

ARTICLE

Pledging Lordly Rights and “Squeezing” Local Communities in the Later Middle Ages

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Abstract

The fourteenth and fifteenth centuries were a period of rising expenses and mounting debt for Holy Roman emperors and other German lords. Rulers frequently sought to pay off these debts by pledging rights and properties to their creditors, who would then collect the income from those rights and properties over several years as a means of recuperating the money they were owed. However, this practice could generate tensions as well as cycles of conflict and negotiation at the local level, because pledge-holders often recovered their money by extracting as much income as possible from those communities impacted by the pledge. This article provides a general overview of the phenomenon of the pledging of lordly rights before turning to a case study, the pledging of the court at Hoym to the town of Quedlinburg in the mid-fifteenth century, to investigate more closely the local impact of the pledge.

Keywords: Quedlinburg; pledge; medieval; Germany; pledging; lordship

In 2008, the then-mayor of Chicago, Richard M. Daley, leased the revenue rights for Chicago’s metered parking to private investors for a term of seventy-five years in return for an upfront payment of \$1.157 billion. While the mayor’s decision shocked many of the city’s residents, it was not entirely unprecedented. The opening decade of the twenty-first century saw many state and local governments in the United States lease public infrastructure rights to private investors in return for upfront cash payments to help balance their budgets. Some of the best known cases are toll roads; in 2006, for example, Indiana leased its section of the trans-continental Interstate 90 to a Spanish-Australian consortium for ninety-nine years.¹ Nevertheless, as some scholars have observed, the city of Chicago “pioneered the large-scale asset lease in North America.”²

There have been countless critics of Chicago’s parking meter deal in the years since it was first signed. In 2013, one especially sharp assessment noted that the revenue collected from on-street parking in the city had increased more than 350 percent during just the first four years of the lease:

It is not “the city” that is paying this money to the investment banker and their bondholders; rather the money is, in effect, a publicly enforced but privately collected “tax” on drivers, many of whom do not have alternatives. It means, in essence, that [the lease-holders] are getting returns on their investment through their ability to squeeze revenue from people of modest means for the privilege of using public streets that they already paid for.³

¹John B. Gilmour, “The Indiana Toll Road Lease as an Intergenerational Cash Transfer,” *Public Administration Review* 72 (2012): 856–64.

²Philip Ashton, Marc Doussard, and Rachel Weber, “Reconstituting the State: City Powers and Exposures in Chicago’s Infrastructure Leases,” *Urban Studies* 53 (2016): 1384–1400 (here, 1385).

³Elliott Sclar, “Looting the Urban Commonwealth: Privatization and the Politics of Austerity,” *New Labor Forum* 22, no. 3 (Fall 2013): 46–53 (here, 50).

Similar concerns about the blurring of the public/private distinction and about government rights ending up in the hands of non-governmental actors have also been expressed in more general studies in recent years, with scholars noting that this has been an accelerating trend in the United States.⁴ Chiara Cordelli, for example, begins her 2020 book *The Privatized State* by observing, “[t]he idea of a privatized state sounds like a contradiction. Yet it is the state of contradiction in which we currently live. Without exaggeration, one may say that if the twentieth century was the age of the bureaucratization of the modern state, with its expanded class of ministers, public officials, and civil servants, the twenty-first century has been the age of its privatization.”⁵

Much of this anxiety about private investors acquiring public rights has its roots in a well-known narrative about the development of the “state” in the West. As the story goes, during the European Middle Ages—especially the period around the year 1000—central authorities were weak, and local lords based in rural castles exploited their peasants’ labor without fear of retaliation or punishment from those of higher status. Gradually, however, according to this version of history, kings, dukes, and other leading members of the political elite consolidated their claims to control the military, judicial, and governmental structures within their territories; in the process, they stripped local lords of their coercive powers and installed accountable officials in their place to collect legitimate, regularized taxes rather than illegitimate, ad hoc exactions. Beginning in the early modern period, political theorists developed increasingly sophisticated ideas about the proper roles of these burgeoning states and drew clear distinctions between the “public” responsibilities of governments and the “private” rights of citizens. Many of these theories remain influential today and impact contemporary debates about state and society.⁶ And yet, as the twenty-first-century trend in the United States toward the leasing of infrastructure shows, not everyone is in agreement on which responsibilities ought to remain permanently in the hands of central authorities. Increasingly, the linear narrative of the rise of the state is beginning to look a little crooked.

Perhaps, then, it is better to set aside completely teleological accounts of state formation and to acknowledge, instead, that centralizing and decentralizing trends have been in tension with one another throughout history. Viewed from this perspective, the current “age of privatization” is not as noteworthy or surprising as some scholars have argued, because we can find examples of parallel developments in other times and places. As this paper will argue, the German-speaking lands of the later Middle Ages offer one such example. Admittedly, the language of the “state,” “privatization,” and “public” responsibilities is unhelpful in this context; these are modern terms and concepts that do not translate easily to the fourteenth and fifteenth centuries. Nevertheless, this was a period when not only the kings and emperors of the Romans but also the numerous territorial princes in the German-speaking lands were simultaneously interested in centralization—as evidenced by the growing number of people they were assigning to oversee the financial, military, and judicial aspects of their developing administrations—and forced by their ever-increasing need for revenue to sell or pawn many of their most valuable properties and rights to others. As numerous historians have argued, many of the key elements of lordship that had emerged prior to 1250—including fiefs, advocacies (*Vogteien*), judicial authority, labor services, minting rights, and taxes (such as the Jewish tax, or *Judensteuer*, which was a traditional prerogative of the emperors)—became over the course of the fourteenth and fifteenth centuries transferable financial assets.⁷

⁴See, for example, Paul R. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do about It* (Cambridge, 2007), 2.

⁵Chiara Cordelli, *The Privatized State* (Princeton, 2020), 1.

⁶Classic versions of this basic narrative (which I have admittedly very much oversimplified here) include Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton, 2016 [originally 1970]); Charles Tilly, *Coercion, Capital, and European States, AD 990–1992* (Cambridge, 1992); and Hendrik Spruyt, *The Sovereign State and Its Competitors* (Princeton, 1994).

⁷See, for example, Götz Landwehr, “Mobilisierung und Konsolidierung der Herrschaftsordnung im 14. Jahrhundert,” in *Der deutsche Territorialstaat im 14. Jahrhundert*, ed. Hans Patze (Sigmaringen, 1970), 484–505; Ernst Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter* (Munich, 1996), 19–26; and Duncan Hardy, “Were There ‘Territories’ in the German Lands of the Holy Roman Empire in the Fourteenth to Sixteenth Centuries?,” in *Constructing and Representing Territory in Late Medieval and Early Modern Europe*, eds. Mario Damen and Kim Overlaet (Amsterdam, 2022), 29–52 (here, 43).

This is much too broad and complex a topic to cover in this short article. Here, following the example of the leasing of infrastructure with which I began, I will focus on just one aspect of the monetization and devolution of lordly rights in the later Middle Ages: the *Pfand*, or pledge. The fourteenth and fifteenth centuries were a period of rising expenses and mounting debt for the emperors and other lords; the maintenance of paid contract armies, expanded princely administrations and lavish courts all demanded ever-increasing amounts of money. As a result, rulers frequently sought to pay off their debts by pledging rights and properties to their creditors, who would then collect the income from those rights and properties as a means of recuperating the money they were owed. However, this practice often generated tensions as well as cycles of conflict and negotiation at the local level, because—in a clear parallel to the privatizing of Chicago’s parking meters—pledge-holders frequently recovered their money by extracting as much income as possible from those communities impacted by the pledge. In other words, it was “through their ability to squeeze revenue from people of modest means” that many late medieval pledge-holders sought to profit from their pledge agreements.⁸

Despite increasing scholarly interest in the pledging of lordly rights during the later Middle Ages, this practice’s impact on local populations remains a largely understudied topic.⁹ It is, however, a crucial subject, because such pledges played a significant role in shaping daily life within many communities in the German-speaking lands. Thus, in keeping with the themes of this collection, this article will demonstrate how applying new questions and methodologies to underexamined sources can help to re-situate the fifteenth century in longer narratives of European history. In the first section, I will provide a brief historical overview and historiographical review to introduce readers to the subject of the pledging of lordly rights, a topic which has garnered much less attention in English-language than in German-language scholarship.¹⁰ I will then turn to a case study from the mid-fifteenth century: the acquisition via pledge by the town council of Quedlinburg in Germany of the advocatial court (*Vogteigericht*) at nearby Hoym. Extant sources from this period indicate that the members of the urban elite who presided over this court pursued various strategies designed to extract as much revenue as possible from their newly acquired lordly rights, leading to a tense relationship between the pledge-holders and local populations.

Historical Overview and Historiographical Review

The earliest cases of the German kings and emperors pledging imperial rights and properties date to the late twelfth and early thirteenth centuries.¹¹ Around 1200, for example, King Philip of Swabia pledged the advocacy (*Vogtei*) for the Premonstratensian house of Ursberg to a nobleman for 200 silver marks. When this nobleman abused the rights of protection and justice that came with the advocacy by making unjust demands on the canons and their dependents, the canons redeemed the pledge themselves by paying off the nobleman. At that point, Ursberg returned to being a community under the direct authority of the king, though this would not be the last time that a German ruler would pledge his rights over the community to others.¹² More generally, while the number of pledges increased slowly in the decades after 1200, they remained relatively rare until the reign of King Rudolf I of Habsburg (1273–91), who was the first ruler to make regular use of the practice of pledging rights

⁸Sclar, “Looting the Urban Commonwealth,” 50.

⁹For more on this, see below. Michael Martocchio makes a similar point about the practice of buying and selling city-states in Renaissance Italy during this same period: Michael Martocchio, “The Art of *Mercato*: Buying City-States in Renaissance Tuscany,” *Past and Present* 252 (2021): 53–99.

¹⁰For discussions of this subject in Anglophone scholarship, see Hillay Zmora, “Princely State-Making and the ‘Crisis of the Aristocracy’ in Late Medieval Germany,” *Past and Present* 153 (1996): 37–63 (here, 41–45) and Duncan Hardy, *Associative Political Culture in the Holy Roman Empire: Upper Germany, 1346–1521* (Oxford, 2018), 78–83. Daniel Lord Smail’s *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Cambridge, 2016), discusses the pawning of household items, but this is in many ways a different subject than the pawning of lordly rights.

¹¹Götz Landwehr, *Die Verpfändung der deutschen Reichsstädte im Mittelalter* (Cologne, 1967), 7–11.

¹²*Ibid.*, 9–10 and Jonathan R. Lyon, *Corruption, Protection and Justice in Medieval Europe: A Thousand-Year History* (Cambridge, 2023), 276.

and properties.¹³ Pledges became even more commonplace in the fourteenth and fifteenth centuries, and the rich archival sources from this period provide detailed evidence for what happened in many cases when rights and properties changed hands in this way.

For example, in 1349 the recently elected Emperor Charles IV (1346–78) pledged the imperial town of Rothenburg ob der Tauber in Franconia to the bishop of Würzburg. At the time, Rothenburg was an important town in regional politics. It lay at the center of a cluster of valuable imperial properties and was close enough to other key imperial towns, especially Nuremberg, that it was an occasional stopping point for the emperors on their travels through the region. According to the document of September 29, 1349 pledging the town, Charles IV granted to the bishop in return for 1,000 silver marks the imperial law court (*des Richs gerichte*, also known as the territorial law court or *Landgericht*), the *Amt* (“office”) at Rothenburg along with everyone under the authority of that office, and various taxes collected in the town.¹⁴ As part of this pledging of the town, the emperor also gave the bishop “full and complete authority to install and remove all officials, including the members of the town council, in Rothenburg” (*vollen und ganzen gewalt, ze setzen und ze entsetzen alle ampt und den rat da selbes ze Rotenburg*). This last passage provides clear evidence for how thorough a change in power and authority could take place when a town was pledged. The bishop of Würzburg became the lord of the town, the burghers took an oath to him, and he could replace the urban government if he chose to do so. The emperor was no longer to be involved in the governance of Rothenburg. However, a little less than three years after the town was pledged, on 13 July 1352, Charles IV issued a series of privileges acknowledging that Rothenburg had paid the necessary amount of money to redeem itself and to end the pledge, meaning that it was once more an imperial town answerable only to the emperor.¹⁵

The practice of pledging rights and properties became so commonplace in the fourteenth and fifteenth centuries that, in an influential article written in 1970, Hans-Georg Krause suggested, “[p]erhaps one will speak, as a characterization of the Later Middle Ages, of an ‘age of pledging,’ which followed the feudal age.”¹⁶ When Krause wrote this, German scholars were just beginning to acknowledge the centrality of this topic for the late medieval and early modern Holy Roman Empire. Only three years earlier, Götz Landwehr’s *Die Verpfändung der Reichsstädte im Mittelalter* had called attention to the fact that the German kings and emperors had routinely pledged their rights over imperial cities from the late thirteenth century onward; in many cases, they and their successors were unable to redeem these pledges and reacquire the cities—meaning that numerous urban populations came under the long-term control of the territorial princes.¹⁷ Prior to these publications, such pledges had mostly been ignored by historians, in large part because earlier generations of scholars had wanted to find in this period evidence for the development of state structures and strong institutions, not evidence for decentralization and for the highly fragmented nature of authority at the local level in the empire.¹⁸

During the closing decades of the twentieth century, there was a steady stream of new work on the subject, mostly in the form of local and regional studies examining the pledging policies of specific territorial lords and the relationships between prominent pledge-grantors and pledge-holders.¹⁹ Much of this scholarship belongs to the German tradition of *Verfassungsgeschichte*, or constitutional

¹³Landwehr, *Die Verpfändung*, 15–16.

¹⁴MGH Const. 9, 454–55, no. 584 [*Constitutiones et Acta Publica Imperatorum et Regum*, eds. Ludwig Weiland et al., Monumenta Germaniae Historica, 14 vols. (Hanover, 1893–2020)].

¹⁵Ludwig Schnurrer, “Rothenburg und das Hochstift Würzburg im Mittelalter,” in *Rothenburg im Mittelalter: Studien zur Geschichte einer fränkischen Reichsstadt*, ed. Ludwig Schnurrer (Rothenburg, 1997), 235–67 (here, 242–45) [originally *Würzburger Diözesangesichtsblätter* 37/38 (1975): 485–509]; Markus Naser, “Die letzte Verpfändung der Reichsstadt Rothenburg (1349–1353),” in *Herbipolis: Studien zu Stadt und Hochstift Würzburg im Spätmittelalter und Früher Neuzeit*, eds. Markus Frankl and Martina Hartmann (Würzburg, 2015), 99–108.

¹⁶Hans-Georg Krause, “Pfandherrschaften als Verfassungsgeschichtliches Problem (II),” *Der Staat* 9 (1970): 515–32 (here, 532).

¹⁷Landwehr, *Die Verpfändung*.

¹⁸Hans-Georg Krause, “Pfandherrschaften als Verfassungsgeschichtliches Problem (I),” *Der Staat* 9 (1970): 387–404 (here, 387).

¹⁹See, for example, Horst Bitsch, *Die Verpfändungen der Landgrafen von Hessen während des späten Mittelalters* (Göttingen, 1974); Ludger Tewes, *Die Amts- und Pfandpolitik der Erzbischöfe von Köln im Spätmittelalter (1306–1463)* (Cologne, 1986); and

history, because it typically examines the pledge contracts to understand the formal, legal dimensions of the practice: What properties and rights were being pledged? For how much money and for how long? Under what conditions could they be redeemed?²⁰ In more recent years, historians have begun to argue that it was not only in the German-speaking lands but also in Poland, Bohemia, and Hungary that the practice of pledging properties and rights had a significant effect on royal and aristocratic politics, lordship, and economics.²¹ As evidence for the growing prominence of this subject, the June 2022 volume of the *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* had as its special theme “Pfand und Herrschaft im spätmittelalterlichen Reich” (“Pledge and Lordship in the Late Medieval Empire”); it includes articles on Tyrol, Holstein, Luxemburg, and Bohemia and thus highlights the widespread distribution of pledging practices.²² Krause’s suggestion that the later Middle Ages should be understood as an “age of pledging” is finally attracting the attention it deserves.

Thomas Ertl and Lienhard Thaler, in their brief introduction to the themed volume on “Pfand und Herrschaft,” note that the vast majority of work on the topic has been focused on what pledges meant for members of the political and economic elites rather than for local populations. As a result, “[s]tudies . . . of the concrete form of pledge-lordship (*Pfandherrschaft*) and of its impact on the affected populace represent worthwhile future research fields.”²³ The relative lack of scholarly interest to date in the effects of pledging practices on the residents of towns and villages who passed from one lord’s authority to another’s is explicable, at least in part, by the tradition of *Verfassungsgeschichte*. As František Graus observed critically more than thirty-five years ago, historians who work within this tradition have typically downplayed—if not outright ignored—the problems that could arise at the local level from “constitutional” developments:

[Research in this tradition] laid the foundations for a new *Verfassungsgeschichte* of the later middle ages—but it also extended the harmonization of conditions to the later middle ages, which was no longer (as in older accounts) a time of capriciousness and anarchy. Even in this period, everything proceeded, rightly seen, in an orderly fashion following fixed norms. This conception of lordship thus guaranteed that subject populations also regarded everything as natural and lawful (discontent and grumbling and even revolts and rebellions appeared to be, at most, history’s industrial accidents).²⁴

As some of the other articles in this collection show, this view is changing as historians increasingly call attention to the violence associated with practices of feuding and to the many internal conflicts that could tear apart both hierarchical and associative communities in the late medieval German-speaking lands.²⁵ To be fair, most historians who write on the pledging of lordly rights in the later Middle Ages do acknowledge—though oftentimes only briefly—that pledge-holders might use their newly acquired lordly rights to dominate subject populations and violently extort excessive

Christian Lackner, “Die landesfürstlichen Pfandschaften in Österreich unter der Enns im 13. und 14. Jahrhundert,” in *Österreich im Mittelalter: Bausteine zu einer revidierten Gesamtdarstellung*, ed. Willibald Rosner (St. Pölten, 1999), 187–204.

²⁰For this approach, see especially Landwehr, *Die Verpfändung*. For *Verfassungsgeschichte*, see below as well as the Introduction to this collection.

²¹See, for example, János Incze, “The Pledge Policy of King Sigismund of Luxembourg in Hungary (1387–1437),” in *Money and Finance in Central Europe during the Later Middle Ages*, ed. Roman Zaoral (London, 2016), 87–109; Stanislav Bárta, “The Financial Dimension of the Pledge Policy of King Sigismund of Luxembourg in Bohemia (1419–1437),” in *ibid.*, 76–86.

²²Thomas Ertl and Lienhard Thaler, eds., “Pfand und Herrschaft im spätmittelalterlichen Reich,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 109, no. 2 (2022): 147–259.

²³Ertl and Thaler, “Einleitung [Pfand und Herrschaft im spätmittelalterlichen Reich],” 153.

²⁴František Graus, “Verfassungsgeschichte des Mittelalters,” in *Ausgewählte Aufsätze (1959–1989)*, ed. František Graus (Stuttgart, 2002), 213–58 (here, 242) [originally published in *Historische Zeitschrift* 243 (1986): 529–89]. This type of critique of *Verfassungsgeschichte* would be extended by Gadi Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter: Herrschaft, Gegenseitigkeit und Sprachgebrauch* (Frankfurt, 1996).

²⁵See especially the articles by Christina Lutter, Herbert Krammer, Alexandra Kaar, and Tristan Sharp.

income from them.²⁶ However, such acknowledgments are easily overlooked in books and articles that focus predominantly on the political and economic relationships between pledge-grantors and pledge-holders.

This tendency to downplay potential tensions and conflicts around the pledging of lordly rights is all the more striking when we consider the work of early modern historians on this topic. Scholars of the sixteenth century in particular have long recognized that pledge-holders' abuses of the urban and rural populations under their authority were a contributing factor to that century's peasant rebellions. Hermann Rebel has described "[t]he sixteenth-century revolutionary experience of the Austrian peasantry" as beginning in 1511, when the subject population on three estates asked the emperor to "intervene against the oppressive rule of their lord," who held the estates in pledge from the ruler.²⁷ And Tom Scott has similarly observed, "[i]n the two decades before the Peasants' War [of 1525] Habsburg subjects in the Outer Austrian lands in the Black Forest and Alsace complained repeatedly at the abuses perpetrated by nobles who held Austrian lordships in pledge."²⁸ The work of early modern historians thus suggests that medieval historians need to take a much closer look at the practice of pledging in the fourteenth and fifteenth centuries and to take more seriously the possibility that pledge-holders' abuses (or perceived abuses) were also a prominent feature of the earlier history of the pledging of lordly rights.²⁹

To offer only one example along these lines, let us consider briefly what happened as a result of the Treaty of St. Omer (1469) between the Habsburg duke Sigmund and Duke Charles the Bold of Burgundy. As part of this agreement, Sigmund pledged to the Burgundian duke many of his rights and properties in the Upper Rhine region, including various small lordships and the towns of Breisach and Rheinfelden among others.³⁰ Duke Charles appointed a local lord from Alsace by the name of Peter of Hagenbach to administer all of these pledged properties and rights. Between 1469 and 1474, Peter sought to extort as much as he could in money, supplies, and soldiers from them, and contemporary sources are filled with complaints about his purported abuses from people living in the region.³¹ The situation became so untenable for some of these people that, in 1474, soldiers from Breisach captured Hagenbach. During the subsequent trial, he was accused of imposing "unaccustomed tallages, payments, and exactions"; of sexually assaulting women; and of murder.³² Found guilty, he was beheaded. Needless to say, this is not what happened to most lords and lords' agents who took advantage of the people who came under their authority as a result of the pledging of rights and properties. However, the case of Peter of Hagenbach does demonstrate clearly why medieval historians need to take seriously the local impact of this practice.

While violence was not inevitable, the potential for conflict frequently lurked just beneath the surface when populations passed under the control of a new pledge-holder. As Markus Bittmann has observed, the interests of pledge-holders who came into possession of lordly rights typically went in one of two directions: (1) if the pledge-holders' goal was to hold these rights for as long as possible

²⁶See, for example, Tewes, *Die Amts- und Pfandpolitik der Erzbischöfe von Köln*, 257; Bitsch, *Die Verpfändungen der Landgrafen von Hessen*, 80–81; Zmora, "Princely State-Making," 46; and Christian Lackner, "Zwischen herrschaftlicher Gestaltung und regionaler Anpassung. Pfandschaften, Ämterkauf und Formen der Kapitalisierung in der Verwaltung der spätmittelalterlichen habsburgischen Länder Österreich und Steiermark," in *Habsburger Herrschaft vor Ort - weltweit (1300–1600)*, eds. Jeannette Rauschert, Simon Teuscher, and Thomas Zotz (Ostfildern, 2013), 35–48 (here, 42).

²⁷Hermann Rebel, *Peasant Classes: The Bureaucratization of Property and Family Relations under Early Habsburg Absolutism, 1511–1636* (Princeton, 1983), 3.

²⁸Tom Scott, *Society and Economy in Germany, 1300–1600* (Basingstoke, 2002), 180.

²⁹Helpful here is Rolf Köhn, "Der Hegauer Bundschuh (Oktober 1460) – ein Aufstandsversuch in der Herrschaft Hewen gegen die Grafen von Lupfen," *Zeitschrift für die Geschichte des Oberrheins* 138 (1990): 99–141. See also Uwe Tresp, "Erinnerung als Argument: Die Chronik der böhmischen Stadt Elbogen im Konflikt mit ihrem Pfandherrn Sebastian Schlick um 1500," in *Studien zur Stadtchronistik (1400–1850): Bremen und Hamburg, Oberlausitz und Niederlausitz, Brandenburg und Böhmen, Sachsen und Schlesien*, eds. Lars-Arne Dannenberg and Mario Müller (Hildesheim, 2018), 431–47.

³⁰Richard Vaughan, *Charles the Bold: The Last Valois Duke of Burgundy* (London, 1973), 86–89.

³¹For more detailed accounts of these events, see Hildburg Brauer-Gramm, *Der Landvogt Peter von Hagenbach* (Göttingen, 1957); Hardy, *Associative Political Culture*, 218–29; and Lyon, *Corruption, Protection and Justice*, 296–301.

³²Johannes Knebel, *Johannis Knebel Capellani Ecclesiae Basiliensis Diarium [Tagebuch des Kaplans am Münster zu Basel]*, in *Basler Chroniken*, ed. Wilhelm Vischer, vols. 2–3 (Leipzig, 1880–87), 2:86–87.

and to make them a reliable source of income for decades or even generations to come, they might accept short-term losses in the hopes of developing stable economic and political relationships with subject populations over the long term; (2) however, if pledge-holders knew that they were unlikely to be able to possess the pledged rights for a long time, they might seek to profit from those rights as much as possible in the short term, which could lead to “diverse pressures on the subjects.”³³ As useful as this binary is, it does not capture the complexity of the situation on the ground. More detailed case studies of subject populations’ experiences under pledge-holders are needed before historians can better assess the impact of the pledging of lordly rights at the local level.

In the remainder of this paper, therefore, I will focus on a single example in order to take a closer look at some of the ways in which a pledge could transform urban and rural relationships. I have intentionally *not* chosen as my example a case of incessant conflict or excessive violence; many of the other contributions to this collection provide ample evidence for these aspects of local life in the fifteenth-century German-speaking lands. Instead, the case study below offers insight into the quotidian nature and the banality of the many low-level, non-violent forms of abuse and corruption that frequently accompanied late medieval pledging practices.

Case Study: The Town of Quedlinburg and the Court at Hoym

Today, the small town of Quedlinburg in Saxony-Anhalt is a popular tourist attraction thanks to its many old, half-timbered houses and the imposing medieval and early modern architecture of its former convent, which is situated on a hill overlooking the town. This convent, a community of Augustinian canonesses, was founded by King Otto I in 936 and remained closely associated with the German kings and emperors down to the end of the Salian dynasty in 1125.³⁴ Thereafter, it was the neighboring bishops of Halberstadt and noble families from the area around Quedlinburg who increasingly exerted their influence over the community, which gradually became more of a regional political actor than a pan-imperial one. During this same period, the old and new towns of Quedlinburg began their rise to economic prominence thanks to their integration into expanding regional trade networks, and over the course of the thirteenth century, they gradually sought to distance themselves from their lords, the abbesses. Intermittent conflict between the joint town council and the leading burghers on the one hand and the community of canonesses on the other followed throughout much of the fourteenth and fifteenth centuries.³⁵

Because of the community’s strong ties to the Ottonian and Salian dynasties, the canonesses at Quedlinburg received numerous properties and rights from the German rulers during the tenth and eleventh centuries. One such property was the village of Hoym, roughly fifteen kilometers due east of Quedlinburg.³⁶ By the later twelfth century, Hoym had become the seat of an important ministerial family attached to the abbesses’ household.³⁷ In the year 1317, Abbess Jutta (1308–47) granted “the

³³Markus Bittmann, *Kreditwirtschaft und Finanzierungsmethoden: Studien zu den wirtschaftlichen Verhältnissen des Adels im westlichen Bodenseeraum 1300–1500* (Stuttgart, 1991), 122.

³⁴There is an enormous scholarship on the early history of Quedlinburg. For a brief overview of its medieval history, see Katharina Ulrike Mersch, “Quedlinburg Abbey’s Medieval History in Ever-Changing Political and Religious Frameworks: A Survey,” in *A Companion to the Abbey of Quedlinburg in the Middle Ages*, ed. Karen Blough (Leiden, 2023), 15–46. Other recent work on the community includes Thomas Wozniak and Clemens Bley, eds., *1100 Jahre Quedlinburg: Geschichte-Kultur-Welterbe* (Petersberg, 2023); Sarah Greer, *Commemorating Power in Early Medieval Saxony: Writing and Rewriting the Past at Gandersheim and Quedlinburg* (Oxford, 2021); and Peter Kasper, *Das Reichsstift Quedlinburg (936–1810): Konzept-Zeitbezug-Systemwechsel* (Göttingen, 2014).

³⁵Michael Vollmuth-Lindenthal, “Die Äbtissin von Quedlinburg als Stadt- und Landesherrin im Spätmittelalter,” in *Kaiserlich-frey-weltlich: Das Reichsstift Quedlinburg im Spätmittelalter und in der Frühen Neuzeit*, ed. Clemens Bley (Halle, 2009), 105–19.

³⁶MGH DD Otto I [*Die Urkunden Konrad I., Heinrich I. und Otto I.*, ed. Theodor von Sickel, *Monumenta Germaniae Historica Diplomata, Deutsche Könige und Kaiser 1* (Hanover, 1879–1884)], 312–13, no. 228, from the year 961 includes in its list of properties granted to the community “Hahem,” likely a reference to Hoym; see Hans-Erich Weirauch, “Der Grundbesitz des Stiftes Quedlinburg im Mittelalter,” *Sachsen und Anhalt* 14 (1938): 203–95 (here, 237–38).

³⁷Anton Ulrich von Erath, ed., *Codex Diplomaticus Quedlinburgensis* (Frankfurt, 1764), 108–09, no. 39. See also Marc von der Höh, “Der Hof der Äbtissinnen von Quedlinburg im Spätmittelalter,” in *Kaiserlich-frey-weltlich*, 167–88 (here, 170–71).

castle in Hoym” to Prince (*Fürst*) Bernhard II of Anhalt in fief, and it would remain in the hands of this dynasty into the fifteenth century.³⁸ At some point, though it is not clear when, this castle at Hoym began to house a law court with jurisdiction over the village of Hoym and six other rural communities in the region.

In 1434, Prince Bernhard VI of Anhalt pledged the castle and court in Hoym to the joint council of the old and new towns of Quedlinburg for twelve years for 5,000 Rhenish gulden. We are well-informed about this agreement, because it generated four extant documents. One of these, which only survives in a fifteenth-century copy book compiled by the town of Quedlinburg, is Prince Bernhard’s document formally pledging the castle of Hoym and all rights associated with it to the two towns of Quedlinburg.³⁹ A second document was issued by the town council on the same day and confirms the terms of the pledge.⁴⁰ The abbesses of the convents of Gernrode and Quedlinburg issued the other two documents; both of them had to approve the agreement, because the rights and properties that Prince Bernhard was pledging to the town were held in fief from them.⁴¹ These latter three documents all survive in the original, and the abbesses’ documents were also included in the Quedlinburg copy book immediately following Prince Bernhard’s pledge agreement. The significance of this pledge for the urban community at Quedlinburg is therefore clear.

Thus, the prince of Anhalt granted the town council of Quedlinburg the right to exercise wide-ranging judicial authority over the seven villages within the court of Hoym’s jurisdiction—authority that the princes of Anhalt had previously exercised not in their own right but as fiefholders for the real lords of Hoym, the abbesses of Quedlinburg and, to a lesser extent, of Gernrode.⁴² As confusing as this may seem, it was typical of the situation in many parts of the German-speaking lands in the fifteenth century. The right to exercise justice—which we consider to be one of the main responsibilities of the modern state—was easily transferable. In this case, the prince of Anhalt was acquiring an immediate infusion of money by giving the burghers of Quedlinburg the right to collect judicial fines (and other types of income) at Hoym for the period of at least twelve years. These same burghers had had no authority over the people living in the seven villages within the court of Hoym’s jurisdiction until the pledge agreement of 1434, yet they had suddenly become their judges—and, for all intents and purposes, their lords.⁴³ Here is clear evidence for why we must be skeptical of narratives that argue for the gradual centralization of the state during the later Middle Ages and the early modern period—including at the level of the so-called territorial principalities. The modern term “privatization” may be anachronistic for this agreement, but it is clearly a case of decentralization and devolution rather than of the consolidation of authority in the hands of a ruler who wanted to control all lordly rights within the borders of his territories. There was, to use the phrasing of John Watts, “a complex net of local jurisdictions” in the late medieval empire rather than a hierarchical judicial system leading directly to the emperors and/or territorial princes.⁴⁴

³⁸Erath, *Codex Diplomaticus Quedlinburgensis*, 377–78, no. 91.

³⁹Karl Janicke, ed., *Urkundenbuch der Stadt Quedlinburg*, 2 vols. (Halle, 1873–82), 1:303–05, no. 334. The copy book containing this document is Stadtarchiv Quedlinburg, Kop.–B. I (this document and the others concerning the pledge are found on fol. 90v–94v). For a detailed description of the copy book, see Janicke, *Urkundenbuch der Stadt*, 2:ii–iii.

⁴⁰*Ibid.*, 1:306–09, no. 335. This is Stadtarchiv Quedlinburg, U.S. Nr. 107. This is the only one of the four documents that is not also preserved in the town’s copy book.

⁴¹*Ibid.*, 1:309–10, nos. 336–37. These are Stadtarchiv Quedlinburg, U.S. Nr. 108 and Nr. 109.

⁴²Prince Bernhard VI’s pledge agreement describes him as pledging Hoym “mit gerichte und ungerichte,” a phrase that indicates the town of Quedlinburg was responsible for exercising both low and high justice (in other words, the town was to have jurisdiction over both minor crimes and violent ones). For the phrase “mit gerichte und ungerichte,” see Georg Michael Weber, *Handbuch des in Deutschland üblichen Lehenrechts*, Part II (Leipzig, 1808), 232.

⁴³The most detailed discussion of this pledge is Ernst Keil, “Das anhaltische Gericht Hoym im Pfandbesitz der Stadt Quedlinburg, 1417–1424 und 1434–1473,” *Zeitschrift des Harzvereins für Geschichte und Altherthumskunde* 65 (1932): 82–111. However, the article includes numerous errors and misleading statements. Already the title is problematic: the town of Quedlinburg was not the primary pledge-holder of Hoym between 1417 and 1424 and did not exercise direct authority there as it would starting in 1434.

⁴⁴John Watts, *The Making of Politics: Europe, 1300–1500* (Cambridge, 2009), 210. For this issue, see also Christina Lutter’s article in this collection.

Like the city of Regensburg discussed by Alexandra Kaar in this special issue, the town of Quedlinburg was not a major holder of lands and rights beyond its walls.⁴⁵ This is not to say the urban community was not politically and militarily active; in 1326, for example, the old town council allied with the nearby towns of Halberstadt and Aschersleben, promising mutual support in case of war.⁴⁶ A century later, the town was caught up in the conflicts with the Hussites.⁴⁷ Nevertheless, there is little evidence to suggest that the urban elite of Quedlinburg had significant experience exercising lordly rights prior to becoming pledge-holders for Hoym. The town council held jurisdictional rights in the old and new towns of Quedlinburg, but “the acquisition by pledge . . . of the castle and judicial district of Hoym finally offered in 1434 the first projection of an urban territorial politics.”⁴⁸

What, then, was the relationship between the burghers of Quedlinburg and the communities under the court of Hoym’s jurisdiction? Because of a lack of sources, the answer to this question remains elusive in the years immediately following the pledge agreement. It is only with a document from 19 March 1455 that we finally begin to find some clues. The date—almost twenty-one years after the initial pledge—is noteworthy. According to Prince Bernhard VI’s original document pledging his rights at Hoym, if, after the initial twelve years, he had not yet repaid the 5,000 Rhenish gulden in full, the town council would continue to hold everything in pledge for additional three-year terms until the repayment was completed.⁴⁹ In the spring of 1455, a *third* additional three-year term was coming to an end, which suggests the prince of Anhalt was either unable to or uninterested in reacquiring his rights and properties at Hoym.

By this time, however, enough problems with the Quedlinburg burghers’ oversight of the court of Hoym had come to the prince’s attention that he intervened. As the document of 19 March 1455 explains, some of the people under the court’s jurisdiction had written to him to complain, which prompted the prince’s counselors to issue a lengthy set of regulations in Bernhard’s name.⁵⁰ Rules concerning the misuse of certain types of judicial fines, the demanding of higher fines for some crimes than had been customary, and the collection of certain types of dues more frequently than they were supposed to be collected all suggest that the Quedlinburg town council was trying to profit as much as possible from the pledged law court—at the expense of the seven village communities. Since a copy of this document survives in the Quedlinburg copy book, immediately following the documents concerning the pledging of Hoym in 1434, there is no question that the Quedlinburg town council was well aware of its contents.⁵¹ What, then, was the impact of these regulations on the burghers’ activities in Hoym in subsequent years?

It is almost certainly not a coincidence that only one year after the accusations, in 1456, the Quedlinburg town council began keeping fiscal accounts for the court at Hoym. These are preserved today in a manuscript designated *Ratsrechnung 1* in the Quedlinburg Town Archive, and like many of the other sources discussed in the contributions to this collection, they are a rich but underexamined source for local life in the fifteenth-century empire.⁵² That there were earlier accounts for the court at

⁴⁵For recent accounts of the town’s history in this period, see Thomas Wozniak, *Quedlinburg im 14. und 16. Jahrhundert: Ein sozialtopographischer Vergleich* (Berlin, 2013); Kasper, *Das Reichsstift Quedlinburg*, 79–86; and Vollmuth-Lindenthal, “Die Äbtissin von Quedlinburg,” 107–09.

⁴⁶Janicke, *Urkundenbuch der Stadt*, 1:74–75, no. 101. See also Kasper, *Das Reichsstift Quedlinburg*, 85.

⁴⁷Vollmuth-Lindenthal, “Die Äbtissin von Quedlinburg,” 108.

⁴⁸*Ibid.*, 108.

⁴⁹Janicke, *Urkundenbuch der Stadt*, 1:303–05, no. 334.

⁵⁰*Ibid.*, 1:436–40, no. 423.

⁵¹Stadtarchiv Quedlinburg, Kop.–B. I, fols. 94v–98v.

⁵²Stadtarchiv Quedlinburg, *Ratsrechnung 1*. There are two different page numbering systems for this manuscript, an older one that only numbers the full-sized pages, and a newer one that also numbers all the slips of paper inserted into the accounts. In the older system, the accounts for Hoym extend from fol. 176 to 259. In the newer system, which is the one I will use here, they extend from fol. 188 to 357. The accounts run from the year 1456 to 1470, but the quires are currently not in the correct order in the manuscript. The quires containing the years 1461–64 and 1459–60 are the last two quires, meaning the accounts are currently in the order 1456–58, 1465–70, 1461–64, 1459–60. The most detailed discussions of this manuscript can be found in Walter Hobohm, *Der städtische Haushalt Quedlinburgs in den Jahren 1459 bis 1509* (Halle, 1912) and Hermann Lorenz, “Die urkundlichen Eintragungen in die Ratsrechnungen der Stadt Quedlinburg von 1454–1509,” *Zeitschrift des Harzvereins für Geschichte und Altherthumskunde* 39 (1906): 194–255.

Hoym, which have since been lost, seems unlikely, because the records for the year 1456 contain various indications that the urban community was unfamiliar with the production of this form of documentation. The accounts from this year take up more pages than those for subsequent years, with the scribe starting the entry for each separate category of income on a new page without seeming to know how much space the entry would require; as a result, there are half-used and almost entirely blank pages. In the accounts for later years, there is much less wasted space, and multiple categories of income are frequently recorded one after the other on the same page, which is indicative of a steadily increasing efficiency in the production of these accounts. All of this suggests that, in the wake of the accusations leveled against the burghers in 1455, the town council had decided to begin keeping written records in order to better document its running of the court at Hoym. These annual accounts were continued through the year 1470 and provide invaluable evidence for the relationship between the burghers of Quedlinburg and the rural communities under the court's jurisdiction.⁵³

This is not the place for a full analysis of these accounts.⁵⁴ Instead, in the remainder of this article, I would like to emphasize three points about this source material, all of which combine to call attention to the quotidian forms of exploitation that could accompany the practice of pledging rights and properties.

The first point to emphasize concerns the Quedlinburg burghers who were responsible for overseeing the court at Hoym. Each annual account opens in a similar fashion; for example, “[i]n the year of the lord 1461, the advocates of the court at Hoym were Claus Moldenhauwe and Mattias Berndes, and they received at the beginning”⁵⁵ For each year, there are two men listed as advocates (*Vögte*) of the court, and what is significant is that these names track remarkably closely with the names of the Quedlinburg mayors during the same years (see Table 1).⁵⁶ No one served as mayor and advocate the same year, but leading members of Quedlinburg's urban elite were regularly moving back and forth between the two positions. This suggests that overseeing the court at Hoym was considered an important and prestigious position for Quedlinburg burghers to hold. It was an opportunity for them to perform a function that had traditionally been associated with noble lordship, not urban economic life. This confirms—as numerous other scholars have recently insisted—that urban elites in this period were anxious to emulate noble society in whatever ways they could; there was not as sharp a divide between an old-fashioned aristocratic lifestyle and a newly emergent bourgeois sensibility, between a conservative “feudalism” and a progressive “capitalism,” as earlier scholarship claimed there was.⁵⁷

Second, the annual accounts from the court at Hoym show the Quedlinburg burghers collecting various forms of income that historians have typically described as traditional rights associated with the practice of lordship. These included *Herrendienst*, which in earlier periods had been associated with the labor services that peasants owed to their lord but which had become, in the accounts for the court at Hoym, an annual amount paid in coin by each of the seven communities under the court's jurisdiction.⁵⁸ More directly connected to judicial authority was the so-called *Helfegeld*, which was essentially a fee owed to the court when it assisted creditors in collecting from debtors.⁵⁹ But the

⁵³The town council continued to hold the pledge in the years immediately after 1470, but by 1477 at the latest, when the abbess forcibly seized the town and reasserted authority there, the urban community's foray into territorial expansion had come to an end.

⁵⁴Hobohm, *Der städtische Haushalt*, 59–61, provides the best analysis to date. More problematic is the analysis in Keil, “Das anhaltische Gericht.”

⁵⁵Stadtarchiv Quedlinburg, *Ratsrechnung* 1, fol. 300r.

⁵⁶Explanation for table: there were typically four mayors of Quedlinburg per year in this period, two for the old town and two for the new town. I was unable to identify one of the advocates listed for the year 1470 in the *Ratsrechnung*.

⁵⁷The work of Christina Lutter and her team is crucial for this reassessment of the relationship between aristocratic and urban communities. See, for example, Lutter, “Verflechtungsgeschichten. Geistliche Gemeinschaften im Mittelalter zwischen Hof, Stadt und Kloster,” in *Kreative Impulse: Innovations- und Transferleistungen religiöser Gemeinschaften im mittelalterlichen Europa*, eds. Julia Becker and Julia Burkhardt (Regensburg, 2021), 341–73. See also Ben Pope, “Nuremberg's Noble Servant: Werner von Parsberg (d. 1455) between Town and Nobility in Late Medieval Germany,” *German History* 36 (2018): 159–80.

⁵⁸Hobohm, *Der städtische Haushalt*, 59–61.

⁵⁹For *Helfegeld*, see Uwe Schirmer, “Agrarverfassung, Agrarwirtschaft und ländliche Gesellschaft im spätmittelalterlichen Thüringen und Sachsen (1378–1525),” in *Landwirtschaft und Dorfgesellschaft im ausgehenden Mittelalter*, ed. Enno Bünz (Ostfildern, 2020), 251–327 (here, 279–80).

Table 1. Quedlinburg Burghers Who Served as Advocates for Hoym and Mayors of Quedlinburg, 1456–1470

Name	Advocate for Court in Hoym	Quedlinburg Mayor
Lange Hermen	1456, 1465	1457
Matthias Berndes	1456, 1467	1455, 1460
Frederick Glenigk	1457, 1462	1463, 1468
Cort Döring	1457	1456, 1461, 1468
Olric Berndes	1458, 1464	1459, 1465
Hinrik Wingarden	1458, 1468	1457, 1462
Tile Kremer	1459, 1463	1450, 1455, 1460, 1464
Fricke Molle	1459, 1464	1463
Cort Westval	1460	1456, 1461, 1465
Claus Hagen	1460, 1466, 1470	1459, 1465
Claus Moldenhauwer	1461	1462, 1468
Henning Peckfeld	1462	1456, 1461, 1465
Otte Tülken	1467	
Henning Egeleff	1468	1450, 1454, 1462
Hans Schröder	1469	1464, 1468

most striking entries connected to the income the Quedlinburg burghers were collecting at Hoym concern *Bede*, which had its origins in ad hoc exactions demanded by lords in the high Middle Ages; in the fifteenth century, however, it was for all intents and purposes a form of regular taxation.⁶⁰ The 1455 regulations issued in the name of Bernhard VI of Anhalt explicitly stated that the town council was only supposed to collect *Bede* every fourth year.⁶¹ But the annual accounts complicate this picture. First, *Bede* was collected from each of the seven communities under Hoym's jurisdiction in 1456, meaning that the Quedlinburg town council seems to have interpreted the 1455 regulations to mean that 1456 was the start of a new tax cycle. According to the annual accounts, *Bede* was then collected again in 1459 and 1462—in other words, every three years instead of every four.⁶² The four-year rule seems to have only been enforced starting in 1462, because the next two years in which an entry for *Bede* appears are 1466 and 1470. In those latter two years, *Bede* is the first form of income listed in the annual accounts, which suggests that the Quedlinburg burghers were keen to collect it as soon as they could.⁶³ All of this points to *Bede* as a source of tension between Quedlinburg and the communities under the court of Hoym's jurisdiction; the burghers apparently sought to profit from this type of exaction more often than the local populations deemed legitimate, and even the prince of Anhalt's intervention could not put an immediate end to the disagreement.

The third and final point worth emphasizing about the records for the court at Hoym concerns the annual entries for judicial fines owed by individuals for breaking the law. These are listed under the heading of “Broke” or “Von Broke,” and many of the cases fall under the category of what we would call assault and battery; knife attacks are some of the most frequent crimes listed.⁶⁴ More noteworthy than the types of crimes committed, however, are the steadily increasing number of people who were fined for crimes over the span of the annual accounts. In 1456, there are twenty-nine entries under “Broke”; in 1469, there are sixty-five entries for the same category.⁶⁵ Did the crime rate more

⁶⁰Ibid., 284.

⁶¹Janicke, *Urkundenbuch der Stadt*, 1:440, no. 423.

⁶²For the list of years in which *Bede* was collected, see Hobohm, *Der städtische Haushalt*, 60.

⁶³Stadtarchiv Quedlinburg, *Ratsrechnung* 1, fol. 258r and 295r.

⁶⁴See, for example, the entries for the year 1469: Stadtarchiv Quedlinburg, *Ratsrechnung* 1, fol. 285r–289r.

⁶⁵Ibid., fol. 188r–208v (1456) and fol. 283r–294v (1469).

than double over the span of just thirteen years? This seems unlikely. Instead, the increase in the number of people being fined should probably be taken as evidence that the Quedlinburg town council was more aggressively pursuing cases in its court at Hoym to enhance its income as pledge-holder. If this is the case, then it is additional evidence—alongside the collection of *Bede*—that the 1455 regulations did not put an end to the burghers' efforts to squeeze extra revenue from the communities under the jurisdiction of the court at Hoym. Reading these 1455 regulations alongside the annual entries in the *Ratsrechnung* thus highlights the gap that frequently existed between normative texts and local practices.

Conclusion

In many ways, the accounts for Hoym raise more questions than they answer. While suggestive, they do not offer conclusive evidence for a brutally oppressive regime led by the Quedlinburg burghers, nor can they be used to explain subsequent peasant unrest in the region.⁶⁶ What makes them interesting, I would argue, is instead the banality of the picture they paint. Much like the investors who hold the lease for the Chicago parking meters, the town council of Quedlinburg sought to collect as much income as it reasonably could from a set of traditional rights that had become entirely monetized. Just as the social contract between state and citizen no longer applies today when private companies become the lease-holders for public infrastructure, so was the complex set of reciprocal relationships between lords and their dependents relegated to the periphery when outside pledge-holders became the ones who exercised lordly rights. This “age of pledging,” to return again to Krause’s apt phrase, was very different from the “feudal age” that preceded it, because the role of pledge-holder did not bring with it the same responsibilities and obligations (especially the providing of counsel and military aid, *consilium et auxilium*) that the role of fiefholder once did. But “this age of pledging” was also very different from the age of capitalism and state-building that was, according to many scholars, coming to replace the feudal age in the fourteenth and fifteenth centuries; traditional lordly rights remained essential to the functioning of justice at the local level, even if those rights were now transferrable in new ways. In other words, the pledge represents a type of decentralization that defies the standard stories historians like to tell. Clearly, we need to study the later Middle Ages from fresh perspectives—rather than trying to force the period to conform to stale, teleological narratives of the rise of the West—if we are to better situate the pledging of lordly rights in our histories of Europe.

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⁶⁶Keil, “Das anhaltische Gericht,” 90, pushes the evidence in the accounts too far in making this claim.