

# Three definite conclusions on indefinable serfdom\*

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For a long time, there have been serious discussions about the terms of the status of the peasantry in different regions of medieval and early modern Europe. Above all the German term "Leibeigenschaft" has fueled the passions and brought a great number of antagonistic interpretations. But the words in other languages for serfdom carry the same fluctuating meaning which has allowed historians to adapt this historical term according to their needs and argumentation.<sup>1</sup> On the other hand, one cannot ignore Reinhart Koselleck's demand that first making clear what the historical terms mean is the minimum requirement in order to speak at all about history and especially social history.<sup>2</sup>

Regardless of numerous attempts to formulate what kind of status of dependence serfdom was, a universal definition has not been found. It seems impossible to come to an agreement about the character of serfdom in its pure form. Usually the defect of such definitions attempted so far is that they describe serf relations only very generally or on the contrary so that they are applicable only to one or some concrete regions during some time-period. But the first criterion of every definition should be its possible universality which would allow us to make a clear difference between serf and other relations of dependence, or help to decide where to draw a line to mark the beginning of serfdom in the development of landlord-peasant relations. A usual component of the definitions of serfdom is al-

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<sup>1</sup> Cf. R. Rosdolsky, "On the nature of peasant serfdom in Central and Eastern Europe," *Journal of Central European Affairs* 12 (1952), 128-139; J. Kusber, "Leibeigenschaft im Rußland der Frühen Neuzeit. Aspekte der rechtlichen Lage und der sozialen Praxis," in *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. J. Klußmann, Köln-Weimar-Wien 2003, 141-142.

<sup>2</sup> R. Koselleck, "Sozialgeschichte und Begriffsgeschichte," in *Sozialgeschichte in Deutschland. Entwicklungen und Perspektiven im internationalen Zusammenhang*. Bd. I: *Die Sozialgeschichte innerhalb der Geschichtswissenschaft*, ed. W. Schieder, V. Sellin. Göttingen 1986, 89-109.

so pointing out its differences from slavery but with that very often many historical cases of "serfdom" get excluded at the same time.

The definitions in the encyclopedias are in the same way inconsistent. Perhaps the best article of encyclopedia on serfdom so far has been written by Friedrich-Wilhelm Henning in the *Handwörterbuch zur deutschen Rechtsgeschichte* (1978). Henning does not give a direct definition of serfdom, instead, he describes how serfdom has been most often looked at in the sources and the historiography. He states already in the first sentence: "The term serfdom is not used (nor has been used) in an unambiguous meaning." Its meaning has been wide both in the sources and in the literature. There has been no clear perception about serfdom in the past nor is there nowadays.<sup>3</sup>

In fact, the inevitable diffuse of the term "serfdom" has been pointed out in the historiography already for more than a hundred years.<sup>4</sup> The reasons why the numerous attempts to offer a universal definition to serfdom have failed so far are obvious. The term "serfdom" or its equivalents in other languages is a historical social-legal term and not a technical word. It has had many inconsistent meanings already from its emergence in the medieval sources.<sup>5</sup> Serfdom has been known in so many countries all over Europe during over thousand years. The German term "Leibeigenschaft" alone was used nearly for five hundred years both in medieval West-German territories and in early modern East-German territories. Using one and the same term for so many regions during such a long time makes it unrealistic to give a single description to this historical concept. Besides even in one region serfdom was never a uniform and invariable institution.<sup>6</sup>

Therefore, it is in every respect grounded to argue that serfdom was not an unambiguously definable system but only a set of very varying practices.<sup>7</sup> Or as Hans Hattenhauer has put it: "in fact there was no 'the' serfdom ('die' Leibeigen-

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<sup>3</sup> F.-W. Henning, "Leibeigenschaft," in *Handwörterbuch zur deutschen Rechtsgeschichte*, A. Erler, E. Kaufmann, ed. *Haustür-Lippe*, Berlin 1978, 2: 1761-1772.

<sup>4</sup> See above all: Th. Knapp, "Ueber Leibeigenschaft in Deutschland seit dem Ausgang des Mittelalters," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung* 19 (1838), 18-19; J. Blum, "The rise of serfdom in eastern Europe," *The American Historical Review* 62 (1957), 807-808; J. Blum, *Lord and peasant in Russia from the ninth to the nineteenth century*. Princeton 1961, 6-9.

<sup>5</sup> Cf. R. Koselleck, "A response to comments on the *Geschichtliche Grundbegriffe*," in *The meaning of historical terms and concepts: New studies on Begriffsgeschichte*, ed. H. Lehmann, M. Richter, German Historical Institute Washington, D. C., Occasional Paper No. 15. Washington DC 1996, 64-67.

<sup>6</sup> M. Bush, "Introduction," in *Serfdom and Slavery. Studies in Legal Bondage*, ed. M. L. Bush. London-New York 1996, 11.

<sup>7</sup> S. Hoch, "The serf economy and the social order in Russia," in *Serfdom and Slavery*, 320; S. L. Hoch, "Serfdom," in *A Historical Guide to World Slavery*, ed. S. Drescher, S. L. Engerman, Oxford 1998, 353-354; A. Kahan, "Notes on serfdom in Western and Eastern Europe," *The Journal of Economic History* 33 (1973), 86; T. K. Dennison, "Did serfdom matter? Russian rural society, 1750-1860," *Historical Research* 79:203 (2006), 82.

schaft) but there were only different peasants' forms of personal dependence on the land and the landlord."<sup>8</sup>

The aim of the present essay is to discuss what the definite universal features of serfdom still could be. That is to look for the "greatest common denominators"<sup>9</sup> for most of the cases of serfdom. The purpose is not to offer another definition of serfdom or to construct a list of rights of "ideal type" of serfdom.<sup>10</sup> Rather, it offers that the literature on serfdom lets us determine at least (or only) three definite features of this historical institution.

*"Serfs" were unfree*

Already in 1957 Jerome Blum reached the conclusion that the one feature common to all formations of serfdom in Europe was that a peasant was recognized as unfree.<sup>11</sup> When Heide Wunder wanted to analyze the serf relations in Germany then she had to admit that the German word "Leibeigenschaft" had too many confusing meanings, so that using the word "unfreedom" would be even clearer and less inconsistent to speak about peasants' serfdom both in the context of the Middle Ages and early modern period.<sup>12</sup>

The term "serfdom" or "Leibeigenschaft" alone says nothing particular about the actual legal condition of the peasants or whoever was called as "serfs." We can be only sure that "serfs" were always legally and socially unfree. At times the term "serfdom" was even used in the sources in such a simple and direct meaning.<sup>13</sup> At first glance the word "unfreedom" could even look more vague than the

<sup>8</sup> H. Hattenhauer, *Europäische Rechtsgeschichte*. 3rd edn., Heidelberg 1999, 515.

<sup>9</sup> Some recent studies on slavery has had the same goal: E. Herrmann-Otto, "Einführung," in *Unfreie Arbeits- und Lebensverhältnisse von der Antike bis in die Gegenwart. Eine Einführung*, ed. E. Herrmann-Otto, Hildesheim-Zürich-New York 2005, x-xi. Or as R. Blackburn tried to clarify "a core of features common to the slave status, beyond the great diversity of uses to which slaves have been put": R. Blackburn "Defining Slavery – its Special Features and Social Role," in *Slavery and other forms of unfree labour*, ed. L. J. Archer, London-New York 1988, 263.

<sup>10</sup> E.g. this was the goal for: P. Blickle, "Von der Leibeigenschaft in die Freiheit. Ein Beitrag zu den realhistorischen Grundlagen der Freiheits- und Menschenrechte in Mitteleuropa," in *Grund- und Freiheitsrechte im Wandel von Gesellschaft und Geschichte. Beiträge zur Geschichte der Grund- und Freiheitsrechte vom Ausgang des Mittelalters bis zur Revolution von 1848*, ed. G. Birtsch, Veröffentlichungen zur Geschichte der Grund- und Freiheitsrechte 1. Göttingen 1981, 27.

<sup>11</sup> Blum, "The rise of serfdom," 809; Blum, *Lord and peasant*, 8.

<sup>12</sup> H. Wunder, "Serfdom in later medieval and early modern Germany," in *Social relations and ideas*, Essays in honour of R. H. Hilton, ed. T. H. Aston, P. R. Coss, Ch. Dyer, J. Thirsk, Past and Present Publications, Cambridge 1983, 252; see also: T. Scott, "Wandel und Beharrung der Untertänigkeit: Die südwestdeutsche Leiherrschaft/Leibeigenschaft in komparativer Sicht," in *Untertanen, Herrschaft und Staat in Böhmen und im "Alten Reich". Sozialgeschichtliche Studien zur Frühen Neuzeit*, ed. M. Cerman, R. Luft, Veröffentlichungen des Collegium Carolinum 99, München 2005, 311.

<sup>13</sup> E.g., see J. Mikulec, "Der Widerstand gegen den Begriff "Leibeigenschaft" in kritischen Ansichten über die Untertanenstellung im barocken Böhmen," in *Leibeigenschaft*, 209.

term "serfdom," but in fact both terms have almost the same quality. When the term "unfreedom" says nothing about the actual legal status of the "unfree" peasants then the term "serfdom" is not more informative on this matter. Those who were called "serfs" were surely not free but their social, legal and economic conditions varied from region to region and changed during the centuries.

*There is a terminology*

In addition to the fact that serfdom always indicates unfreedom, it is also certain that there is a historical term or a terminology of "serfdom" (or "Leibeigenschaft," "jobagiones", "vornedskap", "nevolnictví", "pārisori" and other original equivalents). The terms of serfdom are then labels for unfree people (in most cases for the peasantry) in different times and territories which occur in the sources and which are taken over into the history literature.

In fact, the problem of serfdom is first of all an issue and a challenge of history of concepts (*Begriffsgeschichte*). Studying the different meanings of "serfdom" over times has the greatest importance for critical understanding of the sources and orientation in the historiography.<sup>14</sup> For example, the outlines of the history of the German concept "Leibeigenschaft" is well-known. According to Renate Blickle, the term "Leibeigen" (*līpeigen*) cropped up in southern and southwestern German territories in the fourteenth to fifteenth century and was first a rather rarely used term. Then it spread step by step towards the north and north-east until it was gradually adopted in the East-Elbian region where the term had its heydays in the seventeenth and eighteenth centuries.<sup>15</sup> But that original Middle High German term "līpeigen" reached also into the Scandinavian languages - "livegen." The peasants of the Baltic provinces were called with the term "Leibeigen" for the first time in the last quarter of the sixteenth century (at least already in the 1590s). At the same time the term was taken over into legal language in the other Baltic coastal territories - in Schleswig-Holstein, Vorpommern, Mecklen-

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<sup>14</sup> H. E. Bödeker, "Reflexionen über Begriffsgeschichte als Methode," in *Begriffsgeschichte, Diskursgeschichte, Metapherngeschichte*, ed. H. E. Bödeker, Göttinger Gespräche zur Geschichtswissenschaft 14, Göttingen 2002, 73-121; R. Koselleck, "Begriffsgeschichte und Sozialgeschichte," in idem, *Vergangene Zukunft. Zur Semantik geschichtlicher Zeiten*, 2nd edn. Frankfurt a. M. 1984, 109-114. In spite of the importance of the term "Leibeigenschaft" in the history of Germany, this concept cannot be found in: *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*. 8 vols. Stuttgart 1972-1997.

<sup>15</sup> R. Blickle, "Leibeigenschaft: Versuch über Zeitgenossenschaft in Wissenschaft und Wirklichkeit, durchgeführt am Beispiel Altbayerns," in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. J. Peters, = *Historische Zeitschrift*, Beiheft 18. München 1995, 58; see also: H. Rabe, "Das Problem Leibeigenschaft. Eine Untersuchung über die Anfänge einer Ideologisierung und des Verfassungsrechtlichen Wandels von Freiheit und Eigentum im deutschen Bauernkrieg," *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* Beihefte 64 (1977), 30-33; C. Ulbrich, *Leibherrschaft am Oberrhein im Spätmittelalter*. Veröffentlichungen des Max-Planck-Instituts für Geschichte 58. Göttingen 1979, 11.

burg and elsewhere.<sup>16</sup> Therefore, it appears clearly that not the rights were received but only the term spread. A new word was transferred to the local legal relations that had already existed.<sup>17</sup> And it proves once again that the similar usage of some terms is not enough to determine the local social and legal practices.

### *A set of rights*

However, serfdom was not just someone's unfree status that was named with vernacular or borrowed terms but serfdom always meant that someone had some rights over those who were called "serfs." Thus, it can be stated that serfdom became apparent through landlords' rights that they had over their subjects. Every such right could have many conditions and limitations which could vary between places and times. And it is important to stress that the term "serfdom" itself does not carry the information about what rights these were.

One of the most common ways of defining serfdom has been to give an overview of the essential rights of a lord that he had over his peasants. However, it seems impossible to frame a universal list of such rights that would apply to all territories and time-periods that have been seen as traditional regions of serfdom. At best, one or some cases of serfdom can be characterized<sup>18</sup> but any attempt to give a more universal list of those rights is determined to fail.

As it is known, the Marxist historians stress the economic aspects when speaking about serfdom. According to them the legal aspects and so many different legal practices of serfdom only blur our understanding about its real essence.<sup>19</sup> However, the Marxist broad and very general definition of serfdom that emphasized only its socio-economic aspects is surely not more accurate or universal than the legal ones attempted so far. It is clear that the Marxists' view takes us very far from the concept of how serfdom was understood in the sources where it was still first of all a legal and social term. In other words, Marxists give just a new and their own meaning to the word "serfdom" and so causing even a bigger confusion if one tries to keep contact with the sources. One of the clearest characteristics of serfdom – landlords' power over peasant – was still first a legal position and only thereafter an economic relationship. Precisely the landlords' rights

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<sup>16</sup> See D. Schleinert, "Personenrechtliche Abhängigkeitsverhältnisse im Herzogtum Pommern-Wolgast zwischen Reformation und Dreißigjährigem Krieg," in *Leibeigenschaft*, 28–29; J. Klußmann, "Leibeigenschaft im frühneuzeitlichen Schleswig-Holstein: Rechtliche Entwicklung, öffentlicher Diskurs und bäuerliche Perspektive," in *Leibeigenschaft*, 215; E. Münch, "Mecklenburg und das Problem der Leibeigenschaft Mitte des 16. bis Mitte des 17. Jahrhunderts," in *Leibeigenschaft*, 7.

<sup>17</sup> Cf. K. Andrman, "Leibeigenschaft in der Markgrafschaft Baden an der Wende vom Mittelalter zur Neuzeit," in P. Freedman, M. Bourin, eds. *Forms of servitude in Northern and Central Europe: decline, resistance, and expansion*, Medieval texts and cultures of Northern Europe 9, Turnhout 2005, 202.

<sup>18</sup> See e.g. M. Bush, "Serfdom in medieval and modern Europe: a comparison," in *Serfdom and slavery*, 199–224.

<sup>19</sup> See J. M. Bak, "Serfs and serfdom: Words and things," *Review* 4:1 (Summer 1980), 3–18.

that they had obtained determined their opportunity to exploit the peasants economically.<sup>20</sup>

According to Marxists an economic explanation also helps us to differentiate serfdom from slavery. In their view, unlike slaves, the serfs kept a farmstead with their own means of production.<sup>21</sup> This was indeed a very typical look of serf economy but it cannot be taken as a universal criterion for serfdom. In many cases of serfdom the "serfs" did not have more property rights or the rights to use the means of production than the "slaves" who had been given a plot of land.<sup>22</sup> Also the work time of the "serfs" could be more dependent on their lord's demands than that of "slaves." Not less important is the fact that the "serfs" were not only farming peasants but often also the household servants of a lord of the manor or just landless villagers (including farm hands and artisans).<sup>23</sup> There were "serfs" who lived in towns or did some other work with the permission of their lord (e.g. *obrok*-peasants in Russia or the medieval serfs under *Leibherrschaft*).<sup>24</sup> Most of them were usually called "serfs" due to landlords' property right over them and socially they stood on the same level as the farming "serfs."

However, not only economically but also legally it is complicated to find a concrete feature that made serfdom and slavery so different. Similarly to serfdom, slavery has not found a satisfactory definition so far.<sup>25</sup> Slavery has even longer history and more different forms of appearances that do not bear any uniform legal, social or economic characteristic, except slaves' unfree status legally or socially. It can be agreed that in most cases the "serfs" were more free than the "slaves." Nevertheless, it is not a universal criterion either as it was not always so. Thus, it seems that it is easier to take serfdom for one historical form of slavery than to prove their differences.<sup>26</sup>

On the other hand, in the historiographical discourses the indefiniteness of serfdom is not usually a problem. Although every author can understand serf-

<sup>20</sup> Bak, "Serfs and serfdom," 7, 14; cf. S. L. Hoch, *Serfdom and social control in Russia: Petrovskoe, a village in Tambov*. Chicago 1986, 1, 187.

<sup>21</sup> See e.g.: Rosdolsky, "On the nature of peasant serfdom," 135, 138; R. H. Hilton, R. E. F. Smith, "Introduction," in R. E. F. Smith, *The Enserfment of the Russian Peasantry*, Cambridge 1968, 3; C. Goehrke, "Leibeigenschaft," in *Sowjetsystem und demokratische Gesellschaft. Eine vergleichende Enzyklopädie*, 3 vols. Freiburg-Basel-Wien 1969, 1404; M. Wiese, *Leibeigene Bauern und Römisches Recht im 17. Jahrhundert. Ein Gutachten des David Mevius*. Schriften zur Europäischen Rechts- und Verfassungsgeschichte 52. Berlin 2006, 15; Bush, "Introduction," 3.

<sup>22</sup> For some such examples see: D. B. Davis, "Introduction: The Problem of Slavery," in *A Historical Guide to World Slavery*, ed. S. Drescher, S. L. Engerman, Oxford 1998, ix-x; K. M. Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South*. New York 1956, 164-165; R. Blackburn, "Slave exploitation and the elementary structures of enslavement," in *Serfdom and Slavery*, 169-171.

<sup>23</sup> See also e.g. Scott, "Wandel und Beharrung," 314.

<sup>24</sup> E.g. Ulbrich, *Leibherrschaft*, 260; Henning, *Leibeigenschaft*, 1761.

<sup>25</sup> See D. B. Davis, *Inhuman bondage. The rise and fall of slavery in the New World*. Oxford 2006, 27-47; Herrmann-Otto, "Einführung," x.

<sup>26</sup> Cf. W. Davies. "On servile status in the early Middle Ages," in *Serfdom and Slavery*, 225.

dom differently in addition to the fact that in every region and historical context "serfdom" means a different thing, then still this word's appearance in a text does not derange us much. At least there is no need to abandon this uncertain historical term as there is no better word for replacement. One of the main reasons to speak about serfdom in one or another region is precisely the so far historical tradition that is accepted in the local academic historiography.

In essence it is not important how to label one or other social groups' status. Of course, the words themselves (their usage and history) are also interesting, but if the aim of a study is a clarification of the actual status of the social groups then a discussion only about social-historical terms is surely not very fruitful. As Tom Scott accentuated it lately: the vague character of serfdom does not mean that the features of serfdom separately would be non-analyzable.<sup>27</sup>

To sum up, there are at least three definite features of serfdom if one wants to accept that there was at all such thing as serfdom. However, all these three features (unfreedom, terminology and set of someone's rights) are still very nondescript and say nothing distinctive about serfdom (the same conclusions can be made on slavery). It means that serfdom cannot be defined through some specific legal, economic or social criteria. It was a form of unfreedom that was usually named with some local or borrowed terms but had no universal or specific character. Therefore, it is also useless to debate where and when the "real" serfdom existed or was introduced. Serfdom itself cannot be introduced but only some rights of one social group over the other social group can be fixed. But the set of these rights which was already called "serfdom" was always very different.

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<sup>27</sup> Scott, "Wandel und Beharrung," 307.