

## Some notes on the social and economic situation of the Swedish tenants in the XIIIth century\*

This article<sup>1</sup> aims at contributing to the analysis of one of the most difficult problems of the Swedish history of the early Middle Ages, i.e. to that of the economic and social situation of tenants (landbor) in this country.

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<sup>1</sup> The very limited space being at the author's disposal does not allow him even to mention all the questions, connected with the problem he is dealing with and to quote all the necessary evidence for supporting his opinions. These are presented in his book, *Studia nad rozwojem struktury społeczno-gospodarczej wczesnośredniowiecznej Szwecji (do końca XIII w.)*, (Studies of the development of the social and economic structure of the early-mediaeval Swedish society until the end of the XIIIth century), which is now in print (in Polish). This article consists of some fragments of the IVth chapter of the mentioned book. The preliminary draft of the author's views has already been published in his article, *Z zagadnień kształtowania się feudalizmu w Szwecji do końca XIII w. – Perspektywy i wnioski badawcze*, (Some questions concerning the origin of

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\* In recent years Polish and even Soviet historians have paid a good deal of attention to the economic and social history of the early Middle Ages. Developments in Scandinavia and especially in Sweden have been the subject of research by, among others, Dr. Stanisław Piekarczyk, of Warsaw. In a recent lecture to the Lund Historical Society, Dr. Piekarczyk presented some of the results of his research into the economic and social history of Sweden in the early Middle Ages. His lecture gives a good insight into how a representative of present-day historical research in Poland approaches these problems – problems with which Scandinavian historians have long been concerned – and shows what results are obtained by such an approach. Since Dr. Piekarczyk's work forms a contribution to the discussion which has been going on in Sweden for a long time about these very questions, the editors of Scandia consider it of importance for Scandinavian historians to acquaint themselves with the views put forward and the methods used in Dr. Piekarczyk's lecture.

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As is well known the recent Swedish mediaevalists attempt to "europeanize" the early mediaeval history of their country by pointing at the analogies between it and the development in continental Europe. Suggestion for example as to the similarities in the economic situation of the Swedish thralls and that of serfs (*livegna*), and in the role both have played in the development of the respective countries, made already some 20 years ago<sup>2</sup>, finds support in recent research<sup>3</sup>, although the internal, economic and social sources of thralldom during the period of the Viking expansion and thereafter have not been studied as yet. Such studies seem to be inevitable, if one really wants to make any comparison in this question.<sup>4</sup> Other

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feudalism in Sweden until the end of the XIIIth century – research's plans and propositions), *Kwartalnik Historyczny*, vol. 66, No. 3, Instytut Historii Polskiej Akademii Nauk, Warszawa 1959, p. 780–821. Since the present article is destined chiefly for Scandinavian readers, it does not contain any translation into English of the ancient Swedish law-texts, quoted from D. H. S. COLLIN'S & C. J. SCHLYTER'S edition, providing the author's interpretation of them agrees with that of Å. HOLMBÄCK AND E. WESSÉN, *Svenska landskapslagar, tolkade och förklarade för nutidens svenskar*, vol. I–V, Stockholm 1933–1946.

<sup>2</sup> F. ex. S. BOLIN, *Scandinavia, The Cambridge economic history of Europe from the decline of the Roman Empire*, vol. I, *The agrarian life of the middle ages*, ed. by J. H. CLAPHEN & L. POWER, Cambridge 1942, p. 487.

<sup>3</sup> C.-G. ANDRÆ, *Kyrka och fräse under äldre medeltid*, *Studia Historica Upsaliensia*, vol. IV, Uppsala 1960, p. 94 ff.

<sup>4</sup> It is evident that even in the period of the Viking-expansion, i.e. in the time when the import of foreign thralls was at its greatest, there were in Scandinavian countries also those of domestic origin. RIMBERTUS, *Vita Anskarii*, cap. 15 and 36, writes about not only Slavonic but also Norman (Danish) boys bought by the missionary to be used in his work. The endless wars between several Viking chiefs (*hövdingar*) opened possibilities for them to capture thralls even in the Scandinavian regions. Scandinavian kings, whose authority was very weak in the Viking-time, could not prevent their *hövdingar* from doing this. It has been confirmed by ADAMUS OF BREMEN, *Gesta Hammaburgensis ecclesiae pontificum*, ed. G. H. PERTZ, IV, cap. 6, when he wrote about the Danish Vikings who were paying "tributum" to their kings for obtaining permission to capture thralls in foreign lands. Such permissions were, however, used by them "in suos" and the thralls were sold by the Vikings "vel socio vel barbaro". It is very likely that the situation in Sweden also was very similar to that described by Adamus. Even such late sources as the Swedish provincial laws: ÖgL VmB 30, § 1; UL KmB 3, prol. SdmL KmB 3, prol; VmL KmB 4 contain prohibition of trade with thralls, and free people respectively. Such

authors stress<sup>5</sup> that even in the early Middle Ages there was in Sweden a landlord-class, the existence of which was not accepted by the scholars of an older generation. It has also been pointed out that the known forms of division of land (*skifte*) among the inhabitants of a village most likely are not to be considered as survivals of any extension of the village's common lands (*allmänning*) over the total territory of it, especially over the fields already under cultivation by individuals.<sup>6</sup> The most recent research suggested that the last form of this division (*solskifte*) was performed in the interest of the great landowners.<sup>7</sup>

However, as far as the social situation of the landbor is concerned even the most recent works<sup>8</sup> share in principle the opinion of the historians from the end of the XIXth century at least<sup>9</sup> that the Swedish landbo was personally free and that the authority which the landowner exercised over him was only very limited, though these phenomena and their causes never became an object of modern studies.

The consequence of such an opinion of the social situation of landbor is in fact a direct negation of the feudalism in Sweden.<sup>10</sup> This

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repetition of the said provisions was presumably caused by the facts occurring up till the beginning of the XIVth century.

<sup>5</sup> F. ex. F. DOVRING, *Agrarhistorisk forskning och svensk medeltidshistoria*, (cit. *Agrarhistorisk forskning*) HT, vol. 73, Stockholm 1953, p. 388, and ANDRÆ, op. cit., p. 85 ff.

<sup>6</sup> G. HAFSTRÖM, "Hammarskipt", *Skrifter utgivna av Institutet för rättshistorisk forskning, särtryck ur serien II, b. 1*, Lund 1951, p. 155 ff. See also DOVRING's remarks, op. cit. p. 401.

<sup>7</sup> F. DOVRING, *Attungen och marklandet, Studier över agrara förhållanden i medeltidens Sverige*, Lund 1947, p. 165 ff. (cit. *Attungen*). DOVRING, however, did not use all the indications, which can be found in the provincial laws, for supporting his opinion.

<sup>8</sup> ANDRÆ, op. cit., p. 101 ff.

<sup>9</sup> F. ex. A. ÅSTRÖM, *Om svensk jordäganderätt*, Stockholm 1897, p. 164, and L. BEAUCHET, *Histoire de la propriété foncière en Suède*, Paris 1904, p. 655 ff.

<sup>10</sup> As far as it is known to us the only Swedish historian who consequently was of the opinion that feudalism existed in Sweden, was P. NYSTRÖM, *Landskapslagarna, Ateneum*, vol. 2, No. 2, Lund 1934, p. 85 ff, and *Avelgårdprojektet 1555-56, några anteckningar*, Scandia, vol. 9, Lund 1936, p. 234. Nyström, however, could not prove his opinion in a satisfactory way.

country should then have known the impacts of feudalism only in its political and cultural life.<sup>11</sup>

In the light of the above it is evident that an analysis of the social situation of the Swedish tenants is of a great importance for studies of the social and economic structure of Swedish society in the early Middle Ages. A contribution to the solution of the very difficult question of the economic situation of the landbor in earlier times can also facilitate further discussion about the so-called "agrarian crisis" in the late Middle Ages, which should have caused changes in the economic position of the landbor. Those changes, however, could be known only if the original condition of the landbor were established as exactly as possible.

## I

It can be said in general that in the time under consideration the landbor should have had a worse economic situation than even the poorest peasants (bönder), because the former besides public burdens and those in the church's favour, were obliged to give the rent to their landowners, while the latter only had to give the tithe and taxes to the state.<sup>12</sup> It is therefore to be taken for granted that the chapter (flock) of the Södermannalagen reflects the real situation of that time, when it mentions poverty as the most important reason why the landbo was not able to hold a farm and desired to leave it.<sup>13</sup>

The most characteristic feature of the landbors' duties was that even in the earliest times, at least as far back as it is known to us on the basis of the existing sources, their rent was strictly fixed. This feature – we shall come back to the analysis of their economic and social causes later on – enables us to study the economic situation of

<sup>11</sup> It is, however, very difficult to understand in what way feudalism could have had an "influence" on Sweden, if the development of this country would not make it possible an acceptance of such.

<sup>12</sup> It is of no importance, whether in the period under consideration there were in Sweden real taxes or only some personal duties. These last were on the way to become natural or financial burdens.

<sup>13</sup> SdmL JB 11, prol.: "Nv can landboa fatöet hændæ giter ei bole vppi haldit . . .". See also VgL II UGB 25; FnB 51; ÖgL BB 9, § 2; UL JB 10; VmL JB 15, prol.; SdmL JB 10, § 1; HL JB 10, § 1; These §§ provide for punishments in the case when landbor did not give their rents in the due time. It is very likely that they simply were not able to give them.

the members of that social group. This situation depended first of all upon *the relation between the height of rent a landbo had to give and the total production of the farm he cultivated*. It is not necessary to point out that this relation was of great importance for the division of the total national income and consequently for the social and economic development of the whole country.

The problem of the height of the landbors' rent has recently been studied by F. Dovring<sup>14</sup> and partly by G. Hafström.<sup>15</sup> Neither historian did, however, aim at establishing the relation we just mentioned, but only that between the seed used on a certain amount of land and the rent a landbo had to give from it. They have come to the conclusion that in the early Middle Ages this rent was approximately as high as the quantity of seed necessary to be sown on the field a landbo cultivated.<sup>16</sup> Let us study the method both scholars have applied in their research.

Dovring based his views on sources from as late as the XVIth and XVIIth centuries, mostly ecclesiastical cadasters, which contain several data about the agrarian life of the time. This material forms a basis for his retrogressive research. Hafström bases his views mostly upon certain provisions from the provincial laws.

It is natural that the retrogressive method must be applied in much research dealing with these questions, as there exist no contemporary sources or they are too scarce to give the necessary information. However, in all the cases when such a method must be applied it is necessary to take into account all possible changes which could occur during the whole of the period investigated. As for Dovring's investigation, to such factors belongs first of all the development in agriculture, which might very well consist only in a more common use of the implement already known. We might even suppose that a higher rent in absolute figures could be a smaller burden for the landbo, if his crop grew faster because of the development in agricultural technique. Unfortunately the author does not take this factor into consideration. What is worse, however, he does not take into consideration the changes in the economic and social

<sup>14</sup> DOVRING, Attungen.

<sup>15</sup> G. HAFSTRÖM, *Ledung och marklandsindelning*, Uppsala 1949. This book is important only for such Swedish provinces, where the division of cultivated land into parts corresponding to monetary units (*marklandsindelning*) has been introduced.

<sup>16</sup> DOVRING, Attungen, p. 26, 66, 110 ff; HAFSTRÖM, *op. cit.* p. 196 ff.

life of Sweden<sup>17</sup>, which could and certainly did influence the economic condition of the landbors' life. He approaches his subject of investigation in complete isolation and does not compare his conclusions with data concerning similar problems from other Scandinavian countries and continental Europe.

The above remark does not necessarily mean that Doving had to come to false conclusions because of the method he applied. For verification of the latter an analysis of the sources he used becomes necessary. Let us now look a bit closer at the earliest time.

Doving's endeavour is concentrated on proving that originally the landbor's rent was very high and that in the XIVth century it was reduced decisively. Therefore, as far as the XIIIth century is concerned he<sup>18</sup> takes the view that although the Östgötalagen<sup>19</sup> speaks but of four measures of corn which a landbo had to give from one attung to his landlord, in reality it should also have meant: "and all that which goes together with it", i.e. 4 öre in ready money. This opinion seems, however, to be at least a premature one. The chapter of the law in question is a very detailed one. In its several paragraphs it deals with numerous questions as far as the mutual relation between a landbo and his landlord is concerned. Just for that reason it can hardly be accepted that such an important part of these relations as the height of the rent, should be laid down in such an abbreviated form, which would mean a reducing of the rent's height of  $\frac{2}{3}$ .<sup>20</sup> We have, however, a direct indication in this chapter which disproves Doving's presumption totally. The provision under con-

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<sup>17</sup> It is too easy to enumerate problems which should have been taken into consideration by DOVRING. We cannot, however, refrain from pointing out only one of them, i.e. that of the mutual relationship between the development of agriculture on the one hand and that of commerce and handicraft on the other, especially in the period when the latter began to be concentrated in the towns. Such concentration created a local market: the possibility of selling the agricultural products stimulated the development of farming. The last became easier and more effective in turn due to implements bought in towns.

<sup>18</sup> DOVRING, *Attungen*, p. 118 ff.

<sup>19</sup> ÖgL BB 9, prol.: ... þæt ær lagha afræþe. Fiure þyni korns. ælle tue öra uaþmala ...".

<sup>20</sup> This figure follows from the value of corn, providing it was real in that time. According to the same § this value was 2 öre. Therefore, according to DOVRING, the real value of the rent provided for by the law should have been 6 öre.

sideration opens to the landbo a possibility to give an equivalent to the corn-rent in cloth, the value of which is estimated in money.<sup>21</sup> It is very likely that in this connection the money rent should also have been mentioned, if it really had been provided for by the law.

It is of course a different problem, whether and to what extent this provision of the law was applied in real life.

For calculation of the height of the landbor's rent it is naturally of great importance to know the size of one attung, alternatively, how many measures were sown on it. It has been accepted previously that on one attung 12 measures of corn were sown.<sup>22</sup> This figure has been questioned by Dovring.<sup>23</sup> He is inclined to think that an attung, which he considers – not without reason – in opposition to the opinion of Lönnroth<sup>24</sup> to be a measure-unit of arable land, in reality was sown in the two-field system only with 6 measures of corn. He has taken this view not because he had found contemporary sources which indicate that the opinion of his predecessors was wrong, but in order to explain apparent contradictions, namely: his own supposition about the height of the rent in the early Middle Ages<sup>25</sup>, the height of the rent which could be calculated after acceptance of the figure 12 measures of corn sown on an attung<sup>25a</sup>, his calculation of the rent at the break of modern times and later on<sup>26</sup>, and last but not least his conceptions of the decreasing of rent in the later Middle Ages. Dovring's investigations on that point though very sophisticated are not in the least convincing for two important reasons. The first one is of a more general nature. Dovring does not in his book, especially on the above-mentioned point, follow the chief methodological rule of historical research, saying that one is not allowed to build one hypothesis upon another.<sup>27</sup> The other reason consists in the

<sup>21</sup> ... ælla tua öra uafmala ...".

<sup>22</sup> Ref. by E. LÖNNROTH, *Statsmakt och statsfinans i det medeltida Sverige, Studier över skatteväsen och länsförvaltning*, Göteborgs Högskolans Arsskrift, 46, Göteborg 1940, p. 82.

<sup>23</sup> DOVRING, *Attungen*, p. 110 ff.

<sup>24</sup> LÖNNROTH, *op. cit.* p. 84.

<sup>25</sup> DOVRING, *Attungen*, p. 110.

<sup>25a</sup> This height should be than 1/3 of the corn sown; see note 19 above and further in this article, p. 9.

<sup>26</sup> DOVRING, *Attungen*, p. 105 ff.

<sup>27</sup> It must, however, be said in the author's favour that he is conscious of the

weakness of his interpretation of the meaning of the word "sæþe". As a matter of fact Doving was not able to give any conclusive evidence indicating that in the early Middle Ages this word could have been used in the meaning of "crop"<sup>28</sup>, which he presumed. What he really proves is that the rent at the break of modern times in the provinces, where arable land has been measured in attungar, was really as high as the seed, and that in the XIVth century a decreasing of rent took place. But how great this was, and consequently, how high the original rent was, remains uncertain.

His and Hafström's research do not give any certain results where those Swedish provinces are concerned, in which the marklandsindelning has been introduced. Leaving apart for the time being the problem of the origin of this land-division system, let us follow the argument they have used to prove that even in those provinces the seed and the rent were approximately of the same value, i.e. of 1 örtug ( $1/24$  of one mark) for a land-unit called markland. Doving has based his views on evidence from the XVIth and later centuries, which indicate that in those times the rent was approximately as high as the seed.<sup>29</sup> As far as the early Middle Ages are concerned, he really proved that in some cases a certain relation between the rent and the price of one mark of arable land existed.<sup>30</sup> The relation between the height of the rent and the value of the seed at that time remains, however, unproved.<sup>31</sup>

Hafström bases his research upon certain provisions of the Dalalagen, according to which, a piece of land on which a measure of seed (spanna sæþi) has been sown, after confiscation could be

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weakness of his deliberations and is wording his conclusion in a very careful way.

<sup>28</sup> He must even admit, see f.ex. p. 111, note 85, that in the late Middle Ages the word "sæþe" was translated to Latin as "semen".

<sup>29</sup> DOWRING, Attungen, p. 32 ff; see also his article, *Agrarhistorisk forskning*, p. 401.

<sup>30</sup> DOWRING, Attungen, p. 14 ff.

<sup>31</sup> Since it is certain that in the XIIIth century and at the beginning of the XIVth, as some contemporary sources indicate one mark of arable land was giving approximately one mark rent, it can be taken for granted that it was the rent which contributed to the origin of marklandsindelning; see also, *Sko klostrets medeltida jordeböcker, med kommentarer, utgivna av A. PEETRE, Skrifter utgivna av Vetenskapssocieteten i Lund, No. 42, Lund 1953, p. 25, Note to line 17 and ff.*



bought back for one mark.<sup>32</sup> Other provisions of the Dalalagen<sup>33</sup> and of the Västmannalagen<sup>34</sup> allow him to come to the conclusion that the same measure of corn had a value of 1 örtug. So, according to him, a markland was a piece of land on which was sown corn to the value of 1 örtug. This value should have become in the second plan the height of the rent.<sup>35</sup> If and how this process should have occurred the author does not show.

As a matter of fact there is a certain interruption in the argumentation of both the authors: the first one could only prove the existence of a certain relation between the height of rent given from the land divided in marks in the XVth and the XVIth centuries and the value of seed, while the other could only establish a theoretical, or juridical, relation between the price of land and the value of the seed necessary to be sown on it.

It is not accidental that both authors did not succeed in providing indisputable evidence for their opinions. As far as the early Middle Ages are concerned, the XIIIth and earlier centuries, such a relation between the value of seed and that of the rent, that both should have been equal, could exist only in very few exceptional cases. It was, however, impossible as a norm which was applicable in reality for the establishing of the height of the rent, if we take into account the possibly existing standard of agricultural technique and the productivity of arable land. It must be presumed that the productivity in Sweden in the early Middle Ages under climatic conditions there prevailing could not be much greater than 2 times the seed's volume.<sup>36</sup> This refers only to the land of the villages being under constant cultivation (inmarken). There are, however, no contemporary sources from this country, which could prove the above said rate. As far as England is concerned, a country that was in those times far

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<sup>32</sup> DL RB 5.

<sup>33</sup> DL RB 45, § 5.

<sup>34</sup> VmL BB 25.

<sup>35</sup> HAFSTRÖM, *op. cit.* p. 196.

<sup>36</sup> DOVRING, *Attungen*, p. 66, accepts for the XIVth century a crop of six times the seed. He has based his view upon one piece of evidence from the beginning of the XVIth century, *ibid.* p. 54, and did not verify it with other sources. As far as e.g. Norway is concerned for the XVIth century only a crop of three times the seed's volume has been accepted. That seems to be more realistic. See, A. STEINNES, *Økonomisk og administrative historie, Romerike, I, Norske bygder, IIIB.*, Bergen 1932, p. 100.

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more advanced in agricultural development, indisputable evidence shows that even in the XIVth century the crop was only three times the seed.<sup>37</sup> For Poland which had apparently a more developed agriculture than Sweden<sup>38</sup> the volume of the crop has been established as somewhat more than 2 times the volume of the seed.<sup>39</sup>

The following table illustrates what it would have meant for a landbo if he really had to give to the landlord a rent as great as the seed necessary to be sown on the land he cultivated. To simplify it we have taken the figure 100 (in any units) for the rent and the seed. In the table besides the rent and corn reserve for the next seed-time, only the tithe has been taken into account.

The first table shows that with a crop of 2.5 times the volume of the seed, i.e. higher than could be accepted for the time under consideration, a landbo after giving his rent and tithe and leaving a

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<sup>37</sup> See f. ex. J. S. DREW, *Manorial account of St. Swithun's Priory, Winchester*, *The English Historical Review*, vol. 62, London 1947, p. 32. The author deals with sources from the XIIIth and XIVth centuries, which show that reeves and bailiffs in ecclesiastical manors had a "responsio" for the corn they had to deliver to the priory. From the middle of the XIVth century this "responsio" was settled according to the expected crop. The "responsio" was calculated as 3-4 times the seed. As it is known WALTER HENLEY declared a three-times crop as being normal in his times; WALTER OF HENLEY'S *Husbandry* together with an anonymous *Husbandry*, *Seneschauic* and Robert Grosseteste's rules . . . , by E. LAMOND . . . with an introduction by W. C. CUNNINGHAM, London 1890, p. 19. It happened often that the real crop did not even reach the figure, forseen in *Henley's Husbandry*; G. G. COULTON, *The medieval village*, Cambridge 1926, p. 215, note No. 1.

<sup>38</sup> It is hardly possible that a primitive fertilizing of fields by cattle-grazing on them after harvest, as known from the provincial laws, could improve the productivity of land very much. The productivity in England was achieved with the use of better implements and better manuring; see, *Husbandry* . . . , p. 21 ff; as far as the implements known in Sweden in Middle Ages are concerned, it was even necessary to plough the fields in double directions (along and across the fields) because the plough (arder) just cut the ground but did not turn it over. Such ploughing is mentioned in the ÖgL, BB 9, § 6: "... æria ut at okre ok þuæru iuir annan . . .". See, s. ERIXON, *Lantbruket under historisk tid med särskild hänsyn till bondetraditioner*, *Nordisk Kultur*, vol. 13, 1956, p. 111 ff, 133 ff.

<sup>39</sup> *Historia Polski t. I, do roku 1764 cz. I do połowy XV w. pod redakcja H. ŁOWMIAŃSKIEGO*, *Polska Akademia Nauk, Instytut Historii, Państwowe Wydawnictwo Naukowe (Warszawa 1957)*, p. 283.

Crop's rate × times the seed	Crop height	The tithe	Landbo's burdens total	At his disposal	Remarks
1.5	150	15	215	— 65	— value, impossible
2.0	200	20	220	— 20	do
2.25	225	22.5	222.5	2.5	
2.5	250	25	225	25	
2.75	275	27.5	227.5	47.5	

reserve of corn for seed would have left only 10 % of the crop he had harvested for his own use. Taking a more real relation between crop and seed volume, that is some 2 of the volume of the seed he should not only have nothing left for himself, but – practically speaking – he would be in want of 20 % corn for seed. The 'o' volume is reached in the table with the crop rate of 2.225. We must not forget that he had to give to his landlord a "gift" every sixth or eighth year<sup>40</sup> and that he had also some public burdens.

The argumentation presented is but of negative nature. As far as the XIIIth century is concerned it is not possible to have much positive evidence as to the rate of the landbors' rent. Still some figures, though also very uncertain, can be calculated.

In the document, issued by Lars, the bishop of Linköping, in the years 1233–1247 are mentioned two attungar, which he had exchanged for a meadow.<sup>41</sup> From the latter he had received a rent of 1/2 mark. If his transaction was equivalent<sup>42</sup>, one attung should have brought him a rent of 1/4 mark i.e. 2 öre, exactly the figure which has been provided for in the Östgötalagen.

The two attungar, mentioned by Kristin, the daughter of Faster, in her letter in the village of Litla Hagaby gave yearly 12 measures of corn and 16 örtugar, and one attung in the village of Reby 7 measures of corn and 8 örtugar.<sup>43</sup> In both cases the difference

<sup>40</sup> ÖgL BB 9, prol.; UL JB 10; VmL JB 15, prol.; Sdml JB 10, prol.

<sup>41</sup> DS I No. 282: "... duos (scl. – octonarios) comparauimus in villa que nominatur Lund & in precio reddidimus rus quondam ecclesie, quod annuatim persoluit dimidiam marcham nummorum".

<sup>42</sup> This is very likely, because ecclesiastical institutions took part in it.

<sup>43</sup> DS I No. 855: "... Item duos attungos in litla Hagaby que annuatim soluunt XVI solidos denariorum, & XII thynones annone. ... Item vnum attungum in reby ... qui annuatim soluit VIII thynones & VIII solidos ...".

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between the volume of rent, provided for by the law and that really paid is striking. If we take it that the attung remained unchanged, which in that case is, however, not very certain, we can draw up a table showing how great was the corn-rent alone a landbo had to give from one attung in the village of Litla Hagaby in relation to his approximate crop.

Crop's rate × times the seed	Crop height in measures	Rent %	Tithe mea- sures	For landbo's disposal measures	For landbo's disposal %	Remarks
1.5	18	33.3	1.8	— 1.8	— 10	— volume impossible
1.75	21	28.7	2.1	0.9	4.3	
2.00	24	25.0	2.4	3.6	15.0	
2.25	27	22.2	2.7	6.3	23.3	
2.50	30	20.0	3.0	9.0	30.0	

A similar table for the village of Reby would naturally have the figures higher for  $1/7$ .

The data in the above table do not differ very much from the evidence from the XIVth century concerning some farms owned by the church, where the rent, according to Doving<sup>44</sup> should have amounted to "tertiam partem fructum", especially if we take it as possible that on the church's lands the tithe could be accumulated with rent and that her estates could be exempted from taxes. In such a case we would have a rent+tithe volume of 32.2 % for a production of 2.25 times the seed, the money-rent not being included. After addition of the latter the landbor's real burden becomes even higher.

The height of the landbor's burdens was calculated in proportion to the productivity of those parts of their farms, which were situated in the villages themselves (inmarken). One can however presume that the landbor were using the common land of the villages (allmänning): pastures, meadows and forests for cattle-and-pig-breeding and for eventual corn-growing by the way of burning and clearing out parts of the woods. It is impossible to establish exactly, what importance the last mentioned production could have had in land-

<sup>44</sup> DOVRING, Attungen, p. 41 f, 64 ff. The author is of the opinion that such a rate was a rather exceptional one. It is not clear, why such an "exception" should have differed from the normal height so much.

bor's housekeeping. Most likely, however, their income gained from such production was not too great.<sup>45</sup> Landbor as such had no rights themselves to use the common land of the villages, but only as tenants of the farms, belonging to the landlords.<sup>46</sup> If landbor's production from the fields derived from the forests had been really great, they should certainly have been obliged to give a rent from it. Cattlebreeding, as already established<sup>47</sup>, very extensive and primitive even in the later Middle Ages, could of course help the landbor in years of failing crops, but this could hardly improve their standard of living decisively.

Thus, although we cannot accept Doving's figures we are entitled to interpret the few existing sources in the way of concluding that the economic situation of the Swedish landbor was difficult in the XIIIth century. There is no evidence which is contradictory to such an opinion. We can even understand, why a landbo was not always able to give his rent, as the provisions of the provincial laws, we mentioned above, indicate.<sup>48</sup>

## II

The above remarks make possible for us a new, perhaps more realistic approach to the problem of the social situation of the Swedish landbor in the early Middle Ages, and to the question, whether and in what sense they can be regarded as free persons.

The basis for the opinion about the social status of landbor is the fact that the mutual relations between the landbor and their landlords was based upon a temporary agreement. The other factor which has contributed to form this opinion of the social situation of landbor was the limitation of the landlords' jurisdiction over them.

Let us analyse both these problems.

<sup>45</sup> On such fields productivity was – as it is known – higher. Still one has sown there more thinly. Even in the XIXth century in some parts of Russia, where such a technique was used, 800 kg rye from one hectare was harvested. See H. ŁOWMIANŃSKI, *Podstawy gospodarcze formowania się państw słowiańskich*, Warszawa 1953, p. 138 ff, where the problem mentioned here has been thoroughly discussed.

<sup>46</sup> As it is known, only such inhabitants of a village who had a minimum of its cultivated land (inmarken), had the right to use the allmänning.

<sup>47</sup> See f. ex. E. F. HECKSCHER, *An economic history of Sweden . . .* Cambridge, Massachusetts 1954, p. 22 f.

<sup>48</sup> See note 13.

A temporary agreement between landlords and their tenants is nothing particularly rare in the Middle Ages and is quite well known for example from Polish history. The social and economic character of such an agreement depended upon the situation in the given country. On the one hand it facilitated the tenants leaving the farms they rented after it had expired, on the other hand, however, by the virtue of its temporary delimitation the tenants' rights to the rented farm were restricted to temporary holding only, and they could be expelled when such a lease had expired.

This character, or at least its understanding by the landlords becomes evident in the case of alienation of the rented land.

All the Swedish provincial laws provide information in this important matter: alienation of land, cultivated by an *landbo* did not change the relationship of the latter to this land. In no case could such an alienation have been considered by the *landbo* as a reason for dissolution of the agreement made with the former landowner.

The Västgötalagen contains but very little information on this point. The law of succession from that province, however, deals with a case, when a woman after the death of her husband moved to her farm, previously rented by a *landbo*.<sup>49</sup> In such a case the *landbo* was entitled to prove his right to remain on this farm for one year, but not longer. However, in the case of his landlord's death a *landbo* could not leave the farm he rented until his lease had expired.<sup>50</sup> Successors could move him out after returning to him the remaining part of the gift he had given to the previous landlord.<sup>51</sup> In the case of the *landbo*'s death the landlord could turn away his family from the farm, giving to it only the value of the seed, if it had been sown. The last provision very distinctly favours the landlord, rendering it possible for him to evict the *landbo*'s family, probably unable to work on the farm.

The Östgötalagen<sup>52</sup> contains provision, which was introduced into the laws of central Sweden<sup>53</sup>, according to which persons inheriting after a *landbo*, also inherited the farm he rented until his

<sup>49</sup> VgL ÄB 18, prol. VgL II ÄB 25.

<sup>50</sup> VgL ÄB 24, § 1: "Dör lanædrotten þa skal landboe kuar sitia til fæstæ hans ær int . . .". VgL II ÄB 34.

<sup>51</sup> VgL ÄB 24, § 1: ". . . ællær arvæ lukæ hanum til gæf sinæ". VgL II ÄB 34.

<sup>52</sup> ÖgL BB 9, § 4: "Nu dör antuiggia þæ sum gift gaf. ællas þæn sum giuit uar. Þa æpruit sua gift bol sum fædrini sit".

<sup>53</sup> UL JB 13, prol. VmL JB 15, § 1; SdmL JB 11, § 3.

lease had expired. The introduction of such a provision was connected with a tendency to stabilize the condition of the landbor. The said tendency was evident behind other provisions of the laws giving priority to the old landbo in taking a new lease.<sup>54</sup>

Östgötalagen deals also with questions resulting from alienation of the land rented by a landbo. Such an alienation did not change his relation to this land. He could not be released from his duties because the person of his landlord had changed. This law deals rather with the question which arose when the new landowner wanted to move the old landbo out, facilitating the retaining of the farm for him for a certain time.<sup>55</sup>

Similar provisions are to be found in the other Swedish provincial laws. According to these, alienation of land could in no case have meant a dissolution of landbo's agreement. The provisions under consideration deal rather with eventual expulsion of the landbor.<sup>56</sup>

Our understanding of what the above provisions in reality could have meant, depends upon our approach to the early mediaeval juridical memorials. We are not allowed to modernize their provisions, though the latter might very well be worded in a form similar to that used in modern legislation. To avoid such modernization we shall find contemporary sources which express opinions on the meaning of such provisions in the respective time. Fortunately we have some documents, which indicate that, according at least to the landowners, *the land could be alienated with the landbo*. In some documents the landbor are said to belong to "pertinentiis" of the estates in question, and they are enumerated besides meadows, water-mills, forests and similar as an object of alienation.

This was the case when Ulfrid, the daughter of Birger, donated estates in Hultakil to the monastery at Vreta.<sup>57</sup> Similarly the dona-

<sup>54</sup> ÖgL BB 9, § 4: "... nu giuær annan til: þe kallar undi giæf". UL JB 13, § 2; SdmL JB 11, § 3 – similar provisions.

<sup>55</sup> See A. HOLMBÄCK, & E. WESSÉN, ÖgL note No. 88, p. 237 f.

<sup>56</sup> Provisions concerning this question differ evidently in various provincial laws. UL JB 5, prol., when discussing the possibility of expulsion of landbo stresses: "jilt ær wiþ eghandæn delæ", see also in the same connection UL JB 13, § 3, while SdmL JB 10, prol. says: "... whargin þerae wald fore andrum rywæe. vtan eghandin kunni til þrængiæ siælwen a boa".

<sup>57</sup> DS I No. 500: "... videlicet Hultakyl cum tribus colonis, et ceterijs alijs pertinentiis ... illi monasterio starent perpetue subiuxa ...".

tion-letter of Birger Jarl of the year 1266 in favour of the monastery at Eskilstuna counts to the "attinenciis" of "curiae" at Carleby also landbor.<sup>58</sup> In the year 1275 the king Magnús Ladulås donated a "mansio" to the monastery at Sko with among others landbor.<sup>59</sup> An exchange of estates made by the bishop Brynalf from Skara with Nils Algost included also landbor.<sup>60</sup> The canon from Uppsala, Karl Erlandsson in his last will of the year 1296 leased his estates at Hylmaeryth together with all his landbor in order to pay his father's, uncle's and his own debts.<sup>61</sup> Margareth Gostavsdotter donated her "curiam" at Norby and one landbo at Ysaacsgerde, three landbor from the forest, called Bøtaskogh, and ten öre arable land in Sindrastadh and two landbor to keep some priests.<sup>62</sup>

The above examples provide evidence that in some cases the landbor are said in documents to be alienated together with the land. This is a natural phenomenon in the early Middle Ages: empty land, without men who could cultivate it was but of small value for a great landowner<sup>63</sup>, especially in the times when it was not very easy for him to provide his farms or newly colonised land with new people who could work and give a rent to him.<sup>64</sup> Every great

<sup>58</sup> DS I No. 518: "... curiam nostram Carleby ... cum omnibus attinenciis suis tam mobilibus quam immobilibus, videlicet colonis et agris, pratis, siluis & molendinis ...".

<sup>59</sup> DS I No. 599: "... mansionem Norusaer, ad claustrum dominorum in Sco ... contulisse, cum siluis, piscariis, incolis et attinentiis ejusdem mansionis universis ...".

<sup>60</sup> DS II No. 984: "... curiam nostram jaedarydh, cum agris pratis siluis piscariis, molendino, colonis & ceteris aliis pertinentiis".

<sup>61</sup> DS II No. 1167: "... deputo & et obligo hyalmerydh, in widboo & molendinum & omnes colonos meos ibidem ...".

<sup>62</sup> DS II No. 1291: "... curiam meam in Norby in Nericia ... in ysaacsgerde vnum colonum in silua wigariter dicta bøtaskogh tres colonos ... In sindhrastadh decem oras terre, et duos colonos ...". Here landbor were alienated even without land.

<sup>63</sup> The Swedish kings – as it is known – claimed even the "nobody's land" (allmänning) in the southern part of their country and forced everybody who settled there to become their landbo.

<sup>64</sup> A document issued by Bengt, the bishop of Skara in the year 1262 provides an interesting example of the church's desire to increase the number of people working on her farms by taking into her protection "tenues et exiles". In the case the bishop was dealing with, a reorganisation of ecclesiastical estates was even necessary to find place for those "exiles". DS I No. 474.



landlord wanted to have his income as much stabilized as possible. Thus we mentioned a problem which has been so much discussed in Swedish historical science, i.e. that of the social and economic causes for the introduction of the marklandsindelning.

There are two general lines of solving this question. The first one is represented by the recent research, made by Lönnroth, who is of the opinion that the marklandsindelning originally formed a basis for fixation of taxes, and as such has been introduced in the second half of the XIIIth century.<sup>65</sup> This opinion has been criticized already<sup>66</sup> and it is not necessary to come back to it once more. According to Doving's opinion it was the fixed rent, which caused the origin of the marklandsindelning.<sup>67</sup> Hafström took still another point and came to the conclusion that originally it was not the land, which was donated to the church, but a constant, perpetual rent. Such donations should have been, according to him, the real cause of the origin of the said land-division.<sup>68</sup> He has based his argumentation upon an interpretation of Latin documents<sup>69</sup> and of one provision of the Upplandslagen<sup>70</sup> and of the Västmannalagen<sup>71</sup>, which interpretations are very doubtful. Thus it is impossible for us to accept his views. We must also ask the question: how was it possible that a rent could become an object of alienation, if this rent had not

<sup>65</sup> LÖNNROTH, *op. cit.* p. 91 ff, 107 f.

<sup>66</sup> *Se f. ex.* DOVRING, *Agrarhistorisk forskning*, p. 388 ff, ANDRÆ, *op. cit.* p. 118.

<sup>67</sup> DOVRING, *Attungen*, p. 26 ff, 66.

<sup>68</sup> HAFSTRÖM, *op. cit.* p. 210 ff.

<sup>69</sup> From those documents, which HAFSTRÖM quoted and commented on, the two last ones are out of question that it was the land which was donated and not the rent: DS I No. 377 reads: "terram de qua dimidia marcha . . . soluitur". The author refers in note 1, p. 214 to HOLMBÄCK'S & WESSÉN'S remark to SdmL, s. 97. They, however, do not give the necessary evidence that it was the rent which has been donated. DS I No. 531 both in the Latin and in the Swedish version make the land an object of donation: "... medietatem mansionis . . . cum aliis prediis . . .", "een halffwan gardh . . . med androm goodzom . . .". Still another document, HAFSTRÖM is referring to, DS I No. 282, already quoted above, see note No. 41, speaks only about attungar and not about markland. We shall come to the other documents, referred to by HAFSTRÖM in the note No. 73.

<sup>70</sup> UL KkB 14, § 3; this § speaks about the church's freedom of disposal of all her property, among others, also of money, which she has from rents, received from land bought by her or donated to her. The provision in question does not make the rent an object of donation: "Allt þæt kirkiu giwit wærþær.

been previously exactly defined in money-equivalent?<sup>71a</sup> It is therefore evident that a stabilization of landbors' rents, a stabilization of their relation to rented lands was an inevitable premise for the introduction of the marklandsindelning.

It even seems to be clear why the marklandsindelning occurs originally in documents relating to ecclesiastical estates. It was the church which, as a rule, had the best organised economy.<sup>72</sup> In her estates the social and economic changes leading towards stabilization of the tenants' relation to the lands they rented, were quickest.<sup>73</sup> It is also natural that in Sweden just in those laws which were

hwat þæt ær iord ællr lösöræ. swa ok affræþ hænnær þa sum hun aff iorþum sinum far. hwat hænni giwit wærþær. ællr hun mæþ tyund sinni köpir. swa ok allæ tyund sinæ þær a kirkia sik mæþ skrypæ. ok þær ma æncti annæt æff giöræs utæn samu kirkiu til þarfwæ". From the grammatical point of view it is clear that "her rent" (affræþ hænnær) refers to the following words: "that, which she receives from her land" (þe sum hun aff iorþum sinum far). This land, *but not the rents*, as HAFSTRÖM is interpreting, can be given to her, or she can buy them for her tithe (hwat þæt hænni giwit wærþær. ællr hun mæþ tyund sinni köpir). It is very likely that here we meet the same phenomenon, which is well known from continental Europe: the land could be given to the church, the rent, however, was reserved for the donator. And it is therefore the provision under consideration which stresses in one sentence the church's freedom of disposal of all her property for her own use only.

<sup>71</sup> VmL KkB 13, § 3.

<sup>71a</sup> As we have shown above, HAFSTRÖM'S supposition that it was the seed's value, which primarily decided the size of one markland, cannot be accepted.

<sup>72</sup> This does not naturally mean that such stabilization has been performed at the same time even in estates belonging to one ecclesiastical unit or organisation. As DOVRING observed, even in the XIVth century there were some ecclesiastical estates, which in documents have been mentioned as being "sub curiis", though in practice they were rented out to landbor, *Agrarhistorisk forskning*, p. 389. Ecclesiastical land which was under direct administration of the church could have been said to be her "curiae" or "villae". If, however, they were leased, the documents concerned could have called them "redditus" or marks. One can suppose that the difference in terminology of documents could be caused not by the difference between the rights, which the church had to her land, but between the method of exploitation of them. As far as the much discussed period of the introduction of the marklandsindelning is concerned a more frequent appearance of lands divided into marks from the second half of the XIIIth century onwards may be due to the more frequent introduction of such exploitation system at that time.

<sup>73</sup> We leave here out the other possible reasons, which might have con-

written under the greatest influence of the ecclesiastical hierarchy the landbors' rights were at their weakest.

The above remarks allow us to come to the conclusion that even in those documents in which it is not clearly said that the landbo was alienated with the land, but where he is however mentioned, in fact he could also be considered by the landowner as an object of alienation.<sup>74</sup>

As said above, an agreement between landlord and landbo had but a temporary character. This had surely several, possibly even contradictory reasons. We can clarify them when studying the difference occurring in the possibility of dissolving such an agreement as provided for in the Götaland and Svealand laws.

Västgötalagen is too laconic to give us the information required. Östgötalagen, however, contains sufficient evidence for us to come to the conclusion that a premature dissolution of the agreement on the part of the landbo was connected with relatively great financial loss for the latter. In such a case he would lose the whole value of the gift he had given to his landlord. In the case when a landbo demanded that one part of the gift's value be returned to him, but could not prove that he was leaving the farm in accordance with the agreement, he lost not only the value of that gift, but had even to pay a fine, evaluating it.<sup>75</sup> Practically speaking it could be hard for a poor landbo to leave his landlord, though the Östgötalagen did not prevent him from doing so.

The laws of central Sweden, Svealand, restrict this possibility even more. According to the Upplandslagen and the other laws<sup>76</sup> the landbo of course lost his gift when leaving the farm during the term of his lease. Besides he even had to pay his rent for the year to come and inform the landlord about his desire in the presence of witnesses.<sup>77</sup> When he declared his desire to leave the farm not in

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tributed to the introduction of the marklandsindelning in Sweden, such as e.g. the development of the testamentary rights. Those, by all means, being of secondary importance, are beyond the scope of this paper.

<sup>74</sup> To such belong f. ex.: DS I No. 500, 592, 615, 712.

<sup>75</sup> ÖgL BB 9, § 1: “. . . þa uiti mæþ eþe at han hafþe bol til stæmnu daghxs. orkar han egh eþe. Þa lati atær sum bol hauær oint . . .”.

<sup>76</sup> UL JB 12, prol.; VmL JB 15, § 4.

<sup>77</sup> UL JB 12, prol.: “Þa skal han eghandæ til sighthæ um rættæn affraz dagh fore grannum. ok þingi þy næst ær . . . ok giældi affræþ þæt arit han sait hawær . . .”.

due time, his financial responsibility became greater.<sup>78</sup> Västmannalagen restricts the landbo's freedom even more by introducing a provision, according to which he was obliged to hold his farm until the elapse of the lease. If, however, he wanted to leave during the term of the lease, he had to provide another landbo in his place and the landowner should have accepted the latter.<sup>79</sup> Södermannalagen has similar provisions.<sup>80</sup>

The said provisions show clearly that it was the intention of those who have written the laws to restrict the landbors' possibility of moving from the farm. If we take into consideration that landbor were in rather a difficult economic situation, we do not exaggerate when concluding that in practice it could hardly be possible for them to move except once every sixth or eighth year. Their freedom was therefore very limited.

It is difficult to find what was the reason why the period of agreement was set to just such a number of years. It is, however, very likely that some agricultural reasons must have played their role here: a definite number of production-cycles in the twofield system.

Landowners had a greater possibility to evict their landbors. The Östgötalagen has in this connection provisions that the landbo should be notified in due time (before Christmas) and be given back the respective part of the gift he had previously given to the landowner.<sup>81</sup> Similar possibilities are provided for in other provincial laws.<sup>82</sup> In the Upplandslagen there is even a general rule, according to which the landbo was never entitled to remain on the farm any longer than the landowner allowed him to do so, if he had been refused in a legal way.<sup>83</sup>

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<sup>78</sup> "... Nu sighær han sipær mæt atær æn rættum affrazdagh þo warþi landboen eghandonum fullt affrap aff þy ari ok allt þæt þær a utgiöræs af þe iorþ til olaffs mæsu ...".

<sup>79</sup> VmL JB 15, § 4: "Takær han iorþ mæþ giftan. af þere iorþ skal han oppe hallda afrapom til bolagstæmno. ællær annan aboa fore sic fa. æfte iorþæghande wilia".

<sup>80</sup> SdmL JB 15, § 4.

<sup>81</sup> ÖgL BB 9, § 1: "Nu will land drottin han a bole bort uraka. Þa skal han til fara firi iul ok hælga afton. gifta fulnaþ hanum i garþ föra ...".

<sup>82</sup> UL JB 5, prol., JB 13, § 3. VmL JB 15, § 3. SdmL JB 10, prol.

<sup>83</sup> PL JB 11, § 1: "... hawi landboe enci wald ad halde iorþ længær æn iorþeghandin will. æn hanum ær laghlikæ af saght ...".

We can conclude that the landbors' freedom was very limited and the fact that he had his farm on terms of a temporary holding could be and certainly was used by the landowners to strengthen their position. In other words: the lease contained elements which could be used as means of compulsion for the landlords.

To study this it is necessary to find the social basis of the landbo-class. It has been pointed out that the landbor were recruited from two different social groups, that of the poor bönder who were forced either to mortgage their farms and thereafter had no means to buy them again, or to sell them; and that of the liberated thralls.<sup>84</sup>

There are some indications in the provincial laws, showing how the above process was occurring.

It is clear that provisions of all the provincial laws consider the selling or mortgaging of land as an act caused by extreme necessity, such as famine.<sup>85</sup> According e. g. to the Östgötalagen a husband was obliged in an emergency to sell his own land first, and only when hunger continued, was he also entitled to sell his wife's land.<sup>86</sup> The Upplandslagen contains provision dealing with mortgaging of land. It mentions the lack of corn for seed or for food as the chief reason pressing a bonde to sell his property.<sup>87</sup>

Mortgaging and selling of land caused not only pauperization of those who were pressed to it, but also their social degradation: the poor and poorest bönder became landbor. Provincial laws contain provisions concerning cases in which both parts claimed the land in question to be hereditarily owned by each of them, when only one insisted that he and his predecessors received gift and rent from the land in question.<sup>88</sup> Other provisions deal with cases when a person who had bought some land wanted to cultivate

<sup>84</sup> N. ÖDEEN, *Studier i Smålands bebyggelse historia, ett bidrag till svensk ortnamnsforskning*, NoB, vol. 15-17, C: 1-5, Lund 1927-31, p. 380; G. HASSELBERG, *Den s. k. Skarastadgan och träldomens upphörande i Sverige, Västergötlands fornminnes föreningens tidskrift* 5, 1944, p. 65 ff; DOVRING, *Agrarhistorisk forskning*, p. 389.

<sup>85</sup> See DS II No. 1032, dated 1291, consisting of a list of debtors of Uppsala Cathedral. Most of them has lent some money "pro annona".

<sup>86</sup> ÖgL GmB 14, § 1: "... nu haldær æn hungær a þa skal hæne omynd sælia ...".

<sup>87</sup> UL JB 9, prol.: "Sætær man iorþ fore korn ... hwat hældær han takær þæt til saep ællr föþo ...".

<sup>88</sup> UL JB 15, § 1: "Nu kræwær man affraþ sitt. landboin gripær til fyring.

it. The formulation used there indicates that just the opposite was more frequent: bonde who had sold his land became landbo.<sup>89</sup>

The well-known fact that the land of the great landowners, was spread over a large territory, often in several provinces, indicates that the process of expropriation of poor bönder was under way already in the period under consideration.

It is natural that the landlords who were just on their way to enlarge their landownership by way of expropriation from bönder were interested in limiting the rights of their landbor to farms to temporary holdings: one part of those landbor consisted of bönder, who had newly been expropriated possibly directly by them.<sup>90</sup> Provisions, quoted above<sup>91</sup>, confirm our supposition.

Nevertheless there were other factors which added to their wish to extend the duration of agreement to some years, besides possible agricultural reasons. The right to leave the farm while the agreement lasted was more restricted in the central Swedish provinces. It was in the interest of landowners to keep their landbor on their farms for at least some years and to prevent them from settling in newly colonized regions, where they could become independent bönder.

The liberation of thralls which was on its way in XIIIth century Sweden possibly contributed also to the forming of the social situation of landbor. It must be taken for granted that only a small part of liberated thralls became free in fact.<sup>92</sup> Others were transformed into half-free workers (legodrängar). A still greater part of them became landbor or perhaps in the second generation approached their social condition. We have not much evidence to demonstrate how this process was happening. The Swedish pro-

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sighær faþur fore sik at hawæ. allr andræ frændær eghandin sighær sitt wæræ forut ok gamalt . . .". See also SdmL JB 1.

<sup>89</sup> UL JB 5. Just after the sentence declaring that the new landowner has to pay for eventual ploughing of the fields, and the interjected: "jilt ær wiþ eghandæn delæ" follows: "... ær gipt o annæþ, giældi han giffit atær sum tok . . .". The last formulation indicates that the former owner became landbo because of the "gipt" (see note 40) it mentions.

<sup>90</sup> Comp. A. J. GUREVIČ, Nekotorye spornye voprosy social'no-ekonomičeskogo razvitija srednevekovoj Norvegii, Voprosy Istorii No. 2, Moskva 1959, p. 120 ff.

<sup>91</sup> See notes 88, 89.

<sup>92</sup> It is very characteristic that the relatives who were buying another one, being thrall, had to swear an oath that: "... uir lösin han til kyns ok kundra manna ok egh til annöþunx doms . . .", ÖgL ÄB 17.

vincial laws are not the kind of sources that give evidence of mass-thralldom<sup>93</sup> and consequently of mass release-action. We have, however, one provision in the Östgötalagen, which presumably provides us with some relevant information. In the chapter of this law dealing with all sorts of cases concerning landbor, there is a separate paragraph discussing the problem of men who were rooting out a strictly defined part of forest.<sup>94</sup> Such men were obliged to remain in the forest until their job had been performed. Otherwise, if they escaped, they lost all their property.<sup>95</sup> It is very likely that they were the released thralls who could be pressed to do such hard and ineffective work as clearing out a forest. Their economic situation even after accomplishing that work must have been very hard, if they took the risk of escaping and losing all property. Such rooting out, as it is well known, led to the establishment of very small and poor farms, the cultivators of which were clearly in a dependent position towards landowners.<sup>96</sup>

<sup>93</sup> Even such provisions as VgL TjB 19; VgL II TjB 54 and ÖgL KmB 1, which deal with the procedure of selling thralls do not refer to a mass-trade. Witnesses taking part in such an act, responsibility of former owners for crimes committed by the thrall, they have sold, cannot refer to a mass-trade.

<sup>94</sup> ÖgL BB 9, § 7: “Nu takær man öxa mala ok læggia undi ara stæmmu; inne up mala sin ok vil siþan af fara: han a fulnaþ firi hus ok garda sina haua: Nu far han a för: þa hauær firi farit arvþe sinu: aghe sua huar i husum sum han atte i bole sua ok i garþum”. The interpretation given above differs from that of HOLMBÄCK & WESSÉN. They understood the words: “öxa mala” as “agreement on the reward for rooting out” (lön för yxa). Such a “reward”, according to the editors, see their note 89, p. 238, should have consisted of three years rent-free farming. Our interpretation of the words in question runs: “strictly defined part of forest”. See ÖDEEN, *op. cit.* p. 367 ff. HOLMBÄCK & WESSÉN in translation of this § do not take into account the very well known meaning of the word “inne”, which always points out a compulsion, and even physical force. This is why we cannot agree with the editors’ translation of the words: “inne up mala sin” as: “he avails himself of his reward” (han tjänar in hela sin lön), which gives the whole § quite different meaning.

<sup>95</sup> The decisive argument against the translation of the provision, given by HOLMBÄCK & WESSÉN consists in the fact that it does not make clear, why it should have been in the interests of the landowners not to allow such men to go under duration of their reward, providing “inne up mala sin” should really have meant such reward.

<sup>96</sup> ÖDEEN, *op. cit.* p. 367 ff. It is very likely that UL KkB 7, § 2 reflects a similar process to that discussed above. This § deals with the form of giving the tithe by half-free workers (legodrängar), who had rented a piece of land.

Since one part of the landbor were recruited from the released thralls and were obliged to give a rent to their landlords, because they had no land for cultivation, it is most likely that the latter just for this reason could not allow any strengthening of their rights to the land.

It is nevertheless clear that we can observe a distinct disproportion between the development of the economic and the juridical pressure over landbor. The same person, who had but very limited freedom of leaving his rented farm, was considered as subject to law. A landbo could – if only in theory – accuse his landlord in the court (ting) <sup>97</sup> and could be a witness there.

The real cause of this disproportion in the development of the landowners' jurisdiction over landbor is to be found in the character of the social and economic changes of Swedish society in the XIIIth century, i.e. in the period of constant progress <sup>98</sup> in the number of landbor. The landbor increased in number in the period of development of internal colonization of Sweden. Such internal colonization was, as a rule, characterized in the whole of Europe not only by the enlargement of land under cultivation, but also by the transfer of the responsibility for farming to the immediate cultivators. Usually this was connected with an improvement of the economic and social situation of the last mentioned. In Sweden this process took the form of liberation of thralls. <sup>99</sup>

The landowners in Sweden had contradictory interests: they were pressed to improve the situation, even to give personal freedom to the lowest ranks of society; they aimed at maintaining the landbor in the old agricultural regions; and simultaneously were in want of new men for the colonization. Consequently too sharp forms of personal dependency (livegenskap) could not have been developed in the time under consideration.

We have also to search for the reasons of the underdevelopment of landlords' jurisdiction over landbor in the political situation of

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<sup>97</sup> ANDRÆ, *op. cit.* p. 101 f., pointed out that the great landowners were not obliged to take part in such a court.

<sup>98</sup> It is of course impossible to know, how great it could be in any absolute or relative figures.

<sup>99</sup> DOVRING, *Agrarhistorisk forskning*, p. 389. The improvement of the economic situation of those liberated thralls who became landbor could consist only in strict fixation of their duties to their landlords.



Sweden in the XIIIth century. One of the most important features of this was the increasing political pressure on free bönder, who according to the wishes of the great landlords and the king should not any longer have all the privileges and political rights enjoyed by them previously. The introduction of the “kings right” (edsörebalken), and the granting of privileges to all who were able to provide an equipped horse, were but steps in this development. In the social and political sphere it led to the attempt to introduce a new division between men able to pay taxes, and those who could not stand to do so.<sup>100</sup> This division, though only in theory, did not exclude even thralls. The bönder were especially interested in the retention of the old juridical ideas, according to which they, being free, unlike thralls should enjoy all civil and political rights.<sup>101</sup> Consequently the old, not much actual juridical division into free and thralls has been maintained especially in the Väst- and Östgötalagen<sup>102</sup>, which were written under influence of the bönder.<sup>103</sup> These ideas provided that even landbor should have been in possession of juridical freedom.<sup>104</sup> The new ideas could, however, be only partly introduced into the other laws because of the economic, social and political reasons, we have spoken about previously.

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Oslo, November 1960 – Warszawa, February 1961.

<sup>100</sup> UL KgB 100, § 2.

<sup>101</sup> UL, which is the most progressive law, where the juridical situation of thralls is concerned, retained, however, the total authority of the owner over his thralls. MhB 6, § 5: “. . . utæn bonde allr börn þærræ kunnu hanum nokot giöre, what þæt ær hældær .j. drapum. ællær sarum. wæri allt o gilt .j. alli bot”.

<sup>102</sup> Nevertheless the ÖgL VmB 3, prol. stresses that the responsibility for an accidental injury to a thrall, who was settled on a piece of land (fostre) and an ordinary one, was the same. This law, VmB 16, prol, equalizes both categories of thralls even in the cases of wounding. Such stressing may indicate that in practice the new juridical ideas began to spread even in that province.

<sup>103</sup> It is quite possible that some groups of the great landowners (folkungar) in their political activity could make use of the bönders' ideology. Comp. LÖNNROTH, De äkta folkungarnas program, Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala, Årsbok 1944, Uppsala 1944, p. 7 f.

<sup>104</sup> What is said above does not necessarily mean that even VgL and ÖgL should have secured the same protection for the landbor and their interests as for the free bönder. As it is known, the total protection was restricted in these laws to such bönder, who had a certain minimum of cultivated land. See e.g. ÖgL JB 3, § 2, which is excluding from preemption-rights land, beneath such a minimum.