

Livelli and emphyteusis

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The *livello* was a different contract with a similar effect. In its Lombard form it was a long-term or perpetual lease of land (*emphyteusis*) under which the tenant enjoyed the fruits of the land as an owner would, in return for an annual rent (*canone*), the duty to improve the land and the payment of its taxes and burdens. The grant could be perpetual or temporary, and it ended by forfeiture (*devoluzione*) if the tenant neglected the land or failed to pay. The owner kept the *dominium directum*. The tenant held the *dominium utile*. Livelli were the usual way in which churches, monasteries and great landowners exploited land that they could not cultivate themselves.¹ They also served as credit. A peasant who needed money could sell his land to a church or a monastery and take it back on *livello*. He received the price, kept the use of the land and paid an annual *canone* that amounted economically to interest on the price. A canonist would regard this as a sale and a lease. An economist sees in it a mortgage loan with an annuity.

In the territory of Ticino, ecclesiastical institutions held land on *livello* in many valleys: the cathedral chapters of Como and Milan, monasteries such as the Humiliati before their suppression, convents in Lugano, Locarno and Bellinzona, parish benefices and confraternities. Lay families of notables did the same. The density of livelli and censi on the land of the valleys was one of the reasons why the liberal governments of the nineteenth century regarded the redemption of perpetual rents and the reform of land tenure as conditions of economic modernization.²

1 Ecclesiastical property as a credit system

When the funds of benefices, fabbriche, confraternities, chaplaincies and convents are taken together, the Church of the valleys was the largest institutional creditor of the rural economy. The legal form of its lending followed canon law: censi conforming to *Cum onus*, livelli, sales with a right of repurchase and, from the eighteenth century, loans at the legal rate of

interest secured by mortgage. Its administrators were accountable to the visitors. Its capital was perpetual in principle and could not be alienated without episcopal consent. Its income was dedicated to fixed purposes: the priest's living, the church building, the poor and the masses for the dead. The system had the stability and the rigidity of an endowment. It lent at moderate rates to local borrowers whom it knew and could rarely lose its capital through speculation. It could not easily mobilize capital for new purposes. Its claims, secured on land and tied to perpetual obligations, accumulated over generations until the parishes and the peasants were bound together in a dense web of small debts.³

This web had a social function that is easily overlooked. The ecclesiastical lender was also the confessor, the teacher, the registrar of births and deaths and the administrator of poor relief. Credit was embedded in a relationship that extended beyond the contract. The debtor who could not pay his rent might be granted delay at the request of the priest, while a creditor who pressed too hard was exposed to the judgment of the community and of the visitor. The relationship between lender and borrower was personal, local and supervised. These are features that later reappear, in secular form, in the cooperative banks, the *casse rurali* and the cantonal bank of the nineteenth and twentieth centuries, which Chapter C.IV examines.

2 Notes

1. "Enfiteusi", in Enciclopedia Treccani online, <https://www.treccani.it/enciclopedia/enfiteusi/> (the holder has "gli stessi diritti che avrebbe il proprietario [...] sui frutti"; periodic payments, duty to improve, taxes and burdens; perpetual or temporary grant; devoluzione and affrancazione), which describes the institution as regulated today by Arts. 957–977 of the Italian Civil Code. ↩
2. See Chapter C.I; HLS/DSS, art. "Ticino (cantone)". ↩
3. Prodi, Settimo non rubare (above). ↩

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