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"*Udel*" and Other Forms of Surety: Stability at a High Price

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Abstract

The article deals with the surety called "*Udel*": an amount of money paid (or pledged) by noble citizens of towns in upper Germany upon their admission to the citizenry (13th–16th c.). The sum was agreed contractually and replaced the condition of home ownership within the city walls partly or entirely. It was kept by the cities as a guarantee for good conduct. In periods of conflict, nobles (as well as abbeys) often wanted to give up citizenship for political reasons before the agreed minimum term. In this case, the amount was forfeited. After wars, *Burgrechte* as contracted naturalisations sometimes involving huge surety payments formed part of the peace treaties and represented an encumbrance on future agreements and relationships.

The main questions of the paper are: What is an *Udel* and where can it be found? How does it fit into the political, financial and fiscal structures of the city and its partners? Were there alternatives to citizenship with an *Udel*? How did an *Udel* change pre-existing connections, feudal relations, alliances and the political landscape or how was it superimpose upon them? The article focusses on the political effects of the surety payments in medieval towns. Examples from Bern and the surrounding area underline the relevance of the widespread phenomenon.

Keywords

Udel – surety payment – pledge – Swiss Confederation – Bern – *Combourgeoisie* – *Burgrecht* – naturalisation

In autumn 1466, the city of Bern introduced a new register. It was the most beautifully adorned manuscript of the entire urban archive: the so-called *Udelbuch*. It contained all houses within the city of Bern. Names were inserted below the street names and the owner, together with a sum in florins or pounds. The amounts indicated were the sureties called "*Udel*": an amount of money paid or pledged by citizens of towns when being admitted to the citizenry (13th–16th c.).

The *Udel* was contractually agreed and replaced the condition of home ownership within the city walls partly or entirely. The sum was kept by the cities as a kind of guarantee for good conduct in case of conflict. This is, in short, the best of the knowledge to be found on *Udel* in the literature.[1]

Let us take a closer look at this phenomenon and answer some questions from the point of view of the inherent *pledge for good conduct*: So what precisely is an *Udel* and where can it be found? How does it fit into the political, financial and fiscal structures of the city and its partners? What strategies were used to maintain good relations? What happened in case of conflict? How did an *Udel* change pre-existing connections, feudal relations, alliances and the political landscape in general or how was it superimposed upon them? Finally, what was the impact of its application throughout the area? This article mainly looks at the archives of Bern with some excurses on neighbouring regions where the phenomenon can likewise be found.

What is an *Udel* and where can it be found?

"Late medieval towns needed immigration".[2] Their capacity to reproduce and to increase the number of their inhabitants was to a large extent dependent on the socio-economic capacity of the towns' authorities to attract new inhabitants and burghers and was only boosted or hindered by external factors. No need to emphasise further how towns worked as social or political entities at the end of the Middle Ages and no lessons on Switzerland's founding myths: both have been abundantly studied.[3] But the connection between politically active urban communities in Upper Germany generally and the main topic of the present article has to be explained more explicitly.

If we speak about *towns* in the late medieval period, we have to specify *what* or better *who* is a town in this period and why we can regard a town as a collective actor in a political sense.[4] The common political will of a town is expressed by the mutual consent of the corresponding urban elites, expressing their will in the town's council and *regime*. These

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1   Basic introductions: Dubler (2010). Lemma *Udel*, in: HBLS, vol. 7, p. 106. Schweizerisches Idiotikon, Lemma *Uedel*, vol. 1, col. 96. The word is closely related to the term *Adel* (family/nobility) in all Germanic languages.

2   An overview of basic research and literature on immigration in medieval towns is available in: Schwinges (2002); For the initial quotation, see Isenmann (2012), pp. 58–88.

3   On medieval towns in the Upper German area: Peyer (1982), pp. 195–218. Scott (2012); Isenmann (2012). Introductions to Swiss medieval history: Sablonier (1998), pp. 645–670; Sablonier (2008), Schmid (2019).

4   Ebel (1958).

elites are composed mainly of old, established urban nobility and the parvenus of trade and craft. But there is another, often forgotten, category of social importance inside the towns: lower nobility from the surrounding areas, who have crept into the urban aristocracy not by virtue of longstanding citizenship but via naturalisation. The statement that towns grow by immigration is true for both the general population and the ruling classes of the towns. But the impact of the immigration of persons with outstanding social and economic capacities is highly appreciated from an economic, fiscal, legal and military point of view. These four principal elements are the defining factors of late medieval rule and the basis of power in all urban communities.[5]

The towns of the Swiss midlands developed an increasing political scope in the 13th and 14th centuries, thus filling the power gaps between major princely dynasties and the politically emerging rural communities in their neighbourhood.[6] The lords in the surrounding territories were, in short, looking for urban support in order to retain their feudal rights and to ensure their superior social positions.[7] The towns in turn were eager to offer their support *consilio et auxilio*: but everything at a high price.

From the 13th to the 15th century, citizenship was granted to both natural and legal persons in the modern sense. Legal persons in the Middle Ages were most often abbeys along with their rights, lands and personnel, as well as clergymen or noblemen and their dependents. They could be granted citizenship under specifically defined terms. These citizenship contracts were called *Burgrecht* in Upper Germany.[8] The bilaterally concluded contracts included provisions on taxation, military levies, market rights, and the jurisdiction of the respective partners, as well as the obligation to accept bilateral arbitration in case of conflict.

In the long run and given that towns in Upper Germany formed an urban ruled space in the 14th and 15th centuries, the bilaterally agreed conditions turned into an extremely powerful form of political contract. As the increasingly dominant partners, the cities were able to prescribe conditions and the interpretations of the contracts on their noble or clerical partners, who were gradually becoming dependent.[9] Since the towns of the Swiss Confederation had no common constitution and no supreme jurisdiction, neighbouring jurisdictions were held together by way of leagues and common interests. In the leading cities of the Swiss midlands as well as in surrounding Upper Germany, *Burgrechte* were introduced to grant citizenship to clergy or nobles.

Up to the 13th century, home ownership was the indispensable precondition for being granted citizenship. The citizens had to confirm by oath that they would follow the cities'

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5 Isenmann (2012), p. 133–159. Gerber (2001), p. 153.

6 Schmid (2005), pp. 413–448.

7 Braun (1996), pp. 235–259.

8 Speich (2019). These contracts had different names outside the Swiss area: *Satzbürgerschaft, Paktbürgerschaft, Combourgeoisie, burgensia, buitenpoorter. Burgrecht* is not to be confused with the closely related phenomenon of urban dweller (*Pfalbürger*) or *out-burgher (Ausbürger, Aussenbürger)*. A terminological perspective is provided by Scott (2017), pp. 64–66, 178.

9 On urban-ruled spaces in Upper Germany: Scott (2007), pp. 3–65; Hardy (2018), Prak (2018), pp. 226–247.

rules and obey their authorities. The house served as a pledge for the citizen, his family and their good conduct. In case of disobedience to the city's statutes or authorities, houses could be dismantled entirely or in part or they could be made uninhabitable for a certain time.[10] Examples from Bern and the neighbouring towns of Freiburg or Büren show that this has been repeatedly noted in towns charters.[11]

Swiss historiography suggests that *Udel* is a common phenomenon in the Swiss midlands, which is not applicable across the whole country. It developed alongside *Burgrechte* and was first introduced in the late 13th century in the Aare region. This region around Bern was the border region between the Habsburg-dominated Alemannic area and the older Burgundian-ruled region of Savoy with its legal system based on local customary law and a longstanding written notarial tradition.[12]

With the growing rivalry between bigger and smaller towns in the 13th century, the towns in this region were looking to attract new and wealthy citizens and they were ready to grant citizenship without the prerequisites of home-owning. In 1257, Rudolf, count of Neuchâtel, granted *Burgrecht* to the Cistercian abbey of Frienisberg (Aurora) in his newly founded small town of Neuveville de la tour de Nugerol, situated in the plain between the lakes of Neuchatel and Biel. This *Burgrecht* mentioned as its foremost condition that the monks should not possess a house, but rather build their own.[13] This approach seems to have been common in the 1250s. Minor nobles in particular deviated from the principle of home-owning for their towns, in order to make citizenship more attractive. Bigger towns soon followed. In 1278, Heinrich von Signau was granted citizenship in Bern. Well, it was not granted so much as exacted by the city: an article on *Burgrecht* was inserted into a peace treaty without reference to home ownership.[14] The common practice of admitting *outburghers* was even further removed from this principle. *Outburghers* were citizens without residence in the city. They could be legally accepted if they were free men; otherwise, their status was called *Pfahlbürger* or urban dweller. For those outposts of urban rule, the towns had to develop measures to keep the relations as firm as possible. One of the early contracts mentioning a surety payment is the *Burgrecht* of Werner von Monschau in the city of Cologne in 1286.[15] As for the Swiss midlands, the first *Burgrecht* with such a specific insertion was concluded by Ulrich von Montenach

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10 Gerber (1984), p. 106, 174.

11 FRB 3, p. 440, town charter of Büren (1288): *(...) si autem evaserit et captus non fuerit, fastigium sue domus scindatur et per annum integrum non reedificetur (...)*, German translation (1375) in FRB 9, Nr. 936, p. 436. Further examples in Frey (1950), p. 88–99; Prak (2018), pp. 27–40.

12 Poudret et al. (1998–2006); Poudret (2009), pp. 203–218.

13 FRB 2, p. 465, no. 443,: *[...] ut ibidem domum construant et jus habeant burgensie cum omni libertate et juribus universis, [...].* Further examples in Speich (2019), p. 38.

14 FRB 3, p. 227: „*(...) duo si mich ze burger emphiengen.*" To be compared with Von Rodt (1907), pp. 13–19.

15 In the case of Cologne, the city paid 100 marks per annum to its citizen. Domsta (1973), p. 139: „*(...) centum marcarum Coloniensium nobis promiserunt solvere et dare singulis annis in festo beate Walburgis, prout in ipsorum litteris nobis super hoc datis plenius continetur, et nos in suum concivem et sue civitatis municipem receperunt (...)*".

in the city of Bern and included the provision that he would lose his house and *Udel* in case of misconduct.[16]

What strategies were used to maintain good relations?

Basically, an *Udel* is a sum of money to be paid by noble citizens, abbeys or clergymen of towns in Upper Germany upon their admission to the citizenry, starting towards the end of the 13th century. The amount was one of the agreed conditions in these *Burgrecht* contracts and replaced or reduced the need for home ownership. The deposit was considered financial security for the citizens' pledge of mutual support. There were cities without this surety payment and cities that used the instrument. Some of them only claimed the sum in cases of politically-contracted *Burgrechte*, which could conceivably give rise to tensions.[17]

Previous research looked almost exclusively at the *Udel* situation in Bern.[18] In some recent publications, immigration, *Burgrecht* and use of *Udel* are looked at from a less static, much more dynamic and comparative perspective.[19] The deposits were used in a wide variety of ways in the cities' policies. Nevertheless, because of its excellent archival tradition, the example of Bern is indispensable for explaining the importance of the *Udel* system.

The city of Bern and the surrounding towns of the western Swiss midlands had a different policy. They claimed an *Udel* of every citizen, within and outside the city's walls. In the case of ordinary citizens, the sum of one pound[20] or 3 florins was to be paid as *Udel*. After a reform of the town chancellery in 1389, the city registered every *Udel* deposit in the so-called *Udelbuch*.[21] The latter is one of the most important sources for understanding the social stratigraphy of the city and the ongoing extension of the city's rule to the surrounding area.[22] In the *Udelbuch*, real property was listed by location within the city walls. Every home was named, along with the barns, stables, fruit- and winepresses, etc. belonging to it. The names of the sons of citizens (their fathers' successors in the rights of citizenship), of *outburghers* and of holders of *Burgrechte* were also included, as was the part of the home to which the *Udel* applied and the amount of the *Udel*. Sometimes there was additional information on the sum of the *Udel* or on the content of the *Burgrecht*.[23]

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16 FRB 4, p. 241: „(...) *Wer aber dz, dz ich von minem schulden von dem vorgenanten minem burgrechte inrunt dien selben zwenzig jaren gienge, so sol dz hus und dz üdel, dz ich ze Berne han, gevallen sin und beliben lidig umbe hundert phunt pheningen, ane Widerrede, dien bürgern und der gemeinde von Berne. (...)"*

17 E.g.: Zug, Thun or even Zürich, compare with table 4a in SPEICH (2019), p. 388.

18 E.g. FREY (1950); RENNEFAHRT (1957/1958), pp. 1–124. ZAHND, (1991), pp. 21–59, pp. 30–34. STUDER–IMMEN-HAUSER (2006), pp. 199–218.

19 GERBER (1984), pp. 106–109; GERBER (2001), pp. 118–184; GERBER (2003a), pp. 509–518.

20 SCHMUTZ–ZÄCH (2010); SCHMUTZ (2010).

21 GERBER (2003b), p. 241.

22 StABE B XIII 28; GERBER (2001), pp. 33–42.

23 A typical example of such an insertion from 1466: StABE B XIII, 29, p. 7: (Vennerviertel, Mezittgass, schattenhalb): "*Domus Benedicht Hartmans, Benedicht Hartman hat üdel an einem vierteil des obgen. hus umb iii gulden.*"
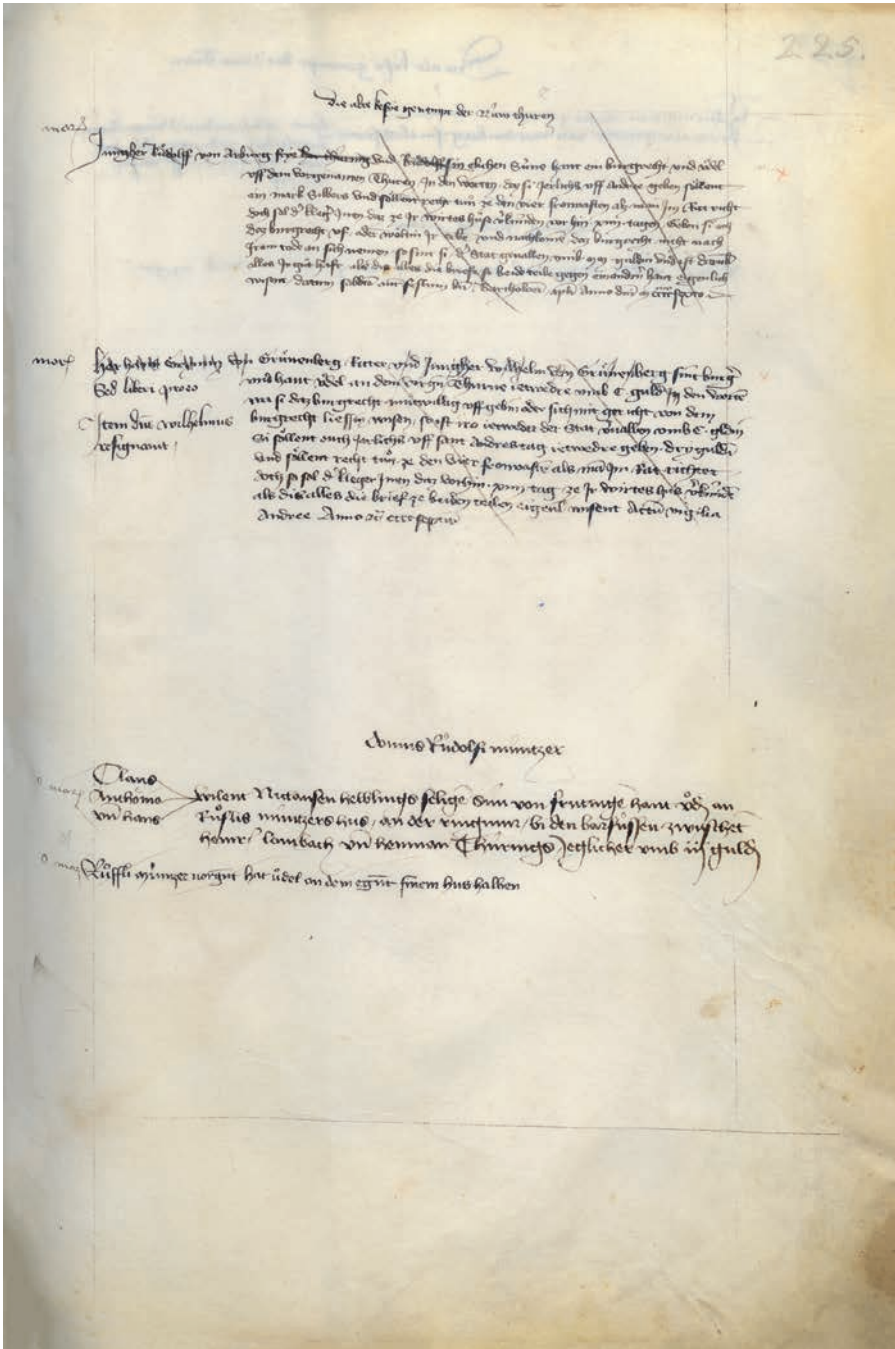
Fig. 1: First *Udelbuch* of the city of Bern (1389–1466), top: Register of the *Burgrecht* of 1406 of Rudolf (the elder), Thüring and Rudolf the younger of Aarburg in the city of Bern (text in footnote 24). StABE B XIII 28, p. 225.
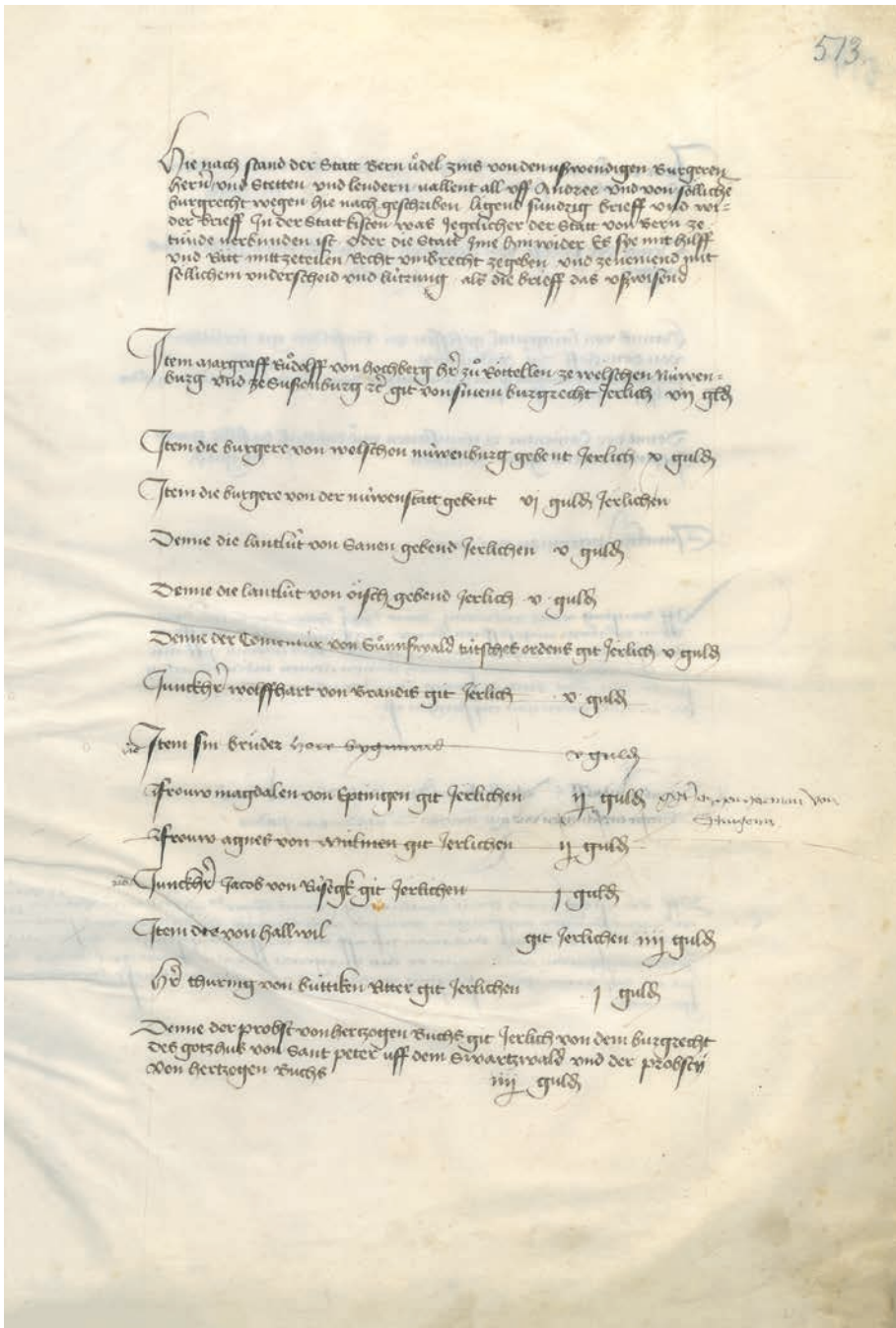
Fig. 2: Second *Udelbuch* of the city of Bern (1466), entries of (in part, collective) outburghers, e.g. the towns of Neuchâtel, Neuveville, the rural communities of Saanen and Ösch or the abbey of St. Peter in the Black Forest. StABE B XIII 29, p. 513.

What happened in case of conflict?

In times of conflict, nobles (as well as abbeys) often wanted to give up citizenship for political reasons before the agreed minimal term. In this case, the amount was forfeited. After wars –and there were many in the early Swiss Confederation – *Burgrechte* sometimes involving huge *Udel* sums formed part of the peace treaties and thus represented an encumbrance upon future agreements and relations. The case of Rudolf von Aarburg provides a good example. The nobleman contracted an eternal *Burgrecht* in Bern in 1406 by way of the pledge to pay the extraordinary sum of two thousand florins if he would give up his citizenship.[24] Rudolf von Aarburg was not an ordinary petty nobleman. In the contract, we can see that Rudolf was admitted to the citizenry along with the fiefs that he held from the Habsburg dynasty in the lower Aare region. Bern had an ongoing policy of expansion in this region until the ultimate conquest of the Aargau in 1415.[25] In case of conflict, Rudolf pledged either to give up his *Burgrecht* in Bern or to renounce his *Burgrecht* in the towns of Zofingen and Sursee and to hand back the fiefs to the representatives of the Habsburgs. Furthermore, he pledged not to enter into other citizenships and that the contract had absolute priority. To underline the importance of the *Udel* as security, it was made clear that if he renounced citizenship, he had to pay the entire sum. If he failed to pay when told to do so, the city would have the right to destroy or seize his property up to the amount of the 2000 fl.[26] He even had to offer his lordship in the dominions of Büron and Gutenberg to the city as security for the contracted duration of the *Burgrecht*. In a deviation from the usual *Udel* terms, however, the sum was not to be paid upon taking citizenship, but only if he failed to respect the agreed conditions. The city of Bern basically had no intention of razing the lands of its citizens. But the town needed to be sure that their noble citizens with various obligations to other lordships would not renounce citizenship at the first sign of problems – and that if they did, they would pay a high price.

The threat of destruction was not an empty one. In 1386, Bernese troops devastated the lands of Mahaut, countess of Neuchâtel. In the preceding conflict, she had given up her *Burgrecht* and changed sides. The Bernese consequently devastated the Val de Ruz

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24 StABE B XIII 28, p. 225: „*Jungker Rủdolf von Aarburg frye, her Thüring und Rủdolf sin elichen sune hant ein burgrecht und ủdel uff dem vorgenanten thuren* [Zytglockenturm] *in den worten, daz si ierlichs uff andree geben söllent ein mark silbers und söllent recht tủn ze den vier fronfasten, alz man im rat richt, doch sol der kleger inen daz ze ir wirtes huse verkunden vor hin xiiii tagen, geben si einz daz burgrecht uf, oder wöltin ir erbe und nachkome, daz burgrecht nicht nach irem tode an sich nehmen, so sind si der stat gevallen umb MM guldin und ist darumb alles ir gủt haft, alz dis alles die briefe, so beide teile gegen einandren hant eigenlich wisent, datum sabbatum ante festum sancti Bartholomei apostoli anno domini M CCCC sexto.*" Copy of the contract of Burgrecht at StABE, Freiheitenbuch A I 305 Band A: 1411–1427, fol. 163; ed. in: SSRQ BE III (1945), pp. 383–385, no. 126.

25 HESSE–SCHMID–GERBER (2017).

26 SSRQ BE III, p. 385, no. 126: "*Were aber, daz wir inen die nit bezahltint, so sollent und mögent si darumb frilich alle unser stet, sloz, vestinen, dörffer, lüt und güter angriffen, pfenden und zuo ren handen ziehen, utz daz si der (...) zwey tuseng guldin mit allem dem schaden und kosten, so si denne dez habende würdin, gentzlich bezalt werdent.*"

for exactly 1200 florins.[27] Bern had learnt the lesson of the battle of Laupen in 1339, when a coalition of nobles had changed sides in the early stages of the conflict.

Rudolf is an extreme example of a common case. Normally, the agreed sums varied from 3 pounds (Bern) up to 2800 florins (Zürich), the latter including all taxes for the duration of 24 years.[28]

On the basis of its *Udelbuch*, the Bernese chancellery reorganised the taxation of its outburghers, with the help of regionalised taxation registers (*äussere Tellrödel*). The *Udelbuch* remained the main source of citizenship, listing names and *Udel*. It was replaced in 1466 by a new edition, which was richly adorned and with enough space to be continued for centuries.[29] The *Udelbuch* and the periodically updated *Tellrödel* were together the most efficient means for collecting the taxes raised both within and outside the city walls. The city's threat to keep the *Udel* in case of disobedience was constant. Bern was not unusual in this regard, but it was the biggest player in the western Swiss midlands and thus the most prominent example.

How did an *Udel* change pre-existing connections, feudal relations, alliances and the political landscape in general or how was it superimposed upon them?

In the long run, towns gained political supremacy over noble rule in upper Germany in the late middle ages.[30] This observation has been made in particular for the emerging Swiss Confederation. *Burgrechte* and their *Udel* normally had contractual predecessors that had to be mentioned and inserted into the new texts. They could not change the political reality at a single stroke, but did so by introducing new conditions favouring the cities one by one.

In 1466, the old texts and special conditions of the *Burgrechte* in Bern were copied into the new book. The Teutonic Order, for example, had commanderies at Köniz and at Sumiswald, both near Bern. The former was considered citizen of the city since 1257, the latter since 1317.[31] Even if the status of their early *Burgrecht* is in doubt, the Teutonic Order fulfilled the required duties. The data of the commandery of Sumiswald was

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27 Speich (2019), p. 28, based on StABE C 1 a, Fach Oberamt 1388.09.11, with further sources. There is no written record of the *Burgrecht* itself, but there is extant documentation of the contracting procedure and the peace treaties. Unfortunately, the events terminated before the creation of the first *Udelbuch* in 1389 (StABE B XIII 28) and the *Tellrödel* (taxation books), StABE B VII 2469a to 2469g in Berne.

28 *Burgrecht* of the Lombard pawnbroker Antonio Marchio Pelleta in the city of Zurich: StAZH Kopialbuch B III 2 (1409.04.23), pp. 243–249. Speich (2019), p. 127–128.

29 StABE B XIII, 29 (1466), Gutscher-Schmid (2018).

30 Hardy (2019), pp. 179–197, locates the process in the last third of the 14th century (1376–1389), especially on the occasion of the City War of 1376–1389.

31 FRB 2, pp. 438–439. StABE Fach Freiburg, 08.1317.; StABE C 1 a, Fach Wangen, 1422.07.01, (vidimus from 1467).

copied into the *Udelbuch* of 1466 based on the contracts of 1317, 1371 and 1422.[32] Of particular interest for us is the charter of 1371, in which the existing *Burgrecht* was extended by way of the addition of a tax and an *Udel* condition.[33]

Basically, holders of a *Burgrecht* were listed on a special page of the new book.[34] But they were not double-listed. This list covers the citizens with *Burgrecht*, but without *Udel*.[35] Hence, it indicated how much they owed as annual interest even without *Udel* or instead of a fixed amount.[36]

Cases can also be found in court records. In 1401 and 1403, Bern agreed to a *Burgrecht* with the rural community of Saanen and Oesch.[37] The lord of Saanen was the count of Gruyères and was always short of money. Saanen and Oesch renewed the *Burgrecht*, standing to benefit from the Bernese market and urban jurisdictional support in the ongoing quarrels with the counts of Gruyères and their overlords of Savoy. In 1405, the two rural communities could not agree on how to split the contractually agreed 2 marks silver in annual interest. The arbitrators' ruling was simple: the jointly contracted sum was to be paid half by the community of Saanen and half by the smaller community of Oesch. As a consequence, in 1466 both communities were separately registered in the *Udelbuch* and the mark silver was converted into the more modern unit of florins. In 1445, the men of Saanen wanted to withdraw from the eternal *Burgrecht* in Berne. They claimed that they could not be held responsible for the pledges of their ancestors and that therefore the *Burgrecht* should be abolished. But eternal alliances are valid eternally and the men of Saanen lost the case of course. By the mid-fifteenth century, time was

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32   StABE B XIII 29, p. 140: *„Her Wernher von Brandis selig undem jegklicher comentur des huses von Sumiswald sind burgere und hand ůdel uff dem obgenanten hus [Domus der tütschen herren von künitz] gelegen an der kilchgassen schattenhalb umb fünfftzig gulden ze pen und ursatz; nemlich wo si sich muttwilligelichen von dem burgrecht liessen wisen oder das selber uff geben an mercklich ursach so söllent si fünfftzig gulden der statt Bern vervallen sin. Item si söllent ouch der statt jerlichen uff Andree geben fünff gulden zů ůdelzins und sint die mit aller diensten und stüren entladen, ane allein das si irs ordens lüt von Sůmiswald in unser statt senden söllent ob wir des begerent zů denen zitten als wir zu reiss gezogen weren unser statt helfen ze behüten als beider teilen brieff darumb ussgangen wisend.“*

33   The new condition was inserted into the charter of 1371, StABE C 1 a, Fach Trachselwald, 1371.04.30, ed. FRB 9, p. 258: "(...) *burgrecht hant genomen in dien gedingen, das wir ein udel in ir stat sullen haben umbe funfzig guldin, wa wir daz burgrecht uf gebin oder uns muetwillig da von liessin wisen, so sullen wir inen gebin funfzig guete guldin* (...).“

34   StABE B XIII, 29, pp. 513–516.

35   StABE B XIII, 29, p. 513: *„Hie nach stand der statt Bern Udel zins von den usswendigen burgeren, hern, und stetten, von lendern, vallent all uff Andree und von sölliche burgrecht wegen hie nach geschriben, ligend sundrig brieff und wider brieff in der statt kisten was jegclicher der statt von Bern ze tünde verbunden ist, oder die statt ime hinwider es sye mit hilff und rät, mitzeteilen, recht umb recht ze geben und zenemend mit söllichem underscheid und lütrung, als die brief das usswisend.“* (Fig. 2)

36   StABE B XIII 29, p. 513, for some examples: *„Item margraff Rudolf von Hochberg herr zu Röttelen, ze welschen Nüwenburg und ze Susenburg etc. git von sinem burgrecht jerlich xv gulden.“„Item die burgere von der Nüwenstatt gebent xi gulden jerllichen.“ „Denne der comentur von Sumiswald tütsches ordens git jerlich x gulden.“ „Item der von Hallwil git jerlichen iiij gulden.“* (Fig. 2)

37   Arbitration sentence: StABE C 1 a, Fach Saanen, 1405.02.12. Text in the Udelbuch (1466) StABE B XIII 29, p. 513: *„Denne die lantlüt von Sanen gebend jerlichen v guldin. Denne die lantlüt von Öisch gebend jerlich v guldin.“* To the unsuccessful tentatives of Saanen to quit the burgrecht in 1445/47, see SPEICH (2019), pp. 199–219. (Fig. 2)

already running short for independent rural communities. Saanen, although in possession of nearly all feudal rights, could not enforce the contractually secured equality with its urban partner Bern. The city had gained control over the interpretation of the terms in the contracts and was able to administer them masterfully. The cities' interpretations of *Burgrechte* and the related legal instruments were only halted in 1477 by the concerted action of the rural communities of the Confederation.[38]

How does an Udel fit into the political, financial and fiscal structures of the cities and their partners?

As in the case of other pledges, *Udel* can be viewed as an increasingly monetarised form of an older obligation *in rem*.[39] This becomes obvious when the sums pledged as security themselves start to become tradeable. In the new book of 1466, we find more and more fragmented parts of houses. Thus, Mathis Schwab had an Udel of 3 fl. fixed on an orchard and Jacob vom Stein had his Udel on one-sixteenth of the house of his father.[40]

In 1365, Hug Schnewis asked the mayor of Berne to switch his *Udel* to another house.[41] There is a charter of 1466 demonstrating that the *Udel* sum could even be seized by third parties. In 1466, with the approval of the mayor of Bern, the quarrier Peter Stein seized the *Udel* of his debtor Michel von Nüviss (Neuwies) on the townhall.[42] The main debt was 8fl. 5 shilling. I could not find his registration in the book. This puts me in good company. When chancellor Thüring Fricker revised the entries in 1466, he complained that he could neither find all the outburghers in the tax register nor could he manage to identify the dead ones.[43]

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38 WALDER (1994), pp. 13–51.

39 FREY (1950), pp. 54–73.

40 StABE B XIII 29, p. 263: „*Domus Hansen vom Stein: Mathis Swab von Boloten hat udel an des vorgenanten Hannsen vom Stein bomgarten hinder sinem hus umb iii guldin. Jacob vom Stein hat udel an des vorgenanten sines vatters seligen hus an einem xvi-ten teil desselben huses umb iii gulden.*"

41 StABE C 1 a, Fach Oberamt, 1364–1368: „(...) *ich tun üwe kunt, das ich min udel, das ich da ze Berne han, wandel wil, darumb biete ich unch, das das üwer wille und üwer gunst sige, iemer durch mines dienstes willen* (...)." From 1389 on, we have this kind of change inserted in the Udelbuch, creating an increasing confusion until the new edition in 1466.

42 StABE C 1 a, Fach Urteilssprüche, 1466.05.21. Further mention of monetarisation can be found in some of the entries in the new Udelbuch of 1466: StABE B XIII 29, p. 21: „*Domus Huinegers: Item das gotzhus und der apt zu Sant Peters im Swartzwald hand udel an dem vorgenanten hus gelegen an Ludwigs seligen hus von Seftigen schattenhalb fünffzig guldin doch sol man dasselb udel nit türer denn umb zehen guldin verkouffen noch vertriben und das überig soll man uff des gotzhus gütere von Herzogen Buchse haben. Ouch söllent die selben herren ierlichen der statt Bern ein halb marck luters silber von irem burgrecht geben und söllent da mit alle ir lüt und gütere ungetellet beliben alles nach lut und sag der brieffen dar über gemacht und versiglet datum margrehte anno des XVI jar.*"

43 GERBER (2001), p. 37, based on StABE B XIII 23, p. 39.

Conclusion

Towards the end of the 13th century, the towns accepted more and more outburghers and urban dwellers. *Burgrechte* as political contracts were common throughout the 14th century and in the first half of the 15th century. As a consequence, after centuries of granting citizenship, the towns disposed of many rights on the countryside. On the other hand, abbeys and nobles were guaranteed their rights of lordship by the cities; the bilateral agreements between the partners were consistently tightened until there was no more political margin for manoeuvre left. The Swiss Confederacy grew on this basis. Hundreds of treaties, alliances and *Burgrechte* maintained the fragile balance: cities and rural communities had to cooperate, interact and govern within this framework. Surety deposits lost their crucial significance for good conduct already before the end of the 15th century.

Nevertheless the *Udel* remained an important fiscal factor for the towns and was used to impose flat-rate taxes on their citizens and on their ecclesiastical partners with *Burgrechte*. *Udel* interest and flat-rate taxes were no longer bilaterally contracted, but simply imposed by the more powerful cities. On one hand, the striking examples from Bern underline the relevance of the widespread phenomenon of *Burgrechte* and their contracted *Udel* in the very violent region of the Swiss midlands. On the other hand, *Burgrechte*, alliances and treaties of public peace (*Landfrieden)* played an important role in ensuring peace and stability in an area without a tangible supreme power and jurisdiction. The *Udel* sums subsequently replaced older obligations and reveal the monetarisation of the relationship between city and citizens that took place in the late Middle Ages.

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