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978-0-521-07276-2 - Monastic Tithes: From their Origins to the Twelfth Century

Giles Constable

Excerpt

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## INTRODUCTION

THE PROBLEM  
OF MONASTIC TITHES

THE purpose of this work is to study the tithes paid to and by monks in the Middle Ages and in particular to explain why by the twelfth century, in spite of earlier theory and practice, most monks received tithes and many were freed from payment. This subject, like other aspects of monastic economy, has not received much attention from historians.<sup>1</sup> In most works monks are included with the clergy as receivers rather than payers of tithes, although in the early Middle Ages the monastic and clerical orders were distinct and monks were as a rule forbidden to receive and required to pay tithes.

<sup>1</sup> All students of monastic privileges and economy are agreed that the existing works are inadequate. The most notable exceptions in the field of tithes are the works of Georg Schreiber, especially *Kurie und Kloster im 12. Jahrhundert*, Kirchenrechtliche Abhandlungen, LXV–LXVIII, 2 vols. (Stuttgart, 1910), and his collected essays in *Gemeinschaften des Mittelalters* (Münster in Westf., 1948). There are also valuable sections on monastic tithes in the works of G. G. Coulton, though he was principally concerned with the late Middle Ages; in the posthumous work by Jean-Berthold Mahn, *L'Ordre cistercien et son gouvernement des origines au milieu du XIIIe siècle*, Bibliothèque des Écoles françaises d'Athènes et de Rome, CLXI (Paris, 1945, reprinted 1951); and in Catherine Boyd, *Tithes and Parishes in Medieval Italy: The Historical Roots of a Modern Problem* (Ithaca, 1952). The best general books on tithes are by Paul Viard, *Histoire de la dîme ecclésiastique principalement en France jusqu'au Décret de Gratien* (Dijon, 1909) and *Histoire de la dîme ecclésiastique dans le royaume de France aux XIIe et XIIIe siècles* (Paris, 1912), which will be cited hereafter as Viard, *Dîme*, I and II. Viard paid little attention to monastic tithes, however, and his works, though based on the sources and full of common sense, tend to be legalistic and to generalize on the basis of insufficient evidence. The important work of Émile Lesne, *Histoire de la propriété ecclésiastique en France*, Mémoires et travaux... des Facultés catholiques de Lille, VI, XIX, XXX, XXXIV, XLIV, XLVI, I, and LIII, 6 vols. in 8 (Lille, 1910–43) deals principally with the revenues of the secular clergy. Tithing was known in several religious systems, but the comparative history of tithes has not yet been seriously studied: see W. H. D. Rouse, *Greek Votive Offerings* (Cambridge, 1902), pp. 39–94, and the few references given by H. F. Schmid, 'Byzantinisches Zehntwesen', *Jahrbuch der österreichischen byzantinischen Gesellschaft*, VI (1957), 68.

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Tithes in general have long been used in religious and political polemics.<sup>1</sup> Liberal and Protestant historians in particular have tended to regard tithes as an onerous and iniquitous tax, a sign of the oppressive rule of the Church in the Middle Ages, and an inevitable cause of friction between the clergy and the laity.<sup>2</sup> This view is largely based on a preconceived dislike for any compulsory ecclesiastical tax, not on contemporary evidence. Resistance to tithes and evasion of payment certainly existed in the Middle Ages, especially in the fourteenth and fifteenth centuries, but not on the scale suggested by some writers. The vast majority of tithes were faithfully paid, and most of the countless references to tithes in medieval sources are concerned with their possession rather than their payment or enforcement. Over-emphasis on the oppressive nature of tithes and the difficulties of collection tends therefore to obscure their economic importance. Tithes were, according to Pöschl, 'the most important tax in the economic development of western Europe';<sup>3</sup> and although at first sight this opinion may appear to be the pardonable exaggeration of a specialist, further consideration confirms that no tax in the history of Europe can compare with tithes in length of duration, extent of application, and weight of economic burden. Who paid and who received these tithes is an important question for historians.

The history of monastic tithes will be studied here under three headings, covering roughly from the seventh to the twelfth century. The first heading deals with the theological and canonical doctrine of tithing and its application through the Carolingian period, when most monasteries still paid tithes and very few possessed them. The second heading covers the possession of tithes by monasteries in the three following centuries; and the third, the fact that many monks in the twelfth century were

<sup>1</sup> Most early works on tithes are tendentious. Tithes are still a lively political, religious, and economic issue in some countries, such as Italy (cf. Boyd, *Tithes*, pp. 1–25); and many recent books on tithes are without scholarly value.

<sup>2</sup> See my article on 'Resistance to Tithes in the Middle Ages', *Journal of Ecclesiastical History*, XIII (1962), 172–85.

<sup>3</sup> Arnold Pöschl, 'Das karolingische Zehentgebot in wirtschaftsgeschichtlicher Beleuchtung', *Die feierliche Inauguration des Rektors der Grazer Universität* ... 1927/8 (Graz, 1927), p. 19.

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freed from paying tithes of goods produced by themselves or for their own use. Taken together, these developments amounted to a minor revolution in economic practice, monastic theory, and canon law. In the twelfth century controversies raged all over Europe between the former owners of tithes and the newly freed monks, who often refused to pay tithes which had for centuries belonged to other institutions or families. Theory was meanwhile made to fit practice, and the canonists produced out of the conflicting sources a reasonably consistent doctrine of monastic tithes. On this basis Popes Hadrian IV and Alexander III worked out in the second half of the century a practical compromise taking into account the interests of both the payers and the owners of the tithes. This finally was accepted by the Fourth Lateran Council as the universal law of the Church. A fourth heading could be added on the legal disputes in the later Middle Ages. But these were mostly settled in terms of the solution established in the twelfth century; and the history of monastic tithes will be considered here down to the time of Alexander III, whose long pontificate marked in many respects a turning-point in the history of the Church and ushered in the 'legal' period of consolidating and defining the reforms and changes of the previous century.<sup>1</sup>

After the twelfth century tithes tended to lose their character as a distinctively ecclesiastical revenue and to become a form of property held by both laymen and ecclesiastics.<sup>2</sup> Pöschl remarked on this 'transformation of the obligatory tithe from a charge on persons to a charge on land' at the turn of the thirteenth century. 'At the same time and in connection with this', he pointed out, 'the right to own tithes came to be based less on official position than on private feudal and landed relationships.'<sup>3</sup> Plöchl called this a change from a *Steuerbegriff* to a *Vermögensbegriff*, that is,

<sup>1</sup> Ulrich Stutz, *Geschichte des kirchlichen Benefizialwesens* (Berlin, 1895) was planned to go to the time of Alexander III, but only the first part of vol. I was published.

<sup>2</sup> Cf. Ernst Klebel, 'Zehente und Zehentprobleme im bayrisch-österreichischen Rechtsgebiet', *Sav. Zs.* LVIII, Kan. Abt. XXVII (1938), 241-2 and 259-61.

<sup>3</sup> Arnold Pöschl, 'Der Neubruchzehent', *A. f. kath. KR.*, xcvi (1918), 20.

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tithes became a matter of property rather than of taxation.<sup>1</sup> At the same time, in an effort to solve the complexities of rival claims to tithes, the lawyers established a clear concept of exemption or immunity from tithes and defined more closely the distinctions between ‘predial’, ‘personal’, and ‘mixed’ tithes and between ‘old field’ and ‘noval’ tithes. From this time on, therefore, monasteries were simply one of many claimants for possession of tithes, and the earlier controversies over whether they should receive or pay tithes were all but forgotten.

In the early Middle Ages, however, monastic tithes were a matter not only of economics but also of doctrine, canon law, and monastic theory. Their history lies in the borderland between theory and practice and must be studied against a background of changes in property relationships, in the theory of tithing, and in the nature of the monastic order. Laws were unwritten at this time. Practice made theory, and custom consecrated abuse. In the foundation charter of Cluny, for instance, it was strictly forbidden ‘to grant [the property of the abbey] as a benefice to any person’; but fifty years later Abbot Maiolus declared in a charter that ‘Custom is law, although unwritten, and it is now established as law by common usage that any ecclesiastical property may be granted for a rent to anyone, even to laymen, by the authority of a charter’.<sup>2</sup> So it was with tithes. The theologians and legislators were agreed that tithes should be paid only to churches where the sacraments were administered, but both monks and laymen were able to establish by mere usage their right to hold tithes. Monks were increasingly ranked as legitimate receivers of tithes, moreover, both because they tended to merge with the clergy as more monks were ordained and even exercised pastoral functions, and were no longer treated as laymen or as a separate order of society, and because in the eleventh and twelfth centuries monks were commonly considered the *pauperes Christi*, who had impoverished themselves for Christ and were entitled

<sup>1</sup> Willibald Plöchl, *Das kirchliche Zehentwesen in Niederösterreich*, Forschungen zur Landeskunde von Niederösterreich, v (Vienna, 1935), pp. 99–109.

<sup>2</sup> *Cluny*, I, 126, no. 112, and II, 181, no. 1088 (repeated III, 360, no. 2217, in a charter of 993/1048).

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to receive rather than pay tithes. These developments were not universally accepted, however, and monastic tithes thus became an issue in a great dispute over the nature of monasticism and the ideal form of monastic life.

The following study is necessarily based on a wide variety of sources, including theological and legal as well as strictly historical records, and above all on charters. 'On the law of monastic exemptions...', wrote Kuttner, 'which had such an incisive effect on the ecclesiastical structure of mediaeval Europe, the written law of the early Middle Ages was almost silent; the charters remain our chief evidence until deep into the twelfth century, when lawsuits on exemption cases begin to occupy in abundance the judicial practice of the Roman pontiffs.'<sup>1</sup> The same is true of monastic tithes, and the historian often has to use charters of uncertain authenticity. In view of the unreliability of many existing editions, the manuscript tradition of every charter should in theory be examined independently. Not only must faulty copies be corrected, interpolations excised, and rank forgeries rejected, but spurious claims authenticated by genuine charters and genuine claims in forged charters must also be discovered and assessed at their real worth.<sup>2</sup> To compensate for these hazards, the student of monastic tithes at least has an abundance of documents. Nearly every monastic chartulary contains charters dealing with tithes. And in presenting the evidence he can therefore hope to make up by quantity for occasional failings in quality.<sup>3</sup>

<sup>1</sup> Stephan Kuttner, 'Methodological Problems Concerning the History of Canon Law', *Speculum*, xxx (1955), 544.

<sup>2</sup> See Albert Brackmann's review of Schreiber, *Kurie*, in *Göttingische gelehrte Anzeigen*, CLXXV (1913), 276 and 287-8, and Harry Bresslau, *Handbuch der Urkundenlehre*, 2nd ed. (Leipzig-Berlin, 1912-31), I, 96, who stressed the danger of faulty copies of early medieval documents. Some examples of false claims in genuine charters will be found in case 1 in the Appendix. The tendency of recent scholarship, however, seems to be to rehabilitate documents previously condemned as forgeries: cf. Georges Despy, *Les chartes de l'abbaye de Waulsort: Étude diplomatique et édition critique*, I (Brussels, 1957), who has shown that several charters condemned by Léon Lahaye and Ernst Sackur are authentic (see the review by Bryce Lyon, in *American Historical Review*, LXIV, 689-90).

<sup>3</sup> Even the most reliable scholars in this field have occasionally made use of forgeries: Léon Levillain, *Examen critique des chartes... de l'abbaye de Corbie*,

Even in authentic documents the terms may be obscure and ambiguous (sometimes, it seems, also to contemporaries), and a great deal was often left unsaid. The word *decima* was used in many senses, ranging from a literal tenth, quite distinct from the ecclesiastical tithe, to various kinds of secular rents and taxes.<sup>1</sup> *Fratres* and *monasterium* may refer not to a real monastery but to secular clerics leading a communal life, who performed pastoral work and were entitled to receive tithes.<sup>2</sup> Tithes were usually not mentioned in routine documents concerning possession of land, and arrangements that were mutually understood and accepted might become explicit only if disputes arose.

A more subtle difficulty is to estimate the effectiveness of the charters, the relation between the written rights and the economic realities. In theory the monastic privilege was intensely individual. It was 'a totality of subjective rights' and 'a confirmation and grant of individual rights with permanent validity'.<sup>3</sup> German historians in particular have warned that the position of each

Mémoires et documents publiés par la Société de l'École des Chartes, v (Paris, 1902), p. 179 n. 1, used a document proved false by A. Werminghoff, in *NA*, xxviii (1903), 49–59; E. E. Stengel, *Die Immunität in Deutschland bis zum Ende des 11. Jahrhunderts*, 1: *Diplomatik der deutschen Immunitäts-Privilegien vom 9. bis zum Ende des 11. Jahrhunderts* (Innsbruck, 1911), p. 553, cited two forged tithe-privileges (M<sup>2</sup> 1768 and 1801); and Émile Lesne, 'La dîme des biens ecclésiastiques aux IXe et Xe siècles', *Rev. d'hist. ecc.* xiv (1913), 502, cited several suspicious papal charters (see pp. 210, 213, 217 below).

<sup>1</sup> On the varied use of the word *decima*, see William M. Newman, *Le domaine royal sous les premiers Capétiens (987–1180)* (Paris, 1937), pp. 19–20; Boyd, *Tithes*, pp. 1–4; Schmid, in *Jb. d. öst. byz. Ges.* vi, 45–110, on the secular tithes in the East generally and esp. 102–10 on tithes in the West; and my article on 'Nona et Decima', *Speculum*, xxxv (1960), 224–50.

<sup>2</sup> On the ambiguity of these terms and the confusion of secular with regular canons, see John Dickinson, *The Origins of the Austin Canons and Their Introduction into England* (London, 1950), p. 37, and Gerhart Ladner, *The Idea of Reform* (Cambridge, Mass., 1959), p. 388, who said that 'Members of these basilican communities were also designated as *custodes*, *clerici*, *fratres*, *pauperes*, and even as *monachi*; but they were obviously not monks in the sense of the theoretical distinction between the monastic and the clerical lives'.

<sup>3</sup> The first definition is that of Gerd Tellenbach, *Church, State and Christian Society at the Time of the Investiture Contest*, tr. R. F. Bennett, *Studies in Mediaeval History*, III (Oxford, 1940), p. 17; and the second that of Leo Santifaller, 'Die Verwendung des Liber Diurnus in den Privilegien der Päpste von den Anfängen bis zum Ende des 11. Jahrhunderts', *MÖIG*, XLIX (1935), 239.

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monastery must be studied in terms not of its relation to the papacy and the general privileges of its order but of its individual relations with the local secular and ecclesiastical authorities and its special legal position.<sup>1</sup> Papal privileges for German monasteries, according to Brackmann, often only confirmed the grants of local authorities. Even within a specific congregation or order, such as the Cistercians, there was no strict uniformity of rights and privileges.<sup>2</sup> From the day it was granted, a charter might be ineffective or at least subject to negotiation, and it cannot be used as conclusive evidence of the real economic and legal position of the monastery.

These difficulties must be kept in mind as a warning against relying too heavily on individual documents or generalizing exclusively on the basis of papal privileges. The emphasis on local conditions may itself be carried too far, however, and be based too narrowly on conditions in the Holy Roman Empire, where in the twelfth century the influence of Rome was weaker and the monasteries were more dependent on regional powers than in other parts of Europe. Even in the Empire the position of a monastery often depended on a balance of local and central powers, among which the papacy might be decisive.<sup>3</sup> In spite

<sup>1</sup> This has been called 'das territorialgeschichtliche Forschungsprinzip' by Schreiber, 'Kirchliches Abgabewesen an französischen Eigenkirchen aus Anlass von Ordalien' (1915), in *Gemeinschaften*, p. 152. Both Albert Brackmann and Hans Hirsch, however, severely criticized Schreiber's own *Kurie* for concentrating too narrowly on papal policy: see *Gött. gelehrte Anzeigen*, CLXXV, 278, and Hirsch, *Die Klosterimmunität seit dem Investiturstreit* (Weimar, 1913), partly tr. by Geoffrey Barraclough, *Mediaeval Germany, 911-1250: Essays by German Historians* (Oxford, 1938), II, 139. Cf. also Schreiber's reply, 'Studien zur Exemtiongeschichte der Zisterzienser' (1914), in *Gemeinschaften*, pp. 393-4, and pp. 255 ff. below.

<sup>2</sup> Brackmann, in *Gött. gelehrte Anzeigen*, CLXXV, 286: 'Diese völlig verschiedene Behandlung der einzelnen Zisterzienserklöster zeigt, dass für den Rechtsinhalt und die Formulierung des Privilegs nichts die Ordenszugehörigkeit sondern die Rechtsverhältnisse des einzelnen Klosters massgebend waren'; see also his *Die Kurie und die Salzburger Kirchenprovinz, Studien und Vortarbeiten zur Germania Pontificia*, I (Berlin, 1912), p. 78.

<sup>3</sup> Cf. J.-F. Lemarignier, 'L'Exemption monastique et les origines de la réforme grégorienne', *À Cluny* (Dijon, 1950), pp. 300-1: 'On a même été jusqu'à dire que les bulles [for Fulda and Hersfeld] n'avaient d'autre objet que de colorer d'une teinte canonique un privilège essentiellement royal et que

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of the difficulties of authenticity, interpretation, and evaluation, it still seems possible to discover from the charters and other sources certain broad tendencies in the position of monks and the nature of monastic economy.

l'exemption apparaissait comme quelque peu masquée par une manifestation de l'"Eigenkloster". En réalité, les deux choses se juxtaposent, de même que diplômes et bulles coexistent: il y a exemption vis-à-vis des évêques et sujétion vis-à-vis du prince.'



CHAPTER I  
TITHES IN  
THE EARLY MIDDLE AGES

I. THE CHRISTIAN THEORY OF TITHES

THE history of tithes in the Middle Ages starts with the Bible and the works of the theologians and exegetes. Both the Old and New Testaments contain many references to tithes; and their payment, unlike any other specific and regular charge in the Middle Ages, was based directly upon divine precept.<sup>1</sup> In the book of Leviticus, for instance, the Lord instructed the children of Israel through Moses that ‘All tithes of the land, whether of corn, or of the fruits of trees, are the Lord’s, and are sanctified to Him. . . . Of all the tithes of oxen, and sheep, and goats, that pass under the shepherd’s rod, every tenth that cometh shall be sanctified to the Lord’ (xxvii. 30, 32). In the New Testament Jesus referred somewhat slightly to tithes: ‘Woe to you, scribes and Pharisees, hypocrites because you tithe mint and anise and cummin; and have left the weightier things of the law; judgment and mercy and faith. These things you ought to have done and not to leave those undone’ (Matt. xxiii. 23, cf. Luke xi. 42 and xviii. 12). Even here tithes were considered a matter of the law and a thing to be done. The Epistle to the Hebrews, which throughout the Middle Ages was commonly attributed to St Paul<sup>2</sup> and in which

<sup>1</sup> The following remarks are not intended to explain the systems of tithing mentioned in the Bible, which would require a book to themselves, but to describe briefly biblical tithing as it was understood in the Middle Ages. The Bible is cited in the Douay version, as being closer to the Vulgate than is the King James version.

<sup>2</sup> Cf. Alfred Wikenhauser, *New Testament Introduction*, tr. Joseph Cunningham (New York, 1958), pp. 58 and 465–6, who pointed out that the Epistle to the Hebrews was the only New Testament book of which the authorship was ‘seriously disputed in the Middle Ages’ but was generally accepted as the work of St Paul in the West after the fourth century.

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Abraham gave a tenth of his spoils to the priest-king Melchizedek, the prototype of Christ, was used to show not only that the new priesthood was superior to the old but also, although the reference to tithes was incidental, that all Christians must tithe their entire income.

The Bible does not clearly indicate, however, to whom the tithes must be paid and how they should be used. Most references in the Old Testament treated tithes as the special property of God and as the perquisite of his ministers. In Num. xviii. 20–8 they were called the inheritance of the sons of Levi. In Neh. x. 37–8 and xiii. 5 the servants at the altars of the Lord, including even the singers and the porters, were expected to live off tithes. In both these sources the Levites themselves had to set aside ‘the tenth part of the tenth’ for the Aaronites who officiated at the central sanctuary. In the book of Deuteronomy, however, another system of tithing was found in addition to the annual tithe for the feast at the Temple. ‘The third year thou shalt separate another tithe of all things that grow to thee at that time, and shalt lay it up within thy gates. And the Levite that hath no other part nor possession with thee, and the stranger and the fatherless and the widow, that are within thy gates, shall come and shall eat and be filled’ (Deut. xiv. 28–9, cf. xxvi. 12). This ‘other’ tithe was thus to be used for a triennial feast at the home of the donor, who was to invite the Levite and other needy persons. In the deuteronomist book of I Kings, furthermore, Samuel even referred to tithes which might be exacted by the king: ‘Moreover he [the king] will take the tenth of your corn, and of the revenues of your vineyards, to give his eunuchs and servants. . . . Your flocks also he will tithe, and you shall be his servants’ (I Kings viii. 15 and 17).

Modern scholars have explained in several ways these different references to tithing in the Old Testament. Deuteronomy may refer to an earlier system which was superseded by the purely Levitical tithe, or possibly to the custom of tithing in northern Israel as contrasted with Judah.<sup>1</sup> Any inconsistency in the Bible, however, was abhorrent to the medieval commentators, who

<sup>1</sup> Cf. *The Interpreter's Bible*, ed. G. A. Buttrick, etc. (New York–Nashville, 1953), II, 424–6.