

Demesne lordship and the early modern state in Central Europe: the struggle for labour rent in Lower Austria in the second half of the sixteenth century

by Erich Landsteiner

Abstract

When historians construct models of opposed societal trajectories through time, and try to locate them in space, they usually end up with a transition zone in between. The hereditary lands of the Austrian branch of the Habsburg dynasty, particularly the provinces of Lower and Upper Austria and Styria (as well as Bavaria and some other West Elbian territories), have been analysed in this respect as hybrid forms, where most of the preconditions for the formation of *Gutsherrschaft* were present in the sixteenth century but where further development was blocked for one reason or another. The paper analyses the transition of the Lower Austrian seignery from a predominantly rent-taking (in money and kind) lordship to a form of lordship showing characteristics of *Gutsherrschaft* more closely than it has been done previously, by concentrating on the question of labour services. The supposed role of the early modern state in blocking the development of a demesne economy is revised and the question of serfdom is addressed by pointing to the use made of the term *Leibeigenschaft* by the actors – peasants, lords, and state agencies – themselves. Finally, the article explores a factor previously neglected in attempts to explain why the Lower Austrian seignery did not develop into a full-fledged *Gutsherrschaft*, with the typical features of regional agro-systems in this part of Central Europe.

According to the image of an agrarian dualism in early modern Central Europe, with *Gutswirtschaft* in the regions east of the Elbe (and Leitha) and *Grundherrschaft* in the regions to the west of this supposed structural borderline, the Habsburg Monarchy is usually seen as a dynastic state composed of territories where either one or the other type of lordship prevailed.¹ The lands of the Kingdom of Bohemia are usually counted among the regions of *Gutsherrschaft*, at least since the end of the 'Thirty Years' War.² Those parts of the Kingdom of Hungary not under Ottoman rule, according to Sz. P. Pach, 'branched off from the western European development path' during the second half of the sixteenth century.³ Tyrol and the very

¹ See R. J. W. Evans, *The making of the Habsburg Monarchy* (1979) and Thomas Winkelbauer, *Ständefreiheit und Fürstenmacht. Länder und Untertanen des Hauses Habsburg im konfessionellen Zeitalter*, (2 vols, 2003), for the general background.

² Eduard Maur, *Gutsherrschaft und 'zweite Leibeigenschaft' in Böhmen* (2001), esp. pp. 59–83, 189–214.

³ Szigmund P. Pach, *Die ungarische Agrarentwicklung im 16.–17. Jahrhundert. Abbiegung vom westeuropäischen Entwicklungsgang* (1964).

fragmented other western territories, where the peasantry had extensive political rights, clearly belonged to the area of *Grundherrschaft*. Much less clear is the position of the eastern Austrian hereditary lands of the Habsburgs (Upper and Lower Austria and Styria). For Upper Austria, Alfred Hoffmann coined the term *Wirtschaftsherrschaft* ('economic lordship') to summarize the way in which, here, lords developed entrepreneurial activities, often based on monopoly rights, but did not establish large demesne farms cultivated mainly with the labour services of their tenants.⁴ The status of the province of Lower Austria is puzzling since here the deterioration of the status of rural subjects during the early modern period cannot be overlooked, and there is considerable evidence showing that in some regions, seigneuries developed in the direction of *Gutsherrschaft* without ever attaining a level of demesne production or the labour service obligations of the subject population comparable to East Elbian Germany or the Bohemian Lands.⁵ Herbert Knittler has defined Lower Austria as a territory 'between East and West' where 'demesnes "got stuck" on their way to *Gutsherrschaft*', considering the concept of *Wirtschaftsherrschaft* a more appropriate description of the course Lower Austrian lordship took during the early modern period.⁶ The same pertains to the situation in Styria.⁷

The divergent paths taken by lordship in the territories of the Habsburg Monarchy during the early modern period are indicated by data from the end of the eighteenth century, especially the results of the cadastral survey of the 1780s, which show the division of agricultural land between lords and peasants, and the nearly contemporaneous measures taken by the state to fix the labour duties of the lordly subjects, the *Robotpatente* of the 1770s.

The tax assessment rolls⁸ show significant differences in the shares of land classified as belonging to demesnes or to peasant holdings, and even more when land use is considered (Table 1). The proportion held as demesne corresponds loosely with the limits set on the labour dues of those peasant subjects liable to hauling and plough services (*Zugrobot*) in these territories in the 1770s: in Lower Austria 104 days per year, and in Bohemia, Moravia and Styria, 156 days per year. Owners of smallholdings without draught animals, cottagers, and

⁴ Alfred Hoffmann, 'Die Grundherrschaft als Unternehmen', in his *Staat und Wirtschaft im Wandel der Zeit* (1979), pp. 294–306 (first published in *Zeitschrift für Agrargeschichte und Agrarsoziologie* 6 [1958], pp. 123–31).

⁵ In the early modern period, the relationship in which lords held dominion over their tenants in the Austrian Lands was constituted through the tenure of landed estates. Since landlords in most cases also held jurisdiction rights over their tenants, the latter were regarded as 'subject' to their lords. For lack of a better word in English, I shall use the terms 'subject' (*Untertan*) and 'subjection' (*Untertänigkeit*) to designate the tenants and their relationship to the lords. My thanks to Markus Cerman for this advice, and see also his comments in the introduction to these essays.

⁶ Herbert Knittler, 'Between East and West. Lower Austria's noble *Grundherrschaft*, 1550–1750', in Charles W. Ingrao, *State and society in early modern Austria*

(1994), pp. 154–80, here p. 168. (See, too, the extended German version under the title 'Zwischen Ost und West. Niederösterreichs adelige Grundherrschaft 1550–1750', in *Österreichische Zeitschrift für Geschichtswissenschaft* 4 (1993), pp. 191–217.) Since this paper owes a lot to the work of Herbert Knittler, one of my former academic teachers, I dedicate it to him who, in his modesty, has until today refused all other kinds of honour.

⁷ See Helfried Valentinitich, 'Gutsherrschaftliche Bestrebungen in Österreich in der Frühen Neuzeit. Unter besonderer Berücksichtigung der innerösterreichischen Länder', in Jan Peters (ed.), *Gutsherrschaft als sozialer Modell* (1995), pp. 279–97.

⁸ In the middle of the eighteenth century, demesne shares were slightly higher for arable land (10%) and vineyards (6%) in Lower Austria. In Bohemia it amounted to 30% for arable land.

TABLE 1. Shares of agricultural land held by demesnes and peasant holdings in Lower and Upper Austria, Styria, Bohemia and Moravia, c.1785.

	Arable		Pasture		Vineyards		Woods	
	Demesnes	Peasantry	Demesnes	Peasantry	Demesnes	Peasantry	Demesnes	Peasantry
Lower Austria	9	91	20	80	4	96	62	38
VUWW	10	90	32	68	4	96	59	41
VOWW	5	95	11	89	5	95	64	36
VUMB	9	91	14	86	4	96	56	44
VOMB	8	92	14	86	10	90	56	44
Upper Austria	2	98	5	95	12	86	60	40
Styria	12	88	22	78	80	20	46	54
Bohemia	24	76	34	66	50	50	77	23
Moravia	12	88	22	78	3	97	86	14

Note: Lower Austria was divided in four parts (*Viertel*) for administrative purposes: VUWW: *Viertel unter dem Wienerwald* (south of Danube to the east); VOWW: *Viertel ober dem Wiener Wald* (south of Danube to the west); VUMB: *Viertel unter dem Manhartsberg* (north of Danube to the east – also called *Weinviertel*); VOMB: *Viertel ober dem Manhartsberg* (north of Danube to the west – also called *Waldviertel*).

Source: Knittler, 'Between East and West', p. 158.

lodgers had much lower limits set at 56, 26, and 12 days per year respectively in Lower Austria (in Bohemia and Moravia partly higher according to their tax assessment).⁹ In Upper Austria, where the limit for labour services was fixed at the very low level of 14 days per year in 1597, there was no need for further regulation. For Lower Austria the data points to important regional differences, with the south-western part (VOWW) having a division of land between demesnes and peasant holdings similar to that of Upper Austria. It is evident that lords preferred to have arable land and pastures rather than vineyards. (Styria and Bohemia seem to be exceptional, but this is not quite conclusive since, in Styria, although most vineyards were classified as demesne land, they were nevertheless overwhelmingly in the hereditary possession of peasants and townspeople, whereas in Bohemia viticulture was a kind of noble hobby. Vine growing was an important part of the rural economy in Lower Austria, Moravia and Styria. In Bohemia and Upper Austria it occupied only a tiny fraction of the agricultural land.) Demesne shares were highest for woodland since lords had more or less unilaterally abolished peasant use rights in woodland and had appropriated to themselves a good part of the woodland formerly in the possession of their subjects.

Since the labelling of large parts of Central and East Central Europe as 'in-between regions',

⁹ Ferdinand Edler von Hauer, *Praktische Darstellung der in Österreich unter der Enns für das Unterthansfach bestehenden Gesetze* (3 vols, 1824), I, pp. 78–146, contains a detailed treatment of the *Robotpatent* for Lower Austria (1772) and the following amendments. For Bohemia and Moravia (1775) see Karl Grünberg, *Die Bauernbefreiung und die Auflösung des gutsherrlich-bäuerlichen Verhältnisses in Böhmen, Mähren und Schlesien* (2 vols, 1894), II, pp. 237–70.

'transition zones' or 'semi-periphery'¹⁰ is not really satisfying, attempts to explain why the development of demesne lordship in the eastern Austrian Lands got 'stuck' also have a long tradition.¹¹ Three factors have been addressed in this respect: first, the changing power balance between lords and princes in the single territories in question, or, more generally, their political constitution;¹² second, the existence of a policy of 'peasant protection' (*Bauernschutz*) by the territorial prince or state;¹³ and third, the degree of access to supra-regional markets for the sale of goods produced on seigniorial demesnes.¹⁴ The revisionist research of the last 20 or 30 years into the supposed dualism of agrarian structures in Central and East Central Europe has shown that the structure and development of lordship in the single territories and regions was much less monolithic than hitherto supposed. There were islands of *Grundherrschaft* within the regions of *Gutsherrschaft* and *vice versa*; the image of an enserfed peasantry, subject to grim exploitation by their lords, had been exaggerated by earlier research, not least for ideological reasons.¹⁵ In short, the famous Elbe river borderline seems to have vanished with the Iron Curtain – so much so that younger colleagues from East Central European countries often tend to deny (or to ignore) all differences in the status of the subject tenants and the rights and powers of their lords.

In what follows I analyse the transition of the Lower Austrian seignury from a predominantly rent-taking (in money and kind) lordship to a form of lordship which showed characteristics of *Gutsherrschaft* (the obligation to perform unregulated labour services, and the compulsory service – *Gesindezwangsdienst* – of orphans and the sons and daughters of peasants on demesne farms) more closely than it has been done so far by historians concentrating on the question of labour rent. This development was accompanied by fierce struggles between lords and peasants culminating in an outright peasant uprising at the end of the sixteenth century. I further try to question the supposed role of the early modern state or the prince in blocking the development of a demesne economy by drawing on Lower Austrian sources concerning the introduction of – in principle – unlimited labour services. I go on to address the tricky question of serfdom and what it could have meant to contemporaries by pointing to the use made of the term

¹⁰ Immanuel Wallerstein, *The modern world-system*, II, *Mercantilism and the consolidation of the European World Economy, 1600–1750* (1980), p. 201, has adopted the term *Wirtschaftsherrschaft* to characterize manorial structures in the 'more semi-peripheral zones of central Europe'.

¹¹ That this problematic is not confined to the Austrian territories, but pertains as well to territories west of the Elbe river (Saxony, Thuringia, Magdeburg, and the Altmark) has been discussed recently by Lieselott Enders, 'Grundherrschaft und Gutswirtschaft. Zur Agrarverfassung der frühneuzeitlichen Altmark', *Zeitschrift für Agrargeschichte und Agrarsoziologie* 55 (2007), pp. 95–112.

¹² Joseph Redlich, 'Leibeigenschaft und Bauernbefreiung in Österreich', *Zeitschrift für Social- und Wirtschaftsgeschichte* 3 (1895), pp. 258–9; Jerome Blum, 'The rise of serfdom in eastern Europe', *American*

Historical Rev. 42 (1957), pp. 807–36, here pp. 822–3; Knittler, 'Between East and West', p. 165.

¹³ Grünberg, *Die Bauernbefreiung und die Auflösung*, I, p. 125; Erna Patzelt, 'Bauernschutz in Österreich vor 1848', *Mitteilungen des Instituts für österreichische Geschichtsforschung* 58 (1950), pp. 37–55; more generally Friedrich Lütge, *Geschichte der deutschen Agrarverfassung vom frühen Mittelalter bis zum 19. Jahrhundert* (1963), pp. 134–52.

¹⁴ Władysław Rysiński, 'Some remarks on the differentiation of agrarian structure in east-central Europe from the 16th to the 18th century', *Studia Historiae Oeconomicae* 13 (1978), pp. 82–95; Knittler, 'Between East and West', pp. 165–6.

¹⁵ As Markus Cerman provides a short overview of the more recent developments in the historiography in the introduction to these essays, I omit any further citations.

Leibeigenschaft by the actors – peasants, lords, and state agencies – themselves. Finally, I will assess the importance of a factor hitherto nearly completely neglected in attempts to explain why the Lower Austrian seignury did not develop into a full-fledged *Gutsherrschaft*, by which I mean the specific character of the regional agro-systems of this part of Central Europe.

I

A short description of the agrarian characteristics of the province of Lower Austria, the size and development of its population, and the distribution of tenant peasant holdings between noble and ecclesiastical lords on the one hand, and the prince on the other hand, as well as a short account of changes in prices and wages, is necessary as background to my analysis of the change.

The division of the country into four districts (*Viertel*) (as in Table 1) corresponds more or less to the ecological conditions of farming.¹⁶ The two eastern parts (VUWW and VUMB) are favoured by climate and soil. Here conditions for arable farming were much better than in the western parts of the country. Most of the wine production took place in this sub-region, with a concentration around and south of the city of Vienna, itself a major vine-growing and wine-trading centre until the middle of the seventeenth century, whereas the VUMB was marked by a general spread of vineyards throughout the countryside.¹⁷ Low levels of rainfall in the north-eastern part (VUMB), on the other hand, severely limited the amount of pasture and meadow available for animal husbandry. Cattle farming was of little importance in the early modern period since Lower Austria was amply supplied with meat from the great Hungarian plain.¹⁸ The north-western region (VOMB), geomorphologically a part of the Bohemian plateau, is a more wooded area with a much lower agricultural potential, which declines from east to west. Vine growing in this part of the country was limited to a narrow stretch of the Danube valley. Differing in nearly all aspects of agrarian production is the south-western part of the country (VOWW) whose southern half belongs to the alpine region, where cattle farming combined with cereal cultivation prevailed.¹⁹ To the west, the processing of iron was economically important whereas viticulture played only a very limited role in the agrarian economy. This area was settled by colonists from Bavaria in the Carolingian period, whereas the other parts of the country were thoroughly colonized only during the eleventh and twelfth centuries. Single, but substantial farmsteads marked the settlement pattern of the south-west, whereas in the other three districts nuclear villages prevailed.

Due to the different timing of colonization by German settlers, seigneuries pertaining to

¹⁶ For the division of Austria into four *Viertel*, see the note to Table 1.

¹⁷ See Erich Landsteiner, 'Weinbau und Gesellschaft in Ostmitteleuropa' (unpublished Ph.D thesis, University of Vienna, 1992).

¹⁸ At the end of the sixteenth century, 150,000–200,000 head of cattle for slaughter passed the border between Lower Austria, Styria and Hungary annually. Most of them were driven further west to South

Germany (or south to Venice), with only 25–30% remaining in Lower Austria. See Harald Prickler, 'Wieviele Ochsen wurden um 1570/90 aus Ungarn nach dem Westen exportiert?', *Burgenländische Heimatblätter* 66 (2004), pp. 21–53.

¹⁹ Herbert Knittler, *Nutzen, Renten, Erträge. Struktur und Entwicklung frühneuzeitlicher Feudaleinkommen in Niederösterreich* (1989), pp. 120–1, provides a concise description of ecological features.

TABLE 2. Number of 'houses' (tax units) in the four *Viertel* of Lower Austria, 1610–84.

	VOWW		VUWW		VOMB		VUMB		Lower Austria	
	'houses'	index	'houses'	index	'houses'	index	'houses'	index	'houses'	index
1610	23514	100	12760	100	17300	100	16158	100	69732	100
1632	23224	99	11925	93	12715	73	12888	80	60752	87
1648	19618	84	9315	73	10542	61	5109	32	44584	64
1655	20971	107	10199	80	10478	61	8041	50	49689	71
1682	23670	113	11855	93	17786	103	15701	97	69012	99
1684	13012	55	4281	34	17476	101	12970	80	47739	68

Notes: for the four *Viertel* see the note to Table 1.

Sources: Franz Stundner, *Die Verteidigung des Landes Österreich unter der Enns im Dreißigjährigen Krieg* (1949), p. 202; NÖLA, S. A., G 2–17/1; B 1–9; G 5–13/1, fo. 2.

the (arch)dukes of Austria were unevenly distributed over the country. They were uncommon in the VOWW (Austria south of the Danube to the west), but were substantial in the other three *Viertel*. The share of the archduke in the overall number of subject tenants amounted to 13–14 per cent in about 1590. At that time about 77,000 subject tenants ('houses') were counted as belonging to the seigneuries of the nobility, divided between barons and knights, and the abbeys, whereas the tenants of the archduke's chamber estates and those under the advocacy (*Vogtei*) of the archduke numbered around 12,000.²⁰ If we add the 3,560 houses in smaller towns and market places under the direct lordship of the archduke, and the city of Vienna with its suburbs (possibly c.1,800 houses) as well as several other towns with special status, we arrive at a total number of perhaps 90,000–92,000 houses, which corresponds to an estimated population figure of 580,000 to 600,000.²¹ Because of severe population losses during the Thirty Years' War, mainly in the parts of the country north of the Danube,²² and in the last major attack of Ottoman forces on Vienna in 1683, which in turn caused heavy population losses in the parts south of the Danube, that figure was only achieved again around 1700 (see Table 2).

²⁰ Advocacy (*Vogtei*) in this sense refers to the powers exercised by the archduke over the tenants of parish churches and clerics who were considered incapable of exercising jurisdiction over their tenants.

²¹ Anton Eggendorfer, 'Das Bereitungsbuch von 1590/91', *Unsere Heimat* 47 (1976), pp. 59–73; Kurt Klein, 'Der Häuserbestand Niederösterreichs um 1590', *Unsere Heimat* 47 (1976), pp. 74–90; Kurt Klein, 'Die Bevölkerung Österreichs vom Beginn des 16. bis zur Mitte des 18. Jahrhunderts', in Heimhold Helczmanovski (ed.), *Beiträge zur Bevölkerungs- und Sozialgeschichte Österreichs* (1973), pp. 47–112. For the number of houses under the lordship of the archduke and his chamber see Niederösterreichisches Landesarchiv (NÖLA), Ständische Abteilung (SA), B 9/19, fo. 14.

²² The contention that the Austrian Lands suffered no important population losses during the Thirty Years' War, going back to Günter Franz, *Der Dreißigjährige Krieg und das deutsche Volk* (1940, 4th edn, 1979), p. 15, and since then constantly repeated in the relevant literature, is certainly wrong. See Erich Landsteinera and Andreas Weigl, "'Sonsten finden wir die Sachen sehr übel aufm Landt beschaffen ...". Krieg und lokale Gesellschaft in Niederösterreich (1618–21)', in Benigna von Krusenstjern and Hans Medick (eds), *Zwischen Alltag und Katastrophe. Der Dreißigjährige Krieg aus der Nähe* (Veröffentlichungen des Max-Planck-Institutes für Geschichte 148, 1999), pp. 229–71, here pp. 231–5.

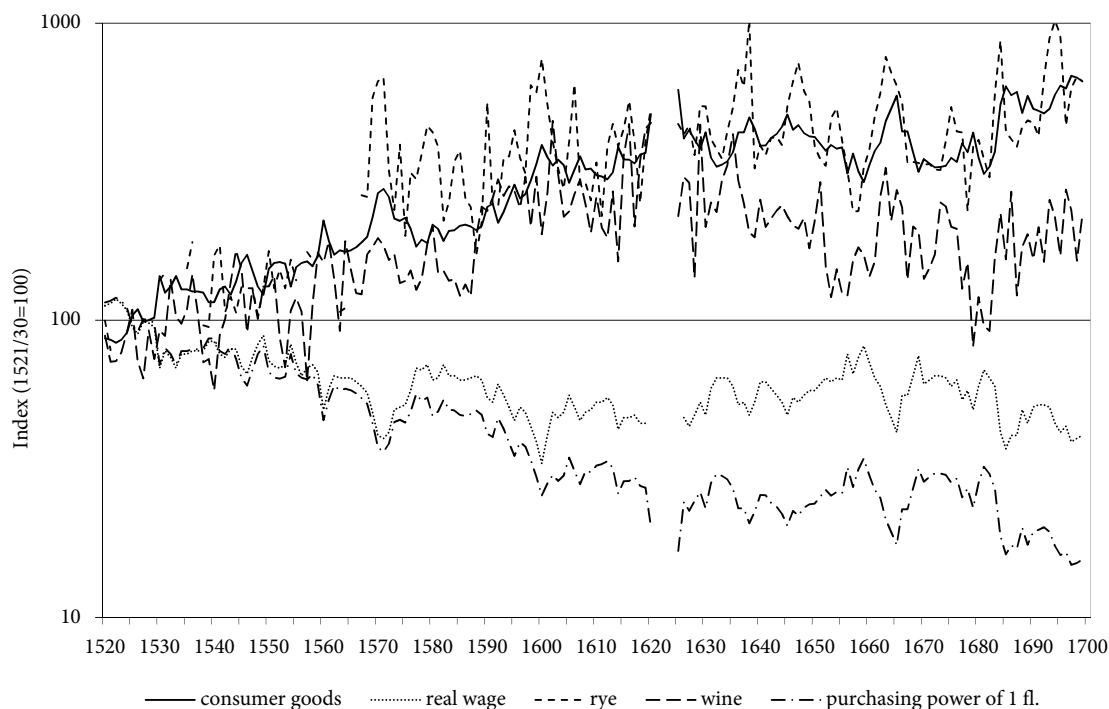


FIGURE 1: Prices, wages and purchasing power of currency, Lower Austria 1520–1700

Sources: H. Phelps Brown/ S. Hopkins, *A perspective on wages and prices* (1981), pp. 78–98, Table 1 (consumer goods, real wage); A. F. Pribram, *Materialien zur Geschichte der Preise und Löhne in Österreich* (1938), series 398, 474, supplemented with further data (rye, wine).

It is evident that these disruptions and population losses changed the balance of power between the social classes. After the Thirty Years' War and, again, after the siege of Vienna by Ottoman troops, land for the expansion of seigneurial demesnes was easily available, whereas the labour to cultivate it was in short supply.

This is reflected by the movement of prices and wages (Figure 1). The secular trend of rising prices for consumer goods, especially for cereals, and declining real wages, was reversed by the beginning of the Thirty Years' War (the hyperinflation caused by currency manipulation during the years 1620–23 is omitted). Prices declined between 1625 and 1680, whereas real wages rose until about 1670. The terms of trade of the two most important products of the agrarian economy of Lower Austria underwent a marked change as well. The price of wine declined much more than the price of rye, the most important bread grain, during this period of deflation. This tendency had already set in during the last third of the sixteenth century, but was masked by the fact that wine prices rose steeply after 1585 due to a series of very small vintages caused by adverse weather conditions. If we go further back into the century, price and wages indices suggest that after the relatively calm period between 1530 and 1560, all exchange relations began to change drastically during the 1560s. With the severe subsistence crisis which hit all parts of Central Europe around 1570, caused by several very small grain

harvests,²³ much more difficult times began for wage earners, vine-growers, and all those living on fixed money rents.

II

Here we turn to the struggle for labour rent, starting with a review of previous writings and the theoretical literature before turning to consider the politics of the demand for labour in the mid- and late sixteenth century.

(a) *Labour rent and lordship*

The long-lasting and lively discussions about agrarian dualism and the origins and characteristics of *Gutsherrschaft* in German historiography have produced two competing definitions, which, after World War II, became identified with East and West German historical scholarship respectively.²⁴ Historians of the GDR insisted, in the tradition of Georg Friedrich Knapp, that any definition and regional delimitation of *Gutsherrschaft* should be based on the amount of labour services imposed on the peasant subjects, the existence of commercially oriented demesne farms cultivated with the labour force, draught animals, and implements of these subjects in conjunction as well as the legal status of the peasant population ('second serfdom') and character of tenancy rights. Hartmut Harnisch, the author of some of the most refined and logically consistent texts in this respect, proposed a threshold of more than two or three days of draught service (*Spanndienst*) per week as the essential criterion for deciding if the social relations of production in a certain region should be classified as *gutsherrschaftlich* or *grundherrschaftlich*.²⁵ Friedrich Lütge, although concurring with Harnisch on the opinions of Georg Friedrich Knapp, opposed what he considered an erroneous economic definition of *Gutsherrschaft*, based on the existence of demesne farms (*Gutswirtschaft*), and developed an alternative concept in his numerous studies of the agrarian constitution (*Agrarverfassung*) of the German-speaking areas of central Europe. He insisted that the concept of *Gutsherrschaft* should be based on the 'social fact of lordship'. Only where lordship over land (*Grundherrschaft* in the narrower sense) was fused with judicial lordship (*Gerichtsherrschaft*) in closed districts would *Grundherrschaft* be transformed into *Gutsherrschaft*.²⁶

Lütke based his interpretation on the concept of lordship developed by Otto Brunner

²³ See Erich Landsteiner, 'Trübselige Zeit? Auf der Suche nach den wirtschaftlichen und sozialen Dimensionen des Klimawandels im späten 16. Jahrhundert', in *Österreichische Zeitschrift für Geschichtswissenschaften* 12 (2001), pp. 79–116.

²⁴ Heinrich Kaak, *Die Gutsherrschaft. Theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum* (1991), pp. 299–364.

²⁵ Hartmut Harnisch, 'Die Gutsherrschaft. Forschungsgeschichte, Entwicklungszusammenhänge und Strukturmerkmale', *Jahrbuch für Geschichte des Feudalismus* 9 (1985), pp. 189–240, here p. 215. See also

id., 'Probleme der Periodisierung und regionalen Typisierung der Gutsherrschaft im mitteleuropäischen Raum', *Jahrbuch für Geschichte des Feudalismus* 10 (1986), pp. 251–74.

²⁶ See Lütge, 'Geschichte der deutschen Agrarverfassung', p. 102, for a concise formulation of his concept of *Gutsherrschaft*. Lütge developed this in a study on *Grundherrschaft* in Saxony and Thuringia: Friedrich Lütge, *Die mitteldeutsche Grundherrschaft und ihre Auflösung* (Quellen und Forschungen zur Agrargeschichte 4, sec. edn, 1957), esp. 291–7.

in his highly influential book on *Land and Lordship* in the late medieval Austrian lands.²⁷ Brunner had defined medieval – ‘Germanic’ – lordship as a personal and ethical relationship of reciprocity between lord and subject. ‘The reciprocal relationship between lord and subject involved a whole set of rights and obligations on both sides. ... [D]ues were not simply equivalent to a rental in the modern sense ... but were also an exchange for the continuous protection that the lord provided.’²⁸ He saw labour services as one kind of ‘extraordinary aid’ going to the lord who held protective power over his subjects.²⁹ Since this concept of lordship is devoid of any idea of economic exploitation, labour services in the context of *Gutsherrschaft* could only be conceived as degeneration of lordship: ‘the original justification for labour services, the peasant’s obligation to provide aid, was blatantly exploited for purely economic ends.’³⁰

Lütge was well aware that in many territories of central and southern Germany as well as in the Austrian lands, lordship over land and juridical lordship was often unified in the hands of the same lord, and that districts of unified lordship³¹ existed not only in the East Elbian territories. He therefore resorted to the argument of peasant protection by territorial overlords and princes to explain why several West Elbian territories (mainly Bavaria and the eastern Austrian lands), where the conditions considered necessary by him for the development of *Gutsherrschaft* were perfectly met, did not further develop in this direction but ‘got stuck half way on this path’.³²

It seems to me that if one accepts the propositions that the demand of the lord for services and rents from his subjects was based on lordship – conceived as the exercise of power over land and people – and that these rents and services always *also* had the function of providing the lord with his material necessities, the difference between the two competing conceptions of *Gutsherrschaft* (and lordship in general) melts into air. One-sided definitions of (feudal) lordship as either a primarily economic or juridical relationship are not able to grasp the essence of the social relations of production incorporated in it. In a society where the direct producers were in possession of their means of subsistence or production, surplus could only be extracted from them by means of lordship – via ‘extra-economic coercion’, as Marxists would say,³³ but even this formula implies the distinction (or separation) of economic and

²⁷ Otto Brunner, *Land and Lordship. Structures of governance in medieval Austria* (1939, English translation, 1992, based on the revised fourth edition of 1959, from which Brunner eliminated all allusions to the Nazi regime so prominent in the first three editions of the book.)

²⁸ Ibid., p. 218. See the important critique by Gadi Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter* (1992).

²⁹ Brunner, *Land and Lordship*, pp. 224–5.

³⁰ Ibid., p. 246.

³¹ According to Lieselott Enders, *Die Uckermark. Geschichte einer kurmärkischen Landschaft vom 12. bis zum 18. Jahrhundert* (1992), p. 609, the share of villages with one lord having all lordship rights in this part of the Brandenburg electorate rose from 69% in 1624

to 86% in 1800. In the Lower Austrian *Waldviertel* (VOMB), 48% of all villages had only one lord in about 1590, and measures of further territorial consolidation through sales and exchanges of subject houses were taken during the eighteenth century. See Stephanie Brunner, ‘Zwei Herrschaftskarten des Waldviertels’, in Eduard Stephan (ed.), *Das Waldviertel*, VII, (1937), pp. 280–96.

³² Lütge, *Geschichte der deutschen Agrarverfassung*, pp. 136–46.

³³ See Karl Marx, *Capital*, (3 vols, Penguin Classics edn, 1993), III, 925–7, for the *locus classicus*, and Robert Brenner, ‘Feudalism’, in John Eatwell, Murray Milgate and Peter Newman (eds), *Marxian Economics* (1990), pp. 170–85, for a concise exposition by the most prominent exponent of this theoretical tradition today.

political power that emerged only with the abolition of (feudal) lordship.³⁴ For the same reason Hoffmann's concept of *Wirtschaftsherrschaft*, intended to lay stress on the entrepreneurial activities of lords, misses the point that lordship always implied the extraction and transfer of a surplus from the direct producers to the lord – in one form or the other. It remains to be seen if and how the form mattered, but it has been argued that it 'determines the relationship of domination and servitude'.³⁵

(b) *Lower Austria*

As in other central European territories,³⁶ labour services in Lower Austria had virtually disappeared as a form of feudal rent or, if still in existence, had acquired a purely symbolic value in the later middle ages.³⁷ Evidence for this comes primarily from the important collection of manorial extents (*Urbare*) of the chamber estates of the Habsburg dukes preserved in the Austrian State Archives.³⁸ If there are any labour services mentioned in these extents, and there usually are, they appear as either limited to duties such as hauling firewood or tithe to the lord's castle, ploughing for one, two or three days, or harvesting grain or grapes on the lord's demesne.³⁹ Or, in cases where they were not clearly specified, the extent of the demesne farmed by the lord himself was often so small that they could not have been a heavy burden for the subjects.⁴⁰ But this evidence could be misleading since the chamber estates might have constituted a special case given that the chamber administration was not interested in the production of large quantities of agrarian goods but in raising as much revenue as possible out of its seigneuries by leasing or mortgaging them to nobles for a lump sum corresponding to the capitalized value of the rents and revenues.⁴¹

³⁴ The prospect changes, however, within the framework of Wallerstein's *Modern world-system* where labour services of subject tenants appear as one of several forms of 'coerced cash-crop labour' producing commodities for a 'world-market'.

³⁵ Marx, *Capital*, III, p. 927.

³⁶ See, for example, Szigmond Pál Pach, 'The development of feudal rent in Hungary in the fifteenth century', in *EcHR* 19 (1966), pp. 1–14; and, more critically, Markus Cerman, 'Gutsherrschaft vor dem "Weißen Berg". Zur Verschärfung der Erbuntertänigkeit in Nordböhmen 1380 bis 1620', in Jan Peters (ed.), *Gutsherrschaftsgesellschaften im europäischen Vergleich* (1997), pp. 91–111.

³⁷ I leave open the question of whether this was an effect of the dissolution of an older manorial system with extended demesnes (*Villifikationssystem*), indeed, whether such a system had ever existed in Lower Austria, given the fact that most of the country was colonized by German settlers only during the eleventh and twelfth centuries. See Werner Rösener, *Grundherrschaft im Wandel. Untersuchungen zur Entwicklung geistlicher Grundherrschaften im südwestdeutschen Raum vom 9. bis 14. Jahrhundert* (Veröffentlichungen

des Max-Planck-Institutes für Geschichte 102, 1991), pp. 14–54, for a recent discussion of this old war horse of medieval economic and social history. The fiercest opponent of this thesis was Alfons Dopsch, *Herrschaft und Bauer in der deutschen Kaiserzeit* (Quellen und Forschungen zur Agrargeschichte 10, 1938, 2nd edn, 1964). Michael Mitterauer, 'Formen adeliger Herrschaftsbildung im hochmittelalterlichen Österreich', in *Mitteilungen des Instituts für österreichische Geschichtsforschung* 80 (1972), pp. 265–338, provides an extensive overview and a typology of the medieval formation of seigneuries in Lower Austria.

³⁸ Austrian State Archives, Finanz- und Hofkammerarchiv (HKA) – Urbare.

³⁹ See also HKA, Niederösterreichische Herrschaftsakten (Nö. HA) R 72, fos 5–37; Johann Wöhrer, 'Robot-Verhältnisse im Viertel unter dem Wienerwald' (Ph.D thesis, Univ. of Vienna, 1930), pp. 45–6; Knittler, *Nutzen, Renten, Erträge*, pp. 44–6.

⁴⁰ According to Knittler, *Nutzen, Renten, Erträge*, pp. 31–3, the extent of demesne arable land on 42 chamber estates amounted to 44 ha on average in c.1570, and only one estate had more than 100 ha.

⁴¹ See Herbert Knittler, 'Habsburgische "Domänen".'

Source material for the seigneuries of the nobility and abbeys is unfortunately much scarcer, but the few examples we have give a similar impression to that of the chamber estates. When the lordly possessions of Georg von Eckartsau – two seigneuries in the Lower Austrian *Weinviertel* (VUMB) with 580 subject tenants – were divided among his five daughters, new extents were drawn up in 1497.⁴² These extents document that the arable fields of two demesne farms (172.5 ha) as well as two smaller demesne farms, each composed of 27 ha of arable land, were all leased out for rather low rents in kind. A further demesne farm had completely decayed, so that the clerk who drew up the extents had to rely on the ‘sayings of old people’⁴³ to locate it. Only 16.5 ha of demesne vineyards were still farmed directly with salaried labourers. We can also measure the amount of land lying waste and the number of deserted tenancies of these two seigneuries through the loss of rents resulting from them: 15 per cent of all money rents and between 15 per cent (wine) and about 30 per cent (wheat, rye and oats) of rents in kind.⁴⁴ The accounts drawn up by the stewards of the seigneuries of the Puchheim family scattered over the two quarters of Lower Austria north of the Danube (VOMB and VUMB) from the years 1444–68 document labour services only for one seignury, but even here, a good part of this obligation was commuted into money payments. In the two other seigneuries, with only a small demesne production of grain and wine, all cultivation was done by wage labourers. The greater part of the demesne fields were leased out, as was the case of the seigneuries of Georg von Eckartsau.⁴⁵ The extent for the seignury of the Cistercian abbey of Zwettl in the Lower Austrian *Waldviertel* (VOMB) from 1457 mentions the labour duties of the abbey’s subject tenants in only six villages out of 192, all in the vicinity of the monastery. The tenants possessing full holdings had to perform between three hours (!) and five days of ploughing and harvesting. Hauling services were already commuted into a money rent.⁴⁶ This is also confirmed by the extents of Upper Austrian monasteries from the fourteenth and fifteenth centuries. Hauling services predominated, but were often commuted into money payments; when other labour duties appear, it is mostly in locations situated in the vicinity of the monasteries and amounted to no more than a few days of field labour per year; demesne farms were mostly leased out for rents in kind.⁴⁷

Note 41 *continued*

Das Fallbeispiel Österreich unter der Enns im 16. Jahrhundert’, in Walter Leitsch and Stanisław Trawkowski (eds), *Polen und Österreich im 16. Jahrhundert* (1997), pp. 64–89.

⁴² Helmuth Feigl and Thomas Stockinger (eds), *Die Urbare der Herrschaften Maissau und Sonnberg anlässlich der Teilung des Erbes nach Georg von Eckartsau im Jahre 1497* (Fontes rerum austriacarum [hereafter FRA], Fontes Iuris, 20, 2008)).

⁴³ *Ibid.*, 99.

⁴⁴ *Ibid.*, 104. This accords well with general estimates of the quantity of deserted tenancies in Lower Austria which range between 10% and 40% of all housed tenancies. Grain-growing areas were much harder hit than wine-growing areas. See Kurt Klein, ‘Quantitative

Informationen zu den Verödungserscheinungen des 14.–16. Jahrhunderts in Niederösterreich’, in Helmuth Feigl and Anton Kusternig (eds), *Mittelalterliche Wüstungen in Niederösterreich* (1983), pp. 55–74.

⁴⁵ Herbert Knittler, *Vom Leben auf dem Lande. Die Rechnungen der Herren von Puchheim zu Horn und Göllersdorf, 1444–1468* (Studien und Forschungen aus dem niederösterreichischen Institut für Landeskunde, 41, 2005), pp. 31–3.

⁴⁶ Günther Schneider (ed.), *Das Urbar des niederösterreichischen Zisterzienserklosters Zwettl von 1457* (FRA, Fontes Iuris, 18, 2002), pp. 158–9, 223ss., 320ss., 346ss.

⁴⁷ Konrad Schiffmann (ed.), *Die mittelalterlichen Stiftsurbare des Landes ob der Enns* (Österreichische Urbare, III Abt., Bd. 2, Teil I–IV, 1904–25).

This situation began to change in the middle of the sixteenth century. We have clear indications that in the 1550s, 12 days per year was considered to be the usual amount of labour service according to the custom of the province (*Landesbrauch* – the traditional, yet not codified, constitution).⁴⁸ Courts applied this rule at least until the middle of the 1560s. Therefore it is highly significant that in their grievances, presented at the diet of 1556,⁴⁹ the Estates protested against a decision pronounced by the Lower Austrian government in 1552 concerning a complaint brought by several subjects against their lord for forcing them to perform unusually high labour services. The noble Estates complained that one of their members had had to account for his demands at the princely court, they insisted that the land marshal's court⁵⁰ was the place for settling such disputes, and refused to accept the decision that labour services should be limited to 12 days per year. They argued that rents were so low in Lower Austria ('twelve shillings for an amount of land leased for what in other countries the subjects have to pay ten florins and more', about seven times as much as in Lower Austria) that the lords had to rely on the income from their demesnes and the labour services of their subjects.⁵¹ This point was certainly correct since money rents were indeed very low and fixed, and the more substantial rents in kind had been mostly commuted to money payments. It is also clear that the effects of the rising price level on the value of fixed money rents had begun to be felt.

In his response, Ferdinand I referred to a previous decision in this dispute made by the land marshal's court and insisted on the limit of 12 days, adding that he considered this level too high rather than too low.⁵² He also refused to accept the demand of the estates that their subjects should be denied the right to address the Lower Austrian government with their complaints.⁵³

⁴⁸ See Bernhard Walter, 'De emphyteusi. Von denen dienstparn und zinsparn Gründten und Guetern' (1552), in Max Rintelen (ed.), *Bernhard Walthers privatrechtliche Traktate* (1937), pp. 3–29, here pp. 19–20. Walter, a university-trained jurist, was councillor of the Lower Austrian government from 1547 onwards and became chancellor in 1556. He wrote a series of treatises on the traditional Lower Austrian constitution, which became of importance in the protracted process of the formulation and enactment of a written constitution for the country that continued until the publication of the so-called 'Tractatus de juribus incorporalibus' in 1679 (*Codex Austriacus*, 2 vols, 1704, I, pp. 581–607). See Fritz Wisnicki, 'Die Geschichte der Abfassung des Tractatus de juribus incorporalibus', *Jahrbuch für Landeskunde von Niederösterreich* 20 pt 2 (1926/27), pp. 69–91.

⁴⁹ For the procedure see Josef Pauser, 'Gravamina und Policey. Zum Einfluß ständischer Beschwerden auf die landesfürstliche Gesetzgebungspraxis in den niederösterreichischen Ländern vornehmlich unter Ferdinand I', in *Parliaments, Estates and Representation* 17 (1997), pp. 13–38.

⁵⁰ This was the court of the nobility and the court of appeal for its subjects in cases of dispute with the lord.

See Arnold Luschin von Ebengreuth, *Österreichische Reichsgeschichte* (1896), p. 457.

⁵¹ Johann Baptist Suttinger, 'Der niederösterreichischen Landschaft Gedenkbuch, aus denen denkwürdigen Landtagshandlungen von Anno 1521 biß 1581 alles Vleißes in nachfolgende Ordnung zusammen getragen (1657)', NÖLA, SA, Ms 242. I have consulted a copy of the manuscript reproduced in the so-called *Sammlung Chorinsky*, a collection of legal documents in facsimile mainly drawn from Lower Austria. This multi-volume collection, named after Count Carl Chorinsky, who initiated it at the end of the nineteenth century, has no fixed number of volumes because academic libraries have bound the single parts into volumes at will. I am citing the copy set held by the library of the Faculty for the History of Law of the University of Vienna (under the class mark: *Gesetzessammlung* B 350) which consists of 38 volumes. See here vol. XXII, pp. 194–7. See also Georg E. Friess, *Der Aufstand der Bauern in Niederösterreich am Schlusse des XVI. Jahrhunderts* (1897), pp. 66–7.

⁵² *Sammlung Chorinsky*, XXII, pp. 198–203.

⁵³ *Ibid.*, pp. 349–53.

Since the Estates insisted on their protest, a resolution promulgated on 30 October 1558 stated that when a lord could prove his right to demand more days of labour service, his subjects would have to comply, but in the event that the subjects were able to prove that they had been accustomed to perform less, the lord would not be allowed to exact additional days of service from them.⁵⁴ But, at the diet of 1563, when the same complaints were raised by the Estates, the government stated in its resolution that the emperor (still Ferdinand I) had taken the decision not to set a limit on the subjects' duty to perform labour services at the demand of their lords and to leave the latter in possession of their old usage.⁵⁵ This was decisive since later regulations of labour service obligations always referred to this resolution, which was interpreted as a permission to demand unlimited labour services (*ungemäßigte* or *ungemessene Robot*).⁵⁶ Only in 1772 was new legislation promulgated with the *Robotpatent* setting the limit at 104 days per year for full and half holdings.

The same happened with regard to another institution traditionally considered as an index of *Gutsherrschaft*, the so-called *Gesindezwangsdienst* (the obligation of the children of subject tenants to perform one or more years of – remunerated – service as farmhands for their lord). A first request by the estates in this respect was denied at the diet of 1546.⁵⁷ To a second request made by the landlords in 1547, where they stated that they were concerned only with those children intending to leave the parental household 'to be free and to live as day-labourers',⁵⁸ Ferdinand I answered that he considered such practice to be an aspect of serfdom,⁵⁹ but nevertheless conceded that the lords might use their subjects' children older than 15 years for a single year as farmhands if their parents, relatives, and neighbours had no need for them and if they had no intention of learning a craft.⁶⁰ In 1564, the lords tried to get rid of these restrictions by demanding that their subjects should be obliged to present their children of age every year at Christmas to the lord for inspection of their suitability for service. That was conceded with the sole provision that lords had to pay them the same wages as they, the youths, could get from other employers.⁶¹

This change of policy by the government, and the pressure of the lords on it clearly evident in the proceedings of the diets, had an immediate effect on the social climate. All over the

⁵⁴ Ibid., pp. 207–9. In a decree of 27 Nov. 1557, Ferdinand I ordered that labour services on the chamber estates mortgaged to the nobility had to accord to the 'old usage' and should not automatically be set at 12 days per year (HKA, Nö. HA, R 72, fos 2–3).

⁵⁵ *Sammlung Chorinsky*, XXIV, pp. 898–9.

⁵⁶ See title 5, § 4, of the constitution published in 1679 ('Tractatus de iuribus incorporalibus'), in *Codex Austriacus*, I, pp. 581–607. See also Franciscus Josephus Greneck, *Theatrum jurisdictionis Austriacae* (1752), pp. 158–75, here p. 165; Ferdinand Edler von Hauer, *Praktische Darstellung der in Österreich unter der Enns für das Unterhansfach bestehenden Gesetze* (third edn, 1824), pp. 79–80 ('1363' is a misprint for '1563'). Advocates of the thesis of a policy of peasant protection performed by the prince insist that Ferdinand I did not give permission to the estates of the nobility and the

clergy to demand unlimited labour services, but only that he did not set a limit, which is probably correct. It did not, however, make any difference to further developments in this matter. See Erna Patzelt, *Bauernschutz in Österreich*, pp. 646–7.

⁵⁷ Suttinger, 'Gedenkbuch', repr. in *Sammlung Chorinsky* XXII, pp. 328–30.

⁵⁸ Ibid., pp. 330–3, here 332.

⁵⁹ Ibid., pp. 334, (...) *damit aber dennoch der unterthanen künden nicht alß leibeigen leuth und knecht gehalten werden.*

⁶⁰ Ibid., pp. 333–8.

⁶¹ Ibid., pp. 340–4. By 1679 the duration of service had risen to three years. See title 4, § 7, of the constitution published in 1679 ('Tractatus de iuribus incorporalibus'), in *Codex Austriacus*, I, pp. 581–607.

country disputes arose about the amount of labour service lords could demand. In a protocol of three sessions of the land marshal's court held in 1565–66, seven such disputes and the resolutions of the court are documented. The short notices reflect a pronounced sensibility of the subjects against any attempt to raise their labour duties whereas the lords did not refrain from harsh measures, including imprisonment, to compel them. It is also interesting to see that in its deliberations the court still adhered to the idea that the custom of the land prescribed only 12 days of labour service.⁶² Such sources are unfortunately very rare. Material for the better-documented chamber estates provides more information on the struggle over labour services. During the reform of this part of the princely domain from 1569 onwards, intended to raise the income of these estates so as to be able to mortgage them for higher sums to the nobility and other investors, commissioners were sent out to investigate, among other things, the usage of labour services and the possibility of imposing a uniform duty of 12 days of service per year on the subject tenants.⁶³ The idea behind this enquiry was to calculate the monetary value of the labour services, if not to commute them into a money rent, and thereby to raise the estimated income of these seigneuries. It turned out that the situation was far from uniform, with many subject tenants performing no labour services at all, and others complaining that the lords in possession of the seigneuries were pressing them to provide more and unusual services. In some parts of the *Waldviertel* (VOMB), villagers complained that they had to perform as much as 50 days of labour service.⁶⁴ Others protested against hauling obligations over long distances.⁶⁵ Studies of single chamber estates suggest that the pressure to provide more labour services was omnipresent, and conflicts between the subject tenants and the possessors were therefore the order of the day.⁶⁶

In 1596–97 these disputes acquired a new quality with the rebellion of the tenant subjects in the two western parts of the country (VOWW and VOMB), which was closely connected with similar disturbances in Upper Austria. In respect of their dimensions, the fierceness of the struggle, and the measures of repression, these uprisings qualify as 'peasant wars'.⁶⁷ In their grievances, the rebels complained about constantly rising labour rents (*Robot*), the harsh treatment of those liable to *Gesindezwangsdienst* as well as mounting tax pressure, recruitment for war, the exercise of pre-emption rights by the lords as well as rising fines in case of sales or inheritance transactions.⁶⁸ Whereas the Upper Austrian rebels succeeded, at least in respect to labour services, insofar as they managed to secure an order from the Emperor Rudolf II

⁶² 'Protocoll des Landrechtes in Österreich unter der Enns vom 22. Jänner 1565 bis 6. Juli 1566', in *Sammlung Chorinsky XVII* (a transcription of Mss 15,150 of the Austrian National Library).

⁶³ This material has been collected in HKA, nō. HA R 72.

⁶⁴ *Ibid.*, fol. 215r.

⁶⁵ *Ibid.*, fol. 223r–v.

⁶⁶ See Landsteiner, 'Weinbau und Gesellschaft', pp. 223–5; Thomas Winkelbauer, *Die Untertanen der Waldviertler Grundherrschaften Gföhl und Altpölla zwischen feudaler Herrschaft und absolutistischem Staat* (1986), pp. 95–8; Hans P. Schad'n, *Geschichte der*

Stadt Zistersdorf im Zeitalter der Reformation und des Dreißigjährigen Krieges, 1500–1650 (n.d.), pp. 50–2; Stephan Fordinal, 'Bauern und Grundherrschaft', in Marktgemeinde Krumau am Kamp, *Ein Heimatbuch* (1995), pp. 103–28.

⁶⁷ Georg E. Friess, *Der Aufstand der Bauern in Niederösterreich am Schlusse des XVI. Jahrhunderts* (1897); Helmuth Feigl, *Der niederösterreichische Bauernaufstand, 1596/97* (Militärhistorische Schriftenreihe 12, 1972); Albin Czerny, *Der zweite Bauernaufstand in Oberösterreich, 1595–1597* (1980).

⁶⁸ The central list of grievances is reproduced in Friess, *Aufstand*, pp. 244–7.

which limited their service duties to 14 days per year and which, although intended to be only provisional, remained in force until 1848,⁶⁹ the Lower Austrian subjects were brutally repressed without realizing any of their goals. Labour duties kept rising during the seventeenth century alongside the expansion of demesnes. They remained a constant source of conflict until the end of the seigneurial system.

(c) *Trading tenant rights for taxes*

What caused the remarkable change of policy by the ruler and his government towards the seigneurial demands for more labour services during the 1550s and 1560s? The most plausible hypothesis is that it was motivated by financial constraints. Like other territorial princes, the rulers of the Austrian lands were confronted with the manifold problems arising out of the protracted transition from domain-state to tax-state. Tax levies still had to be negotiated with the Estates, from one year to the next, at the diets, whereas the defence against the expanding Ottoman Empire and the frequent wars fought with this mighty competitor required ever greater resources as the century progressed. The rulers had to rely on credit from merchants and the nobility to cover the rising costs of the army and the court. The loans were founded on, serviced by, and paid off with the income from the princely domain (mainly customs, tolls, regal rights in mining, and the chamber estates). These sources of income were permanently overburdened with debt, and the administration was constantly seeking to increase its income.⁷⁰ The actions undertaken in this respect and the concessions granted to the Estates, mainly the nobility, to gain their consent for higher tax levies were, chronologically as well as causally, closely connected with the struggle for labour rent.

Direct taxes doubled in the first years of the 1550s in response to events in Hungary (Figure 2). After ambitions to re-conquer those parts of the Hungarian kingdom under Ottoman domination had been abandoned and a truce signed in 1547, whereby Ferdinand I agreed to pay a heavy tribute to the sultan, a new chance to regain Transylvania appeared after the death of Johann Zápolya, the rival of Ferdinand I backed by the Ottomans, in 1551. Since the Porte favoured his son Johann Sigismund as a successor, war broke out again, and Suleyman II threatened to invade the Austrian lands. Besides the doubling of the ordinary direct tax and the levy of extraordinary subsidies for the war, the Estates of the Austrian Lands agreed on a series of indirect taxes in 1556, of which only the doubling of the consumption tax on alcoholic beverages was implemented.⁷¹ After a new truce had been signed in 1562, Ottoman troops conquered the important fortress of Sziget in 1566, which led to a further increase in taxation. During this period, pressure on the Estates to pay large

⁶⁹ Georg Grüll, *Die Robot in Oberösterreich* (1952), pp. 97–121.

⁷⁰ Peter Rauscher, *Zwischen Ständen und Gläubigern. Die kaiserlichen Finanzen unter Ferdinand I. und Maximilian II. (1556–1576)* (2004), is currently the best treatment of the state finances of the Austrian Habsburgs in the second part of the sixteenth century. On the costs of defence against the advance of the Ottoman Empire see Géza Pálffy, 'Der Preis für die Verteidigung der Habsburgermonarchie: Die Kosten der Türkenabwehr

in der zweiten Hälfte des 16. Jahrhunderts', in Friedrich Edelmayer, Maximilian Lanzinner and Peter Rauscher (eds), *Finanzen und Herrschaft. Materielle Grundlagen fürstlicher Politik in den habsburgischen Ländern und im Heiligen Römischen Reich im 16. Jahrhundert* (2003), pp. 20–44.

⁷¹ Liselotte Seeger, 'Die Geschichte der ständischen Steuern im Erzherzogtum Österreich unter der Enns, 1500–1584' (unpublished Ph.D thesis, University of Vienna, 1995), pp. 211–15.

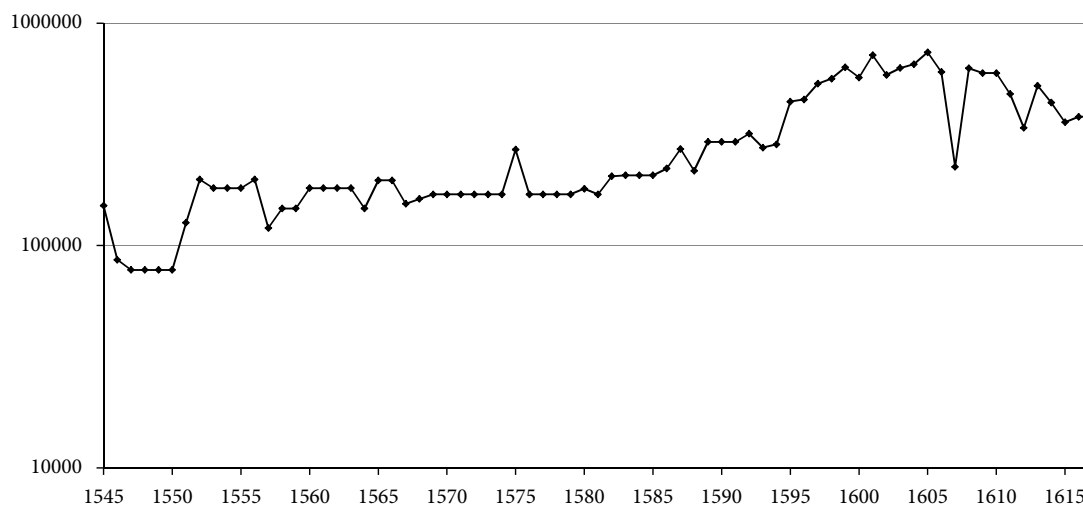


FIGURE 2: Lower Austria: Direct taxes (ordinary and extra-ordinary) 1545-1617 (in fl.)

Source: NÖLA, S.A., B 4-17/1-2.

sums directly to the court or to take over the service and repayment of debts incurred by the court rose constantly. Between 1558 and 1583 these payments amounted to nearly 3,000,000 florins (fl.) – twice as much as the overall sum of the ordinary direct tax collected by the Estates in these years.⁷² When Maximilian II urged the Lower Austrian diet in 1568 to accept responsibility for 2,000,000 fl. of debts inherited from his father, a poll tax was introduced together with an extraordinary levy of 10 per cent of lordly income, and the consumption tax on alcoholic beverages was raised once more by 33 per cent.⁷³ All that was, however, just a foretaste of further developments. With the beginning of the so-called Fifteen Years' War (1592-1606), direct taxation more than doubled again, which, with lordly exactions, led to the uprising of the peasantry in 1596-97.

Since the rulers had to offer something in exchange for these heavy tax burdens, previous research has usually interpreted the concessions made to the nobility in religious matters – such as the free exercise of Protestant worship conceded by Maximilian II in 1568 – as the necessary price of securing the consent of the Estates. The hot-tempered disputes over labour rent and other obligations of the subject tenants to their lords have, so far, been completely overlooked in this context.

That was, however, just one aspect of the role played by the 'state' in opening the gate to the increase of labour service obligations. After Ferdinand I had conceded to both the nobility and the abbeys the right to demand unlimited labour services from their subjects in 1563, the chamber administration began to ponder plans for the introduction of a standardized labour rent among the subject tenants of the chamber estates as well as those under advocacy of the prince. An attempt was made in the second half of the 1560s to impose a fixed monetary duty, a so-called 'labour rent-tax' (*Robotsteuer*), on those tenants under advocacy who paid land

⁷² Ibid., pp. 301-2.

⁷³ Ibid., pp. 216-22.

rents to the priest and parish churches in Upper Austria. Since older officials warned that this would be a highly unusual measure, given the fact that these subjects had either never paid such a duty or were liable to perform labour services for their landlords, and since the officials obliged to collect the duty encountered manifold resistance by the subject tenants, the project was dropped.⁷⁴ The re-evaluation of the income of the chamber estates pawned to nobles and other investors, beginning in 1569, provided a further occasion to introduce a standardized labour rent of 12 days a year or an equivalent monetary duty in this part of the princely domain. That was at least partly a success since payments for commuted labour services were implemented on some of the estates, but the intention to impose it uniformly on all estates had to be abandoned.⁷⁵ It is evident that the chamber administration did not intend to provide the possessors of these estates with more labour service, but to raise the calculated income of the estates so they could be mortgaged for higher sums. In several cases the archduke's agents calculated that it would have been economically more rewarding to farm out the demesne lands and collect commutation payments for the labour service obligations.⁷⁶

The third attempt to raise the income of the court chamber through the introduction of a labour rent-tax (*Robotgeld*) was more successful. It was triggered by the lieutenant (*Vizedom*, an official who administered the collection of taxes and dues from the subjects under the direct lordship of the archduke) of the Lower Austrian princely domain. In 1578, Wolf Fuerter, the holder of this office, complained that he was so overburdened with the costs of his office and repayment of his debts that he saw himself no longer able to meet his obligations. He therefore proposed to impose a labour rent-tax on all those under advocacy of the archduke (mainly those paying land-rents to parish priest and churches, and several market centres under direct lordship of the archduke) and the subjects of chamber estates not actually mortgaged.⁷⁷ An investigation of the numbers liable to pay this duty came to the conclusion that it concerned 6114 subject tenants (including 1912 tenants of the western Hungarian seigneuries of Eisenstadt und Forchtenstein administered by the Lower Austrian chamber), of which 2387 had not yet done any labour service, and that by imposing a labour rent-tax of 12 shillings (one and a half fl.) on all of them, this measure could yield nearly 10,000 fl. per year.⁷⁸ Although it provoked massive protests by both priests (as landlords who had partially profited from the labour services of the tenants concerned) and subjects, it was pushed through after the concession of substantial reductions of the tax quota for poor tenants and negotiations about the payment of a lump sum for several market centres.⁷⁹ Thereby the institution of the so-called 'chamber labour service' (*Kammerrobot*) was created, which lasted until 1750, when these subjects were sold to the estates.⁸⁰ Since most of the chamber demesnes had been sold to the nobility by 1630,⁸¹ this action created two groups of subject tenants: those under noble lordship liable to unregulated labour service at the demand of their lords on one side, and those under advocacy or direct lordship of the archduke

⁷⁴ NÖLA, SA, R 72, fos 38–95.

⁷⁵ Ibid., fos 97–120.

⁷⁶ Ibid., fos 6–9, 207–08.

⁷⁷ HKA, nō. HA R 72, fos 154–9.

⁷⁸ Ibid., fos 145–7, 195–204.

⁷⁹ See the patent, dated 31 Mar. 1581, introducing the labour service-tax of 12 shillings, in *Codex Austriacus*, II, p. 255.

⁸⁰ Hauer, *Praktische Darstellung*, pp. 89–94.

⁸¹ See Knittler, 'Habsburgische "Domänen"', p. 80.

paying the labour rent-tax on the other side, with the subjects of (some) abbeys performing only 12 days a year somewhat in between.⁸²

In the light of the conflicting opinions on the origins of *Gutsherrschaft* mentioned before, it is interesting to see that Fuerter, to legitimize his idea of imposing a standardized labour rent-tax on those subjects under the advocacy of the archduke, resorted to the argument that the archduke had the right to demand taxes and labour rent from them by virtue of his advocacy rights. At first sight this would confirm the position of Friedrich Lütge (and Otto Brunner). An undated (pre-1563) draft for a Lower Austrian constitution indeed mentions labour services only in the chapter on advocacy, but it is also said there that it is commonly assumed that the landlord is also the advocate of his subjects.⁸³ The distinction between mere *Grundherrschaft* and *Gerichtsherrschaft* (or *Schutzherrschaft* in the case of Brunner) on which Lütge insisted so thoroughly, is therefore discernable here, but it had no practical consequences except for those subjects of priests and churches under the advocacy of the archduke.⁸⁴ And it should also be clear now that Lütge's conviction that it was the policy of peasant protection by the princes and territorial lords which blocked the development of *Gutsherrschaft* in those territories where *Grundherrschaft* and *Gerichtsherrschaft* were unified in the hands of one and the same lord (mainly Bavaria and some of the Austrian lands in his eyes), is not supported by the development of these matters in Lower Austria. Pressed by financial needs, the Habsburg rulers contributed their share to the (re-)introduction or increase of labour service duties, although the intention of Ferdinand I might indeed have been to fix them at a uniform standard of 12 days per year. In the end, he and his successors were forced to trade subjects' rights for more taxes and higher incomes from the domain.

(d) *Serfdom*

Theories of the establishment and evolution of *Gutsherrschaft* have associated this process with the deterioration of the property rights of subject tenants and restrictions on their mobility, or, in Marxist versions, with the introduction of a 'second serfdom', a highly problematic and contested term which has nearly fallen out of use. In purely legal terms, the enforcement of unregulated labour services and of *Gesindezwangsdienst* had no negative consequences for the property rights and the personal status of subject tenants in Lower Austria. Tenants held their holdings as hereditary possessions, which they were able to transfer and to sell, limited only by

⁸² That was the case with the abbey of Klosterneuburg with 1,500 to 1,600 subject tenancies according to the rent-accounts (*Rentamtsrechnungen*) in the archives of the abbey. It is not clear to me if this was the uniform measure for all Lower Austrian abbeys.

⁸³ *So wierdet gemainen Landtsbrauch nach dafür gehalten, welcher bey denen Herrn und Landtleuten die Grundt Obrighkheit habe, dass demselben zugleich auch die Vogtobrigkhait gebüre.* Sammlung Chorinsky, 5, pp. 25–6 (an undated, pre-1563 draft of a constitution for Lower Austria – *Landtafel des Erzherzogthumes Österreich unter der Enns* – contained in NÖLA, SA, Schönkirchen-Bücher Y, nos 267–8).

⁸⁴ Brunner's insistence (*Land and Lordship*, pp. 249–69) on the fact that the right to tax and demand labour services remained an aspect of advocacy rights all over the early modern period in Lower Austria is at odds with all the constitutional documents dating from after the middle of the sixteenth century, which are very vague on the rights of advocates (see for example the 'Tractatus de juribus incorporalibus' (1679), in *Codex Austriacus*, I, p. 585). In the eighteenth century jurists explicitly denied that advocates had any right to demand labour services if they could not prove that they were in possession of such a privilege. See e.g. Greneck, *Theatrum*, p. 159.

the inheritance rights of their offspring. They had to pay entry and exit fines as well as death duties, but their mobility was unrestricted as long as they provided a substitute and honoured their obligations and financial liabilities. Their subject status resulted exclusively from the possession of a subject holding. Eviction of subject tenants was an extremely complicated procedure – although the lord was entitled to do so in cases of prolonged insubordination and refusal of rent-payments by the subject – and therefore very rare.⁸⁵ As far as we can see, this favourable status did not change during the seventeenth century,⁸⁶ although Lower Austria suffered severe population losses during the Thirty Years' War and during the second siege of Vienna by Ottoman forces (see Table 2), which is highly significant since it was population decline and the penury of the labour force which triggered a further intensification of lordship and severe restrictions on the mobility of tenants in the Bohemian and East Elbian lands.⁸⁷ We could therefore say that Lower Austrian subjects were not serfs and pass over to other matters. What is, however, puzzling in this respect is the fact that the subjects themselves and other contemporaries concerned with their status frequently used the term *Leibeigenschaft* and other phrases of similar meaning in conflicts over the increase of labour services and the introduction of *Gesindezwangsdienst*.

'Serfdom' is a very tricky term for which there are nearly as many interpretations as there are authors glossing it.⁸⁸ It is not clear to me if *Leibeigenschaft* is a good translation of the English term 'serfdom' and *vice versa*, although this seems to be common practice. At least in one version of its usage, associated with the notion of a feudal mode of production, 'serfdom' has a much broader meaning than *Leibeigenschaft*. Rodney Hilton, in his introduction to a famous collection of contributions to a debate between Paul Sweezy and Maurice Dobb over the transition from feudalism to capitalism, defined serfdom as 'the existence-form of labour in the feudal mode of production' and went on to say: 'Having accepted this broad definition of serfdom as the enforced transfer, either of surplus labour or of the product of surplus labour, many different juridical and institutional forms of serfdom can exist which in many – perhaps most – cases are not necessarily considered to be "servile" in the eyes of the law'.⁸⁹

⁸⁵ Helmuth Feigl, *Die niederösterreichische Grundherrschaft vom ausgehenden Mittelalter bis zu den thesesianischen-josephinischen Reformen* (1964), pp. 59–107, is the most thorough treatment of the normative situation during the early modern period. See also Walter, *De emphyteusi* (1552), pp. 3–5; 'Landtafel des Erzherzogthums Österreich unter der Enns' [pre-1563], in *Sammlung Chorinsky V*, pp. 33–5; 'Tractatus de juribus incorporalibus', ch. 4.

⁸⁶ There were, nevertheless, attempts to restrict the mobility of subjects. See, for example, the instruction given by Gundakar von Liechtenstein to the bailiffs of his estates in Moravia and Lower Austria in 1634 not to permit the leave of any subject tenant without his explicit permission, pr. in Thomas Winkelbauer, *Gundakar von Liechtenstein als Grundherr in Niederösterreich und Mähren*, *Wien-Köln-Weimar* (FRA, Fontes Juris, 19, 2008), pp. 371–2.

⁸⁷ See e.g. Maur, *Gutsherrschaft*, pp. 59–83; Enders, *Uckermark*, pp. 335–8.

⁸⁸ See the contributions to Jan Klußmann (ed.), *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit* (2003); and to Paul Freedman and Monique Bourin (eds), *Forms of servitude in northern and central Europe* (2004), to cite only two recent collections of studies.

⁸⁹ Rodney Hilton, 'Introduction', in Paul Sweezy et al., *The transition from feudalism to capitalism* (1976), reprinted under the title 'Feudalism and the origins of capitalism', in Rodney Hilton, *Class conflict and the crisis of feudalism* (rev. edn, 1990), pp. 205–21, here p. 209, which is the version I have used. In the German translation (Paul Sweezy et al., *Der Übergang vom Feudalismus zum Kapitalismus*, 1984) 'serfdom' is consistently rendered as *Leibeigenschaft*. See here, pp. 13–14, for Hilton's statement. See also Robert Brenner, 'Agrarian class

Under this umbrella all subject tenants liable to service and (feudal) rents would have to be considered as 'serfs'. The German term *Leibeigenschaft*, when employed in historical studies, has a much narrower meaning related to the personal dependence of the subject or serf on his lord associated with restrictions on mobility and, sometimes, not always, with the liability to undertake unregulated service.

One way out of this conundrum is to see how the historical actors used the term *Leibeigenschaft* since, as has been stated recently in this context, 'what produces the meaning of words is precisely their usage'.⁹⁰ It has been noted in several studies that actors used it in a polemical way, as a kind of 'combat-term' (*Kampfbegriff*) in struggles over rights and obligations, to denote the arbitrary exercise of lordship rights during the early modern period.⁹¹ This can be confirmed for Lower Austria as well. When in 1614 the inhabitants of six villages under the lordship of the monastery of Pernegg (VOMB) protested against the increase of labour services, caused by the reconstitution and extension of the demesne of the monastery, and other exactions by the new abbot, an immigrant from Silesia, they stated in their list of grievances that the abbot would 'harass them under the yoke of service in a way conforming to *Leibeigenschaft*'. They added that, hitherto, work on the demesne fields was performed by salaried labourers 'according to the Lower Austrian manner', but now the new abbot tried to introduce 'Silesian manners'.⁹² A further complaint of the unruly subjects of Pernegg as well as the insurgents during the uprising of 1596/97 concerned the 'tyrannical' way lords treated those performing *Gesindezwangsdienst*.⁹³ It has already been mentioned that Ferdinand I, in his first reaction to the demand of lords to be allowed to exercise the right of *Gesindezwangsdienst* over their subjects, considered this practice as an aspect of *Leibeigenschaft*. At a much later date, the association of labour services with subjugation appears again in a response given by the town council of Retz (VUMB) in 1762 to the claim of the inhabitants of the nearby village of Altstadt Retz to have the same privileges in the wine trade as the citizens of the town. The magistrate rejoined that this pretension was absurd since they would have to perform labour services for their lords, which is precisely the 'mark of subjugation' (*Signum der Untertänigkeit*).⁹⁴ And when Joseph II, in his famous patent on the abolition of *Leibeigenschaft* in the Bohemian Lands (1 November 1781), came to the matter of labour services, he pointed to the regulations contained in the *Robotpatent* and insisted that no further demands could be made on behalf of the now

Note 89 *continued*

structure and economic development in pre-industrial Europe', in T. H. Aston and C. H. E. Philpin (eds), *The Brenner Debate* (1985), pp. 10–63, here p. 26, who advocates, not surprisingly, a similar interpretation.

⁹⁰ Julien Demade and Joseph Morsel, 'Les *Eigenleute* de Franconie aux XIIIe–XVe siècles: essai d'appréhension spatiale et sémantique d'une catégorie social malmenée', in Freedman and Bourin (eds), *Forms of servitude*, pp. 75–114, here p. 78 (my translation).

⁹¹ Hannah Rabe, *Das Problem Leibeigenschaft* (VSWG suppl. 64, 1977), pointed to the polemical use of the term by insurgent subjects during the German

Peasant War of 1525; Renate Blickle, 'Leibeigenschaft. Versuch über Zeitgenossenschaft in Wissenschaft und Wirklichkeit, durchgeführt am Beispiel Altbayerens', in Peters (ed.), *Gutsherrschaft als soziales Modell*, pp. 53–79, here p. 1; David M. Luebke, 'Erfahrungen von Leibeigenschaft: Konturen eines Diskurses im Schwarzwald, 1660–1745', in Klußmann (ed.), *Leibeigenschaft*, pp. 175–97.

⁹² Helmuth Feigl, 'Die Pernegger Bauernunruhen 1614/15', in *Unsere Heimat* 52 (1981), pp. 91–108, here p. 100.

⁹³ *Ibid.*, p. 100, and Friess, *Aufstand*, p. 245.

⁹⁴ Landsteiner, 'Weinbau und Gesellschaft', p. 273.

abolished *Leibeigenschaft*.⁹⁵ Lower Austrians had a clear vision of the difference in the status of subject tenants between the Austrian and the adjacent Bohemian Lands. To state just one prominent example: Wolf Helmhard von Hohberg, a petty Lower Austrian nobleman famous for his treatise on noble country life, bluntly stated in his *Georgica curiosa* (1682) that 'Bohemian and Moravian subjects are *leibeigen*, which is not common in the German-speaking lands (of the Habsburg Monarchy)', and when he came to the subject of labour services, he associated unregulated service at the demand of the lord with *Leibeigenschaft*.⁹⁶

Recent scholarship on the question of *Leibeigenschaft* in early modern East Central Europe seems to agree that the term should only be applied in respect of those territories where *Leibeigenschaft* had been legally sanctioned by the ruler or the diet and that in all other cases we would be better to speak of (hereditary) subjects or subjugation (*Erbuntertänigkeit*).⁹⁷ The vision of the Lower Austrian subjects was obviously different. They associated unregulated labour service and *Gesindezwangsdienst* with the imminent danger of a degradation of their status as subjects, which they coded as *Leibeigenschaft*.⁹⁸ The examples cited, which could easily be augmented, testify to vigilance on their side against any increase of duties and services by their lords. If they used the 'combat-term' *Leibeigenschaft* polemically and strategically, they knew what they were taking about since they were aware of the much harder conditions in Bohemia and Moravia.

III

Notwithstanding the struggle over the question of labour services between lords and subjects in the second half of the sixteenth century, and unlike the situation in neighbouring Upper Austria, labour services and the extent of the demesne economy did increase in some parts of Lower Austria over the course of the seventeenth and eighteenth centuries. During the late seventeenth and early eighteenth century, two days of labour service per week began to be

⁹⁵ The patent is edited in Günter Franz (ed.), *Quellen zur Geschichte des deutschen Bauernstandes in der Neuzeit* (Ausgewählte Quellen zur deutschen Geschichte der Neuzeit, 11, 1963), pp. 287–8.

⁹⁶ Wolf Helmhard von Hohberg, *Georgica curiosa oder Adeliches Landleben* [...], (1701), pp. 71, 63–4. See Edgar Melton, 'Anpassung und Widerspruch im Herrschaftsverständnis Wolf Helmhard von Hohbergs (1612–1688)', in Heinrich Kaak and Maria Schattkowsky (eds), *Herrschaft. Machtentfaltung über adeligen und fürstlichen Grundbesitz in der frühen Neuzeit* (2003), pp. 67–84.

⁹⁷ See the introduction to the papers by Markus Cerman, and, for example, William H. Hagen, *Ordinary Prussians. Brandenburg Junkers and Villagers, 1500–1840* (2002), pp. 25, 35–6.

⁹⁸ The association of *Leibeigenschaft* with unregulated service duties points back to the situation in

eleventh and twelfth centuries where *homines proprii* were indeed often liable to daily service (*cottidianum servitium*) in the Austrian Lands. See Heinz Dopsch, 'Neue Leibeigenschaft oder alte Hörigkeit? Zu den Beschwerden und Forderungen aufständischer Bauern im Ostalpenraum an der Wende zu Neuzeit', in Freedman and Bourin (eds), *Forms of servitude*, pp. 313–42, here pp. 320–1; and the many examples of the transfer of *mancipia* to the Lower Austrian abbey of Göttweig (VOWW) where it is stated in several cases that if they neglect their duty to pay a monetary rent for three years, they are liable to perform daily services. Wilhelm Karlin (ed.), *Das Saal-Buch des Benedictiner-Stiftes Göttweig* (FRA-2. Abt.: Diplomata et acta, 8, 1855), nos LXXX, LXXXII, CXIV, etc. It would, of course, be absurd to claim that the subject tenants of the sixteenth and seventeenth centuries had any memory of that situation.

TABLE 3. Average sizes of arable demesnes in Lower Austria in the sixteenth-eighteenth centuries (in ha).

	c.1570 chamber estates		1600/50 noble lords		c.1750 noble lords	c.1750 all noble lordships
	n	ha	n	ha	ha	ha
VUWW	14	45.7	16	89.2	113.8	70.7
VUMB	7	66.2	24	185.2	241.5	192.0
VOWW	2	23.0	10	61.1	69.2	54.6
VOMB	11	32.2	25	84.1	90.2	84.5

Note: the demesnes in 1750 are the same as those in 1600/50; the number of noble lordships in c.1750 is 364.

Source: Knittler, *Nutzen, Renten, Erträge*, pp. 122, 124, 210.

considered as a norm,⁹⁹ at least for those subject tenants owning draught animals (*Ganzlehner*, full holders and *Halblehner*, half holders) according to the amount of land attached to their holdings. It is, however, not the case that this amount of labour service became the uniform obligation for all Lower Austrian tenants during this period. Lordly demesnes were simply too small in many estates to make use of such a large amount of service. When the government fixed the labour service obligations at 104 days a year in 1772, many lords tried to use it as a pretext to raise labour services to this level and cash them in through commutation into monetary payments. The government therefore had to issue orders clarifying that the patent was intended to improve the situation of the tenants, not to raise the service obligations of all those who had performed less before the patent was published.¹⁰⁰

Together with the labour service of the tenants, the extent of the lordly demesnes expanded through the purchase of the domains of the smaller nobles by the aristocracy¹⁰¹ and the establishment of manorial farms on vacant land, mainly during the course of the seventeenth century. Table 3, reproducing data collected by Herbert Knittler, is intended to give an impression of this expansion by comparing the extent of arable fields farmed by the lords themselves for several samples of lordships during the early modern period. For the late sixteenth century, only data for chamber estates is available. Out of 42 estates inspected after 1569, 34 had rather small arable demesnes with a characteristic regional distribution that can also be seen at later points in time. These values also confirm the impression that chamber

⁹⁹ See, for example, Thomas Winkelbauer, 'Haklich und der Korruption unterworfen: Die Verwaltung der liechtensteinischen Herrschaften und Güter im 17. und 18. Jahrhundert', in Evelin Oberhammer (ed.), *Der ganzen Welt ein Lob und Spiegel. Das Fürstenhaus Liechtenstein in der frühen Neuzeit* (1990), pp. 86–114, here p. 108.

¹⁰⁰ Hauer, *Praktische Darstellung*, I, pp. 101–2. To give just one example of this practice, the small estate of Kaya-Niederfladnitz (183 subject tenants and 166 ha of arable demesne) accounted for 3,379 fl. of income

from commuted labour services before the issue of the *Robotpatent*, but 19,996 fl. after the publication of the patent. Most subject tenants, mainly smallholders without draught animals, had performed 26 days of labour service. Archives of the Castle of Karlslust (Niederfladnitz, Lower Austria), box 166.

¹⁰¹ See Thomas Winkelbauer, 'Krise der Aristokratie? Zum Strukturwandel des Adels in den böhmischen und niederösterreichischen Ländern im 16. und 17. Jahrhundert', in *Mitteilungen des Instituts für österreichische Geschichtsforschung* 100 (1992), pp. 328–53.

estates were not at the forefront in the expansion of the demesne economy since the 75 seigneuries documented for the first half of the seventeenth century, mostly noble properties, already had arable demesnes two or three times as large. Expansion seems to have stopped after the middle of the seventeenth century with the notable exception of the north-eastern part of the country (VUMB) which was best suited for grain farming. With 192 ha on average in the middle of the eighteenth century, cultivated by the traditional three-field rotation, demesnes in this part of the country were not as large as those in Bohemia and parts of Moravia, where they could reach 500 or even 1000 ha in size, but they were nevertheless not negligible.

When the new tax assessment rolls were put together in the middle of the eighteenth century, the number of seigneuries with more than 300 ha of arable demesne land amounted to 20, all but one located in the VUMB.¹⁰² One of these, Wilfersdorf, with a large-scale demesne economy (570 ha of arable farming) belonged to the Liechtensteins, an imperial princely family owning a great number of seigneuries in Lower Austria, Moravia and Bohemia and considered as exemplary in the administration of their domains.¹⁰³ Detailed instructions from the beginning of the seventeenth century provide a clear picture of how the labour service of the subject tenants was organized here. Services were classified as 'ordinary' and 'extra-ordinary'. Tenants holding horses – mainly those occupying full holdings containing on average 15 ha of arable fields – had to cultivate 2.5 ha of the demesne fields each as ordinary service in 1636. In addition they were obliged to undertake a number of tasks, including reaping, hauling a certain amount of timber and to spinning four pounds of hemp. All the other tenants, having no draught animals, cultivated the demesne vineyards (between 0.125 and 0.05 ha a piece according to the size of their holdings) and had to perform the same sorts of manual tasks.¹⁰⁴ Extraordinary services, mainly hauling tasks, were not specified, and it is therefore not possible to calculate how many days these tenants actually worked on the demesne. The allotment of specific parcels of arable fields and vineyards for cultivation was intended to facilitate supervision, and the village headmen had to control the correct performance of the tasks. These instructions also indicate that the lord tried to bring the extent of demesne fields and vineyards into line with the number of tenants.¹⁰⁵

When these instructions were issued, the estate of Wilfersdorf had a nearly equal balance between subject tenants able to perform draught services (380, of whom 62 paid a rent in lieu of service) and those obliged to provide manual services (336). The demesne consisted of 818 ha of arable fields (including the fallow) and 36.25 ha of vineyards.¹⁰⁶ Over the course

¹⁰² Werner Berthold, 'Die Einkommensstruktur der adeligen Herrschaften um die Mitte des 18. Jahrhunderts. Versuch einer Typologie', in Knittler, *Nutzen, Renten, Erträge*, 204–37, here p. 233. The seignury with the largest extent of arable demesne land reached 842 ha.

¹⁰³ See Evelin Oberhammer, 'Viel ansehnlich Stuck und Güeter. Die Entwicklung des fürstlichen Herrschaftsbesitzes', in Oberhammer (ed.), *Der ganzen Welt ein Lob und Spiegel*, 33–45.

¹⁰⁴ Thomas Winkelbauer, *Gundakar von Lichtenstein*

als Grundherr in Niederösterreich und Mähren (FRA – Fontes juris, 19, 2008), pp. 363–7.

¹⁰⁵ Ibid., p. 361 (Instruction concerning the performance of labour services on the Moravian domain of Mährisch-Krumau/Moravský Krumlov, 1633).

¹⁰⁶ Ibid., pp. 363–4. The figures given in the text are based on my own recalculation of the numbers in the instruction. The summary of the demesne field area cultivated by the tenants (284 ha) evidently pertains only to one of the three fields.

of the following century this balance changed massively in favour of the smallholders liable to manual services. In 1732, 645 smallholding tenants far outnumbered the 110 full and half holders. The arable demesne had contracted to about 660 ha, whereas the vineyard area had slightly extended to 39.5 ha.¹⁰⁷ This shift in the structure of subject tenures must have burdened the occupiers of full and half holdings with draught animals and plough-teams who now had to cultivate a larger area of grain fields (6 ha each instead of 2.5 ha in 1636) for the lord, who in turn was forced to reduce his arable demesne to bring it into line with the available servile labour force.

The example of the estate of Wilfersdorf points to the major obstacle, which, if I am not altogether wrong, blocked the further expansion of the demesne economy in this part of Lower Austria. Demesne lordship in East Central Europe was based mainly on large-scale grain farming for supra-regional and international markets. Lords, of course, did engage in other sectors of the (agrarian) economy as well (cattle rearing, dairying, aquaculture, the brewing of beer, timber production, viticulture where it was possible, and in some regions mining and iron production), but labour services were of limited use in these sectors.¹⁰⁸ Flocks of sheep and herds of cattle as well as dairy farms were usually leased out or tended by salaried managers,¹⁰⁹ and ironworks and breweries also needed a specialized and salaried labour force. With the exception of forestry work, labour services could only be used for auxiliary tasks and the hauling of material and products.

Viticulture is of particular interest in this context since it played a major role in the early modern economy of Lower Austria and provided its most important export commodity.¹¹⁰ Lords participated in this highly commercialized sector by drawing on their pre-emptive rights over the labour power of their subjects to secure for themselves the necessary labour force for the time-consuming cultivation of their vineyards, but, in sharp contrast to cereal cultivation, they paid for these services.¹¹¹ The reason for this restraint was the fear that subjects performing labour services would not cultivate the vines correctly since this requires a considerable amount of effort and skill. Negligent pruning would endanger the considerable capital invested in vineyards. Count Ernst von Traun, commander of the imperial army, was forthright on this point when he instructed the bailiff of his seignury at Bockfliess (VUMB) in 1649 – in a period of labour scarcity in this part of the country due to the devastation brought by the Swedish army at the end of the 'Thirty Years' War – not to use the labour service of the subject tenants for the cultivation of his vineyards 'because wine-growing requires a lot of care

¹⁰⁷ Winkelbauer, 'Haklich und der Korruption unterworfen', pp. 108–9.

¹⁰⁸ Historians of the early modern rural economy of Hungary have stressed this often over-looked fact for some time – and not by accident, since the kingdom contained several regions of large-scale vine-growing and cattle-ranching. See Vera Zimányi, *Economy and society in sixteenth- and seventeenth-century Hungary (1526–1650)*, (1987), pp. 27–49, 78–94, for an excellent summary of this research in English.

¹⁰⁹ Lords played almost no role in the cattle-ranching economy of the Hungarian great plain and only a

limited one in the cattle trade. See Zimányi, *Economy and society*, pp. 43–9.

¹¹⁰ The following paragraphs are essentially based on my dissertation. See Landsteiner, 'Wirtschaft und Gesellschaft'.

¹¹¹ This was also the case in the Hungarian wine-growing regions. See Szigmond Pál Pach, 'Corvées et travail salarié dans les exploitations seigneuriales de la Hongrie des XVI^e et XVII^e siècles', in Bela Köpeczi (ed.), *Paysannerie française, paysannerie hongroise, XVI^e-XX^e siècles* (1973), pp. 75–97.

whereas *corvée*, according to experience, is performed with great negligence'.¹¹² Lords often resorted to another measure to economize on the costs of vine-cultivation. They refused to link the monetary compensations paid to their subjects for vineyard-work to the market wage so that these payments underwent the same evolution as their money rents in periods of inflation. At Wilfersdorf the tenants received four florins for the cultivation of a quarter hectare of vines in 1636 – a duty that was nevertheless perceived as the ordinary labour service obligation of the smallholders – whereas the market wage for the same task amounted to 8–9 fl. in this period.¹¹³ Subjects did not, however, receive any money since these payments were usually set off against dues, taxes and eventually the commutation of labour service obligations. In the late seventeenth century attempts were made here and there to transform this kind of salaried service into an unremunerated service, but this did not lead to an expansion of demesne viticulture due to the problems arising from the use of forced labour in vine growing. In the middle of the eighteenth century demesne viticulture comprised a mere 4–5 per cent of the overall vine-growing area in Lower Austria and only 3 per cent in neighbouring Moravia (see Table 1 above).

The subjects, on the other hand, were eager to grasp the opportunity provided by an engagement in viticulture to evade the mounting lordly pressure for unpaid labour service on the demesnes. Vineyard land had a special status since most of it was not attached to subject tenures. It circulated freely in the form of parcels that could be purchased and sold without restrictions, and its possession did not entail any kind of subjugation (*Untertänigkeit*) under the landlord and therefore no obligation to perform labour services for the lord. What is even more important is the fact that vine cultivation as a hoeing culture (*Hackkultur*) was done manually and did not require the possession of draught animals and ploughing teams by the producer. After the decline of commercial viticulture based in towns and market centres during the first half of the seventeenth century, due to the loss of export markets, adverse price movements, and the destruction of the Thirty Year's War, the rural subject population rushed into this sector during the reconstruction phase of the second part of the seventeenth century. Despite restrictions by the government and protests by the lords,¹¹⁴ they subdivided holdings and planted their arable land with vines. Gundakar von Liechtenstein, the owner of the Wilfersdorf domain, was well aware of the dangers of this process for his demesne economy. As early as 1601 he had tried to forbid the conversion of arable fields into vineyards. In the same ordinance he protested against the practice of his subject tenants who occupied holdings with arable fields attached to them of selling off their horses since this caused havoc in the provision of the necessary labour services. He ordered his bailiffs to see that all those

¹¹² Cited in Philipp Hoyos, 'Ernst von Traun, Generalkriegskommissär, und die Abdankung der kaiserlichen Armee nach dem 30-jährigen Krieg' (unpublished Ph.D thesis, University of Vienna, 1970), p. 74.

¹¹³ Winkelbauer, *Gundakar von Liechtenstein*, pp. 361–2. This was also practiced on the Moravian manor of Moravský Krumlov owned by the princes of Liechtenstein.

¹¹⁴ See the very significant memorial drawn up by

Count Verdenberg, owner of the important estate of Grafenegg (VUMB, by 1750 the largest in Lower Austria according to its capitalized value), and signed by nine additional landlords and several towns and market places, in which he protested against these practices and warned of an impending shortage of bread grain. Austrian State Archives, Archives of the seigneurie of Grafenegg, box 426, no. 5.

TABLE 4. Percentage shares of full- and half-holdings (liable to draught services) and smallholdings (liable to hand services) in Lower Austria, by region, c.1830.

	<i>Full and half holdings</i>	<i>Smallholdings</i>
VUWW	27.6	72.4
VUMB	31.5	68.5
VOWW	39.2	60.8
VOMB	42.8	57.2
Lower Austria	35.5	64.5

Source: NÖLA, Regierungsarchiv, Handschrifteninventar, Nr. 85/19 (summary tables of the cadastre).

having full, half, and quarter holdings kept horses and to compel those who did not to hand over their holdings to others provided with draught animals, or force them to pay a monetary compensation for the lost hauling and ploughing services. Furthermore, smallholders without draught animals were not to be allowed to hold more than a single hectare of arable.¹¹⁵ In 1664, the bailiff of the seignury of Retz (VUMB), a region with extensive vine-growing, complained that among the 107 subject tenants, there were only nine 'peasants' (i.e. tenants with substantial arable fields holding horses or oxen) cultivating as much as 3 ha of the demesne each. All the rest of the 339 ha of arable fields had to be worked with seigneurial plough-teams or were leased out for rents in kind.¹¹⁶

Despite all their protests and the measures taken against this transformation process, which began to change the agrarian social structure of the eastern parts of the country (mainly in the VUMB and the VUWW) and led to the emergence of a distinct smallholder society after the Thirty Year's War,¹¹⁷ lords who were eager to expand their arable demesnes were not able to stop the tendency to plant vines. Entire villages were transformed into growing agglomerations of small-scale vintners working their plots exclusively with their family labour force and having just one or two cows in their byres. This is clearly visible in the changing structure of the subject tenancies of the Wilfersdorf domain already described. The first modern Austrian cadastre, surveyed during the 1820s in Lower Austria, gives an impression of the outcome of this process of fragmentation of holdings through the intensification of vine-growing activities by the subject population (Table 4).

¹¹⁵ The policy ordinance is edited in Winkelbauer, *Gundakar von Liechtenstein*, pp. 123–64. See pp. 133 and 135–6 for the relevant paragraphs. Count Ernst von Traun was aware of the same problem and advised his bailiff at Bockfließ in 1649 to see that the tenants possessed horses. See Hoyos, 'Ernst von Traun', p. 74. For a very similar development in the wine-growing regions of Hungary see Zimanyi, *Economy and society*, pp. 82, 86, 91.

¹¹⁶ Landsteiner, 'Weinbau und Gesellschaft', p. 230.

¹¹⁷ See Erich Landsteiner and Ernst Langthaler, 'Ökotypus Weinbau: Tagelöhner- oder Smallholder-Gesellschaft?', in Institut für Wirtschafts- und Sozialgeschichte (ed.), *Wiener Wege der Sozialgeschichte* (1997), pp. 183–224; and Erich Landsteiner, 'Household, family and economy among wine-growing peasants. The case of Lower Austria in the first half of the nineteenth century', *History of the Family* 4 (1999), pp. 113–35.

It becomes evident through this data that those parts of the country best suited ecologically for large-scale grain production – mainly the VUMB, where the formation of substantial seigneurial demesnes had most progressed during the sixteenth and seventeenth centuries, but also the VUWW, the former centre of Lower Austrian viticulture before it was surpassed by the VUMB in the seventeenth and eighteenth centuries – ended up with the tenancy structure least well suited for the conduct of a lordly demesne economy.

We might therefore conclude that it was not the political constitution (or the structure of lordship), nor a policy of ‘peasant protection’ conducted by the early modern state (quite the contrary, as I hope to have demonstrated in this article), nor the lack of market opportunities (which existed, either internally through regional specialization and the demographic growth of the city of Vienna, or externally through the provision of the army and border fortresses), nor the violent resistance of the subjects which blocked the further development of demesne lordship in Lower Austria. It is the specific agro-system of the region and the chances it offered for the rural population to evade the strategies and actions of the lords that offers the most plausible explanation of why Lower Austrian demesnes ‘got stuck’ on their way to *Gutsherrschaft*.