, in the farthermost bounds of your jurisdiction or in a place excessively removed from the place where the subject dwelled and thus he was worn out with labors and superfluous expenses...?

And so on through a list of extortionate or outrageous things that an ecclesiastical court judge might have on his penitential conscience.[22]

21. Goody 1983.
22. Haren 1998, p. 127.

There has been much debate amongst English social historians about the extent to which the peasantry had assimilated or even understood the canonical rules of marriage or constraints upon extramarital sex; or alternatively whether they understood them but chose at least passive opposition to them as a kind of subterranean competing model.[23] The evidence of the church courts by its nature emphasises the adversarial, of course. But one strand of the court's oversight of marriage was detection of couples who had embarked upon the initial stages of (what was in their eyes) a process of marriage not yet solemnised. In detecting couples for what initially appeared to be straightforward fornication the court uncovered some who had undertaken some form of commitment, however conscious, explicit, or binding they might have regarded it to have been, and thus caught them in a sexual twilight zone where sexual relations, perhaps even cohabitation, had commenced but no marriage existed according to canon law (three of the cases quoted briefly at the outset of this discussion arguably fall into this category). Undoubtedly this accounts for some of the *ex officio* cases in the local courts, but on the other hand there is little basis for arguing that such a scenario accounts for more than a small percentage of prosecutions for fornication, at least in the records I have worked with.[24]

If the adversarial model sketched here is one possible way of understanding what lay behind the court cases, another revolves around the dynamics of community networks. This model takes its departure (as I have argued elsewhere)[25] from desires by activist local elites at parish level to control disorder by using means made available to them by ambient legal institutions, in line with the remarkable vitality of the parish community during precisely this period in recent historians' depictions of it.[26] Simultaneously this model would seek to understand why and how individuals sought the sanction of courts, including the criminal side of the ecclesi-

23. Smith 1986; Karras 1996(b).

24. Poos 1995(a), p. 304, for some data: in two court records cited only about ten to fifteen per cent include anything that could be construed in the manner described here.

25. Poos 1995(b).

26. An important study of the parish in England which (unlike many of the type) gives serious comparative perspective to similar issues on the continent is Kümin 1996; for more general remarks for Europe at large, Bossy 1985.

astical courts, by way of networks of gossip, rumour, talebearing and backbiting that arose from multiplex and competitive aspects of parish life. Informing, rumour and occasionally lies about one another's sex lives not only fuelled the fires of the local *ex officio* courts, but also resulted in a steady traffic of defamation cases that (I argue) were the other side of the same coin, and with very marked gender differences (with women both being defamed and defaming other women more frequently for sexual matters, as opposed to the dishonesty, violence and other types of sexual crimes upon which men claimed to have been defamed).[27]

That brings us back to an earlier issue, which is, how did the courts find out about sexual offenses? The answer is generally hidden from the explicit record. In the English courts it was regular for the beginning of the record of each court session to include a list of churchwardens or parishioners – *inquisitores* they were often called – and cross-reference to contemporary secular court records from the same communities implies a strong degree of overlap: perhaps not surprisingly, both groups are predominantly from that well-known stratum of well-off parish A-families who tended to dominate local office.[28] On their own initiative, or acting more neutrally as a filter for the round of community information networks, or in response to particular information lodged by aggrieved parties or offended bystanders, they were undoubtedly the main link that transformed the *vox et fama* of the parish into formal initiation of charges in many cases.

Interested individuals – victims, outraged neighbours, or people with scores of their own to settle – demonstrably also helped to get *ex officio* cases initiated. The evidence for this must be sought in other legal arenas, when someone who had been punished in an ecclesiastical court then sued for damages in secular court against the person who, the plaintiff claimed, had maliciously caused the citation to ecclesiastical court in the first place. Examples are not plentiful but they can be found, in England mostly in manorial courts (and clearly amongst peasants). And so one finds occasional cases like the following, at Stainforth (Yorkshire, West Riding) in 1334:

27. Poos 1995(b).
28. Poos, ed. 2001, pp. lxi-lxiii.

> Let an inquisition come to determine whether Thomas son of Peter defamed Alice Daunce, calling her a whore, because of which Alice was summoned to answer before the ecclesiastical justices and she lost 2s. from that action.[29]

Or, at Abington (Cambridgeshire) in 1421:

> Sarra Salle put various articles before the Bishop of Ely's Official unjustly, and certified against John Dextere, Ralph Maundevyll and Mariota Mabbes, through which ... they lost money ... and the same Sarra is a common chatterer and scandalizer [*communis garulatrix & scandalizatrix*] ...[30]

Some cases of this sort reveal extortionate or coercive acts on the part of local clergy or others, rare glimpses of the social reality that lay behind the formal record of morals citations, as at Hatfield Chase (Yorkshire, West Riding) in 1327:

> John Brode sues Master John de Bernby, chaplain ... and charges that at a certain day at Hatfield [Bernby] caused [Brode] to be cited from Chapter to Chapter until [Brode] would make him a fine of 40s. ... [and Bernby replied] that he received no money from the said John except of his own good will ... And the said John Brode said that he gave that money not of his own good will but for fear of citation to court Christian ...[31]

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29. West Yorkshire Archives, Leeds (hereafter WYAL) DB205/7 (Hatfield Chase manor court, 19 October 1334): *Veniat inquisitio in proxima ad recognoscendum si Thomas filius Petri diffamavit Aliciam Daunce vocando ipsam meretricem ... per quod eadem Alicia summonita fuit ad respondendum coram judicibus ecclesiasticis & amisit ibidem ij s. ea actione ut ipsa dicit ...*
30. Cambridgeshire Record Office (hereafter CRO) 619/M5 (Abington manor court and leet, 17 May 1421): *Sarra Salle posuit diversa articula in officio Episcopi Eliensis iniuste & certificavit versus Johannem Dextere Radulphum Maundevyll & Mariotam Mabbes per quas certificationes & positiones ipsi perdiderunt denarios. Ideo in misericordia. Et quod eadem Sarra est communis garulatrix & scandalizatrix infra dominium domini.*
31. WYAL DB205/3 (Hatfield Chase manor court, 4 March 1327): *Johannes Brode queritur de domino Johanne de Bernby capellano de placito transgressionis & unde queritur quod ad certum diem apud Hettfeld fecit eum citari de capitulo ad capitulum quousque fecisset finem suum penes se de xl solidis de quibus solvit manibus xx s. pro bona pace habenda ad grave dampnum ipsius xx s. &c. Et dictus dominus Johannes venit & dicit quod nullum denarium de eodem Johanne recepit nisi de sua bona voluntate & per ordinationem fidedignorum in quibus predictus Johannes se posuit et hoc petit verificare. Et dictus Johannes Brod*

Or, at Oakington (Cambridgeshire) in 1295:

> Alice wife of Henry Attehil sues Roger Asseman and says that, because she would not pay him 12d., he accused her in Chapter at Oakington unjustly, because of which she lost her good status and good fame.[32]

Some cases in ecclesiastical courts also reveal clerical involvement in the spreading of sexual ill fame. An *ex officio* case heard at Canterbury in 1469 recorded:

> Sir Thomas Coke, parochial chaplain of St George's, Canterbury, is cited because he revealed the confession of Agnes [blank], his spiritual daughter, so that he called her the whore of Sir Sampson Panys.[33]

A case study: Agnes Hoghton vs John Bulcock

Next I want to indulge myself in that currently fashionable genre, the micro-narrative, from one case I have studied, because it illustrates some of these issues more vividly and also helps lead to the last point I want to make. The case in question was a lawsuit by one Agnes Hoghton against her husband, John Bulcock, which took place in the court of the peculiar jurisdiction held by the Abbey of Whalley in Lancashire.[34] On 8 July 1514 Agnes brought an

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dicit quod non de sua bona voluntate dedit dictum argentum sed propter timorem citationum ad curiam Christianitatis ...; ibid. (Hatfield Chase manor court, 29 April 1327), defendant puts himself in mercy for license of concord.

32. Cambridge University Library, Queens' College archives, box 3, roll 1 (Crowland Abbey estates manor court, 12 March 1295): *Alicia uxor Henrici Attehil queritur de Rogero Asseman & dicit quod pro eo quod non dedit ei xij d. accusavit ipsam in capitulo apud Hoketon iniuste quare amisit bonum statum & bonam famam ...*
33. Cathedral Archives and Library, Canterbury, Y.1.11 fo. 57v: *Dominus Thomas Coke capellanus parochialis Sancti Georgij Cant' notatur quod revelavit confessionem Agnetis [blank] filie sue spiritualis in tantum quod vocavit ipsam Agnetem meretricem domini Sampsonis Panys.*
34. The case appears in the court record of the peculiar jurisdiction of the Abbey of Whalley. The original record is Stonyhurst College MS A.I.4. A modern edition exists: Cooke, ed. 1901; the case appears on pp. 28-44 of this edition (the first entry is mis-dated in the printed edition). I have checked this edition against the

action of divorce *a mensa et thoro* against John, meaning that she was seeking a judicial decree of separation (without dissolving the marriage but permitting her to live apart from her husband). Her stated grounds for seeking a separation were two. First, she had never really consented to the marriage but had been forced into it by her 'friends' and by her uncle, John Hoghton, upon threat of losing her inheritance. She did admit that she had uttered in church the words of consent in the present tense – *verba de presenti* – that canon law stipulated as the grounds for a valid marriage; but canon law and its courts were prepared to consider annulling a marriage if coercion could be proven. Second (and this was really the proper grounds under ordinary circumstances for which divorce *a mensa et thoro* was likely to be granted), she claimed that John had physically abused her when she refused to have sex with him.

At the subsequent court session appointed for the hearing on 14 July, it turned out that Agnes had run away into Yorkshire. The court issued a citation to York demanding that she be found and returned. The Archbishop of York's Official duly sent a mandate to the diocesan clergy to that effect, and eventually the vicar of Normanton (about 40 miles away by straight line) replied that he had found Agnes. After her return to Whalley the trial proceeded, and on 30 August the court ordered her back to John. But barely more than two weeks later the court summoned the two again – an *ex officio* action this time – charging that according to 'public fame' they were living apart in violation of its previous verdict (and in violation of the canonical principle that married couples must live together and treat each other with marital affection).[35] Again Agnes responded that she had been coerced into marriage and that her husband had used violence against her.[36] This time she

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manuscript and made a few small corrections in the quotations that follow in this paper. The case was of sufficient interest to merit a few sentences by Victorian antiquaries: Raines, ed. 1878, p. 21 (though with some inaccuracies).

35. Stonyhurst College MS A.I.4 fo.21v: *Quia fama publica referente nostras nuper pervenit ad aures quod Johannes Bulcok & Agnes uxor sua jurisdictionis nostre contra decretum latum et lectum prout patet in Capitulo proximo precedenti separatim vivunt contra debitum morem ritum & ordinem matrimonij necnon tenorem formam & effectum decreti predicti ...*

36. Ibid.: ... *mulier respondit quod Causa legitima occasioque honesta subsunt eo quod ipsa per vim ordinationem et mediationem amicorum suorum duntaxat sine suo aliquali consensu eidem fuerat copulata in loco prelibato [fo.22] et quod ipsa nec tunc tempore sponsalium sive*

produced witnesses, and their testimony is the main point for my retelling the story.

The court record breaks off before another verdict was reached; it is unclear whether Agnes succeeded in her quest for a separation, though when John Bulcock died in 1539 Agnes claimed dower as his widow.[37] She herself died three years later, and her uncle John Hoghton a year after that.[38]

Agnes produced six deponents to support her allegations. The first, John Bannister, had married Agnes's widowed mother, probably signifying the reason why Agnes's uncle John appeared to have control of her inheritance. Bannister stated that he believed Agnes had never consented to John. He said

> that he [Bannister] was one of the go-betweens of the said John and Agnes [*unus inter pertractantes inter prefatos Johannem & Agnetem*] for the said marriage, along with Lawrence Towneley, Henry Towneley his son, and Nicholas Robinson, and that the said Lawrence urged the said Agnes toward the said marriage in the village of Colne in the garden of Nicholas Wilson, on the Monday eight days after last Easter [i.e. 24 April 1514]. Agnes then and there refused to consent. And piteously weeping in the presence of the said Lawrence, Henry, Nicholas and this deponent, she said that she would never consent to him. Interrogated further, he says that the said Agnes did not dare, because of fear, to confess her refusal to him, but she confessed to certain women who were known to her, namely Ann Smyth and various others ...[39]

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matrimonij nec umquam postea in eum consensit nec consentire intendebat <aut> intendit ... Dicit etiam quod nunquam concubuit cum predicto pretenso viro suo nisi coacta nec eam cognovit nisi preter voluntatem suam & penitus dissentientem renitentem & contradicentem ac per vim & verbera ad id coartatam...

37. Lancashire Record Office DDHCl 3/20 (manor court of Ightenhill, 1 May 1539).
38. Ecroyd, ed. 1900, pp. 108, 110.
39. Stonyhurst College MS A.I.4 fo. 22: ... *et dicit <quod> dictus Laurencius prefatam Agnetem solicitabat ad matrimonium predictum in villa de Colne in Gardino Nicholai Wylson die Lune proximo post Dominicam in Albis ultimo preterito que quidem Agnes adtunc & ibidem eidem consentire [fo.22v] penitus renuit & recusavit Et graviter lacrimando in presencia dicti Laurencij Henrici Nicholai & testis predicti publice dixit & asseruit se nolle umquam in eum consentire Interrogatus etiam dicit quod dicta Agnes non audebat ob metum se adire ad intimandum eidem dissensum suum sed intimavit dissensum suum certis mulieribus que illud sibi innotescebant, videlicet Anne Smythe & diversis alijs ...*

The second deponent, Nicholas Robinson, was married to Agnes's sister Isabel. He had a more vivid story to tell, because it was to his house that Agnes had fled about a month after her marriage. He said that John Hoghton had sent a messenger to her to tell her this:

> 'Agnes, y^{r} uncle Johne Hoghton wyllyth that ȝe dele wysly in this matier & take John Bulcok to yo^{r} husbonde ffor he is an onest man & a Ryche And if ȝe so do ȝe shal plese me & all your ffrendes and els ȝe can have no frendship of us And be ȝe sure that if ȝe do not he and other yo^{r} ffrendes wol so provide for you that ȝe shal not have suche landes as ȝe wene to have.'[40]

Immediately after the wedding Agnes had intimated to Robinson her intention of not staying with John:

> 'Brother Nicholas ȝe know that I am thus compelled by myne ffrendes to take this man to myne husbond which I never loved as ȝe wele know and in goode feythe I wol not tary w^{t} hym ...'[41]

And a month later she came to Robinson's house, saying

> 'Brother I am com to you And I ever told you that I never loved hym And now he hathe ȝeven me cause mor to hate hym than ever I did ffor he hathe grevously beten me.' And she showed him bruises and wounds on her arms and back. And he asked her why [John] beat her, and she said that it was because she did not want to have sex with him.[42]

Agnes's other four witnesses were all women, and all in various ways added to the portrayal of coercion and violence. Katherine Baxter recalled how Lawrence Towneley had said to Agnes:

40. Ibid. fo. 22v.

41. Ibid. fo. 23.

42. Ibid. Indented portion in English in the original, remainder translated from Latin: *& demonstravit sibi ictus & vulnera tam in brachijs quam super dorsum Et interrogabat eam de causa quare eam verberavit & illa dicebat quod pro eo quod illa noluit sibi consentire ad concubitum & actum atque usum carnis...*

> 'Thow art noght and a beggar wolte thow be And if thow forsakest this man take me never for thy ffrende but gett the[e] ffast ffro me & owt of myn howse ffor I wol be as moche thy ffo as I have be thyn ffrende.'[43]

And when Katherine went with other women to console Agnes she said to them:

> 'Alas Kateryn I am undone ffor myn ffrends wole neds compell me to have John Bulcok and by myn trouth I had lever dy then have hym ffor I never loved hym ne never wyl do And so I pray you ber me record hir after ffor I wol never tary with hym when I am wedded.'[44]

Alice Stevenson remembered how, soon after the wedding, she had greeted Agnes, calling her 'in the common manner, "Dame"', and Agnes replied:

> 'Alas Alison that ever thow shuld call me Dame ffor as I be saved he never was myn husbonde ffor I never consented unto him ne never shal do But Master Laurence Townley and other myn ffrends have compelled me to hym aȝenst myn wyll as knowethe God And but only for fer of losse of my land I wolde never be with hym an hour.'[45]

Finally, all the deponents concurred on one thing, a standard postscript to depositions in the ecclesiastical courts: they agreed that knowledge of these miserable circumstances had constituted 'public fame', that the facts were widely known in the parish and neighbourhood.[46]

Agnes's unhappy tale sounds almost too much the stereotype of the pre-companionate-marriage in the bad old days to be nonfiction: the evil uncle waving the threat of disinheritance before the unwilling victim of a purgatorial marriage-formation system. Uncle John was a gentleman of some local importance, enough so that he was the leader of one of the Lancashire contingents in the Pil-

43. Ibid. fo. 23v.

44. Ibid. fo. 24.

45. Ibid.: *Et dicit quod in vigilia Nativitatis Sancti Johannis Baptiste ultime elapse in Salutando eam vocavit more vulgari Dame ...*

46. E.g. ibid. fo. 23 [deposition of Nicholas Robinson]: *Interrogatus de ffama dicit quod ffama est publica...*

grimage of Grace.[47] John Bulcock was a decidedly less imposing figure: he appeared in the local documentation as an occasional juror and modest rent- and taxpayer in the years surrounding this lawsuit, making it unclear why Agnes's tormentors called him 'rich'.[48] Agnes's own parentage is uncertain, her father's identity unknown.[49] Despite the pathos of the circumstances, what may be more interesting for present purposes is the light the depositions throw onto the dissemination of knowledge about marriage-making and sexual abuse.

Conclusion

The words and phrases that crop up in the depositions of Agnes and John's case are echoed, albeit usually less vividly, in a multitude of other matrimonial cases from this place and time. The circle of 'go-betweens'[50] and amateur marriage brokers, many but not all male; the more loosely described group of 'friends', those who urged, counseled, or gave opinions when marriages were contemplated; the confiding with female companions and with relatives when things turned sour or even violent; and the term 'love' as a synonym for (at a minimum, and perhaps more than) willingness to consent: all these are recurrent features of depositions describing marriage negotiations in late-medieval litigation. They underscore that marriage was a process, drawing in the opinions and interjections of ranges of kin, friends, and neighbours with varying degrees of closeness to the principals and varying degrees of influence, whether for coercion or for more neutral persuasion

47. Haigh 1969, pp. 75, 81. Styled 'John Hoghton of Pendleton', he made frequent appearances in local arbitrations and land conveyances (references to follow); cf. Farrer and Brownbill, eds. 1966, pp. 392-4.
48. Farrer, tr. 1897-1913, vol. i, pp. 229, 233, 236, 245, 253, 257, 267, 271; vol. ii, pp. 378, 380, 385; Cooke, ed. 1901, pp. 73, 122, 142, 172, 175 (styled as 'John Bulcock of Wheatley and Haybooth').
49. She was possibly the daughter of John Hoghton's younger brother Henry, who is almost invisible in any records hitherto identified: Whitaker 1872, vol. ii, pp. 28-9.
50. In this sense negotiators or brokers (though obviously not always 'honest' brokers) rather than enablers (those who helped arrange the circumstances of marriage or sexual opportunism), as enshrined in the case study by Cohen and Cohen 1989.

and advice.[51] And they presuppose that information about the nature and vested interests of matrimonial intentions, the state of mind of those involved, and even the quality of married life, circulated amongst people along networks of acquaintance: in the case of Agnes, ranging from exchanges between 'friends' and 'go-betweens', to chance meetings in the street that provoked emotionally revealing responses, to laments of emotional distress and sexual abuse confided to (female) intimates. These lines of transmission, and whatever further dissemination by way of gossip, rumour, or tale-telling sped the information on its way, constituted – I suggest – a major part of what was encapsulated in the commonplace phrase, the 'common fame of the parish'.

I would reiterate that (as we saw earlier) the routine records of *ex officio* cases in ecclesiastical courts involving marriage and sexuality are usually not more than terse notations. This is one reason why the depositions rendered in *ad instanciam* cases, where they survive, are potentially such revealing narrative sources, and much deserving of study by social historians; but clearly as we have also seen the 'criminal' side of the jurisdiction is also rich in possibilities. It was precisely the Romano-canonical rules of procedure and proof – in church courts and also in parts of Europe where secular jurisdiction had adopted similar procedures – which has helped to preserve witness testimony as a byproduct of the inquisitorial process and which has furnished the wherewithal for studies of narrative and *mentalité* ranging from Montaillou to the work of Carlo Ginzburg to that of Natalie Zemon Davis.[52]

One other 'new trend' is in fact the recent emphasis, among both historians of the Middle Ages and those dealing with other periods, and scholars of contemporary law, upon law as narrative. This approach in the USA is heavily influenced by postmodernist literary criticism and amongst legal scholars by what has come to be known as 'critical legal studies'. It is epitomised for modern legal studies by a recent collection entitled *Law's stories*,[53] and has been applied in particular to American legal history with some in-

51. A point made forcefully with reference to marriage-related depositions from southern England by O'Hara 1991, and more recently by the same author in O'Hara 2000.

52. Le Roy Ladurie 1975; Ginzburg 1982 and 1985; Davis 1987.

53. Brooks and Gewirtz, eds. 1996.

triguing results.[54] Legal scholars writing in this tradition emphasise law as a normative system of power enshrined in words. They thus depict legal disputes as competing narratives in which contestants and the courts themselves (with implicit and explicit legal and jurisprudential assumptions embedded within them, and shaping but not always dictating the direction of resolution) seek to impose retrospective meaning upon complex circumstances, and the positions of respective sides in disputes as texts to be read for hidden codes, much in the way that I have tried to do with the case of Agnes and John. The depiction of late-medieval canonical teaching upon marriage, sexuality and family by recent writers on the subject has in fact, consciously or unconsciously, assimilated many of the assumptions of such an approach in testing that teaching as a 'discourse' of 'cultural construction'.[55] It is likely that the records of the ecclesiastical courts will be capable of furnishing much fodder for similar lines of questioning.

The medieval canon law and the courts that dispensed it thus do, I argue, represent an interesting intersection: between, on the one hand, a formidable formal system whose application comes into documentary focus precisely in our period but has yet to be uncovered in much detail, though as Donahue has shown the material is there, and on the other hand, what I have chosen to call the messy reality of private life.

Appendix: Selected cases

In the transcription <text>^{i} denotes interlineation in manuscript, <text>^{d} text struck through in manuscript.

1. Lincolnshire Archives D&C A/2/24 fo. 4v: Court at Scredington (Lincolnshire), 23 January 1337

Custance Petnale notatur super adulterio cum Thoma Walcot'. Mulier comparuit, fatebatur, abjuravit peccatum. Injuncta est sibi x fustigationes circa ecclesiam. Postea redemit peccatum pro <vj d.>^{i}. Non solvit.

54. Grossberg 1996, eds.
55. Taglia 1998; Elliott 1996.

nota / vj d.
Beatrix Botulston' notatur super fornicatione cum Roberto Frer'. Mulier comparuit, fatebatur, abjuravit peccatum. Injuncta est sibi penitencia fustigationes vj circa ecclesiam. Postea redemit peccatum pro <vj d.>[i]. Non solvit.

nota / xviij d.
Johannes filius Petri notatur super fornicatione cum Matilda filia Roberti Gissebourn'. Comparuerunt, fatebantur, dicunt quod matrimonium contraxerunt. Injunctum est vicario quod edat banna inter eosdem. Injuncta est penitencia utrique iij fustigationes circa ecclesiam. Non solvunt.

nota / vj d.
Legia Frer' notatur super fornicatione cum Ricardo Frer'. Mulier comparuit, fatebatur, abjuravit peccatum. Injuncta est sibi penitencia fustigationes vj circa ecclesiam. Non solvit.

2. Lincolnshire Archives D&C A/2/24 fo. 40: Court at Friesthorpe (Lincolnshire), 6 July 1341

Rogerus de Lissington' notatur super adulterio cum Alicia de Wadigham [*sic*] post abjurationem peccati et locorum suspectorum sub pena xx solidorum. Uterque comparuit, fatebatur se concubuisse in lecto. Negaverunt tamen peccatum. Habent uterque purgare se cum xij manu. Et quia defecerunt in purgatione pronunciati sunt pro convictis. <Ideo condempnati in pena.>[i] Decretum est eosdem fore vocandos ad diem et locum supradictos ad recipiendum penitenciam. Postea venit Linc' et fuit absolutus et injunctum est sibi penitencia ad dicendum vj psalteria in ecclesia parochiali de Fresthorp' in uno superpellicio et vj privatim et ad solvendum penam commissam. Postea pena predicta, videlicet xx solidorum, condonata fuit usque xl d. solvendos apud Linc' vicesima die post natalem sub conditione quod si de cetero convictus fuerit super peccato vel locis suspectis solveret residuum. Robertus presbiter parochialis et Johannes frater rectoris obligaverunt se pro solutionem faciendo. Postea solvit xl d.

3. Lincolnshire Archives D&C A/2/24 fo. 74v: Court at Wellingore (Lincolnshire), November 1347

Simon filius Thome Piers <de Wellehour'>[i] |
Alicia Pleyneys | – notantur super fornicatione et matrimonio clam contracto <necnon quod idem Simon coram Adam [*sic*] fratre huius Alicie et Petro Sadeler et Henrico Rotur in grangia matris <ipsius>[d] eiusdem Alicie eidem Alicie interoganti prefatum contractum matrimoniale recognovit>[i]. Uterque comparuit. Et fatentur delictum. Set mulier dicit quod dictus Simon contraxit cum ea matrimonium per hec verba, ducam te in uxorem quam citius ero homo in statu quod possum uxorem ducere, ita quod permittas me totum carnaliter comisseri, et ad hoc do tibi fidem meam. Quodque ipsa hec acceptans dixit quod sibi placuit et ad hoc prefato Simoni dedit fidem suam et ipsum voluit habere in virum. Quodque postea longo intervallo idem Simon ipsam Aliciam carnaliter cognovit sepius et unam prolem sussitavit. Unde petit dictum Simonem sibi adjudicari in virum. Quamquidem petitionem et libellum dictus Simon animo litem contestandi negavit, dicens narrata prout narrantur vera non esse et petita fieri non debere. Dedinde statim huic inde juratis de calumpnia de veritate dicenda per partes easdem prepositus parte dicte Alicie ad probandum contenta in petitione sua predicta <proximum>[i] diem juridicum post festum Sancti Mathie apostoli proximum futurum, dicto vero Simoni ad videndum testes et alia que dicta Alicia duxerit producenda ad probandum petitionem suam, et ulterius faciendum in causis quod fuerit justum, prefixit et assignavit.

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Towards the Medieval Conscience

The Activities of the Papal Penitentiary

Ludwig Schmugge

Introduction

How can the medieval historian, to whom, as in general, scarcity of sources is quite familiar and in most cases one of the major obstacles for his work, how can he dare to tackle such a delicate question as the human conscience? Not by chance scholars have expressed serious doubts about the ways and methods historians in recent years have tried to reconstruct the mind of medieval men and women. If such critics have brought up, if not devastating then at least some very serious objections against the hypertrophous euphoria of the 'histoire de la mentalité' – and if then we are far from describing, convincingly, what might have been the mind of a bishop or monk, king or knight, craftsman or merchant and peasant or servant, even in the later Middle Ages, when sources tend to become rather abundant, how then could a medieval historian dare to penetrate the most personal part of a human mind: his conscience?

As Adriano Prosperi has recently pointed out: the importance of a history of conscience can scarcely be overestimated,[1] and therefore research into the realm of the medieval conscience has been quite intense in recent years.[2] Modern scholarly efforts are departing from the obviously generally accepted theory (summarized by Delumeau[3]) that the majority of European Christians at the beginning of the sixteenth century were only very superficially 'Christianised' and still had a solid base of magic. The same Delumeau

1. Prosperi 1995, p. 213.
2. See for example Kittsteiner 1995, and the bibliography given there. Störmer-Caysa 1998, traces the notion of conscience within the scholastic literature of the thirteenth and fourteenth centuries.
3. Delumeau 1981.

has created the picture of a society, which from the thirteenth to the eighteenth centuries became something like a guilt-ridden Christianity.

On the other hand it is widely accepted that the genealogy of the modern world is rooted in the principle of freedom of conscience, which was condemned by the Roman Church at the Council of Trent and declared to be one of the most dangerous heresies.[4] The implementation of what is called an 'autonomous conscience' is considered to be an invention of the time of the Enlightenment or to have taken place somewhere between Martin Luther and Immanuel Kant.[5] The 'Gewissensdiskurs', as the most trendy expression in the German scholarly discussion goes, for many historians is positioned within the broader process of 'Sozialdisziplinierung' (the word has been coined by Gerhard Oestreich) of the early modern period.[6] Special emphasis in recent research has been put upon the relationship between conscience and confession. Very few scholars are still defending the assertion that a 'terrorized conscience' was the general habitus of late medieval Christians.[7]

The supplications to the Penitentiary as a source for the history of the conscience

Among the main offices of the Papal curia, Chancery, Chamber, Sacra Rota and Penitentiary, the latter has since the thirteenth century been almost exclusively concerned with matters of dispensation, absolution and licence. The early history of this office remains in the dark,[8] and it is only since the middle of the fifteenth century that registers of incoming petitions, called supplications, have been preserved. These registers, now deposited in the Archivio Segreto Vaticano in Rome and accessible to research, contain tens of thousands of individual petitions from all over Christ-

4. Prosperi 1995, p. 213.
5. 'Die Geschichte einer Kultivierung des Gewissens steht in der Spannung zwischen einem "Gewissen der Folgsamkeit" und den an bestimmten Punkten der historischen Entwicklung immer wieder durchbrechenden Autonomiepositionen', Kittsteiner 1995, p. 22.
6. Kittsteiner 1995, pp. 17 and 292. See Schulze 1987.
7. Tentler 1977. See for example Myers 1996 and 1998.
8. Göller 1907-11. For the rediscovery of the archives, see Göller 1913.

ian Europe. Men and women, laymen and clerics alike, submitted their supplications to the Pope, because they had committed certain transgressions that brought them into conflict with canon law regulations and from which they could only be absolved or dispensed from, that is reintegrated into the Christian community, by the Pope. The proper latin expression is *casus reservati.* As the Pontifex Maximus could not handle the increasing number of petitions personally, he had entrusted the administration and decision to the *Maior Penitentiarius* and his office according to certain rules, called the *facultates,* which were set up and granted to the Maior Penitentiarius, who always held the office of cardinal, at the beginning of each pontificate.

The *materia supplicationum* will be the subject of my paper and I shall try to scrutinise the texts with regard to how much they can tell us something about the conscience of men and women of the fifteenth century. The topics of the petitions range from matrimonial dispensation for too close kinship, absolution for murder or injury of a cleric, dispensation from illegitimate birth or license to eat dairy-products during Lent, to permission for a pilgrimage to Jerusalem or readmission to a monastery or religious order for runaway monks and nuns. In many of the texts the petitioner explains at length the circumstances of his breaking the rules and refers to the reasons, why he or she asked the Pope for dispensation or absolution. In short, as Pope Leo X made it right to the point: In the later Middle Ages the Penitentiary was the place 'in which the correction of behaviour and the salvation of souls were daily business' (*ubi morum censura et animarum precipue salus vertitur*).[9] Must not this then also be the place, from where historians could try to get some information about the conscience of men and women, who frequented this institution, which in 1473 has rightly been called by the Englishman John Paston 'the well of grace'?

9. In the bull *Pastoralis cura* (1513), Archivio Segreto Vaticano, Reg. Vat. 1200, fol. 428r.

Statistics

How many people drew the water of grace from this Roman fountain? A first glance at the statistics of supplications registered during the pontificates of Calixtus III, Pius II, and Paul II (8th April 1455 to 26th July 1471) gives us the numbers (see Table 1).[10]

During the 16 years from 1455 to 1471 some 48,956 petitions have found their way into the registers of the *Penitentieria Apostolica*, roughly speaking, on a statistical average, about 3,050 every year. However, it must first be noted, that there was no Holy or Jubilee Year within this period of time, when petitions (for example in 1450) amounted to the double or triple of an ordinary year.[11] Second, that many of the cases decided directly by the minor penitentiaries in Rome (the so called *litterae ecclesiae*) have never been registered, and that they are lost. Indeed, the total number of absolutions, dispensations, indulgences and licenses granted by the Penitentiary must have been considerably higher than the registered ones.

Statistics (and I hope ours are reliable!) cannot replace historical analysis, but it would require another paper to go into the details of the numbers presented here for the first time. The chronological and systematic distribution of the figures in time and space still contain many enigmatic circumstances and raise many more questions than I am able to answer today. For example, why do the French show such a keen interest in licenses for a personal confessor? Under Calixtus III the French petitions cover 39 per cent, under Pius II 62 per cent, and under Paul II 60 per cent of all dispensations *de confessionalibus perpetuis* registered. Why are matrimonial dispenses so frequently requested in Italy? The Italian share of the *materia de matrimonialibus* amounts to 38 per cent, 37 per cent, and 44 per cent respectively. This is even more true for the dispensations *de promotis et promovendis*, where the Italian numbers are 54 per cent, 44 per cent and 42 per cent within the three pontificates mentioned. And finally, why do German, Spanish and

10. It has been possible for me to provide the statistics thanks to the diligence of my young Roman collaborators, whom I would like to thank at this occasion, especially Kirsi Salonen and Peter Clarke. Kirsi Salonen has written a number of studies on the material from the Penitentiary, of which the most important is her excellent book on the Swedish and Finnish cases: Salonen 2001.

11. Schmugge 2001.

Table 1. Registered supplications at the Papal Penitentiary for the pontificates of Calixtus III, Pius II, and Paul II (1455-1471)

Territory	Calixtus III	Pius II	Paul II	Total
German Empire	2,252	3,369	5,070	10,691
Italy	2,367	3,445	7,193	13,005
France	1,609	4,484	6,053	12,146
Iberian Peninsula	1,626	2,158	3,215	6,999
British Isles	558	1,176	2,221	3,955
Scandinavia	67	87	148	302
Eastern Europe	342	465	831	1,638
?	(67)	(159)		
Total	8,882	15,343	24,731	48,956

Source: *Repertorium Poenitentiariae Germanicum*, vol. III, IV and V. Data provided by Ludwig Schmugge, Peter Clarke and Kirsi Salonen 1999.

Irish petitioners ask in such significant and disproportionate numbers for dispensations *de defectu natalium*?[12]

A last general remark: Petitioners got in contact with the Roman 'well of grace' on their own initiative, not called by the Pope or another ecclesiastical institution, but driven by their conscience and the social circumstances and restraints caused within the Church and the secular world by the rules and regulations of canon law. To some extent the supplications represent the level of 'internalisation' of that knowledge in the hearts and minds of the faithful in the later Middle Ages.

The conscience in the supplications: General cases

Let us now switch from statistics and general considerations to the analysis of texts. I have chosen a few typical examples more or less at random from the period of time between about 1440 and 1480. They are registered in the volumes of the *Repertorium Poeni-*

12. Cf. Schmugge 1995; Haren 1994 and Aznar Gil 1994.

tentiariae Germanicum, of which five volumes have been published to date.[13]

Each *supplicatio* consists first of a *narratio*, in which each petitioner gives his name, social status and home diocese and explains his case to the Pope (because every supplication is formally submitted to him). Then follows the *petitio*, where the kind of grace requested is nominated. Fortunately the person, who submits his or her request (normally through a *procurator*) often gives us (in the *narratio*) very ample explanations of the circumstances of their conflict with the canon law, mentioning rather often that they have been driven to approach the Pope by a bad or uncertain conscience. At the same time the officers of the Penitentiary in deciding the case submitted to them, in many instances appeal to the conscience of their clients. Let me give you some general examples before entering upon a more systematic analysis of the texts registered in the Vatican Archives.

John Calis of Plauen, a priest from the diocese of Naumburg, tells the Pope, that he as a clerk in Taufers (diocese of Brixen) in the service of a *castellanus*, has been involved in some death penalties. He now, after years, feels guilty and driven by his bad conscience is asking for a *littera declaratoria* of his innocence, *ad ipsius exponentis conscientie scrupulum relevandum*.[14]

John de Gissin, a Premonstratensian canon, had left his monastery to become a monk of the Ordo Sancti Spiritus without proper dispensation (*dictum ordinem minus legittime intravit*). That's why he declares *conscientiam suam gravatam*, asking for absolution and permission to reenter another Premonstratensian monastery.[15]

Sometimes many years may have passed by, before the petitioner feels the prod of conscience: John Hollerbach has gotten *simoniace* a benefice in the diocese of Mainz, which he held for twelve years, until he felt *de predictis remorsum et scrupulum sue conscientie*, asking now for absolution from *simonie labe*. In 1449 he gets his absolu-

13. *Repertorium Poenitentiariae Germanicum* (henceforth cited as RPG), vol. I: Eugen IV (1431-47) (1998); vol. II: Nikolaus V (1447-55) (1999); vol. III: Calixt III (1455-58) (2001); vol. IV: Pius II (1458-64) (1996); vol. V: Paul II (1464-71) (2002). Vol. VI: Sixtus IV (1471-84) is in preparation; the texts cited from this volume are indicated with the respective archival signature, PA meaning Penitenzieria Apostolica.

14. RPG I, 732 (26.7. 1442).

15. RPG II, 45 (27.6. 1449).

tion, at this time still unconditional and without further obligation. Later in the fifteenth century, from the pontificate of Calixtus III (1455-1458) onwards he would have paid a hefty fine to the Pope (called *compositio*) for the income and revenues he had illegally taken from his benefice for twelve years.[16]

In another case Nicolaus Torbeke, a clerk from the diocese of Brandenburg, tells us a rather touching story: Once being a scribe of the civic administration of Jüterbog, a small hanseatic town in northern Germany, he had to report the theft of a horse by a man from the neighbouring town of Luckau. When he asked the *consules* of Luckau to put the thief in jail, the officers caught the man and finding him guilty they immediately hung him. Nicolaus feels responsible for his death and therefore asks Pope Nicolas V for dispensation *ad cautelam ad servandum suam conscientiam.*[17]

Some petitioners like Henry Fabri, a priest from Riga on the Baltic Sea, came in person to the Roman curia for their absolution *ad suam purgandam conscientiam.*[18] During a conflict in Riga between the bishop and some citizens he did not obey the interdict placed upon the town by the *ordinarius*, saying mass in the presence of excommunicated people. In order to avoid being put in jail (like other priests in town) Henry entered the Franciscan convent in Riga taking the habit of the order, staying there for about a month. The guardian, who claimed to have the appropriate power, absolved Henry from excommunication. Nevertheless, driven by his conscience, as we have seen, he went to Rome for papal absolution, and he got it.

In this context a phrase from Gratian's Decretum is very often quoted: *Bonarum mentium est dubitare culpam ubi culpa minime est.*[19] John Monk, a priest from Meissen, whose horse had suddenly panicked and mortally hurt a member of his family, cites Gratian's words in his supplication (probably through the pen of his proctor in a slightly different form, as *bonarum mentium est, ibi culpam timere ubi non est*). Then, *ad serenandam suam conscientiam,* he asks for absolution and dispensation from any *irregularitas* he might have contracted on this occasion.[20]

16. RPG II, 59 (7.5. 1449).
17. RPG II, 61 (3.5. 1449).
18. RPG II, 72 (5.2. 1452).
19. Decretum Gratiani D. 5 c. 4; Friedberg, ed. 1879-81, I, col. 9.
20. RPG II, 825 (4.6. 1450). Other texts: RPG I, 526 (14.3. 1440), a case of forgery of charters.

Not only the petitioners refer to their conscience, the Penitentiary, too, in deciding the supplications, in some cases explicitly calls upon the conscience of the petitioners or other persons involved, for example a bishop, to whom a *littera* is commissioned for execution. In 1451 the Patriarch of Aquileia was addressed by Domenico Capranica, Maior Penitentiary from 1449 to 1458, in the case of a certain Wolfgang Memhart, who has served as a secretary to some *dominus temporalis.*[21] Wolfgang had written several letters *pro iustitia administranda,* which in some cases led to the death penalty for the evildoer. He therefore feared that (because of his involvement in a death penalty as an *impedimentum* to be ordained) he could not become a priest. The Patriarch by the *littera* is informed and asked (after a thorough investigation) to decide the case and to dispense Wolfgang: *nos* [the Penitentiary] *igitur circumspectioni vestre* [the Patriarch] *committimus, quatenus si prenominata inquisitione vera fore inveneritis, super quibus vestram conscientiam oneramus, declaretis ipsum* [Wolfgang] *promoveri posse.*[22]

Runaway monks and nuns

Let us now examine some specific supplications, first the case of runaway monks and nuns. The basic canonistic presuppositions for changing the order (*transitus ad aliam religionem*) have been defined in the constitution *Licet* of Innocent III.[23] Pope Boniface VIII a century later declared that leaving a monastery (*apostasia a religione*) resulted in an automatic excommunication (*excommunicatio ipso facto*) of the religious person.[24] And Pope Martin V did not allow mendicants to change their order without papal approval.[25] Thus a religious willing to leave his *ovile,* as the terminology of the formularies goes, must prior to the act in any event ask for papal permission, otherwise he will be automatically excommunicated.

During the fifteenth century 'Klosterreform' was one of the major tasks in the late medieval church, promoted by the secular

21. RPG II, 862 (8.6. 1451).
22. A similar case in RPG III, 45, 110; RPG IV, 1479 (to the Bishop of Naumburg, 1462).
23. X 3.31.18; Friedberg, ed. 1879-81, II, col. 575sq.
24. VI 4.24.2; Friedberg, ed. 1879-81, II, col. 1065sq.
25. Extravagantes comm. 3.8.1; Friedberg, ed. 1879-81, II, col. 1277sq.

power as well as by ecclesiastical institutions. Reforming a convent or monastery could create major problems for the members living there. It seems that numerous monks and nuns, on this occasion, did leave their convents, especially in England, for different reasons, which are though seldom explained to us explicitly.[26] However, under the rubric *De diversis formis* in the registers of the Penitentiary many supplications are to be found where monks or nuns speak about problems within their order and why they left their monasteries. In some of the *narrationes* the petitioner explains the reasons for running away and why it was impossible to remain in the monastic community *sana conscientia.* Obviously, this was recognised as a *causa sufficiens* for an absolution on behalf of the papal dispensatory office.

How violent a conflict within a convent, that was about to be reformed, could become is vividly expressed in the complaints which a Roman procurator dramatically condenses for his client, the 56 years old Cistercian nun Mechtild de Mülhofen from the abbey *Pons Salutis* near Edenkoben in the diocese of Speier.[27] For more than 40 years she had served God in her monastery; then some nuns *de observantia* entered the community to begin the reform. Many of her fellow-sisters left, not so Mechtild, who according to her own words for more then twelve months tried very hard to live there *strictum huiusmodi observantie ordinem.* As she finally learned that she could not endure the new severe community rules, she asked her abbess for permission to leave. As this was denied to her, she left the abbey without permission to stay with her relatives. Her family, after six weeks, convinced Mechtild to give it another try (*monasterium causa se melius probandi reintravit*). But when she came back, she not only had to suffer *castigationes*: the abbess herself tore her veil down from her head and treated her *ignobili castigatione.* Mechtild, not willing to endure this treatment, left the monastery again without the consent of the abbess, but always retaining her monastic garb. The Regens of the Penitentiary absolved her from the excommunication she had contracted automatically, and allowed her with the explicit consent of Pope Sixtus IV (*de speciali et expresso*) to transfer to another order, even to a Benedictine house.

26. Cf. Logan 1996. For the canonistic aspect Condorelli 1995.
27. RPG VI, PA 22 fol. 136rs (1473).

Not all registered supplications are of the same dramatic style, and sometimes the arguments do not seem to be quite convincing. Elizabeth de Blonden, a noble nun of the female branch of the Franciscans, from Olmütz diocese, who by the order of her abbess and the duke of Oppau had been transferred to another house of the Clarisse against her own intention and will (*preter et contra eius voluntatem*), pretends because of the bad air to be unable to remain in the new convent (*ipsa exponens cum sui animi quiete et sana conscientia et ob aeris intemperiem in dicto monasterio remanere non potuit*). She therefore left without permission of her superior to live in the house of her parents and asks for permission to reenter the convent where she had been professed.[28] As the signatura of the Grand Penitentiary, Niccolò Albergati, tells us, the papal office was not quite convinced by her reasoning. The approval *ut in forma* would have meant that she had to seek the superior's consent before doing as requested.[29] Bad air does not seem to have been considered by the Penitentiary as a serious matter of conscience.

In other cases, of course, the *sana conscientia* argument has been fully respected and the transfer granted. Thus the office allowed a German Benedictine monk (living in Verona) to turn to another monastery, although we do not learn what the reasons given have been.[30] Even where the petitioner tells us much about his arguments, one would often like to ask him for a more detailed report: When the Augustinian canon Andreas Sterlich asked the Pope to transfer himself to a Benedictine monastery, he must have explained his situation to the Penitentiary in much more detail: *sui animi quiete et sana conscientia ac propter certas legittimas causas, quas causa honestatis allegare per amplius non possit, in dicto ordine remanere non potest.* He certainly convinced the office through his oral report, as he got the signature: *Fiat de speciali et expresso.*[31] Similarly a member of the Teutonic order, Michael Planck, claimed to have been

28. RPG I, 388 (26.3. 1442).

29. The signature *Fiat ut in forma* normally includes the rejection of any petition beyond the formulary. And in those cases the petition was implicitly turned down. This happened with Nicolaus Zongler, a Benedictine monk from the diocese of Merseburg (RPG II, 110, 2.1. 1450) and a noble Dominican nun from Engeltal in the Regensburg diocese, who asked for dispensation to become a Benedictine nun (RPG II, 447, 22.10. 1450).

30. RPG I, 499 (23.3. 1440), signature: *Fiat de speciali.*

31. RPG II, 903 (24.1. 1452).

treated so badly by his superiors, even put in jail three times, that he could not remain there in *sana conscientia* and left the order.[32] Michael Pictor from Glatz in the diocese of Breslau, an Augustinian canon, went three times in person to Rome, as he tells us in his last supplication in 1452, driven by his bad conscience (*conscientie sue habens remorsum*). He got the personal signature from Pope Nicolas V himself to transfer to another order, but we do not learn anything about his arguments. So we must be content that Henricus Hase, who has left the Cistercian abbey of Herbacht, tells us why: because his superior and his brethren gave him a hard time there (*propter molestias et persecutiones, que sibi per superiores et confratres suos iniuste inferuntur*).[33] The same misfortune occured to Georg Bendor, a priest of the Wilhelmite order, who could not remain in his convent in Strassburg (*propter ipsius superioris intollerabile regimen*), and had therefore entered a Benedictine monastery in the diocese of Basel.[34] In both cases The Penitentiary acknowledged the arguments of the petitioners and let them enter another monastery.[35]

Two more examples for *apostasia ab ordine*: Adelheid and Behemyn von Helmstadt, two noblewomen with a prominent clerical background in their family, give plain economic reasoning for their desire to leave their monastery.[36] They pretend to be unable to remain with the Premonstratensians of Scheffterheim *animi sui quiete et sana conscientia*, because the monastery had suffered so much in the course of local feuds, that revenues had diminished dramatically (and the ladies probably could not maintain their usual noble style of living). The Latin text says *propter ipsius monasterii diminutionem et decrescentiam*. They were allowed to transfer to a Benedictine abbey in the Spire diocese, where the family came from. As we can see, conscience was not always driven by purely spiritual arguments.

This also is to be suspected in the petition of Clara de Degenbergh, a noble Augustinian *canonissa* from Regensburg.[37] She pretends she could not stay with the Augustinians *cum animi sui quiete*

32. RPG II, 912 (29.2. 1452).
33. RPG III, 3 (1.4. 1455).
34. RPG IV, 928 (4.6. 1459).
35. Other cases of petitioners, who want to leave their religious houses, because they cannot remain there *sana conscientia et quiete animi* are registered in RPG II, 993, 998; III, 7; IV, 844, 1053, 1418; V, 985.
36. RPG II, 1044 (1.10. 1453).
37. RPG VI, PA 28 fol. 130r (1478).

et sana conscientia; but as she at the same time asks for the license to transfer to the Benedictine order and to get permission to hold offices there (*quod ad omnia officia ac dignitates et administrationes ordinis s. Benedicti eligi et assumi possit*), one may assume that she was looking forward to become an abbess!

Dispensation from fasting and abstinence rules

The same more or less materialistic background seems to apply in the next type of dispensation, which occurs rather frequently within the registers of the Penitentiary, the dispensation to use egg, butter and cheese during Lent and fasting times, the so-called 'Butterbriefe'. The general rule to refrain from meat and diary products during almost 150 days of the year was binding for every Christian from the seventh year of age onwards. During the fifteenth century dispensation was requested on a large scale especially in southern Germany, either from individuals or from entire communities. The interesting point is that while a precise answer is given as how to proceed to corporate petitioners, for individuals the decision frequently is left to the conscience of the supplicant.

The parochial people of several small villages on the upper Rhine between Kaiserstuhl and Lake Constance get their dispensation with the differentiation that all men and women were allowed to use butter instead of (olive) oil, but only weak and ill persons could eat *lacticinia*, but no cheese.[38]

Not so with individual petitioners. When the noblewomen Mechthild, the wife of the Landgraf of Hassia, asked for the fast-dispensation in 1459, she received a positive answer with the condition *relinquatur sue conscientie.*[39] This seems to be the standard formula from now on through all the following pontificates of Pius II, Paul II and Sixtus IV. The condition is used for example in the supplication of Ewald Faulhaber, a canon of the church of Mainz.[40] Guntherius, count in Swartzburgk and Margareta, his wife from Mainz archdiocese (or probably her proctor in Rome) added as an argument in favor of their petition *cum in comitatu et locis cir-*

38. RPG IV, 1705 (19.4. 1464).
39. RPG IV, 1115 (9.11. 1459).
40. RPG IV, 1359 (18.7. 1461).

cumvicinis non reperitur nisi oleum raparum. They also received the standard positive response: *Et quod relinquatur conscientiis ipsorum.*[41] Almost all of the supplicants in this matter belong to a higher level of late medieval society: Gaspar de Meckaw, Benedictine abbot of Chemnitz,[42] Henricus Munsinger, medical doctor from Worms,[43] William duke of Saxony and his wife,[44] the commander of the German Teutonic nights in Thüringen, Conrad Berdersheym,[45] bishop Gebhard of Halberstadt,[46] Magdalena Nickels from Münster.[47]

Petrus Schilling from the cathedral church of Mainz[48] gets the same positive answer, but he has to decide with his own conscience whether he is so frail and old (as he told the Pope in his *supplicatio*), that he could not survive without eating eggs and *lacticinia*, as the proper word of the formularies for diary products reads. This kind of petition was usually left to the conscience of the supplicant.[49]

Sins in juvenile age

The human conscience seems to have had very deep roots. Most impressive are supplications where the petitioner recalls events that lay way back in the past, sometimes in their juvenile age. In these cases it seems to be quite unlikely that social or legal pressures provoked the men or the women to address the Penitentiary and to ask for relief from the papal 'well of grace'. Very often the *narrationes* are touching, indeed. Let's take the supplication of a certain Ulricus de Lar from Passau.[50] As he wanted to be enrolled in the *militia clericalis* and to become a priest and as legitimate birth was a canonical requirement for ordination, he asked his mother, whether he was a son of a legitimate couple (there must have been some rumour about this in the neighbourhood!). His mother informed him, that

41. RPG V, 957 (1465).
42. RPG V, 1149 (1466).
43. RPG V, 1300 (1466).
44. RPG VI, PA 20 fol. 222v (1472).
45. RPG VI, PA 28 fol. 128r (1478).
46. RPG VI, PA 28 fol. 139v (1479).
47. RPG VI, PA 28 fol. 144v (1479).
48. RPG IV, 1056 (6.11. 1453).
49. RPG VI, PA 20 fol. 223r (1472).
50. RPG II, 2211 (24.4. 1452).

he was conceived before matrimony, but that she and his father married before his birth, and therefore there was what is called in the terms of canon law a *matrimonium sanatum.* When his mother died, doubts again arose with Ulricus about the truth of his birth, and he wrote to the Pope asking for dispensation from his *defectus natalium ad cautelam,* because he felt a scrupulous conscience.

John Bere, at the time of his petition subdeacon in Schwerin, asked for absolution, because as a young scholar he had participated in scholarly skirmishes, which ended in bloodshed. As there were some clerics involved, he feared to have acted against canon 15 of the Second Lateran Council thus running into excommunication *ipso facto.* Now after many years he went to the papal court in person *conscientia motus,* as he wanted to remove an obstacle to being ordained as a priest and to receiving benefices.[51] In Florence, where Pope Eugene IV was residing at that time, his case was taken care of by a minor penitentiary.

A tragic story from everyday life (probably of sudden infant death, as the medical jargon goes) is reported by Michael Rosenstyngel, a priest from the diocese of Speier.[52] As a boy, he tells in his supplication, he stayed with a family with two children, a girl of seven to eight and an infant boy. When their mother left home one day she told the girl to take care of the infant, who in turn asked Michael to bring the boy within his cradle into another room, which he did. When the mother returned home, she found the infant dead in his cradle. Although Michael felt very sorry about his death, he never lost the pain of guilt, and *ad relevandum sue conscientie scrupulum,* notwithstanding that he had been absolved *a multis,* he wants to get a declaration from the Holy See (*sed ad maiorem cautelam per sanctitatem vestram supplicat declarari*) that he had not contracted either an irregularity or inability for holy orders.

Murder, killing and injury

We have already mentioned some supplications, where petitioners asked for absolution from an automatic excommunication they had contracted by taking part in skirmishes involving the blood-

51. RPG I, 447 (25.4. 1439).
52. RPG I, 626 (28.4. 1441).

shed of clerics, from which only the Pope could absolve them. During the pontificate of Pius II (1458-1464) every second case registered in the section *De diversis causis* of the *Repertorium Poenitentiariae Germanicum* contains stories reporting murder, arson, robberies with violence and injury highlighting the strong general tendency towards violence in the later Middle Ages. As the negative consequences for clerics involved in such actions were considerable (they could not serve at the altar any more nor keep benefices with *cura animarum*), the social pressure to get papal absolution and dispensation must have been stringent. But within the motives to ask for the papal grace we have to notice not only the firm desire to continue an ecclesiastical career but at the same time the deep remorse of a bad conscience.

Henricus Erasmi, a priest from Passau diocese, had as a young scholar enrolled at the University of Vienna and during that time had been involved in some fighting between students in a town and gown struggle in the city of Vienna, where some of the clerical participants died. Therefore Henry had gotten absolution the first time from Pope Eugene IV (†1447)[53] through the Maior Penitentiary, and according to this he had been ordained priest. In 1449 he once more addressed the Penitentiary office, because in the *littera*, which had been written, *propter certa verba per inadvertentiam procuratoris minus bene posita* he fears, that (as the *veritas precum* might be challenged) his absolution could be nullified. Therefore he tells us in the *narratio* of his second petition that *scrupulo conscientie motus* he had refrained from saying mass, asking for another absolution. He gets the absolution, but (again?) only *citra ministerium altaris*, which means that he was not admitted to serve at the altar and not allowed to keep benefices *cum cura animarum*. Correctly so, because a priest, who had been in some way or another involved in an act of murder, according to canonical tradition, would never have been allowed to serve at the altar again.[54] Perhaps Henry not only felt his conscience burning but feared, much more, that he might have lost his benefice. Was his burning conscience just a pretext for keeping the benefice?

Another interesting case is to be found among the supplications of the pontificate of Nicolas V, this time coming from the mighty

53. RPG II, 107 (27.12. 1449).

54. See Schmugge 1996, esp. p. 61.

realm of medicine.[55] Nicolas Pfeffer, who at the time of his supplication in 1451 was a priest and monk of the Benedictine monastery of Melk (Austria), was in his youth a servant to a surgeon. When assisting this doctor, Nicolas thought that in some cases he might have contributed to the death of several patients. He later did the same job for another surgeon, this time medicating and cutting the patients himself with the effect, that three people died from his surgery. Now, after he had spent many years in the Benedictine community of Melk, he asks the Pope *pro serenatione conscientie* to be absolved *in foro conscientie* from eventually contracted excommunications. The decision of the Penitentiary is remarkable: He was to be dispensed, if he and his boss (*dominus*) had applied a sufficient medical skill as a doctor (*si exponens peritiam sufficienter tradidit et tam ipse quam dominus diligentiam debitam adhibuerunt*).

There are two other medical doctors presenting a similar problem to the Penitentiary. The first one is Franciscus Kortz from Breslau, who before becoming a priest served for more than six years as a physician. During this period, he declares, he might have given medication, which caused death to some of his patients. After being ordained he continued to practice. Now he asks for dispensation *ad cautelam* for the deaths he might have caused.[56] The other, Conradus Deynhart from the diocese of Mainz,[57] did provide for several persons medical help *cum diligentia*, as he writes. Nevertheless sometimes the contrary happened (*licet interdum contrarius eventus sequeretur*) and some of the patients died. The Penitentiary committed his request to be ordained priest to his bishop, who had to decide *secundum canonicas sanctiones*. Today our physicians protect themselves against the accusation of medical malpractice by paying enormous amounts of insurance. In the fifteenth century it was still a matter of conscience and of papal absolution!

Violence was not only a matter for clerics, many lay persons – men and women – also directed their petitions to Rome. Herman Matlin, who ran a hotel (*hospes*) in Tusis, Chur diocese, around the year 1452[58] got involved in a feud between a local antifeudal association, the Liga *Graupunt*, and a nobleman in the service of the

55. RPG II, 880 (24.10. 1451).
56. RPG III, 382 (6.1. 1457).
57. RPG III, 549 (6.2. 1458).
58. RPG II, 972 (18.12. 1452).

bishop of Chur, whose name was John of Rechberg. During those civil-war-like events a friar, suspected to be a friend of the nobleman, was placed in custody in his hotel. One day a crowd of supporters of the *Graupunt*, notwithstanding the protest of Herman, took the friar by force and killed him in a most savage way outside the hotel. Herman, *pro serenatione conscientie sue*, seeks for a declaration that he was not guilty of killing a priest (*presbitericidium*), of which he might have been accused by the bishop.

Petrus de Graboszewo was engaged in the service of the King of Poland and with his army took part in many wars, battles, and killings (although, as he pretends, he did not kill anyone himself, *nullum propria manu interfecit*).[59] To get absolution with the scope to be ordained priest he went to Rome in person, where his desire was fulfilled by the Penitentiary and he himself ordained. Later on *scrupulo conscientie motus* he came to the Roman Curia a second time. It's not quite clear, why Petrus went there twice, maybe that his narratio at the first time was incomplete. Thomas Weyspacher from Salzburg reported similar war-experience: He was not enlisted in a king's army, but he fought for the man whom he asked for dispensation, the Pope! Thomas as a *Landsknecht* had been enrolled within the ranks of the famous condottiere Nicola Pizolini (*qui tunc capitaneus pro parte Romani pontificis fuit*).[60] He claims, like Petrus, not to have killed anybody himself. The local priest, to whom Thomas confessed, did not dare to absolve him, sending him instead to Rome so that he might be ordained after the Penitentiary would have declared him free from the crime of homicide.

Avoiding interdict and excommunication

One of the most powerful weapons of the Papacy against its real or pretended enemies has always been excommunication and interdict.[61] No doubt, this sword had long since lost quite a bit of its cutting edge, as it had been worn out by indiscriminate use. During the Great Schism, when the rival pontiffs issued a plethora of excommunications and interdicts against each other and the re-

59. RPG II, 1028 (27.3. 1453).
60. RPG II, 1040 (15.9. 1453).
61. Vodola 1986. Peter Clarke, Cambridge, is preparing a book on interdict.

spective partisans, the sword did not threaten anyone at all. When church unity was regained after the Council of Constance, both penalties also regained some of their previous effectiveness.

In the course of the fifteenth century local ecclesiastical conflicts have reaffirmed the meaning of both measures within the German Empire with negative consequences for the faithful. Church service was interrupted over a longer period of time in the diocese of Mainz during the so-called 'Mainzer Stiftsfehde' (1461-1463), in Münster, when two contenders fought for the episcopal see for seven years (1450-1457), during a conflict in Lüneburg known as the 'Lüneburger Prälatenkrieg' (1450), or in the territories of duke Sigismund of Austria during the time he had been excommunicated because of his resistance against Nicolaus Cusanus as bishop of Brixen.[62] When public mass service was suspended, the Penitentiary could provide a way out of this dilemma for the faithful: They could ask for the licence to hear mass and celebrate other *officia* during an interdict.[63] This licence was regularly granted under the condition, that the interdict was neither placed nor confirmed by the Holy See. Typically, this kind of licence was applied for in those territories, where long lasting ecclesiastical conflicts occurred.[64] As most of the petitioners were laymen and -women one may assume, that spiritual reasons underly the requests, and that profound reverence towards the sacraments of the Church urged the petitioners to ask for this licence. This observation does not support the thesis, that late medieval Christians were only quite superficially 'Christianised'.

Commutatio voti

When Martin Luther, travelling between Mansfeld and Erfurt on the second of July 1505, ran into a thunderstorm he was so terrified of being killed by a bolt of lightening that he called upon

62. See Gerlich 1992; Brosius 1976; Baum 1983.

63. See Schmugge, Hersperger and Wiggenhauser 1996, pp. 125-32.

64. See the supplications of the noble couple de Exterde from Paderborn (RPG V, 1008 (1459)), from Lambertus Hoyken and his wife from Münster (RPG V, 1165 (1466)), from Dietrich de Grolle and his wife Catherina from Münster (RPG VI, PA 20 fol. 173r (1472)), Hermann Crampe and his wife from Münster (RPG VI, PA 28 fol. 136r (1479)).

Saint Anna and promised her that he would become a monk, if she would save him from sudden death. Even if we can doubt whether this vow was a *votum sollemne*, Martin Luther behaved quite normally for his time. What instead seems to have been unusual for a learned man, who had studied law, is that he fulfilled his promise. He could have done otherwise by asking the papal Penitentiary for *commutatio voti*, just as many other people have done before and since.[65] What has been done under the impact of fear (*per vim et metum*) was not legally binding, as canon law has stated, and thus could be altered or even nullified.[66] Maybe the history of Europe would have had some other course, if Luther had followed this path!

Other people in the middle of the fifteenth century did not show any scruples at all in similar situations, and the Penitentiary dissolved all kinds of vows: *vota castitatis*, *vota peregrinationis*, as well as *vota intrandi ordinem*, the type of vow Martin Luther had made. Georg Sanigerne and his elder brother from Dorpat were sailing (probably as merchants) in the Baltic Sea, when a terrible storm came upon them and their vessel; they then made the vow to enter a religious order, if God would let them survive the storm. They survived and pretty soon looked for absolution from this vow, which they got – first (illegaly) from an Antonite friar, who pretended to have power to absolve, and in 1456 from the Roman Penitentiary.[67]

Conclusion

It may seem rather hazardous to come to any general observation towards the medieval conscience on the basis of a couple of individual supplications to the Penitentiary. Let's try it anyhow!

The registered texts show an elaborated, sometimes very sensitive conscience of the single petitioner, and they show some quite detailed knowledge of the commandments of the Church and the rules of canon law. A statistical examination of the territorial distribution of petitioners throughout Europe could provide more information about regional differences. Certainly, people did not

65. Cf. RPG IV, 962, 1241.
66. See X 1.40.2 and 4. Friedberg, ed. 1879-81, II, col. 220.
67. RPG III, 212 (23.2. 1456).

ask for absolution, dispensation and licences only because of their burning conscience, in some cases they may have been driven by social constraints as well. 'Sozialdisziplinierung' resulted not least from an increasing control of conscience, and not only by the Church.[68]

It seems to me that the conscience developed differently in the distinct social layers of society: Emerging classes (lower nobility, leading groups in towns) seem to have been more inclined to accept the moral rules and canonical prescriptions set up by the Church. For them it was important to be 'in regola' with the Church and the social environment heavily controlled by ecclesiastical regulations.

The educational effect of conciliar and papal legislation since the Fourth Lateran Council had not been in vain. Slowly but constantly the transformation of the *canones* into widely accepted norms throughout late medieval Christianity penetrated the capillary system of church organisation from archdiocese to the single parish.[69]

The picture of a guilt-ridden Christianity, as presented by Delumeau and his followers, does not correspond with the source-material preserved in the registers of the Penitentiary. Decisions by the officers of the 'well of grace' are often left to the conscience of the petitioner, his family,[70] or a local authority.

Looked at from the registers of the most important court of conscience, the Penitentiary, the pre-Tridentine church has preached not only 'una religione dell'autorità', but at least to quite some extent 'una religione della coscienza' as well.[71] I would like to stress that the Penitentiary offered, before Martin Luther, in cases of

68. I agree with Adriano Prosperi, who states: 'L'imposizione di una disciplina sociale passò attraverso il suo radicamento nelle coscienze', Prosperi 1995, p. XII.

69. I cannot follow the judgement of Alberigo 1998, p. 160: 'Il distacco del diritto canonico dalla riflessione teologica si consumava così nelle sue progaggini più estreme con la conseguenza di inasprire la polemica anticuriale, che denunciava in questo sistema non solo gravi deformazioni, ma una irreparabile e definitiva rottura con il cristianesimo autentico'.

70. When petitioners ask for the licence to bury persons, who died excommunicated without beeing absolved before, the Penitentiary grants a Christian burial under the condition that in the person before his death *apparuerunt signa contritionis*. See for example RPG IV, 908.

71. Prosperi 1995, p. 214.

tormented conscience to the faithful (in the words of Prosperi) 'un'offerta consolante per le coscienze perplesse e aggravate dal peso del peccato'.[72]

Prosperi, in his admirable book, did not study the relationship between Penitentiary and Inquisition. As there are many supplications from petitioners, who had been investigated by the Inquisition (in particular by the Spanish Inquisition),[73] asking for protection against inquisitors, we may conclude that there did exist a remedy against the Inquisition: a letter from the Penitentiary. Therefore, the abolishment of the medieval Penitentiary by Pius V in 1569 in favour of the Roman Inquisition had very dubious consequences.

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72. Prosperi 1995, p. 219.

73. The late Don Filippo Tamburini was preparing a book editing the Spanish supplications against the Inquisition. Prosperi 1995, p. 271.

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Legal Ethics and Professionalism in the *Ius commune*

James A. Brundage

Scholars who study the societies of the high and later Middle Ages have begun in recent decades to interest themselves increasingly in the appearance during that period of new social and occupational groups that had not been part of the traditional structure of society during the early Middle Ages. The emergence of canon lawyers as a distinct and well-defined professional group was one of the most striking social developments during the hundred years that elapsed between about 1150 and about 1250. The Western Church had canon lawyers, to be sure, in 1150 – more of them that some contemporaries thought desirable. But it would require a considerable stretch of the term to describe the canon lawyers of that period as a 'profession' in anything like the modern meaning of that term. By 1250, however, canon lawyers were all over the place and for most practical purposes they were running the Church. They had also in the interval transformed themselves from isolated practitioners and teachers into a cohesive and well-defined institutional group.[1]

One essential element in the formation of professional identity, then as now, was the development of a common set of ethical standards, to which professionals were expected to conform and by which their peers and superiors judged their fitness. A central element of those ethical standards, but a vital one, was the belief that a professional canon lawyer must be trustworthy. Courts and judges must be able to rely upon him to tell the truth; his clients must be able to rely upon him to represent them faithfully and vigorously.

In this paper I will try to unravel just one strand, although a particularly important one, in the fabric of medieval ideas about

1. An outline of these developments appears in Brundage 1995(b). – In the article, primary sources are referred to by way of the abbreviations listed on pp. 244-47 (adopted from the *Bulletin of Medieval Canon Law*), while secondary works are abbreviated with the name of the author and the year of publication.

the ethics of legal practice. I want to look at the inherent conflict of interest between a lawyer's duty to his client and his duty to the courts in which he practices. Tension between these duties appears quite early in the history of the legal profession and remains with us still.

Oaths of admission

The earliest known texts of oaths of admission for advocates at the bar date from the 1230s. Chronologically, the five earliest examples cluster tightly in the years between 1231 and 1237, although they are spread over a broad geographical range. Three of them occur in the acta of French councils held at Rouen (1231),[2] Château-Gontier (also in 1231),[3] and Tours (1236).[4] These three conciliar enactments dealt, of course, with the duties and obligations of practitioners before ecclesiastical courts. Also in 1231, the very same year as the councils held at Rouen and Château-Gontier, Frederick II (1212-1250) promulgated the Liber Augustalis.[5] In his lawbook the emperor laid down the terms of an admissions oath for advocates who practiced in the royal courts of the Sicilian kingdom. Finally, at the legatine council of London in 1237, Cardinal Otto da Tonengo outlined the elements of an admissions oath for advocates who appeared before the courts Christian in England.[6]

One feature common to all of these texts relates to the problem that I will address here, namely the duties of an advocate toward his clients and toward the courts in which he practiced. All of these texts demanded that the advocate present his client's case 'zealously' and 'faithfully.' He must use 'his utmost power' to represent the client's position. Yet these same texts also admonished the advocate that he must do all these things 'fairly,' 'reasonably,' and 'according to the laws.' The texts of these admissions oaths further warned the advocate that he must not knowingly introduce perjured testimony or spurious documents into evidence. They

2. Council of Rouen (1231) c. 48, in Martène & Durand 4:181.
3. Council of Château-Gontier (1231) c. 36, in Mansi 23:240-41.
4. Council of Tours (1236) c. 2, in Mansi 23:411-12.
5. Liber Augustalis 1.84, p. 258. Citations from medieval legal sources and Latin classics refer to the internal divisions of the text, rather than page numbers.
6. Legatine Council of London (1237) c. 29, in Powicke & Cheney 1:258-59.

warned him not to instruct his clients or witnesses 'to tell falsehoods or conceal the truth.'

Let me add parenthetically that these elements in the admissions oaths that became current in the 1230s have proved remarkably sturdy and adaptable. Virtually identical clauses appeared in admissions oaths throughout the later Middle Ages. They survive to this day in the oaths that American lawyers must take upon their admission to practice.[7] Their ethical precepts remain at the core of numerous controversies about legal ethics.

These ethical criteria rest upon an oxymoron. The lawyer must use his skills, his learning, and his experience aggressively to persuade the court to agree to his client's wishes. That is what 'zealous advocacy' is all about. But at the same time the court expects the lawyer to function as one of its officers. His obligations to the court rest upon his duty not to lie to the judge and not to permit others to tell lies when he presents their evidence for the court's consideration.[8]

The lawyer's role as an officer of the court thus requires him to subordinate partisan interests to the demands of public duty. At the same time, his obligation to zealous advocacy of his client's cause may in many situations conflict with his obligations to the court.

The conventional history current among English and American writers on legal ethics traces the tension between a lawyer's duties to the court and to his client back to the medieval English courts of common law, or, some would say, to the courts of equity.[9] I shall argue, however, that it is considerably more ancient and is not peculiar to the English common law tradition. Instead the evidence shows, quite plainly I think, first of all that legal writers in late antiquity recognized the advocate's dual allegiance, and second that the particular form in which lawyers still grapple with the problem today dates from the thirteenth-century *ius commune*.[10]

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7. ABA Code (1969) c. 4, 15.
8. Federal Rules (1984) Rule 11 (b); Model Code (1983) EC 7-1, 7-4, 7.19, 7.26-28; Model Rules (1996) 1.3 and 3.1, 3.3-4; Gaetke 1989.
9. Baker 1990, p. 179; Brand 1992, pp. 128-36; Wolfram 1986, p. 17, n. 11; Holdsworth 1922-26, 2:486-87, 510-11; Pollock and Maitland 1968, 1:215-16.
10. On the medieval *ius commune* see esp. Calasso 1954, pp. 605-29; Koschaker 1947, pp. 164-212; Bellomo 1995, pp. 55-77; Ascheri 2000, pp. 255-328; and Helmholz 2001, pp. 3-15, 240-48.

The development of the calumny oath

Deceptive clients who tried to use their advocates to manipulate the judicial system were certainly familiar figures during the Roman principate. In his book of advice for fellow-practitioners at Rome, Quintilian (ca. 35-ca. 100 C.E.) cautioned his readers to deal cautiously with clients. 'A great many of them lie,' he said, 'and they talk to you, not in order to let you know what went on, but as if they were themselves arguing before the judge.'[11] Quintilian cautioned advocates, moreover, that clients, whatever they may profess, and contrary to what they want their lawyer to say for them, are often out for vengeance rather than justice.[12] Clients will say anything, he warned, and the best lawyer is a skeptical one.[13]

Public officials also warned lawyers not to believe everything their clients told them, because public policy discouraged vexatious litigation.[14] The emperor Constantine (311-337 C.E.) admonished advocates to be wary in accepting clients, especially female ones, who, he asserted, were peculiarly prone to rush into unwarranted litigation.[15] The emperor Justinian (527-565 C.E.) went further. He demanded that litigants, male or female, plaintiff or defendant, take an oath (*iuramentum de calumnia vitanda*) in which they solemnly swore that their case was meritorious, that it was grounded on fact, and that they had not come to court in order to harass or victimize their opponent.[16] Justinian also required advocates to swear that they believed that their client's case was well-founded, that it was supported by credible evidence, and that they would strive to the utmost to secure their client's goal. In addition, advocates must promise that should they discover in the course

11. Quintilian 12.8.9: *Plurimi enim mentiuntur et, tanquam non doceant causam, sed agant, non ut cum patrono sed ut cum iudice loquuntur.*
12. Quintilian 12.9.10: *Turpis voluptas et inhumana et nulli audientium bona gratia a litigatoribus quidem frequenter exigitur, qui ultionem malunt quam defensionem.*
13. Quintilian 12.8.11: *In summa optimus est in discendo patronus incredulus. Promittit enim litigator omnia, testem populum, paratissimas consignationes, ipsum denique adversarium quaedam non negaturum.*
14. CICiv (1872-95) Dig. 50.16.233 pr. (Gaius, XII Tables). For the system of citation to Roman and canon law texts see Brundage 1995(a), pp. 190-205.
15. C Th 9.1.3 (9 Feb. 322).
16. CICiv (1872-95) Cod. 2.58(59).1-2 (529 C.E.). Justinian, in turn, was codifying older practice, which went back to the classical period; Gaius 4.171, 174. See also Moriarty 1937, pp. 9-10.

of proceedings that the case they were arguing lacked merit, they would immediately withdraw from it. No other advocate was permitted to take up a case that a colleague had abandoned for lack of merit.[17] Justinian, in other words, required advocates not merely to appraise their client's case soberly and cautiously, as their own self interest demanded in any event, but he also made the advocate responsible for determining whether the client's case merited hearing at all. In brief, it seems reasonable to say that Justinian obliged lawyers to function both as zealous advocates and as officers of the courts.[18]

Justinian's requirement that advocates swear an oath *de calumnia vitanda*, however, failed to find a place in the legal systems of the early Middle Ages. Oath-taking was certainly common in early medieval church courts and civil tribunals, but as a form of proof, not as a warranty against frivolous actions.[19] Nor were trained legal advisers much in evidence either in civil or church courts between the fifth and the eleventh centuries. Men with expert knowledge of learned law were scarce in the West during the early Middle Ages.

The reappearance of substantial civilian learning beginning in late eleventh- and early twelfth-century Italy brought not only a revival, but also a transformation of Roman law notions about legal ethics and in particular about the lawyer-client relationship. Students, teachers, and practitioners of both civil and canon law commenced in that period to re-think and re-define the roles that legal experts and advocates ought to play in litigation, and also in civic, commercial, and administrative life.[20]

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17. CICiv (1872-95) Cod. 3.14.4 (530 C.E.): *Patroni autem causarum, qui utrique parti suum praestantes ingrediuntur auxilium, cum lis fuerit contestata ... sacrosanctis evangeliis tactis iuramentum praestent, quod omni quidem virtute sua omnique ope quod iustum et verum existimaverint clientibus suis inferre procurent, nihil studii relinquentes, quod sibi possibile est, non autem credita sibi causa cognita, quod improba sit vel penitus desperata et ex mendacibus adlegationibus composita, sibi scientes prudentesque mala conscientia liti patrocinantur, sed et si certamine procedente aliquid tale sibi cognitum fuerit, a causa recedent ab huiusmodi communione sese penitus separantes: hocque subsecuto nulla licentia concedatur spreto litigatori ad alterius advocati patrocinium convolare, ne melioribus contemptis improba advocatio subregetur.*
18. Brundage 1994.
19. Hinschius 1869-97, 5:337-41.
20. Radding 1988 maintains that the legal revival of the late eleventh century was anchored in the work of earlier Lombard jurists and asserts that the work

The medieval transformation of Roman legal ethics was closely linked, in turn, to the process of professionalization among the canon lawyers who, as I have argued elsewhere, seem to have been the earliest Western European group to create a profession, in the sense in which that slippery term is commonly understood.[21]

By the end of the eleventh century and the beginning of the twelfth, litigants, together with their legal advisers and representatives, were regularly expected to swear that the case they put forward had merit, that it was grounded on credible evidence,[22] and that it was neither malicious, improvident, nor frivolous.[23]

By the early twelfth century this practice had become sufficiently routine that both popes and emperors found it necessary to rule on the question of whether bishops and other clerics could be compelled to swear the oath *de calumnia* when they came to court – and concluded that the sacred status of the clergy exempted them from what was normally required of others.[24] Indeed, Pope Eugene III (1145-1153) expressly declared that the canons did not demand the oath *de calumnia* at all in cases concerning tithes, church property, and spiritual matters.[25]

Practice apparently changed abruptly during the 1150s. John of Salisbury (ca. 1115-1180), writing in 1159, described the calumny oath as a normal feature of litigation in canonical courts.[26] By 1179 the oath was regularly being used in canonical proceedings in the

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of Irnerius and his students must be understood as a development from their teaching. There is merit in this argument, although Radding rather over-states his claims and sometimes treats his evidence much as Dr. Bentley treated fellows of Trinity College. For a more balanced presentation of much of the same material see Vaccari 1966, which Radding unaccountably neglects to cite.

21. Brundage 1988 and 1995(b). More recently I have addressed the relationship between the calumny oath and medieval admissions oaths in Brundage 1997.
22. The practice was commonest in the civil courts of Italian towns; Trifone 1962, pp. 21, 44, 48. By the mid-twelfth century (and perhaps earlier) it was standard practice in southern France as well; Poly 1978, p. 202.
23. On the distinction between a *causa improba* and a *causa desperata* see Accursius, *Glossa ordinaria* to Cod. 3.1.14.4 v. *improba* in CICiv (1584).
24. The emperor Henry II so ruled as early as 1047; Leges Longobardorum, fol. 185ra-va; Quinque compilationes, 1 Comp. 1.35(34).1 (X–). Pope Honorius II repeated Henry's ruling, almost verbatim, in a lawsuit of 1125; Quinque compilationes, 1 Comp. 35(34).2 (= X 2.7.1); Fried 1973, p. 168.
25. Quinque compilationes, 1 Comp. 1.35(34).3 (= X 2.7.2); JL no. 9654.
26. John of Salisbury 1:339-40.

south of France[27] and in 1181 Pope Lucius III (1181-1185) ruled that clerical litigants could be required to take it, contrary custom notwithstanding.[28] By 1190, the oath *de calumnia* seemed to Bernard of Pavia (d. 1213) an important enough feature of procedure that he devoted a whole title of his *Breviarium extravagantium* to the subject.[29] By the time that Johannes Teutonicus (ca. 1170-1245) compiled the *Glossa ordinaria* (completed in 1216) on Gratian's Decretum, the *iuramentum calumniae* had become a standard element of canonical civil procedure, although a few litigants might under special circumstances be excused from taking the oath.[30] Legal counselors (*advocati, iurisperiti*) and representatives (*procuratores*) by this time had to swear the oath *de calumnia* in contested cases at the point where issues were joined and the trial (*litis contestatio*), properly speaking, began.[31]

Lawyers' obligations regarding clients

Introduction of the oath *de calumnia* thus meant that by about 1200 church policy required ecclesiastical lawyers to examine each client's case and to proceed with it only if they found the client's claims supported by just grounds and reliable evidence.[32] The advocate who found his client's claims flimsy or his evidence questionable was ethically bound to reject the case.[33] The client in

27. Poly 1978, p. 195.

28. Quinque compilationes, 1 Comp. 1.35(34).6 (= X 2.7.5); JL no. 14532.

29. Quinque compilationes, 1 Comp. 1.35(34); see also Bernard of Pavia 1.34.5, as well as Moriarty 1937, pp. 28-29.

30. E.g., Johannes Teutonicus, *Glossa ordinaria* to C. 22 q. 5 c. 14 v. *causa* in CICan (1605). The principal exceptions to the general requirement had to do with bishops, monasteries, and other corporate bodies, whose agents (*oeconomii,* syndics, or proctors) might take the oath on behalf of their principals. See generally Budischin 1974, pp. 160-65.

31. Gratian dealt with *litis contestatio* at C. 3 q. 3 and again at C. 3 q. 9 in CICan (1879); see also Paucapalea on C. 2 q. 2 pr. and Stephen of Tournai to C. 3 q. 3 c. 1, as well as X 2.5.un. and 2.6.1-5 in CICan (1879). See further Helmholz 2000.

32. Although the swearing of the oath was required, Boniface VIII held that failure to take it did not invalidate proceedings; CICan (1879), VI° 2.4.1. The oath was also required a second time if the case was appealed; CICan (1879), VI° 2.4.2. See also Steins 1973, pp. 221-22, 227, 249-51.

33. Bernard of Pavia 2.17.4; Summa Coloniensis 6.18; Huguccio, *Summa* to C.

other words must either persuade his legal adviser that his case was well grounded or forfeit any realistic chance of a judicial hearing on the merits of his matter.

Professional literature underscored the law's demands. Bonaguida de Arezzo (fl. 1245~1265), an early writer on lawyerly ethics and conduct, cautioned advocates that they must examine the claims of prospective clients carefully and skeptically.[34] 'It is better to keep silent than to disgrace one's self by speaking,' Bonaguida warned. 'The advocate will do better to reject a weak case than to weary himself with groundless causes.'[35] He should be particularly cautious about accepting a client's version of the facts and should probe his claims diligently, according to Joannes de Deo (1189~1191-1267), another early authority on professional responsibility.[36] The advocate should take pains, Bonaguida advised, to examine any documents in a case with great care, to make sure that no passages had been erased or words interpolated, lest he be deceived by a counterfeit.[37] William Durand (ca. 1237-1296), the leading procedural writer of the thirteenth century,[38] whose Judicial Mirror remained a standard treatise well into the early modern period, cautioned advocates to get their clients to put their stories in writing, 'because of the peril of perjury, since he [the advocate]

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11 q. 3 c. 71 v. *iustum rectum,* quoted in Baldwin 1970, 2:136 n. 153; Hostiensis lib. 1, tit. *De postulatione* §5, and lib. 5, tit. *De penitentiis et remissionibus* §32, no. 2.

34. Geoffrey Barraclough, 'Bonaguida de Aretinis,' in Naz, ed. 1935-65, 2:934-40.

35. Bonaguida, pp. 154-55: *Sit cautus tertio, ut quaerat, utrum possit probare clientulus ille ea, quae dicit, si habet instrumenta vel testes: quia, licet ille habeat bonam causam, succumbet, si non probaverit, et dicetur ei: non deficit tibi ius, sed probatio.... Et melius est tacere quam cum pudore loqui. Unde utilius est advocato, si non patrocinetur ei in hoc casu, et melius faceret, si se inanibus sumptibus non vexaret...* Aegidius repeated this warning verbatim, 3/1:183.

36. Joannes de Deo, fol. 3ra: *In facto aduersarii sui et clientuli hac uia ambulet qui uult uenire ad portum salutis, ut homo qui litigare expectat dicat aduersario seriem facti sui alias exemplum negocii secundum quod est processum in facto, ut C. De transact., Ut responsum* [Cod. 2.4.15], *quia ex facto ius oritur, ut ff. De iureiur., l. Duobus § Si ei, l. ult.* [Dig. 12.2.28, 42] *et ff. De iur. do., l. Quid* [Dig. 23.3.27] *et ff. Ad l. Aquil., Si ex plagis § Diuo* [Dig. 9.2.52.2]. *Item sepe contingit quod ex breuissima mutacione facti mutatur totum ius, ut Extra De excep. l. Si quis* [X 2.25?] *et sic dicit c. De pe. di. i Quamobrem* [D. 1 de pen. c. 68]. On Joannes de Deo see generally Sousa Costa 1957. Similarly William of Drogheda 2/2:56-57.

37. Bonaguida p. 159, repeated verbatim by Aegidius pp. 185-86.

38. L. Falletti, 'Guillaume Durand,' in Naz, ed. 1935-65, 5:1014-75.

nowadays has to take an oath, and so that he can abandon the case without shame and blushes should matters turn out otherwise' than as the client represented them.[39] Durand also suggested an approach that might help persuade clients to impart confidential information:

> [An advocate] who wishes to get along safely should, upon first meeting him who intends to litigate, say to him: 'My dear fellow, there are three persons to whom you must tell the whole truth, from whom you conceal nothing. They are your confessor, your doctor, and your lawyer... For even the wisest counselor may be led astray if he does not know the facts... So, tell me absolutely everything, let me have the whole business in writing; then I will be able to give you true and reliable advice and counsel...'[40]

The prudent advocate, Durand added, should also seek advice about every case from other, more experienced lawyers and examine the whole matter with them, 'For it is better to talk matters over in private than to stumble over them in public.'[41]

Advocates in civil tribunals by the end of the thirteenth century, also had to take admissions oaths much like those that the

39. Durand 1.4 *De aduocato* §3.3, p. 256: *Expedit enim aduocato habere scripturam super narratione facti, quam clientulus proponit, propter periculum periurii, cum habeat hodie iurare; et ut sine rubore et uerecundia possit, cum aliter inuenerit, causam deserere, ad quod ex forma iuramenti, quod praestat hodie in initio causae, tenetur, et ut possit euadere poenam multiplicem, de qua habes in decretalem Gregorii X De postulatione, Properandum* [2 Lyon (1274) c. 19, in DEC pp. 324-25], *et quia etiam talis scriptura quandoque poterit prodesse, ut patet infra De salariis § Sequitur, ver. Quid si reus* [Durand 1.4 *De salariis* § 3.17, p. 342].
40. Durand 1.4 *De aduocato* §3.1, p. 256: *Et quidam si ad portum salutis peruenire desiderat, cum is, qui litigare intendit ad eum primo perueniret, dicat illi: 'Carissime, tres sunt personae, quibus est omnimoda ueritas aperienda, et nihil est illis celandum, videlicet confessor..., medicus..., et iurisperitus, De poen. dist. 6 c. 1 uersi. iudicaria* [D. 6 de pen. c. 1 § 3]. *Quia facti ignorantia saepe peritissimos fallit, ut ff. De iuris et facti ignoran. l. 2* [Dig. 22.6.2]. *Dicas mihi igitur omnimodum ueritatem, et negocii exemplum da mihi scriptum, ut congruum et uerum possim tibi dare consilium seu responsionum, C. De transa., Ut responsum* [Cod. 2.4.15], *et Ext. De spons., De muliere* [X 4.1.6], *quia ex facto ius oritur, ff. Ad legem Aquil., Si ex plagis § in cliuo* [Dig. 9.2.52.2]; *ff. De iureiurando, Duobus § Si enim* [Dig. 12.2.28.2] *et l. final.* [Dig. 12.2.28.42]; *ff. De iure codicill., Quidam* [Dig. 29.7.14].'
41. Durand 1.4 *De aduocato* 3.7-8, p. 257.

church courts imposed.[42] Running through the advocate's multiple swearings – the oath he swore when admitted to practice and renewed every year he practiced, the oath *de calumnia* that he took when a case reached the contested stage – the advocate heard the same message, hammered in again and again, that the advocate must judge his clients. His law teachers, the texts he studied,[43] the handbooks that offered him professional tips,[44] his oath of office, even the dictionaries he consulted[45] and the sermons he heard in church[46] – all agreed: time and again he was told that he must represent his client zealously, but he must not uphold a dishonest cause. He heard that an advocate who successfully defends a guilty client may be guilty of homicide.[47] He was advised that he had a moral duty to test clients repeatedly and to reject any who failed to measure up; otherwise, he sinned.[48] The advocate who neglected to do these things might be suspended from practice,[49] fined,[50] or condemned to bear the costs of any unjust lawsuit in which he appeared.[51] On the other hand, if he refused a case without good reason he was also liable to punishment.[52]

Medieval advocates had no economic disincentive to abandon clients with unfounded cases. The advocate who resigned a case for just cause was entitled to collect the fee that he would have

42. In addition to earlier references above, see also Frati 3:618; Franceschi pp. 30-31; ordinance of Philip III (1274), renewed by Philip IV (1291), in Isambert 2:653, 690; Beaumanoir 1:89; Dawson 1968, p. 282.
43. Geoffrey of Trani to X 1.37 §8, p. 128; Guido de Baysio to D. 96 c. 11 v. *beneficium*.
44. Bonaguida pp. 154-55, 165; Pierre de Fontaines pp. 63-64; Delachenal 1885, pp. 58-59.
45. Albericus de Rosate s.v. *postulatio*, fol. 182va, repeating Geoffrey of Trani almost verbatim.
46. Guibert of Tournai fol. 106ra-vb. I should like to thank Dr. Penny Cole for calling my attention to these sermons.
47. Gàl pp. 603-04.
48. Baldus fol. 82vb; John of Fribourg 2.5.171, fol. 77rb.
49. Council of Oxford (1222) c. 45, in Powicke & Cheney 1:120. This was one of the counts in disbarment proceedings at York against Master J. de Scarborough in 1288; John le Romeyn 1:25, no. 60,
50. Frati 3:619-20.
51. So taught Peter the Chanter in his *Summa,* par. 309, quoted in Baldwin 1970, 1:136 n. 154; likewise, Aufréri fol. 4ra.
52. Bartolus 7:62v.

earned had he persisted with it,[53] whereas had he gone forward with it despite knowing that it lacked foundation he forfeited his claims to a fee and might be required to refund any sums already received.[54]

Thus from the outset of his involvement in a matter the advocate's own interests required him to make a series of judgments about each potential client. He was responsible for passing preliminary judgment on the merits of the client's claims, on the authenticity of the documents to be produced, and the credibility of the witnesses to be called, as well as on the strategy to be employed in pursuing the matter – provided that he considered it worth pursuing at all. If he seriously doubted the appropriateness of legal action, the advocate was ethically obliged to refuse to act. Robert Chambers (Robertus de Camera), according to Peter the Chanter, bluntly threatened prospective clients: 'You should know that if I discover any injustice in your case, I will reveal it and join the other side.'[55] Joannes de Deo, on the other hand, advised a more tactful refusal, couched in terms of saving the client's money. The advocate, he suggested, might tell the client: 'I don't want to sue, because I don't think I can win, and therefore you shouldn't spend the money.'[56]

If doubt arose after litigation had commenced, the advocate or proctor had to try to persuade his client either to drop the case or to settle it.[57] If he was unsuccessful in doing so, the advocate was obliged both by his oath of admission and by the oath *de calumnia vitanda* to abandon the client and to announce to the court that he could no longer continue because his client's case was unjust. This in effect terminated the client's chances of prevailing in the case,

53. Fasoli & Sella 1:554; Accursius, *Glos. ord.* to Cod. 3.1.14.4 v. *litigatori*, in CICiv (1584).

54. Albericus de Rosate s.v. *postulatio*, fol. 182va.

55. Peter the Chanter, *Verbum abbreviatum*, in PL 105:162; also Baldwin 1970, 1:195 and 2:136 n. 156. Robert's threat to join the other side raised further ethical problems in the lawyer-client relationship that I plan to address elsewhere.

56. Joannes de Deo fol. 3 rb: *Si tamen uiderit aduocatus factum clientuli sui inefficax, uel propter se, uel propter probationes, dicat ei, 'Nolo litigare, quia spem non habeo obtinendi, et ideo sumptus facere non debetis,' ut ff. De inoff. t., l. i* [Dig. 5.2.1], *et dicit canon quod non debemus defendere quod ratione uinci non potest, xxiiii. q. iii. Si habes* [C. 24 q. 3 c. 1] *et xxvi Deinde ponitur* [D. 26 c. 3], *quia quod ratione caret exstirpandum est, ut lxxxiiii. di. Co episcopi* [*fortasse* D. 84 c. 1?].

57. Ambrosius Catherinus Politus, *De advocati officio* in TUI 3/1:363ra.

for no other proctor or advocate could take up litigation abandoned in this way. But abandonment by the lawyer by no means ended the matter: for not only was the lawyer entitled to his fee, as previously mentioned, even when he abandoned the case,[58] but in addition the client might also be punished for bringing a frivolous action.[59] And the advocate who appeared too often in court with groundless cases might be fined or suspended from practice on that account.[60]

Preachers and moralists nevertheless repeatedly complained that practicing lawyers would take any case, no matter how bad, and that no case was so dishonest and desperate that some advocate could not be persuaded to argue it.[61]

How realistic were these complaints? Did advocates and proctors in fact ever reject cases that they considered unworthy, or, having taken them, abandon them when they discovered that they lacked foundation? Refusals prior to the commencement of litigation predictably leave no records. But proctors in English courts Christian, as Helmholz has shown, did indeed abandon hopeless cases with considerable frequency.[62]

The ethics of the medieval bar thus obliged lawyers to pass preliminary judgment on potential litigants. The lawyer became in effect the court's admissions officer: he screened those who sought redress of grievances and those against whom redress was sought; he determined which cases were worth the court's time and trouble; and he also made a judgment about whether the case and the client were worth the investment of his own time and effort. He was in addition supposed to be the fearless champion of the clients he deemed worthy.

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58. Accursius, *Glos. ord.* to Cod. 3.1.14.4 v. *litigatori* in CICiv (1584).
59. C. 2 q. 3 c. 2-3 in CICan (1879) and references in n. 50 above.
60. Benedict XII, *Decens et necessarium* (1340) §§ 29-30, in Tangl p. 124. Bonaguida p. 140, however, suggested that an advocate might try to insinuate that his opponent was presenting a groundless case but nonetheless should be held blameless for doing so: *Verum tamen sibi non imputetur sed causae, sicut non imputatur magistro, sed materiae, si gemma sit fracta, quae in annulo includenda fuerat, ff. Locati 29, 2 Idem queritur 13 § Si gemma* [Dig. 19.2.13.5].
61. Peter the Chanter, *Verbum abbreviatum* 51, in PL 205:160; Ralph Niger pp. 242-43; Bromyard fol. 10va, 16ra.
62. Helmholz 1974, pp. 153-54, and Helmholz 1976, pp. 295-97.

Conclusion

The roles of gatekeeper and champion were in theory supposed to be compatible. In practice they never were (and still are not) easy to harmonize.[63] Conflict of interest is inherent in the lawyer-client relationship. The lawyer's personal interest demands that he be a vigilant gatekeeper, for if he succeeds in choosing only cases that he has a good chance of winning, he will be able to make the most efficient use of his time and energy, while simultaneously enhancing his professional reputation. Professional manuals told lawyers this, and experience no doubt reinforced that advice.

This approach relegated the client to a secondary position. Unless his situation served the interests of court and lawyers, the client might find no one to deal with his grievances or to defend him from those whom he had offended. Where the interests of the client seemed to conflict with the interests of the judicial organization, moreover, the lawyer had strong incentives to resolve the discord in favor of the organization. The lawyer, after all, had to work with judges and their staffs regularly over the long-term; with luck he might even become a judge someday himself. The pressure to be seen as helpful and competent, as a man of high standards with a keen appreciation of the value of the court's time and convenience was very great indeed. Clients, on the other hand, come and go. A handful of substantial clients – typically institutions, such as monasteries in the Middle Ages or major corporations in modern practice, together with a few individuals who combined power, wealth, and prominence – might retain the lawyer more-or-less permanently and furnish him with business repeatedly, but these were exceptions, not the rule. The general run of clients might need a lawyer's services just once or twice in a lifetime – while most of those who were good for repeat business were good for little else.

Lawyers, especially advocates, furthermore, usually had more in common intellectually, socially, and economically with judges and their staffs than they did with most clients. Lawyers formed part of a legal community, a community defined by shared interests and values, common experiences and training, and long-term association among its members. Clients, on the other hand, were stran-

63. Hazard 1978, p. 131; Blumberg 1969, p. 322.

gers to that community. They shared few of the experiences that united the community's members and came into its midst only briefly, often involuntarily, as transients.

Under these circumstances it is no surprise that conflicts between the client's interests and those of the legal community tended, as they still do, to be resolved in favor of the community.[64]

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64. Blumberg 1969, p. 324.

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Part IV

From Late-Medieval to Early-Modern Europe: Crises, Revolutions and Transformations

Urban Transformation?

Some Constants and Continuities in the Crisis-Challenged City

Christopher R. Friedrichs

Transformation and crisis – surely such concepts are indispensable for any attempt to understand the long epoch of European history that stretched from 1400 to 1660. Differ as we may about the details, nobody can doubt that the political, economic and religious organization of European civilization changed in fundamental ways during this period. Nor could anyone overlook the episodes of political, religious and social disruption which can be described as instances of 'crisis'. But what part did cities and towns play in all this? Cities, after all, are central to any attempt to understand European civilization. But did they too experience crisis? And to what extent did they partake of the transformation of Europe between 1400 and 1660?

To some, of course, the answer has always been obvious: 'The bourgeoisie has subjected the country to the rule of the towns... Just as it has made the country dependent on the towns, so it has made barbarian and semi-barbarian countries dependent on the civilized ones, nations of peasants on nations of bourgeois, the East on the West...'[1] We can listen with admiration, perhaps even with envy, to the confident assertions of Karl Marx and Friedrich Engels about the role that towns played in the broad pattern of transformation they ascribed to what we now call the Early Modern era. But we cannot necessarily share their confidence – or their conclusions. A century and a half of research since their day has immeasurably increased our knowledge of the history of European towns without leading to any consensus about how towns fitted into the broader transformation of European society.[2] Urban hist-

1. Marx and Engels 1971, p. 40.
2. For general overviews, see Friedrichs 1995; Cowan 1998; Knittler 2000. For a survey of recent work on early modern German cities, see also Friedrichs 1997. There is no formal distinction in the English language between the meaning of 'city' and 'town' and in this essay the terms are used interchangeably.

orians are naturally inclined to place cities at the center of any narrative of long-term social change. But this may be misleading. Cities changed between 1400 and 1660, as cities always do. But there were elements of urban life which remained remarkably and significantly constant. Precisely because of their economic and political strength, cities have a potential to resist change as well as to partake of it. As historians we find it only natural to speak of 'urban transformation'. But perhaps we must put a question mark after that phrase.

The transformation of Early Modern Europe

We can hardly consider the experience of cities, however, without first summarizing briefly the overall character of the period 1400 to 1660. Fortunately the centuries immediately before and after the year 1500 are coming back into fashion as a definable epoch of European history. It is true that for the last generation or so the Early Modern era, conventionally understood to begin around the year 1500, has tended to replace the old epoch of 'Renaissance and Reformation' in the periodization of European history. But of late there has been some revival of interest in seeing the fifteenth and sixteenth centuries together as a distinct era or, even more convincingly, as part of a longer unified period.[3] And with good reason. The beginning and end of any such epoch is always somewhat arbitrary, but certainly we can agree that a number of major transformations took place squarely within the period from 1400 to 1660.

First, there was the transition from an essentially feudal order of political organization to the emergence of centralized states whose rulers adhered almost always in theory and often in practice to absolutist norms. By 1660 the absolutist model of political organization was familiar in concept and even operative in fact in much of Western, Central and Northern Europe.

Second, there was the religious fragmentation of Europe. After a century of latent tensions and then a century and a half of open conflict, by 1660 the religious division of Europe was essentially stabilized and the mutually reinforcing patterns of authority and

3. See for example Schilling 1995(b), esp. pp. 51-54, and Brady et al., eds. 1994-95, vol. 1, pp. xiii-xxiv.

identity summarized by the concept of 'confessionalization' were firmly established.

Third, there was the explosive growth of European contact with other regions and continents. It was after all, only in the fifteenth century that European expansion began, yet by the mid-seventeenth century the spatial organization of Europe's domination of the Americas was firmly entrenched and the initial patterns of economic and political contact with Asia were also clearly in place.

Fourth, and most importantly, there was the transformation of the European economic system. This transformation is far more difficult to describe and almost impossible to pinpoint in time. A phrase like the 'spread of capitalism' can only be regarded as a shorthand description for a cluster of economic changes whose importance nobody doubts but whose characteristics everyone finds hard to summarize. Nor can any claim be made that the years 1400 to 1660 represent a definable phase in this process. But there is no doubt that the process was a crucial one – and that it accelerated during this era.

These are universal patterns of European history. Of course there were regional variations. Though one must not overlook the spectacular eastward expansion of Russia, it is still true that in Northern Europe the economic and political significance of contact with the non-European world was somewhat retarded in comparison to the Atlantic countries. By contrast, the experience of religious transformation was more rapid and less contested in the north than it was in most of Western and Central Europe. And the process of state formation in Northern Europe, with the obvious exception of Poland, largely followed the European pattern. For Denmark in particular the year 1660 represents an undisputed landmark in the development of absolutism.

In short, we can generally agree on the key transformations of European society between 1400 and 1660. The role of major crises in this process is far less clear. It has become customary among historians to talk about the 'late medieval crisis', but this concept pertains largely to the economic depression and demographic catastrophe of the fourteenth and early fifteenth centuries, and must thus been seen primarily as antecedent to the era we are considering.[4] There is no shortage of developments in the fifteenth and

4. A major recent treatment of the 'late medieval crisis' discusses responses to the

sixteenth centuries which have been described retrospectively as crises – including the destabilization of Italian politics and society after 1494, the religious upheavals of the Reformation, the inflationary trend of the sixteenth century, and so on. But only one cluster of developments falling within our period has received sustained and systematic analysis involving some formal discussion of the nature of crisis itself. This, of course, is the 'general crisis of the seventeenth century'.[5] If, as it has been persuasively argued, 'a crisis must be shortlived' and is '*always* followed by resolution', then one can accept the identification of this crisis as a cluster of political, religious and cultural conflicts during the early and middle decades of the seventeenth century, all of which were characterized by some element of tension over the 'location of authority' and all of which came to some kind of resolution by about 1660.[6] In this sense, too, the sixth decade of the seventeenth century can be seen as bringing to a close a clearly-defined epoch of European history.

The role of the cities

If we can agree that these processes of transformation are fundamental to European history during this era, we can proceed to ask the next question: to what extent did cities partake of these changes? Did cities contribute to these transformations and were cities, in turn, transformed by them?

Let us start with the last-mentioned process, the broad cluster of economic changes inadequately but unavoidably described as the growth or spread of capitalism. There was a time when cities were regarded as central to this process. Indeed, Fernand Braudel could serenely declare that 'Capitalism and towns were basically the same thing in the West'.[7] But the dominant view today seems to be exactly the opposite. Economic growth and the 'transition to

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crisis in great detail but sees no need for defining the crisis itself beyond alluding to the late Middle Ages as a 'period of economic stagnation or depression': Epstein 1991, esp. p. 5.

5. For a recent overview, see Parker and Smith, eds. 1997, esp. the revised introduction, pp. 1-31.
6. Rabb 1975, pp. 29-34.
7. Braudel 1973, p. 400.

capitalism' in the fifteenth, sixteenth and seventeenth centuries are seen largely in terms of agriculture and rural manufacture – so much so that, as the most recent 'revisionist' approach points out, 'Cities ... have usually played surprisingly minor roles in these narratives of structural socio-economic change'.[8] Paul Hohenberg and Lynn Lees present themselves as boldly challenging existing assumptions when they criticise research which has 'focused on rural protoindustrial activity as the key to eventual industrial development'.[9] Obviously there is no consensus on the matter, but those who place cities at the heart of this process are swimming against the tide.

What about the role of cities in European expansion? Certainly the whole process is unimaginable without reference to a handful of key port cities from which expeditions were organized and into which the products and revenues of overseas exploitation initially flowed – Seville, Amsterdam, London, Hamburg and others. But the impetus for expansion was as much monarchical, ecclesiastical and aristocratic as it was urban, and the impact on cities was also highly selective. Throughout this period the volume of intra-European trade continued to dwarf the volume of overseas trade. Even in a city like Hamburg, in the late seventeenth century, imported goods which arrived directly or indirectly from the Americas were vastly exceeded in value and amount by goods produced in Europe itself.[10]

The religious transformation of Europe was also unimaginable without its urban component. In an oft-quoted phrase, the German Reformation has been described as an 'urban event'.[11] This was certainly true, and not just in Germany – but primarily in the early phases of the Protestant Reformation. In Switzerland, in England, in the Netherlands, in Denmark and elsewhere the role of urban enthusiasts was crucial in establishing a foothold for Protestantism and forcing regimes to confront the pressures for religious change. But in one polity after another the initiative soon passed from the cities, and except for the central European free cities the eventual religious settlement almost always resulted more from

8. Howell and Boone 1996, p. 323.
9. Hohenberg and Lees 1985, p. 112.
10. Newman 1985, pp. 58-63.
11. Dickens 1974, p. 182.

monarchical and aristocratic decisions or victories than from urban initiatives. Of course cities were themselves affected by the religious conflicts. Obvious differences emerged between Protestant cities with their secularized institutions and drastically reduced numbers of clergy and Catholic cities in which vast clerical establishments and lay confraternities continued to function. But of late historians have put more emphasis on the transformation experienced by Protestant and Catholic communities alike through the instrument of social discipline which secular and religious authorities of all confessions imposed with increasing vigor on the populations under their control.[12]

Cities and princes

The most difficult problem, however, is to assess the relationship of cities to the process of state-building between 1400 and 1660. The emergence of the centralized state is one of the undisputed hallmarks of this epoch, but it is far from clear whether cities themselves were transformed by this process. Most discussions of the subject begin with a few basic assumptions. Though virtually all European cities at the beginning of the fifteenth century were subject to some form of overlordship, by and large they are assumed to have enjoyed something which modern historians refer to as urban autonomy: they could regulate their internal affairs with a minimum of interference by rulers or other powerful members of the feudal order. Princely demands were unavoidable, but the exact terms under which these demands would be met were normally subject to negotiation. Rulers resented this, however, and throughout this era they were determined to heighten their own financial and political power by diminishing or destroying the independence and autonomy of the cities which owed them allegiance. The cities in turn struggled to preserve their autonomy from increasing princely control.

The fundamental issue between rulers and cities was generally fiscal. Whether in the form of taxes, loans or gifts, rulers were eager to maximize the wealth they extracted from cities. But there were other issues as well. Rulers might try to place their own officials

12. Cf. Jütte 1986; Hsia 1989, esp. pp. 122-42.

into the cities to act as their spokesmen and diminish the opportunity for magistrates or other inhabitants to appeal directly to the overlord. Rulers might intervene in a city's political processes to insure that more compliant individuals occupied positions of municipal authority. They might try to place garrisons in the city. And if they perceived cities as openly defying their wishes, they might use military force to impose their will. There were numerous cases in which rulers conquered cities, voided their traditional customs and installed their own officials. The most spectacular instance was no doubt that of Ghent in 1540, where after two years during which the city had defied his fiscal and other demands Charles V occupied the city, revoked its traditional constitution and erected a new fortress for his troops.[13] Such situations were by no means rare. They were particularly common in times of military conflict or civil war, but hardly confined to such periods. Between 1660 and 1671, for example, four north German towns which had enjoyed extensive rights of self-government – Münster, Erfurt, Magdeburg and Braunschweig – were militarily subjugated by their territorial overlords and placed under much more direct control.

Normally, of course, rulers attempted to diminish urban autonomy by less dramatic and less expensive means than military conquest. A more gradualist strategy for pursuing their goals was to integrate not only the structures of urban administration but even members of the urban elites into the systems of state government. The more often urban magistrates or members of their families received state appointments and salaries and the more frequently they were called upon to enforce policies devised at the center, the less they would perceive their interests and those of the cities over which they presided as being in conflict with those of the ruler. In the words of one celebrated case study, cities experienced a transition 'von der autonomen zur beauftragten Selbstverwaltung' – a suggestive phrase which can only inadequately be translated as a change from 'autonomous to delegated self-administration'.[14]

Certainly princely attempts to diminish urban autonomy were widespread in this period. But just how successful were these attempts? Some historians regard the 'decline of independence on

13. For an overview of these events, see Decavele and van Peteghem 1989, pp. 107-15.

14. Wiese-Schorn 1976.

the part of towns in the period 1400-1600' as a universal trend of the era.[15] Others, not surprisingly, detect a far more complex pattern. Wim Blockmans has emphasised the capacity of certain cities to preserve their autonomy through effective bargaining with princes, though in the long run the relentless demands of monarchical states did tend to suffocate municipal autonomy.[16] Hohenberg and Lees suggest that while in most regions of Europe 'cities were turned into agents of centralization by princes', one group of communities – the 'free cities' of Germany, Switzerland and northern Italy – proved 'strong enough to block for centuries the attempt of princes to master them'.[17] It is certainly true that as late as the eighteenth century there were cities throughout central Europe which themselves ruled over territorial *contadi* in a quasi-absolutist fashion.

Even where, as in France, the trend towards loss of urban autonomy seems hard to dispute, the chronology of this development is far from obvious. Earlier historians dated the beginnings of this trend to the reign of King Louis XI in the late fifteenth century, but an influential analysis by Bernard Chevalier suggests that after Louis' death the process was temporarily interrupted. From 1480 to 1550, Chevalier argues, the Crown scrupulously respected the cities' autonomy, and only during the Wars of Religion with their heightened fiscal demands was pressure on the cities resumed.[18]

Some cities actually reversed the trend towards a reduction of urban autonomy. Geneva, for example, liberated itself fully from its dependency on the dukes of Savoy to become one of the most independent city-states in Europe. In 1595 the predominantly Calvinist city of Emden successfully rebelled against its Lutheran overlord, the count of east Frisia, and successfully engineered its conversion from a territorial city under the ruler's control into an 'urban republic with a semi-autonomous status'.[19] (When, a hundred and fifty years later, Emden finally lost its autonomy again, it was to an entirely different ruler, the Prussian king.) Hamburg's autonomous status, far from being diminished, was steadily rein-

15. Rowan 1994-95, p. 222.
16. Blockmans 1994.
17. Hohenberg and Lees 1985, pp. 169-70.
18. Chevalier 1988.
19. Schilling 1995(a), p. 125.

forced during the seventeenth and eighteenth centuries. Clear as the overall tendency was, there was certainly no universal and unilinear trend from urban autonomy to urban subjugation during the period from 1400 to 1660.

The political system of the cities

Of course relations with outside powers represented only one dimension of the urban political situation. The distribution or redistribution of power within the community was equally important. Here, too, historians tend to identify a set of general trends characteristic of our period, all of which are assumed to have reinforced each other: the increasing concentration of power in the hands of a small oligarchical elite, the elimination of craft guilds and their members from meaningful participation in urban governance, and the consequent diminution of political involvement by ordinary citizens and their reduction from participants in the political system to mere 'subjects' of the municipal authorities.

This is not to say, however, that citizens accepted these trends passively. Indeed, much of what is known about these developments emerges from the recurrent episodes of civic conflict which they generated.[20] Over and over citizens organized themselves to demand the right to participate more fully in municipal government or to hold the magistrates more fully accountable for their actions. Often these protest movements turned violent.

In 1613-14 a group of citizens in the French port town of La Rochelle launched a movement to protest against what they perceived as misrule and nepotism among members of the municipal council. They demanded new methods for selecting council members and insisted that the council open its records and correspondence to public inspection. When, predictably enough, the council members refused to comply, the citizen leaders and members of the civic militia seized control of the city and forced the council members to accede to their demands. Shortly thereafter, to forestall a rumored counter-coup by the council, the civic rebels proceeded to arrest over fifty councilmen and their supporters and

20. For a general discussion of early modern civic conflicts, see Friedrichs 2000, esp. pp. 35-64.

imprisoned them for months while the municipal constitution was revised to the citizens' satisfaction.[21]

What is remarkable about this episode is not so much what took place in La Rochelle as the fact that comparable events were occurring in other cities in other parts of Europe at exactly the same time. Precisely in 1614, for example, a two-year uprising in Frankfurt am Main reached its climax when burgher leaders forcibly banished patrician members of the city council – along with the city's Jews, whom they were alleged to have favored.[22] In the same year prolonged agitation in Braunschweig brought about the resignation of the city council and its replacement by a new one. Upheavals were also taking place in Wetzlar, Worms and Stralsund. The following year conflicts broke out in Berlin, the year after that in Stettin.[23] Some of these uprisings, as in Frankfurt, resulted in the restoration of the old government and punishment of the citizen leaders; others, as in La Rochelle and Braunschweig, resulted in longer-lasting changes to the municipal constitution. But no matter how they ended, year in and year out civic uprisings were a recurrent feature of urban life all over Europe.

A recent survey by Marc Boone and Maarten Prak of urban unrest in the Low Countries from the twelfth century to the French Revolution posits a distinction between a 'Great Tradition' of revolts which pitted municipal elites against centralizing princes and a 'Little Tradition' of uprisings by citizens against the elites themselves.[24] Up to a point this distinction may be applicable to urban revolts elsewhere in Europe. But one must always bear in mind, as Boone and Prak themselves note, that 'the two Traditions cannot be seen as completely separate'.[25] Often the very issue at stake in a revolt against the local elite was the behavior of the elite towards the prince or other power structures of the broader political system. Sometimes magistrates were accused of being too accommodating to fiscal or other demands made by the ruler. But in other cases the citizens accused the magistrates of endangering the city's peace or welfare by a futile resistance to princely demands. Nor, of course,

21. Robbins 1995 and 1997, pp. 253-307.
22. For an overview, see Friedrichs 1986, pp. 190-94.
23. For brief summaries of most of these episodes, see Friedrichs 1982, pp. 44-46.
24. Boone and Prak 1995.
25. Boone and Prak 1995, p. 114.

was only one prince or one state necessarily involved. In the Holy Roman Empire, for example, it was sometimes unclear whether the Emperor or some regional prince had a stronger claim to authority over a city. This ambiguity might be skilfully exploited by the parties to an urban conflict: the magistrates might hope for support from the Emperor while the citizens might seek help from a regional lord – or vice-versa. Many urban conflicts, moreover, hardly fell into the category of uprisings by citizens against the municipal elite. Often conflicts could more accurately be described as factional struggles among sections of the elite. And beginning in the sixteenth century, of course, cities began to experience major confessional conflicts – initially pitting Protestants against Catholics but then also and with increasing frequency, especially in Northwestern Europe, pitting different factions of Protestants against each other.[26] In short, a simple division of urban conflicts into the Great and Little Tradition categories can hardly do justice to the facts.

But one point made by Boone and Prak in their discussion of the Netherlands is indeed applicable to Europe as a whole: the long line of continuity in the tradition of urban uprisings. For it is clear that when it comes to such uprisings, the period from 1400 to 1660 does not represent a coherent epoch. The uprisings began long before 1400 and they continued long after 1660. In Central Europe, for example, though they tended to get less violent, urban conflicts continued right into the eighteenth century.

Bitter as they often were, these uprisings rarely involved any demand for radical changes in the way urban society should be organized. To be sure, there were some cases – such as the Anabaptist Kingdom of Münster or, to some extent, the Ormée of Bordeaux – in which rebel leaders put forward notions of fundamental social change. But most urban uprisings actually reflected the essential conservatism of urban society. Leaders or spokesmen of the citizens' movements were often profoundly historical in their thinking, only too ready to debate the significance of long-ago charters or to cite constitutional precedents from their city's past. The most common protests were directed against real or perceived innovations or against instances of secretive, self-serving or corrupt behavior by particular members of the municipal elite. Urban rebels might imprison, remove or banish existing magistrates, but

26. For a noteworthy treatment of one such conflict, see Kaplan 1995.

this did not mean they would try to institute a fundamentally new way for cities to be governed. The most typical political demands, in fact, were for broader access to council membership or for the establishment of a citizens' commission to inspect the council minutes or financial records. They accepted the way in which cities were governed. They wanted participation, consultation, accountability – which, all told, were far from radical aspirations.

For in fact throughout this era neither princely challenges to urban autonomy nor citizens' challenges to urban authority really attempted to undermine the way in which cities were organized or administered. The essential foundations of European urban life were almost never questioned or challenged. They were never overturned – or even transformed.

The foundations of urban life

But what exactly were these foundations of urban life? Familiar as they are to historians, it may be useful to briefly list the most important of them. First, the entire system of urban governance derived its legitimacy from charters granted by one or more higher authorities. Second, the inhabitants of every city were divided between citizens or freemen who had clearly defined economic and residential rights and non-citizens who had almost no rights at all. Third, cities were governed on a collective basis by a group of adult males who belonged to the ruling council or councils by virtue of some recognized system of election, selection or co-optation. Fourth, even those citizens – or, more precisely, those adult male citizens – who did not participate in governance felt they were entitled to some voice in the way the city was run. Fifth, taxes were locally controlled, so that even when cities had to transfer revenue to external authorities the fiscal burdens were allocated by the municipal authorities. Sixth, the economic activity and personal identity of most citizens and their families were profoundly structured by membership in guilds. And finally, despite tensions between municipal and ecclesiastical institutions, the indispensable role of the Church and the clergy in civic affairs was always acknowledged and accepted.

These foundations of urban life in preindustrial Europe are so well known that we tend to take their existence for granted. But we

should not. These characteristics were, after all, by no means common to all traditional societies. Rather, they embodied the specifically European outcome of a long process of experimentation and negotiation that extended throughout the High Middle Ages and became stabilized only toward the end of that period. In the Scandinavian countries, to take but one example, guilds only slowly came to be structured in accordance with the European norm; by the late fourteenth century, however, the German model of the guild system was firmly entrenched.[27] By 1400, all of the fundamental characteristics of urban life summarized here were securely in place – and once they were, they remained remarkably stable for almost four centuries.

To say this, of course, is not to imply that the specific institutions of particular cities remained rigid. Quite the opposite, in fact. For within this generally stable framework, cities had a remarkable capacity for institutional adaptation. Indeed, it was precisely this capacity for adjustment that kept the overall system stable. Cities changed overlords with aplomb, readily accepting the supremacy of new dynasties or submitting to those who imposed their authority by military force. Cities constantly tinkered with their constitutions, incorporating new structures into their systems of governance. They tolerated vast numbers of immigrants and readily admitted those with adequate skills or wealth into the citizenry. And they routinely absorbed new families into the ruling elite.

This last point is sometimes overlooked, because historians are accustomed to see a steady drift towards 'oligarchy' as one of the defining characteristics of the early modern city. Of course there are some spectacular examples of cities where eligibility to join the ruling council was firmly restricted to specific families. The most famous case was Venice, where the list of patrilineal families whose male members were eligible to join the senate remained unrevised for centuries. And there were other such cities as well – cities like Nuremberg, where the list of ruling families was established by the famous dance statute of 1521. But in fact cases like these were notable chiefly for their rarity. Normally membership in the ruling council was readily accessible to qualified newcomers. By and large the urban elite was open, not closed.

27. Hoffmann 1993.

In fact the whole notion of a trend towards oligarchy during this era is misleading because in a sense by 1400 most European cities were already oligarchical – if by that we understand that positions of social and political leadership in almost every city were dominated by men who enjoyed a sufficient level of wealth. This was even true in those cities where craft guilds were guaranteed a certain number of seats on the city councils, since the individuals who occupied these seats tended to be the wealthiest members of their guilds. The hereditary principle was never in theory and only rarely in fact applied to municipal leadership. In every generation, rich men ran cities. Their sons and grandsons could legitimately hope to hold political power as well, but only if they maintained the family's economic standing. And because leadership was collective there was always room for newcomers.

Almost forty years ago one of the greatest of all Hanseatic historians, Ahasver von Brandt, disproved the prevailing assumption that Lübeck in the late fourteenth century had experienced a 'caste-like ossification' of the elite, in which a 'small, exclusive group of council families' consisting chiefly of rentiers totally dominated the city council; instead, he showed, the city's elite was made up of commercially active merchants. Yet von Brandt never doubted that a caste-like rentier patriciate must have emerged in Lübeck – he simply assumed that the process set in somewhat later.[28] But did it, really? An admirable recent study shows that throughout the seventeenth century Lübeck still had an 'open patriciate', due largely to 'the relative ease of upward social mobility' which made it possible for newly wealthy families to join the civic elite.[29]

Lübeck is typical in this regard. For in fact the more we know about sixteenth- and seventeenth-century cities the more we realize that while municipal power was normally monopolized by a small cluster of wealthy families, there was rarely any linear trend towards the development of an exclusive caste of council families. Even the rulers of Venice, after all, had to break down and admit new families to the senatorial ranks after 1646. In fact the domination of cities by a flexible oligarchy open to those who had achieved sufficient wealth was yet another of those constant characteristics that helped to define the European city of the early modern era.

28. von Brandt 1979, esp. pp. 148, 152-53, 202-03.
29. Cowan 1986, p. 215.

Members of the urban elite who held office as members of the municipal government certainly knew how to take advantage of political power for personal gain – corruption and abuse of authority were among the most recurrent issues in urban uprisings. But magistrates often faced daunting problems in attempting to maintain stability in administering their communities. Much of their activity consisted of crisis management: fire, floods, disease, famine, food shortages, sudden changes in trading patterns or uncontrollable bursts of religious enthusiasm could all confront the magistrates with grave challenges to public order. But, as we have seen, many of the most acute crises were political. Many involved external interference: rulers and territorial magnates not only made unwelcome fiscal demands, but they intervened in municipal elections, appointed new officials, rewrote urban constitutions. Equally significant changes could emerge from internal political conflicts. Sometimes they were ruthlessly crushed, but often they were not: either the citizens themselves or external powers which had intervened to settle the dispute might force the magistrates to accept new constitutional structures or political arrangements.

Such events often appear in urban histories as dramatic turning-points in a city's history. Karl Brandi wrote long ago that once Charles V had entered Ghent and imposed a new constitution in 1540, 'Medieval Ghent was dead'.[30] But it is possible to argue that even the most colorful events of this sort were in fact all part of the normal political processes of urban life. Interventions by princes were, like outbreaks of plague, fire or flood, among the unwelcome but almost inevitable hazards of urban life. So were protests and organized uprisings. One could take reasonable precautions to try to prevent such things from happening or to diminish their impact, but one could scarcely hope that they would never take place at all. In the end urban elites almost always bowed to superior force. If the prince revoked the constitution, rewrote the election rules, or appointed new members of the municipal council, there was nothing one could do to resist it. But in the long run, it might not make too big a difference. Even the most interventionist princes never tried to change the way in which cities were ruled: cities continued to be governed in collective fashion by representatives of the most prosperous families. Certain individuals or

30. Brandi 1965, p. 430.

families – or, after the Reformation, adherents of a particular confession – might be barred from membership on the council and new ones put in their place, but the new members were generally men who were not very different in their social profile from the old ones. After the initial intervention, moreover, future elections or selections would be conducted in much the traditional way. In fact 'medieval Ghent', as Brandi called it, was not completely dead after 1540. Or at least it was revived a generation later, when Calvinist leaders restored the corporative structures which Charles had tried to eliminate.[31] Uprisings from below had less predictable consequences: sometimes they were ruthlessly crushed, especially when the magistrates were supported by the external powers. But often the citizens extracted concessions, either because the magistrates decided on their own to compromise or because they were forced to do so by external powers who saw some advantage to themselves in a reduction of the magistrates' authority.

Much is said about occasions in which princely intervention led to the smashing of guild power. In many European cities the guilds had been allocated a specific number of seats on the city councils. Sometimes when a prince was convinced that the guild representatives had been responsible for policies he found objectionable, he would intervene to change the constitution; the most famous instance was probably the abrogation of the constitutions of South German cities by Charles V between 1548 and 1552.[32] But actions like these often made little difference in the long run. In the first place, guild representatives themselves were generally drawn only from the upper crust of the guild itself, not from the rank and file of ordinary members. Eliminating guild representation thus made less of a difference to the social profile of council members than one might think. And cities which maintained a 'guild constitution' were often governed in a way that was hardly distinguishable from that of cities where guild representation had been eliminated. Cologne formally had the kind of guild-based constitution which Charles V had overturned in many other cities. But actually Cologne's council in the seventeenth century was one of the most elitist municipal governments in Europe.[33]

31. Blockmans 1988, pp. 145-46.
32. See Naujoks, ed. 1985.
33. Cf. Dreher 1986, esp. pp. 10-20.

Furthermore, whether or not guilds had formal political power, they always continued to fulfill their traditional social and economic functions. In the South German cities in which the guilds were allegedly 'eliminated' the traditional term for these organizations – *Zunft* – was temporarily banished and the craft organizations were now known as *Handwerke*. Their constitutional role had been diminished, but in other respects they continued to function much as they always had, controlling the training and admission of new masters, regulating the activities of their members and serving as pressure groups for the maintenance of the artisans' economic and social aims. Except to some extent in England, where the system began to break down in the eighteenth century, guilds continued to function without diminution as one of the fundamental constituents of the urban social order until the end of the *ancien régime*. The breaking of guild constitutions did not break the power of the guilds, any more than the Reformation diminished the role of the Church as a central component of urban order or the dismissal of individual magistrates implied any challenge to the conciliar form of urban rule. Even when the formal structures of urban authority were reshuffled, the foundations of urban life remained unchanged.

Conclusion

Crisis was an all too familiar experience in European cities of the epoch from 1400 to 1660. Above all cities confronted recurrent political crises, brought about by pressure on the urban elites either from above or from below. These crises, like all crises, had to be resolved somehow or other, and often they were resolved by constitutional changes which appear highly significant. Yet if we look beyond the specific modifications of urban constitutions to what one might call the *metaconstitutional* level of urban governance, we find instead long lines of continuity. Ways of organizing political and social life and ways of confronting and solving problems remained remarkably constant throughout the period from the early fifteenth to the mid-seventeenth century. In an age of critical transformations in Europe as a whole, the fundamental character of European urban life remained strikingly constant. Numberless

European cities confronted numberless challenges and crises between 1400 and 1660, but the foundations of urban society were not transformed.

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The Feudal Revolution and the Agrarian Transformation of Eastern Europe 1400-1600

Edgar Melton

When I went back to our estate in Mecklenburg and told my father who I wanted to marry (the scion of an old noble family in west Germany), he opened his Gotha and read up on the family. Later, he came to me and said, 'You know, they were nobles when we were still apes in the jungle.' [1]

Since the publication in 1953 of Georges Duby's study of the Mâconnais in the eleventh and twelfth centuries, a growing number of historians have focused on the 'feudal revolution', the stormy and sometimes violent social transformation through which military servitors in eleventh and twelfth century Western Europe won their own lands, lordships, and, ultimately, a share of political power.[2] Nevertheless, despite on-going debate on the feudal revolution in Western Europe, there have been no attempts (so far as I know) to apply the concept to Eastern Europe. The present essay, which may thus be the first step in that direction, argues that the lands east of the Elbe experienced a similar feudal revolution much later, beginning around 1400, when the military retinues of Eastern Europe's princes and rulers broke free of their status as household servitors and transformed themselves into western-style nobilities with land, lordship, and political power. This essay also argues that the feudal revolution in Eastern Europe took place within a particular economic context marked by an abundance of land, high grain prices, and monetary scarcity. This accounts for the particular pattern of agrarian development in many lands east of the Elbe after 1500, namely the 'second serfdom', in which noble landowners transformed their

1. Recent conversation with a woman born into a distinguished noble family in Mecklenburg.
2. Duby 1953. The important works on the feudal revolution are discussed in Bisson 1994, pp. 7-9.

lands into market-oriented manorial economies based on the labour services they imposed on their (increasingly unfree) peasants.[3]

Historians often draw conclusions about Eastern (east-Elbian) Europe based on synchronic comparisons with Western Europe. But such comparisons are often misleading, since the lands between the Elbe and the Volga made a later entry into the mainstream of European life. Thus, for example, a recent author noted that one of the distinguishing characteristics of Eastern Europe was its appropriation of religious and cultural models that had already been developed by its more advanced neighbors.[4] If we compare, for example, newly Christianized Mecklenburg to Rhineland Germany in the twelth century, this observation appears correct, but it is misleading, since it implies a different, or more 'original' pattern of development in Western Europe. In fact, the appropriation (in some cases imposition) east of the Elbe of more advanced cultural and religious models was not fundamentally different from the long process through which barbarian tribes in Western Europe appropriated Roman cultural and religious models.

Synchronic comparisons are not only misleading in the case of seeming differences, but also in the case of apparent similarities. It is tempting, for example, to see the fifteenth century conflicts between rulers and 'nobles' east of the Elbe as typical of the struggles between crown and Estates in late medieval Western Europe.[5] But this is to assume that, by 1400, the military retinues east of the Elbe had already (like their counterparts in the west) achieved land and lordship. As we shall see, this was not necessarily so, and the struggles of the military servitors east of the Elbe represent not the typical conflicts between a 'mature' nobility and the ruler, but rather the initial creation of a nobility, i.e the feudal revolution. This essay begins with a brief discussion of the feudal revolution in Western Europe, and will then focus on the feudal revolution in three German lands east of the Elbe, Mecklenburg, Brandenburg, and Prussia. The essay will conclude with a brief discussion of the degree to which the period was one of crisis in Eastern Europe.

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3. The important comparative studies include: Barg, ed. 1986; Kaak 1991; Topolski 1994; Schmidt 1997; Hagen 1998; Melton 1988; Peters 1997.
4. Hecker 1985, p. 179.
5. Thus, for example, Hartmut Boockmann views the Thirteen Years War in Prussia (1454-1466) as a 'typical struggle between ruler and Estates in the late Middle Ages.' Boockmann 1989, p. 209.

The feudal revolution in the Carolingian lands (10th-12th centuries)

Beginning around 980 in the Carolingian heartland between the Rhine and the Loire, the feudal revolution brought into existence a relatively large and militarized nobility that owed its status to the lordship it was able to impose and maintain over the lower strata of the rural population.[6] Aristocracy and lordship were, of course, nothing new; both had long existed in the Carolingian world, where the aristocracy was a dynamic imperial elite, often drawn from the kin groups of Carolingian rulers, which had distinguished itself in Carolingian service as counts, bishops and archbishops, and heads of great religious foundations.

Although these aristocrats also had large patrimonial landholdings and exercised lordship over the free and unfree people living on them, they were not a large group, and in maintaining at least some degree of effective public order and justice in the relatively large regions and localities that they administered for their rulers, they depended on their own military retinues, recruited in part (perhaps largely) from the large and amorphous kin groups typical of aristocratic families in the Carolingian period. Some servitors also came from the upper ranks of rural and urban commoners who had risen through service to their aristocratic lord.[7]

The essence of the feudal revolution was not the creation of an aristocracy or the invention of a new kind of lordship, but rather the massive appropriation of aristocratic status and lordship by the individuals or families serving in the upper and middle levels of these military retinues.[8] Thus, by the twelfth century, the aristocracy was not limited to the great aristocratic families of the Carolingian period and their successors, but included middle and lower level families, who, with the collapse of Carolingian order and justice, had broken free of their positions as dependent household retainers, using the political power vacuum to carve out independent, castle-centred lordships for themselves.[9] In the words of Tho-

6. Bisson 1994, pp. 6-42.
7. Goetz 1991, pp. 451-80.
8. Münch 1990, p. 118.
9. Bisson 1994, p. 6.

mas Bisson, 'The new castle on its rock became an ominous spectacle in the tenth century.'[10]

In the Carolingian era, the German lands north of the Alps also had an aristocracy, of which Hans-Werner Goetz has given us a revealing portrait.[11] Their dual roles as Carolingian officials and great landlords naturally gave them an advantage in creating their own territorial lordships, but the major principalities created east of the Rhine in the tenth century (Bavaria, Swabia, Saxony, and Franconia) were not identical with the old Carolingian administrative units; they were new creations forged from a mixture of 'private' lordships and 'public' Carolingian territories.[12]

As in the Carolingian heartland, the lower nobility in Germany came largely from the military retinues of the emperors, princes, and church foundations. Nevertheless, these retinues were much larger than in France or England, and were made up primarily of unfree servitors (*ministeriales*).[13] The proliferation of *ministeriales* in imperial and ecclesiastical service appears to have contributed to the stabilization, rather than to the disintegration of central power, at least under the Ottonians and early Salians in the twelfth and early thirteenth centuries.[14] If the unfree status of the *ministeriales* initially carried some degree of social stigma, their service as armoured knights or administrators did not appreciably differ from that of free nobles; like the latter, they also held land and (increasingly) lordship in return for service. In Southwest Germany, the *ministeriales* intermarried with free noble families, and by the late thirteenth century, had merged completely with them to form one group – the lower nobility.[15] In Thuringia, the *ministeriales* attained such a high status that many free nobles also entered their ranks.[16]

As a concept, the feudal revolution has proved very controversial, and even Duby later took a more distanced approach. Moreover, recent studies have taken strong issue with many of Duby's arguments. Dominique Barthélmy has argued vigorously against

10. Bisson 1994, p. 16.
11. Goetz 1981, pp. 133-73; also Schultze 1990, pp. 44-5.
12. Goetz 1977, pp. 409-31.
13. Arnold 1985, pp. 17-9, 69, 147.
14. Bosl 1980, pp. 206-10.
15. Rösener 1977, pp. 85-90.
16. Fleckenstein 1977, pp. 37-8.

(among other things) Duby's emphasis on the violence with which the nobility established its lordship.[17] Barthélmy's arguments are supported by Bruno Lemesle's monograph on the nobility in another part of the Carolingian heartland, the Haut-Maine (southwest of Paris), which reveals both more continuity of 'public' (comtal) authority, and less success on the part of the military retinues, whose acquisition of lordship was partially thwarted by the resurgence of the great religious foundations.[18]

Future studies will doubtless alter, perhaps even refute, the specific model of feudal revolution associated with Duby and his followers, but Thomas Bisson has very clearly shown the enduring value to medieval historians of the concept of a feudal revolution.[19] It is no less valuable to historians of early modern Europe, especially in light of Otto Brunner's argument that the noble's landed estate was the *locus* of pre-industrial European society, the point where the complex and interlocking relations of noble domination were crystallized, visualized, and thus made concrete.[20] This domination, based on land and lordship, was the defining element in the structure of European society from the twelfth to the eighteenth century.[21]

The feudal revolution in the German lands east of the Elbe (ca. 1450-1600)

The feudal revolution in Western Europe in the period 1000-1250 had been accompanied by vigorous economic recovery. In Eastern Europe, we see a similar process, but only much later, in the late fifteenth century, and the population densities at the beginning of this recovery were probably much closer to those of late Carolingian Europe than to fifteenth century Western Europe. Around 1500, for example, Brandenburg, Mecklenburg, and Poland had population densities averaging approximately ten inhabitants per

17. Barthélmy 1994, pp. 51-88.
18. Lemesle 1999, pp. 213-8.
19. Bisson 1994 (cited above) shows persuasively the value of the concept.
20. Brunner explored this subject brilliantly in his study of the life and literary works of a Lower Austrian estate owner in the seventeenth century. Brunner 1949.
21. Brunner 1958, pp. 331-4.

square kilometre, while France had approximately thirty.[22] In most regions of Northeastern Europe, from Mecklenburg to Russia, the population grew in the sixteenth century, although in some areas of Mecklenburg and Brandenburg, the population crisis of the late fourteenth and fifteenth centuries lingered on into the sixteenth century. While in some districts of Mecklenburg, the population had fully recovered by 1450,[23] other regions may have had numerous deserted farmsteads well into the next century.[24] In Brandenburg around 1450, a third of the peasant households were still deserted, and the population only gradually recovered in the sixteenth century.[25] In the core lands of the Polish crown (Little Poland, Great Poland, and Mazovia), the average population density had reached twenty-one inhabitants per square kilometre by 1570.[26] In parts of Northwestern Russia (Novgorod region), the population may have increased by fifty percent during the first half of the sixteenth century; around 1550, the Muscovite heartland (the non-black soil region around Moscow) had a population density of approximately nine inhabitants per square kilometre.[27]

The recovery, however, was initially sporadic. Despite occasional upward fluctuations, rye prices in Rostock appear to have been relatively flat between 1460 and 1520.[28] Only in the 1520s do we see the rapid rise in grain prices in Danzig.[29] Most important, however, at least from the standpoint of the emerging nobilities east of the Elbe, was the persistent lack of money. The fifteenth century had seen a fifty percent decline in the circulation of coin in Northeastern Europe.[30] Whether cause or effect of the late medieval economic depression, the effects of this catastrophic monetary contraction continued into the early sixteenth century. This did not mean bad economic conditions for the peasants, who were often able to profit from the high

22. Samsonowicz and Maczak, p. 8.
23. Seemann 1987, p. 12.
24. Prange 1967, p. 74.
25. Melton 1998(a), p. 299.
26. Bérélowitch and Gieysztor 1997, p. 568.
27. Bérélowitch and Gieysztor 1997, pp. 556-7.
28. North 1990, p. 178.
29. Wyczanski 2001, p. 28.
30. North 1990, p. 224.

prices of hops, barley, and buckwheat,[31] but the peasants also hoarded their coin.[32] The emerging nobility, however, faced the following situation in the late fifteenth and early sixteenth century: they had land, and grain prices were rising, but there was no money. Faced with this situation, a market-oriented manorial economy based primarily on the labour services of their peasants was in most, though not all cases, the best solution. Nevertheless, it wouldn't have been possible without effective lordship over the peasants.

Mecklenburg

Prior to 1400, it is difficult to find in the military retinues serving the rulers of Mecklenburg clear evidence that presages their later development into a powerful and cohesive nobility. With the possible exception of a few families, most of these servitors held small estates with very limited power over their peasants.[33] In the early Carolingian era, the pagan Slav (Obodrite) rulers of the west Slav lands that would later form the Duchies of Mecklenburg had waged intermittent warfare with the Danes in the north and the Saxons in the south and west. With Charlemagne's conquest of the Saxon lands in the early ninth century, Mecklenburg became the northeastern frontier of the Carolingian Empire, and in 1160, Henry the Lion defeated and killed the Obodrite ruler Niklot, and then granted Mecklenburg back as a fief to Pribyslaw, Niklot's newly baptized son. As the rulers (after 1348, Dukes) of Mecklenburg, Niklot's descendants would rule until 1918.[34]

Christianization and Germanization did not proceed smoothly in Mecklenburg. Slav uprisings in 983 and 1066 had ended inital attempts at Christianization, and it was not until the late twelfth century that the Bishoprics of Ratzeburg and Mecklenburg were securely reestablished along with the Cistercian monastery of Doberan.[35] In the thirteenth century, Pribyslaw's successors encour-

31. Cordshagen 1985, pp. 14-7.
32. North 1990, pp. 127ff.
33. Schattkowsky 1994, pp. 135-64, provides an essential bibliographical and conceptual introduction to this problem.
34. Karge, Münch and Schmied 1993, p. 26.
35. Karge, Münch and Schmied 1993, p. 42.

aged German settlement, and by the middle of the fourteenth century, Mecklenburg had become Germanized.

The Mecklenburg nobility first appears in the thirteenth century as a largely undifferentiated military retinue. German nobles from west of the Elbe sought land and mobility in the service of the Mecklenburg rulers (the ruling dynasty and the religious foundations).[36] Indigenous Slav elites also joined these retinues, although the Mecklenburg princes would exclude the indigenous elites living in Slav lands conquered later.[37]

Until the late fourteenth century, the social and political status of these rural servitors seems to have been similar to the position occupied by most military and administrative servitors in the retinues of the lay and ecclesiastical lords in the west before the eleventh century. Although the Mecklenburg princes had granted full lordship, along with generous landgrants, to the bishoprics and monasteries, they were less generous to the knights in their retinues, who held, in exchange for service, small estates that mostly ranged between 120-140 acres and rarely exceeded 300 acres (peasant farms ranged between 40-80 acres.)[38] The knights were free from the taxes and dues paid by the peasants, but their rights over the peasants and cottagers on their estates were quite limited.

If we define lordship as the noble's right or ability to impose significant conditions on the peasant's person, land, and rents, most Mecklenburg knights of the thirteenth and early fourteenth century did not have lordship, and there were no clear social distinctions separating them from their peasant neighbors.[39] By 1300, both Slav and German peasants were in possession of extensive rights that had come with the introduction of 'German law' (*Hufenverfassung*). They did not own their farms (which belonged to the ruler), but nevertheless had hereditary tenure, the freedom to move, and a significant degree of self-government and protection from the claims of the knights in their villages.[40]

Nevertheless, some families had already gained distinction (and doubtless privileges) that probably corresponded to their specific

36. Münch 1995(a), p. 117.
37. Reimann 1998, pp. 502-19.
38. Dollen 1995, p. 27.
39. Münch 1995(b), p. 122.
40. Schmidt 1997, p. 24.

military achievements, and that in any case raised them well above their comrades-in-arms.[41] Around 1500, there were approximately one hundred-seventy noble families (split into different lines) in Mecklenburg, of which approximately fifteen made up the power elite.[42] These families had been able to acquire relatively large and concentrated landholdings, in part by annexing peasant lands deserted in the demographic crises of the late Middle Ages. By the late sixteenth century, they held approximately forty percent of all seignorial lands.[43] Beginning around 1500, the sources reflect a widening gap between the elite families and the remainder of the nobility. Only the elite families are distinguished as *Ritter* (knights), while the other nobles are designated simply as *Junker*.[44]

The high-flying ambitions of Mecklenburg's rulers, and the lack of territorial and dynastic unity would also contribute immensely to the emergence of the power elite. In the thirteenth and fourteenth century, the Mecklenburg dynasty had been split, first into four, which then ended as two separate duchies. In the fifteenth century, these were once again reunited during the reign of Henry IV (d. 1477), but he, like his predecessors, had financed his policies by borrowing heavily, and by pawning ducal estates (with lordship) to members of the power elite.[45]

Meanwhile, the nobility had seized the chance to present itself as the true representive of the land, and in the early sixteenth century, when conflicts between the Güstrow and Schwerin lines of the dynasty threatened to once again split the land into separate duchies, the power elite played the leading role in the Union of 1523, which asserted the unity of the Mecklenburg Estates even if the land were once again split into separate duchies.[46] The Union also created a standing committee empowered to represent the interests of the respective Estates. The majority of the committee members (twelve of twenty-three) were nobles, most of them from the families of the power elite: Bülow, Maltzahn, Moltke, Preen, and others.[47]

41. On the concept of the 'power elite', Göse 1998, pp. 139-43.
42. Münch 1995(c), p. 50.
43. Göse 1998, pp. 152-3.
44. Münch 1995(a), pp. 118-9.
45. Münch 1995(a), pp. 45-7.
46. Münch 1993, pp. 57-9.
47. Göse 1998, p. 165.

In the course of the sixteenth century, the power of the nobility would eclipse that of the other Estates. The Reformation, by weakening the power of the Prelates, played a role in this, but the essential factor was the financial embarassment of the Dukes, which benefited both individuals and the nobility as a whole.[48] In 1555, after much debate, the Estates agreed to assume some of the ruler's debts (thus saving the land from bankruptcy). In exchange, the Duke had to agree to the Estates' demand that all finances were henceforth dependent on their approval. He also had to accept the formation of a standing committee entrusted with financing and paying off the existing debts; the committee was made up of fourteen nobles (most of them from the power elite), while the other two Estates were not represented on the committee.[49] In 1572, the Estates took over the ruler's huge remaining debts (400,000 Guilder) in exchange for the three monasteries of Ribnitz, Malchow, and Dobbertin, which came under the nobility's corporate administration and would thus continue as exclusive institutions for unmarried noblewomen.[50]

The triumph of the feudal revolution in sixteenth century Mecklenburg is also apparent in the composition of the ducal administration. Around 1500, a number of high positions had been in the hands of non-Mecklenburg nobles, or non-noble jurists. In the course of the century, however, the Mecklenburg nobility, and especially the power elite, secured an effective monopoly on important posts.[51] Given this growing dominance, it is not surprising that the power elite played a far more active role than their ruler in establishing the Reformation in Mecklenburg before its official introduction in 1549. An important aspect of the Reformation there was the nobles' attempt to get control of church livings on their estates, a struggle in which they achieved *de facto* success.[52]

In the course of the fifteenth and sixteenth centuries, the nobility also gained increasing power over its peasants, a process reflected in their acquisition of high justice.[53] The rise of lordship was accompanied by an increase of violent feuds in Mecklenburg,

48. Göse 1998, p. 173.
49. Schmidt 1997, pp. 28-9.
50. Göse 1998, pp. 187-8.
51. Göse 1998, pp. 162-3.
52. Göse 1998, pp. 178-9.
53. Maybaum 1926, pp. 70-2, 193-217.

which appear to have reached a high point in the first half of the fifteenth century. There was also a boom in the construction of fortified manor houses and castles in the fourteenth and fifteenth century.[54] These fortifications reflected the nobles' determination to protect, consolidate, and, if possible, expand their lands and lordship. In many localities, the rising index of noble feuds in the late fourteenth and early fifteenth century reflects the struggles of the power elite to expand, consolidate, and defend their large estate complexes against other powers, especially the ruler or neighboring towns.[55] Feud, like fortification, was part of the feudal revolution in Mecklenburg.

By the late fifteenth century, some Mecklenburg nobles were powerful enough to begin transforming their estates into market-oriented manors (*Gutsherrschaft*) based on unfree labour provided by (or coerced from) their peasants in lieu of (or in addition to) rents in cash and kind, and here again, the power elite led the way. *Gutsherrschaft* offered attractive economic possibilities to a nobility eager to cash in on its recently acquired rights of lordship by riding the tide of rising grain prices.[56]

During the first half of the sixteenth century, noble estate owners expanded their demesnes, primarily by annexing arable land that was either deserted or at least did not belong to occupied peasant farmsteads. Noble claims on peasant labour rose, but were still relatively modest (one day per week) by the mid-sixteenth century.[57] In the second half of the sixteenth century, however, nobles increasingly demanded more labour services. By 1595, it was the norm for a peasant farmstead to provide labour services of three days per week.[58] The sixteenth century also brought the beginnings of the *Bauernlegen,* the expansion of demesne lands through expropriation of occupied peasant farmsteads, although as late as 1630, approximately two-thirds of the arable land in seignorial districts was still in peasant hands.[59] Later on, at the height of their power, Mecklenburg nobles would undertake the wholesale expropriation of their peasant farmsteads, which had numbered twelve

54. Münch 1995(c), pp. 50-3.
55. Münch 1992, pp. 31-2.
56. Maybaum 1926, pp. 108-20.
57. Maybaum 1926, pp. 131-44.
58. Maybaum 1926, p. 145.
59. Tessin 1955, pp. 155-6.

thousand after the Thirty Years War, but by the end of the eighteenth century were only two thousand.[60] The majority of peasants were reduced to cottagers or semi-landless agricultural labourers.

This is not to exaggerate the ease with which Mecklenburg nobles achieved their rise. Their struggles to expand and consolidate their estates brought them into conflict not only with peasants and other nobles, but also with formidable opponents like the powerful city of Rostock.[61] Assuming responsibility for ducal debts in the late sixteenth century gave the Mecklenburg nobility greater power, but only at the cost of substantial financial burdens that sometimes brought financial ruin even to the wealthiest members of the power elite.[62]

Of course, the ruin of some nobles was the fate not of a social order, but simply of individuals, and in the early modern period, the nobility of Mecklenburg stood second to none in its cohesiveness and corporate power. This esprit de corps must have owed much to the astonishing continuity of noble familes and landholdings. The mere survival of noble families in this period was a major achievement, since from the thirteenth century on, Europe's noble lines died out at the rate of approximately fifty percent per century.[63] Many noble families in Mecklenburg also died out or disappeared, but of the three hundred fifty landed estates that existed in early sixteenth century Mecklenburg, at least half had been in the continuous ownership of the same families since the late thirteenth or early fourteenth centuries.[64]

Brandenburg

Brandenburg's feudal revolution followed a similar trajectory. As in Mecklenburg, initial German conquests of the Brandenburg lands between the Elbe and Oder rivers had been erased by the Slav uprising in 983, and it was not until the middle of the twelfth century, as a result of the crusade mounted against the Slavs in

60. Karge, Münch and Schmied 1993, p. 109.
61. Münch 1993, pp. 322-8.
62. Göse 1998, pp. 174-5.
63. Melton 1994, p. 85.
64. Münch 1998, pp. 356ff.

1147, that German princes and their retinues were able to resume the process of settlement and statebuilding. In addition to the territorial state constructed by the Margraves of Brandenburg, the other territorial rulers were limited to ecclesiastical foundations, the most important of which was the Bishopric of Havelberg and its cathedral chapter.

Like the Dukes of Mecklenburg, the Margraves of Brandenburg, especially the Ascanian dynasty (extinguished 1420), initially limited their grants of lordship to religious foundations, while bringing some, though not all, of the few independent noble lordships under their vassalage, and did not, in most cases, grant lordship to their military and administrative servitors.[65] Thus, for example, the Dewitz family had served the rulers of Brandenburg since the early thirteenth century, and in the early fourteenth century they were defending castles in Stargard, along the Mecklenburg and Pomeranian borders.[66] The estates held by the Dewitz servitors were modest, amounting to only 175-300 acres, although this was larger than many estates, which were often hardly more than peasant farmsteads.

Those who served the Margraves were, to be sure, exempt from the rents and dues their peasant neighbors paid, but the latter also enjoyed substantial rights. As in Mecklenburg, the peasants held heritable farmsteads that usually ranged from forty to eighty acres. The rents and dues they owed their lords were modest, amounting to approximately twenty percent of their production in an average year.[67] Their village communities enjoyed legal status as self-governing institutions that dispensed local justice, and regulated land use.

Nevertheless, beginning around 1400, the feudal revolution would transform the social structure of east-Elbian Brandenburg. As in Mecklenburg, the fifteenth century was a violent period marked by feuds and widespread plundering and destruction of villages and livestock. In regions particularly afflicted, much of the rural population fled. In the Uckermark, for example, more than thirty percent of the villages were totally deserted in 1500.[68] Whatever the economic and demographic effects of these disorders, the nobles

65. Enders 1995, pp. 219-20, 223-4.
66. Heinrich 1990, pp. 23-6.
67. Heinrich 1990, pp. 126-7.
68. Enders 1992, p. 124.

clearly emerged as the winners, since by the 1530s they had secured lordship over most of the land in Brandenburg, and were already building the system of *Gutsherrschaft* that would dominate the agrarian structure of Brandenburg until the nineteenth century.

As in Mecklenburg, the feudal revolution in Brandenburg would be led by a small group of families in margravate service, many of whom had already achieved prominence as castellans (*Schlossgesessene*) in the thirteenth and fourteenth centuries. Among them were the Schulenburgs and Alvenslebens (Altmark), the Bredows (Havelland), the Quitzows (Prignitz) and (in the late fifteenth century), the Arnims (Uckermark).[69] These families already had lordship in the thirteenth century, but it is not until the fifteenth century that the power elite emerges as a recognizable group.[70] As in Mecklenburg, the families in this elite were distinguished both by their large landholdings and their dominant role within the Brandenburg administrative apparatus.

Around 1500, the power elite had managed to accumulate a degree of landed wealth that set them well apart from the other families in the service of the Brandenburg rulers. Thus, for example, thirty-eight noble families had estates in the Prignitz around 1500, but three of these families held nearly half of the seignorial land there. In the Havelland ten percent of the noble families held more than half the seignorial land.[71]

The wealth of these few families stands in contrast to the modest holdings of the majority of Junker families. Again, we can take as an example the Havelland, where sixty percent of noble landowners owned a total of only thirteen percent of all seignorial lands. Given the relative poverty of most Junker families, it is not surprising that the power elite would play the dominant role at all political levels, exercising claims on state offices that would become virtually hereditary; between 1480 and 1620 thirteen families provided nearly half of all the State officials.[72] In the same period, these thirteen families also accounted for three quarters of all the Brandenburg nobles attending university.[73] Most nobles outside

69. Hahn 1979, pp. 9-11.
70. Ribbe 1987, p. 263.
71. Hahn 1979, p. 47.
72. Melton 1994, p. 79.
73. Melton 1994, p. 81.

the elite remained uneducated and rarely held any administrative or advisory positions. Indeed, from the late Middle Ages to the Thirty Years War, sixty percent of the noble families in Brandenburg never held any office at any level![74]

By 1500, it was no longer possible for the Electors to govern without the counsel and consent of families like the Alvenslebens, Bartenslebens, Quitzows, and Schulenburgs; their names recur, both as signatories to important treaties and agreements, and also as loan guarantors or creditors of the Electors.[75] Indeed, just as in Mecklenburg, it was the increasing indebtedness of the Brandenburg rulers, especially Joachim II (1535-1571) that enabled the power elite to transform landed wealth into political power. In repeatedly rescuing Joachim from bankruptcy (1540, 1550, 1565), the power elite took on expensive financial responsibilities, but in doing so also gained increasing access to the ruler's patronage, especially in the form of lucrative offices. Old families, as well as new entrants into the power elite (Matthias von Saldern, Georg von Winterfeld, etc.) used their offices, and the princely patronage that accompanied them, to acquire new estate complexes.[76]

Like their counterparts in Mecklenburg, the Junkers in Brandenburg transformed their newly acquired land and lordships into manorial economies that would enable them to take advantage of the fivefold increase in the price of rye between 1500 and 1620. Also, as in Mecklenburg, this was a slow and protracted process. During the fifteenth century, the Quitzows, one of the most powerful families in the Prignitz, had greatly expanded their landholdings through the purchase of Stavenow, with twenty-four villages, and had then rounded out their holdings through the purchase of adjoining lands. The Quitzows continued to draw their agricultural income from more or less fixed rents in cash and kind until 1515, when they began to transform their lands into manorial farms, for which they demanded that their peasants provide labour services. Thus began a long process of negotiation marked by both confrontation and compromise, but by the early seventeenth century, each of the forty-eight peasant farmsteads on the Stavenow estate were providing three days of labour services per week, and the value of

74. Hahn 1979, p. 82.
75. Hahn 1979, pp. 173-4.
76. Hahn 1979, p. 49.

the estate had increased fivefold in the course of the sixteenth century.[77]

Intimidation and violence were also part of the manorial transformation, as we see in the case of Matthias von Saldern, who not only established *Gutsherrschaft* on his newly acquired (1560) estates, but also imposed a new and harsh style of seignorial authority based on impersonal and apparently calculated displays of brutality carried out by his overseers on the rural population.[78] Nevertheless, the Saldern family survived the upheavals of the seventeenth century and emerged the stronger, while many of their neighbors did not.[79] Indeed, the period 1540-1800 would see the disappearance or extinction of two-thirds of the noble families in Brandenburg.[80]

Unlike the Mecklenburg nobility, whose power and political influence continued to grow in the late seventeenth and eighteenth centuries, the Junkers of Brandenburg had already reached the height of their power around 1620. The Thirty Years War, and the absolutist regime that followed, temporarily reduced their role in the state, and they did not begin to recover until the second half of the eighteenth century.[81] Contrary to conventional interpretations, the Brandenburg Diet of 1653 was not a trade-off in which the nobility gave up control over state finances in exchange for unchallenged rights over their peasants; unlike the Mecklenburg nobility, the Brandenburgers would never get unchallenged rights over their peasants.[82] The devastations of the Thirty Years War had created severe labour shortages that imposed limits to the Junkers' attempts to reestablish their manorial regimes, and while they often clashed with their peasants, or tried them before their patrimonial courts, the peasants often fought back using not only passive resistance but also royal courts, which did not shrink from imposing heavy fines even on powerful families like the Gans zu Putlitz.[83]

77. Hagen 1985, pp. 80-112.
78. Peters 1995, pp. 248-61.
79. Enders 1994, pp. 11ff.
80. Melton 1994, p. 83.
81. Melton 1994, pp. 67-102.
82. Hagen 1989, pp. 317ff.
83. Enders 2000, pp. 713ff.

Prussia

Since the thirteenth century, the Prussian state had been ruled by the German Order, an aristocratic-monastic corporation that elected (and could also depose) the head of the Order, the Grand Master, who, together with a small oligarchy, ruled from the fortress of Marienburg, in West Prussa.[84] As a monastic knighthood recruited exclusively from families of the German aristocracy (mostly from the south and the Rhineland), the members of the Order provided the core of its military force, although in its primary military objective, the conquest of pagan Lithuania to the east, it was also aided by numerous aristocrats from Western Europe, for whom participation in at least one campaign against the Lithuanians was part of their *cursus honorum*.[85]

All offices in the state, including those in the administrative districts (comanderies), were also held by members of the Order. These monk-aristocrats did not, however, hold private estates and lordships within Prussia; indeed, aside from the bishoprics, there were very few landed lordships outside the Order. The aristocratic members of the Order, who held all the military and administrative offices in the state, exercised lordship not as private individuals, but rather as officials of the Order. In short, a landed nobility did not exist before the feudal revolution in the late fifteenth century, although, like the great Carolingian aristocrats, the Order had its military retinues, which would play the leading role in the first phase of the feudal revolution in Prussia.

The Order recruited its military retinues primarily from commoners in the upper strata of the free urban and rural population. These included Poles (primarily in the Culmer and Pomerellen regions), German colonists, and the indigenous Prussians. The free population had its origins in the thirteenth century, when the Order had encouraged the military colonization of the newly conquered Prussian lands by granting lands both to settlers and to the free indigenous population on the basis of Culmic law. Those holding land under Culmic law had larger holdings and better conditions than the 'unfree' (mostly indigenous) peasants. In addition, they did not owe seignorial dues, and disputes among freemen

84. Burleigh 1984, pp. 1-3.
85. Boockmann 1989, pp. 150-69.

were judged in special district courts presided over by judges and juries chosen (by the Order) from the most prominent freemen in the district.[86] On the other hand, the freemen owed military service in the Order's retinues or castles, and a small yearly fine paid in grain.[87] The upper stratum (approximately twenty-five percent) of the freemen comprised the local elite; while most of the freemen, with farmsteads averaging eighty acres, were basically peasants, the elite, the 'worthy people', had landholdings that sometimes exceeded six hundred acres, although the average lay between three hundred and five hundred acres.[88] The freemen elite rendered military service as heavily armoured knights, and the wealthiest freemen fielded entire contingents.[89] The average landholding of the elite freemen was actually larger than the average noble estate in neighboring Poland, and clearly they had peasants or cottagers to work their lands. Nevertheless, they were, in the eyes of the Order and its aristocratic members, little more than peasants.[90]

Beginning in the first decades of the fifteenth century, the *Ordensstaat* went into a rapid (and irreversible) decline signalled by a series of disastrous wars against Poland-Lithuania, which were then followed by economic depression. The Order's attempt to resolve the ensuing financial problems at the expense of the freemen and the towns led to an increasingly organized movement led by representatives of the major Prussian towns (Thorn, Elbing, and Danzig) and some of the most prominent members of the freeman elite (although some of the latter remained loyal to the Order). In 1440, this movement cystallized into a formal alliance of towns and freemen known as the Prussian Union, which increasingly viewed the king of Poland as its protector, and the Polish nobility as its social model.[91] In 1454, the members of the Union swore loyalty to the Polish Crown, and by the Incorporation Act of 1454, Prussia was joined to Poland in a dynastic union under the Polish Crown; the freemen and towns both received recognition of their inde-

86. Burleigh 1984, pp. 138-40.
87. Burleigh 1984, pp. 122-7.
88. Wunder 1968, pp. 126-7.
89. Boockmann 1989, pp. 123-4.
90. Nowak 1992, p. 52.
91. The feudal revolution in Poland is too large a topic to be discussed in this essay.

pendent status.[92] This put the existence of the *Ordenstaat* in question, and in the Thirteen Years War that followed (1454-1466), the German Order hired mercenaries from all over Europe. The mercenaries first plundered the land and then, when the Order proved unable to come up with their pay, occupied the Grand Master's fortress at Marienburg and then turned it over to Poland. As the result of the Second Peace of Thorn, which finally ended hostilities in 1466, the German Order lost Ermland and West Prussia (including the three major towns of Danzig, Thorn, and Elbing), to Poland. The *Ordensstaat*, now reduced to its territories in East Prussia, existed until 1525, when it became a secular duchy and Polish fief under Duke Albrecht von Hohenzollern, who had also been its last Grand Master.

This was, however, only the first stage of the feudal revolution in Prussia, which now diverged in two separate directions, the one (West Prussia) toward a gradual, but highly nuanced integration within the Polish nobility, the other (East Prussia) taking a complex path to dynastic union under the Elector of Brandenburg (1660).

West (Royal) Prussia. After 1466, the feudal revolution in West Prussia can be divided into two phases. During the first phase, which ended in 1537, the emerging nobility, despite deep internal divisions, tried to establish itself as a ruling elite separate from the Polish nobility. The second phase, beginning with the reign of Sigismund Augustus (1548-1572), would see the West Prussian elite increasingly integrated into the Polish nobility. Even before 1466, the leaders of the Prussian Union had developed into a power elite. The Baysens (the leading family within this power elite) were German, while others, like the Legendorf family, had risen from freemen of Polish or indigenous Prussian origin. Wealthy patrician families also belonged to the power elite; some of them, like the Weiher family, had entered the nobility.[93] By 1500, this power elite had become an oligarchy that held the major offices within Polish West Prussia. Stibor Baysen (d. 1480) held the highest position as governor; others governed the three Palatinates (Marienburg, Pomerellen, and Elbing) and the military districts

92. Friedrich 2000, pp. 22-3.
93. Boockmann 1993, p. 243.

(castellanies).[94] Only a third of the lands in West Prussia were seignorial, since, by the Act of Incorporation, the lands not held by the freemen or the bishoprics had become Polish crown domains. Many of these domains were held by the governor, Palatines, and castellans. The primary goal of the power elite was to ensure strict observance of the *jus indigenatus,* according to which political offices, crown domains, and landed estates remained the exclusive preserve of West Prussian nobles. In this, they were initially supported by the middle and poor nobility, whose poverty made them dependent on the oligarchy. The Thirteen Years War had devastated West Prussia, leaving as much as fifty percent of the farmsteads deserted.[95] In addition, Culmic law, under which wives and daughters, as well as sons, could inherit property, led to a rapid subdivision of estates. Around 1570, a third of the West Prussian nobility had estates of less than a hundred thirty acres, and only fourteen percent of the nobility had estates of more than four hundred acres.[96]

Although the lower and middle nobles had generally supported the particularistic policies of the power elite, these policies had not only perpetuated oligarchic rule, but had also kept Royal Prussia separate from Poland, thus effectively sealing off the poorer nobles from political representation and personal avancement in the Kingdom of Poland as a whole. A political faction led by middle nobles gradually took form, and, in 1537, sent a delegation to King Sigismund (1506-1548) to complain against the oligarchic misrule of the elite. Growing hostility to the power elite led them to support Sigismund Augustus' program of reclaiming the crown's rights to domain lands. The Union of Lublin (1569), which incorporated the Prussian Diet into the Polish Diet, enabled the Prussian nobles to participate in the Polish Diet, integrated them into the Polish nobility, and essentially completed the feudal revolution in West Prussia. Nevertheless, the same process of integration also strengthened the power elite, since the Palatines and other major officials were now not only the powers within West Prussia, but also became Senators in the Polish-Lithuanian Commonwealth.[97] And

94. Friedrich 2000, pp. 22-4.
95. Biskup 1992, p. 88.
96. North 1994, p. 108.
97. Małłek 1994, p. 66.

while a few families were replaced by 'outsiders' in the sixteenth and seventeenth centuries, the power elite of eight families kept an extraordinary grip on high offices and crown estates. In the period 1526-1657 eighty percent of the Palatines, and half the castellans and other officials came from these eight families.[98]

East (Ducal) Prussia. Like West Prussia, most of the nobility in East Prussia was poor. In the sixteenth century, nearly half of them had estates of less than two hundred fifty acres.[99] Only a few of the freemen elite, those with more than six hundred acres, managed to assimilate into the nobility.[100] The others retained, at best, a yeoman status between peasants and nobles. After 1466, the nobility would be increasingly led by a power elite that drew primarily on 'outsiders', specifically a few families from the upper nobility in West Germany, the Dohnas, Lehndorfs, Eulenburgs, and others. Most of them, with the exception of Truchseß von Waldburg (who had been a member of the Order), had come to Prussia as mercenaries in the Thirteen Years War and the Order had paid them off with large estates. There was no doubt about the noble status of these families, who quickly staked their claims to the major offices in the Duchy (the *Landräte)* after secularization. By 1520, they had led the nobility to a full consolidation of aristocratic rights and privileges that set them off from the rest of the population.[101] In the course of the sixteenth century, the power elite consolidated and expanded their landholdings. Like Mecklenburg nobles, they stubbornly held on to the original estates, with which their names were often connected. These estates served as the centers of their expanding estate complexes.[102]

Unlike their Brandenburg counterparts, the power elite in East Prussia continued to gain power in the late seventeenth and early eighteenth century. During the rule of the Great Elector (Frederick William, 1640-1688), East Prussia became a sovereign possession of the Hohenzollern dynasty, and the Great Elector, who disliked the Lutheranism and political narrowness of the Branden-

98. North 1994, pp. 108ff.
99. North 1994, p. 106.
100. Wunder 1968, p. 120.
101. Guddat 1975, pp. 146-7.
102. Guddat 1975, pp. 419ff.

burgers, found within the East Prussian elite excellent material on which to build a powerful absolutism. The Dohnas and Lehndorf offer exellent examples: They not only had high imperial status, but were also rich, cultured, educated, and Calvinist.[103]

Like their counterparts in Mecklenburg and Brandenburg, the Prussian nobility established power over its peasants in the sixteenth century. Nevertheless, the manorial system never dominated as fully as it did in Brandenburg and Mecklenburg before the Thirty Years War. Wage labour was widespread, especially in the Vistula basin near Danzig, where estate owners had immediate proximity to Danzig. Thus, in the sixteenth century, approximately half the crown domains in West Prussia were worked with hired labour, while *Gutsherrschaft* dominated in the other half.[104] Wage labour completely dominated on the crown domains (many of them held by the power elite) in the Marienburg Palatinate. The peasants there paid quitrents, but provided no labour services. This was clearly expensive, since labour costs on crown domains doubled in the course of the sixteenth century, but the profits were huge, and domain revenue rose by more than four hundred percent![105] Nobles also found it increasingly profitable to purchase their peasants' farmsteads, and then lease them out to enterprising farmers for short periods (three to six years).

In East Prussia, the feudal revolution had doubled the amount of land held by the nobility, which had two thirds of the land by 1626.[106]

As in West Prussia, *Gutsherrschaft* had a large, but not exclusive place in the agrarian economy. Faced with a relative over-supply of labour services in the early seventeenth century, administrators on some crown domains in East Prussia had commuted their peasants' labour services but quintupled their cash rents. Later in the century, when faced with heavy population losses, the administrators shifted back to heavy labour services, but around the beginning of the eighteenth century, they reverted once more to wage labour.[107] At this point, approximately forty percent of the estates

103. Melton 1994, pp. 85-95.
104. Melton 1998(b).
105. Melton 1998(b).
106. Guddat 1975, p. 421.
107. North 1982, pp. 70ff.

in East Prussia operated entirely without labour services.[108] These were mostly small estates, but the power elite had already led the way.[109] The nobility profited greatly from their alcohol monopoly, which forbade peasants from buying any beer or brandy other than their lord's. A bushel of barley, brewed into beer and sold on the estate, brought a much higher profit than shipping the grain to a market and selling it.[110] Wage labour, of course, fed seignorial profits, since agricultural workers spent their earnings in the estate taverns.

Conclusion

As we have seen, the feudal revolution in Mecklenburg, Brandenburg, and Prussia took place between 1400-1600. This is a period flanked by two great crises: Around 1400, the economic depression of the late Middle Ages had not yet touched bottom; in 1600, the military devastation of the south Baltic littoral was still at an early stage, as was the long term decline in grain prices. There were also crises in-between, but the period as a whole was not one of crisis, but rather of social and economic transformation. The emerging nobility had won its spurs, and set about reorganizing the agrarian economy into large scale agriculture units that produced mainly for the market. Depending on local or regional economic conditions, noble estate owners would rely either on labour services provided by their peasants, or on wage labour. In practice, most nobles made use of both, and in any case, the choice was theirs, because the feudal revolution had made them the lords of the land.

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108. Plehn 1905, p. 69.

109. See, for example, Dönhoff 1936, pp. 48ff.

110. Böhme 1902, pp. 40-1.

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The Late Medieval European 'Integration Crisis' 1340-1540

Ian Blanchard

As has been suggested elsewhere[1] the English economy like that of Flanders, Frankia, Lotharingia, Tuscany and Piedmont-Lombardy, underwent during the years 1040-1340 fundamental economic changes which transformed the whole fabric of society and gave birth to a distinct medieval economy. Subsequently from 1340-1540 a similar process of economic change wrought a like transformation in the societies of Central- and South-eastern Europe.

Central- and South-eastern Europe to the thirteenth century

In the late-tenth and eleventh century the Polish and Bohemian kingdoms had received only diminutive quantities of western silver as the major flows had passed through the more northerly Baltic lands. Acute deflationary situation had been perpetuated in their economies, which made commodities therein extremely cheap and resulted in the widespread use of 'coin-substitutes' which, according to Ibrahim-ibn-Yakoub, assumed the form of small pieces of cloth.[2] This enhancement in silver prices had sent men scurrying in a search of indigenous deposits of the precious metal, however, and during the second quarter of the twelfth century, this resulted in the discovery of new workings. In Poland an inventory of 1136 concerning the income and possessions of the Archbishop of Gniezno, attached to a bull of Pope Innocent II, reveals the ex-

1. Blanchard 1996(a).
2. Westberg 1898. The travel account of Ibrahim was subsequently re-issued in a revised edition with a very complete list of literature on Ibrahim in *Kommentarij na zapisku Ibragima ibn-Jakuba o slavjanach* (1903). It has been extensively utilised by Polish and Czech historians: Stepkova 1955 and 1956; Kowalski, ed. 1946.

istence of just such a metallurgical establishment: '... Item a villa before Bitom which is called Zversov with *rustici*, silver miners and two taverns pertaining only to the archbishop's jurisdiction'.[3] In a Polish villa with its appending rustic population, at some time in the late-eleventh or early-twelfth century, there had been established a small mining enterprise with the necessary taverns for the provisioning of the workmen. In Bohemia there may also have been such small-scale silver mining operations at this time.[4] On the eastern marches of the Central European mining region, therefore, the late-eleventh and early-twelfth centuries witnessed the discovery of new argentiferous ore deposits which provided the basis for small mining enterprises which were certainly operational in the 1130s and 1140s. Nor were such activities confined to the periphery of the early medieval European monetary system where the bullion shortages had been most acute and the use of 'coin-substitutes' most common. At this time old mines were also re-opened and new deposits discovered in the core region of the early medieval industry. Perhaps during the years after 1125 there was small-scale silver production at Freisach in the Eastern Alps.[5] More certain is the existence of silver mining enterprises at this time in the Black Forest and Franconia.[6] In all cases, however, output was diminutive and even as the first great western silver boom ran its course, in the lands to the east of the Rhine-Rhone axis the years *ca.* 1125-1155 witnessed a continuing depletion of silver stocks. At prevailing high and rising silver prices, it was only within the immediate vicinity of new silver mines or other silver-gold supply sources (within Germany in Franconia, Swabia, Bavaria and the Rhineland) that any semblance of monetary order was maintained. Debasement here proceeded at a relatively slow rate. These islands of 'hard' currency existed, however, within a monetary system which, whilst maintaining its pre-existing structural form, experienced an acute phase of stock depletion. This resulted in the institution of a system of coinage renewal (in Scandinavia, Poland, Bohemia and Hungary). Alternatively, the striking of light-

3. The document is published in Zakrzewski, ed. 1877, I, pp. 10-3 and in Maleczynski, ed. 1956-64, I, fasc. 1, no. 15, pp. 39-41 whilst there is an excellent critique of interpretations of the document in Molenda 1963, pp. 46-9.
4. Koran 1955, I, pp. 83-8; Schwarz 1958.
5. Wiessner 1951-53, II, p. 194; Suhle 1964, p. 142; Zycha 1907.
6. Gothein 1887, p. 387n; Köhl 1917.

weight coins (the *Dünnpfennig* along the Baltic littoral, in Saxony, Thüringia and parts of Franconia-Swabia) was undertaken. The impact of the first continental European silver production-cycle was thus slight, limiting the depletion of coin stocks in the immediate vicinity of new silver-supply sources but only at the cost of isolating these areas from trends at work in the region as a whole. Market fragmentation thus took place within a structure where the normative experience was one of stock depletion and the emergence of a system of 'soft' currencies.

Nor did this situation significantly change during the subsequent western mining booms of the years 1155-1225. In the eastern sector of the European silver industry, encompassing an arc of workings, which linked the Böhmerwald, Erzgebirge and Tatra Mountains, during the years *ca.* 1171-81, there was considerable enthusiasm for mining matters. On occasion, the aspirations to acquire great wealth from mining activity were realised in a series of major mining booms. At the eastern extremity of this arc near Bytom in Silesia, where a small mining and metallurgical enterprise had been operational during the 1130s, these years saw intense interest amongst ecclesiastical property owners with respect to the potential mineral wealth of the estates. From *ca.* 1178 this caused them to reserve rights over any gold, silver and other metals found on their lands.[7] Whether, during this production-cycle (*ca.* 1171-88) or subsequent ones (in *ca.* 1198-1225 and *ca.* 1210-75) these high hopes were ever translated into real mining activity, however, is doubtful.[8] In the Erzgebirge such matters were not in question. Here the Freiberg in Meissen workings reigned supreme. An analogous situation to that prevailing in Erzgebirge existed, moreover, at this time in the Böhmerwald. Here the diminutive and intermittent activity of the years *ca.* 1125-60 came to an end with the discovery of a rich vein of argentiferous lead ores on the lands of the Knights of St John at Mies in the western part of the Central Bohemian granite massive. The king, Vladislav II and his family, during the years *ca.* 1170-88 established regalian rights in the silver mine (*argentaria de Mzea*). This allowed them to emulate, on a small scale, the lavish outlays of the Margrave Otto of Meissen.[9] Indeed, much of the

7. Wutke 1894, pp. 100-1.
8. Molenda 1963, pp. 52-3.
9. Koran 1955, I, p. 106; Sternberg 1836-38, I/2, pp. 68-9.

glory which Freiberg derived from the minting of the widely used Meissen pfennig at this time might be more properly allocated to Bohemian silver producers. Metal from workings there usually left the country in ingots and much, if not all, may have found its way to Saxon mints.[10]

Perhaps because of the integration of the great Freiberg and lesser Mies mines into the fabric of the European silver industry and resultant assimilation of the German lands into the European *communitas monetarum,* in the lands beyond the Elbe monetary systems continued to operate much as before. In Poland, Bohemia, Hungary and a number of German principalities, freed in the twelfth century from Imperial control, where there was a relatively strong central authority, an embryonic market structure operated on the basis of a relatively small coinage – perhaps as little as a million pfennigs in twelfth-century Poland. Monarchs here, like the kings of Bohemia, were accordingly forced to continue the practice of coin renewal, first instituted in 1118, until at least 1267.

During the years 960-1260, in terms of the supply of monetary metals, Poland and Bohemia had merely witnessed the replacement of one source of silver by another, as kufic pieces were gradually displaced by pieces fabricated from metals of European provenance. Neither source of supply, however, had been able to sustain, even when augmented with small local sources of precious metal, anything more than the most diminutive of coin stocks.

As in the days of Ibrahim-ibn-Yakoub, therefore, it was only in and about the regal centres of Kraków and Prague[11] that coins, which enjoyed a massive purchasing power, circulated freely creating a multilateral trading network which allowed the local inhabitants a degree of functional specialization. Peasants, in the immediate vicinity of these regal centres, cultivating the land on the basis of a new three course rotational system, were able to eschew a self-sufficient existence. They could exchange foodstuffs for manufactures at a restricted number of local markets, numbering perhaps a hundred or so in twelfth-century Poland.[12] Elsewhere, however, society remained as before centred on tribal fortresses or *goroda,* small earthworks, which served as places of refuge in times of inva-

10. Jánacek 1972, p. 905.
11. Kavka 1962, pp. 546-9.
12. Tabaczynski 1966, p. 210.

sion and war. From such centres people 'came out of the strongholds in which they were keeping themselves shut up for fear of the wars. And they returned, each one to his own village or holding',[13] where they existed in an autarchic environment dominated by a regime of forest and *Feldgraswirtschaft*. Long-distance trade, accordingly, during these years also continued in much the same form as in the tenth and eleventh century. Twelfth-century German slave razzias amongst the eastern Slavs continued to provide a regular supply of captives to be transported, together with such wares as swords or fine linens, by way of Regensburg and the eastern Alpine passes to Italy. Here they were exchanged for the silks and spices of the Levant. This trade, however, now rarely if ever transcended the bounds of the 'soft' money zone encompassing Central- and South-eastern Europe and Eastern Italy.[14] Economic conditions during the tenth to thirteenth centuries were thus characterised in Central Europe by the persistence of a subsistence economy with a stable and low level of economic development.[15]

Central Europe (Poland, Bohemia and Hungary), 1280-1520: Precious metal production, market-urban systems and agricultural change

From *ca.* 1250 the situation in central Europe began to fundamentally change. In the aftermath of the 'Great Bullion Famine' of the years from *ca.* 1208/14-50 the focus of European precious metal production shifted eastward, where a new long-cycle (*ca.* 1250-1392/1412) ran its course, creating an intricate mining complex in the territories of the Bohemian and Hungarian kings (Figure 1).

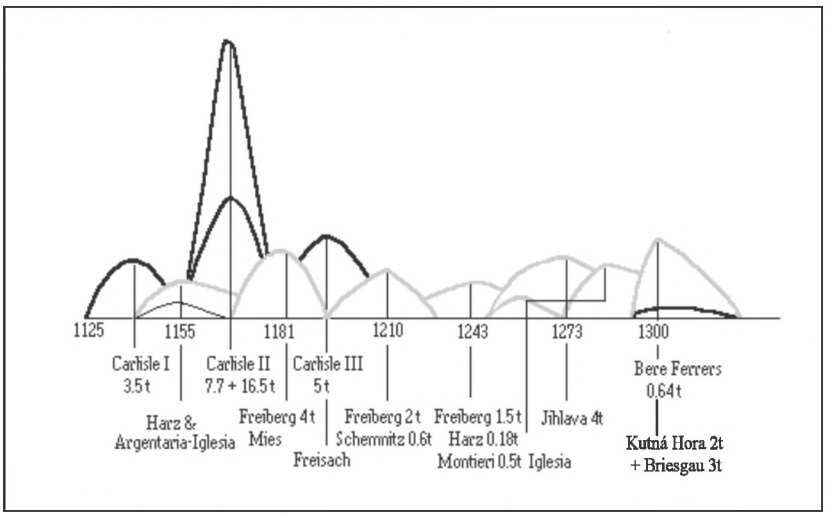
The initial focus of activity in its new location was at Jihlava (Iglau) on the borders of Bohemia and Moravia where in 1220/30 prospectors discovered new deposits of argentiferous lead. Between 1253-78 the mine supported a massive output. The king, Ottokar II

13. Quotation from Helmold the Priest's *Chronicle of the Slavs*. Tschan, ed. 1935, p. 123.

14. Liebermann, ed. 1903-16, I, pp. 232ff; *Monumenta Germaniae historica. Scriptores*, XI, pp. 353f (*Translatio S Dionysii Areopagitae*) and XXX, 2, pp. 1451ff (*Die Honorantiae civitatis Papiae*); Warnke 1964; Ammann 1937, pp. 179-94.

15. Malowist 1966, pp. 17-23.

Figure 1. Silver production, 1125-1350



Source: Blanchard 2005, p. 925.

drew annually some 2,000 marks from the workings, equivalent to an output of some four tonnes of silver.[16] When from *ca.* 1280 output at Jihlava entered upon a phase of terminal decline, moreover, new stars began to rise in the firmament. Initially opened up in the second decade of the thirteenth century, the Schemnitz workings first came into their own in the reign of Béla IV (1235-70) and were shortly thereafter joined by other new silver mines at Golniczbánya (Göllnitz) in Zips (Spis) and Rodna in Transylvania. None of these Hungarian workings, however, contributed sufficiently significant quantities of silver to compensate for decline at Jihlava. It was only in 1298 with the discovery of rich silver-lead deposits at Kutná Hora (Küttenberg) in the lands of the Abbey of Sedletz that the boom continued. Initially, from 1298-1306, the new mine contributed a prodigious quantity of some 6.5 tonnes of silver a year. Output, however, soon declined to about 1.5 tonnes in 1311-18, thereby reducing the average output for the overall period 1298-1350 to two tonnes a year. Nor was this the end of the decline at Küttenberg. During the years 1350-1420 output continued, but at

16. Homan 1922, p. 132.

half its previous level (one tonne per annum).[17] The years 1253-1306 thus witnessed the dominance of Central European silver.

From ca. 1306 to 1392/1412 the onus of maintaining the high levels of precious metal production passed to the gold mines of Upper Hungary and Transylvania. One example will perhaps suffice to demonstrate the availability of precious metals in this second period. In 1344 the queen mother of Hungary, Elizabeth, visited Naples to help with the family problems of her son, Andrew. Her other son, Louis, king of Hungary, provided Elizabeth with the necessary allowance. It amounted to 27,000 marks of pure silver and 17,000 marks of pure gold. Louis later sent his mother another 4,000 marks of gold. The queen mother, accordingly, had at her disposal approximately 5,250 kg of gold and 6,750 kg of silver.[18] According to reliable estimates, the yearly gold production of Hungary during the years 1325-75 was about 4,000 kg, falling to 2,900 kg in 1375-1400.[19]

During the course of the second long-cycle (1250-1392/1412) of the European precious metal industry, therefore, output, though considerably lower than during the first long cycle (1125-1208/14), still produced significant quantities of the regal metals, predominantly in the mines of Bohemia and Hungary. As new supplies of silver and gold flooded into their economies, everywhere in East-central Europe, people were forced to respond to incipient inflationary pressures expressed through price or exchange mechanisms, in a situation where an enriched merchant group could provide investment funding at steadily falling interest rates. In as far as merchants were involved in the overseas trade sector of the local economies they were almost immediately heavily influenced by these changing monetary conditions linked to fortunes of the European silver industry. Coin issues were now regularised as new large groschen were minted, from 1300 in Bohemia and from 1328/9, with the new gold florin, in Hungary.[20] A failure to control supply, however, ensured that whilst local money markets were flooded with coin, the overpricing of domestic produce caused

17. Koran 1955, I, pp. 89-90, 195.
18. According to Johannes de Thurocz' *Chronica Hungarorum*. Galantai and Kristu, eds. 1985, pp. 162-3.
19. Blanchard 1985.
20. Spufford 1988, pp. 233, 268-71.

most of silver and gold to pass into the hands of merchants who exported it, receiving Western European manufactures in exchange. A manuscript compiled in the last third of the thirteenth century provides an intimate picture of the nature of this trade, detailing the most important goods transported to Bruges via the East-West roads through Germany, and by the South-North trade routes through Poland. The references to Hungary, Bohemia and Poland contain special information about the wares traded in this period: *Dou royaume de Hongrie vient cire, or et argent en plate. Dou royaume de Behaingne vient cire, or et argent et estain. Dou royaume de Polane vient or et argent en plate, cire, vairs et gris et coivre.*[21] The trade was confined to either the products of the burgeoning mining industry of these lands – gold, silver, copper and tin – or to forest products – wax and furs – which, though highly priced, could still be sold in an increasingly deforested Western Europe.

The impact of the mining boom is thus revealed. Merchants, predominantly exporting specie from the region to exchange for western manufactures, grew rich and disbursing their funds created a new 'urban' complex in East-Central Europe. The most significant and most populated urban centre was still Prague. Charles IV turned this city into his royal residence and established some new districts there. He founded the university and made considerable efforts to promote the development of Prague. At the time of the death of the emperor, there were some 40,000 inhabitants. By comparison, in this period Cologne, the most populated German town amounted to 30,000, Lübeck, Danzig, Nürnberg and the other important ones to 20,000-23,000 inhabitants.[22] Beside Prague the most significant centres in East-central Europe were Breslau (Wroclaw) (over 20,000), Cracow (Kraków) and Lemberg (Lwów) (below 20,000). In Hungary there were no large cities like these. At the end of the fifteenth century Buda had 8,000 and Pest, Kaschau and Szeged a somewhat smaller population.[23] The level of urbanization is determined, however, not only by the metropolises and residential cities but by the density of smaller urban centres as well. In Bohemia beside Prague, the dominant capital, numerous towns produced a prosperous urban network. There were at least

21. *Hansisches Urkundenbuch*, III, p. 419 n.1.
22. Kellenbenz 1979, p. 64.
23. Fugedi 1969, p. 1396; Samsonowicz 1980, pp. 89-90.

thirty-two royal towns each with 2,000-5,000 inhabitants. The main towns had their own commercial ties outside Bohemia e.g. Prague, Pilsen and in Moravia, Brno. The proportion of the urban population was the largest in Bohemia as compared to Poland and Hungary.[24] The fourteenth century, however, also saw the beginning of urbanisation in Poland. The most significant progress occurred in Silesia and in Little Poland. Behind the principal centres Cracow, Breslau, Poznan and Sandomierz a lot of smaller towns also took part in the international trade. In Hungary the bulk of the urban population lived in approximately 800 small town-like privileged settlements, called *oppida.* The average number of inhabitants in these *oppida* were only few hundred people, and most of them lived on agricultural production.

Urban development therefore was largely confined to the foreign trade sector of Central-east European economies. Here merchants grew rich by the export of specie and the reciprocal import of western manufactures. Their links to the rest of the economy, however, remained restricted to trade with the centres of specie production, which provided the basis for their export trade. Mining was not an isolated activity of independent miners so it necessitated the establishment of a more complex organisation. Numerous people had to work together with special skills and long experience. The water supply and the drainage, the transportation of ore and metal also had to be provided. Among the medieval industries, mining was under the closest control of the authorities, that of the feudal lord, who owned the mine and, in the case of precious metals, the royal officials who controlled and recorded activity at the works. In East-Central Europe, because manufacturers in the face of foreign competition had eschewed taking up funding for the adoption of new processes, industrial production in general was poorly developed. It was certainly not intensive enough to be able to exert a real stimulating effect on the other spheres of economic life. Mining activity, however, was more advanced and developed to the required level. Urbanization in the mining regions was considerable, and a significant part of the population worked not in the self-supporting agriculture, but in this special and unique branch of industry, which produced its goods mainly for the international market.[25]

24. Graus 1960, pp. 97-8; Fugedi 1985, p. 50.
25. Wee 1970, p. 106.

Beyond the crenalated walls of these cities and mining towns the impact of the mining boom was slight. In Northern Bohemia and Southern Poland the *rustici* continued to occupy woodland hamlets whose small enclosed fields were carved out of the surrounding forest. Elsewhere east of the Elbe the ring-fence form of settlement prevailed. Cottages were arranged in an approximate circle, so that the fenced garden plots formed a ring within which the cattle, which grazed the extensive pastures beyond, could be corralled. The rural population thus continued to operate in an environment dominated by a regime of forest and *Feldgraswirtschaft*.[26] They became more numerous and got richer during the years *ca.* 1250-1392/1412, by supplying their wares at enhanced prices to the merchants and mining entrepreneurs. Their methods of producing these wares, however, barely altered. Their riches were rooted in the inflationary pressures created by the mining boom. When that boom briefly collapsed in conditions of acute politico-economic crisis in the early fifteenth century their new-found wealth evaporated. This, however, was only a passing interlude and as gold and silver production was re-established in the lands of the Hungarian crown, as will be shown in the next section, the pre-existing pattern of economic development reasserted itself.

South-eastern Europe (Serbia and Bosnia), 1280-1520: Silver production, market-urban systems and agricultural change

The long-term stability in gold prices, which had characterised European specie markets during the mid-fourteenth century (1325-75), rested upon the existence of a delicately balanced bimetallic equilibrium within and between a series of autonomous specie markets. Each maintained the level and composition of its precious metal stock from independent, indigenous supply sources of silver and gold. The first of these, north of the Alps was described at the last section. It possessed plentiful supplies of gold emanating from Hungarian mines, which, when exchanged against silver, largely produced during the years 1290-1345 in Bohemia and from 1345-1410 at Freiberg-in-Meissen, created a sta-

26. Laslovsky 1999, pp. 432-43.

ble monetary stock characterised by a relative abundance of gold. Further south, two similar autonomous markets existed on the basis of an efficient inter-continental trade network, facilitating the exchange of African gold for silver from Europe and Central Asia. Driving directly northward from the gold fields of the Niger Bend across the deserts of the central Sahara, caravans carried gold each year to the refining and minting centres of Morocco, providing the basis for an abundant circulation of 'heavy' single and double dinars in the Western Mahgreb. Further east caravans travelling via Ghardames, conjoining with those taking the East African routes, brought forth similar supplies to Egypt for minting into those miscellaneous gold pieces which found currency in the lands of the Circassian Sultanate, the Muslim East, the Hidjaz and the Yeman. Two distinct zones had thus emerged, each with cheap and plentiful supplies of gold, which were juxta-positioned against equivalent areas of abundant silver, thereby encouraging an active interchange of the two metals. In the west the profitability of this exchange was such that for half a century trade in goods was subordinated to trade in specie. From 1325-75, gold doblas regularly passed north bringing forth a countervailing supply of European silver southward. In response to these flows a distinctive market structure evolved in the Western-Tyrrhenian basin of the Mediterranean characterised by a long-term stability in gold prices and an 'anti-cyclonic' distribution of the two metals between the two continental littorals. Though relatively scarcer as one moved northward, gold was abundant to customers within a unitary market in which the African product reigned supreme. Nor was the situation significantly different in the eastern zone where gold, after minting, was distributed in a similar market structure in exchange for small quantities of European silver and large amounts from the mines of the Isaurian Taurus (Gümüsh Saray, Lu'lu'a and Barburt). Within the area spanned by European commercial networks there were thus three distinct and autonomous specie markets. Each had its own sources of gold and silver and a similarly balanced stock of precious metals conforming to a common bimetallic standard. Each thereby retained its autonomous character yet was united into a homogeneous and unitary system (Table 1).

From about 1375, however, the first signs began to appear of the disintegration of this monolithic edifice. Gold prices began to rise on European markets but *not* universally. Some regions re-

Table 1. European gold production, 1325-1455 (metric tonnes p.a.)

Date	Placer gold (Transylvania & Slovakia)	'Cementation' (Slovakia, Serbia & Hungary)	Mercury amalgamation (Rhineland)	Total
1325-1384	3-4	....	...	5-6.5*
1385-1424	0.25	2.65	...	2.90
1425-1434	0.25	3.60	...	3.85
1435-1455	0.25	4.06	2	6.31

Source: Blanchard 2005, p. 1030.
Note* Augmented until the end of the fourteenth century by African gold imports of 2-2.5 tonnes per annum.

mained able to acquire adequate supplies whilst others suffered acute shortages as the once universal market split into atomistic elements.

The primary cause of these changes, as far as the European market was concerned, was rooted in the vicissitudes of indigenous gold production. Until the introduction of Afro-Asiatic techniques of separating gold from auriferous quartz by mercury amalgamation in the 1440s, this was largely confined to small scale placer workings of European gold bearing gravels.

Such placer workings during the balmy days of overpopulation and low wages in the early fourteenth century were thronged with workmen who sustained an annual output of four tonnes of the yellow metal. From about the 1380s, however, a combination of labour shortages and resource depletion caused production to fall, causing producers to cast about for new sources of gold. In the event, they lighted upon the exploitation of copper and lead ores containing auriferous silver.

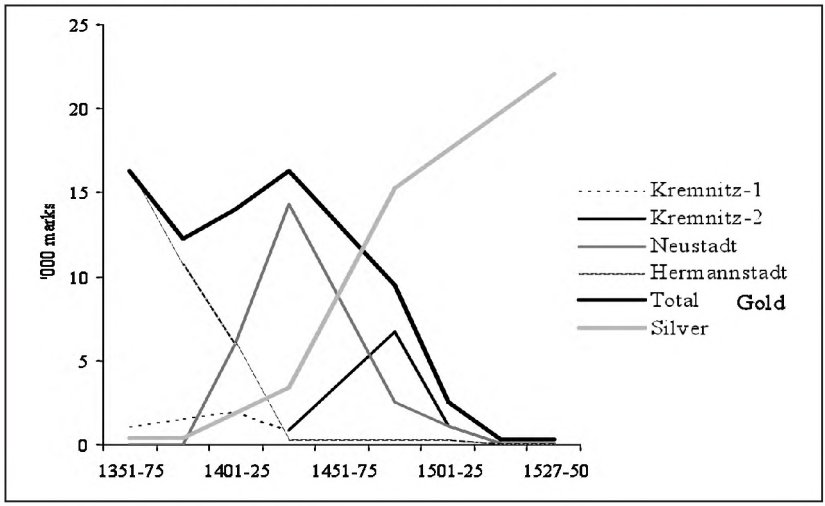
The former ores were found in the lands of the Hungarian crown to the north of Neusohl (Banská Bystrica) but, because of their low metallic content, their exploitation was dependent upon the use of a new technology – the *Saigerprozess* – and a favourable conjuncture of primary metal (copper and silver) prices. In the first half of the 1390s these deposits of argentiferous copper and the Polish lead fields attracted the attention of two Nürnberg corporations – the Kammerer-Seiler and Flextorfer-Zenner – and the Genoese house of Gallici and until the close of the 1390s the pickings were

rich.[27] Falling silver and copper prices, between 1397 and 1412, however, posed difficulties from which the first German house emerged victorious thanks to their collaboration with the Venetian and Florentine agents of the Medici. From 1412, therefore, secure in the purchase of Polish lead and with control of Hungarian raw copper supplies the Italians and Nürnbergers now profited from the boom years 1412-8, annual output running at *ca.* 900-1,000 zentners of copper yielding some 1.5 tonnes of silver and 0.14 tonnes gold. The position was a highly precarious one, however, and when the favourable conjuncture of prices came to an end in 1418 in spite of a rise in gold prices the collapse in the price of the other metals ensured that production at Neusohl would decline. The cameral works, with its roasting and separation plant for the extraction of gold was closed down after mid-century. A new technology, however, had been created. With its diffusion within Hungary and to Venice and Nürnberg, the third and final long-cycle (*ca.* 1425-1525) of the medieval precious metals industry ran its course, at a still lower level than before. Following a short-term crisis in the 1450s, moreover, the first long-cycle of the Early Modern age evolved (*ca.* 1460-1560), which carried output to levels not seen since the twelfth century.[28]

Hungary. Even as Neusohl relentlessly passed along the path of decline, other production centres – at Kremnitz (Kremnice or Körmöcbanyá) and Schemnitz (Banská Stiavnica or Selmecbanyá) – came to the fore. Rising gold prices after 1418 encouraged an intensification of activity within the cameral district. Therein the roasting and separation works delivered for minting, even during the temporary depression in gold prices from 1432-5, some 1,600 marks (392 kg) of gold and 2,688 marks of silver a year. The cementation works at Kremnitz added a further 790 marks of silver. Far more spectacular were the results of the application of the same technology to the ores from the deposits of Neustadt (Nagybanyá) located near the river Zarza where it flowed from the Avar-Gutin mountains. At their height in 1453/4, when the Stadtherr Johannes de Hunyard described them, the mine produced some 14,300 marks (3,508 kg) of gold a year, establishing 'Hungarian' (i.e. Slo-

27. Stromer 1968, 1970 and 1971.
28. Blanchard 1985.

Figure 2. Hungarian gold and silver production, 1350-1550



Source: Blanchard 2005, p. 1024.

vak, Hungarian and Transylvanian), supremacy in the European industry. Subsequently 'Rheingold', produced by the new mercury amalgamation techniques introduced from Africa, displaced the 'Hungarian' product but during two successive production cycles (1475-1525/6 and 1541/6-1573/4) the mines of Upper Hungary produced increasing quantities of silver, allowing the local production boom to continue. In spite of short-term crises in 1375-1400 and 1450-75 Hungary and, through its supply of argentiferous lead, Poland continued to play a significant role, as the third and final long-cycle (ca. 1425-1525) of the medieval precious metals industry ran its course (Figure 2).[29]

In these circumstances, the economic developmental patterns, described in the last section, continued to be played out. During the course of the third and last long-cycle (1425-1525/6) of the medieval European precious metal industry output, though considerably lower than during the second long-cycle (1250-1392/1412), still produced significant quantities of the regal metals, predominantly in the mines of Poland and Hungary. As the new supplies of silver and gold flooded into their economies, everywhere in East-

29. Paulinyi 1981.

Central Europe, people were again forced to respond to incipient inflationary pressures expressed through price or exchange mechanisms. They also now, however, for the first time were able to take advantage of a situation where the enriched merchant group provided a growing volume of investment funding at steadily falling interest rates. In as far as merchants were involved in the overseas trade sector of the local economies they were almost immediately heavily influenced by these changing monetary and financial conditions. Their trade though still dominated by the products of the burgeoning mining industry of these lands – gold, silver, copper and tin – now widened, as the merchants put out an increasing proportion of their wealth on local money markets forcing down base interest rates. As investment funding became progressively cheaper the merchants advanced money to the local seigneurie and indirectly to the *rustici.* Investing in viticultural production and vast herds or *chereda* of cattle, the latter thus now provided not only a new import substitute – wine – but also during successive booms (in 1425-50, 1475-1525/6 and 1541/6-1573/4) a new export product – cattle.[30] The old export trade in forest products – wax and furs – was thus now augmented by a new and rapidly expanding commerce in wine and livestock.

With abundant money available at low interest rates urban elites were now able to embellish their towns with new monumental edifices. The *rustici,* lord and peasant alike, although still continuing to operate in an environment dominated by a regime of forest and *Feldgraswirtschaft,* began to adopt more capital intensive methods paving the way for continuing growth.[31] This proceeded at first (1425-50) slowly and then (1460-1526), with the integration of the region into the South German sphere of economic influence, rapidly.

Venice and the Balkans. Nor was the situation significantly different at Venice, which had also adopted the new technology in the 1420s. Initially this was applied to the auriferous silver – the *argenta indorata* – found in the lead ores of Novo Brodo in Serbia. Here the much higher gold content of the silver, amounting to as much as a sixth, made it the primary, at prevailing relative prices,

30. Blanchard 1986, pp. 427-60.
31. Laslovsky 1999, pp. 432-43.

object of exploitation. Born during the earlier crisis of 1280-1321 the workings had been neglected until 1418-32, when production rose to 6.1 tonnes of silver and 108 kg of gold a year. However, with the fall in gold prices after 1432 production declined to *ca.* 60 kg in 1452. Rising silver prices, 1432-52, as in Hungary, however, led to resumption of output in a host of mining centres – Brskovo, Kopaonik, Srebrnica, Rudnik and the Drina basin – which operated on the basis of the cupelation of argentiferous lead. Thus was created, in Bosnia and Serbia, the principal silver production base of the third and last long-cycle (1425-50 and 1475-1525/6) of the medieval European precious metal industry.[32]

Here, as earlier in Hungary, the new supplies of silver and gold transformed the local economy. A failure to control monetary supply ensured that whilst local money markets were flooded with coin, the overpricing of domestic produce caused most of silver and gold to pass into the hands of the merchants of Ragusa[33] (Dubrovnik) who exported it to Venice, receiving Western European manufactures in exchange.

International monetary and commercial systems

As indicated in the last section, during the years 1325-75 European specie markets were characterised by a long-term stability in gold prices which rested upon the existence of a delicately balanced bimetallic equilibrium within and between a series of autonomous specie markets.[34]

As from *ca.* 1250 the European mining industry again commenced upon a new long-cycle, however, Western Europe, and England in particular, were consigned to the periphery of the prevailing monetary system. English kings, however, were once more able to establish a 'hard monetary' policy. This permitted their subjects to conduct a growing volume of business at constant prices and make investment decisions free from the distractions caused by monetary disorder, but this now took place in somewhat different circumstances from before. Even at the height of the new

32. Kovacevic 1960, pp. 248-58; Cirkovic 1981.
33. Krekic 1961; Bozic 1952; Spremic 1971.
34. Blanchard 1985.

long-cycle, mining output was never able to achieve the production levels of the twelfth century. The English population was accordingly forced to reduce its coin usage, utilising during the years 1250-92 only some 12-15 pennies per head, or about 40 per cent of the late twelfth-century level.[35] They were still, however, able to conduct their business at constant prices. A new monetary order had evolved during the crisis years 1196/1208-1250, in which coin had become a largely urban phenomenon. It entered rural society for the acquisition of cash crops and returned almost immediately in payments for rents or consumer good purchases. During the late thirteenth century the village probably only experienced the use of coin for perhaps a week or two each year. For most of the year transactions were carried out, not on a barter basis or in terms of 'coin substitutes', but in terms of records maintained in the villagers' collective memory. This was reinforced, moreover, by the use of the manorial court in its capacity as a court of record, only outstanding balances being settled in cash at the summer or Michaelmas fairs.[36] For the villager of the late thirteenth century the normal experience of money was not of coin but rather money of account. Even within an urban setting or in relations between town and country the use of coin in exchange transactions was limited. Most such transactions were carried out in the form of book entries in accounts, which had the same force of law as contracts entered on manorial court rolls. In town or country most actions took place within groups, characterised by a high level of personal knowledge, on the basis of recorded acts. Only at the interface between groups were coins used. A new monetary system had been created, which, freed from its dependence on supplies of monetary metal from a declining mining industry, was subsequently to prove totally capable of meeting the requirements of users within the extended market system already created.

Even as economic development, stimulated by the contemporary mining boom of the years 1250-1392/1412, caused per capita incomes in Poland, Hungary and particularly Bohemia to equilibrate upwards to the levels prevailing in Western Europe, the latter region was thus able to avoid those deflationary pressures, engendered by falling coin stocks, which threatened to under-

35. Blanchard 2001(b), pp. 786-8; Blanchard 2005, pp. 1089-1108.
36. Clark 1981, pp. 247-79.

mine its prosperity. In England, as elsewhere in Western Europe, the populations, utilising the new 'monetary' systems, were able to maintain the high levels of transactions demand generated by their enhanced levels of economic activity. In as far as the English monetary system required coin the silver was now obtained from Central European sources. Imports of that metal for the London mint, moreover, generated a countervailing export-flow of commodities through that port. The capital's merchants involved in this exchange, by engrossing an increasing proportion of the nation's trade, were thus able to enrich themselves. Through their disbursements, moreover, they could influence the process of agricultural change, superimposing during the years 1255-1335 yet another regional trading pattern on those already established.[37] In conditions of stable prices, the process of economic growth, which had characterised the years 1040-1140 and 1155-1208/14, thus now, between 1255-1335, came to final fruition.

Those embedded in the foreign trade sector of the western economies, accordingly, prospered. They were able to obtain cheap wares from a 'reformed' manufacturing-agrarian sector. They could also sell these wares at steadily falling prices, because of a reduction in transactions costs, which arose from the new stability prevailing in contemporary monetary systems. Able to fund their commodity purchases in the knowledge that, when they came to repay the sums due, there would be no monetary on-cost, they could conduct their business solely on the basis of known interest rates and, as will be shown in the next section, these were falling. Long-distance trade accordingly increased rapidly, allowing functional regional specialization in an international economy, which now encompassed both Western and Central Europe.

In about 1375, however, the first signs began to appear of the disintegration of this monolithic edifice. Gold prices began to rise on European markets but not universally. Some regions remained able to acquire adequate supplies whilst others suffered acute shortages as the once unitary market split into atomistic elements. The primary cause of these changes, as we have seen, was rooted in the vicissitudes of indigenous European gold production which, until the introduction of Afro-Asiatic techniques of sepa-

37. Campbell, Galloway, Keene and Murphy 1993; Campbell 2000 and Blanchard 1996(a).

rating gold from auriferous quartz by mercury amalgamation in the 1440s, underwent a severe output crisis. At least as important, however, were changes in the African gold trade. In denuding the Egyptian market of supplies, these changes created a burgeoning export trade from Europe to that country. This increased from about a third of a tonne net annually during the last quarter of the fourteenth century to 1.89 tonnes from 1400-25 and perhaps as much as 4.5 tonnes annually from 1425-32. In order to maintain price stability and avoid incipient deflationary pressures, mint masters accordingly were forced to augment mint prices and strike more coins from a given amount of specie, as well as imposing restrictions on trade in precious metals. Nor, as Professor Day has shown was this entirely in vain.[38] Thanks to the application of these methods the amount of coin in circulation diminished less than the stock of specie. Yet as each nation struggled to retain and attract as much specie as possible they created conditions of marked instability between international money markets which forced merchants to compete with bullion dealers to acquire the money they required to conduct their commerce. In the absence of other sources of funding accordingly, dealings became encumbered by the existence of bi-metallic premiums on the exchange, which, in enhancing the merchants' transactions costs, caused their trade to decline.

Only when from 1425/32-1452 separation from Egyptian markets was achieved and indigenous gold production again increased, as the introduction of mercury amalgamation techniques led to a new production boom in the Rhineland, was normality again restored but not for long.

The Turkish invasion of the Balkans, during the years 1455-63, by causing a suspension of specie exports from the principal foci of the third, and last long-cycle of the medieval European precious metal industry, caused acute silver shortages. Crisis conditions, analogous to those of the years 1392-1412, thus once more prevailed, causing merchants to once more reduce the volume of their commodity trades.

Then again, when the Turkish embargo on specie exports was lifted and European silver production, as a result of the diffusion of the *Saigerprozess* from Nürnberg, entered on the first long-cycle

38. Day 1978, pp. 3-53.

of the early modern age (*ca.* 1460-1526), normality was once more restored.

Having established during the years 1250-1375 the monetary preconditions for an efficient international exchange network, long-distance merchants, utilising its facilities, had been able to reduce transactions costs, and expand their business, allowing functional regional specialization in the international economy. Nor during subsequent years, from 1425/32-1455 and 1465-1526/7, when similar conditions had prevailed had international commerce been other than buoyant. When those conditions had been disturbed, however, by successive monetary crises, which attained their nadir during the years 1392-1412 and 1455-63, those who were engaged in international trades experienced a marked reversal of their fortunes. With the emergence of bi-metallic premiums on the exchanges, transactions costs increased and trade in goods was displaced by a trade in specie. Nor were the merchants' domestic counterparts unaffected by these changes. In Central Europe, where the populations were still largely dependent upon the use of coins to undertake their everyday transactions, dwindling supplies of such coin created an acute monetary crisis, deflationary pressures and reduced economic activity. In Western Europe the situation was somewhat different. In the short-term the crises caused acute shortages of coins, which again disrupted economic activity. By extending the number of transactions in which 'alternative' money supplies were utilised, however, the populations were able to avoid the worst effects of the crisis. Prices stabilized and populations continued to be able to make investment decisions free from the distractions caused by monetary disorder. The nature of these decisions was however highly conditioned by prevailing factor market situations, resulting from the onset in 1348 of a new plague pandemic – the Black Death.

Plague and changes in the 'real' economy

Western Europe. Carried from Central Asia via the great emporium of Caffa to the ports of Southern France plague thereafter spread rapidly throughout Western Europe, successive epidemics cutting deep swathes through the local populations which were reduced in numbers by perhaps as much as a third. In Western Eu-

rope the years 1348/9-1392 accordingly saw the balance between population and resources totally transformed. The survivors of the epidemics found themselves in an environment of abundant resource availability and evolved a new demographic regime designed both to maintain this situation and provide themselves with the means to exploit the opportunities it provided. This strategy was forged amidst the turmoil of the monetary demographic crisis of 1396-1412 when the populace was unable to acquire through market institutions the capital needed to stock the abundant acres made available to them by the process of demographic decline. They accordingly evolved a process of self-accumulation. Women intent on self-improvement and needful, in a male-orientated legal system, of attracting a resourceful man for the realisation of their ambitions, spent extended periods of time as servants in husbandry. By working into their late 'twenties they were able to accumulate that large dower which allowed them to marry an enterprising individual who, with the money brought to the marriage and/or borrowed from elderly members of village society, could acquire and stock a substantial holding. By delaying marriage, moreover, levels of fertility were reduced to such an extent that the population stabilised at the much-diminished post-plague levels and the situation of abundant resource availability was perpetuated.

Operating within a newly created and hierarchically ordered system of social values, which afforded them a sense of individual identity and defined their place in an age of demographic-economic discontinuities, members of English peasant society experienced moreover a process of socio-economic advancement. Average per capita land holding increased. Erstwhile labourers were able, in the high-wage conditions of the fifteenth century, to accumulate sufficient funds to acquire at low rents the half- and full virgates (*ca.* 16 and 32 acres respectively) of land which would be their passports for entry into village society. The more enterprising amongst the ranks of that society engrossed multiples of such landed units. Thereby they created large holdings of *ca.* 120-200 acres, and assumed their place in a new peasant elite whose position in rural society was delineated by parliamentary (sumptuary) legislation and defined by its own self-created sense of *gentilesse.* Each and every active member of rural society was able to realise their labour potential in relation to larger landed resources than before, main-

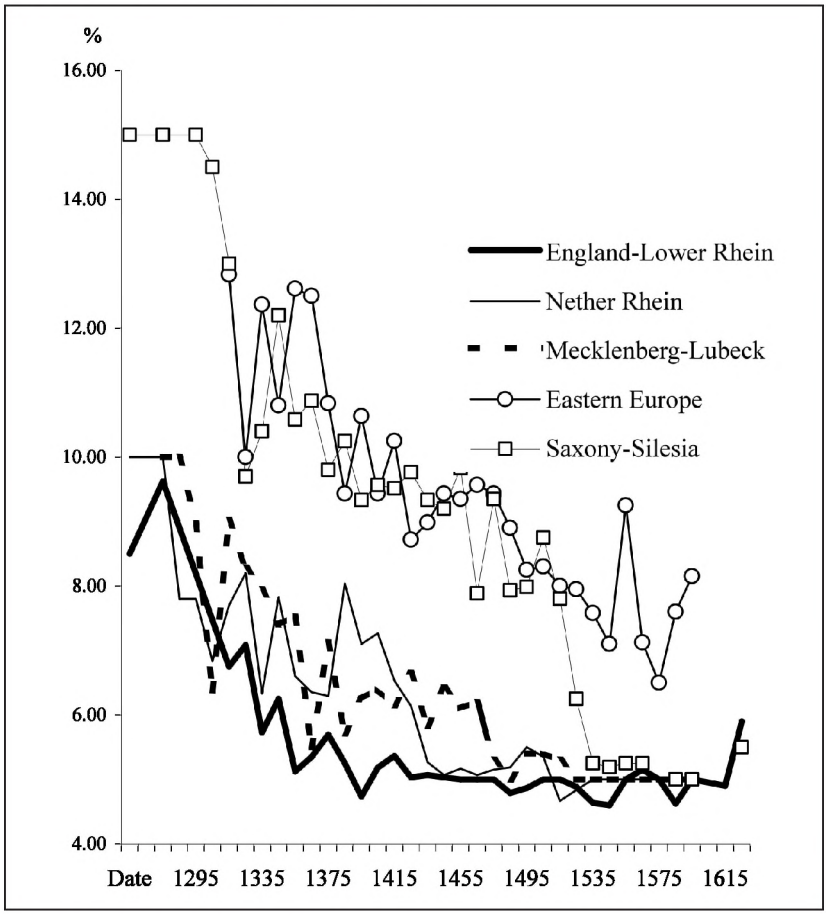
taining land-based status differentials in a hierarchically ordered society within which average per capita landholding equilibrated upwards in size.[39] Polarisation, in as far as it existed, rested *not* on a differentiation in the size of the individual's land holding – an increasingly wide division between land-rich and land-poor – but on the capacity of the individual to work the land – a division between the young and able and old, childless and feeble. The two groups, moreover, existed in a mutually dependent relationship. The young possessed the labour to work the land but lacked the necessary capital for the realisation of their full potential. The old, very often in the fifteenth century widows who were unwilling to surrender their independence, possessed the accumulated wealth of their active years. Yet lacking children and too feeble to work themselves, they commanded insufficient manpower to effectively utilise this capital on their family holding. By leasing out their land (on a reversionary basis) and making loans from their accumulated wealth to the young and enterprising, however, the old were able to enjoy a large income, maintaining their high income/landholding-related status position in village society in the capacity of a rentier. By their actions, moreover, they provided the young with both venture capital and that necessary access to a 'successor status' which ensured their family's long-term place within the closed circle of the village land market.[40]

In these conditions intra-village capital markets were transformed, as population numbers declined, prices fell, per capita landholding-income increased and real savings levels were enhanced. Base interest rates, measured in terms of the price of land or rather in terms of a perpetual fixed rent charge secured on land, accordingly fell. During the course of the thirteenth century, Western European base rates had fluctuated about a high-level equilibrium of about 8-10 per cent per annum. Then from ca. 1300 they steadily declined until amidst the turmoil of the monetary crisis of 1396-1412 they finally settled at a new low level of between 4-5 per cent (Figure 3).[41]

As the fifteenth century opened, an enriched English populace was prepared to lend, on first class security, at previously unheard

39. Blanchard 1980 and 1996(b).
40. Blanchard 1984, pp. 227-76.
41. Neumann 1865, pp. 266-73; Habakkuk 1952.

Figure 3. Base interest rates, 1250-1620



Source: Blanchard 2005, p. 1091.

of rates. During that century, moreover, internationally this market underwent a process of extension. From *ca.* 1460 both South Germany and Upper Rhenish capital markets became integrated with those of England and the Lower Rhine and before the century was out even the volatile markets of Basle and its territories were brought within a unitary Central European structure. Nor were the denizens of this market alone in enjoying the benefits of this cheap money in the fifteenth century for at this time in the North German lands, extending from Bremen to Lübeck-Mecklenburg,

interest rates also converged on those of Central Europe. Thus in Northern Germany and many lands west of the Erzgebirge, during the fifteenth century money became progressively cheaper. A steadily widening population of potential borrowers and lenders were drawn into a unitary market structure wherein by 1500, loans could be arranged, on the production of an iron-clad security, at a standard 4-5 per cent rate.[42]

Within this unitary market money was cheap and there was no shortage of takers willing to raise funding for their activities at prevailing rates. As rates tumbled money was taken up not only to provide stock for those members of the peasantry who engaged in the new mixed husbandry practices then spreading through the English countryside but it was also employed to fund the same peasants' new manufactories, established to process the flood of raw materials – wool, hides, corn and minerals – which now poured forth from their holdings. Able to secure new enlarged landholdings and with an abundant and cheap supply of capital, members of the English peasantry were now able to provide themselves and their families not only with a veritable cornucopia of foodstuffs but were also capable of fabricating for themselves and for sale, those raw materials which had previously passed to the towns.

Town dwellers, able to eschew involvement in those low productivity industrial activities which had become the preserve of the peasantry, could thus now concentrate on the high value-added finishing trades, distribution and the provision of financial and associated legal services. In the process they were assisted, moreover, by an unexpected ally, the English aristocracy, who by their investments in urban property markets allowed merchants and craftsmen to shift their asset holdings from low-yield real estate to investments in those new activities which provided them with a far higher return on their capital.

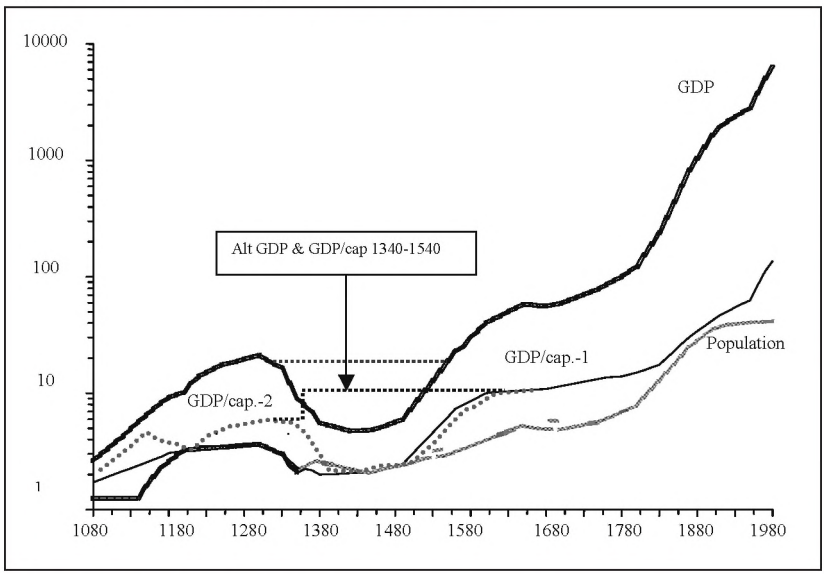
Not least amongst those members of urban society who availed themselves of this new situation were members of the international merchant trading community. As, particularly during the years 1392-1412 and 1455-63, international trade had declined they had experienced an enhancement in the cost of commercial credit and had responded, in England at least, by creating a new financial system to tap alternative sources of funds. Here during

42. Blanchard 2001(a).

these years alternative borrowers, such as English agriculturalists had possessed few ways of improving production and the returns on money invested in this sector were low. The interest they could offer on mortgages for agricultural improvement, accordingly, were also low (1½-3 per cent per annum) and few if any amongst an enriched population had been tempted to put out money on such instruments when they could make a totally safe return of 4-5 per cent. In such circumstances, merchants, able to offer returns above base rate, found few competitors bidding for money in the market place. Funds accordingly flowed from the agricultural to the non-agricultural sectors of the economy providing the basis for an elaborate sales credit system, which became the main source of English commercial credit. The international merchants' financial systems underwent a process of 'rustification', causing merchants and traders to make only marginal use of exchange facilities and integrating them instead into an intricate nation-wide commercial-financial system which provided them with access to the riches of English peasant society.

In the aftermath of the Black Death, in an environment of enhanced land:labour ratios, the English peasantry in particular had markedly raised their per capita product. Average per capita land holdings had increased in size and a mixed animal-arable system had evolved to allow them to fully exploit their extended resource base. Average *land* productivity under the new agrarian system was, however, lower than in a purely agricultural regime. By fabricating the raw materials produced on their holding, however, they were able to utilise the 'dead time' available in their agrarian round and gain the value-added component of the finished product. Thereby they markedly enhanced their per capita product and provided the family not only with an abundance of foodstuffs, raiment and household utensils and equipment for their 'self consumption' but also a sizeable cash income. Town dwellers were thus now able to eschew involvement in those low productivity industrial activities, which had become the preserve of the peasantry. Instead they could concentrate on the high value-added finishing trades, distribution and the provision of financial and associated legal services and in shifting from low productivity manufactory to high productivity service activities they also enhanced their per capita product. Across England average per capita product increased, so that in spite of the marked lowering of population levels, aggregate Gross

Figure 4. Estimated English GDP, 1086-1986



Source: Blanchard 1996(a), Appendix.

Domestic Product (GDP) was maintained throughout the years 1340-1540 at the preceding high levels which had come to characterise the distinctive medieval economy (Figure 4).

Central-eastern Europe. Such was also the case in Central-, South-eastern Europe where, as has been suggested, the years 1250-1392/1412, 1425/32-1455 and 1465-1526 saw per capita incomes in first Poland, Hungary, Bohemia and then South-eastern Europe equilibrate upwards towards the levels prevailing during the years 1250-1392/1412 in Western Europe. This, however, took place in very different circumstances from those prevailing in the West. In the demographic history of the East-central European countries the fourteenth and fifteenth centuries were not a period of a drastic population decline and thereafter a slow recovery, but rather a steady increase.[43] This progress lasted at least until the second half of the sixteenth century (Table 2).

43. Fugedi 1969, pp. 1299-1312 and 1985, pp. 47-58; Graus 1963, pp. 720-4; Gieysztorowa 1968, pp. 5-17; Russell 1965, pp. 95-6.

Table 2. Trends of demographic change (in per cent, the population of 1300 = 100)

Year	Germany (North)	England	Poland	Hungary
1300	100	100	100	100
1400	80	70	150	?
1500	123	66	250	175-200

Source: Samsonowicz 1975, p. 659.

As per capita income equilibration was achieved, accordingly, this took place in conditions of resource-manpower stablization which allowed the new economic regime to continue in operation in much the same form as it had first assumed during the years ca. 1250-1392/1412. At that time per capita income had increased and real savings levels were enhanced. Base interest rates, measured in terms of the price of land or rather in terms of a perpetual fixed rent charge secured on land, accordingly fell from the 'dark age' levels of *ca.* 15 per cent per annum to the normative 8-10 per cent which had characterised Western European capital markets during the classic growth years 1040-1340 when the distinctly 'medieval' economy had first been created (cf. Figure 3). Continuing to operate in similar, if not identical, factor market conditions as had prevailed in Western Europe until *ca.* 1330, the populations of East-central Europe had little incentive to change the 'medieval' socio-economic system they had assimilated from the West, which continued unaltered throughout the years 1330-1540.

In the West, therefore, the populations were thus forced during the years 1340-1540 to respond to fundamental alterations in factor market conditions, substituting relatively cheap capital and land for expensive labour, to raise per capita and maintain aggregate product. They had little option but to change in order to remain the same. In Central-eastern Europe the situation was very different. Having assimilated the new 'medieval' socio-economic order the factor market underpinning the new regime did not alter and the indigenous populations were able to continue from 1340-1540 in much the same ways as their Western European counterparts had from 1040-1340, long after the latter had abandoned such

practices. In the process aggregate GDP levels achieved by 1340 across Europe were accordingly maintained, sustaining medieval values into the Early Modern age.

Medieval economic growth in historical perspective: A case-study of Britain in the Middle Ages and after

As has been suggested above the English economy like that of Flanders, Frankia, Lotharingia, Tuscany and Piedmont-Lombardy, underwent during the years 1040-1340 fundamental economic changes which transformed the whole fabric of society and gave birth to a distinct medieval economy. Subsequently from 1340-1540 a similar process of economic change wrought a like transformation in the societies of Central- and South-eastern Europe. The description of these changes given above, however, lacks one primary element – some concept of magnitude. By how much was the life of the contemporary population transformed? To what extent were individuals in the Middle Ages distinguishable, in terms of their command over goods and services, from their Classical-Dark Age or Modern counterparts? The normal means of measuring such changes is in terms of per capita national product. It has been widely held until recently that such economic growth – defined in terms of sustained increases in GDP – has only occurred in modern times. Economic historians have presumed that in a British context, rapid growth began with the Industrial Revolution, and that economic growth before 1700 was very slow, and before 1500 was non-existent. Such a view has evolved in the context of a belief in the uniqueness of the modern world and in the capacity of industrialization to transform society. As embodied in the Rostovian concept of the 'take-off', it portrays a stable-state traditional economy undergoing a transition (the 'take off') to a phase of self-sustained economic growth, normally associated with industrialisation. It is this assumption, concerning the lack of dynamism in the so-called 'traditional' economy, which will be questioned here and new materials used to establish secular patterns of British economic development during the last millennium thereby setting into context the previous discussion of economic change in the Middle Ages. The starting point for this discussion is a recent study in which Graeme Snooks makes a somewhat 'heroic' attempt to calculate changes in English

GDP over the last millennium.[44] The results of his investigation reveal the singular inappropriateness of the assumptive base of the conventional wisdom. Roughly speaking, it suggests that there appear to have been in Britain three great waves of growth and expansion over the past millennium: in 1000-1300 (the period under consideration here), 1490-1620 and from the 1770s to the 1990s and beyond. Each was both rapid and prolonged. The first and third upswings took about three hundred years to work themselves out, whilst the second, which was largely conditioned by an earlier century or so of demographic and military disruption, came to an end after one hundred and thirty years. Overall during the first two long-cycles (1086-1688) the population experienced an *average* increase in their per capita incomes of some 0.3 per cent, a rate of increase which was certainly lower than that experienced during the modern age (1688-1988). Yet considered in terms of the growth phase of each individual upswing the picture is very different. During both 'pre-industrial' upswings the population experienced a rate of increase in their per capita incomes (0.6 per cent 1086-1171 and 1.6 per cent 1492-1561) which was greater than during the classic Industrial Revolution (0.52 per cent 1801-32) and in the case of the Tudor upswing was not surpassed again until 1950-73. The twelfth-century population, although almost doubling in size, thus experienced a change in their circumstances, which has, save during the sixteenth century, not been paralleled until the period since the late nineteenth century and even when compared with that period the rate of increase in their income was decidedly respectable.

Inevitably, such a calculation is fraught with difficulties. Whilst the data concerning the base (1086) and terminal points (1688) of the 'pre-industrial' time-series may be regarded as reasonably accurate, the projection concerning changes in GDP during the intervening period, particularly in relation to the later Middle Ages (1340-1492), is far more questionable. Fortunately, at least as far as the twelfth-century upswing is concerned the validity of the original calculations concerning changes in GDP can be born out by an alternative analysis involving the measurement of productivity changes through a study of weighted regional price-rent data. The adoption of more conservative estimates of population change in this period,[45] moreover, would further enhance the an-

44. Snooks 1993, chapter 7, pp. 231-69, 278-9, 296-301.
45. Blanchard 1996(a), Appendix.

nual rate of growth in per capita income to 1.33 per cent during the years 1086-1141,[46] making it more directly comparable with the subsequent periods 1492-1561 and 1950-73! Also, population changes, which as will have been appreciated are treated here as a dependent rather than determinant variable, in their phases of adjustment in relation to levels of productive capacity, tend to support the same conclusion. In 1086 with a population of about 1.25 million the English economy could support a people about as numerous as those who had inhabited the Roman province of Britannia seven hundred years before. That the late eleventh-century was subject to an endemic state of famine, however, suggests that its capacity to feed the population was not as great as before. Yet a quarter of a millennium later, in 1330, not only was the population (even at a conservative estimate) almost three times greater in size but each individual enjoyed an income which was almost thrice that of his Domesday Book counterpart. Thereafter, it would take another three hundred years before the population again doubled in size and income and yet another three hundred years before the markedly enhanced population (which had increased ten-fold in the interval) also experienced a marked (ten-fold) increase in their per capita income.

To sum up: During the High Middle Ages (1040-1340), the British population (like its counterpart in Flanders, Frankia, Lotharingia, Tuscany and Piedmont-Lombardy) had broken with the classical past and taken that first massive step towards the creation of a totally new economic order. Subsequently in the Late Middle Ages (1240-1540) Central- and South-eastern Europe followed along a similar path. By ca. 1500 throughout Europe the new economic order reigned supreme.

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46. During the first (1086-1141) of the medival sub-cycles of the revised series (GDP/cap.-2). The thirteenth century sub-cycles saw the annual rate of growth slow to 0.63 per cent.

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Before and After the Black Death

Money, Prices, and Wages in Fourteenth-Century England

John Munro

That the fourteenth century was one of the most violent centuries – before the twentieth, the most violent of all – is now a commonplace concept in European history. Less commonly understood, however, is the fact that this century also marked one of the most violent oscillations in monetary flows, prices, and wages, with two prolonged periods of inflation, each followed by prolonged deflations.[1] Since an examination of all these oscillations for the entire fourteenth century is not feasible, with the space constraints imposed, this study will focus on those preceding and following the Black Death.

The problem of money and prices before the Black Death

The fourteenth century opened with the end of a long-sustained inflation, one that had begun as far back as the 1180s; and it was accompanied by a sustained growth in population, which possibly came to an end with the Great Famine of 1315-17 (or 1315-22, according to some historians). Indeed, the most popular explanation for this inflation was the population growth itself.[2] But for reasons that I have explored in depth elsewhere, population growth alone cannot explain inflation.[3] To be sure, it can explain why grain prices rose, and rose more than other prices: with inelastic supplies of grain, and thus with limited land resources, the absence of technological changes, and the inevitable law of diminishing

1. They are very different in character from those of the later sixteenth-century Price Revolution and the ensuing General Crisis period of the seventeenth century, and not just because they are more compressed.
2. See in particular Abel 1978 and 1980, chapters 1-3; Postan 1950, 1952, 1954, 1966, 1972, chapter 3, pp. 27-40; Hatcher 1977, pp. 11-73.
3. See in particular: Munro 1991(a) and 2003(a). See also Munro 1999.

Table 1. Official wages in England (for the kingdom and for London) for the summer and winter months, from 1290 to 1444

Year	Kingdom (national): summer wages in coin only (pence sterling)	Kingdom (national): summer wages in coin with food and drink	Kingdom (national): winter wages in coin only (pence sterling)	Kingdom (national): winter wages in coin with food and drink	London: summer wages in coin only (pence sterling)	London: summer wages in coin with food and drink	London: winter wages in coin only (pence sterling)	London: winter wages in coin with food and drink
1290 1290[a]					5.0d 4.0d	2.0d 1.5d	3.0d 4.0d	1.0d 1.5d
1350-51 1350-51[b]	3.0d 4.0d		[less][c]		6.0d		5.0d	
1360[d]	4.0d		[not stated]					
1362					6.0d		5.0d	
1372					6.0d		5.0d	
1382					6.0d		5.0d	
1444	5.5d	4.0d	4.5d	3.0d				

Sources: Tomlins et al., eds. 1810-22, vol. I, pp. 311-12, vol. II, pp. 337-39; Riley, ed. 1860, i, pp. 99-100, ii, pp. 541-43; Riley, ed. 1868, pp. 253-55; Sharpe, ed. 1905, pp. 148, 301 and 1907, p. 184.

OBS:

a. The lower summer rate here represents quarterly-seasonal wages from Michaelmas (29 September) to Martinmas (12 November, when the winter wage commenced); and from Candlemas (Purificatio: 2 February) to Easter (when the summer wage commenced).

b. The higher rate of 4d per day was for master free-masons only; other master masons and master carpenters were to receive only 3d per day.

c. No winter wage was specified; but wages from Michaelmas to Easter were to be 'less according to the rate and discretion of the justices [of the peace]'.

d. The rate is for the chief master masons and master carpenters; but a wage rate of 3d or 2d per day was specified for others 'according as they be worth'.

returns. But the explanation for a general rise in prices, i.e., a rise in most prices, has to be sought in monetary explanations; and the later thirteenth and early fourteenth centuries did constitute an era of significant monetary expansion, in terms of both the stocks of coined moneys and their flows.[4]

Furthermore, according to the demographic explanation for economic changes in early fourteenth-century England, that population growth, the change in land:labour ratio, and the consequent fall, or supposed fall, in the marginal productivity of labour ('diminishing returns') should have produced a fall in 'real wages': that is, a reduction in the quantity of real goods and services that a labourer could purchase with his daily money wages, paid in silver coin. And yet the available evidence on wages and prices does not reveal any distinct trend of falling real wages before the Great Famine era.[5]

Thereafter, in the decades following the Great Famine, we witness one of the most striking and puzzling phenomena in all of England's recorded monetary and price history: (1) a severe, indeed dazzling, plunge in English mint outputs, still entirely in silver; and, accompanying that, (2) an almost equally drastic deflation, reflected in the 35 percent fall in the Phelps Brown-Hopkins index (1451-75 = 100), from 138 in 1321-25 to just 90 in 1341-45, on the eve of the Black Death. Postan, of course, evidently wanted to attribute the fall in at least the grain-price index to the demographic consequences of the Great Famine, or rather to a more general Malthusian crisis of overpopulation in a relatively primitive agrarian economy: 'when the poorer lands, no longer new, punished the men who tilled them with failing crops and with murrain', so much so as 'to send the population figures tumbling down'.[6] Lawrence Poos has recently provided evidence to indicate significant population decline in rural Essex after the Great Famine and on into the post-Plague era.[7] For Europe more generally, one can

4. See Mate 1975; Mayhew 1974; Munro 1983.

5. Phelps Brown and Hopkins 1955 and 1956. Changes in real wages are commonly calculated by using index numbers, with this equation: NWI/CPI = RWI. That is, the nominal (money) wage index divided by the consumer price index equals the real wage index. In this study, the common base 100 equals the 25-year mean of a 'basket' of consumer prices and of master masons's money wages in the period 1451-75.

6. Postan 1954; quotation from p. 14 in the reprint in Postan 1973(a), pp. 3-27.

7. Poos 1985 and 1991.

Table 2. Prices and wages in England, 1286-90 to 1406-10: The Phelps Brown and Hopkins' 'Basket of Consumables' price index and the money wages of master building craftsmen (masons and carpenters), in quinquennial means (base 100 = 1451-75)

Year	Grains and barley malt	Meat, fish, dairy	Fuel and textiles	PBH price index (adj) 1451-75 = 100	Nominal day wage in d. for master	Nominal wage index 1451-75 = 100 [6d]	Nominal day wage in d. for labourer	Nominal wage index 1451-75 = 100 [4d]	Real wage index master 1451-75 = 100	Real wage index labourer 1451-75 = 100
1286-90	90.42	84.53	34.80	80.52	3.00	50.00	1.50	37.50	62.93	47.20
1291-95	148.28	82.27	44.20	107.45	3.00	50.00	1.50	37.50	47.22	35.42
1296-00	124.21	91.60	60.20	102.34	3.00	50.00	1.50	37.50	49.11	36.83
1301-05	106.11	90.00	52.60	92.35	3.30	55.00	1.65	41.25	59.57	44.68
1306-10	126.33	104.17	70.60	109.81	3.60	60.00	1.80	45.00	55.24	41.43
1311-15	120.66	122.53	75.60	115.33	4.00	66.67	2.00	50.00	58.32	43.74
1316-20	215.74	132.00	68.60	161.91	4.00	66.67	2.00	50.00	44.85	33.64
1321-25	167.84	122.07	104.33	137.97	4.00	66.67	2.00	50.00	48.87	36.65
1326-30	118.72	108.07	100.45	111.07	4.00	66.67	2.00	50.00	60.82	45.61
1331-35	131.16	104.47	96.00	114.12	4.00	66.67	2.00	50.00	59.55	44.66
1336-40	91.45	96.27	96.75	94.32	3.60	60.00	1.80	45.00	64.23	48.17
1341-45	90.32	93.47	83.13	90.06	3.00	50.00	1.50	37.50	55.78	41.83
1346-50	111.53	98.60	91.63	102.70	3.00	50.00	1.50	37.50	49.14	36.85
1351-55	146.68	115.00	133.60	132.18	3.60	60.00	1.80	45.00	46.51	34.89
1356-60	129.74	111.60	162.35	129.46	4.60	76.67	2.60	65.00	59.31	50.16

Year	Grains and barley malt	Meat, fish, dairy	Fuel and textiles	PBH price index (adj) 1451-75 = 100	Nominal day wage in d. for master	Nominal wage index 1451-75 = 100 [6d]	Nominal day wage in d. for labourer	Nominal wage index 1451-75 = 100 [4d]	Real wage index master 1451-75 = 100	Real wage index labourer 1451-75 = 100
1361-65	168.60	123.80	142.78	146.64	5.00	83.33	3.00	75.00	57.05	51.35
1366-70	161.46	128.13	147.15	146.10	5.00	83.33	3.00	75.00	58.13	52.32
1371-75	130.45	134.13	147.60	135.26	5.00	83.33	3.00	75.00	62.26	56.03
1376-80	105.00	110.00	123.71	110.62	5.00	83.33	3.00	75.00	77.27	69.54
1381-85	114.19	109.13	117.21	112.90	5.00	83.33	3.00	75.00	73.89	66.50
1386-90	96.54	106.20	108.38	102.53	5.00	83.33	3.00	75.00	81.31	73.18
1391-95	110.89	102.80	103.25	106.33	5.00	83.33	3.00	75.00	79.53	71.57
1396-00	117.42	109.00	100.28	110.84	5.00	83.33	3.00	75.00	75.59	68.03
1401-05	126.71	107.20	103.95	114.84	5.10	85.00	3.20	80.00	75.29	71.29
1406-10	114.81	108.47	108.83	111.23	5.80	96.67	3.80	95.00	87.56	85.89

Sources: Phelps Brown and Hopkins 1955 and 1956.
OBS: The justification for the commodity weights in their basket, especially for the base 1451-75 = 100 was taken from the account books of the Savernak household, in Dorset, published in Wood-Legh 1956. I have utilized the working papers in the Phelps Brown Papers Collection in the Archives of the British Library of Political and Economic Science to correct errors and to interpolate missing data.

cite evidence for regional depopulations in early-fourteenth century Provence and Tuscany, though evidently related to the horrendous warfare then afflicting these regions.[8] Bruce Campbell, however, has provided equally compelling evidence of continued population growth in Norfolk, while also demonstrating in various articles that late-medieval English agriculture was far less primitive and far less prone to Malthusian pressures than Postan had indicated.[9] Richard Smith's masterful survey of 'demographic developments in rural England, 1300-48', while inconclusive, noting complex regional variations in demographic decline, with continued if slow growth, or stagnation, does not lend support to Postan's drastic views.[10] Nor do the nominal-wage data support the depopulation hypothesis; and the fall in prices was general, and not, as Table 2 demonstrates, limited to just grains.

This prolonged fall in prices was instead genuine deflation, for which monetary reasons must be sought. The true explanation for this evidently stark monetary contraction and deflation, apparent also from the Tuscan price data,[11] remains a mystery that cannot satisfactorily be resolved. Possibly it was due to a *relative* scarcity of precious metals, if, as several historians have asserted, the major German and Central European silver mines had begun to experience not just diminishing returns but serious physical depletion by the early fourteenth century, while the European economy continued to grow, and with it, the aggregate demand for coined money.[12] Indeed, as Nicholas Mayhew has also demonstrated, contrary to another of Postan's assertions, coined money is perishable to some considerable degree: from wear, tear, and normal loss in circulation, from shipwrecks, unrecovered hoards, conversion

8. Herlihy 1967, pp. 55-77; Herlihy and Klapisch-Zuber 1985, pp. 232-79; Munro 1991(b); Harvey 1991.
9. B. M. Campbell 1983(a), 1983(b), 1984 and 2000.
10. Smith 1991; see also Harvey 1991 and 1966, with a much stronger attack on Postan's thesis, denying any evidence of population decline before the Black Death; and see also Hallam 1988, also casting doubts on general population decline before 1348. But also note Smith's criticisms of Hallam's data.
11. Herlihy 1967, pp. 122-25.
12. Thus: if aggregate supply and net national income should expand – with, say, increased capital investments and technological changes – at a greater rate than the expansion in the stocks and/or flows of money, then prices should fall. See Spufford 1988, pp. 267-82; Nef 1952; Kovacevic 1960; Braunstein 1983; Westermann 1986; Munro 1991(a).

into jewellery and plate, etc., so that the money supply would indeed contract, if not continually replenished with fresh minting.[13] For England itself, some historians have also suggested that the Crown's foreign military expenditures (under both Edward II and Edward III) had led to major outflows of bullion, though both the fall in mint-outputs and the onset of deflation seem to precede the evidence for any such drastic bullion outflows.[14] Finally, since England in this era was minting only silver, and no gold before January 1344 (none since 1257), the very dramatic rise in the bimetallic ratio, from about 12.0:1 in the 1290s to 14.2:1 in the mid-1320s, may have instigated a large outflow of silver coinage to acquire the higher valued gold. Indeed, such bullion movements may have been necessary to permit England's inauguration of an effective gold coinage in the period 1344-52, though with a then falling bimetallic ratio.[15]

Some very general indication of possible bullion outflows from England and a relative scarcity of specie during the second quarter of the fourteenth century may be found in the coinage-output statistics (Table 3). The mean annual values of those outputs (all in silver) fell from a peak of £125,836 sterling in 1306-10 to a nadir of £381 in 1326-30, recovering only to a mean of £7,091 in 1346-50, with the outbreak of the Black Death. Such mint-accounts provide, however, only a very general and very tenuous guide to current monetary conditions. They can be of some value in that years with very low mint outputs generally coincide with eras of prolonged deflation (marked as well by complaints about the scarcity of specie); and, conversely, years of very high mint outputs generally coincide with eras of prolonged inflation. But extrapolating a nation's current money supply from these accounts is an enterprise fraught with great dangers, for many complex reasons, the most important of which is that mint-accounts combine stocks and flows in unpre-

13. See Mayhew 1974; Munro 1983.

14. Prestwich 1977; Ames 1965; Mate 1975; Spufford 1988, pp. 267-88.

15. The fall in the bimetallic ratio may have been due to both declining silver outputs from Bohemian mines and increasing supplies of West African (Sudanese) and Hungarian gold. See especially Lane 1977; Spufford 1986, Graph 3 and Table II, pp. li-lxiii; Spufford 1988, pp. 267-88 (on 'the victory of gold'), 340-42. Spufford's dates have been adjusted by those of Lane. See also Mate 1978.

Table 3. England: Outputs of gold and silver coinages in kilograms of fine metal and in pounds sterling values, 1286-90 to 1406-10, in quinquennial means

	Silver coinage outputs		Gold coinage outputs		Total	Price
Year	Total kilograms	Value £ sterling	Total kilograms	Value £ sterling	Values in £ sterling	Index 1451-75 = 100
1286-90	17,280.60	54,056.78			54,056.78	80.52
1291-95	1,552.35	4,856.03			4,856.03	107.45
1296-00	12,071.42	37,761.54			37,761.54	102.34
1301-05	16,017.46	50,105.48			50,105.48	92.35
1306-10	40,226.55	125,835.83			125,835.83	109.81
1311-15	10,706.71	33,492.50			33,492.50	115.33
1316-20	7,275.68	22,759.61			22,759.61	161.91
1321-25	1,780.11	5,568.49			5,568.49	137.97
1326-30	121.86	381.19			381.19	111.07
1331-35	209.06	665.13			665.13	114.12
1336-40	429.49	1,551.60			1,551.60	94.32
1341-45	5,077.46	17,710.47	240.01	9,859.48	27,569.96	90.06
1346-50	1,991.05	7,090.87	675.84	27,123.30	34,214.17	102.70
1351-55	17,442.91	67,245.28	1,939.78	83,567.73	150,813.01	132.18

	Silver coinage outputs		Gold coinage outputs		Total	Price
Year	Total kilograms	Value £ sterling	Total kilograms	Value £ sterling	Values in £ sterling	Index 1451-75 = 100
1356-60	4,423.02	17,081.46	1,726.69	74,406.84	91,488.31	129.46
1361-65	1,630.81	6,298.11	2,415.24	104,077.76	110,375.86	146.64
1366-70	293.82	1,134.73	1,729.03	74,507.35	75,642.08	146.10
1371-75	316.97	1,224.11	802.61	34,586.02	35,810.13	135.26
1376-80	356.90	1,378.32	235.33	10,140.85	11,519.17	110.62
1381-85	317.41	1,225.83	161.84	6,973.80	8,199.63	112.90
1386-90	247.51	955.89	504.81	21,753.33	22,709.22	102.53
1391-95	193.49	747.24	626.55	26,999.15	27,746.40	106.33
1396-00	175.60	678.14	391.14	16,855.14	17,533.28	110.84
1401-05	66.34	256.22	168.67	7,268.39	7,524.61	114.84
1406-10	10.59	40.91	69.01	2,973.57	3,014.48	111.23

Sources: See Table 2, for the Phelps Brown and Hopkins 'Basket of Consumables' price index. For the mint outputs, see: Crump and Johnson 1913; Brooke and Stokes 1929; Challis 1992; Munro 1973, Appendix I, Tables A-B, pp. 188-97; Munro 1981, especially for the Calais mint data; Munro 1983 and 1984(a); Munro 2003(b).

dictable and unquantifiable fashions.[16] Nevertheless, some brave historians believe that a 30-year running average of such outputs may provide an acceptably reliable indication of the coined money stock. Recently, two economic historians have used a combination of mint accounts and coin hoards to show that the English money supply contracted by over one half in this era.[17]

The problem of wages, nominal and real, before and after the Black Death

What is especially striking and peculiar about this deflation, though affording further evidence that it was a genuine deflation, was the marked decline in nominal or money wages shown in the accompanying tables. From about 1337 to 1340, the mean money wage of a master building craftsmen in southern England fell from 4d per day to 3d per day, a decline of 25 percent; and that very low mean wage-rate was maintained until early 1351, i.e., several years after the Black Death.[18] The only other period in recorded English price-history with any such decline in the nominal wages of building craftsmen came almost six centuries later: in the post-World War I slump of 1920-23 (31.3 percent decline) and the early depression years of 1929-34 (8.3 percent decline).[19] In the earlier part of this early-fourteenth century period, before this fall in

16. An absence of minting may indicate only that the nation's mints were offering a mint price for bullion uncompetitive with those of neighbouring foreign mints. With coinage debasement in a bimetallic system (in England, after 1344), a mint's coinage debasement in, say silver, may have succeeded in recoining much of the current silver monetary stock, in inducing dishoarding, and in attracting foreign bullion, but at the expense of losing the now 'disfavoured' gold to foreign mints.
17. Mayhew 1987, Table I, p. 125: indicating that the coined money supply contracted from about £1,100,000 sterling in 1311-24 to just £500,000 in the 1340s. See also Mayhew 1974 and 1995; and sources in n. 14 above. For a more recent estimate, see Allen 2000 and 2001, especially Table 1: an estimated coined silver stock of £1,900,000-£2,300,000 in 1319, falling to about £700,000-£900,000 in 1351.
18. See the sources cited above in n. 5 (Phelps Brown and Hopkins). Wages for masons and carpenters at the Oxford colleges did not fall, however; and remained at the daily rate of 4d set from at least 1300.
19. Phelps Brown and Hopkins 1955, Table 1, p. 178 (cited from the reprint in Carus-Wilson, ed. 1954-62, vol. II, pp. 168-78).

nominal wages, i.e., with continued nominal wage rigidity,[20] real wages did rise, though the brief rise appears to be dramatic only because of the recovery from the drastic nadir of the Great Famine years. When the real-wage of those master craftsmen peaked in 1334-35, it was not appreciably higher than in the very early years of the century (1303-07). Then their real wages suffered a sharp fall, indeed they fell quite steeply before the Black Death, with the initial recovery of the price level from 1344, and especially with the inflation that soared immediately after the Black Death, one that endured for a full generation.

That is why the Ordinance (1349) and Statute of Labourers (1350-51) were so very unreasonable and cruel, but also so difficult to enforce: in attempting to fix money-wages at the pre-Plague level, when both money and real wages had been so unusually low.[21] Thus, specifically forbidding anyone to offer or accept any wages higher than those prevailing in 1346 (20 Edwardi III), the Statute of Labourers set the maximum summer wages (Easter to Michaelmas) for master masons, carpenters, and tilers, 'without meat or drink', at 3d per day; for their servants and labourers, at 1½d a day; but it also permitted a rate of 4d per day for master free-masons.[22] This harsh statute remained in force (reconfirmed numerous times), ostensibly on a national basis, until 1444, when Parliament finally raised the maximum daily rate for such craftsmen to 5½d for summer and 4½d for the winter season, without food and drink (or: 4d and 3d, respectively, with food and drink: see Table 1).[23]

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20. Money wages for master masons and carpenters were typically 3d per day from before 1264 to 1302; for many, 3.5d until 1310; and then 4d until 1338. See n. 3 above.
21. For other analyses of medieval English wages before and after the Black Death, see in particular Farmer 1983, 1988 and 1991. His conclusions do not always match my own. For the more general economic and social consequences of the Black Death, see: Hatcher 1994 and 1977, pp. 11-73; Platt 1996, pp. 1-47, 177-92; Bolton 1996; Putnam 1908; Penn and Dyer 1990.
22. Statute 25 Edwardi III stat. 2 c. 3, in Tomlins et al., eds. 1810-22, vol. I, pp. 311-12. Wages for the winter season from Michaelmas to Easter were not specifically stipulated, except that they were to be 'less according to the rate and discretion of the justices'. For a discussion of this Statute, and the subsequent labour legislation, see Farmer 1991, pp. 483–90.
23. Statute 23 Henrici VI c. 12 (1444-45), in Tomlins et al., eds. 1810-22, vol. II, pp. 337-39.

The city of London, however, had blatantly ignored the 1349 Ordinance, and, in the following year (1350), it issued its own wage ordinance: to fix the maximum wage for building craftsmen at 6d per summer and 5d per winter day (i.e., Easter to Michaelmas to Easter), one pence higher than the maximum summer wage permitted in the previous such ordinance of 1290, but double that permitted in the 1349 royal Ordinance and the 1351-52 national statute.[24] Indeed, such rates for master building craftsmen were already in force, in 1349, at Westminster Abbey.[25]

Thereafter, but *not* immediately after the Black Death, money wages did rise, certainly for these urban-based craftsmen.[26] At Oxford, where most building craftsmen had not suffered the nominal wage cuts in the 1330s, the prevailing daily wage rate rose from 4d to 5d during the 1350s; in other small-sized towns the rate rose from 3d to 5d by the end of the decade. Not until 1363, as noted before, did Oxford masons and carpenters gain the daily rate of 6d, at least for summer work, that London had authorized in 1350; and not until about 1407-09 did the mean daily rate for craftsmen in the other smaller towns achieve the same level of 6d per day. In many, indeed evidently most, of the Winchester manors and at Battle Abbey, the daily wage for such building craftsmen, while soon rising back to the 4d level that had prevailed from about 1310 to 1337, remained fixed at that truly low level – even if 25 percent above that stipulated by the Statute of Labourers – with some occasional exceptions for senior craftsmen at 5d daily, until about c.1410-c.1425.[27]

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24. Riley, ed. 1860, I, pp. 99-100; II, pp. 541-43; Riley, ed. 1868, pp. 253-55; Sharpe, ed. 1905, pp. 148, 301 and 1907, p. 184.
25. Archives of the British Library of Political and Economic Science, Beveridge Price and Wage History Collection, Box P9.
26. Beveridge 1936-37 and 1955-56. See his comments, in the first article, on 'the failure of the Black Death to cause any immediate change of [wage] rates' in the Winchester manorial accounts of 1349-50.
27. For the following urban and manorial records, in: (1) Archives of the British Library of Political and Economic Science, Beveridge Price and Wage History Collection: Canterbury, 1393-1600 (Box D.3); Dover, 1227-1565 (Box H.13-14); Exeter (Exebridge Accounts), 1338-1600 (Box F.1); Westminster Abbey, 1393-1541 (Box P.10); Winchester College, 1354-1513 (Box F.8); York, 1354-1513 (Box I.10); Battle Abbey: Alciston Manor, 1336-1487 (Boxes H.10-11); Downton, 1257-1306 (Box C.157); Esher, 1257-1306, 1270-1308, and 1300-1453 (Boxes C. 157, A.31-32); Hinderclay (Suffolk), 1262-1405 (Box G.14); Itch-

Nora Kenyon Ritchie, however, did find a few examples of higher wage rates, though largely for agricultural workers, given in some Essex manors in the late 1380s. Furthermore, such evidence comes from judicial proceedings and not from account rolls. Nevertheless her hypothesis is certainly one to be considered: that aggressive new leaseholders of former demesne lands were more willing to offer higher wages to attract labour than were traditional manorial lords. Rather surprisingly, no one has pursued or investigated this intriguing thesis since the publication of her article, in 1934.[28]

London's own 1350 wage ordinance was soon if not immediately allowed to lapse. For when the Tower Bridge accounts commence in 1381, the prevailing daily rate then ranged from 7d to 7½d, and

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ingswell (Ecchinswell), 1270-1453 (Box A.33); Meon, 1257-1306 (Box C.157); Nailsbourne, 1257-1306 (Box C.157); Overton, 1309-1453 (Box A.33); Redgrave (Suffolk), 1323-1492 (Box G.14); Southwark (Bishop of Winchester), 1406-1454 (Box A.34); Taunton, 1270-1308, 1309-1453 (Boxes A.31-32); Wargrave, 1257-1306 (Box C.157); Witney, 1257-1306 (Box C.157); Wycombe, 1257-1306, 1309-1453 (Boxes C.147, A.33); (2) The London Guildhall Manuscripts Library: Armourers' Company Accounts (1499-1557): MS 12.065, vol. I; Bakers' Audit Books (1505-1547), MS 5174, vol. 1; Brewers' Guild, Warden's Accounts (1424-1562): MS 5440; Carpenters' Guild, Warden's Accounts (1456-1573): MS 4326, vols. I and II; Cutlers's Guild Accounts (1442-1497): MS 7146, roll 1; Grocers' Guild, Warden's Accounts (1452-1578): MS 11,570-571, vols. I-VI: Ironmongers' Guild Accounts (1455-1561): MS 11,698: Vols. I-II; Pewterers' Company Accounts (1474-1500): MS 7086, vol. I; (3) Corporation of London Record Office: Bridge Master's Account Rolls, 1381-1398; Bridge Master's Accounts: Weekly Payment Series, 1404-1510 (Vols. I-III). At Battle Abbey (Box H:10-11), carpenters and masons had their pay raised from 4d to 5d daily in 1425; at Itchingswell (Box A.33:159432), from 1433; but at Overton (Box A.33:159406), and Wycombe (Box A.33:159407) first carpenters and then masons enjoyed the same increase from 4d to 5d as early as 1401-05. At the urban Winchester College (Box F.8), wages for master carpenters had risen to 6d per day without food by 1398 (4d daily with food); but for master masons, the mean rate did not reach 6d daily (without food) until 1409. See also the raw-wage data published in Rogers 1866-1902, vol. I: 1259-1400, pp. 272-34; and vol. IV: 1401-1582, pp. 514-23.

28. Ritchie 1934 (cited from the reissue in revised form in Carus-Wilson, ed. 1954-62, vol. II, pp. 91-112). Data from presentments before Justices of the King's Bench at Brenwood in November 1389, following the 1388 Statute of Cambridge. As she also notes (p. 102), 'eight hundred men who were receiving illegally high wages is not a large number for a county the size of Essex.' She also noted daily wage payments of 4d with food, for tasks in the Winchester manorial accounts that are specifically listed as 'without food'.

indeed for winter months as well as for the summer. At Westminster Abbey, however, the rate was less, at 6 2/3d per day, though with some extra material benefits not given to the Tower Bridge craftsmen.

These rather complex data indicate that the commonly expressed views about post-Plague wages in England are much oversimplified, in particular the comment in a recent article by Simon Penn and Christopher Dyer: that 'the evidence for a rise in both cash wages and real wages ... coinciding with the sudden and sustained population decline after the Black Death of 1348-9 has been well established'.[29] What must be challenged in this statement (and article) is the verdict on real wages, for the very simple reason that the Black Death, not only in England but throughout Western Europe, was followed by a horrendous inflation that lasted for at least the ensuing quarter-century. Thus, as the Table 2 clearly indicates, its initial consequence was to swamp the rise in nominal wages for most workers, but even for England's urban craftsmen (certainly in the small to middle-sized towns), and certainly for most of the manorial craftsmen and other artisans. As Table 2 also indicates, the real wages for master masons and carpenters at Oxford, and Cambridge (and also Canterbury and Exeter, etc.) fell, not rose, in the immediate aftermath of the Black Death and then recovered somewhat during the 1350s, only to decline again slightly in the 1360s. They did not in fact regain the level that had been achieved in the mid-1330s until about the mid-1370s. Many manorial craftsmen in many manorial estates, especially those of the far flung holdings of the Bishop of Winchester, had to wait until the early fifteenth century to achieve a significant gain in their real incomes (at least those measured in terms of wages given without food and drink): at Battle Abbey, Redgrave manor, Hinderclay, Itchingswell (Ecchinswell), Overton, Taunton, Esher, Wycombe, and also Winchester College, to name only a few.[30] The post-Plague European inflation, which was even more severe and longer lasting in Flan-

29. Penn and Dyer 1990.

30. Archives of the British Library of Political and Economic Science, Beveridge Price and Wage History Collection: boxes A.31 (Taunton), A.32 (Esher), A. 33 (Itchingswell, Overton, Wycombe), F.8 (Winchester College), G.14 (Hinderclay and Redgrave), H.10-11 (Battle Abbey).

ders than in England (and in Tuscany, as well), was again clearly a monetary phenomenon. Depopulation, after all, according to some disciples of the Postan school, is supposed to cause deflation – not the opposite.[31]

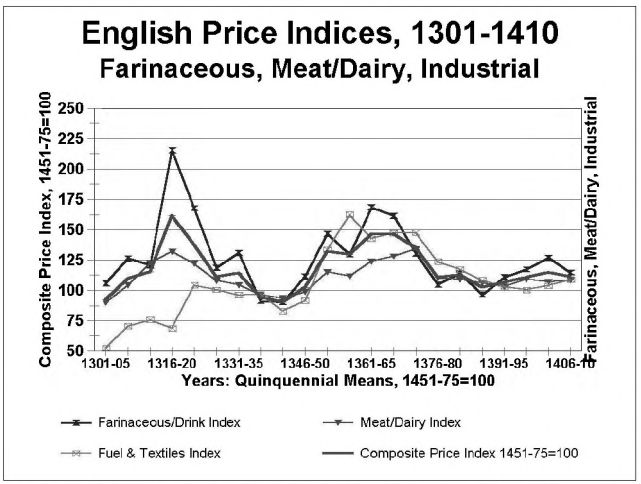
The monetary causes of rising prices and nominal wages

The monetary reasons – if we properly relate monetary and real variables – are not difficult to seek. As David Herlihy so aptly commented, 'men were dying, but coins were not' (at least not so quickly).[32] Thus, whatever the current status of Western European precious-metal mining, the effect of such drastic depopulations, perhaps as much as 40 percent of the total inhabitants, from bubonic and pneumonic plagues, if not so much from warfare, was undoubtedly to augment dramatically the per capita supplies of coined money. In terms of the modernized version of the Fisher Identity, i.e., M.V = P.y, if the real variable y, representing Net National Income, contracted so much more rapidly than did the volume of money payments (i.e., the product of M.V), then obviously prices had to rise. The same conclusions are to be drawn in using the preferable Cambridge 'cash balances' approach: so that M = k.P.y (in which k = 1/V), so that a reduction in y (NNP) had to mean a corresponding rise in P and/or k.

Secondly, the fiscal consequences of warfare in Western Europe (including the concurrent Italian wars), of increased taxes and other levies, probably also induced some considerable dishoarding. At the same time the French, Flemish, Brabantine, Spanish, and various Italian governments, to mention only a few, sought both to finance and to facilitate the necessary cash flows for warfare by engaging in drastic coinage debasements, some severe enough to promote a veritable 'flight from coinage'. The English crown, however, was a singular exception to these monetary manipulations: for it undertook only one, relatively minor weight-reduction in its

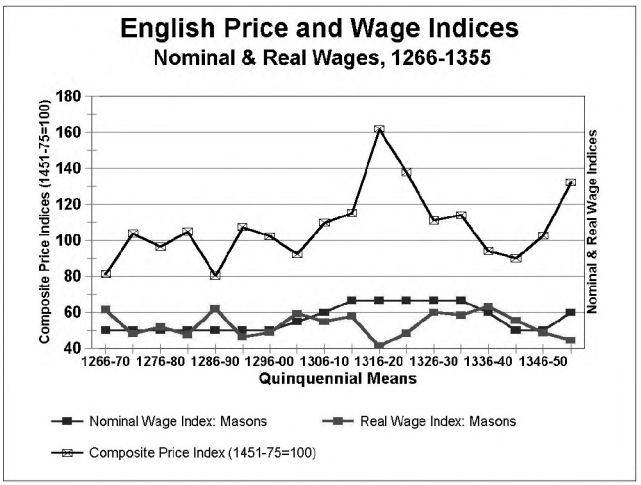
31. For the inflation in Flanders, see Munro 1984(a); for Tuscany, see Herlihy 1967, pp. 122-30.
32. Herlihy 1967, p. 125.

Figure 1. English prices, 1301-1410



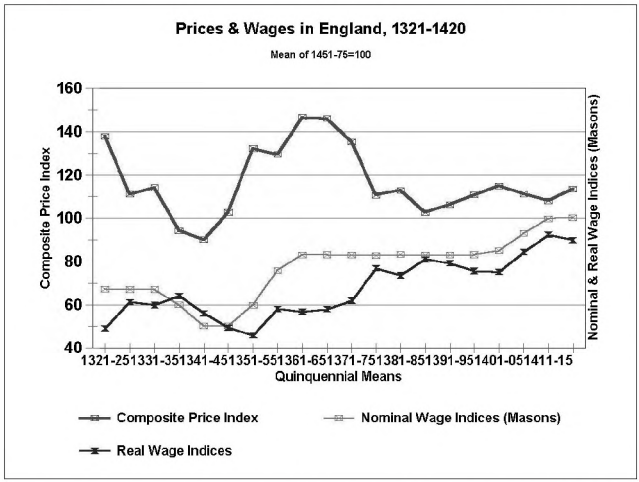
Source: British Library of Political and Economic Science, Archives, Phelps Brown Collection, Box Ia. 324, Box J:III.2a; Phelps Brown and Hopkins 1956 (reprinted in Phelps Brown and Hopkins 1981, pp. 13-59).

Figure 2. English prices, nominal wages, and real wages 1266-1355



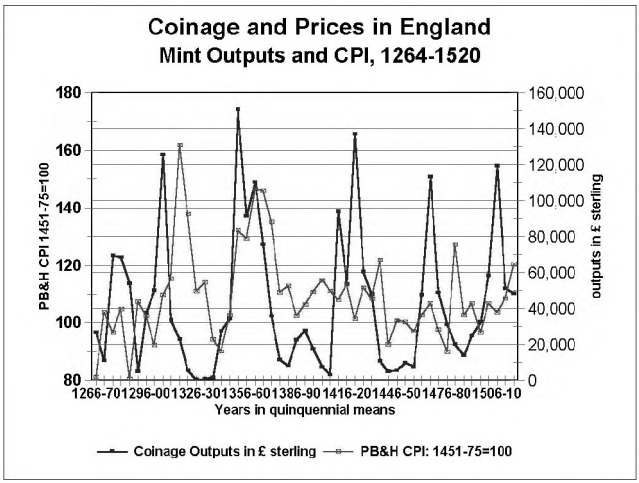
Source: British Library of Political and Economic Science, Archives, Phelps Brown Collection, Box Ia. 324, Box J:III.2a; Phelps Brown and Hopkins 1955 and 1956 (both reprinted in Phelps Brown and Hopkins 1981, pp. 1-59).

Figure 3. English prices, nominal wages, and real wages, 1321-1420



Source: British Library of Political and Economic Science, Archives, Phelps Brown Collection, Box Ia. 324, Box J:III.2a; Phelps Brown and Hopkins 1956 (reprinted in Phelps Brown and Hopkins 1981, pp. 13-59).

Figure 4. English mint outputs and the Consumer Price Index (Phelps Brown and Hopkins), 1264-1520



Source: For prices, see sources for figures 1-3, and for the mint outputs, see Crump and Johnson 1913; Brooke and Strokes 1929; Challis 1992; Munro 1973, Appendix I, Tables A-B, pp. 188-97; and Munro 1981, 1983 and 1984(a) (all reprinted in Munro 1992).

silver coins, in 1351, thereafter maintaining a perfectly stable coinage, in both metals, until 1411-12.[33]

Thirdly, as some historians have suggested – citing Italian literature (e.g., Boccaccio's *Decameron*) and paintings, adornments in dress and housing – the socio-psychological consequences of both plague and warfare, especially with such devastating and arbitrary death tolls, was to foster a fatalistic yet hedonistic spending spree, facilitated all the more by suddenly inherited cash balances.[34] The overall consequences, as demonstrated in Table 3, was to produce a very large increase in coinage outputs, whose inflationary consequences can hardly be disputed. One will note from Table 2 that all three major price series – for grains, meat-fish-dairy products, and industrial goods – rose during this quarter-century period following the Black Death, to the late 1370s in England. Clearly many labourers, artisans, and craftsmen, those living from money-wages alone, did suffer a reduction in real incomes with such rampant inflation.

The problem of determining post-Plague real wages

Nevertheless many historians may well doubt that these money-wage and price statistics tell the whole story about labour markets and real wages. On the one hand, many believe that the 1349 Ordinance and the 1351 Statute of Labourers did prevent a further rise in money wages, one that would have entitled these craftsmen to earn the real wage that the post-Plague depopulation and obvious changes in the land:labour ratio should have provided them. Furthermore, several scholars – most notably Putnam, Ritchie, Hatcher, Penn and Dyer – have provided strong and convincing evidence that the Crown and local authorities did seek to enforce these statutes, at least until the late 1380s, though notably such evidence becomes very scarce thereafter.[35] Others, however, believe

33. See Feavearyear 1963, pp. 15-45; and various essays in Munro 1992. For the coinage outputs in this period, see Table 3.

34. See in particular: Miskimin 1975, pp. 25-32; Herlihy 1967, pp. 55-71, 180-212; Lopez 1962; Boccaccio 1921: Introduction, especially p. 7; Cassell 1982-89.

35. The classic study remains Putnam 1908. See also Hatcher 1994; Penn and Dyer 1990; Ritchie 1934.

that the manorial accounts deceitfully recorded only the wages that would indicate compliance with the ordinances, but not the actual money wages actually paid.

Yet a close examination of the available wage evidence in numerous manorial accounts does not really substantiate such a view of enforcement of the statutes, for virtually all of them demonstrate that most of the wide variety wages so recorded were substantially above those permitted by the 1349 Ordinance and the 1351 Statute of Labourers.[36] Why would the manorial lords feel free to *pay and record* these higher wages, even if a few other manors paid or recorded wages corresponding to the Statute? Furthermore, in most manors, including those in the latter small category that paid wages in accordance with the Statute, some craftsmen, evidently senior and/or more skilled, received wages that were 25 percent to 50 percent in excess of permitted rates.

Furthermore, as just noted, London and then other later-medieval English towns, with presumably a higher cost of living, readily permitted wages above those prescribed in the Ordinance and Statute of Labourers. By the 1370s, most employers of building craftsmen in London were ignoring not only the Statute of Labourers, and the 1388 Statute of Cambridge, but also their local civic ordinances on maximum wages, as the evidence just cited clearly shows.[37] Not until 1495 did Parliament recognize London's special status within the kingdom, and its much higher cost of living, with legislation to authorize these very same rates of 6d and 5d per day, respectively (but only 4d daily with food and drink), with some minor exceptions.[38]

Possibly, however, the true real wage was actually higher than indicated by the recorded money wages, if workers also received a supplement in kind: in food, drink, and or clothing. Indeed, in many manorial accounts, especially the Winchester accounts, wage

36. Archives of the British Library of Political and Economic Science, Beveridge Price and Wage History Collection, boxes A.31 (Taunton), A.32 (Esher), A. 33 (Itchingswell, Overton, Wycombe), F.8 (Winchester College), G.14 (Hinderclay and Redgrave), H.10-11 (Battle Abbey).

37. See nn. 21-22 above.

38. Statute 11 Henrici VII c. 22 (1495), in Tomlins et al., eds. 1810-22, vol. II, pp. 585-87. The major exception was a maximum daily rate of 7d, summer and winter, for those senior or chief master masons and carpenters employing or supervising six or more men; or a rate of 5d daily, with food and drink.

payments in kind were quite common, often accounting for 50 percent of the total wage package, but only up to the eve of the Black Death. Thereafter, the food-and-drink components fell to a third or less of the total pay package and they became less common in the following generations, except principally at Battle Abbey. The Battle Abbey manorial accounts generally provide two series of wage payments for the same classes of craftsmen and agricultural workers: those paid in both money and kind, and those paid in coined money alone. The sum of the former seems to equal the latter; and the rates for those paid in money alone at Battle Abbey were identical or virtually identical to those for unspecified but presumably 'money-alone' wage payments on other manors.[39] Furthermore, even the national wage statutes recognize such a difference between wage payments in money alone, and thus with a lower money wage combined with food and drink. In any event, one may well surmise that when the price of foodstuffs fell sharply in the late fourteenth century (see tables), labourers and artisans would have resisted having any substantial portion of their pay package supplied in kind.

There are very few available urban wage data before the Black Death; but for later-medieval London and other smaller English towns (Canterbury, Dover, Exeter), I did not find any significant evidence of payments in kind, other than some allotments of clothing (chiefly and only significant for master-masons and some carpenters in long-term employ at Westminster Abbey).[40] For these reasons, one may conclude that wage payments in kind did not appreciably alter the picture of real wages constructed by using money payments alone, at least not for the later Middle Ages, even if such views are not endorsed in John Hatcher's recent (1994) and otherwise persuasive article discussed above.[41]

Finally, John Hatcher and other historians have suggested that the post-Plague rise in real wages took place partly by a substitution of leisure for paid work. Many historians have suggested that,

39. Archives of the British Library of Political and Economic Science, Beveridge Price and Wage History Collection, Battle Abbey: Alciston Manor, 1336-1487 (Boxes H.10-11). See also n. 31 above.

40. Archives of the British Library of Political and Economic Science, Beveridge Price and Wage History Collection, Westminster Abbey: 1393-1541 (Box P.10).

41. Hatcher 1994.

in pre-Industrial societies especially, many artisans, craftsmen, and labourers had a 'backward bending supply curve of labour'. Thus, many workers, on finding that their real wages had risen to permit them to acquire some desired level of sustenance and comfort, would have preferred to enjoy increased leisure time over further increases in money income; and thus they would have chosen to work less, or to refuse to work for traditionally long hours.[42]

In medieval and early-modern Europe, and indeed up to modern times in many regions, the payment of wages took two forms. The much more common form was piece-work wages: i.e., wages paid for the amount of product produced. That form was almost universal in the textile industries and in agriculture: payment for the number of yards of yarn spun and cloth woven, acres of grass mown, bushels of wheat reaped. Evidence on piece-work wages is, however, scarce and difficult to use. Historians really have no accurate way of knowing whether the amount of labour expended for piece-work wages rose or fell after the Black Death. Less common, though almost universal in the building trades, were money wages based on the time employed; but throughout Europe, such employees received time-work wages commonly by the week and then more commonly by the day, but certainly not by the hour.

Thus one may conjecture that if labourers and artisans had enjoyed more bargaining power with presumed labour scarcities after the Black Death, they may have used that power to secure a reduction in the number of hours worked per day. The research that I myself have done on this question may be found in a recent publication on seasonal wages and leisure in late-medieval England and the Low Countries.[43] For neither region did I find any convincing evidence that urban craftsmen sought to increase their leisure time, even after real wages had peaked in the mid-fifteenth century, by reducing either the work day or the work week, which was usually six full days. Indeed evidence on the length of the working day may be found from evidence on seasonal wages, which were clearly paid on the basic principle that 'man works

42. For an example in the late-medieval English mining industry, many of whose rural workers were seasonal, primarily engaging in the agrarian economy, see Blanchard 1978.

43. Munro 1994.

from sun to sun'. The stipulation that both men and women were required to work at least twelve hours during the summer months can be found in the 1495 parliamentary statute on maximum wages. From mid-March to mid-September all English 'artificers and labourers' were to work from 5:00 a.m. to 7:30 p.m., with 30 minutes for breakfast, 30 minutes for *nonemete* (or sleep) and one hour for dinner; and in the other half of the year, they were to work from sunrise to nightfall.[44] If the statute does not stipulate the hours of work for the other six months, we may deduce from earlier English evidence and from continental evidence that the normal length of the work day during winters months was shorter. In parts of the late-medieval Low Countries, for example, the winter wage was only two-thirds of the summer wages, for the simple reason that the number of hours of daylight during winter months at this latitude (50° N) is about eight hours.[45]

In London, and some other English towns, however, seasonal wages generally disappeared after the Black Death, as the records of building accounts clearly indicate, even though the official ordinances still stipulated a lower winter wage (see Table 1).[46] Quite possibly the payment of a uniform wage rate, i.e., a winter wage equal to the summer wage, came to be an acceptable method of circumventing the Statute of Labourers' wage controls, since the Statute and its enforcement really focused only the summer maxima.[47] Possibly the combination of the consequently higher wage

44. Statute 11 Henrici VII c. 22, in Tomlins et al., eds. 1810-22, vol. II, pp. 585-87; repeated in 6 Henrici VIII c. 3 (1514-15), in Tomlins et al., eds. 1810-22, vol. III, pp. 124-26. The framers of the 1495 statute, however, evidently believed that too many wage-earners were stealing leisure time during working hours by *late commyng unto their worke, erly departing therfro, long sitting at ther brekfast, dyner, and nonemete, and long type of sleping at after none.*

45. See Sosson 1977: citing guild statutes in Rijksarchief Brugge, Ambachten, no. 1: *dat hi sculdich es te werkene van nuchtens toten avonde alzo wel tsaterdaechs up vighelie avond als up anderen daghen....* Similarly the Bruges carpenters guild forbade them *te weerkene ... by avonde of bi nachte met keersen* [candles]. See other guild records that specify working hours in the textile trades (forbidding work by night), in Delepierre and Willems, eds. 1842; Espinas and Pirenne, eds. 1906-20.

46. See the London ordinance of 1350, in setting maximum summer and winter rates (6d and 5d respectively); and also the Statute 23 Henrici VI, c. 12, of 1444-45, cited in n. 41 above, and in Table 1.

47. The subsequent Statutes of 1444 and 1495 did more clearly specify a winter maximum wage, lower than the stipulated summer wage.

throughout the entire year may have permitted some such substitution of greater leisure, at least in the summer months, for paid work.[48] Since, however, there is no evidence of any reduction in the normal working day in England until the passage of Fielden's Law or the Ten-Hour Day Act in 1847, the more likely result was that, after the Black Death, many labourers, craftsmen, and artisans received their real wage increase during these winter months, with shorter daylight hours.[49]

Conclusions

Subsequently, the very striking changes in money supplies, coinage, prices, and real wages that took place during the final quarter of the fourteenth-century deserve at least some parting comment. For, not only England, but also most regions of Western Europe – certainly including the Low Countries, Tuscany, and Aragon-Navarre – experienced an equally dramatic deflation that lasted until well into the fifteenth century, though generally becoming much more moderate by the early decades.[50] In England, itself, as Table 3 clearly shows, this period of pronounced deflation was accom-

48. In the mid-fifteenth century, however, the London Bridgemaster did introduce a slight differential in seasonal payments (1441), and one that effectively raised the annual wage. In 1441: by reducing the uniform daily rate to 7½d (or even 7d for some) for the winter season (three months), while raising it to 8½d for the rest of the year. Corporation of London Record Office, London Bridgemaster's Accounts, Weekly Payments, First Series, vol. IV. Unfortunately these accounts cease in 1445. See also Knoop and Jones 1933 and 1967, pp. 105-06.

49. See R. Campbell 1747, pp. 331-41. In specifying hours of work for 380 crafts, this treatise indicated that the typical working day still remained a very long one: from 6:00 a.m. to 8:00 p.m. (or during all 'daylight' hours). Subsequently, the 1833 Factory Act had stipulated a maximum working day of nine hours for children, aged nine to thirteen; and for those aged thirteen to eighteen, a maximum of 69 hours a week, with no more than 12 hours per day. The 1844 Factory Act limited the working day for women to 12 hours per day, and for children aged eight to thirteen, to 6.5 hours. Fielden's Act, imposing a limit of ten hours per day for both women and men (implicitly), was passed at a time of great labour unrest, on the eve of the 1848 Chartists's Revolt. See Clapham 1964, pp. 572-78.

50. Herlihy 1967, pp. 128-30; Hamilton 1936, Appendices; Munro 1981, 1983, 1984(a), 1984(b) and 2003(b).

panied by a severe slump in the gold and silver coinage outputs, almost as severe as those for the early fourteenth-century.[51]

The explanations – again chiefly if not exclusively monetary – for this severe slump in coinage outputs and for the related deflation lie beyond the scope of this study. It should be noted, however, if only to intrigue interest in companion studies, that this late fourteenth-century deflationary era also witnessed a sharp rise in the real wages of building craftsmen, but chiefly because their money wages remained stable, while prices fell, so that they were able to buy more goods and services with the same wages.[52]

Finally, for an examination of the pattern of real wages during any part of the late-medieval era, especially, but also for much of the early modern era, historians should recognize the fact that the proportion of the population living from money-wages alone was rather small.[53] Many craftsmen and artisans receiving money wages had their own small agricultural holdings, if only vegetable gardens with their homes; and many masters, if not labourers, were often also petty merchants in their professions, often earning profits that exceeded their wages.[54]

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52. Munro 2003(b) and 2005.
53. Penn and Dyer recently commented as well, to stress the importance of this issue, that 'at least one-third of the population of late medieval England gained all or a part of their livelihood from earning wages'. Penn and Dyer 1990, p. 356, citing in particular Hilton 1985. That argument would be more persuasive if they had qualified to read: 'gained part or all', or better 'part if not all' of their livelihood.
54. See, for example, Woodward 1981 and 1995.

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The Historical Demography of Northern Europe 1400-1650

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The population of Northern Europe from 1400 to 1650, like all preindustrial populations everywhere, constituted a complex system or regime with an equally complex set of relationships between demographic processes and their physical, economic and social, and cultural environments. All human populations strive to survive and reproduce within the range of possibilities afforded them by the natural world – in the form of natural resources and diseases, weather, and other natural hazards – by contemporary technology and social organisation, and by collective, often only partly conscious sets of rules and assumptions regarding the proper configuration of marriage, household, family, and other individual-level decisions. From a global perspective, different human societies have pursued very different 'strategies' – again, whether consciously, unconsciously, or partly consciously – with regard to such questions as when one should marry, what persons should constitute a household, how many children are desirable, and the like, all with profound effects upon the ways in which each demographic system can meet the challenges imposed by the natural world. The tangible results of different 'strategies' might be very different rates of population growth, immiseration, social change: very wide-ranging results indeed. One of the effects of the great strides taken in the past generation by historical demography as a discipline has been the constant reminder that enquiry in this field is a constant dialog among the recovery of empirical reality, theorisation about systems, and the relationship between these realities and systems on the one hand, and cultural and social context on the other.[1]

1. These opening remarks have been heavily influenced by, among others, Livi-Bacci 1992, esp. pp. 1-73, and Wrigley 1993. A very good illustration of the profound relationship between historical demography and the processes with which it is concerned on the one hand, and the history of social rules on the other, although from a much more recent period of the European past, is Watkins 1990.

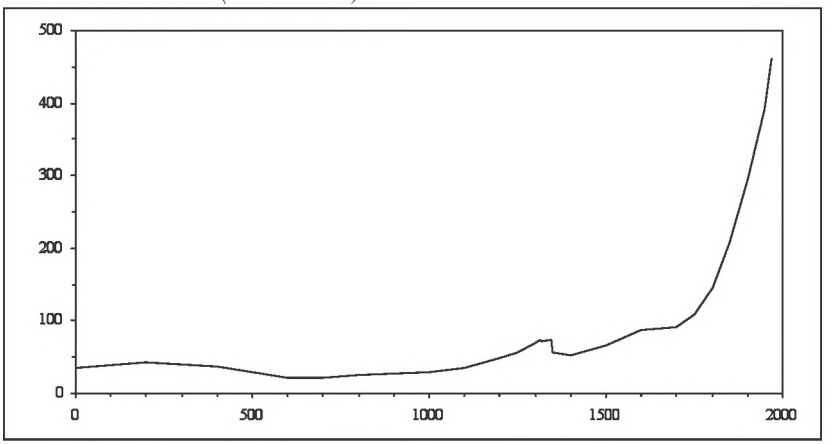
What follows is an attempt to survey the demographic history of Northern Europe during the period 1400-1650. It is necessarily very selective. In part it takes the form of a report upon the current state of the secondary literature of pertinence to the subject, with the aim of making it accessible to an audience of historians who are not specialists in demographic history. In part it has its own arguments to make about the interpretation of what we know and the conceivable directions that future work might take. It also aims to try to show the many ways in which the history of population during this period of European history is not hermetically sealed from other strands of historical enquiry, but on the contrary presents some very important prospects for fruitful exchange between branches of historical research that are conventionally regarded as separate.

The population of Europe

We may begin by considering the deceptively simple topic of the course of aggregate population totals in Europe as a whole or in individual countries. First, let us consider European population history over a very long timeframe indeed, and in particular the way in which the period with which we are concerned here fits into the much longer perspective. *Figure 1* displays the most commonly accepted modern estimates of the population of Europe as a whole (excluding the former Soviet Union) over the past two millennia, following the estimates by Jean-Noël Biraben.[2] It is without doubt very possible to be sceptical of the exact levels at which this graph should lie for just about any century up to very fairly times; but as a first approximation it can serve. What stands out, in this very long-term perspective, is that the period with which we are concerned fits into part of a distinctive phase of Europe's demographic past. After the seventeenth century, Europe's population embarked upon a new era in which the rules binding together demographic processes and their natural and economic environment changed seemingly completely. Partly through the wholesale transformation of the economic environment through agricultural

2. Biraben 1979, reprinted as Biraben 1980. For an earlier contribution to the estimation of world and European populations, see Durand 1977.

Figure 1. Estimated population of Europe (excluding former Soviet Union) over two millennia (in millions)



Source: Biraben 1979, reprinted as Biraben 1980.
OBS: I have accepted Biraben's estimates but added two further data points to represent the immediate eve and aftermath of the plague mortality of 1347-50 according to my interpretation of generally-accepted estimates.

and industrial change and partly through accompanying changes in social transformations (including alteration of the disease environment and cost/benefit considerations surrounding childbearing), the result – by the early twentieth century – was that Europe had achieved unprecedentedly lower mortality and fertility levels, and had in the process increased its absolute population levels at least fourfold in a historically remarkably short time.[3]

On the other hand, during the first millennium of the Christian era the population of Europe to all appearances was checked within an extremely narrow set of limits, by the comparative standards of later centuries. Biraben's estimates allow for modest increase during the later Imperial Roman era and decline in the centuries of Imperial collapse and Germanic migrations; but what is striking is the very narrow range within which absolute levels were constrained. It is unlikely that we will ever know much about the respective contributions of mortality and fertility which conspired to bring about this result, but it does seem safe to conclude that mor-

3. Livi-Bacci 1992, pp. 100-45; for the fertility transition which represented the culmination of these far-reaching changes, see Coale and Watkins, eds. 1986.

tality and fertility in the long run were very closely balanced, and that the demographic system of this phase of European history was finely tuned to permit very little variation from a stationary population regime.

In between these late-Antiquity/early-medieval and recent/modern phases of European demographic history lay our period. The general outline of aggregate population change over Europe at large from the eleventh to the sixteenth century is fairly well established in broad terms and familiar to most historians.[4] A sustained increase from around the year 1000 to some time around or after 1300; collapse as a direct result of the re-entry of plague into Europe in the mid-fourteenth century; a succeeding period in which population further declined, stagnated, or showed fitful signs of recovery; then the sustained growth of the 'long sixteenth century', culminating (in many European countries) in another phase of slowed growth, a plateau or even a new (though in most countries much more modest) decline in the middle and later seventeenth century: this is the generally accepted outline, even if the exact course or chronology for particular countries or the causes of the turning-points are still subjects of great debate. In contrast with what came before and after, then, perhaps the most striking thing about this later-medieval/early-modern phase of European demographic history is its *cyclical* nature: a combination of economic and physical circumstances and of human reaction to them produced a series of up-down phases characteristic of what we have come to consider the old-Regime cyclical dynamics of population and economy. Rates of growth or decline during these cycles were, by comparison with more recent European demographic history or with the experience of many twentieth-century non-Western societies, relatively modest, with periods of 'rapid' growth (as in the sixteenth century) translating to no more than between 0.5 and 1.0 per cent per annum.

In this sense the period 1400-1650 is the latter half of a phase or interval rather than a distinctive period in its own right. The period 1400-1650 is itself bifurcated in another sense. These years span a time when the evidentiary basis for our knowledge of population history was transformed. This, too, has been well described

4. The best recent syntheses at the European-wide level are Bardet and Dupâquier, eds. 1997, and de Vries 1994.

elsewhere and the general story is well known.[5] Both Protestant and Catholic Reformations compelled new measures to record vital events – baptisms, marriages, and burials – at the parochial level as part of reformed ecclesiastical discipline. The growing demands of the State likewise resulted in an intensified effort to utilise the disposable human and material wealth of European countries, one byproduct of which was a new array of records which can serve, in various ways, as the basis for longitudinal and cross-sectional studies of local, regional, and national populations. (In this respect again the experience of different European countries differed widely, and by and large Southern Europe, especially Italy, was ahead of Northern Europe in the proliferation of documents of use to historical demographers).[6] Thus whereas before 1500 it is often necessary to resort to such sources as last wills and testaments as proxy measures for variations in absolute numbers of deaths (rendering rates comparable over time and space difficult) or other aspects of historical populations,[7] the range of sources available by 1600 or 1650 for serious demographic analysis had been transformed. Most notable are the parish registers of vital events which became widespread over much of Northern Europe by the end of the sixteenth or the early seventeenth century (and in some parts of Southern Europe somewhat earlier), and which allow both aggregative analysis of events over time and reconstitution of individual and family life-course events; and the various enumerations of households or individuals, whether in the guise of hearth or poll tax returns, *stati d'anime* or the Swedish *Husförhörslängder,* which permit estimations of size and (in some respects) composition of populations at local or large levels, each particular type of enumeration carrying its own set of interpretational difficulties. This revolution in record-keeping – for it seems in no way too grandiose to call it that – simultaneously signifies a remarkable leap in the effectiveness of early-modern bureaucratic impulses and in our ability to investigate historical populations.

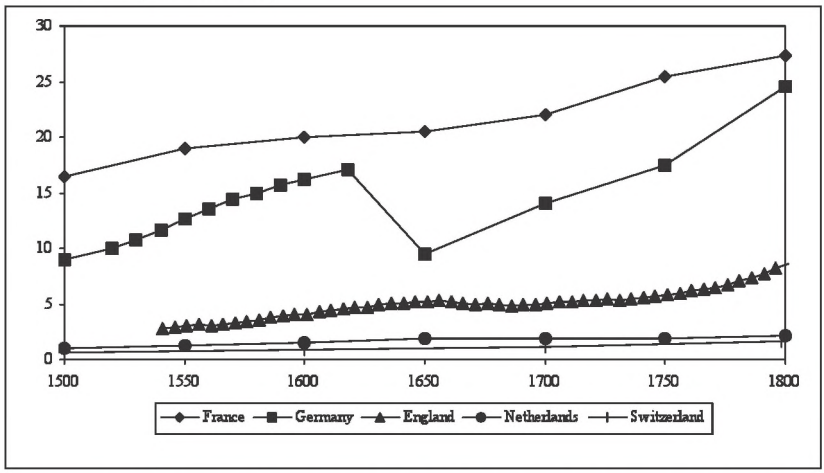
The result is that we are on much firmer ground after 1500 than

5. Surveyed briefly by de Vries 1994, pp. 4-10, and Poos 1989, pp. 795-6, and in much more detail in Willigan and Lynch 1982, pp. 57-159. Surveys of early sources for particular countries include Kälvemark 1977; Lassen 1966; Johansen and Oeppen 2001; Tomasson 1977; Reher and Robinson 1979; Erder 1975.

6. Cf. Bellettini 1980.

7. E.g. Goldberg 1988 and Dubuis 1991.

Figure 2. Some estimates of national populations in Northern Europe, 1500-1800 (in millions)



Sources: For England, Wrigley and Schofield 1989, pp. 528-9; for the Netherlands, de Vries 1986, Faber, Roessingh, Slicher van Bath, van der Woude and van Xanten 1965; van der Woude 1980; Hélin 1980; for Germany (as within her 1914 borders), Bulst and Pfister 1997; de Vries 1994, p. 13; for France, Dupâquier and Lepetit 1988, p. 68; for Switzerland, Mattmüller 1987, vol. 1, p. 4.

before in being able to make estimates of national populations and of the demographic processes that underlay them. As examples, *Figure 2* displays recent estimates of national populations for five Northern European countries from 1500 to 1750. Perhaps the most striking point to be drawn generally from these series is that while every one of these nations conformed to the general overall pattern already sketched out – sustained growth during the sixteenth century, a phase of slowed growth, levelling-off, or decline in the seventeenth, and a renewed upward phase in the eighteenth – there were equally marked variations from country to country in the timing and scale of these changes (perhaps most marked in the very recent estimates for the population within the 1914 borders of Germany by Neithard Bulst and Christian Pfister, who argue for a strikingly large population decline in that country during the period of the Thirty Years' War).[8]

Clearly population growth was not uniform among European

8. Bulst and Pfister 1997.

countries during the early-modern period, and the same is true when Europe is considered regionally: for between 1500 and 1650, and indeed until the beginning of the nineteenth century at least, Northern Europe's population grew at a markedly faster rate than that of Mediterranean countries. From being roughly on a par with the Western Mediterranean European countries in 1500 in terms of absolute population, Northern Europe by 1800 had come to support a population two-thirds larger than the Mediterranean countries, both symptomatic of and a contributing factor to the very different path in social and economic history which Northern and Northwestern Europe had taken in those centuries.[9] Another aspect of the ways in which Northern Europe diverged from Mediterranean Europe during this period is in the scale and chronology of urbanisation. The geography of urban growth in Europe generally during this period was highly variegated; and although the period 1500-1800, 'viewed globally, could be described as an epoch of steady, gradual urbanization', with the urban population as a percentage of total population almost everywhere standing higher in 1800 than in 1500, different regions differed considerably. Urban growth in Northern Europe was dramatically high between 1550 and 1650 and then decelerated, whereas in Italy and Iberia rapid urban growth in the sixteenth century gave way to collapse in the seventeenth. These changes are outlined in summary form in *Table 1*, following the data and arguments of de Vries.[10]

Before 1500 it is much more difficult to be so certain of national trends, and by and large the best available evidence comes from information pertaining to a much more local level: that of individual communities, districts or provinces. It is also the case that much of this earlier evidence for changes in absolute population levels stems from fiscal or ecclesiastical sources whose nature makes it necessary to engage in a much greater degree of estimation and

9. A point made by de Vries 1994, p. 12. Taking his figures (p. 13) and considering 'northern Europe' as Scandinavia, England, Scotland, Ireland, the Netherlands, Belgium, and Germany, and 'Mediterranean Europe' as Italy, Spain, and Portugal (omitting France as arguably neither definitively 'northern' nor 'Mediterranean'), the aggregate figures (in millions) are:

	1500	*1550*	*1600*	*1650*	*1700*	*1750*	*1800*
Northern Europe	19.6	23.5	27.0	26.3	30.1	34.4	49.8
Mediterranean	18.3	20.0	22.3	19.6	22.8	26.5	31.2

10. de Vries 1984, pp. 38-40; quoted passage from p. 38.

Table 1. Urban percentage of total population by country, 1500-1750

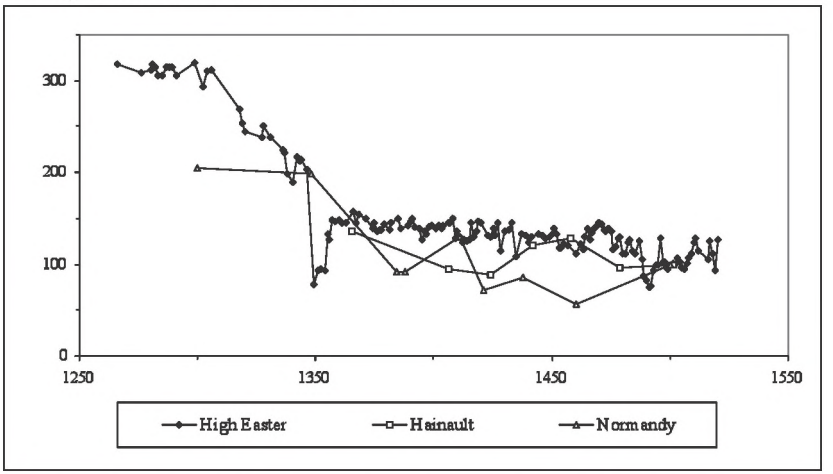
Country	**1500**	**1550**	**1600**	**1650**	**1700**	**1750**
Scandinavia	0.9	0.8	1.4	2.4	4.0	4.6
England and Wales	3.1	3.5	5.8	8.8	13.3	16.7
Scotland	1.6	1.4	3.0	3.5	5.3	9.2
Ireland	0	0	0	0.9	3.4	5.0
Netherlands	15.8	15.3	24.3	31.7	33.6	30.5
Belgium	21.1	22.7	18.8	20.8	23.9	19.6
Germany	3.2	3.8	4.1	4.4	4.8	5.6
France	4.2	4.3	5.9	7.2	9.2	9.1
Switzerland	1.5	1.5	2.5	2.2	3.3	4.6
Northern Italy	12.4	15.1	16.6	14.3	13.6	14.2
Central Italy		11.4	12.5	14.2	14.3	14.5
Southern Italy		11.9	14.9	13.5	12.2	13.8
Spain	6.1	8.6	11.4	9.5	9.0	8.6
Portugal	3.0	11.5	14.1	16.6	11.5	9.1

Source: de Vries 1984, p. 39.

qualification. *Figure 3* illustrates this point by displaying three series of population estimates for rural populations during the later fourteenth and fifteenth centuries. The data are: males aged twelve and older and resident within the large rural community of High Easter in Essex (England), drawn from the fiscal record of *per-capita* payments at the annual meeting of the local court;[11] estimates at several points in time of numbers of hearths in the county of Hainault in the Low Countries, drawn from local hearth censuses;[12] and Guy Bois's estimate of the population of eastern Normandy, drawn mainly from *monnéage* or hearth-tax rolls.[13] All these series are displayed in Figure 3 as indices, with the level of each series in 1500 being set at the index baseline of 100, because of the very different absolute levels of population under study. Each source has its own

11. Poos 1991, pp. 91-110.
12. Blockmans 1980, p. 859; Arnould 1956, pp. 23-75.
13. Bois 1984, pp. 23-77.

Figure 3. Some series of rural population indices from the fifteenth century: High Easter, Essex (England), the County of Hainault, and Eastern Normandy (indexed data: 1500 = 100)



Sources: For High Easter, Poos 1991, pp. 91-110; for Hainault, Blockmans 1980, p. 859; Arnould 1956, pp. 23-75; for Normandy, Bois 1984, pp. 23-77.

array of qualifications and considerations of interpretation, but all seem fairly firm as bases for general changes in levels over time.

Comparing the series in this way reveals some common characteristics. By and large all three series imply either stationary or declining local populations through much of the fifteenth century (with only Normandy showing any real signs of new expansion toward the end of the 1400s), and in all three cases there was some fluctuation around the trend as would be expected from smaller, locally-based population series.

The picture is less clear-cut with regard to urbanization during this period, partly (again) because of the unevenness of sources: while the populations and economic fortunes of individual towns large and small in Northwestern Europe between the Black Death and 1500 have been a burgeoning field of historical research,[14] to generalise beyond the particularities of particular towns' circumstances has been more difficult. Whereas the urban experience of

14. To pick out just a few recent surveys: Derville 1983; Prevenier 1983; Dubois 1988; Higounet-Nadal 1980.

Northwestern Europe between 1500 and 1800 was that relative urbanization increased during periods of overall population increase, and *vice versa*, it is possible that the opposite was the case between 1350 and 1500,[15] and at the very least a functional redistribution of Europe's urban infrastructure – the network and hierarchy of urban centres of various sizes in relation to their rural hinterlands – is a research area currently of much interest to urban historians in several countries.

This rapid survey has left a number of questions hanging in its wake. We can see with reasonable clarity the general outline of aggregate population change in Europe for all or at least most of our period, something of its scale and the timing of its turning points. To turn to more detailed explanation of causes is to run into more serious barriers of empirical knowledge: for only some countries or regions and only for some of our period can the available sources permit a more sophisticated review of the components of the demographic system which produced the results we have just seen.

Demographic processes are, first and foremost, the products of the interplay between mortality and fertility (the latter of which in turn, in preindustrial populations, is most directly a product of nuptiality patterns). The scale of analysis is critically important too: national estimates of demographic rates can mask remarkable variations from locality to locality or from place to place within a range of economic and social typologies, and it is an inescapable function of the nature of early European historical demography that one must often extrapolate from the local, which is know-able, to the national, which is only approximatable.[16]

15. de Vries 1984, pp. 42-3, tentatively suggests that both urban populations, and urban populations as a proportion of total populations, may have been higher in 1500 than before the Black Death, but notes the relative paucity of data that would support this conclusively. Britnell 1993, p. 170, argues that in England the urban sector was larger relative to the total English population and wealth in the early sixteenth century than in 1350, despite a long-running debate about the existence of an 'urban crisis' in that country in the later Middle Ages, though acknowledging the variety of opinion on the matter.
16. One good illustration of this is Dobson 1989. Variations in nuptiality and fertility due to local micro-economic circumstances was a prime element for proponents of 'proto-industrialisation' theory in the early-modern period, for which see (for example), Kriedte, Medick and Schlumbohm 1981.

The following discussion focuses upon mortality, fertility, and household formation, and may appear to presume that the effects of net migration are relatively unimportant at the national level; such a presumption is certainly not tenable at more local levels and in fact it is likely that for some countries it is not so even at the national level as early as the sixteenth century.[17]

Mortality

One long-established emphasis in the writing of European historical demographers has been upon the mortality side of the equation, the 'positive check' of the Malthusian scenario. This position would argue that changes in mortality, rather more than changes in fertility, were decisive in accounting for the turning points in the long wave of cyclical population change, at least until the eighteenth century; that (in the arguments of many authors) what mattered most in setting the medium-term mortality experience was the frequency, severity, and instability of mortality in the form of 'crisis mortality', short-run upswings in death rates caused by epidemics or harvest shortfalls; and that changes in mortality were essentially 'exogenous' to, or stemmed from circumstances outside the active agency of, human society and economy (the autonomous epidemiological careers of various diseases or the short- and long-run fluctuations in weather that resulted in harvest crises). The implication of this argument would be, then, that the persistent population stagnation of the fifteenth century was primarily the result of continuing high levels of mortality from plague (and perhaps other diseases), which was in the course of transition from the spectacularly widespread and lethal epidemics of the Black Death and its immediate aftermath in the fourteenth century to the more contained and localised (but still recurrent) disease patterns that the sixteenth century witnessed; that the demographic growth of

17. A prime example is that of the Netherlands, as a result of its integration into a global mercantile and colonial network: while the Dutch Republic was a net recipient of migrants, from 1602 to 1795, perhaps one million Dutch sailors departed from Dutch ports, of whom at least two-thirds never returned: de Vries 1986, pp. 107-9. England on average lost an average of between 20,000 and 40,000 net emigrants per quinquennium in the sixteenth and seventeenth century: Wrigley and Schofield 1989, p. 219.

the sixteenth century was mostly a result of a relative diminution of crisis-type mortality (though still punctuated by serious crises transcending local dimensions, such as that of the later 1590s in much of northwestern Europe);[18] and that the further plateau of the mid-seventeenth century was again an exogenous movement toward shorter life expectancy.[19]

The centrality of plague in discussions of late-medieval and early-modern European mortality patterns is well-established and understandable; a recent survey of the impact of plague in England between 1485 and 1665 concludes that bubonic plague 'was the commonest cause of mortality crises throughout the sixteenth and for most of the seventeenth century', justifying contemporaries' particular dread of this disease's ability to strike particularly rapidly and particularly lethally.[20] The impact of plague upon medical and public-health thinking and practice has been a subject of much study in recent years, and the same is true of other diseases of particular importance to the period, such as syphilis.[21] And plague represents perhaps the single most compelling aspect of our period's claim to be a distinctive phase of European demographic history, for the eruption of plague into the European population and its subsequent withdrawal – for reasons which still remain a matter of debate – very nearly coincided with the outer chronological limits of our chosen years. To illustrate this, *Figure 4* displays the number of known plague epidemics drawn from narrative and other sources for the countries of Northern Europe from 1347 to 1725, as compiled by Jean-Noël Biraben in his monumental *Les hommes et la peste*.[22]

It is worth remarking that the nature of Biraben's data makes this graph an index of how widespread plague epidemics were (at least insofar as this type of record can track them), as opposed to

18. For which see Souden 1985.

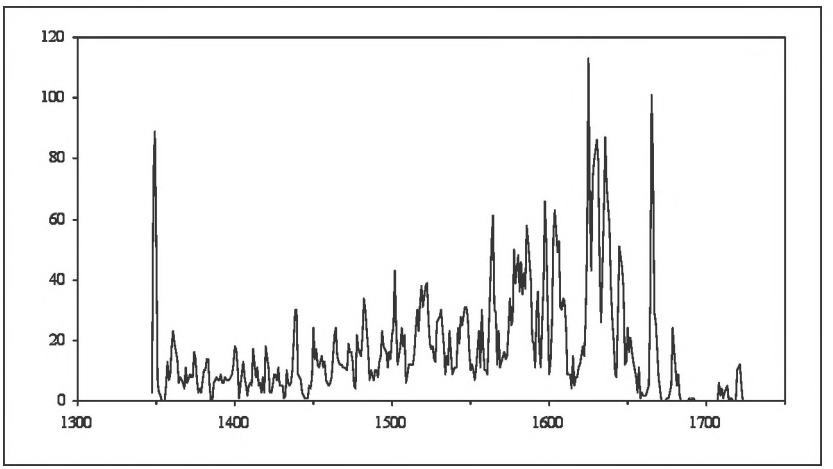
19. For statements of this position in broad terms see Perez-Moreda and Reher 1985; Flinn 1981; Hatcher 1977; Blockmans 1980. The centrality of plague mortality to medieval population experience has been argued particularly strongly for Scandinavia by Benedictow 1992 and 1993; cf. reviews of these works respectively by Pedersen 1995, and by Johansson 1994; Brothen 1996. Benedictow responds to Johansson in Benedictow 1996, pp. 207-41.

20. Slack 1985, p. 69.

21. Arizzabalaga, Henderson and French 1997.

22. Biraben 1975-6, vol. 1, pp. 363-71.

Figure 4. Known plague epidemics in Northern Europe



Source: Biraben 1975-6, vol. I, pp. 363-71.
OBS: The figure aggregates data from France, England, Scotland, Ireland, Belgium, the Netherlands and Luxembourg, Germany, Austria, Bohemia, Switzerland, and Scandinavia.

their collective severity or mortality levels. Thus the index graphed in Figure 4 should not be taken as a proxy for the changing importance over time of plague as a factor in overall mortality; by the nature of the information graphed here, the high incidence of the disease in the first half of the seventeenth century is dominated by references from German territories, for instance. But in any event, whatever its overall contribution to general mortality or to crisis mortality, and whether its withdrawal from Northwestern Europe was at least partly the result of cumulative efforts to isolate and quarantine or an inscrutable and truly exogenous event,[23] plague's disappearance is one of the most distinctive features of Europe's demographic experience during the late seventeenth and early eighteenth centuries.

There are, however, other reasons to be sceptical of the model of demographic processes as driven by mortality, especially crisis mortality, as a paradigm with applicability throughout Northern Europe and throughout our period. Wrigley and Schofield demon-

23. For which Slack 1985, pp. 311-37, provides a discussion which goes beyond the limits of the English experience.

strated in their aggregative analysis of 404 English parish registers from the mid-sixteenth century onward that periods of frequent crisis mortality did not necessarily coincide with periods of high mortality generally: between 1550 and 1649 a parish would, at a crude average, experience one month of crisis mortality every six or seven years, and yet over the course of the seventeenth century the incidence of crisis mortality declined perceptibly at the same time as life expectancy was also markedly declining.[24] This is not to be taken as an argument that the same was necessarily true of all countries in Northwestern Europe – the precise data needed to confirm or refute this are lacking or await analysis before the mid-1600s, and indeed as we shall see there is every reason to suspect variation from country to country in this and other aspects of population behaviour – but simply that the correlation between crisis mortality and general mortality is not axiomatic for all populations.

For another thing, there is a conceptual problem with regarding the medium- to long-term movements of mortality levels in Europe generally as a strictly 'exogenous' force, entirely acting upon (as opposed to being partly a product of) other aspects of European social and demographic history. Urbanization is a good example: the special nature of urban demography, with the much more severe mortality of towns and with depressed fertility also due to their distorted age- and sex-compositions resulting from in-migration, constitutes one of the most deeply entrenched features of Europe's preindustrial population regime.[25] From the sixteenth century onward the pace of urbanization certainly affected the shape and scale of mortality patterns, at least at the local level.

Perhaps an even better illustration of this point is the relationship between 'subsistence crises' stemming from harvest failures and their relationship to mortality crises. Historians have conventionally depicted this relationship as one in which severe malnourishment of longer or shorter duration causes people to succumb to infectious diseases, which account for the bulk of mortality during subsistence crises. This is further linked to the reliance of most preindustrial populations upon cereals as the predominant component of diet, making the poor directly and keenly vulnerable to scarcity or price fluctuations. Moreover, it is presumed that during

24. Wrigley and Schofield 1989, pp. 528, 640.
25. de Vries 1984, pp. 175-249; cf. van der Woude 1982.

harvest crises, social dislocations provoke vagrancy and thus promote conditions for the spread of infectious diseases which would have been less likely to assume epidemic form under less unsettled conditions. The linkage – whether in medical or in empirical historical-demography terms – is quite complex.[26] To demonstrate the linkage between grain prices (the usual surrogate for harvest fluctuations) and mortality has been possible on a sophisticated basis only as early as the seventeenth century; and the best recent analysis implies that between the 1670s and the mid-1700s the linkage was real but weak for France and weaker still for England.[27] Surveying the evidence for Europe generally, including less rigorously econometric analyses of earlier data, Livi-Bacci concludes that in early-modern Europe large increases in grain prices often but not always gave rise to marked increases in mortality, with infectious diseases (such as typhus) being the proximate cause of mortality upsurges where it is possible to investigate cause of death.[28] The point here is that the strength of the linkage between dearth and death was not constant either over time or space. In the seventeenth and eighteenth centuries the chronology of mortality crises in England was similar to that of Northern Holland but dissimilar to those of France or Scotland, for example.[29] Moreover, the degree to which a particular region or area was vulnerable to this linkage depended very much upon a variety of factors involving economic development: in particular, degrees of local agricultural specialisation and the effectiveness of market integration through inter-regional bulk transport. In this respect it is likely that England broke free from the linkage between dearth and death by some time around the mid-eighteenth century, whereas in France this transition came somewhere later, while de Vries argues that the linkage was 'weak, if not altogether absent', in the Netherlands as early as the sixteenth century because of the precocious nature of that country's integration into an international market.[30] In this respect too, then, our period represents a distinctive phase of European demographic history: for within the century or so after

26. The following discussion derives heavily from Walter and Schofield 1989.
27. Galloway 1988.
28. Livi-Bacci 1991, pp. 40-62.
29. Wrigley and Schofield 1989, pp. 340-2; Walter and Schofield 1989, pp. 48-57.
30. Walter and Schofield 1989, pp. 48-57; de Vries 1986, p. 119.

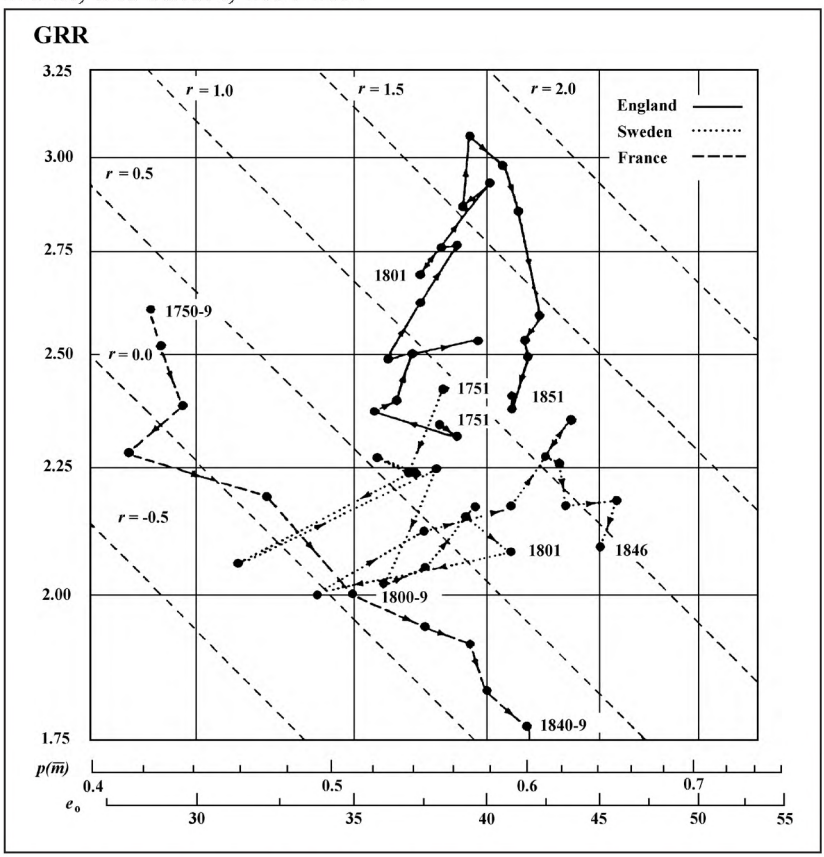
1650 a long-standing aspect of the relationship between population and its economic and natural environment began to be shattered.

The relationship between mortality and fertility

Acting in concert, the mathematics of population and the limits of human physiology set boundaries around the potential combinations of mortality, fertility, and intrinsic population growth rates that preindustrial populations can sustain. One distinction which comparative demographers draw is that between a 'high-pressure' demographic regime – one in which the potentially high growth rates impelled by high birth rates are thwarted by equally high death rates, either as a constant wastage or in the form of vicious cycles of rapid growth followed by crises which drive population down again – and a 'low-pressure' demographic regime – in which both mortality and fertility are comparatively moderate and, if not resulting in a more nearly stationary population, at least give rise to more moderate swings in population levels and thus stave off the worst human costs of more rapid cycles of growth and crisis. 'High' and 'low' are, of course, very relative terms. It is generally agreed that Northwestern Europe, at least back to the sixteenth century, was an exemplar of the 'low-pressure' model in the comparative perspective of preindustrial populations generally, that – neglecting the local variations which micro-climates of disease, environment, or local economy might create – the demographic regimes of Northwestern Europe's various countries were recognisably variations upon the same general pattern (again, when compared with other preindustrial populations elsewhere in the world), but nonetheless that there were still some significant differences in the ways that mortality, fertility, and growth manifested themselves within the broad context of similarity.

Figure 5 illustrates this point by charting the demographic terrains of England, France and Sweden between 1750 and 1850, rather later in historical time than the period with which we are really concerned here, but more or less the earliest period for which we can compare national-level estimates of mortality and fertility levels in this way. The graph is constructed to show mortality levels along the X-axis – in the form (from the bottom-most scale)

Figure 5. Mortality, fertility, and intrinsic growth rates in England, France, and Sweden, 1750-1850



Source: Wrigley and Schofield 1989, p. 246.
OBS: The data are graphed at successive points (represented by the large solid dots), decennially for France, quinquennially for England and Sweden.

of expectation of life at birth (e_0), so that life expectancy increases (or mortality decreases) from left to right in the graph – and fertility levels along the Y-axis – in the form of Gross Reproduction Rate or GRR (mean number of female births per woman completing childbearing years), so that fertility increases from bottom to top of the graph. The diagonal, dashed lines represent intrinsic population growth rates, so that (for instance) any point on the line marked $r = 0.5$ represents a combination of mortality and fertility

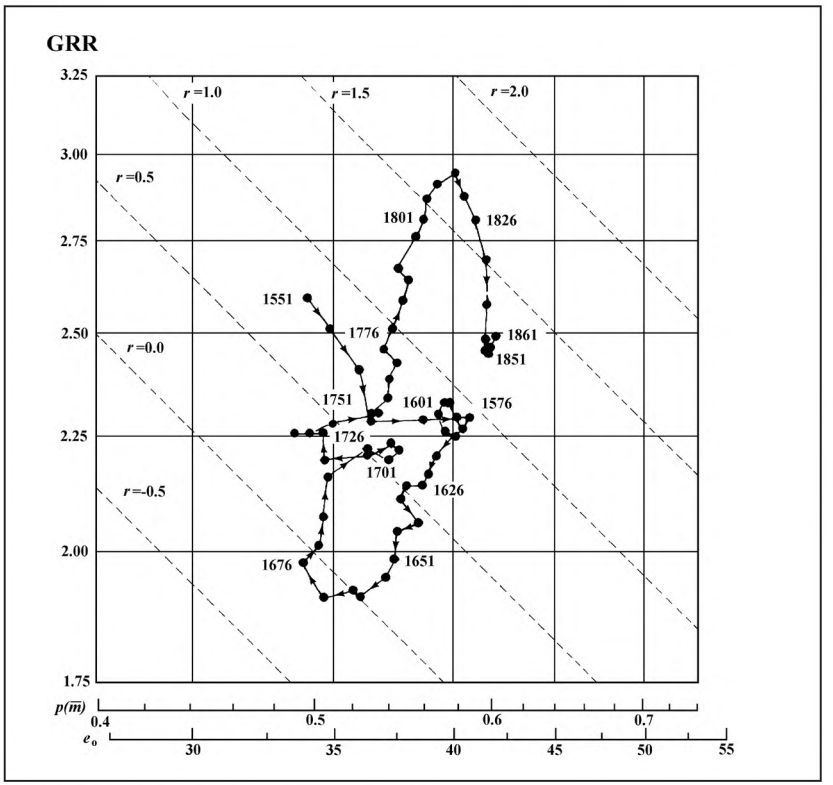
levels which will result in population growth of one-half of one per cent per annum. The scales of the graph have been set in order to make it possible intuitively to see the respective contributions of mortality and fertility change toward growth rates: that is, a movement from left to right (an increase in life expectancy) of a given number of centimetres will have the same effect in raising population growth rate (all other things being equal) as a movement from bottom to top (an increase in fertility) of the same number of centimetres.[31]

The three different datasets graphed in this way represent the successive points in the 'demographic terrain' – that is, combinations of mortality and fertility – which each of the three countries is estimated to have experienced at different stages during the period. It is striking how different the three countries' experiences were. England experienced a surge of population growth from 1750 to the early nineteenth century mainly through a large increase in fertility levels (that is, vertical movement up the graph); in Sweden likewise, the intrinsic growth rate increased during this period, but this was mainly accomplished through an increase in life expectancy (that is, horizontal movement from left to right on the graph); while France maintained a more or less steady, slower growth (just above the $r = 0.0$ line) but did so as a result of steadily increasing life expectancy and steadily declining fertility. Since the population history of Sweden during this period has been known for considerably longer than that of France or England, this serves as a lesson in the historiography of historical demography: assumptions that similar underlying processes contributed to the demographic experiences of different countries were confuted when more information became available, and the moral of the story is that, for this relatively recent period at least, one should be wary of generalising from country to country, in this as in other aspects of historical demography.

Figure 6 is a similar graph showing the English demographic terrain back to the mid-sixteenth century, based upon the aggregative back-projection of Wrigley and Schofield from the parish registers that were instituted by the Church of England in 1538 and which permit the earliest detailed analysis in this manner for any North-

31. Discussion in this and following paragraph is based upon Wrigley and Schofield 1989, pp. 246-8.

Figure 6. Mortality, fertility, and intrinsic growth rates in England, 1551-1861



Source: Wrigley and Schofield 1989, p. 243.

ern European country. The primary conclusions which Wrigley and Schofield made in their 1981 study (which appear to have been confirmed in their more recent volume based upon parish-register reconstitution) were that changes in the overall growth rate of the English population during the early-modern era resulted from shifts in both mortality and fertility in different degrees during different parts of this period. From 1551 to the early seventeenth century population growth was maintained via a fertility rate that was falling and a life expectancy that was rising; over much of the seventeenth century growth rates were falling through a combination of further declining fertility and a lowering of life-expectancy; and from the late 1600s into the early 1800s the renewal of population

growth to unprecedented levels was (as we have seen) more due to rising fertility than lengthening lifespan.

Perhaps the most puzzling conundrum of the demographic history of our period is the combined question of why population remained so stationary for so long during the 1400s, and what the forces were which caused European populations to embark upon a new round of expansion thereafter. Figure 6 is a useful tool for considering this conundrum. It helpfully displays in a visually intuitive form the combinations of mortality and fertility that must obtain to produce any given level of population growth within the general confines of a relatively 'low-pressure' demographic regime, whatever the country or period. That is to say: if we take it as a reasonable approximation that the opening one hundred years of our period of interest here, the fifteenth century, were a period of essentially zero population growth (as implied by Figure 3, above), then the combination of mortality and fertility required to sustain stationary population must have lain somewhere on or close to the $r = 0.0$ line of the graph. Or alternatively, as some might argue,[32] it must have lain somewhere along the same line if it were extended further to the left and above the point where it intersects with the left-hand margin of Figure 6. Of course, extending that line beyond the margin of the graph will rapidly transport the observer into a demographic terrain which is no longer capable of being regarded as 'low-pressure'; as a tangible illustration, just beyond that margin lies the point occupied by rural China in 1930, where growth was about one-third per cent per annum and the life expectancy (e_0) was just under 24 years.[33] And depending upon where along that line one chooses to imagine the population of Northern Europe as lying in the fifteenth century – or some part of the population thereof, for we have no reason to assume that there was homogeneity in this respect among various Northern European populations in the 1400s, in view of the empirically demonstrable variety a century or two later – one must then accept a corresponding explanation for the renewed demographic growth

32. This is essentially the position of Benedictow 1996, pp. 36-41, arguing on the basis of palaeo-demographic analysis of skeletal remains for a life expectancy (e_0) in the low 20s.

33. Livi-Bacci 1992, p. 22, presents a similar graph with much wider ranges of life expectancy and fertility levels and a much wider range of European and non-Western populations.

of the long sixteenth century. The further upward and toward the left one chooses to locate a fifteenth-century population, that is, the more one must assume that the renewed demographic expansion of the long sixteenth century resulted from increasing life expectancy rather than increasing fertility. Likewise, the further upward and toward the left one chooses to locate a fifteenth-century population, the more one must believe that a remarkable, wholesale transformation of the mortality environment took place within a historically short space of time, in the form of movement across the graph of a scale and speed compared to which most of England's early-modern demographic changes pale in comparison.

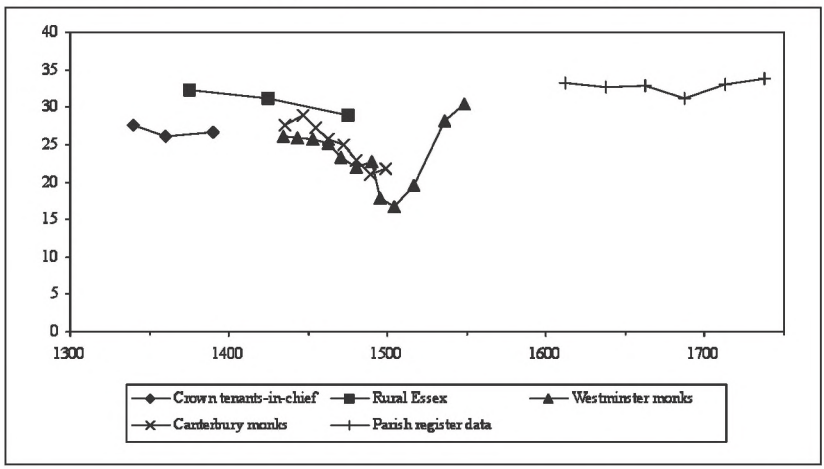
It is perhaps the safest assertion this present discussion will make that no clear explanation of this conundrum can yet be offered. In view of the scarcity of direct, empirical demographic data, historians have generally focused upon social and economic factors which may or may not have affected the patterns of marriage, fertility, and household formation through the influence of wage and price levels, land availability and redistribution of settlement, and the like; and proponents have been equally vocal in arguing for either a mortality or a fertility transition to explain the demographic changes which occurred around 1500.[34] It is also the case that generally speaking, for the pre-parish-register era, whereas mortality or life-expectancy information is difficult to obtain fertility information is even more scarce; and to compound matters, pre-1500 mortality or life-expectancy data which do present themselves to the scrutiny of historical demographers by and large tend to be most uninformative on the mortality experiences of infants and children, which is a serious handicap in view of the fact that changes in the life expectancy of the very young were a major factor in changes in e_0.

Figure 7 presents several sets of data for male life expectancy at age 25 (e_{25}) from England from the fourteenth to the eighteenth centuries. The early-modern data come from the recently published results of parish-register reconstitution by Wrigley, Davies, Oeppen and Schofield from 26 English parishes.[35] There are two

34. Poos 1991, pp. 111-29, argues for equal contributions of mortality and fertility in accounting for this transition in England, and briefly surveys the debate as it stood in the late 1980s; Bailey 1996 is a critical review of this position.

35. Wrigley, Davies, Oeppen and Schofield 1997, p. 305.

Figure 7. Some estimates of English male life expectancy at age 25 (e_{25})



Sources: For the early-modern period, Wrigley, Davies, Oeppen and Schofield 1997, p. 305; for Westminster and Canterbury, Harvey 1993, pp. 112-45 and Hatcher 1986 respectively; for rural Essex data presented in Poos 1991, pp. 115-20; for tenants-in-chief, Poos and Oeppen (forthcoming).

series of life expectancy data for the fifteenth century, derived from the life-histories of monks in the monasteries of Westminster and Canterbury.[36] One set of data for a small sample of rural (mainly peasant) populations comes from three communities in the county of Essex.[37] Finally, one series of estimates is displayed which are based upon the records of the inquisitions *post mortem*, tenurial records dealing with tenants-in-chief of the English Crown (and thus pertaining in general to fairly well-off freeholding men); the values shown in Figure 7 are based upon a new set of methodological re-examinations of these data which will be published in the near future.[38] The data presented here are unlikely to resolve

36. Hatcher 1986; Harvey 1993, pp. 112-45; the data for the Westminster and Canterbury monks were kindly provided to me by J. E. Oeppen, who did the statistical analysis of the two datasets.
37. Based upon data presented in Poos 1991, pp. 115-20. The estimates for life expectancy at age 12 presented there have been converted to e_{25}s by reference to Princeton Model West life tables and are undoubtedly very approximate: cf. Coale and Demeny 1983.
38. Poos and Oeppen (forthcoming), which substantially revises upward the previous estimates from this source by Russell 1948.

the conundrum, even for England, let alone for anywhere else; but they suggest, first, that the very severe mortality evident in the monastic populations (and rising to very high levels near the end of the 1400s) may have been related to their urban, dense physical surroundings, whereas the two lay medieval populations may be more representative of England's population at large. There the conundrum must rest at present.

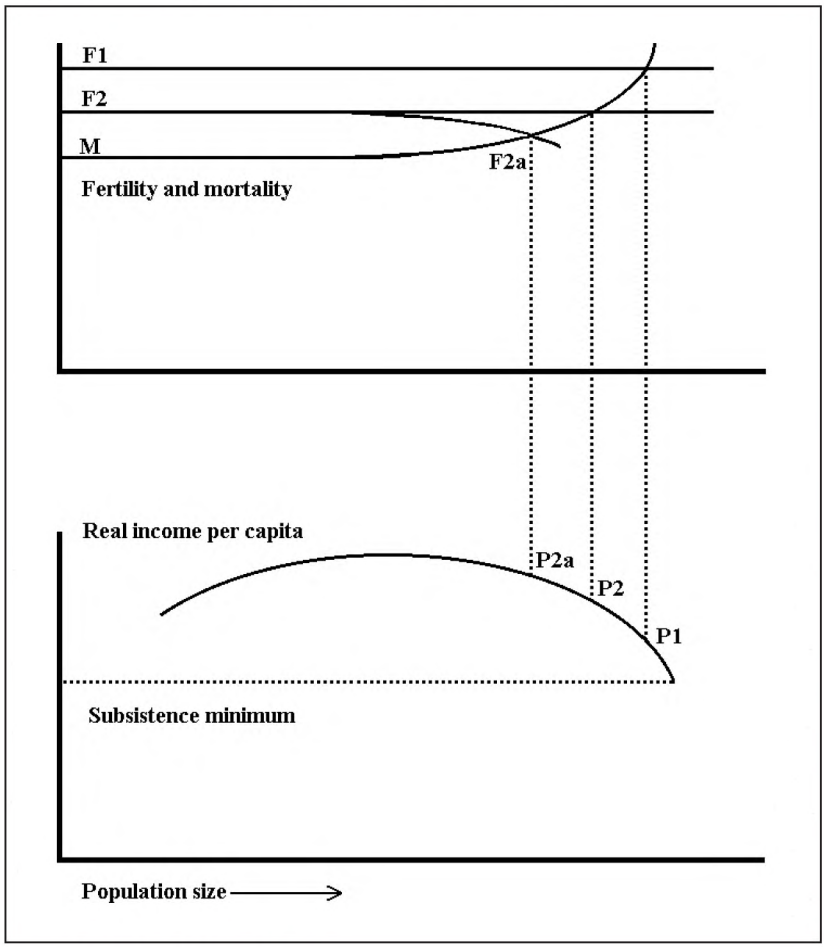
Household formation

The final set of issues to be considered in this brief survey concern the ways in which the patterns of mortality, fertility, and nuptiality relate to their economic environment. This relationship can be considered theoretically as an aggregate process, but in real life it operated through the intermediary of essentially individual-level decisions regarding marriage and household formation. In the absence of significant illegitimacy and effective contraception, which most historical demographers would argue to have held true for most of Europe during our period, nuptiality was the primary linchpin between economic circumstances and fertility.

Figure 8 is a simplified, economist's-eye view of the implications of different marriage systems and their bearing upon living standards.[39] It sketches in a schematic way what happens when a preindustrial population increases (moving from left to right in the figure). The lower curve represents the declining marginal *per-capita* real income toward the right of the figure, presumed to be characteristic of preindustrial economies which past a certain stage of growth experience declining marginal returns to capital, land, and labour. The upper graph displays a hypothetical mortality level (M), which is stationary (other things being equal) up to a certain level of population size, and then begins to increase as a result of the growing level of poverty associated with declining living standards. Line F1 represents one sort of fertility pattern. In this case, fertility is high and is insensitive to economic circumstances, so that if population continues to increase, mortality must ultimately rise to meet or overtake fertility, and the corresponding point on the lower graph (P1) represents a *per-capita* real income driven

39. Derived from Wrigley 1993, p. 369.

Figure 8. Fertility, mortality, and living standards



Source: Wrigley 1993, p. 369.

down close to subsistence; this would represent a 'high-pressure' demographic system. Line F2 represents a variation on the theme: fertility is also insensitive to economic circumstances but is lower than F1, so that the equilibrium point represents a lower population level and a correspondingly high *per-capita* real income (point P2). Suppose, however, that as living standards declined a point was reached at which fertility also responded to economic circumstances – for example, people married at later ages or more peo-

ple never married – the result might be something like curve F2a, where as population increased and living standards declined fertility also declined. The result would again tend to force equilibrium toward a lower maximum of population level with (again) a correspondingly higher point on the real-income curve (P2a).

This exercise would suggest on a theoretical level that the collective cultural rules, whether conscious, semi-conscious, or subconscious, that any given preindustrial society observed concerning at what age and in what circumstances one ought to marry would be of major importance for the mutual relationship between economy on the one hand and the tendency of its population to grow slowly or quickly and with varying degrees of susceptibility to crises on the other. And indeed, in practice historical demographers have shown that preindustrial societies have chosen very different paths to follow in this regard. Since Hajnal's influential article in 1965 it has become customary to speak of a 'European marriage pattern' – in the present context that perhaps ought to be specified as a 'Northwestern European marriage pattern' – which set this part of Europe (northwest of a hypothetical line running from Trieste to St Petersburg) from much of the rest of the traditional world. This pattern consisted of a set of mutually reinforcing characteristics: a relatively late age at marriage for both sexes, a relatively high proportion of persons who never marry, a tendency for marriage to coincide with the establishment of a new household ('neo-local household formation') and for that household to be simple rather than complex in structure, and a tendency for young persons to leave their parental homes during their teenage years and live as servants in other households for an interval between early adolescence and marriage.

The neolocality requirement meant that the rhythms of (perceived) economic prospects would dictate the rhythms of marriage patterns and constituted a mechanism for adjusting nuptiality and fertility so as to stave off the worst effects of population growth: in other words, it tended to push populations toward point P2a rather than P1 in Figure 8.[40] Such was definitively the case for England in the parish-register era. One might further envision at least two major variants on the theme of how worsening economic environment might serve to apply the brakes of growth via nuptiality – in a

40. Hajnal 1965, revised and expanded in Hajnal 1983.

predominantly 'peasant' agrarian economy such might take place through the increasing scarcity of a 'niche' such as a viable farmstead, in an economy where wage labour or rural industry was more predominant it might be through a more diffused mechanism of wages and other less tangible forms of 'niche', with implications for the flavour of family ideology which either situation might help to encourage – and in an era of significant social and economic change in the countryside the two models might not be alternatives in an absolute sense but might rather refer to the marriage behaviour of different fractions of rural society at different times and places.[41]

In the years since Hajnal first articulated this pattern much empirical work has been done which partly vindicates and partly complicates his initial description of it. As far back as we can clearly see, mean ages at first marriage were indeed high for both sexes in global perspective: data from as early as the later sixteenth or early seventeenth century from England, France, the Netherlands, and Scandinavia imply a mean age at first marriage for women falling typically between 22 and 25 years and for men between 25 and 28 years, though it is more difficult, for this early period, to establish proportions never marrying.[42] At the same time, further detailed investigation has shown that the size and composition of households, the corresponding patterns of organisation of the household as work groups as well as kin groups, and (implicitly) the cultural rules surrounding all of these issues refute any notion of even relative homogeneity even within Western Europe. Thus Laslett, for example, proposed a household typology based upon classification of 'West', 'West/central or middle', 'Mediterranean', and 'East'.[43] The concept of a 'Mediterranean' zone of household typology appears particularly problematic, however; recent studies of Iberia and Italy imply a more markedly 'Northwestern' (i.e. neolocal and nuclear) household pattern the further south one travels in these peninsulas, and one study of Southern Italy in the seventeenth century discovered a diversity of household patterns that seem more correlated with local legal, tenurial, occupational, and rural/urban factors than with larger cultural zones.[44]

41. These remarks closely follow the arguments of Schofield 1989.
42. de Vries 1994, pp. 28-9, has a convenient tabulation of parish-based data from these countries.
43. Laslett 1983.
44. Poos 1989, p. 807; Benigno 1989.

It is a corollary of the conundrum discussed earlier, that of accounting for Northern European demographic behaviour during the fifteenth century, that we should be likewise in a state of uncertainty about the earlier history and geography of the 'Northwest European' marriage and household pattern. On the one hand, the more that has come to be known of these matters from the sixteenth century onward, the more complex and variegated the social and demographic landscape of traditional Europe, northern and otherwise, has become. On the other hand, at least until recently among medieval social historians there has been a tendency to regard the history of the family in the Middle Ages as more marked by change over time than variations over place.[45] Some more recent studies of later-medieval household and family structures, drawing upon both the scanty surviving evidence from various parts of Europe for direct study of households and upon the more tangential record of such issues as marriage behaviour revealed in ecclesiastical-court cases, have however attempted to argue that one may just glimpse in the late Middle Ages some of the larger geographical variegations of household typologies which foreshadowed their better-documented early-modern descendents. Examples include the fifteenth-century Tuscan *catasto* in comparison with later Northern Italian family forms, or the late-Byzantine *praktika* (census-like enumerations of rural settlements on the Slav frontiers) with later Balkan family forms.[46]

Conclusion

Whatever consensus may emerge on these issues, it seems reasonably clear that for most of Northern Europe for most of the period 1400-1650, people collectively found the means to constrain periods of demographic expansion to modest rates of growth (as demonstrated in Figures 2 and 3 above), which avoided the worst potential outcomes of population outrunning resources. Rather, populations manage to balance cyclical dynamism with (in modern economists' jargon) a 'soft landing' in the seventeenth century,

45. Particularly noteworthy in this respect are the arguments by Herlihy 1985.

46. I argue along these lines in Poos 1986. Some similar lines of argument are made on different grounds by Smith 1992.

unlike the very hard (though arguably almost wholly exogenous) landing of the fourteenth century. This period of Northern European demographic history was, then, neither a crisis nor a turning-point (though within its own parameters it certainly contained particular crises and particular turning-points). Instead, I would argue, it is a particular phase of the history of European population with some coherence and identity, which set it off both from earlier and later centuries, and from other regions of Europe and beyond.

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Disease: Crisis or Transformation?

Andrew Cunningham

Introduction

I should start by saying that while I am a historian of medicine, I am not a historical demographer or a historical epidemiologist. What I have to say in this paper derives from a project I am engaged in which is involving me in making a survey (rather than original research) of epidemics in Europe in the late-medieval and early-modern period.[1]

Historians of population use the 'crisis' term frequently, especially in the expression 'mortality crisis'. Looking at their writings as they concern the period 1400-1648, we will find the historical demographers identifying crises everywhere. The general impression that their writings make is that this was indeed a period of repeated crises. But was the period really one simply of crisis and crises with respect to disease and population?

What was a 'crisis'? Wrigley and Schofield write that 'any discussion of crisis mortality entails an arbitrary decision as to what constitutes a crisis'. In their book on *The Population History of England 1541-1871* they mean any year or month in which the death-rate is 10 per cent above the 25-year moving average.[2] Elsewhere Schofield has suggested that a mortality crisis is when burials are twice the average;[3] and others have suggested that twice the average should count as a 'major crisis' and one-and-a-half times as a 'minor crisis'.[4] At all events, in this usage the expression seems to mean 'heavy mortality', rather than the 'turning-point' that strictly

1. This has now resulted in Cunningham and Grell 2000, where a much expanded and somewhat different version of the present paper is presented.
2. Wrigley and Schofield 1981, p. 332. This gives about 14 per cent of months as crisis months.
3. Schofield 1982.
4. Turner 1982, p. 109.

speaking it might be expected to mean. In such cases I think terms such as 'demographic catastrophe' might be better. My own usage of the term 'crisis' will be in the popular way as meaning 'a desperate moment' or period.

I shall not be talking about how disease brought on particular crises in the period 1400-1648, whether local or widespread, political or social. Nor shall I be talking about the effect of crises in, say, food supply, as affecting disease outbreaks, nor of disease outbreaks as affecting food supply. These are tasks better fitted to historical demographers.

Instead, I pose my question this way: How are we to assess – with respect to its disease history – whether the history of Northern Europe, in the period 1400 to 1648 was (or is best interpreted as) a series of crises, or as a long, slow transformation? Or we may perhaps reformulate the question like this: if the period is regarded as one either of crisis or of slow transformation, then how does its disease history relate to either of those interpretations? Disease history is of course something different from demographic history.

In the first place it is probably desirable to have some outline of the most prominent aspects of the disease history of the period. So this is where I shall begin.

Then, after this resumé of some of the types of prominent diseases, I shall discuss, in a general and speculative way, some of the historiographic problems involved in considering the relation of past disease to past societies. These thoughts are recent and not yet fully worked out: they may be less novel (and less correct) than I imagine.

I shall begin by looking at the symptoms and course of four *epidemic* diseases of the period, limiting myself (for reasons which will later become clear) to contemporaries' accounts – the 'patient's view' as it is sometimes fashionably known. An 'epidemic' is always a disease which, literally, 'falls on the mob': it appears abruptly, it kills or severely disables *many* people *suddenly* and over a *short* period, and usually in a particularly dramatic and *unpleasant* way. These characteristics, taken together, mean that epidemic diseases are episodes of *fear* and, usually, *social panic.* Today the term 'epidemic' is usually limited to *infectious* disease (except when used in a metaphorical way).

To the people of the time, epidemic diseases appeared as a great series of crises, and the worst of those crises made them believe

that the Second Coming – the end of the world – was imminent, and that disease had been sent to them both as a punishment for their sins and as a sign of the Last Days.

Some epidemics in Northern Europe, 1400-1648

Let us start with an epidemic disease which was believed to be new by those who suffered from it and by those who watched: the French disease, or great pox (great as opposed to the small pocks of smallpox).

When the disease first broke out it was fearsome and extraordinarily painful. Ulrich von Hutten, humanist, courtier and crowned poet laureate by Maximilian I in 1517, was an early and vocal sufferer from this new disease. Hutten had contracted the disease while a soldier in Italy in 1509 or 1510 aged about 21 or 22, and suffered grievously from the disease for many years. According to Hutten, the physicians would at first have nothing to do with the disease because it was so horrible. He writes:

> For when it first began [in 1494], it was of such filthiness, that a man would scarcely think this sickness, that now [i.e. in 1510] reigneth, to be of that kind. There were boils, sharp, and standing out, having the similitude and quantity [i.e. size] of acorns, from which came so foul humours and so great stench, that whosoever once smelled it, thought himself to be infect. The colour of these pustules was dark green, and the sight thereof was more grievous unto the patient than the pain itself: and yet their pains were as though they had lain in the fire.[5]

There was considerable variation in the manifestation of symptoms, but the pustules usually started, in males, on the penis.[6] The astrologers predicted that the disease would only last seven years and then disappear, but instead after seven years the disease turned into a somewhat milder form, without the acorn-like pustules or so much stench. But the pain continued to be excruciating. 'If any thing may cause a man to long for death, truly it is the

5. Hutten 1536, f. 2r.
6. Quétel 1986, p. 10, citing a report of 1495.

torment of this sickness', Hutten wrote, 'For this pestilence besides all his vexations and torments (which pass far all other) only with his foulness and loathliness is able to make one weary of his life'.[7] Hutten felt driven to the sin of suicide under the pain, and only hesitated when he remembered his Christian duty of manfully suffering great torments and pains for Christ's sake.

The pain was in the joints, but it also came from the running sores all over the body, and from the holes that appeared in the flesh as it putrified, so that one could see the bone and watch it being eaten away. There were agonising sores in the bladder, the liver and the stomach. Ulrich von Hutten's case of the disease began in his left foot. As it rose up his leg the skin over the shin began to rot in many holes, very painfully, and over these holes 'was a knob so hard that a man would have thought it a bone', exceeding painful. He could hardly stand up because of the pain; the calf and knee were very cold, the thigh consumed and worn away; one buttock virtually withered away. The pain in his left shoulder was so great that he could not raise his arm, and both shoulders were withered. There was a constant voiding sore below his ribs on the right side, and a constant stream from the top of his head, running down his back. If you touched the place where this filthy stream began, it felt as though the skull was fractured. His face was very painful too. In all this litany of pains Hutten, unlike most other writers, did not mention any lesions or pain in his genitals.

The new disease was one which came to epitomise indulgence and lust. It caused in its time as much concern and anxiety as AIDS is doing today. And it produced an immediate and continuing series of publications from academic physicians, and also from sufferers, recounting their tribulations and their desperate search for a cure. For this new disease did not spare the literate class of men: it attacked humanists, scholars, courtiers of kings, princes, bishops and popes, as much as it affected common soldiers; and it affected courtesans and royal mistresses as much as common prostitutes. It was at home in the hovel as well as in the court, and Francis I of France, Henry III of France, and the Emperor Charles V are all thought to have suffered from it.

The first large outbreak of it occurred in 1494, in the army of King Charles VIII of France which had recently been occupying

7. Hutten 1536, f. 49v.

Naples. Given this first appearance, it is no surprise that the French called it the Neapolitan disease, while those to whom it was spread equally naturally called it the French disease. Others were to call it the Polish disease, the German disease or the Spanish disease. The variety of early names that this disease was given indicates how its arrival was perceived: that it originated from outside, and that it was spread especially by soldiers. And it spread at terrifying speed: according to a modern historian of the disease, Claude Quétel, it spread across the whole of Europe within five years, reaching Nuremberg and Strasbourg by 1495, Geneva and Paris by 1496, England and Scotland by 1497, Hungary and Russia by 1499.[8]

The mortality of pox was nowhere as great as its social impact: after the first terrifying epidemic outbreak of the disease, pox became familiar as a constant presence in society, and the bodily lesions and stinking breath typical of it became commonplace. Although it made such a loud impact, it did not kill significantly. Doctors and surgeons, and quacks of all kinds continued to proclaim new treatments for it, and it continued to be the disease which claimed most public attention. It continued also to be thought of as related to sin and licentiousness.

While pox took the greatest share of attention, it was not the only new epidemic disease visited on Europe in this period. The new modes of warfare brought with them their own diseases. As an army settled in to besiege a town, its soldiers often began to suffer from 'camp fever', a fever sometimes called 'typhus', a Greek term associated with the stupor that came with this fever, for stupor with extraordinary headache was one of its main characteristics, together with red pustules (*petechiae*) resembling flea bites or lentils all over the trunk of the body and the limbs. Not just the besieger, but also the besieged suffered from this new disease, which the besieged would sometimes call 'famine fever' as their food supplies ran out. Its association with armies is indicated by its alternative sixteenth century names: Hungarian disease, Swedish disease, and many others. It killed many more soldiers than the fighting ever did, and vastly more than the pox. It was a fever which killed by the thousand.

A disease also called 'Hungarian disease' attacked the Christian armies defending Europe against the Turks in the 1560s and again

8. Quétel 1986, chapter one, passim.

repeatedly in the 1590s. This 'dry death' (*sicca mors*) killed more soldiers than the attacks of the enemy did. It was a disease endemic to the region ('proper to the Hungarian soil' as one commentator described it), and no-one in the army was familiar with the local conditions. Hence the soldiers were confronted with air in a condition they were not accustomed to, together with unusual food and drink, and these together brought on the disease. It was worst in June, July and August. As reported by Tobias Corberus, an army surgeon in the 1590s, it was a deadly langour, with severe stomach upset.

Typhus had apparently appeared first in 1489-90 during the wars in Granada between Ferdinand and Isabella and the Moors. 'One of the earliest really decisive typhus epidemics', writes the historian of typhus, Hans Zinsser,

> was that which dispersed the army of Maximilian II of Germany, who was preparing with 80,000 men to face the Sultan Soliman in Hungary. In the camp at Komorn, in 1566, a disease broke out which was undoubtedly typhus. It was so violent and deadly that the campaign against the Turks was given up... The Thirty Years War was in all its phases dominated by deadly epidemics .. [In one particularly crucial episode] in 1632 Gustavus Adolphus and Wallenstein faced each other before Nuremberg, which was the goal of both armies. Typhus and scurvy killed 18,000 soldiers, whereupon both the opposing forces marched away in the hope of escaping the further ravages of the pestilence.[9]

Amongst the other numerous and frequent epidemics which struck Europe throughout this period, there was one which originated in England and seemed to limit its attacks mostly to English people, the 'English sweating sickness' or 'the English sweat', and which has just recently been making headlines again (at least in England). Breaking out first in September 1485, just before the battle of Bosworth, among the troops of the future Henry VII in Wales, it spread to London and then over the whole kingdom, killing the rich and powerful as readily as the poor and weak, and with an unusual pattern of striking particularly at well-nourished men in the prime of life. It reappeared in epidemic form in 1506

9. Zinsser 1935, p. 159.

in London, in 1517 when it spread from London to the rest of the country, in 1528-9 again beginning in London and spreading to the whole country, and on this occasion it appeared also in Germany, Denmark, Norway and Sweden, the Netherlands, and Vienna. Then it appeared for the last time in 1551, in England, when it began at Shrewsbury and proceeded into Wales and then to Winchester, Coventry, Oxford and other towns in the south to London, and from there to the towns of the east and north of England. It reached Calais (an English territory) and Antwerp, but only the English people living there seem to have been affected. After these five outbreaks it has never reappeared.

John Caius, a Padua-trained physician then practising in London and in the royal court, who witnessed the 1551 outbreak, wrote a book about it in 1552, *A Boke or Counseill against the Disease commonly called the Sweat or Sweatyng Sicknesse.*[10] 'The sweat' was particularly fearsome because it attacked and killed within one day. Caius wrote of it that for its 'sudden sharpness and unwonted cruellness [it] passed the pestilence', since unlike plague it was extremely sudden. This disease

> immediately killed some in opening their windows, some in playing with children in their street doors, some in one hour, many in two it destroyed, and at the longest them that merrily dined, it gave a sorrowful supper. As it found them so it took them, some in sleep, some in wake, some in mirth, some in care, some in fasting and some full, some busy and some idle, and in one house sometime three sometime five, sometime seven and sometime eight, sometime more, sometime all, of the which, if half in every town escaped, it was thought great favour.[11]

The disease was a fever, with pain in the back and limbs, the liver and the stomach, with pain and madness in the head, and 'passion of the heart'. Flushing and windiness were followed by extreme drowsiness. Sweating was profuse, thick and with a vile smell, which even the decorous Caius called an 'ungentle savour or smell'. Its mortality was very high: virtually everyone who suffered the disease died from it, and within a day.

10. Caius 1552.
11. Caius 1552, p. 9.

Holinshed's Chronicle records of Henry VII's soldiers that

> suddenly a deadly burning sweat so assailed their bodies and distempered their blood with a most ardent heat, that scarce one amongst an hundred that sickened did escape with life; for all in manner as soon as the sweat took them, or within a short time after, yielded the ghost.[12]

The final epidemic disease I shall mention here is plague. This was not a new disease of the period. Plague was the most feared of all diseases, the disease to which other epidemics were (and still are!) often compared in order to convey their horribleness.

The years 1348-9 had witnessed the pandemic of plague now known as the 'Black Death', which killed probably a third of the population of Europe. While never again occurring on that scale, plague nevertheless continued to break out in epidemic form repeatedly, and it is safe to assume that in every year between 1400 and 1648 plague was killing its thousands and its tens of thousands suddenly and horribly somewhere in Europe. As Jean-Noël Biraben, the modern historian of plague across Europe, has written: from 1348 to 1670 'the plague raged in Europe every year, sometimes across vast regions, sometimes only in a few localities, but without omitting a single annual link in this long and mournful chain'.[13] It was not to be until 1665 in England and 1720 in Marseilles, that plague would make its last epidemic appearance in Europe.

In the last hundred and fifty years of the period we are concerned with here, Biraben's figures reveal that plague broke out on no less than seventeen occasions on a scale which reached across the whole of Europe; this averages about once every nine years. The worst of these Europe-wide outbreaks were in the years 1522, 1564, 1580, 1586, 1599, 1604, 1625, 1630 and 1636.[14] Other severe outbreaks across Europe occurred in 1502, 1506, 1545 and 1645, with somewhat lesser outbreaks in 1494, 1537, 1557 and 1592. But

12. Hecker 1844, p. 181 note c.
13. Biraben 1975-6, vol. 1, p. 105, my translation. The following few paragraphs are highly dependent on this work, which includes a most extensive and valuable bibliography.
14. Biraben 1975-6, vol. 1, p. 125.

in addition to these very large trans-regional outbreaks, every locality experienced its own pattern of outbreaks. In the Dutch cities, for instance, during the period 1493-1649 plagues broke out with great frequency.[15] In Amsterdam there were twenty-four outbreaks, in Leiden twenty-seven, in Rotterdam twenty, in Dordrecht eighteen. Sometimes God let the plague visit three or four years in a row, as in Amsterdam in the years 1557, 1558 and 1559, again in 1601, 1602 and 1603, again in 1616, 1617 and 1618, and yet again in 1623, 1624, 1625 and 1626. Sometimes, by contrast, God spared a city for over two decades at a time, as Amsterdam was spared between 1493 and 1522, and again between 1575 and 1599. The mortality in a town like Amsterdam was high: in the years with the worst outbreak of the epidemic, such as 1624 and 1636, it has been calculated that over one in ten of the city's population died from the disease: the population was literally decimated. Even in a year like 1635, one of the least severe outbreaks, when only about one in sixteen of the population died, the social and emotional impact of plague would have been enormous. In general, the larger the town the more frequent the outbreaks of plague. And, again in general, the larger the town the more prosperous it was, hence the more prosperous the town the more frequent the outbreaks of plague. Thus rich and growing towns were particularly unhealthy and unsafe places to live.

Because such a high proportion of those who suffered the symptoms of plague died from it, and in a very short space of time, it was not a disease to which the people could ever become inured. Every outbreak appeared like a divine judgement.

The eminent French surgeon Ambroise Paré's account of plague, which was written at the request of the French Queen-Mother, Catherine de Medici, after a widespread outbreak of the disease in France in 1565, is one of the classic descriptions of the disease, and indicates how painful and fearsome it was.[16] In Paré's view, the 'first original' of plague was a corruption of the air, entering the body and reaching the heart, 'the Mansion, or as it were the Fortress or Castle of Life', where it acted like a poison, attacking the vital spirit. If the vital spirit is weak, it 'flies back into the Fortress of the Heart, by the like contagion infecting the Heart, and so [it

15. Those figures from Noordegraaf and Valk 1996, pp. 231-4.
16. Paré 1630.

infects] the whole Body, being spread into it by the passages of the Arteries'. The pestiferous poison brought about a burning fever, whose effects drove sufferers to desperate measures. They had ulcerated jaws, unquenchable thirst, dryness and blackness of the tongue, 'and it causeth such a Phrensy by inflaming the Brain, that the Patients running naked out of their Beds, seek to throw themselves out of Windows into the Pits and Rivers that are at hand'.[17] The bubo was extraordinarily painful. Paré wrote:

> There are many that for fear of death have with their own hands pulled away the Bubo with a pair of Smith's pincers: others have digged the flesh round about it, and so gotten it fully out. And to conclude, others have become so mad, that they have thrust an hot iron into it with their own hand, that the venom might have a passage forth.[18]

So one can see from these examples of four epidemic diseases of the period, four basic things: 1. that there were lots of different epidemics, with great mortality; 2. that they were very frequent, with several occurring within a typical individual's lifetime; 3. that 'plague' was the most common; 4. but that there were others too, some new some old.

What does this show with respect to crisis or transformation?

Here I turn to some historiographic considerations. It will be obvious from this slight sketch of some epidemics of the period 1400-1648, that epidemics are highly dramatic in their impact on a society. They arrive suddenly, without explanation, and they seize human life, usually on a large scale, in an arbitrary manner. With respect then to our basic question – crisis or transformation? – the evidence of the impact of epidemics, the impact both on the historical actors and on the historians, would seem to show that there certainly were a series of crises in this period, indeed that there were many, severe, crises. We would be within our rights in

17. Paré 1630, pp. 27-8.
18. Paré 1630, p. 68.

concluding from this that the disease history of the period *is* one of crisis, and that if we nevertheless continued to insist that there was actually a slow transformation, then we would have to concede that that slow transformation worked itself out through a series of monumental sudden crises.

However, it is immediately necessary to enter some reservations about this conclusion. In the first place there is the matter of *visibility*. From a historian's point of view, epidemics are much the easiest diseases to find and trace in the early modern period. From the mid-fifteenth century their arrival (and especially that of plague) prompted a considerable quantity of printed material, with every major printing centre putting out tracts, treatises, recipes for cure, sermons, prayers, edicts about social behaviour, and so on etc. Moreover, epidemic disease makes a particular mark in records of death kept by contemporaries. Hence in recent decades, the techniques of historical demography have often been able to enrich and substantiate with figures the impressionistic story told by the historical actors, by showing us, especially for the very end of this period (i.e. from the Council of Trent on, increasingly fully) just how many people died in particular outbreaks, how long an outbreak lasted in a particular vicinity, how it spread, and how the disease declined. So the work of historical demographers has (incidentally) acted to keep epidemic disease prominent in historical accounts, and means that one can write a rich history of epidemic disease for this period. Yet, although they are so prominent in our accounts of the past, epidemic diseases comprise only part of the disease history of any society, and that a relatively small part. As we know in our own society, which is comparatively free of epidemic disease, illness and accidents still occur in every life and family, and determine the time and nature of our lives and deaths. Thus the immediate visibility of epidemics in the past means we play down the majority of past diseases, the non-epidemic ones. To put it another way: more people in the past died of non-epidemic illness than epidemics.

Secondly, not only are epidemics perhaps disproportionately represented in our accounts of society and disease in the past, but we have also inherited a disposition to regard epidemics as crucial turning-points in human history (i.e. quite literally as 'crises', decisive moments). This is something we have tended to take for granted since the work of the great 'disease-disaster-historians' (as

I shall call them) of the nineteenth century, who first called attention to the possibility and desirability of writing the history of epidemics. The work of Julius Hecker (1830s), Heinrich Haeser (1830s), August Hirsch (1860-80s), Andrew Davidson (1880s) and others, was based, at least in part, on a practical medical desire to map diseases in time and space in order to inform modern practice.[19] But these researchers also took it for granted that one could give (in Hirsch's words) 'a picture of the occurrence, the distribution, and the types of diseases of mankind, in distinct epochs of time, and at various points of the earth's surface'.[20] The disease-disaster-historians were interested, that is, not only in the history of the diseases, but also in 'the distinct epochs of time' which typified/governed their incidence. Thus epidemic diseases had for them a history related to place, climate and population. But they also had a role in fulfilling the great drama of history and of human history, seen from a nineteenth century perspective, for this disease history intersected with human history. Thus for Hecker, for instance, the great plague of 1348 played a crucial role in such history, and he marked it with the name 'the Black Death'.

So, in this tradition of writing about disease history, epidemics were not (if I can put it like this) merely epidemics. Their role, at least in the case of the greatest epidemic outbreaks, was to act as markers of some kind in the great story of mankind and his relation to the universe. Historical demographers seem to have taken over this view of the importance of epidemics as crises.

While historians of medicine have not necessarily adopted the nineteenth century Germanic interpretation of history which underlies this view of the centrality of epidemic crises to the interpretation of social history, they have adopted a particular feature of that approach which has, in effect, the same outcome. For they have adopted the tradition of writing *disease biographies* – just as Hecker did of the 'Black Death' – and this genre dominates the literature on disease history even now. In such biographies of an epidemic disease, as told today in the era of the germ theory, the disease is first identified by its microbial *cause,* with the historian identifying it with a *modern* disease; its first historic appearance is noted; its adventures over the years are traced (its comings and

19. Hecker 1833 and 1835; Haeser 1839; Hirsch 1883-6; Davidson 1892.
20. Hirsch 1883-6, vol. 1, p. 1.

goings); its mode and pattern of spread; its mortality at different periods; its characteristic outbreaks; its 'structure' (i.e. the relation of outbreaks to each other); its preferred times and seasons; the microbe's own modifications over time (if any). These disease biographies are constantly being updated. So: the microbe (1) has a history, and (2) it has a history in its encounter with man as a pathogen.

Since the identification of the microbial pathogens of infectious disease, from the 1870s, historians have been enthusiastic to make the identification of past disease with modern infectious disease wherever they possibly can, and in this way they believe they can explain features of past epidemics. Of my four sample epidemics, for instance, they identify past 'plague' or 'Pest' on most occasions as modern plague; this enables them to discuss the conditions under which rats die and their fleas pass to humans. They identify past 'typhus' with modern typhus, caused by a micro-organism carried usually on the human body louse, and hence likely to be prevalent wherever numbers of people in a weakened state are confined together, and thus they can explain the incidence of 'siege' disease and 'hunger' fever. They equate past pox with modern syphilis, and compare its first outbreak in the 1490s with modern outbreaks in 'virgin soil'. And even a disease such as the English Sweating Sickness, which came and then went, they seek to identify as a modern disease (there is a current argument as to whether it was a hantavirus, or a an arbovirus!).

In the disease biography stories that we tell, the role of human society is not active but *reactive,* and we portray such societies (usually) as reacting in ignorance of the real nature of the disease, reacting with panic, desperately seeking scapegoats or hoping to see some pattern in divine action. A recent example of this genre which deals with our period is Edward Eckert's *The Structure of Plagues and Pestilences in Early Modern Europe, Central Europe 1560-1640* (1996). While it goes beyond the usual form of studying of individual episodes of plague in the past, Eckert's book nevertheless has plague and its career as its subject-matter: it is a form of biography of disease.

From the disease-biography tradition, it begins to look as though the germs are running us – that we are the playthings of the germs – that the development (or otherwise) of human societies is an epiphenomenal feature of germ history. It is only with the advent,

in the late nineteenth century, of the germ theory of disease, that humans were introduced into the epidemic disease biographies as active (rather than passive) agents, turning on the infectious diseases and waging a 'war' on them, which humans have increasingly come to win. In this case, then, the disease still has a biography, but it is one which (ideally) ends with its death. This story-line has provided the structure of much traditional history of medicine.

The reason I draw attention to the way in which we pursue these particular types of history of disease is because it seems to me that this traditional approach to both medical and demographic history completely begs the question before us ('crisis or transformation?'). That is, our concentration on epidemics and on the biographies of epidemic diseases is itself built on an *assumption* about the critical role of epidemic diseases as crises, and on the role of those crises as more than just unpleasant episodes but also turning-points in some way, with the greatest of them marking 'epochs' in the history of the earth. Thus it is not surprising that the continued preferential study of epidemics in the disease past gives us a view of the period under scrutiny here as a period of crisis and crises!

Thus, looking at the question of the role of epidemic disease in the history of the period, and particularly whether we have here a story of crisis or transformation, we find that all the cards are stacked in favour of us finding crisis or crises as the key. However, there is, I think, a way out of this problem. And it begins by raising the question: are we writing the history of the right thing here? That is to say, in order to answer the present question should we be looking at the disease – which gives us the multiple-crisis view – or at the society *plus* its diseases, that is at both sets of actors or actants, interacting: disease *and* society, whether in balance or in tension? Would this give us a different view of our 'crisis or transformation?' question here? The issue has been raised by a number of recent scholars, and I want to conclude by following it up a little.

Conclusion

In the first place we need to recognise two things. One is a truism: that there *must* be a relationship between the particular nature of a given society and its diseases (including, but not only, its epidemics). This will probably be a constantly changing relation, but it

is still a relation which can (ideally) be characterised at given moments of time and over the longer time-span, in the past as well as the present. The second is not so self-evident: it is that this relation depends *on the way in which humans change their own environment*, bringing themselves into contact with new sources of disease, introducing round themselves new circumstances, such as advancing into (or retreating from) certain geographical areas, or taking up (or abandoning) certain forms of cultivation. Arno Karlen has recently argued that in the second half of the twentieth century, we have encountered a host of new threatening infectious diseases of international significance – new 'plagues' he calls them: he counts over thirty major ones since 1951. Where have they come from – or, more accurately, why have they arisen? Karlen points out that in the last century, western man changed his environment more radically than in any previous period. He claims that 'most human diseases were once new. They came to us because we changed our environment, our behaviour, or both. Sometimes, as is happening now, they came in waves'.[21]

Karlen's argument about how the change of human environment brings new diseases into play is paralleled by more historically focussed works of recent years, such as those of Alfred Crosby, Philip Curtin, William McNeill and Thomas McKeown.[22] The arguments of all these writers are based on a germ-theory view of infectious disease: that is, they claim either that existing germs are brought into contact with man via environmental changes, or such environmental changes lead to changes in the nature of already existing microbes. We do not need to follow them down this particular route in order to accept the main thesis: that changing environments mean changing disease incidence, and that rapidly changing environments mean rapidly changing disease incidence – visible most of all in the occurrence of 'new' epidemic diseases or of old epidemics with new virulence.

In this sense (I would say) diseases should not be seen as *causes* of social change, whether for good or bad, but as *consequences* of the development of particular societies. Every society gets the diseases and the epidemics it deserves. A contracting and aging soci-

21. Karlen 1995, pp. 10-1.

22. Crosby 1972 and 1986; Curtin 1992 and 1998; McNeill 1977 and 1980; McKeown 1988.

ety (a post-industrial one, for instance) will develop a particular disease profile, with its own apparent epidemics. Our own society, for instance, has an epidemic of cancer(s) on a scale never before experienced. Similarly, a society (whether present-day or historic) which is static in terms of reproductive pattern and in forms of agriculture, industry and commerce, will have its own pattern of disease. So again, a society which is rapidly expanding, which has a great and continuing increase in population, which expands beyond its old line of agricultural exploitation, which is land hungry and food hungry, and which packs itself into growing industrial towns, such a society will have its own pattern of disease and especially of epidemic disease. Rapidly changing environments mean rapidly changing disease incidence.

Such a society was Northern Europe in the period 1400 to 1648, as it recovered from the so-called Black Death. The epidemic disease moments that I was mentioning in the first part of my paper were taking place in the context of a change in population: as far as I can see, historians agree that the population of all parts of Europe doubled over this period. While there is no agreement about what the total population was at the beginning or end of this period, nevertheless there is general agreement that the population was increasing very rapidly. I said just now that the population change was the 'context' of the epidemic crises of this period. That hardly describes the relationship adequately. The inexorable population rise with its immediate social consequences – land pressure, new crops, travel, urban living, new needs for warfare and new modes of warfare, new forms of sexual behaviour – meant the environment in which people lived was being changed continuously. In other words, the demographic transformation, taking place over the long period, brought on the many epidemic crises.

Obviously this is a broad brush-stroke picture: I do not claim that it will explain directly every outbreak of every epidemic, especially at the local level, but it will nevertheless account for the big picture, within which those local episodes occurred. To adopt such a view would involve us in giving up the 'disease biography' approach, or at least render it less central to our stories. In the account of four epidemic diseases that I gave at the beginning, I deliberately did not place these diseases in their customary biographies. I did not even offer modern identifications of these diseases, preferring to cite the accounts of those who were seeing or

suffering the epidemics. Similarly, of the four I chose, two of them are ones which, even by the historical actors, were seen as related to *new* features of early modern life: seige warfare (typhus) and the voyages of discovery and changes in sexual behaviour (pox). What I was trying to convey was that these diseases don't have a biography without *these* particular historical human circumstances of an expanding society. Giving up disease biographies might also enable us to look at *all* the disease experiences of a particular historical society together. For instance the period 1400-1648 saw an epidemic of Melancholia, a mental illness which was as typical a product or consequence of this society as any of the physical epidemics it suffered, and which in turn had as much effect on that society, especially its leaders and intellectuals, as any physical epidemic – but no-one has yet written this history.

Thomas McKeown wrote quite recently: 'Remarkably, medical historians have had little to say about the history of human health, mainly, I believe, because they thought the explanation was self-evident'.[23] I think one could justifiably say, echoing this, that 'Remarkably, medical historians have had little to say about the history of human disease, mainly, I believe, because they thought the explanation was self-evident'. But it is not. I would add to this that, if an epidemic disease does indeed have a biography to be written, that biography can only be the shadow of the history of the human society in which it occurs since, without it, epidemic disease has no existence or identity.

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Social Crisis and Spiritual Renewal

The Reformation and Attempts to Solve the Growing Problems of Poverty, Migration and Vagrancy in the Sixteenth Century

Ole Peter Grell

Writing in the 1530s the Protestant English writer, translator and printer William Marshall expressed his amazement at the 'multitude of poor and needy folks' he encountered in the street. He was horrified to see how they drifted about 'idly, lasciviously and dissolutely' and how they brought with them 'sundry and diverse diseases, contagions and infections', not to mention the 'heinous deeds, detestable sins, crimes and offences' they committed.[1] In his translation of the scheme for the reform of poor relief in Ypres in the Netherlands (1525) Marshall stated that the gross behaviour of idle beggars showed the World Turned Upside Down.[2] Marshall's voice is far from the exception in the early sixteenth century, a whole chorus of similar voices across Western and Central Europe could be added to it, nor are his observations specific to developments in England alone. They appear to have been valid for most of sixteenth century Europe. To contemporaries there was no doubt that the number of beggars had increased dramatically by the early sixteenth century, and like Marshall they also associated these hordes of poor with the newly virulent, infectious diseases, such as the pox and the English sweating sickness, not to mention criminal and anti-social behaviour.

Causes and extent of poverty

By the sixteenth century poverty had become a mass phenomenon and caused a major breakdown of traditional medieval charity which proved unable to deal with the problem. There is general

1. Cited Slack 1988, p. 23.
2. See Salter, ed. 1926, p. 43 and Slack 1988, p. 25.

agreement that this crisis had its roots in the population increase which had begun in the late fifteenth century and accelerated in the sixteenth century, even if we are still awaiting an answer to the question, why this demographic change should have happened at this particular time! There is a consensus that it led to a steady rise in prices, especially on agricultural produce. This process may well have been accelerated by a general agricultural crisis with falling yields which appears to have set in after 1460. Monetary inflation, caused by a massive influx of silver from the newly discovered American continent and currency debasement may also have played a part, even if its significance was over-emphasised by contemporaries. The so-called 'price revolution' of the sixteenth century proved tough for wage-earners in particular. Workers and journeymen who were already at the bottom of the social pile, now saw inflation erode their income, as wages failed to keep pace with the general increase in grain prices in particular. It has been calculated that a building worker in Augsburg in 1500 would have earned enough to buy 50 per cent more commodities than were needed for a household of five – a hundred years later he would only have afforded 75 per cent of the household expenses needed to support a family of five.[3] Wages did not fall, however, they just failed to keep track with inflation. In Hamburg masons' wages increased by 150 per cent during the sixteenth century, those of weavers and carpenters doubled, while women's pay only rose by a paltry 40 per cent; but little did it help when the price of grain rose by no less than 380 per cent.[4] Wilhelm Abel and other economic historians have demonstrated how the purchasing power of wages declined by almost 50 per cent in major German cities between 1500 and 1700.[5]

For contemporaries this persistent inflation was astonishing and deeply scary. It made a striking contrast to the stability experienced by previous generations. After all the century following the Black Death and the general crisis of the early fourteenth century had been a period of slow demographic decline and social stability which had witnessed a consistent fall in agricultural prices. A

3. Cited by Jütte 1994, p. 29. See also Abel 1980.
4. Cited by Geremek 1994, p. 90. See also Abel 1980.
5. Abel 1980, p. 32.

period labelled 'the golden age of hired labour' by the historian Wilhelm Abel.[6]

Not only did the sixteenth century see a rapid growth in the number of poor beggars, but it proved an age of falling living standards for the masses in general, while the wealthier layers of the population such as the larger landowners, entrepreneurs and merchants benefited from what turned out to be an age of economic expansion and opportunity too. The small farmers, whose numbers had increased with demographic growth, found it increasingly difficult to make their often sub-divided farms viable. They were increasingly vulnerable to economic fluctuations and were among the first to go under in years of economic depression. If this was not bad enough they were coming under increased pressure from the larger landowners through enclosures. These takeovers of traditionally common land by the nobility and in particular the gentry were far from being an exclusively English phenomenon. It happened on the continent as well, where the aristocracy were similarly tempted by the profits to be made from animal husbandry.

As pointed out by the Polish historian Bronislaw Geremek: an agrarian society which is unable to implement fundamental changes in its traditional structures is unable to absorb excess population and migration and emigration results. As a consequence a major migration from the countryside to the towns, the major cities in particular, took place in the sixteenth century. It should, however, be borne in mind that it was not poverty alone which drove the rural population towards the cities in this period. They were also attracted, as are twentieth century migrants from third world countries, by the hope of improving their lot. However, their move swelled the labour market, leading to greater unemployment and poverty in towns and cities.[7] The situation in many of the major cities of Central and Western Europe was further complicated in the sixteenth century by the arrival of large numbers of ethnic and religious immigrants. This was the period when three of the four great west European migrations of the Early Modern period took place. Starting with the expulsion of the Jews from Spain in 1492, it included the first wave of Reformed emigration from the

6. Abel 1980, p. 47.

7. Geremek 1994, p. 96; see also Friedrichs 1995, p. 217.

Netherlands in the period 1567-72 which saw more than 60,000 people settle in towns and cities in Southern Germany and South-east England primarily, and it ended with the second wave of Reformed emigration from the Southern Netherlands which may have included as many as 100,000 people. Europe had never witnessed emigration on this scale before. Only the fact that many of the immigrants were wealthy merchants whose Reformed faith and leadership within the foreign Reformed churches which the immigrants established in most of the places where they settled made this possible, and guaranteed that the newcomers did not overburden an often already overstretched system of local welfare.[8]

Still, the arrival of the newcomers, often with superior skills, cannot but have made things worse for the smaller craftsmen and journeymen, at a time when the lower echelons of town-dwellers encountered problems similar to those of the rural population. Urban craftsmen found it increasingly hard to maintain their independence and hired labour came to play a more prominent role. In Brussels, for example, only 10 per cent of the population was defined as poor in 1437, it grew to 17 per cent in 1496, reaching 21 per cent in 1526.[9] But what are we to make of such figures – did the defining criteria remain the same from place to place and over time – were all those registered as poor totally destitute and did they all depend on regular support for their survival? Where, like in England, we have more detailed figures the overseers of the poor usually recorded the number of those who received regular payments, but normally did not bother to include *ad hoc* payments. The data provided by the sources including tax records are difficult to use and can only give us a rough idea of the growing problem of poverty in the Early Modern period.

In this connection it is worth noting that two supplementary definitions of poverty have become accepted among historians of late medieval and early modern poverty. The narrower definition, covering what Paul Slack has termed the 'background level' of poverty and determining the structural poor – consist of those who regularly received poor relief such as the disabled, the chroni-

8. For these great waves of emigrants, see Grell 1996(a), p. 4; see also Israel 1995, pp. 160 and 308. For an example of the system of poor relief practised by the foreign Reformed communities, Grell 1996(a), pp. 93-105.

9. Cited in Geremek 1994, p. 113.

cally ill, the old, orphans, and impoverished widows. This group appear to have constituted between 5-10 per cent in most major European towns and cities as diverse as Lyon, Augsburg, Amsterdam and Norwich.[10] The somewhat lower figures of between 2-4 per cent which may have been regularly supported by the public purse in the Danish towns of Copenhagen, Odense, Viborg and Ribe in this period may well be closer to the European average of 5 per cent or more, when the relief distributed through the poor houses, provincial hospitals and Vartov, the new central hospital in Copenhagen, are included.[11] Unfortunately, however, we do not know how many applied for alms and how many were rejected by the overseers of the poor.[12]

In the sixteenth century urban governments began to collate information about the number of poor, their living conditions, and their needs, using a variety of approaches. Like the surveys or returns of aliens or immigrants made in London and Norwich during the second half of the sixteenth and early seventeenth centuries these statistical inquiries were made just as much to assure the anguished and often volatile local populations that matters were not as bad as they feared, as they were to reach a comprehensive understanding of the true nature of the problem.[13]

The second and wider definition covers the labouring poor – those who possessed nothing but their labour – many of whom were forced to depend on charity in times of general or personal crisis – and who constituted up to two thirds of the urban population in the Early Modern period. These cyclical poor guaranteed that the number of poor reached 'crisis level' in times of harvest failure, epidemics and war, when they grew from the manageable 5-10 per cent to the dangerous 20-30 per cent.

Concerning the topography of poverty there appears to be disagreement among scholars of the history of poverty. Some argue that the late medieval and early modern towns and cities were divided into distinctly rich and poor areas. This should have been a concentric division. The closer a family lived to the religious and

10. Jütte 1994, pp. 50-2.
11. See Ladewig Petersen 1997, p. 157.
12. Jütte 1994, p. 53.
13. Jütte 1994, p. 56; se also Slack 1988, pp. 65-6 and 71-80; for the returns of aliens, see Grell 1989, p. 22.

economic centre of the city, the higher its social and economic position. They do, however, concede that the expanding cities of the sixteenth century generated sprawling suburbs beyond the cities' physical and legal walls, where poorer migrants tended to settle.[14] Others claim that no rigid social zoning existed in early modern towns, although there was a suburban concentration of poverty, especially in the major cities.[15]

The work of Paul Slack on plague in early modern London bears out the topographical significance of the suburbs as a place of residence for the poor in the early seventeenth century, but not during the sixteenth century. London, which grew dramatically from around 85,000 people in 1563 to around 459,000 in 1665, could only cope with this population explosion by the rapid growth of its suburbs. Here overcrowding eroded the health of the poor who could only afford the most dilapidated tenements in the outskirts as pressure grew on the housing market. During the plague of 1563 there was hardly any difference in mortality between the different parishes within the City of London. When the last outbreak of plague happened in 1665 the mortality rates in the poorer parishes and suburbs to the northeast and south of the City were double those in the centre – a clear indication of the developing topography of poverty and plague during the first half of the seventeenth century.[16]

A significant consequence of the above mentioned long term developments, apart from the increased risk to a large number of people of becoming destitute, was the growing popular anxiety it generated. Many more people were exposed to short term crises to an extent they had never experienced previously. Harvest failures, of which there were many in the sixteenth century, were more often than not the final straw that broke the economic back of a family and caused it to sink into irretrievable poverty. The English political observer and statistician, Gregory King, writing towards the end of the seventeenth century, estimated that if a harvest yielded 20 per cent below average, grain prices rose by 80 per cent, but if the yield was only half the normal, grain prices rose by no less than 450 per cent.[17]

14. Geremek 1994, pp. 68-9.
15. Jütte 1994, pp. 58-61.
16. Slack 1985, pp. 153 and 166.
17. King 1696. Cited Jütte 1994, p. 30.

A series of crop failures, however, would lead to a subsistence crisis or famine, as happened in 1527-34, 1565-67, 1571-74, 1594-97, in the early 1620s, and again in the late 1630s. Fernand Braudel has estimated that in France general famine was a serious problem on seven occasions in the fifteenth century, while it happened on no less than thirteen occasions in the sixteenth century.[18] Such series of crop failures were more often than not the cause of serious social instability. The harvest failures in Germany in the years 1490-94, 1500-04 and 1515-19, for instance, not only caused severe famine, but are generally accepted as having been a major cause of the Peasants Wars of the 1520s.[19] Likewise, the bad harvests of 1528-29 caused vast numbers of peasants to make their way towards the great cities of Paris, Lyon and Venice.[20]

To those in charge of their local communities, such as the Elizabethan Justice of the Peace in Maidstone, William Lambarde, the number of poor appeared to be growing as never before at the end of the sixteenth century. Quoting the Bible, Lambarde, impressed on his Maidstone audience the Christian obligation of a local community to maintain its own poor. They were obliged to 'keep at home these swarms of vagrant and flying beggars' so that they did not waste their time, but could be gainfully employed to the benefit not only of their local community which sustained them, but also for their personal benefit, preventing them from being tempted into 'pilfery, drunkenness, whoredom, bastardy, murder, and infinite other like mischiefs'. According to Lambarde more poor relief and almshouses were now urgently needed, not least because the number of poor had grown dramatically. This was in Lambarde's opinion due to the fact that people married younger, obviously not yet able to provide for a family, or presumably having more children, and because 'churchmen also of each degree do marry and multiply', the latter being a somewhat strange observation for a committed Protestant. Lambarde then added the observation that the population had further increased because England had for some time been preserved from 'extreme mortality', such as 'sword and sickness'. However, dearth and high prices 'of all things needful in life' had caused a significant growth in

18. Braudel 1973, p. 39.
19. Blickle 1975.
20. See Geremek 1994, p. 98.

the number of poor and destitute. Furthermore, the fact that the poor had many children who spent their time wandering around, begging with their parents, served according to Lambarde to aggravate an already deteriorating situation. Evidently, incarceration of such families or their children was the only way to prevent a situation where children of the poor continued the lives of their parents as 'most shameless and shameful rogues and beggars'. But of far greater consequence for the present calamities was according to Lambarde a new development:

> And to the increase of these evils, we have, as I said, a sort of poor lately crept in amongst us and not before known to our elders: I mean poor soldiers, of whom this commission specially speaketh. There were always poor leprous, poor lazarous, aged poor, sick poor, poor widows, poor orphans, and suchlike, but poor soldiers were either rarely or never heard of till now of late.[21]

The reason for this, according to Lambarde, should be found in the fact that the feudal army as known from within recent memory did no longer exist. Gone were the days when the nobility and leading gentry of the realm had brought their wealthy neighbours, tenants, and servants with them to the wars, and more importantly did not forsake those who depended on them on their return from military action. Now;

> not only our goals are scoured and our highways swept but also the cannels of our streets be raked for soldiers, what marvel is it after their return from the wars they do either lead their lives in begging or end them by hanging.[22]

People like Lambarde were convinced that this new type of soldier represented deep flaws in contemporary society:

> For now such men as have more valor in their bodies than virtue in their minds will think that all the labor lieth on their hands and will therefore grow insolent and boldly adventure upon the breach of laws in hope that (for the necessity that we have of their ser-

21. Read, ed. 1962, p. 183.
22. Read, ed. 1962, p. 183.

> vice) they may not only escape punishment but pass without controlment for it. Now will your sons and servants strive to draw their necks out of the yoke of due obedience. Now will loiterers and idle persons think themselves warranted to walk at their wills. Now will beastly drunkards and blasphemers vaunt that they be valiant and serviceable men. Yea, now will thieves and robbers take upon them as if they were the only soldiers of the world.[23]

Not only were traditional social bonds and obligations breaking down, but the dregs of society were allowed to take over now that such despicable men were recruited as soldiers. For Lambarde these were all apocalyptic signs that 'we are fallen into the last age and times of the world'.[24]

If many soldiers were recruited among the down and outs the conflicts they became engaged in also increased poverty. For among the other short term effects which caused people to join the ranks of the destitute was war. Europe experienced warfare to an extent and on a scale it had never seen before during the sixteenth and early seventeenth centuries – the age that historians have labelled the military revolution. This expansion of warfare not only led to the growth of armies, but also to improvements in military hardware and tactics, which in turn caused greater devastation, injury and death. These larger armies made greater organisational, financial and economic demands on society, while more often than not they devastated the countryside and cities they marched through, bringing in their wake famine, disease and death to the civilian population.

In March 1585 the Reformed community in Antwerp wrote to its sister community in London, informing it of the desperate situation in the city:

> You know what heavy and intolerable burden this town has to bear through this long war, not only because lately the whole of Flanders and Brabant (except Antwerp, Bergen-op-Zoom and Mechelen) has fallen into the hands of the enemy, and all the poor of these regions have migrated to us, but through the siege which has now lasted since 9 July last, which has caused the merchants to depart, and all trade and manufacture to cease. The taxes for defraying

23. Read, ed. 1962, p. 183.
24. Read, ed. 1962, p. 84.

> the costs of the war are incredible, and fall mostly upon the middle classes (others who are not so wealthy), as the principal and wealthiest people have left us. The river being closed to us, all the necessities are becoming dearer every day, so that we are now begging for assistance,...[25]

Eighteen months later it was the turn of the magistracy in Ostend, by then the only town left in Flanders not yet reconquered by the Spaniards, to ask the London community for help. They described their distress and desolation to their brethren in London while thanking them for the benevolence they had already received. However, 'the groaning and lamentations' of their poor did not cease. They were unable themselves to do anything for them and now begged London to come to the assistance of their poor who were 'severely tried by disease and famine'. They emphasised Ostend's importance as a bulwark against the Spaniards, pointing out that without help from without they might well have to abandon their poor altogether in the coming winter.[26]

Many letters of a similar nature and content were written from besieged towns in the United Provinces during the Eighty Years War. Not only do they demonstrate how the poor suffered and how additional poor from the surrounding country-side sought relief and shelter in the towns and cities in wartime, but they also show the crippling effects of prolonged warfare on those middling groups of society who had to bear the financial burden.

The effects of prolonged warfare could easily get worse than was the case in Antwerp and Ostend, as can be seen from a letter written from Hanau in Germany during the Thirty Years War. As in so many similar cases it was the wealthy Dutch Reformed community in London who was the recipient:

> In the time of the Apostles Agabus predicted a great famine. We have no prophets, but we fear that a great dearth is coming over us, for the Imperial war of 14 years has exhausted and impoverished our whole country and that of our neighbours, while lately a multitude of troops caused great damage and interfered with agriculture. And as some of our towns were captured, we also feared an attack or siege, so that we took in a large garrison, which will reduce our citizens to

25. Hessels, ed. 1889, no. 977.
26. Hessels, ed. 1889, no. 1052.

> poverty and prevent them from aiding our poor. All handicrafts are stopped to the great inconvenience of our workmen, especially as the plague caused great misery among us. Hanau has hitherto been an asylum for many of our exiled brethren and sisters, but now our means are exhausted, and we live in fear of famine and poverty.[27]

Not only did war bring poverty through plundering, destruction and taxation, it often caused serious illness of an epidemic nature, such as plague, among the civilian population. As in so many other cases it was the poorer echelons of society who financially suffered most from illness – which was yet another short term cyclical cause of many economically exposed families sinking into abject poverty.

Illness and its social and economic consequences might easily transfer hitherto self-sufficient lower income families to the ranks of the destitute. Prolonged illness, disability, or death to the male bread-winner was often a one-way ticket to abject poverty for the poorer echelons. Likewise, the poorer segments of the population were more exposed to epidemic diseases such as plague, influenza, typhus, typhoid fever, and smallpox not least because of their living conditions, their poorer diet and unhygienic habitat in overcrowded tenements. The significance of sickness for poverty is illustrated by recent studies on poor relief, which according to Robert Jütte, demonstrate that between 10 and 25 per cent of people depending on outdoor relief were sick, half of which were either old and infirm or suffering from permanent disability.[28]

Lower income families were also particularly exposed to structural poverty caused by the effects of the life-cycle. They were likely to have experienced it first as children when siblings were born putting the family's meagre resources under further pressure. Occasionally their situation was aggravated by the death or desertion of a parent – mainly the father. They would encounter it again when they married and had children themselves. And finally they were likely to face it for a third time, when they reached old age, after a brief interlude of meagre comfort from their late 40s or early 50s when their children could fend for themselves.[29]

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27. Hessels, ed. 1889, no. 2314 (10 November 1634).
28. Jütte 1994, pp. 21-4.
29. For poverty and the life-cycle, see Smith, ed. 1985; Fischer 1979; and Rublack 1978.

This is borne out by outdoor relief provided by the Dutch Reformed church in early seventeenth century London where the majority of the around thirty-six families who received support were either headed by a woman/widow or were old and infirm. The latter was the case for Cornelis Roovers who was around sixty years old when he begged the deacons of the church to grant him a weekly allowance in 1649. He pointed out to the consistory that he had been a member of the community for fourteen years and that until recently he had been able to support himself and his family. Three years ago, however, he had fallen ill and had now spent all his savings and pawned most of his belongings in order to pay for medicine and the maintenance of his family.[30]

Poor relief reforms and their interpretation

It can be concluded that both quantitatively and qualitatively poverty increased dramatically during the sixteenth and early seventeenth centuries. Increasingly medieval charity administered by the Catholic Church had proved unable to cope, where previously it had managed well in normal times and only struggled in times of natural disasters and famine. In towns and cities where the problem of poverty was most acute both laity and humanists within the Church demanded reforms. Beginning in the 1520s this led to a host of suggestions for, and reforms of, poor relief across Europe.

Begging had been at the centre of the medieval practice of charity, not least because of the teachings of Francis of Assisi and other Franciscans such as Bernardino of Siena, who had emphasised that begging most fully expressed a person's relationship with God. However, by the end of the fifteenth century the humility traditionally associated with the poor begging for alms was rapidly disappearing, not least because of their numerical increase. Instead begging became increasingly associated with aggression and the threat of violence associated with sturdy beggars and vagrants. Consequently public attitudes to the poor changed. This change in popular perception is confirmed in a treatise by the Danish Christian humanist and Carmelite friar, Paulus Helie, who in 1528 wrote about how to deal with the sick and poor:

30. Grell 1989, p. 95.

> And God is particularly angered in this day and age because of the many, large and gross sins among Christians. Among the greatest I consider the hardness and lack of charity we are inclined to show towards poor, sick, disabled and unfortunate people, not only disregarding their great affliction and want, but also taking away from them what they can ill afford, or refusing them what we are obliged to provide them with.[31]

However, medieval Catholic charity had never been particularly concerned with the welfare of the poor *per se*. Compassion and desire to better their lot played a negligible part in the medieval Catholic rationale for charitable donations. The funds for the poor appear furthermore to have been increasingly restricted as the internal expenses of the monasteries, the main outlets for charity, continued to grow. The example of the wealthy abbey of Saint-Denis, near Paris, where the annual revenues amounted to 33,000 Parisian pounds at the end of the thirteenth century, is illuminating. Only 1,000 pounds or around 3 per cent of the abbey's income was actually spent on the poor. Mediating between the wealthy donor, who sought to secure his or her salvation, the Church transferred the material gifts to the poor, who in return promised spiritual support through prayer for their benefactor. It was in effect an exchange of alms for prayer from which the Church took a substantial cut. As argued by some late medieval mendicants donating money to the voluntary poor – the Dominicans and Franciscans – was a preferable form of charity, than giving alms to the involuntary, lay poor – since only then could the benefactor be assured of a return on his 'investment' in the form of prayer on his behalf.[32] It was in other words not only the external pressure from greater numbers of increasingly poor people which put the medieval system of charity under pressure, but also the internal strain on resources which saw monasteries appropriate an increasing amount of the resources donated to the poor.

The fact that the great move towards major reforms of poor relief in North-western Europe coincided with the break up of Western Christianity – the Reformation – appears to have been of little or no significance to historians of poverty. Most scholars ap-

31. Kristensen, ed. 1933, pp. 5-6.
32. Geremek 1994, pp. 41-7.

pear to concur with Michel Mollat who has argued that the social evaluation of the poor eclipsed their religious connotations by the beginning of the sixteenth century.[33] Today it has become generally accepted among historians that neither Catholicism nor Protestantism influenced the development of the characteristic features of early modern poor relief reorganization, such as the pooling of revenues and resources in a common fund, 'the common chest', and the centralisation of relief agencies.[34] Instead, these reforms are now seen as inspired by civic leaders and Christian humanists who were responding not to religious reforms, but to the economic and demographic changes of the period. This was the conclusion which Natalie Zemon Davis reached in 1968, and it has subsequently been supported by most of the leading scholars in this field, such as Brian Pullan, Paul Slack, Hugo Soly and Robert Jütte.[35] The result has been that religion has come to be seen as an insignificant factor in the social reforms which took place. Even if Natalie Zemon Davis admitted that there were differences between Catholic and Protestant welfare arrangements she clearly considered them to be of a cosmetic, rather than a constituent nature.[36]

Undoubtedly, the removal of religion from this scenario can to some extent be seen as a healthy reaction to the confessionally biased historiography which characterized this field until the 1960s, but that this conclusion was reached by pre-dominantly social historians, influenced by the radical cultural climate of the late 1960s, when the impact of neo-Marxism and economic explanations were strong, can hardly surprise. However, the unquestioning acceptance of these views by most Reformation historians is surprising. Especially as this interpretation broadly corresponds with that originally put forward in the late nineteenth century by the two Catholic church-historians, Georg Ratzinger and Franz Ehrle.[37] That Otto Winkelmann's response to Ratzinger and Ehrle, in his studies on poor relief in Nuremberg, Kitzingen, Regensburg and Ypres, has now been forgotten is perhaps understandable, but that the more recent articles by Harold Grimm and Carter Lind-

33. Mollat, ed. 1974.
34. See Scribner 1990(b), pp. 177-8.
35. Pullan 1971; Lis and Soly, eds. 1979; Slack 1988; and Jütte 1994.
36. Davis 1975(a), p. 60.
37. Ratzinger 1868-84; and Ehrle 1881.

berg have been largely ignored is less excusable, even if Grimm and Lindberg are primarily concerned with Luther's influence and theological rationale for encouraging changes in poor relief.[38]

Many recent works on the Reformation, such as Susan Brigden's *London and the Reformation*, offer examples of this socio-economic interpretation, namely that the initiative for changes in poor relief came from civic government as a response to social and economic changes, dominate this period's history. In spite of pointing to the significant creation of the five hospitals of St Bartholomew's, Christ's, St. Thomas's, Bethlem and Bridewell as major charitable and Protestant initiatives in the reign of Edward VI, and emphasizing that the 'increase in charitable giving coincided – exactly – with the advance of Protestantism' Susan Brigden is still prepared to disregard her own evidence and to see the reforms as a consequence of an enormous rise in pauperism and interpret the change as a response to 'a social necessity'.[39] These are words which cannot but remind the reader of Brian Pullan's claim that it was the omnipresence of disease, crime and crisis which caused territorial states and municipal governments to respond in similar ways to these urgent social problems.[40] I am not convinced that there is such a thing as a 'social necessity' for reform. If modern society is anything to go by then social crises do not necessarily generate reform. Instead, I have recently argued for a revision and re-examination of this socio-economic explanation for the transformation of early modern poor relief. I do not think that the last few decades of research by social historians have proved the case conclusively that the Reformation had little or no impact on the reforms of charity and poor relief which were introduced in many European countries. Consequently, I have drawn attention to what I consider to be the major flaws in this argument. Furthermore, I have argued that the Reformation was of particular significance for the reforms in poor relief and health care provision which took place in Northern Europe in the sixteenth century.[41]

I may successfully have drawn renewed attention to the role of ideology in general and the Reformation in particular for the social

38. Winkelmann 1913-14 and 1914; Grimm 1970; and Lindberg 1977.
39. Brigden 1989, pp. 477, 481-2.
40. Pullan 1971, pp. 223-4 and 638.
41. Grell 1996(b) and 1997.

reforms which were introduced in the sixteenth century, but socio-economic explanations still tend to hold sway. That this is so can be seen from a recent book on the reforms of social welfare which took place in the city of Emden in the sixteenth century. This book is primarily concerned with the social reforms which took place in the wake of the city's Reformation in 1529, especially the thirty years from around 1550 to 1580. This was a period when Emden came under the influence of Reformed Protestantism while becoming a safe haven for many Reformed refugees from the Southern Netherlands and England. It was also a time when the city changed from a relatively insignificant provincial city of around 5,000 to a large city of around 25,000 people, while briefly becoming a leading financial and commercial centre of Northern Europe. Most of the reforms of poor relief were introduced in the wake of the arrival of the London Dutch Reformed community under the leadership of Johannes a Lasco in 1554. Thus, in the late 1550s the supervisors or administrators of the poor in Emden were incorporated into the Reformed Church as deacons of the resident poor while a separate diaconate for the poor strangers was created to deal with those who needed assistance among the many recently arrived immigrants. It was also during these years that the Reformed Church in Emden endeavoured to establish a separate diaconate for the 'household of the faith', i.e. active members of the Reformed Church, which eventually came into existence a decade later. Other major reforms of the 1550s included the creation of a permanent Grain Reserve to guarantee that grain would be available to the poor at affordable prices in times of dearth, and the reform and expansion of the St. Gertrude's Gasthaus by taking over the Franciscan monastery after the expulsion of the remaining friars, thus making it possible to provide indoor assistance to many more poor, sick and elderly.

Despite being packed with interesting information about the complicated web of social welfare which was created in Emden in the late 1550s Timothy Fehler's *Poor Relief and Protestantism. The Evolution of Social Welfare in Sixteenth-Century Emden* reaches the somewhat baffling conclusion that these reforms were due to social and economic pressures and that religion only played a part in shaping them. Obviously, the explosive growth of Emden created serious social and economic problems, but it is highly significant that the social reforms originated from the Reformed leadership within the city, native, as well as immigrant, and not from the mag-

istracy. Furthermore, this was when the so-called supervisors of the poor became deacons of an increasingly Calvinistic church while a new diaconate for the refugees was created, and another proposed for the 'godly', local poor, all of which were religiously motivated reforms coming from within an increasingly self-conscious and confident Reformed church. Even the Grain Reserve established outside the control of the Reformed church more often than not appears to have been governed by a number of former deacons. Despite such convincing evidence for the Reformation having provided the rationale and drive for social reform in Emden the author of this book still feels unable to reject the primarily social and economic explanations of an earlier generation of historians.[42]

Poor relief and Reformation

Bearing this in mind it is clearly necessary to reiterate, that in an age which was profoundly dominated and shaped by faith, it is difficult to accept that religion should not have shaped the public and private approach to the way the poor and the destitute should be treated.

One of the main arguments against the Reformation as having been the motivator, and Protestantism the prime mover, in the innovations in poor relief has been that many of the most important changes predate the Reformation. But the fact that examples can be found, such as that of Johannes Geiler von Kaysersberg (1445-1510), a cathedral preacher in Strasburg, who as early as 1498 had begun arguing that civil authorities should be responsible for the poor and provide them with work, education and relief, does not necessarily prove that Protestantism did not motivate or strongly influence the changes themselves. Neither does the fact that poor laws were issued and 'common chests' established in some of the German cities years before the start of the Reformation, e.g. the Regensburg Poor Law Statutes of 1515 and the Württemberg 'common chest', envisaged in legislation drawn up towards the end of the fifteenth century,[43] mean that the Reformation did not decidedly shape and accelerate these changes. Simi-

42. Fehler 1999.

43. Scribner 1990(b), p. 178. See also Scribner 1990(a), p. 125.

larly, no historian of the Reformation itself would try and explain away the role of Luther and other Protestants in bringing about this event, just because many of their theological points had already been made by Erasmus and other Christian humanists.

This leads directly to the peculiarly contradictory position of the leading advocates of what I term the socio-economic interpretation, namely their rejection of Protestantism and the Reformation as the instigator of reform in the social domain, while simultaneously accepting Christian humanism as an important inspiration behind the civic reforms of the period.[44] As pointed out by Euan Cameron, 'separating the humanist and Protestant input into the social control legislation of the early Reformation is a difficult and probably quite artificial task'.[45] Why have the Protestant reformers and their social reforms been considered of little or no importance, while Christian humanists such as Juan Luis Vives (1526) and Jean de Vauzelles (1532) and their proposals, have been emphasised as important? After all, their suggestions come chronologically later than those of Luther and his collaborators. Perhaps it has something to do with the fact that the case-studies which have served to promote this argument have all been concerned with cities where humanism for political, religious and geographical reasons remained an important force, as in the case of Lyon (Davis), Venice (Pullan), Bruges, and Ypres. However, to see these cities as good examples of Catholic cities introducing the same reforms as Protestant centres, and hence as proof that the Reformation and Protestantism were of little consequence for the social reforms which were thus instituted across Europe, strikes me as missing the point. It also ignores the crucial fact that all these cities, including Venice, contained substantial Protestant minorities for a considerable period, quite apart from influential groups of Catholic, Christian humanists.[46] Rather than undermining the case for the significance of Protestantism for the social reforms these examples seem to enhance it.

Furthermore, the socio-economic interpretation also attaches far too little importance to the contemporary criticism from main-

44. See Davis 1975(a), p. 60; Slack 1988, p. 9; and Jütte 1994, p. 106.

45. Cameron 1991, p. 259.

46. For Lyon, Davis 1975(b); for Venice, see Cameron 1992, especially pp. 198 and 204-5; for Bruges and Ypres, Briels 1985, pp. 35-6, 45-8.

stream Catholics of the reforms in Ypres and Lyon. Thus, the mendicant orders in Ypres attacked the magistracy's reform (1525) as tainted with heresy, while the Catholic theologians at the Sorbonne warned the city council not to forbid begging or to appropriate Church property and income for their new scheme for poor relief. The Sorbonne professors warned that this 'would be the part not of good Catholics, but of impious heretics, Waldensians, Wycliffites or Lutherans'.[47] In Lyon the proposals by Jean de Vauzelles for new welfare schemes to be introduced by the city fathers were attacked by the Dominican Prior, Nicolas Morin, as 'pernicious to Catholic piety'.[48]

Even the most influential tract on the reform of poor relief by any of the Christian humanists, Juan Luis Vives's *De Subventione Pauperum* ('On the Support of the Poor'), published in Bruges in 1526, was attacked by prominent Catholics, such as the Bishop of Tournai, as being heretical and Lutheran.[49] These Christian humanist proposals for social reform and the practical schemes they are seen to have inspired in Ypres and Lyon were, in other words, considered by contemporary, mainstream Catholics to be heavily influenced by Luther and Protestantism!

Considering Vives's contacts with German scholars it is more than likely that he had been influenced by Luther's views on poor relief which had already been widely publicized in his treatise of 1520, *To the Christian Nobility of the German Nation.* Vives may also have received information on the new poor relief schemes in Germany, such as that in Nuremberg (1522), from his friend, the Protestant preacher in Strasburg, Caspar Hedio, who later, in 1532, translated Vives's treatise into German.[50] Perhaps too much has been made of the originality and influence of Vives's tract on early modern poor relief. It certainly carried little weight in Northern Europe where the influence of Luther and his colleague and collaborator, Johannes Bugenhagen, became paramount. Vives's influence may well have been limited even in the Netherlands, where he resided. When, in 1526, he dedicated his tract *De Subventione Pauperum* to

47. Grimm 1970, p. 232; the statement of the theologians at the Sorbonne is cited by Davis 1975(a), p. 17.
48. Cited in Davis 1975(a), p. 17.
49. Davis 1975(a), p. 17.
50. Grimm 1970, p. 232.

the magistracy of his home-town, Bruges, the city's social reforms were already in place and the reforms in nearby Ypres had taken place the previous year.[51]

The fact that some of the poor relief reforms which took place in German cities, such as that of Nuremberg in 1522, were introduced well before the publication of Vives's treatise has not stopped advocates of the socio-economic thesis from seeing them as inspired solely by Christian humanism. Considering Luther's close contacts with the civic leadership in Nuremberg from as early as 1518, in particular with Lazarus Spengler, this is difficult to accept. Especially since the Protestant motivation behind the new poor relief scheme in Nuremberg is clearly stated in its preamble:

> Faith and love, as Christ says in Matthew 22, are the two pillars of Christian existence, wherein are included all God's commandments and on which all laws and the prophets depend. To love Christ and to depend on him alone, and to love my neighbour, as I believe Christ has taught me, that is the only true way to be godly and saved, and nothing else.[52]

Finally, the discrepancy in the chronology of the reforms in poor relief and health care provision between Protestant and Catholic countries and cities seems to have received little attention. Even if we accept that Christian humanism inspired Protestants, as well as Catholics, the speed was faster and the changes far more radical in Protestant areas, as can be seen from the Wittenberg Church Order of 1522, the Nuremberg Poor Ordinance of 1522, and those of Leisnig (1523), Kitzingen (1523), and Regensburg (1523), than within Catholic areas, where the first ordinance, as far as I can see, was that of Ypres (1525).[53] A similar discrepancy is apparent when we examine who placed a renewed and enhanced emphasis on discriminatory alms-giving and the prohibition of begging, as-

51. Jütte 1994, pp. 112-3; see also Cameron 1991, p. 259.

52. The Nuremberg poor relief order of 1522 is published in Winkelmann 1913-14, I, pp. 258-80 (my translation).

53. Luther personally wrote the introduction to the Ordinance for Leisnig, see Sehling, ed. 1902, pp. 596-604. The Protestant inspiration for the Ordinances for Kitzingen and Regensburg are as pronounced as in that already quoted from Nuremberg, whereas that for Ypres lacks a similar justification, see Winkelmann 1913-14, II, pp. 1-2, 8-9 and 13-4.

pects which increasingly came to characterise post-Reformation charity. With a couple of exceptions they were either Protestants or Christian humanists, and more importantly, the few Catholic exceptions consist of Counter-Reformation theologians, such as Ignatius Loyola and Miguel de Giginta, whose reformed Catholicism had incorporated many of the welfare policies originally advocated by humanists and Protestants.[54] This is also confirmed by the examples provided by Brian Pullan in an article from 1976. The advocates of some form of discriminatory poor relief mentioned here are all post-Tridentine theologians, such as Vincent de Paul.[55]

Brian Pullan has remained a strong advocate of the socio-economic model, but he has emphasized, that even within post-Tridentine Catholicism, which saw the introduction of some differentiation between the deserving and the undeserving poor, the Catholic focus remained on the almsgiver and not on the receiver. Similarly, the physical aid and assistance still came second to the main priority, namely the salvation of the souls of both donor and receiver.

It is also noteworthy that Pullan, pointing to early modern Catholic poor relief as a mixture of traditional and post-Tridentine initiatives, draws attention to the prominent role of the Observant Franciscans in creating the cheap loan facilities for the poor, the Monti di Pieta, which achieved such importance in Italy in the sixteenth century, and in the Italian hospital reforms which preceded the Reformation by 70 years. Likewise, Pullan underlines the importance for Catholic charity of the re-invigoration of the confraternities, especially in Southern Europe.[56] But these were exactly the organisations which in their un-reconstituted form in Northern Europe became the target for some of the most venomous attacks by the Protestant reformers, starting with Luther's treatise from 1519, *The Blessed Sacrament of the Holy and the True Body of Christ, and the Brotherhoods.* Apart from constituting the main challenge to the Protestant reformers in most towns and cities, not least because

54. See figure 10 in Jütte 1994, p. 101; Jütte has listed De Vauzelles and Vives as Catholic theologians there, whereas he refers to them as Christian humanists elsewhere in this book.

55. Pullan 1976.

56. Pullan 1976, especially pp. 27-30.

of their vernacular preaching, it should not be forgotten that the mendicant orders were primarily geared to saving souls, and only as a consequence of that were they concerned with practical charity. In spite of the Observant movement which after all enhanced the traditional Catholic position, that a truly evangelical life was one led in voluntary poverty after the example of Christ, the emphasis continued to be on the beneficence to lay Christians of such ecclesiastical orders. Looking at the impressive Franciscan and Dominican monastic buildings in the modest towns and cities of early modern Northern Europe which have survived, we are reminded that it was mainly the monks and friars who benefited from the Observant movement, primarily because of their spiritual services, such as prayers, vigils and masses for the dead. Considering that the mendicant orders were prevented from owning property and real estate, the monetary donations they received must have been enormous. Luther had already pointed this out in 1520, when he noted that if his suggestion for the abolition of begging was introduced there were those who would claim that 'the poor would not be so well provided for, that fewer great stone houses and monasteries would be built, and fewer so well furnished'. He added that he could 'well believe all this, but none of it is necessary'.[57] Clearly, when competing with these voluntary, ecclesiastical poor for public charity the prospects for the lay, involuntary poor must have been depressing.[58] The religious confraternities, which occupied a peculiar position somewhere between the lay and ecclesiastical sphere, were also, in spite of their charity, particularly towards their own members, primarily concerned with the afterlife. They are probably best described as 'friendly societies where premiums were paid in good works and the rewards matured in eternal life'.[59] As such they received fierce criticism in Luther's treatise, *To the Christian Nobility of the German Nation*:

57. Lehmann, ed. 1961, p. 188.
58. For the Observant movement, see Cameron 1991, pp. 40-3. In this connection it is noteworthy that Dutch towns and cities saw their reformation in the 1570s as an opportunity to eliminate competing institutions of poor relief such as the monastic orders, the guilds and the confraternities who often possessed much greater financial resources than the municipal poor masters, see Pettegree 1994, p. 170. Clearly the success of the Christian humanists had been extremely limited in what became the United Provinces.
59. I have borrowed this expression from Pullan 1976, p. 30.

> Compared with the true brotherhood in Christ those brotherhoods are like a penny to a gulden. But if there were a brotherhood which raised money to feed the poor or to help the needy, that would be a good idea. It would find its indulgences and merits in heaven. But today nothing comes of these groups except gluttony and drunkenness.[60]

Even if the mendicant orders and the confraternities did indeed justify their existence with the doctrine of good works, whereby Man's meritorious actions, channelled through the Church contributed to his own salvation, historians have shown an unfortunate preoccupation with this doctrine. Thus, I agree with Brian Pullan, that the scholarly concentration on the doctrine of good works has been 'not so much incorrect as unduly narrow'.[61] Admittedly, the emphasis on faith and grace by the Protestant reformers made the doctrine of good works look like yet another invention by Rome, but what mattered just as much in this context was Luther's definition of the Church as the 'Priesthood of all believers'. This was a crucial point, denying that priestly orders made someone a superior Christian and that the Church possessed sole or privileged access to holiness and God.[62] It served to hand the Church back to the laity by redefining it as a Christian community with no qualitative difference between clergy and laity. The emphasis shifted away from celibacy towards marriage, and the godly, Protestant family became the cornerstone of the Christian community.[63] This emphasis on the family was prominent in most Protestant church orders, specifically in the sections dealing with those officials who were to be put in charge of the new schemes for poor relief. In the Braunschweig Order of 1528 it was pointed out that prospective deacons had to be chosen from among upright family-men who were known to provide well for their own children and households. Clearly for the reformers charity began at home and unless already demonstrated within the narrow confines of family and household could not be expected to be extended by prospective deacons to the community at large.[64]

60. Lindberg 1977, p. 317. See Lehmann, ed. 1961, p. 193.
61. Pullan 1976, for quotation, see p. 34.
62. For an excellent discussion of the implications of the 'Priesthood of all believers', see Cameron 1991, pp. 148-51.
63. For this, see Ozment 1983; see also Collinson 1992, pp. 60-93.
64. See Sehling, ed. 1902, p. 449.

For Protestants charity became a Christian obligation within the civic, Christian Commonwealth. 'You shall love your neighbour as yourself' became the Protestant rationale for charity, as a consequence of and proof of faith and grace.[65] Thus the role of the voluntary poor such as the mendicant orders was obsolete if not downright negative. Solely by removing them and the confraternities Protestantism cannot but have improved the chances of the impoverished sections of the laity.

A number of historians have correctly emphasized that the reward motive in connection with good works continued to play a part in Protestant charity, but it did so with a significant difference.[66] Where Catholic charity was performed with the certainty of reward in the afterlife – being claims already underwritten by the Church – Protestant donors had no such guarantees, and their expectation of reward could never be more than a pious hope, which found continuous expression in a religious context where clerical middlemen no longer existed to ease the Christian individual's troubled journey towards salvation.

Because Protestant charity became solely a civil obligation towards the Christian Commonwealth, it focused on the living, and on the present as opposed to the hereafter. It treated the poor as subjects, as unfortunate Christian brethren and sisters who had justifiable expectations of assistance from their Christian community, which in turn had the right to make its own demands on its poor. This, as we have seen, differed starkly from the rationale of Catholic charity which continued to be preoccupied with the salvation of the donor's soul in particular, and to treat the poor as objects, even after the post-Tridentine reforms.

Conclusion

Without the Reformation the centralisation and increased accountability of poor relief which took place in the sixteenth and seventeenth centuries would have been unimaginable.[67] That the unintended consequence of the Reformation for European poor

65. Matthew 22.39 and Mark 12.31.
66. See for instance Pullan 1976, p. 21 and Brigden 1989, p. 482.
67. See Jütte 1994, p. 108.

relief took the reforms further than the laicisation which the reformers intended, to the secularisation they probably never imagined, is best explained by the failure to permanently Protestantise society.

The optimism which characterised the early reformers during the first years of the Reformation quickly evaporated. It proved much harder to convert the majority of the people than they had expected, even where the Reformation was strongly backed by government. Similarly, the reformers' high hopes for the reforms of charity and poor relief met with some early disappointments, as can be seen from Luther's letter to Spalatin where he pointed out that the reforms in Leisnig (1523) had not been as successful as he had hoped.[68] But these examples do not necessarily mean that the Reformation and the reforms of poor relief failed, only that the reformers' expectations were too great. The changes introduced by the reformers undoubtedly caused confusion and bewilderment, and may well, as in the case of England, have reduced existing sources of charity in the short term.[69] But even that is far from certain. Firstly, we do not know how many of the medieval resources for charity were actually used directly to assist the involuntary poor: most of them may well have been spent on purely ecclesiastical purposes. Secondly, in Northern Europe the post-Reformation sources concerning charity differ significantly from the medieval ones – no longer are we dealing primarily with wills and letters of donations, instead we have administrative sources, letters of complaints, drafts for reforms etc. This is a source-material which by its nature focuses on shortcomings and failures, as opposed to the medieval material which records the positive events.[70]

As already mentioned, I think it is a meaningless enterprise to try to separate Christian humanist ideas for the reform of poor relief from similar Protestant plans. But where the Christian humanists wrote treatises about the reform of charity, and only occasionally, like De Vauzelles in Lyon, were involved in the practical reforms, the Protestant reformers of Northern Europe incorporated their plans for changes in health care and poor relief into

68. Jütte 1994, p. 107.
69. Scarisbrick 1984, Chapter 2.
70. See the excellent article by Dahlerup 1979.

their new church orders, which were directly concerned with practical reforms on the ground. The reformers were not satisfied with tinkering with one aspect of society only. Instead, they considered their social reforms to be a necessary and important dimension of the overall Reformation of church and society.[71] What had been a good option for Christian humanists became an obligation for good Protestants, who through their practical involvement in creating new church orders, played a leading role in the reforms of poor relief.

Let me conclude by underlining that by trying to reinsert the Reformation into the story about early modern innovations in poor relief, I am not arguing that Protestantism alone brought about these changes, or that social and economic factors were of no consequence, but only that the speed and nature of these changes would have been unimaginable without the Reformation. I have primarily focussed on the early Lutheran Reformation in bringing about the reforms, but as I have indicated, I am convinced that a similar case could be made for Calvinism, when and where it made an impact, as has been forcefully shown by David Underdown in the case of the English town of Dorchester in the early seventeenth century.[72]

So what matters is not the early Reformation *per se* in a chronological sense, but early rather in a generational sense. Thus, it is of little consequence whether the Reformation was Lutheran or Reformed in character, or if it took place in the early sixteenth century or fifty or a hundred years later, but whether the reforms were driven by a strong sense of religious urgency and a commitment towards establishing a new Christian Commonwealth. This drive was more often than not linked to apocalyptic and millenarian expectations which served to add exigency to the reforms.

71. Apart from the Church Orders which tended to be the work of Bugenhagen, it has been estimated that Luther influenced more than 25 poor ordinances in Germany between 1522-30, see Jütte 1994, p. 107; see also Grimm 1970.
72. Underdown 1993.

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Religious Crisis 1400-1700

Some Considerations

Bernd Roeck

It is a special characteristic of German historians that they sometimes go to excessive lengths to define their terms before they start their discourse. I apologise for doing so at this point, and would like to define the two key words of my paper. We are considering the question of 'crisis or transformation'. That means we are not only talking about the 'how', as a phenomenology of change, but also about the 'whether': whether the developments in certain segments of history can be identified and then described by the proper terminology. What then is a 'crisis'?

The concept of crisis

In the discussion about the notion of crisis a reference to the analogy of disease is occasionally made. 'The crisis always occurs in diseases when the illness increases in intensity, or subsides, or transforms into another sickness, or ends at all'.[1] One can find these thoughts in Hippocrates. The crisis does not appear here as a distinct event, but is still the deciding moment of transition from one state into another. For Jacob Burckhardt, to cite one of the most quoted German-speaking authorities on the question of crisis, the crisis is a part of 'the accelerations of the historical process'.[2] An event that leads to something substantially new:

> The historical process is suddenly accelerated in terrifying fashion. Developments which otherwise take centuries seem to flit by like phantoms in months or weeks, and are fulfilled.[3]

The article has been translated by Olga Pollack.

1. Vierhaus 1978, p. 314.
2. Burckhardt 1943, p. 257.
3. Burckhardt 1943, p. 267.

Burckhardt's comment regarding the 'failed crises' is helpful in interpreting a crisis that can be – as he puts it – 'cut off' (*abgeschnitten*). For instance, he counts the German Reformation among this category:

> In the Reformation, a reform of the clergy and a moderate reduction of Church property carried out by the ruling classes, and by them alone, would have sufficed. Henry VIII and the Counter-Reformation after him show what could really have been done. There was in men's minds a profound discontent, but no general, clear ideal of a new Church.[4]

Burckhardt anticipates the antithesis alluded to in the word 'transformation' when he sets the 'accelerated process' against the permanent, gradual influences and interconnections of the great global powers.[5] Although slightly vague, this analysis reflects a way of thinking that we might call 'structural history'.

In the discussion about the notion of crisis, the temporal delimitation is stressed as an important criterion. The original etymology (Greek *krisis* = decision) precludes the description of a permanent condition as a crisis. A crisis is always the culmination-point of long-term developments, although the degree of their dynamic and effect can certainly be determined by contingent factors – how would the German Reformation have proceeded if Luther had died in 1521? The crisis itself is the procedure that describes the climax of a development. It can only be defined in the context of its prehistory and its results.

The crisis in a classical sense can develop momentum after reaching a 'point of no return'. It is not easy to reconstruct when this point is reached, and in fact in historical retrospection this point can only be hypothetically determined. The crisis then becomes removed to a certain extent from the conditions that gave rise to it, and in turn has a more or less intense effect on them. In this manner the crisis expresses a dramatic intensification of long-term developments, but simultaneously it has a quality of its own, in that it contradicts part of its causes.

4. Burckhardt 1943, pp. 267-8.
5. Burckhardt 1943, p. 257.

One should remember that no crisis can completely overthrow or change a political or social system. Even in the case of historical crises permanence and change can be observed side by side (except in the case of crises in individual subsystems, for instance the death rate crisis). The best example of this can be found in Tocqueville's analysis of post-revolutionary France.

After all, the 'great crisis' or the 'historical crisis' is complex. It can become manifest in a subsystem first (for example, in the field of public finances or the economy in general). As is generally known, increases in wheat prices, or 'subsistence crises' often lead to revolutions, which are part of crises themselves – of their beginning, their resolution, their climax.[6] From there, the crisis can affect other subsystems, leading to an accumulation of conflicts which mutually influence and intensify the dynamics of the crisis, taking it to a climax. There can be no doubt that the storming of the Bastille was such an event, as was the publication of Luther's 95 theses. But in both cases we are dealing with events, or 'explosions' as Braudel calls them in his famous essay on the 'longue durée' – their 'deceitful smoke fills the consciousness of the contemporaries but it does not last long, one can hardly see their flame'.[7]

The religious crisis of the late Middle Ages

However, our examination of the critical nature of religious change in the period between 1400 and 1700 should use a more complex model than Braudel's famous three-level-scheme can offer. One should consider that there were great regional differences in the development. In some German territories, Lutheranism and Calvinism were established, while elsewhere in Germany people remained true to their old belief, which however, experienced its own changes. In Italy, we find the classical case of the 'aborted crisis' when we inspect the institutional results of religious changes. Furthermore, one should consider that 'religious crisis' does not only mean a crisis of institutions (particularly the Papacy), but that the social aspect should also be taken into account. Who was affect-

6. See Vierhaus 1978, p. 324.
7. See Braudel 1958, p. 728.

ed by these changes? Who perceived them as such? What groups in society, for example, were caught up in the confessionalisation process? Of course, when one has the rare fortune of a glimpse of 'non-elite' thinking, one finds a remarkable indifference concerning dogmatic matters, ignorance and occasional idiosyncrasy.

The miller Menocchio or David Altenstetter, a goldsmith from Augsburg, are probably the most interesting examples of the latter amongst the 'simple' folk and middle-class craftsmen in Early Modern Central Europe.[8] And if a correspondent of Justus Lipsius writes at the end of the sixteenth century that darkness and barbarism were spreading over the beautiful lands of Europe – to what extent does such a statement reflect a broader consciousness of crisis (as Peter Clark and others claim to have diagnosed for the time around 1590 in general)?[9] By studying guild records and other sources of this period, one encounters much evidence of a normal, peaceful existence, and a calm everyday life that is by no means overshadowed by those apocalyptic fears a few intellectuals might have harboured.

Finally, the 'religious crisis' can be seen not only as a social or institutional problem, but also as a problem of intellectual history. Does the philosophy of the fourteenth century nominalists constitute the beginnings of the reformers' new theology? Is then the Reformation a consequence of the scholastic crisis (as Humanism, in its own way, could be a response to it)? Or must one, as Febvre says, descend to the 'gloomy regions'[10] of the reformer's psychology (Erik Erikson tried this in his famous *Young Man Luther*)[11] in order to find the final explanations for the religious upheavals at the beginning of the modern age?

And so we arrive at the question of the relationship between theory and practice, of the autonomy of processes in religious history, and, more general, of philosophical developments; at the same time, we consider the importance of individual thought and behaviour for the historical process. So, as accurate as it may be to say that without the emergence of Luther or Calvin, the Reforma-

8. On Menocchio: Ginzburg 1976; on Altenstetter: see Roeck 1989, pp. 117–21, and Roeck 2006.
9. See Roeck 1990; Clark, ed. 1985; and Kamen 1976.
10. Febvre 1941.
11. Erikson 1958.

tion would have gained a very different physiognomy, it is equally probable to assume that the success of the reformers can not be ascribed to the management of the *Weltgeist,* but only became possible in a very specific environment. There were structural tensions as defined by Neil Smelser that established the necessary requirements for escalation.[12] Without them there would have been no Reformation, and without the individuals involved there would have been a different Reformation – or a Reformation that would have alleviated or removed the tensions!

If religion is primarily a system of explaining the world, and its institutions offer methods of coming to terms with worldly problems, then the question regarding the state of the world has closer relevance. A religious crisis could ultimately be explained as the increasing failure of a religious system to explain the world and thus to play an integrating and legitimating role. The crisis appears – according to Habermas – as an expression of the inability of the system to perform in a way that guarantees its functioning.[13] As a result, people turn away from the traditional system, its institutions are threatened, and the world-explanation it offers is increasingly negated or at least modified. In the case of the late medieval religious system, this means that it's monopoly on cosmology, and even more its monopoly on magic, are increasingly questioned.

Magiemonopol ('monopoly on magic') is a term that identifies the claim by the institutional church to possess, exclusively, the treasure of the means of salvation, which opens the way to paradise and at the same time, enables one to cope with worldly problems.[14] It is that notion which – before and after the Reformation in a more or less close alliance with the worldly power – defines what is religion and also what is superstition, what is doctrine and what is heresy; decides what is high religion – the religion of the elite – and what is the religion of the common people. I tend towards a pragmatic definition of these terms, which sets different forms of religiousness or belief in relation to the more or less clear and closed systems of institutions.

12. Smelser 1970.
13. Habermas 1973.
14. On the term *Magiemonopol* see Roeck 1999, pp. 334-6. For the problem of the struggle between the upper class culture and the popular culture see Burke 1978; Muchembled 1978; and Behringer 1984.

As is generally known, the institution which claimed this monopoly, and which in fact occupied it until the period of the Reformation, the Catholic Church had suffered dramatic and difficult events and developments during the high and late Middle Ages. The Holy See reached its absolute height of authority and power during the twelfth and thirteenth centuries. This resulted from victories over secular authority during the bishops' investiture controversy in the eleventh and twelfth centuries and over the *Hohenstaufen* emperors. But it is well known that these successes over the Empire were Pyrrhic victories. At the end, there was the Great Schism, and there were the various attempts to resolve the problems of the Catholic Church by means of a great council – a powerful movement that weakened the Papacy's position. The internal church reforms before the 'great' reformation were insufficient. It is obvious that tensions and contradictions inside an institution, which mediates salvation and owns monopolistic claims, would have made at least the educated elite insecure.

Already here the formation of such a powerful movement with anti-ritualistic origins like the Order of the Franciscans was a symptom of the inadequacies of the 'official' church. Likewise the Observants in the fifteenth century stood for the dialectics of a change of the reform movement. This proved to be the beginning of an anti-ritualistic negation of tradition, which repeated older patterns and anticipated the Reformation.[15] The emergence of new heresies and sects such as the Cathars, the Brothers of the Free Spirit, the Hussites and the assortment of people, which Cantimori depicted for us in his wonderful book,[16] characterise developments in the late Middle Ages. Here it is important to see that the old system no longer met the demands of the people. But also movements, which remained inside or at the edge of the 'official church', provided grounds for the assumption that teachings and rituals were being questioned, that people searched for new ways to God. In this category belong the mystic movements of the late Middle Ages, and, in a totally different way, the crisis of the scholastic system taught by the nominalist Ockham. The increasingly noticeable differentiation of various methods to achieve salvation, which were either sanctioned by the Church – or condemned and

15. See Douglas 1972.
16. Cantimori 1949.

therefore fought by it, is the main point, which an observer of late medieval relationships would notice.

A look at Italy (as well as a few northern regions, namely Flanders and Burgundy) points out the most dramatic pre-reformation changes: Humanism and Renaissance. Particularly the German historian tends towards the tradition of Hegel[17] and, of course, towards Ranke's history of the Reformation, in describing these movements with the metaphor of the dawn, until the actual sunrise arrived with Luther and his followers. Most probably the model is more complicated. Today we tend to look more at the abundance of worldviews and the possibility of sublimation, which stand for Humanism, Renaissance and Reformation in connection with other differentiation processes of the passing Middle Ages, thereby finding different but often simultaneous explanations for the same challenges and problems.[18]

A discourse revolution

Panofsky, in his famous comparison of scholasticism with Gothic style, formulated the thesis that the goals of the high Gothic cathedrals, as well as the scholastic *Summa,* dealt with the idea of completeness. From this idea the thesis has obtained, through both synthesis and elimination, a perfect, complete solution. One can speak with much more legitimacy about the high Gothic system than about the style of any other period.[19] A conclusion of Panofsky's (admittedly not indisputable) depiction could be to relate the end of Gothic cathedral construction with the end of the scholastic worldview. This would account for the change in those *mental habits,* which had determined the classic Gothic as well as the scholastic system. Panofsky himself names decentralisation and subjectivism, which is defined with clarity by Petrus Aureolus and Ockham as an indication of this process of disintegration. The only substantial things for 'Modernity' are those that are accessible from the *notitia intuitiva,* individual things, and psychological states; faith and rationalism were separated, forming a philosophi-

17. See Hegel 1988, pp. 877-82.
18. See my summary in Roeck 2001.
19. Panofsky 1951.

cal preview of the Enlightenment. Metaphysical and theological questions, like those concerning the existence or the nature of God, the immortality of the soul, and even the validity of the causality principle were only answerable by categories of greater or lesser probability. At the same time the gates were opened for a rational approach to the world based on empirical concepts. The basic approach to the 'disenchantment of the world' – Weber's notion seems to me to be still accurate and therefore irreplaceable – becomes subsumable, because belief and emotion are assigned to their own areas which are separate from the area of logic and reason.[20]

One of the first results of the contradictions of the scholastic system and other circumstances lies in an event, which one could call *Diskursrevolution* ('revolution of discourse'). It began with Petrarca and Boccaccio and was then followed by the early Florentine humanists – Coluccio Salutati, Leonardo Bruni and Giannozzo Manetti. The new thinking cannot be simply defined as a result of secularization – the majority of the books in the libraries of this epoch still had religious or theological contents – but it cannot be overlooked that there was a gradual increase in the *number of topics* which were inspired by an increase in access to the ideas of antiquity. It is an obvious fact that the fundamentals of exploration of agriculture, astrology and medicine increasingly expanded, and that politics and history, war strategy, the beauty of cities and landscapes, theory and practice of architecture and painting played a more and more important role.[21]

Impressive, even spectacular evidence for this development is found in the arts, as is well-known. With the sunset of the *maniera greca* in the West, the ideal of the approach to the archetype in favour of a freer dealing with tradition disappears: Giotto, Pietro Cavallini and Duccio di Buoninsegna allowed the subjective view in painting to emerge. Brunelleschi developed central perspective to a scientifically calculable process. From the Flemish, especially Jan van Eyck and Rogier van der Weyden (Bartolomeo Fazio calls them *Johannes and Rogerius Gallicus*), came 'realistic' observation and illustration, even though these representations still had evident problems with the representation of three-dimensional illu-

20. See Weber 1985, p. 308.

21. See Peter Burke's overview in Burke 1998.

sions, as shown by some paintings by Flemish or German masters, for example the so-called 'Master of Flemalle' or Konrad Witz.

Certainly, the new amalgamation of Flemish realism and the rational construction of the perspective space from Tuscany still remained in the service of religious purposes: Masaccio decorated the walls of a votive chapel with the legend of the 'penny with interest', Antonello da Messina received accolades for his depiction of the Madonna. But gradually a different handling of images became recognisable; the magical aura, which surrounded the depiction of the holy, was not thrown away in one sweep but glimmered more and more faintly.[22] Step by step, worldly themes broke through – Peter Burke gave the example that the percentage of paintings with profane subjects rose from 5 per cent in 1480 to 22 per cent in 1539 (although one must consider that sacral artworks, for various reasons, have a greater chance of being preserved).[23] Portraits and self-portraits were practically new genres in the fifteenth century.[24] They appear more frequently and more realistically than they have since antiquity. Until now, landscapes had been only included as scenery – some for religious and others for mythical depictions – but now, especially since the discovery of the *sfumato*, they announced their autonomy as an art subject. As in other cases, the literary formulation of the new aesthetic ideals preceded their visual realisation.[25]

It could appear that the age of art began simultaneously with the period of the crisis in the scholastic system. The book of hours (*Les très riches heures*) of the Duke of Berry (before 1402) is a prayer book, but was also a beautiful work of art – even a cult object. Art became an object of divertissement; beauty achieved its own quality, which no longer served exclusively the work of salvation. The humanist Niccolò Niccoli, one of the earliest historically recognised organised collectors, consciously shaped an aesthetic surrounding to which paintings, valuable dishes, expensive *maiolica* and cameos belonged.[26] We find the classical formulation of understanding art patronage in *Zibaldone* by the Florentine banker Giovanni Rucellai

22. See Roeck 2002, with some hints for further reading.
23. Burke 1974; in German in Burke 1984, pp. 284-6.
24. See Castelnuovo 1973; and Pope-Hennessy 1979.
25. See Sutton 1987; and, for further reading: Ketelsen 2001.
26. See his *vita* by Vespasiano da Bisticci: Greco, ed. 1976, vol. II, pp. 225-42.

where he remarked that spending money was more enjoyable than earning it.[27]

The history of art illustrates an aspect of the *Diskursrevolution.* Still, art was far from providing a primary function as religious replacement in a secularised world, but a beginning was made. It primarily served religion, morality and politics, but it is unmistakable – and this is already obvious in the sixteenth century – that art had won a certain amount of autonomy.[28]

Works of art and literature are not always only expressions of their time but often much more a view of alternative projections. They formulate ideal pictures, opening escape paths from an often unpleasant reality.[29] They offer, in other words, more or less practical tools to deal with problems. Religion with its ritual system was the most important tool in the pre-modern period. For our exploration it is decisive that the Church's absolute authority over the *Weltanschauung* began to crumble after the fourteenth century as an ever-increasing variety of cures were found for dealing with affliction in the world. These included new forms of devotion, which renounced the firm authority of the mediators, empirical, rational methods of world understanding, which could be maintained on this side of religiousness. Looking at the causes of fear and anxiety helped to balance the psychological economy.[30] The new forms and contents of art, literature, and discourses offered to alleviate the fears and plagues of existence, and even escape became an option, like that famous flight from pestilence, which composed the framework of Boccaccio's *Decamerone.* Beauty was reborn out of the spirit of neo-Platonism, which demystified artwork and proved to be the prerequisite for the use of art as a kind of psychotropic drug, as a tranquilizer.

Admittedly, a large majority of the population did not participate in these intellectual and artistic developments (yet it is also very questionable whether the church crisis of the fourteenth century would have allowed a majority to experience this as such!). It took time for the new ideas and lifestyles to diffuse into the mainstream.

27. See Perosa 1961.
28. This could be illustrated by the famous controversy between Veronese and the Inquisition: see Fehl 1961; Pignatti 1977.
29. See Białostocki 1985, p. 20.
30. See Roeck 1996.

Humanism and the Renaissance were more or less a matter for the *happy few*, as Nietzsche already observed. The physiognomy of the transformation process between the Middle Ages and the Early Modern period is characterised by this fundamental bipolarity: on the one side, there were broad population stratums glowing with devotion, searching for salvation.[31] On the other side, there were people who were still part of the Christian elite, but were nonetheless searching for new ways, thereby struggling with the *coincidentia oppositorum*. Aby Warburg used the word *Polaritätspsychologie* ('polarity psychology'), to describe the mentality of the early Renaissance: a term which should bring together the 'medieval' and the 'modern' aspects of Renaissance thinking.[32] On the other hand Warburg didn't see the social dimension, the fact that 'Humanism' and 'Renaissance' can be seen as phenomena of the intellectual and creative elite, whereas the 'people' still remained 'medieval'...

The context of religious change

The context encompassing this process of change and economic and social transformation in the late Middle Ages is not easily constructed from simple cause and effect connections. A structural model, which is capable of comprehending complex interdependencies, seems more appropriate. The church crisis, economic changes, indicated by agricultural crisis and plague, plus resulting social changes, and finally a fundamental process – the rise of the early modern state and its consolidation – all of these factors have a fairly clear connection with the changes which occurred in the late Middle Ages. Humanism, the Renaissance, and the Reformation received their specific form through these basic processes; and these occurrences present a 'Janus face' in a structural historical perspective. Their function was in many ways dialectic, not only in the way that they showed modern aspects as they defended traditional elements – which applies, by the way, to almost every spiritual movement – but also because they resulted from modernisation which they simultaneously promoted. Their expression was at the same time an antidote to their negatively understood manifesta-

31. See e.g. Blickle 1987.
32. See Warburg 1907.

tions, like their effect. There was therefore a double dialectic. On the other hand, they had a hindering effect on church developments, pushing back the evolution, which they had brought about. And so they could become factors, which, as Burckhardt describes, checked or aborted the crisis. Every revolution is finally directed to resolve its causes.

The historian is not accustomed to speaking of events, which did not occur – his subject is reality, not fiction. However, is it completely mistaken to argue that Italian Humanism together with its highly specific culture of discourse or – more generally – the higher level of modernisation in Italy, contributed to the fact that the Reformation ideas never really gained ground there? The German Reformation shows this double dialectic: the Reformation seemed at first to threaten the social order and without a doubt demanded subjective attitudes and political decentralisation. This counted as a factor in setting off the Peasants' War, but then in many ways the Reformation had a socially stabilising effect. This was not only because its most important spokesmen entered into an alliance with the authorities, which improved the early modern state building process, but also because it offered the people new and plausible salvation devices. These were so successful at this time because they were at their root anti-ritualistic[33] like late medieval mysticism. Already because of this, these alternatives offered logical explanations as to why the old ritual system could not remove suffering from the world.

The sometimes so-called 'crisis' of the late Middle Ages does not offer an adequate explanation for the complex religious and cultural developments that occurred between the fourteenth and sixteenth centuries. This is especially true for crises, which were accompanied by long-term structural changes – changes that would set the decisive context for religious transformation as well as its course and its result. The economic situation (the crisis of the 1590's[34] with its witch-hunts, inflation, falling incomes and pauperisation), the demographic development, the 're-urbanisation' which began after the middle of the fourteenth century[35] – all

33. For the notion of the Reformation as an 'anti-ritualistic' movement see Douglas 1972.
34. See Clark, ed. 1985.
35. See de Vries 1984.

these belong to the same structural changes. After all, in their beginnings, even the Renaissance and the Reformation were urban events. One should also consider the increasing importance of the monetarised economy and, in a close correlation with these developments, the genesis of the new time perception in the cities and in the state, which gradually replaced the old ecclesiastical perceptions.[36] This evolution can be taken as an important sign of the growing importance of the burgher's secular world.

What is essential is the *state formation,* which occurred in Early Modern Europe. The German historian Peter Moraw coined the term *Verdichtung* ('condensation') expressing very well the sometimes gradual, sometimes very fast and intense process, which led to the formation of the modern state, the agglomeration of rights and power, the growing of bureaucracies and military forces. It was the early modern states and city-states, which formed the framework for cultural change. The representatives of these organisations, acting as clients, visibly placed the new art into the public field of view. This contributed to making the discursive revolution in the fourteenth and fifteenth centuries possible and also facilitated the corresponding connection of communication networks. But these officials were also very demanding, requiring ever-increasing taxes and other services from their subjects. And as they strove to control the body,[37] they also noticeably attempted to make provisions for the salvation of people's souls. Both actions awoke opposition, leading to social and political unrest after the fourteenth century. The religious process of transformation began to accelerate, the transition of the 'tectonic structures' took on its own dynamic, and it came to a crisis (tremors) and then to major crises (eruptions). The changes were such that the religious element – the question of how far the monopoly on magic of a state should reach – proved to be a more or less important factor.

The religious wars of the sixteenth and seventeenth centuries were simultaneously wars of state formation.[38] With the Thirty

36. See Le Goff 1977 and 1981.

37. Prodi, ed. 1994 and the important studies by Heinz Schilling. See Schilling 1999.

38. See Burkhardt 1991. Burkhardt defines the Thirty Years' War as a *Staatsbildungskrieg*, a war forcing state formation. But this term characterises many medieval and early modern wars, because every war causes taxes and therefore a certain degree of bureaucracy and organisation.

Years' War as a climax, the wars denote the extreme escalation of the transformation process into one of crisis. One of the most important developments of this period that proved to be of equal relevance in terms of social history was the increasing effort to keep out nonconformity in every aspect. This tendency was, in fact, triggered by the struggle between rival confessional parties and the involved states. The clash of the state/church complex with nonconformity brought about the notion of a struggle between an elite culture and popular culture where neither could remain clearly definable. I think that the crucial point lies in the fact that, until the seventeenth (and partially still in the eighteenth century), the problem of state formation remained closely connected to the question of what was allowed and not allowed in religious practise.[39] The consolidating institutions viewed it as essential to their power to be able to find out which belief context, forms, and rituals were or were not acceptable. I would prefer to speak of the struggle over the monopoly on magic as described above. Therefore, the confessional struggle between the states, as well as the internal struggle, was essential.

One should not be fooled by the devotion of the princes and the division of power between Church and state! Already their conscience suggested them – yes, even demanded of them – to form their states into theocracies. It revolved around the salvation of their subjects, and when this central task became insufficient, it revolved around their own life. They had 'received their swords from God' and this power not only produced a 'good policy', but also tried to save souls. Religious wars and especially the preceding campaigns against heresy, witches, and demons received their dynamic form from these developments.

In the eighteenth century the sovereign state was for the first time openly sovereign enough to be tolerant and the claim to the monopoly on magic fell away. More and more destiny – Machiavelli's *fortuna* – substitutes God as the master of history. The world runs like clockwork, God doesn't any more intervene directly in the matters of man. The *théodicée* is the most important intellectual result of the age of religious wars, of the early modern religious crisis.

39. See Roeck 1999; and Sallmann 1994.

Conclusion

The Italian Renaissance seems to be more similar to the eighteenth than to the sixteenth century – especially, when we focus our attention on the centres of the early Renaissance in Florence, Urbino, Mantua, Milan, Naples or Rome. The sublime atmosphere around the circles of Marsilio Ficino and Giovanni Pico della Mirandola is close to that which might have flourished in tolerant discussion circles of the Enlightenment. The syncretistic tendencies of the Florentine neo-Platonists seem to anticipate in a certain respect the tolerance of Lessing's *Nathan the Wise.*

An important reason for the dramatic break in the development from which the notions of Reformation, Counter-Reformation, Catholic reform and confessionalisation were constructed lies in the fact that humanistic culture, an achievement of the Renaissance, was only the matter of an extremely small minority. The *Weltanschauung* offered by these cultural and spiritual movements did not provide the essentials for the governments, the princes, kings and city councils to face the dramatic changes which occurred between the Middle Ages and the Modern period. The ideal state of the Early Modern period remained in many ways a theocracy until the second half of the seventeenth century. The state should not only guarantee law and peace, business and change, but should also be the primary protector of the eternal souls, even more than of the mortal bodies.[40]

The dynamic of crises which followed from this reality lead on to the acceleration of state consolidation in a world which was still spellbound – still under the monopoly on magic. The increasing organisational possibilities were available for the attempts to create the 'godly state' on earth. This tendency reached in the sixteenth and seventeenth centuries an absolute climax. Finally, the discursive revolution also led to technical innovations, without which it hardly would have been possible to condition diverse classes of population in the confessional manner: The Reformation without Gutenberg – would it have been possible?

After the Reformation began the difficult process of testing whether God was a Catholic, a Lutheran, or a Calvinist, and only the failure to find evidence gave rise to the resumption of a tolerant tradition, which had its roots in the age of Italian and European Humanism.

40. See Roeck 1988.

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