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## Busy Tenants

*Peasant Land Markets in Central Europe*  
(15<sup>th</sup> to 16<sup>th</sup> Century)

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Edited by

Thomas Ertl, Thomas Frank and Samuel Nussbaum

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# Selling, Buying and Exchanging Peasant Land in Early Modern Southern Tyrol<sup>1</sup>

JANINE MAEGRAITH

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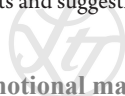
**Abstract:** Recent research on medieval and early modern developments of ‘land markets’ has shifted the focus away from Northwestern Europe and revealed a vivid picture of varied land transactions all over Europe. At the same time, the approach to markets in history has changed, questioning the dichotomy between pre-modern and ‘modern’ market societies. In this contribution, an open definition of ‘land markets’ is adopted. Research on early modern Southern Tyrol reveals a high frequency of land sales and exchanges, and the analysis of a sixteenth-century case study from the Mühlwald valley highlights important aspects of what seems to have been an active ‘land market’ with few institutional restrictions and the use of various contractual instruments and financing opportunities. The transactions reveal a strong link between credit and land as well as credit and kinship. Thus, a distinction between ‘commercial’ and ‘non-commercial’ transactions would overlook their interconnectedness; this contribution proposes a more comprehensive concept of land markets.

**Keywords:** Early Modern Period, Land Transactions, Ownership Rights, Financing, Kinship, Peasants, Social Status, Gender, Southern Tyrol

## Introduction

This contribution is based on the finding that there was a surprisingly high frequency of land sales and purchases in early modern Southern Tyrol. The following analysis

1 The paper is based on analysis done in the context of the research project *The Role of Wealth in Defining and Constituting Kinship Spaces from the Sixteenth to the Eighteenth century* (P 29394), financed by the Austrian Science Fund (FWF); URL <<https://kinshipspaces.univie.ac.at/en/>>, accessed on 26 September 2020. See also Lanzinger, Maegraith, “Vermögen als Medium”. I would like to thank Birgit Heinzle, Margareth Lanzinger, Michael Maegraith, Craig Muldrew, and especially the reviewers for their valuable comments and suggestions.



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of a sixteenth-century case study with cross-linkage between many purchase and exchange contracts highlights important aspects of what seems to have been an active 'land market' in early modern Tyrol. The questions will centre on how such a buoyant land market was possible, who participated in it, what the legal and social framework of land transfers was, how they were facilitated, and what this can tell us about the early modern Central European countryside and its social order.

The case study serves to address the methodological debate surrounding early modern markets and particularly land markets where landed property was transferred. Following the explicit suggestion by Josef Ehmer and Reinhold Reith that we need to overcome the conceptual dichotomy between modern and early modern markets, I employ an open definition of markets in early modern Europe.<sup>2</sup> In response to Karl Polanyi, Craig Muldrew also suggested in his work on the anthropology of the market that a dichotomy between traditional and market societies conceals the fact that many features of the latter were already present in medieval and early modern times. In his study on early modern England, he regards market exchange as the mode by which individuals bought and exchanged goods, and by which they entered into contracts.<sup>3</sup> This also recognises what Shami Ghosh termed the rise of market dependence along with a rise in monetisation and credit dependence in rural economies in England as well as in Southern Germany.<sup>4</sup> If we leave the ideal of a 'modern' market society behind and approach early modern economies more comprehensively, as was also discussed at the international workshop in Pavia, then we can analyse such economies in their social, political, legal, familial and especially regional contexts.<sup>5</sup> Giovanni Levi and David Warren Sabean have shown the potential of such an approach and demonstrated how entangled commercial and kin-related exchanges were.<sup>6</sup> In their work, the importance of kinship leads to a more critical review of the land-family bond debate in England, and Levi points out that it is not so much a question of who bought and sold, but how transactions were concluded and how prices were negotiated between buyer and seller.<sup>7</sup> Markus Cerman takes Levi's criticism further and stresses that it is not possible to maintain the (or rather, another) dichotomy between commercial and kinship transactions or land market and inheritance practice. Instead, Cerman suggests focusing on

2 Ehmer, Reith, "Märkte"; This is in contrast to the theoretical economic definition, where the supply and the demand side meet and where complex decisions determine the price, see Jeggle, "Konstituierung", pp. 13–16.

3 Muldrew, "Anthropologie", pp. 172–173.

4 Ghosh, "Rural Economies", p. 265.

5 *Trading Peasant Land: Patterns and Strategies of Land Transactions in Late Medieval Central Europe and Northern Italy*, 22.11.2018–23.11.2018 Pavia, in H-Soz-Kult, 11.01.2019; URL <[www.hsozkult.de/conferencereport/id/tagungsberichte-8053](http://www.hsozkult.de/conferencereport/id/tagungsberichte-8053)>, accessed on 7 September 2020.

6 Levi, *Erbe*; Sabean, *Property*.

7 Levi, *Erbe*, pp. 89–91.



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regional differences and institutional contexts.<sup>8</sup> I will apply these ideas using a case study from Tyrol. It will show a high number of transactions between kin and non-kin that use different kinds of contracts and payment strategies, and will help to explore early modern transactions that were rooted in a complex of legal, social, familial and economic practices. It will also serve to question the assumption that the evolution of exclusive ownership rights and thus institutional changes were needed in order to make the development of a land market possible, as argued by Bas van Bavel and others.<sup>9</sup> Gérard Béaur and Jean-Michel Chevet have contended that such ownership rights barely existed, and that instead we have to acknowledge the variety of developments and contractual arrangements across countries and regions, and the adaptability of the historical actors.<sup>10</sup> This would not only include the analysis of other contractual land transactions, such as life estate arrangements (*Ausgedinge*), for example, in Birgit Heinze's case study, or tenancy in common, as described by Johannes Kaska, but also other forms of land use, such as leasehold, the importance of which is demonstrated by Thomas Frank in this volume.

In our aforementioned project *The Role of Wealth in Defining and Constituting Kinship Spaces*, we are looking at intergenerational and marital property transfers, transfers within and outside the nuclear family, arrangements of wealth, and disputes over property in early modern Southern Tyrol, from the sixteenth to the eighteenth century. Together with this, we examine access to the land market, as well as the broader perspective of how wealth was tied to kinship and entitlements. Such an approach incorporates an array of relevant transfers of wealth, aspects of legal arrangements and use of law. With this reciprocal understanding of kinship and wealth, we look at land markets in a broader sense, from sales and inheritance to usufruct and land use. This may reveal the possible effects of kinship as an economic factor, but also, conversely, how property affected kinship. We investigate whether kinship entitlements to wealth affected wealth transfer and distribution, and examine the options available to people who were excluded from succession, taking aspects such as gender, social status and access to the land market into account. We focus on people in towns, markets and rural areas who owned, inherited, bequeathed and sold houses, plots and whole farmsteads.

Geographically, I am focusing on two court districts, the town court of Brixen and the court district of Sonnenburg. Brixen was an independent prince bishopric, and Sonnenburg was a Benedictine nunnery in the Puster valley (Val Pusteria/Pustertal) with considerable, albeit not coherent, rural holdings consisting of four parts or departments: the large holdings of the court district of Enneberg, the department or the territory (*Amt des Landes*) with diversified holdings around Sonnenburg and St Mar-

8 Cerman, "Bodenmärkte", pp. 128–130, 148; Cerman, "Social Structure"; Levi, *Erbe*, pp. 89–90.

9 van Bavel, "Organization".

10 Béaur, Chevet, *Institutional Changes*, drawing on wide-ranging European historiography and research, and on the evidence and results of the contributions of the edited volume.



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