

Atti delle “Settimane di Studi” e altri Convegni
45

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IN THE EUROPEAN ECONOMY

11TH - 18TH CENTURIES

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a cura di Simonetta Cavaciocchi

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Sheilagh Ogilvie

Serfdom and the Institutional System in Early Modern Germany

1. INTRODUCTION

‘Serfdom’ is the English term for various forms of unfreedom to which rural people were subjected under institutional systems that vested extensive economic and legal powers in landlords. This deceptively simple English word masks many different variants in European societies – even more variants than there were societies, since different manifestations of serfdom often co-existed in the same society.¹ In German-speaking central Europe, the multiplicity of different forms of serfdom has given rise to a proliferation of German terms and terminological debates, notably the much-disputed distinction between ‘Leibeigenschaft’ and ‘Gutsuntertänigkeit’ and between ‘Gutsherrschaft’ and ‘Grundherrschaft’.²

English has no equivalents for these terms, and uses ‘serfdom’ quite generally to refer to all forms of unfree status for rural people – notwithstanding occasional recent attempts to claim that ‘serfdom’ only refers to the severest form, the German ‘Leibeigenschaft’.³ German historians distinguish ‘Leibeigenschaft’ (lit. ‘bodily ownership’ or ‘personal bondage’), a form of serfdom legally attached to the body of the unfree person, from ‘Gutsuntertänigkeit’ (‘estate subjection’), a form of serfdom legally attached to the land the unfree person held, although the two types of serfdom were similar in most practical respects, as we shall see. The German term ‘Gutsherrschaft’ (sometimes translated as ‘demesne lordship’) refers to a manorial regime in which the lord derived revenue mainly from exploiting demesne lands using compulsory labour services of unfree tenants (of either the

¹ On the multiplicity of manifestations of serfdom in Germany, M. NORTH, *Frühneuzeitliche Gutswirtschaft in Schleswig-Holstein. Forschungsüberblick und Entwicklungsfaktoren*, in “Blätter für deutsche Landesgeschichte”, 126, 1990, pp. 223-242, 226-227; H. HARNISCH, *Klassenkämpfe der Bauern in der Mark Brandenburg zwischen frühbürgerlicher Revolution und Dreißigjährigem Krieg*, in “Jahrbuch für Regionalgeschichte”, 5, 1975, pp. 142-172, 144.

² Space limitations prevent full citation here of the rich historical literature on serfdom in the many territories of German-speaking central Europe; instead, this essay deliberately limits its bibliographical apparatus, in order to be able to allocate space to interpretive discussion.

³ This attempted redefinition forms part of revisionist approaches arguing that serfdom restricted rural people and hampered economic performance much less than traditionally claimed; for discussions of these approaches see, for instance, E. MELTON, *Gutsherrschaft in East Elbian Germany and Livonia, 1500-1800: a Critique of the Model*, in “Central European History”, 21, 1988, 4, pp. 315-349; W.W. HAGEN, *Ordinary Prussians. Brandenburg Junkers and Villagers 1500-1840*, Cambridge 2002; M. CERMAN, *Villagers and Lords in Eastern Europe, 1300-1800*, Houndmills/New York 2012.

‘Leibeigenschaft’ or the ‘Gutsuntertänigkeit’ type). ‘Grundherrschaft’ (literally ‘landlordship’) refers to a manorial regime where lords had few demesnes and got revenue mainly from cash rents paid by mostly free tenants. These binary classifications – *Leibeigenschaft* vs. *Gutsuntertänigkeit*, *Gutsherrschaft* vs. *Grundherrschaft* – are vigorously contested in the German historiography on both theoretical and empirical grounds.

Germany is consequently a good context for reflection on what we might mean by ‘serfdom’, because the very plurality of experiences of rural unfreedom and of strong manorialism across different German societies undermines so many of the generalizations historians have made about what serfdom was and how it operated. This paper will use the evidence for eastern German societies under strong manorialism – those commonly described as being subject to ‘demesne lordship’ – in order to introduce an approach to serfdom that has little in common with the simplified, binary classifications on which the historiography has hitherto been based. I will call this the ‘institutional’ approach. To be provocative, I will claim that it enables us to dispense not only with existing binary approaches but also with the entire question of whether ‘serfdom’ should be defined in terms of personal bondage, land tenure, labour services, demesne operations, mobility restrictions, marriage controls, the coincidence of landlordship and judicial powers, or any other monolithic benchmark. Instead of pre-defining serfdom in terms of just one aspect of rural people’s lives, this approach advocates analyzing the entire framework of institutional constraints within which rural people made decisions. This essay does not, therefore, restrict itself to a single manifestation of unfreedom, but rather explores how people living under demesne lordship in early modern German societies experienced the three core sets of institutional constraints on their choices, imposed by the manor, the community, and the state.

2. MANORIAL INSTITUTIONS

Let us start with manorial institutions. The traditional approach to serfdom, in Germany as in other national historiographies, was what I have called the ‘manorial dominance’ view.⁴ This approach assumes that law reflected reality and that under serfdom landlords used their institutional powers to regulate labour-allocation, landholding, mobility, marriage, and most other individual choices, reducing serfs’ welfare and stifling economic growth.⁵ Recent decades have seen the rise of ‘revisionist’ approaches, which have veered to the opposite extreme, pointing to the existence of peasant agency in east-Elbian societies, taking this to imply that landlords’ regulations were not binding constraints, denying that manorialism

⁴ S. OGILVIE, *Communities and the “Second Serfdom” in Early Modern Bohemia*, in “Past and Present”, 187, 2005, pp. 69-119, 72-76, 80-91; T. DENNISON, S. OGILVIE, *Serfdom and Social Capital in Bohemia and Russia*, in “Economic History Review”, 60, 2007, 3, pp. 513-544, 517-517.

⁵ In Germany, the basic text of this juridical approach is G.F. KNAPP, *Die Bauernbefreiung und der Ursprung der Landarbeiter in den älteren Theilen Preußens*, Leipzig 1887; see the survey in H. HARNISCH, *Peasants and Markets: the Background to the Agrarian Reforms in Feudal Prussia East of the Elbe, 1760-1807*, in *The German Peasantry: Conflict and Community in Rural Society from the Eighteenth to the Twentieth Centuries*, R.J. EVANS, W.R. LEE eds., London/Sydney 1986, pp. 37-70, 38-39.

hampered economic growth, and rejecting the term ‘serfdom’ altogether in favour of less rebarbative expressions such as ‘estate subjection’ and ‘demesne lordship’.⁶

A number of excellent micro-studies have certainly brought to light persuasive evidence of what might be called ‘serf agency’ in early modern Germany. Thus Lieselott Enders found rich evidence of free economic choices among peasants in the Uckermark of Brandenburg in the early modern period.⁷ Jan Peters pointed out that East-Elbian serfs in general manifested ‘individualistic’ economic behaviour and strategically resisted manorial coercion.⁸ William Hagen argued that on the Prussian estate of Stavenow, peasant action was hardly limited by manorial restrictions and peasant well-being was high.⁹ These and other studies reveal clearly that German serfs made many individual choices without manorial intervention.

This focus on independent action by serfs is a welcome corrective to the uncritical acceptance of legal regulations as a mirror of social practice. But care is needed in drawing wider implications. Just because lords did not intervene in *all* serf decisions does not mean they intervened in *none*. Even effective institutional restrictions may give rise to few acts of enforcement: rational lords incurred enforcement costs only where they expected corresponding benefits; and rational serfs avoided actions which they expected to be penalized.¹⁰ The most successful institutions of all may create expectations that make them largely self-enforcing except when expectations are disrupted. To assess the effects of any institution, including serfdom, we cannot assume that its formal rules were either fully enforced or totally violated. We have to look at the concrete constraints that the institution imposed and how individuals responded to them.

2.1. *Legal Categories of Serfdom*

When we do this, we find that the terminological distinction between *Leibeigenschaft* (‘personal bondage’) and *Gutsuntertänigkeit* (‘estate subjection’), which has attracted so much earnest debate from ‘manorial dominance’ and ‘revisionist’ approaches alike, was of questionable practical importance on the ground. In the medieval period, most German rural people were subject to some personal

⁶ For excellent research in the revisionist tradition, see, e.g., the essays in *Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften*, ed. J. PETERS, Munich 1995; *Konflikt und Kontrolle in Gutsherrschaftsgesellschaften: über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der frühen Neuzeit*, ed. IDEM, Göttingen 1995; and *Gutsherrschaftsgesellschaften im europäischen Vergleich*, ed. IDEM, Berlin 1997.

⁷ L. ENDERS, *Die Landgemeinde in Brandenburg. Grundzüge ihrer Funktion und Wirkungsweise vom 13. bis zum 18. Jahrhundert*, in “Blätter für deutsche Landesgeschichte”, 129, 1993, pp. 195-256, 197.

⁸ J. PETERS, *Eigensinn und Widerstand im Alltag. Abwehrverhalten ostelbischer Bauern unter Refeudalisierungsdruck*, in “Jahrbuch für Wirtschaftsgeschichte”, 1991, 2, pp. 85-103, 90, 92-93, 95-96, 100-102.

⁹ W.W. HAGEN, *Ordinary Prussians*, cit., pp. 184-279.

¹⁰ On one type of enforcement that overlords did not typically impose on serfs in eastern-central and eastern Europe, namely ‘social disciplining’ of serfs’ private lives in matters that did not affect manorial interests, see S. OGILVIE, “So That Every Subject Knows How to Behave”: *Social Disciplining in Early Modern Bohemia*, in “Comparative Studies in Society and History”, 48, 2006, 1, pp. 38-78.

restrictions, such as being forbidden to leave their farms and being required to send their offspring into forced service for the lord, although there is no agreement about whether this amounted to personal bondage or estate subjection. In the course of the early modern period, unfree rural people in East Prussia, East and West Pomerania, the Uckermark and Neumark of Brandenburg, Mecklenburg, and parts of Schleswig-Holstein saw their personal status degenerate into legal *Leibeigenschaft* (personal bondage) which made them hereditarily subject to their lords from birth, as persons. By contrast, in most other early modern eastern German states under strong manorialism, including most other parts of the Mark of Brandenburg and western parts of Schleswig-Holstein, rural people had the legal status of *Gutsuntertänigkeit* (estate subjection) which was, in principle, attached to their tenure of landholdings rather than themselves as persons.¹¹

Micro-historical findings, however, show that estate subjection was a form of unfreedom that hardly differed from personal bondage in most practical respects. For one thing, in most parts of eastern-central and eastern Europe during the early modern period, estate subjection became *hereditary*, and thus attached to the person and extended to all his or her descendants, regardless of what land they held. Second, under estate subjection even *landless* inhabitants – cottagers, lodgers, labourers, craftsmen, proto-industrial workers, women, unmarried adult males, and children – came to be regarded as having that unfree status unless they held explicit privileges of freedom, another move towards attaching unfreedom to the person rather than the land. Third, estate subjection and personal bondage both shared all the *other* constraints of serfdom – forced labour, mobility restrictions, marriage controls, lack of secure property rights, manorial jurisdiction, and compulsory employment of young adults in forced servanthood on the demesne. The only feature that legally distinguished the two forms of German serfdom was that personal bondage entitled the landlord to move the serf to a different location (e.g. to another estate) separately from his or her tenure of a particular landholding, whereas this was not legally permitted under estate subjection.¹²

Unsurprisingly, early modern Germans themselves often conflated the two types of serfdom. Many German overlords deliberately sought to weaken the distinction, sometimes by redefining estate subjection as personal bondage, sometimes the other way around, as when the eighteenth-century Mecklenburg nobility perceived advantages in denying that their tenants were 'Leibeigenen', claiming that they were only 'Gutsuntertanen'.¹³ Unfree peasants in German societies also often used the terms interchangeably, sometimes for rhetorical purposes, but sometimes because they saw little practical distinction between the two types of serfdom. Early modern German documents use the term 'Leibeigenen' in regions where serfs were actually 'Gutsuntertanen', and vice versa.

¹¹ H. HARNISCH, *Peasants and Markets*, cit., p. 42; M. CERMAN, *Villagers and Lords*, cit., pp. 11, 15-16.

¹² H. HARNISCH, *Peasants and Markets*, cit.; J. PETERS, *Gutsherrschaftsgeschichte und kein Ende. Versuch einer Auskunft zu aktuellen Ergebnissen und Schwierigkeiten in der Forschung*, in *Festschrift für Gerhard Heitz zum 75. Geburtstag*, E. MÜNCH, R. SCHATTKOWSKY eds., Rostock 2000, pp. 53-80; W.W. HAGEN, *Ordinary Prussians*, cit., e.g. 581-590.

¹³ F. MAGER, *Geschichte des Bauerntums und der Bodenkultur im Lande Mecklenburg*, Berlin 1955.

Eighteenth-century reformers referred to all forms of unfreedom as personal bondage (*Leibeigenschaft*), most famously Emperor Joseph II in his 1781 ‘Act for the Abolition of Serfdom [*Leibeigenschaft*] in Bohemia and Moravia’ which wholly ignored the legal distinction between *Leibeigenschaft* and *Gutsuntertänigkeit* by which opponents sought to resist the Act.¹⁴ Contemporaries also regarded both personal bondage and estate subjection as forms of unfreedom, as reflected in the Prussian October Reforms which declared that ‘on Martinsmas 1810 all estate subjection [*Guts-Untertänigkeit*] will end, in all our states; after Martinsmas 1810 there will exist only free persons [*freie Leute*], as is already the case on the royal estates in all our provinces’.¹⁵

Differences certainly existed between the practical implications of the different manifestations of serfdom in different societies, so that German serfs were sometimes willing to pay to buy themselves out of one form of unfreedom and into another. But the legal distinction between personal bondage and estate subjection, which focused solely on the arcane distinction between bodily and tenurial unfreedom, was irrelevant in most practical situations.

2.2. *Serfdom and Constraints on Labour Allocation*

An ‘institutional’ approach to German serfdom, by contrast, would redirect attention to the concrete constraints on serfs’ ordinary lives. One of the most important such constraints was that early modern German serfs, regardless of whether they lived in ‘personal bondage’ or ‘estate subjection’, could not freely allocate their own labour. This did not rule out all autonomous work: serfs farmed their own land, practised crafts, proto-industry, and commerce, and laboured for wages. But serfs were also required to supply a certain share of their time to the overlord as labour services, putatively as a ‘rent’ for the land, though some of them, such as cottagers and houseless lodgers, did not actually have any land but still had to supply forced labour. Some German serfs owed ‘defined’ (‘gemessene’) services of fewer than 2-3 days a week, which was on the lower end of the spectrum for eastern German societies under demesne lordship, although the serfs in question still regarded these services as a serious burden. Others owed ‘defined’ services of more than 3 days a week, which typically required maintaining an extra draught team, extra servants, or resident offspring (or all three), just to do forced labour for the overlord. In Western Pomerania in 1692-3, for instance, over 87 per cent of full peasants owed draught services for 3 or more days a week, and over 78 per cent of smallholders owed manual services for 3 or more days a week.¹⁶ The most unfortunate German serfs owed ‘undefined’ (‘ungemessene’) labour services which

¹⁴ J. KOČÍ, *Patent o zrušení nevolnictví v českých zemích*, in “Československý časopis historický”, 17, 1969, 1, pp. 69-108.

¹⁵ W. DEMEL, U. PUSCHNER, *Von der Französischen Revolution bis zum Wiener Kongreß, 1789-1815*, Stuttgart 1995, p. 332.

¹⁶ M. CERMAN, *Villagers and Lords*, cit., p. 78 (Table 10), based on R. SCHILLING, *Schwedisch-Pommern um 1700: Studien zur Agrarstruktur eines Territoriums extremer Gutsheerrschaft*, Weimar 1989.

could be increased at will by the landlord or were subject to renegotiation in which manorial threats and coercion created a situation in which ‘might was right’.

These labour ‘rents’ were not the only constraint on German serfs’ time-allocation. First, many German landlords demanded ‘forced wage labour’, which obliged serfs to supply work additional to their labour rents, at an artificially low ‘wage’ fixed by the landlord. Second, offspring of German serfs were compelled to work as servants on the demesne, typically for 3-5 years, again at low ‘wages’ fixed by the landlord. Third, German overlords often had prerogative rights enabling them to take serfs’ own servants away into manorial service.¹⁷ The extent, enforcement, and balance between all these types of forced labour varied across German serf societies. But most German serfs found that the time they were forced to supply to the lord in these various forms increased across the early modern period, although to a greater extent if they had less secure access to land (discussed in the next section).¹⁸

Manorial controls over labour were enforced in practice, not perfectly, but sufficiently to constitute a binding, burdensome, and bitterly resented constraint on serfs’ lives; and this enforcement took place regardless of whether serfs had the legal status of personal bondage or estate subjection.¹⁹ Serfs who refused to comply with arbitrary increases in manorial labour demands faced what Harnisch terms ‘naked force, indeed terrorization’.²⁰ In 1570, for instance, on the Prignitz estate of Plattenburg-Wilsnack (where serfs had the status of estate subjection) the lord arbitrarily demanded new labour services on the demesne and instructed his officials that he was happy to take responsibility for ‘a few blows or even some shooting, if it can’t be done otherwise’.²¹ In 1579, when the serfs of the Brandenburg village of Brädikow refused labour services, the lord’s men brutally invaded the village, shooting firearms at its members; in another village, they took eight serfs prisoner, tied them to horses, and dragged them across country; in others, they confiscated and slaughtered serfs’ cattle; if they found the male householder absent they ravaged the farm and took the women prisoner.²² In the Magdeburger Börde in 1611-12, serfs who refused to perform arbitrary carting services were imprisoned and had their cattle confiscated.²³ Other early seventeenth-century Brandenburg lords penalized serfs who resisted forced labour with corporal punishment, imprisonment, and ejection from their holdings.²⁴ In

¹⁷ J. PETERS, *Inszenierung von Gutsberrschaft im 16. Jahrhundert. Matthias v. Saldern auf Plattenburg-Wilsnack (Prignitz)*, in *Konflikt und Kontrolle in Gutsberrschaftsgesellschaften*, ed. IDEM, Göttingen 1995, pp. 248-286, 276.

¹⁸ H. HARNISCH, *Zur Herausbildung und Funktionsweise von Gutswirtschaft und Gutsberrschaft. Eine Klageschrift der Bauern der Herrschaft Neugattersleben aus dem Jahre 1610*, in “Jahrbuch für Regionalgeschichte”, 4, 1972, pp. 179-199, 184-186; IDEM, *Klassenkämpfe der Bauern*, cit., p. 149.

¹⁹ For examples, see M. CERMAN, *Villagers and Lords*, cit., pp. 35-37.

²⁰ H. HARNISCH, *Zur Herausbildung*, cit., p. 186.

²¹ Quoted in J. PETERS, *Inszenierung von Gutsberrschaft*, cit., p. 256.

²² H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 165-167.

²³ IDEM, *Zur Herausbildung*, cit., p. 186.

²⁴ IDEM, *Klassenkämpfe der Bauern*, cit., p. 163.

1621, a serf in Brandenburg (who had the status of estate subjection) was described as a ‘very rebellious serf [*Untertan*]’ for resisting manorial labour services, which led to imprisonment, deprivation of his smallholding, and ultimate ejection from his village along with his four young children.²⁵ Brandenburg lords used their policing and judicial rights over their serfs to penalize even those who carried out forced labour, but did it late, slowly or badly.²⁶ German serfs’ willingness to pay substantial sums to get out of forced labour, and to incur the costs and risks of resistance and litigation, reflects their perception that forced labour for the lord was a binding and burdensome constraint – regardless of whether their legal status was personal bondage or estate subjection.²⁷

Serfs retained some of their labour for their own use, but manorial restrictions often prevented them from allocating it to the activities they regarded as most productive. Lords barred serfs from activities that competed with demesne enterprises. They sold ‘privileges’ (monopolies, monopsonies, market prerogatives, ‘bans’, etc.) which excluded serfs from working freely in the privileged sectors. They levied dues and license fees on serfs’ proto-industrial activities. Above all, lords restricted geographical mobility – regardless of whether the serfs lived under personal bondage or estate subjection. This hindered serf labour from moving to the most productive locations. Revisionist studies rightly point out that serfs sometimes migrated. But this did not mean serfs migrated freely. Lords permitted migration within the estate, seasonal labour movements to known locations, and even occasional permanent emigration, but only subject to manorial knowledge, permission, payment of fees, and satisfaction of other requirements such as finding a replacement tenant or worker.²⁸ Serfs who violated mobility controls were pursued and punished. The institutional privileges of the manorial system thus prevented even the labour serfs retained for their own use from being allocated to the most productive locations and activities – the ones the workers would have chosen themselves.

2.3. *Serfdom and Constraints on Land Use*

The constraints imposed by manorial institutions also affected serfs’ access to land. Revisionist approaches correctly point out that serfs did have some rights to land. But these rights were constrained both by the substantial share of total land controlled by the lord as his ‘demesne’ and by the numerous restrictions the lord placed on how serfs could use even the land they cultivated for themselves.

German economies under serfdom were typically characterized by a large proportion of land reserved for the manorial demesne. As Table 1 shows, eastern German societies under serfdom show some of the highest proportions recorded in early modern Europe, with the demesne comprising over 50 per cent of total land

²⁵ *Ibidem*.

²⁶ *Ibid.*, pp. 160-161.

²⁷ H. HARNISCH, *Zur Herausbildung*, cit., p. 186; IDEM, *Klassenkämpfe der Bauern*, cit., p. 161; M. CERMEN, *Villagers and Lords*, cit., p. 83.

²⁸ See *Ibid.*, pp. 22-27, for thoughtful criticisms of revisionist views of migration restrictions.

in East Prussia, Mecklenburg, Pomerania, Schleswig, and Holstein. Not all German serf societies had such high proportions, as shown by the c. 25 per cent observed in Western Pomerania or some parts of the Kurmark of Brandenburg. But all these figures contrasted with the 5-10 per cent (or less) observed in the 'Grundherrschaft' societies of western and southern Germany where demesne lordship did not prevail and few rural people were subject to any form of serfdom.²⁹ Larger demesnes increased lords' incentive to invest in political action to maintain and intensify the other constraints of serfdom, such as forced labour and migration controls, in order to ensure that they had coercive control over enough artificially cheap enserfed workers to ensure the cultivation of that demesne.³⁰

Revisionist approaches rightly point out that the remaining one-half to three-quarters of land was in the hands of serfs themselves, who had some rights over it. But serfs' land rights never amounted to full ownership. In early modern eastern Germany under strong manorialism, a very few tenants were 'freemen' who held lands from lords through voluntary contracts – as in non-serf societies in western Europe. A second and much larger category consisted of tenants who were unfree (whether in personal bondage or estate subjection) but had hereditary rights which meant they could bequeath, mortgage and sell their farms, though only conditional on the lord's consent.³¹ A third and growing category, however, were 'usufructory' tenants who were unfree but did *not* have property rights in their holdings, instead enjoying only use rights, without any rights of alienation. Usufructory tenants were subdivided into hereditary ones (*Lassiten*) whose use rights were in principle permanent, although such tenants could be evicted if they displeased their lord; and temporary leaseholders (*Zeitpachtbauern*) whose use rights existed only for a specified number of years.³²

Tab. 1. Demesne as share of total land in various European regions

Country	Region	Date	% Demesne
Germany	East Prussia: noble estates	1800	62
Germany	Mecklenburg	1700	62
Germany	Pomerania	1692-98	59
Russia	Central Black Earth	1858	55
Germany	Holstein: east	1700	> 50
Germany	Mecklenburg	c. 1800	> 50
Germany	Schleswig, regions of demesne lordship	1700	50
Poland	Eastern Greater Poland	1600	50
France	Ile-de-France	c. 700	49

²⁹ H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft und Bauernwirtschaft in den deutschen Territorien: eine vergleichende Analyse unter besonderer Berücksichtigung der Marktproduktion*, in *Grand domaine et petites exploitations en Europe au moyen-âge et dans les temps modernes*, P. GUNST, T. HOFFMANN eds., Budapest 1982, pp. 9-32, pp. 23-24.

³⁰ H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit.; A. VERHULST, *Economic Organisation*, in *The New Cambridge Medieval History*, ed. R. MCKITTERICK, Cambridge 1995, pp. 481-509, 492.

³¹ H. HARNISCH, *Peasants and Markets*, cit., p. 41.

³² *Ibidem*, pp. 41-42.

Germany	Prussian Pomerania	c. 1800	48
Poland	Little Poland	1600	45
Russia	Central non-Black Earth	1858	45
Germany	Brandenburg Kurmark: Uckermark	1797	44
Poland	Average for all regions	1600	44
Livonia	Livonia	c. 1800	40
France	Saint-Germain-des-Près	1350-1400	38
Germany	Brandenburg Kurmark: Havelland	1797	35
Germany	Brandenburg Kurmark: overall	1797	33
Germany	Mecklenburg	1635	33
France	Ile-de-France	c. 1550	32
Germany	Brandenburg Kurmark: Ruppin	1797	32
Russia	Central Black Earth	1765	26-36
England	average	1300-50	25-30
Hungary	Hungary	c. 1790	27
Russia	Central non-Black Earth	1765	26-28
Estonia	Crown estates (estimated)	c. 1840	26
Estonia	Northern Estonia	1690-1700	26
Germany	Brandenburg Kurmark: Zauche	1797	25
Livonia	Livonia	1600	25
Sweden	Scania	1800	25
Bohemia	Bohemia	1720-50	24
Bohemia	Bohemia	1785-99	24
Germany	Pomerania: western	1556-1631	24
Livonia	Livonia	1688	24
Bohemia	Bohemia	c. 1600	20
Estonia	Tartu Bishopric & southern Estonia	c. 1600	20
Livonia	Livonia	1500-50	20
Hungary	Hungary	1580	17
Germany	Brandenburg Kurmark: Luckenwalde	1797	16
Denmark	Denmark: noble & bourgeois estates	c. 1700	15
Germany	Lippe	c. 1800	c. 10
Germany	Upper Hessen	c. 1800	c. 10
Sweden	Scania	1658	10
Denmark	Denmark: overall	c. 1700	8-10
Germany	East Prussia: royal estates	1800	7
Finland	Finland	early modern	6-7
Sweden	Sweden	early modern	6-7
Germany	Southern Germany	c. 1800	< 5
Germany	Western Germany	c. 1800	< 5

Sources: Y. BÉZARD, *La vie rurale dans le sud de la région parisienne de 1450 à 1560*, Paris 1929, p. 81; B.M.S. CAMPBELL, *English Seigneurial Agriculture, 1250-1450*, Cambridge 2000, p. 26; M. CERMAN, *Villagers and Lords*, cit., pp. 62-69; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit., p. 23; E. LE ROY LADURIE, *The French Peasantry 1450-1660*, Berkeley 1987, pp. 163-164.

The relative size of these groups varied regionally. Serfs' land rights around 1500 often derived from the medieval charter establishing their village.³³ But lords sought to limit hereditary land rights and replace them with usufructory rights, since this facilitated the ejection of serfs who objected to rises in labour dues and other burdens. The size of the demesne and the intensity of labour dues expanded much less in eastern German territories where serfs had better land rights.³⁴ Harnisch estimates that under demesne lordship German serfs with the best land rights seldom had to do more than 2-3 days of services a week, compared to 4-6 for those with the worst land rights.³⁵ By the early modern period, in eastern German societies under demesne lordship serfs with the best land rights were concentrated in western parts of the Mark of Brandenburg (the Altmark west of the Elbe, the Prignitz and Zauche areas east of the Elbe), in Lower Silesia, and in districts of the Neumark of Brandenburg north of Lower Silesia (Kreis Sternberg). Serfs with poorer rights over their land formed a majority in the centre, north and east of the Electorate of Brandenburg, in the Neumark of Brandenburg north of the river Warthe, in Pomerania, and in most of Upper Silesia and East Prussia.³⁶ Serfs with the poorest ownership rights (usufructory rights for a finite period) were already widespread in Pomerania, the Neumark of Brandenburg, and the Principality of Boitzenburg before the Thirty Years War, and spread to other parts of Brandenburg soon after.³⁷

Even where serfs had relatively good ownership rights, they had to obtain manorial permission to vary them. In sixteenth-century Brandenburg, serfs had to get permission from lords to sell or bequeath their holdings.³⁸ On the early modern Uckermark estate of Boitzenburg, a serf could only transfer his farm to his heirs subject to 'proper application' and manorial consent: the lord annotated applications personally and imposed conditions including inventorying, wealth, proof of diligence, community support, and (for outside applicants) a certificate of obedience from a previous overlord.³⁹

Even serfs with good land rights risked losing them if they displeased the lord. As Harnisch emphasizes, 'even juridical ownership of holdings was in no way a secure protection against ejection by the overlord'.⁴⁰ In 1579, serfs subject to one Brandenburg estate complained that they had been forced to sell their lord the best hythes from their farms, for which he paid 'whatever he wished'.⁴¹ In the 1620s, serfs on another Brandenburg estate were forced out of their holdings when they

³³ *Ibid.*, p. 41.

³⁴ *Ibid.*, p. 43.

³⁵ *Ibid.*, p. 45.

³⁶ *Ibid.*, p. 42.

³⁷ H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 146-147.

³⁸ *Ibidem.*

³⁹ H. HARNISCH, *Die Landgemeinde in der Herrschaftsstruktur des feudalabsolutistischen Staates. Dargestellt am Beispiel von Brandenburg-Preussen*, in "Jahrbuch für Geschichte des Feudalismus", 13, 1989, pp. 201-245, 97-99.

⁴⁰ H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 146.

⁴¹ *Ibid.*, p. 166.

resisted arbitrary increases in labour services.⁴² Between 1780 and 1810 on the same estate, 15-20 serfs were ejected from their holdings for failing to render rents and labour services,⁴³ and in 1793 one serf family was ejected for allegedly mismanaging the family farm.⁴⁴ The fact that serfs were able to take *some* decisions about their land autonomously did not mean that their decisions were wholly unrestricted by the institutional constraints of serfdom.

2.4. *Did Manorial Institutions Matter?*

Revisionist approaches sometimes acknowledge that serfdom was oppressive for individual serfs, but deny that it harmed economic performance. Some eastern European lords and serfs, the revisionists point out, introduced agricultural innovations, made technological investments, increased grain yields, managed farms rationally, produced market surpluses, set up proto-industries, accumulated wealth, and made large cash purchases. Such examples, the argument goes, refute the idea that eastern Europe was economically backward, since serfdom was perfectly compatible with economic growth.⁴⁵

Available evidence casts doubt on such extreme versions of the revisionist view. The observation of serf agency, rationality and market-orientation is a welcome corrective to uncritical assumptions that serf mentalities led to economic stagnation. But even the most rational and entrepreneurial economic agents will not produce as much output as possible when they are forced to operate within institutional constraints that prevent labour and land from being allocated productively.⁴⁶

Figure 1 shows estimates of per capita output in Eastern and Western Europe over the period during which serfdom gradually intensified in the east of the continent and declined in the west.⁴⁷ Eastern Europe under serfdom saw

⁴² *Ibid.*, p. 163.

⁴³ H. HARNISCH, *Die Landgemeinde*, cit., p. 95.

⁴⁴ *Ibid.*, p. 99.

⁴⁵ W.W. HAGEN, *Ordinary Prussians*, cit., pp. 597-601; W.W. HAGEN, *Two Ages of Seigniorial Economy in Brandenburg-Prussia: Structural Innovation in the Sixteenth Century, Productivity Gains in the Eighteenth Century*, in "Zeitenblicke", 4, 2005, 2, [http://www.zeitenblicke.de/2005/2/Hagen/index_html], p. 36; M. CERMAN, *Villagers and Lords*, cit., pp. 6-9, 95-123.

⁴⁶ See S. OGILVIE, *The Economic World of the Bohemian Serf: Economic Concepts Preferences and Constraints on the Estate of Friedland, 1583-1692*, in "Economic History Review", 54, 2001, pp. 430-453 and EADEM, *Staat und Untertanen in der lokalen Gesellschaft am Beispiel der Herrschaft Frydlant (Böhmen)*, in *Untertanen, Herrschaft und Staat in Böhmen und im "Alten Reich". Sozialgeschichtliche Studien zur Frühen Neuzeit*, M. CERMAN, R. LUFT eds., Munich 2005, pp. 51-86, for further exploration and documentation of this argument in the context of serfdom in early modern Bohemia.

⁴⁷ Source: MADDISON data series, at http://www.ggd.net/maddison/Historical_Statistics/vertical_file_02-2010.xls. Western Europe = present-day Austria, Belgium, Denmark, Finland, France, Italy, the Netherlands, Norway, Sweden, Switzerland, and England. Including 18 smaller Western European countries or excluding England and the Netherlands makes hardly any difference to the figures. Eastern Europe = present-day Czech Republic, Slovakia, Poland, Hungary, Romania, Bulgaria, former Yugoslavia, and Albania. In Figure 1, Germany is excluded from both Western and Eastern Europe since there were some German territories in each part of the continent.

systematically slower growth of per capita GDP and a steadily widening gap compared to Western Europe across the entire early modern period. It might be argued that macroeconomic estimates such as these are too inexact to support the conclusion that economies in Eastern Europe performed less well than those in Western Europe during the early modern period. Certainly, such macroeconomic figures are only estimates, based on piecing together scattered data derived from available research studies, which are always too few in number. Macroeconomic estimates therefore require constant revision as new research becomes available. However, the most recent revision of these estimates, provided in Bolt and Van Zanden's 2013 update of the pre-1820 figures in the Maddison data series used in Figure 1, merely widens the estimated gap in per capita income between Eastern and Western Europe, since it incorporates even higher estimates of per capita income for the Netherlands before 1820.⁴⁸

Studies of other aspects of the early modern economy also suggest that Eastern European economies were performing less well between 1500 and 1800 than were those in Western Europe. Allen's quantitative estimates of employment structure, agricultural output, and agricultural labour productivity in different early modern European societies finds that agricultural productivity and urbanization were lower in Eastern than in Western Europe. Allen finds that proto-industry was as common in unsuccessful as in successful early modern economies, and concludes that it cannot therefore be taken as an indicator of high productivity or fast economic growth. In early modern Europe, according to his analysis, economic success depended upon the presence of a productive agricultural sector and a vigorous urban economy, and these were less widespread in Eastern than in Western Europe.⁴⁹

Other studies point in a similar direction. Broadberry and Gupta find that real wages were much lower in Eastern than in Western Europe between 1500 and 1800, which they ascribe to lower productivity in Eastern European economies.⁵⁰ Coppola finds that by the early nineteenth century human heights were around 3 cm lower in Hungary, Galicia and Prussia than in England and the Netherlands, despite the negative impact of industrialization and urbanization on heights in the latter two economies. She also finds that army recruits from Prussia's eastern territories were shorter than those from its western territories, again despite the fact that the western territories were more highly urbanized and industrialized, which would be expected to reduce the heights of people growing up there.⁵¹

Comparative economic evidence for Europe before 1820 is a work in progress, and these findings highlight the need for much more detailed regional- and local-level research on the quantitative economic history of all pre-modern European

⁴⁸ J. BOLT, J.L. VAN ZANDEN, *The First Update of the Maddison Project*, cit.

⁴⁹ R. C. ALLEN, *Economic Structure and Agricultural Productivity in Europe, 1300–1800*, in "European Review of Economic History", 4, 2000, pp. 1–25.

⁵⁰ S. BROADBERRY, B. GUPTA, *The Early Modern Great Divergence: Wages, Prices, and Economic Development in Europe and Asia, 1500–1800*, in "Economic History Review", 59, 2006, pp. 2–31.

⁵¹ M. COPPOLA, *The Biological Standard of Living in Germany before the Kaiserreich, 1815–1840: Insights from English Army Data*, in "European Review of Economic History", 14, 2010, pp. 71–109.

societies, especially the under-researched regions of Eastern Central and Eastern Europe. However, the best evidence available, given the current state of research, indicates a significant gap between the economies of Eastern and Western Europe in the era of serfdom. Notwithstanding ubiquitous serf agency, regions of high productivity and rapid economic growth were sufficiently uncommon that Eastern Europe increasingly lagged behind the west of the continent. Eastern Europe did, in reality, suffer from economic backwardness, at least in the sense of lower per capita incomes, slower economic growth, lower agricultural productivity, and lower wage rates than western parts of the continent.

Studies at a lower level of aggregation also suggest that the institutional constraints of serfdom reduced productivity and stifled growth. Harnisch's careful calculations for Brandenburg showed that 'even relatively low labour dues ... meant a burdening of the peasant economy'.⁵² To fulfil manorial labour demands, serf households had to take family members off other work or employ additional servants. Rising labour services limited serfs' opportunities to undertake additional paid work outside agriculture. Draught animals needed more fodder when required to work on the demesne than when allowed to rest.⁵³ The many forms of forced and underpaid labour under serfdom created incentives to work late, slowly, or without care; this was a rational strategy for serfs but one that reduced the productivity of labour in the economy.⁵⁴ Mobility controls prevented labour from being deployed in its most productive locations. Insecure property rights prevented serfs from using real estate as collateral, deterred them from investing in improvements, and prevented successful farmers from expanding their holdings or leasing multiple farms.⁵⁵ The sheer quantity of labour dues, rents, and other manorial burdens left the average Brandenburg peasant, according to Harnisch's calculations, with 'about as much as a farmhand earned in a year'. This in turn prevented serfs from powering a 'Consumer Revolution' or generating significant demand for industrial products.⁵⁶ Finally, the actions serfs took to circumvent manorial controls consumed resources in rent-seeking and corrupt payments that could otherwise have been used for productive purposes – what economists call 'directly unproductive profit-seeking activities'.⁵⁷ Even manorial rules that were violated caused deadweight losses by shifting economic activity into the informal sector, where property rights were insecure, contract enforcement poor, and risks high.⁵⁸

⁵² H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 154.

⁵³ *Ibid.*, pp. 154-155; H. HARNISCH, *Peasants and Markets*, cit., p. 45.

⁵⁴ M. CERMAN, *Villagers and Lords*, cit., p. 35.

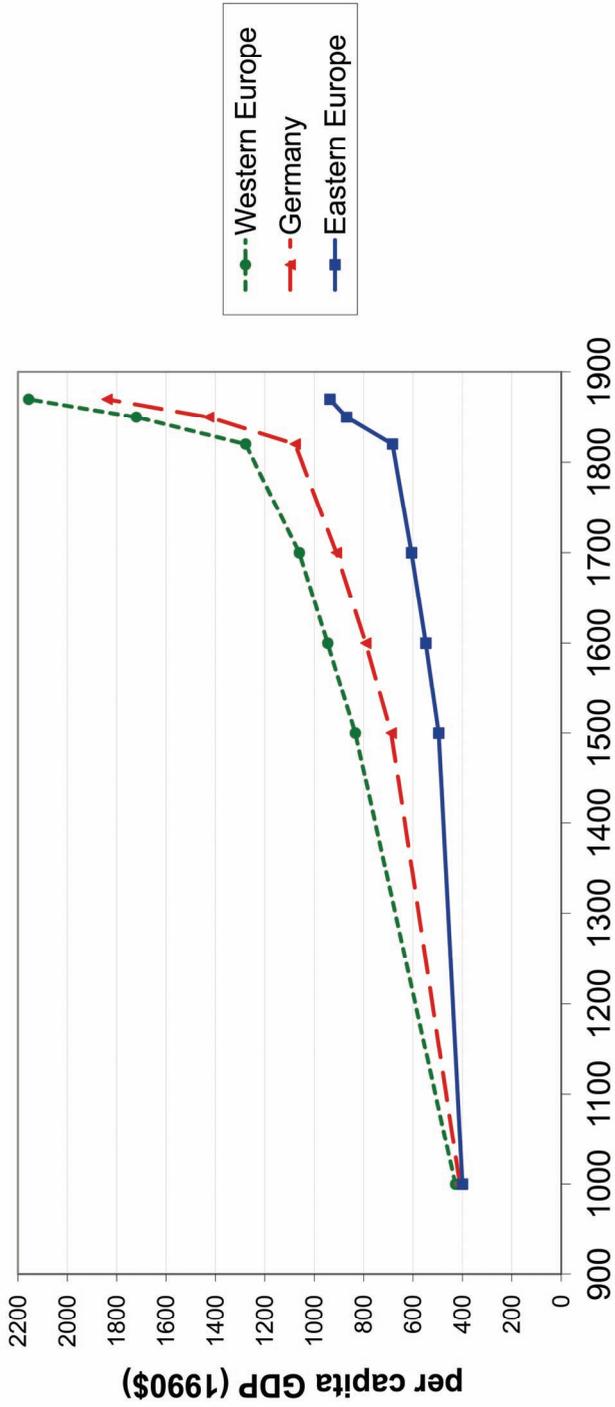
⁵⁵ H. HARNISCH, *Die Landgemeinde*, cit., p. 107.

⁵⁶ IDEM, *Peasants and Markets*, cit., p. 48.

⁵⁷ J.N. BHAGWATI, *Directly Unproductive, Profit-Seeking (DUP) Activities*, in "Journal of Political Economy", 90, 1982, 5, pp. 988-1002.

⁵⁸ See S. OGILVIE, "Whatever Is, Is Right"? *Economic Institutions in Pre-Industrial Europe*, in "Economic History Review", 60, 2007, 4, pp. 649-684, 671-674, 681, on the informal sector in early modern Europe.

Fig. 1. Per Capita GDP in Western Europe and Eastern Europe, c. 1000- c. 1870



Revisionists are therefore right to point out that German serfs took rational and entrepreneurial choices, but wrong to conclude that manorial constraints on those choices were irrelevant. Both macroeconomic statistics and microhistorical analyses suggest strongly that lords imposed binding institutional constraints which not only oppressed serfs but hampered economic growth.

3. COMMUNITIES

German serfdom was shaped not only by manorial institutions but also by communal ones. There are two opposing views of the serf community.⁵⁹ The 'manorial dominance' view holds that manorial institutions were so strong that they stifled all autonomous action by serf villages. The pre-existing weakness of east-Elbian communities, the argument goes, was what enabled serfdom to intensify after c. 1500, which in turn enabled lords to weaken village institutions further. The 'communal autonomy' view, by contrast, argues that serf villages enjoyed extensive independence, organizing local life without manorial interference. When east-Elbian German lords tried to intensify serfdom after c. 1500, the argument goes, they encountered vigorous village institutions which directly organized resistance and allied with the state to protect serfs against manorial incursions.⁶⁰

Micro-studies provide vivid evidence that German serf communities were not completely stifled by manorial oppression. On the Prignitz estate of Plattenburg-Wilsnack, for instance, the serf community met every week after church to decide collectively on cultivating the arable land of the village, collecting taxes, deciding inheritances, conducting legal business, informing villagers, keeping the peace, resolving conflicts, planning fire prevention, regulating labour and output markets, organizing poor relief, negotiating with the pastor, taking pledges against cattle damage, collecting fines, selling communal wood, allocating communal revenues, and even judging witchcraft accusations.⁶¹ During the Thirty Years War, serf communities on this estate organized security measures and defended villagers against the marauding soldiery.⁶² In the later seventeenth century, serf villages successfully ejected unsatisfactory clergymen, and took collective action against encroachments by other serf communities on village pastures.⁶³ Village communities organized direct resistance against attempts to intensify serfdom, and appealed to princely and urban jurisdictions against the overlord. There was no

⁵⁹ For detailed discussion, see EADEM, *Communities*, cit., pp. 72-76; T. DENNISON, S. OGILVIE, *Serfdom and Social Capital*, cit., pp. 517-518.

⁶⁰ H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 157-158; H. WUNDER, *Das Selbstverständliche denken. Ein Vorschlag zur vergleichenden Analyse ländlicher Gesellschaften in der Frühen Neuzeit, ausgehend vom "Modell ostelbische Gutsherrschaft"*, in *Gutsherrschaft als soziales Modell*, cit., pp. 23-49; J. PETERS, *Inszenierung von Gutsherrschaft*, cit., pp. 264-265.

⁶¹ *Ibid.*, pp. 269-271.

⁶² J. PETERS, *Die Herrschaft Plattenburg-Wilsnack im Dreißigjährigen Krieg – eine märkische Gemeinschaft des Durchkommens*, in *Brandenburgische Landesgeschichte und Archivwissenschaft: Festschrift für Lieselott Enders zum 70. Geburtstag*, F. BECK, K. NEITMANN eds., Weimar 1997, pp. 157-170, 163-164.

⁶³ *Ibid.*, pp. 166-167.

question about the institutional capacity of serf communities to operate as legally autonomous bodies.⁶⁴

Such findings are a welcome corrective to traditional assumptions that German serf communities were wholly subordinated to manorial institutions. But the complex role of village communities in German serfdom cannot be understood simply by veering to the opposite extreme and assuming that village communities operated successfully and single-mindedly to protect serfs' interests, or even that they created an extensive sphere of 'autonomy' within which serfs could act in complete independence of manorial controls.

For one thing, village institutions did not always succeed in asserting serf autonomy against manorial incursions. As Schultz has pointed out, in German territories such as Brandenburg, resistance by serf communities 'was able neither to hinder nor to limit refeudalization'.⁶⁵ Across eastern German societies more widely, as Harnisch emphasizes, we cannot even state definitively that the strength of communal institutions was a significant predictor of manorial weakness under serfdom.⁶⁶

One reason for this was that German serf communities were not fully independent of manorial intervention: the top village officers were selected and appointed by the overlord. On the Prignitz estate of Plattenburg-Wilsnack, for instance, by the mid-sixteenth century the village headman (*Dorfschulz*) was appointed by the manor. By the 1570s the overlord was intervening in the appointment of village justices (*Schöffen*) and reserving right of approval over any legal judgements they and the headman issued in civil cases within the village. The overlord was also ordering the appointment of two 'masters of the peasants' (*Bauermeister*) in each village, who were required to monitor not only the villagers but also the headman, and report any misdeeds to the manor.⁶⁷ By the later sixteenth century in the Brandenburg village of Wagenitz, the lord regarded the communal institutions as being under his control and as operating in his interest.⁶⁸ In the Brandenburg village of Sachsendorf in 1617, the village headman and village justices were selected and appointed by the overlord.⁶⁹ In the Prignitz and the Duchy of Magdeburg in the seventeenth and eighteenth centuries, the offices of village headman and village justices were manorial appointments.⁷⁰

Even the less powerful communal officials who were selected by villagers themselves were co-opted disproportionately by (and from) the top stratum of rich peasant holders. This oligarchy ran the village in its own interests and benefitted from communal autonomy. But more marginal serfs did not necessarily experience village autonomy as an unmixed blessing. Communal institutions typically

⁶⁴ J. PETERS, *Inszenierung von Guts herrschaft*, cit., pp. 269-271.

⁶⁵ Quoted in H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 168.

⁶⁶ *Ibid.*, p. 170.

⁶⁷ J. PETERS, *Inszenierung von Guts herrschaft*, cit., pp. 266-268.

⁶⁸ H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 170.

⁶⁹ *Ibidem.*

⁷⁰ W.W. HAGEN, *Ordinary Prussians*, cit., pp. 58-59, 454-66; H. HARNISCH, *Klassenkämpfe der Bauern*, cit., p. 170 n. 107.

implemented the choices of their most powerful members partly by limiting those of the least powerful – big farmers over labourers, men over women, established householders over unmarried youths, insiders over migrants. The collective action exercised by serf communities cannot be automatically equated with the autonomy or well-being of all serfs in the village, let alone all members of the wider serf society.⁷¹

These characteristics of serf communities were not merely incidental. Rather, they were central components of how German serfdom functioned. Micro-studies reveal clearly that in normal times – i.e., except during serf revolts – community institutions carried out essential tasks that supported the manorial administration and ensured that serfdom worked.⁷² The serf community, as Harnisch points out, was the institution ‘which was to a considerable extent responsible for implementing the demands of the feudal overlord’.⁷³ For one thing, German overlords devolved to communal officers the organization of labour services and the collection of manorial dues.⁷⁴ They also deployed an elaborate ‘community responsibility system’ which made the entire serf community responsible for the failings of any individual. On the Brandenburg estate of Boitzenburg, for instance, if a serf scamped on labour services or vacated his farm, his community had to take up the slack. This created strong incentives for the community to report its delinquent or economically weak members to the manor; such communal reports lay behind many serf expulsions.⁷⁵ Collective responsibility for manorial burdens also motivated communities to enforce the mobility restrictions of serfdom, as in 1653 when the serfs of one Brandenburg village pursued an absconding fellow villager as far as the River Elbe on behalf of the manor.⁷⁶ Conversely, staying in the good graces of the village oligarchy was essential if a serf hoped to secure a certificate that he had ‘on all occasions been a very diligent and good householder’, which might in turn persuade the manor to take a positive view of his applications regarding land allocation.⁷⁷

Empirical micro-studies of German serf societies, therefore, suggest that community institutions played a major role in serfs’ decisions, counter to the

⁷¹ On social stratification inside German serf villages, see E. MELTON, *Gutsberrschaft*, cit., pp. 345-347; K. BLASCHKE, *Dorfgemeinde und Stadtgemeinde in Sachsen zwischen 1300 und 1800*, in *Landgemeinde und Stadtgemeinde in Mitteleuropa. Ein struktureller Vergleich*, ed. P. BLICKLE, Munich 1991, pp. 119-143, 134-136, 141; T. RUDERT, *Gutsberrschaft und ländliche Gemeinde. Beobachtungen zum Zusammenhang von gemeindlicher Autonomie und Agrarverfassung in der Oberlausitz im 18. Jahrhundert*, in *Gutsberrschaft als soziales Modell*, cit., pp. 197-218, 197, 200-203, 212. On corruption and personal rent-seeking by communal oligarchs, see W.W. HAGEN, *Ordinary Prussians*, cit., pp. 454-466. For analogous findings for serf communities in Bohemia and Russia, see S. OGILVIE, *Communities*, cit.; and T. DENNISON, S. OGILVIE, *Serfdom and Social Capital*, cit.

⁷² M. CĚRMAN, *Villagers and Lords*, cit., p. 35; H. HARNISCH, *Die Landgemeinde*, cit., pp. 91-95; W.W. HAGEN, *Ordinary Prussians*, cit., pp. 118, 454-466.

⁷³ H. HARNISCH, *Die Landgemeinde*, cit., p. 93.

⁷⁴ J. PETERS, *Inszenierung von Gutsberrschaft*, cit., p. 269.

⁷⁵ H. HARNISCH, *Die Landgemeinde*, cit., pp. 91, 95.

⁷⁶ J. PETERS, *Die Herrschaft Plattenburg-Wilsnack*, cit., p. 160.

⁷⁷ Quoted in H. HARNISCH, *Peasants and Markets*, cit., p. 99.

manorial dominance view. However, community institutions did not always act to preserve the autonomy of individual serfs, let alone to protect them against the constraints of serfdom, counter to the communal autonomy approach. Neither dismissing community institutions as powerless nor romanticizing them as a vehicle of serf autonomy does justice to their complex role within German serfdom.

4. THE STATE

The third major institution that shaped serfdom was the state. The literature takes widely differing views of the role of the state in German serfdom. The traditional historiography portrays the German state mainly as a provider of 'peasant protection' (*Bauernschutz*). According to this view, the weakness of rulers east of the Elbe compelled them to rely on the nobility, which prevented rulers from protecting peasants as in the west. Serfdom therefore intensified east of the Elbe because of the weakness of state institutions. Doubt is cast on this view, however, by the examples of early modern societies such as Brandenburg or the Habsburg Lands, where strong state institutions remained wholly compatible with serfdom for centuries.

Marxist historians veer to the opposite extreme, portraying the state simply as 'centralized feudalism'. According to this jaundiced view, the German absolutist state provided occasional redress for serf grievances but solely to safeguard its own extortions. More often, it supported noble overlords against their serfs, out of shared class interests. But this theory also does not wholly explain the evidence that German states competed with the nobility for peasant surpluses, offered redress for serf grievances against overlords, and ultimately pushed for the reform or even the abolition of serfdom.

Revisionist approaches to serfdom reject both traditional and Marxist views, instead portraying the state as largely irrelevant to serfs' lives. Serfs ignored and circumvented state regulations, the revisionists argue, to an even greater extent than they ignored manorial controls. As a result, serfdom was largely untouched by state action, for good or ill.⁷⁸ The revisionist view is a welcome corrective to the older literature, in pointing out the limitations of state power and the many aspects of serfs' lives in which it played little direct role.

But this argument must not be taken too far. Micro-studies reveal that in most eastern German societies state institutions exercised multiple effects on serfdom. The state taxed and conscripted serfs. It guaranteed serfs the right to litigate against lords in state courts. It acted as the direct overlord of many serfs on crown domains. Above all, the state shaped, enforced, and ultimately abolished the legal framework which sustained the whole regime of serfdom. The role of the state is

⁷⁸ See J. SCHLUMBOHM, *Gesetze, die nicht durchgesetzt werden – ein Strukturmerkmal des frühneuzeitlichen Staates?*, in "Geschichte und Gesellschaft", 23, 1997, pp. 647-663 for the argument that the early modern German state was an irrelevant issuer of 'laws that were not enforced'; and W.W. HAGEN, *Ordinary Prussians*, cit., pp. 466-473 and *passim*, for the argument that early modern Prussian militarism and absolutism were circumvented by unruly serfs and failed to reinforce the absolutist or the seigneurial order on the local level.

not consistent with simplistic traditional views of ‘peasant protection’ or ‘centralized feudalism’. But nor was the state irrelevant to German serfdom.

4.1. *Taxation and Conscription*

First, the state regarded serfs as its major – often sole – source of tax payments and army conscripts. This gave it two countervailing incentives vis-à-vis serfdom. On the one hand, fiscal interests motivated the state to compete with overlords for serf money and labour. In Brandenburg, for instance, when lords demanded more forced labour, state courts not infrequently granted redress to serfs, if only to safeguard peasants’ fiscal capacities.⁷⁹ On the other hand, the costs of maintaining state officials on the ground created strong incentives for the state to devolve tax-collection and conscription to local personnel, which meant collaborating with the manorial administration and the whole regime of serfdom.

The organization of conscription under German serfdom illustrates this vividly. Counter to revisionist claims that the absolutist state was largely absent from serfs’ lives, the standing army was an institution of decisive importance for the early modern Prussian rural population. Every male serf as he grew up was subject to the grasp of the state in the form of the Prussian army unless and until he was formally released.⁸⁰ If a serf family had more than one son who survived to adulthood, at least one of them would be conscripted.⁸¹ Usually the one chosen would be the tallest and strongest.⁸² No serf could apply to the manor to take on a landholding without providing information on his age and his height; only short serfs could hope to be freed from conscription.⁸³ This affected not just the man himself but the whole family, since the Prussian military decided which son would have to be a soldier, and thus which would be left behind to inherit the holding.⁸⁴ Surviving serf testimony explicitly describes how state constraints affected people’s choices. In 1789, for instance, a peasant woman from Weggun on the Uckermark estate of Boitzenburg explained that she and her husband had agreed to transfer the farm to her eldest son ‘solely because they had formed the intention of protecting the son from having to become a soldier’.⁸⁵ In 1801, a Boitzenburg widow petitioned to marry a peasant’s son who subsequently failed to obtain his release from the army; three months later, she applied for permission to marry a male servant, on the grounds that since he was very small he would be more likely to obtain his release.⁸⁶

So state institutions affected serfs’ labour, inheritance and marriage options. But they did so primarily in collaboration with the manorial administration of

⁷⁹ W.W. HAGEN (1989); M. CERMAN, *Villagers and Lords*, cit., p. 50.

⁸⁰ H. HARNISCH, *Die Landgemeinde*, cit., pp. 93, 104.

⁸¹ *Ibid.*, pp. 104-105.

⁸² *Ibid.*, p. 105.

⁸³ *Ibid.*, p. 104.

⁸⁴ *Ibid.*, pp. 99, 104.

⁸⁵ Quoted in *Ibid.*, p. 105.

⁸⁶ *Ibid.*, p. 103.

serfdom. On the Uckermark estate of Boitzenburg, for instance, almost every application to transfer a farm to a new serf was accompanied by an application for release from military conscription. The overlord decided which serfs' names went on the list of those to be released from conscription which he sent to the War Ministry annually.⁸⁷ So in Prussia at least, the manor and state together decided which male serfs would be allowed to marry, inherit, or get access to land. The whole system of serfdom in this largest and most powerful of eastern German territories was viscerally interconnected with the interests of the absolutist state.

4.2. *Serfs' Access to the Legal System*

A second way the state affected serfdom was by determining serfs' access to the legal system. In most German territories under serfdom, as we have seen, the serfs' own village courts enjoyed the lower jurisdiction, which decided on minor offences, neighbourly conflicts, and land transactions. But the higher jurisdiction over major offences was exercised in the first instance not by princely courts as in western Europe but by manorial courts. Eastern German overlords typically secured this jurisdictional control from princes in return for fiscal and political favours, although to varying degrees in different societies.⁸⁸

In some manifestations of European serfdom, as in Bohemia and Russia, overlords also successfully secured state legislation denying serfs right of appeal to princely courts.⁸⁹ But a distinctive characteristic of German serfdom was that in most territories, including Prussia, serfs retained (or were explicitly granted) the institutional entitlement to appeal against their overlords to state courts.⁹⁰ Furthermore, since German territories were also part of the Holy Roman Empire, German serfs could appeal not just to the courts of their territorial overlord but to the imperial courts in Vienna. These multiple levels of sovereignty gave German serfs multiple levels of judicial authority to manipulate against their overlords.

The judgements handed down by princely or imperial courts sometimes issued in favourable decisions for German serfs, although this depended on circumstances. One favourable circumstance was if the lord in question had encroached on the institutional prerogatives of other powerful groups in society. In 1579, for instance, the lord of Bredow had not only arbitrarily increased his serfs' labour services but also seriously annoyed other noble lords, powerful towns, and the Elector of Brandenburg himself. As a result, the Bredow serfs secured a commission of inquiry from the Elector, and ultimately a favourable judgement which confirmed them in their customary labour services.⁹¹

⁸⁷ *Ibid.*, p. 104.

⁸⁸ H. KAAK, *Die Gutsberrschaft: theoriegeschichtliche Untersuchungen zum Agrarwesen im ostelbischen Raum*, Berlin/New York 1991.

⁸⁹ S. OGILVIE, *Staat und Untertanen in der lokalen Gesellschaft*, cit.; T. DENNISON, *The Institutional Framework of Russian Serfdom*, Cambridge 2011.

⁹⁰ W.W. HAGEN, *Ordinary Prussians*, cit., pp. 93, 529, 573, 579-580.

⁹¹ H. HARNISCH, *Klassenkämpfe der Bauern*, cit., pp. 165-167.

Access to state courts was good for serfs but its importance should not be exaggerated. High costs and long delays precluded serfs' using state courts except for the most serious cases. Distant state courts found it difficult to enforce their decisions against lords who held all the reins of local administration, include those which the state itself wanted to keep in being for its own purposes such as taxation and conscription.⁹² Even when a state court decided in favour of the serfs, it also often declared solidarity with the lord, as in 1579 when the Elector of Brandenburg confirmed the Bredow serfs' customary services of 'only' three days a week, but also commanded them to refrain from resisting labour dues in future 'on pain of corporal punishment'.⁹³ Likewise, in 1622 a princely court in Brandenburg confirmed that a particular group of serfs should be maintained with their ancient, finite labour services but also explicitly declared that 'If [the peasants] refuse labour services further in future, the [lord] shall be free to make appropriate use of his *Gerichte* [manorial court jurisdiction]'.⁹⁴ As late as 1794, when a number of serf villages in the Altmark of Brandenburg met to discuss commuting labour services to money rents without having first obtained their lord's permission, the Prussian High Court issued a sharp reprimand, warning against any further meetings of this sort by serfs anywhere in the country, on the grounds that the lords had legally acquired their right to levy forced labour services and could 'not do without them if they are to maintain their estates'.⁹⁵

The outcome of legal conflicts between serfs and their overlords was influenced by the power of the ruler relative to the nobility in each German territory. Where the ruler was weak compared to the nobles, the powers of landlords over serfs tended to be greater. But this did not mean that the state had no effect on serfdom in such territories: where the ruler depended heavily on noble support, he not only refrained from granting redress to serfs but positively supported overlords. The extent to which this happened varied among German territories. In early modern Brandenburg, Mecklenburg and Pomerania, rulers lacked alternative sources of financial and political support, so in order to obtain grants of taxes and payment of princely debts they acquiesced in most noble demands, including permission to intensify serfdom and even state enforcement for such intensification. In Electoral Saxony, by contrast, rulers had rich alternative sources of revenue (notably from mining taxes) and political support (notably from the powerful Saxon towns), enabling them to resist noble demands to a greater extent.⁹⁶ Rulers' stance towards supporting serfdom also changed over time in eastern German territories. As the absolutist state became more entrenched in Brandenburg, for instance, state courts became much more willing to grant redress to serfs in appeals against landlords, and much better able to enforce their judgements.⁹⁷ But even there, as we have seen, the absolutist state's demands for

⁹² *Ibid.*, p. 159.

⁹³ Quoted in *Ibid.*, p. 168.

⁹⁴ Quoted in *Ibid.*, p. 163.

⁹⁵ Quoted in H. HARNISCH, *Peasants and Markets*, cit., p. 62.

⁹⁶ *Ibid.*, p. 41.

⁹⁷ *Ibid.*, p. 53.

taxes and conscripts continued to depend heavily on the local manorial administration of serfdom.

4.3. *The State as Overlord*

German rulers also affected serfdom by themselves acting as overlords to non-trivial groups of 'state serfs' on the royal estates. In 1740, it was estimated that royal estates made up one-quarter of the total land area of Prussia as a whole, although it varied from much higher proportions in East Prussia, Lithuania, Magdeburg, Halberstadt, and Kurmark, to much lower proportions in Silesia.⁹⁸ At the beginning of the eighteenth century, the princely estates in east-Elbian Prussia had the same social structure as the manors of the nobility: serfs had the same varieties of personal status and property rights, they owed similar types and amounts of labour services, and they were similarly subject to the jurisdiction and regulatory authority of their landlords.⁹⁹ But during the eighteenth century, princely estates in Prussia experimented with a variety of reform initiatives with a view to increasing the efficiency of agriculture, or at least the revenue streams to be extracted from it for the good of the state.¹⁰⁰ These reform proposals were justified on the grounds that the existing organization of serfdom in east-Elbian Prussia created economic inefficiency: it left one-third of all cultivable land unused; much land was wasted on extensive agriculture in the manorial demesnes rather than being tenanted with peasants who would cultivate it more intensively; much labour was wasted in forced services which caused human and animal time to be used unproductively; and excessive extortions prevented serf demand from stimulating the growth of industry and commerce.¹⁰¹

One initiative that did have some success in Prussia were princely efforts at 'peasant colonization', whereby sub-peasant groups such as smallholders, cottagers and houseless lodgers were allowed to settle alongside the full peasant holders who had hitherto formed the majority of the serfs. The aim was both to strengthen the realm and its armies by increasing population and to reduce reliance on forced labour services by generating a large group of wage labourers. This aim was not achieved, because the cultivation of demesnes on the princely estates using forced labour services continued to appear more profitable than shifting over to paid labourers; but the settlement of sub-peasant groups was successfully undertaken.¹⁰² Such 'new' social strata were also subject to serfdom, but gradually gave it a different meaning since they did not hold land in the traditional way like full peasant holders, and many of them did not hold land at all. Even though peasant holders were already involved in markets, the new and growing strata of cottagers

⁹⁸ H. HARNISCH, *Der preußische Absolutismus und die Bauern. Sozialkonservative Gesellschaftspolitik und Vorleistung zur Modernisierung*, in "Jahrbuch für Wirtschaftsgeschichte", 1994, 2, pp. 11-32, p. 14.

⁹⁹ *Ibid.*, pp. 14-15.

¹⁰⁰ See the discussion in *Ibid.*, pp. 13, 15, and *passim*; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit., p. 26.

¹⁰¹ H. HARNISCH, *Der preußische Absolutismus und die Bauern*, cit., pp. 15-17.

¹⁰² *Ibid.*, pp. 19-21.

and lodgers were much more fully oriented towards the market since they produced hardly any of the food they needed and had to sell their labour. The Prussian state thus affected serfdom directly by encouraging the settlement of sub-peasant social strata on royal estates to a greater extent than noble overlords did on their manors.¹⁰³

Almost all the other initiatives to reform German serfdom before 1807, however, came to naught even on the royal estates.¹⁰⁴ Older literature which claims that the Prussian state abolished serfdom on royal estates from the early decades of the eighteenth century onwards are inaccurate. The personal status and property rights of serfs on royal estates were reformed in minor and uneven ways in the course of the eighteenth century, but the serfs remained subject to migration restrictions and most of the other constraints of serfdom. Likewise, although the kings of Prussia claimed to be granting serfs on their estates property rights, it was never quite clear what this meant. Serfs on royal estates still faced significant constraints on what they were actually allowed to do with their holdings: they continued to be prevented from subdividing them, and they still had to obtain permission from the manorial authorities to sell or bequeath them.¹⁰⁵ Furthermore, royal estates retained the ubiquitous manorial prohibition against serfs and their offspring practising 'bourgeois occupations' (i.e. crafts or trades) without special consent, which manorial administrators continued to deny in many cases in order to maintain the local agricultural labour force.¹⁰⁶ Even though the Prussian royal estates experimented with proposals resisted by noble lords, such as commuting labour dues to money rents and granting property rights to usufruct tenants,¹⁰⁷ serfs were not actually freed even on the royal estates until the Stein-Hardenberg Reforms of 1807.¹⁰⁸

4.4. *The State and Serf Emancipation*

This leads to the final important way in which the German state affected the lives of serfs: by legislating to shape, sustain and ultimately abolish the entire system of serfdom.¹⁰⁹ This was a major respect in which the development of serfdom in Germany differed from that in other European societies. In England and the Netherlands, serfdom was hardly at all maintained by state legislation and was simply allowed to disintegrate. In France and many western German states, the seigneurial system enjoyed a certain amount of support from rulers, weakened later and more slowly, and only lost its final privileges in the wake of the French Revolution. But in the German-speaking lands in which strong manorialism

¹⁰³ H. HARNISCH, *Peasants and Markets*, cit., p. 47; HARNISCH, *Der preußische Absolutismus und die Bauern*, cit., pp. 21-22.

¹⁰⁴ *Ibid.*, pp. 17-19; 30-31; H. HARNISCH, G. HEITZ, *Feudale Gutswirtschaft*, cit., p. 26.

¹⁰⁵ H. HARNISCH, *Der preußische Absolutismus und die Bauern*, cit., pp. 27-28.

¹⁰⁶ *Ibid.*, p. 28.

¹⁰⁷ H. HARNISCH, *Peasants and Markets*, cit., pp. 64-65.

¹⁰⁸ IDEM, *Der preußische Absolutismus und die Bauern*, cit., pp. 23-6.

¹⁰⁹ *Ibid.*, pp. 23ss.

survived – Brandenburg-Prussia, Pomerania, Mecklenburg, Schleswig-Holstein, Saxony – state legislation played an important role both in the maintenance of serfdom and in its ultimate abolition.¹¹⁰

The German state, as we have seen, affected serfdom in numerous ways. But arguably the most important was in solving the ‘free-rider’ problem among landlords. A major reason why labour scarcity issued in serfdom in the east and its dissolution in the west was the divergence in political solutions to this free-rider problem. Labour scarcity created incentives for landlords to compete with one another to offer better conditions to their serfs, and this is what happened in western Europe after the Black Death. But in eastern Europe, landlords responded to labour scarcity by using mobility restrictions to prevent serfs from voting with their feet to migrate to better conditions and cooperating with other lords to send fugitives back. Like any cartellistic arrangement, this was threatened by free-rider problems: lords collectively benefited from other lords’ compliance but individually profited by violating the arrangement. In western Europe, these free-rider problems led serfdom gradually to collapse, as lords offered progressively better conditions to peasants in order to attract scarce labour. But in eastern Europe, including eastern Germany, rulers offered themselves as a sort of referee, creating a formal legislative framework that enabled lords to commit themselves collectively not to compete for serfs. This ensured that serfdom survived for centuries, until the state abolished the framework.

State decrees in German territories to abolish serfdom in the late eighteenth and early nineteenth centuries effectuated both more and less than is often assumed, and for that reason are often misinterpreted. They did *more* than is often realised because they changed not only the institutional powers of lords but also often those of the village community. But they also achieved *less* than is often believed because typically they did not wholly abolish the institutional powers of lords under the manorial system, but merely reduced them, requiring a whole series of further steps before serfs were completely emancipated.

In a number of German states, such as Prussia, the state reforms that abolished serfdom actually involved setting up a system of legal obligations requiring former serfs and their descendants to make ‘redemption payments’ to their former overlords and their descendants.¹¹¹ In so doing, the state played a final and important institutional role in serfdom: mediating an enforceable agreement between serfs and overlords which credibly committed former serfs to reimburse former overlords for the losses caused by the institutional transformation. As economic theories of institutions point out, institutional changes that would make the entire economy better off are often prevented by the fact that it is difficult for the potential winners from reform to commit themselves to reimburse the losers after the latter have lost their institutional advantages.¹¹² The final, fundamental role

¹¹⁰ H. HARNISCH, *Peasants and Markets*, cit., p. 37.

¹¹¹ *Ibid.*, pp. 65-66.

¹¹² For a discussion of this problem, see S. OGILVIE, “*Whatever Is, Is Right?*”, cit., pp. 666-667; D.ACEMOGLU, *Why Not a Political Coase Theorem? Social Conflict, Commitment and Politics*, in “*Journal of Comparative Economics*”, 31, 2003, 4, pp. 620-652.

of the state in German serfdom was to solve this problem by mediating and enforcing a commitment between winners and losers that would benefit the entire economy.

5. CONCLUSION

What can we learn about serfdom from early modern Germany? The powers of landlords over serfs under the manorial system varied greatly across German societies, but not in ways that are usefully explained by binary classifications. Earnest definitional debates over whether *Leibeigenschaft* (personal bondage) or *Gutsuntertänigkeit* (estate subjection) were ‘really’ serfdom largely miss the point, which is to understand how unfreedom affected the well-being of rural people and the growth trajectory of the economy. Micro-historical findings show that the two forms of unfreedom hardly differed in most practical respects. Both of them involved forced labour, mobility restrictions, marriage controls, lack of secure property rights, manorial jurisdiction, and compulsory employment of young adults in forced servanthood on the demesne. Whether these institutional constraints were attached to the person or to the tenurial relationship was of little practical importance in the vast majority of serf decisions, which explains why contemporaries often conflated the two forms of unfreedom. What did matter was the practical implementation of the institutional constraints of serfdom in everyday life.

One component of these constraints consisted of manorial institutions. German micro-studies confirm neither ‘manorial dominance’ assumptions nor ‘revisionist’ portrayals of manorial institutions. Serfs made many choices in which the manor did not intervene, but this did not mean that all serf choices were unconstrained. On some early modern German estates, serfdom was fairly loosely organized, leaving more interstices within which serfs could take their own choices; but even in such localities people incurred costs in circumventing manorial regulations. On other German estates, serfdom was brutally enforced and serfs had to incur enormous costs and risks, often operating in the grey or black market, to get around its constraints. Even circumvention of manorial regulations simply created black-market ‘informal sectors’ in which the fact that transactions were illegitimate rendered them risky, costly, open to exploitation, and much less capable of leading to sustained economic growth. Both microanalyses and macroeconomic outcomes suggest that manorial institutions mattered, both for the well-being of serfs and for the productivity of the wider economy. Eastern European economic backwardness was no myth – unfortunately for the millions whose lives it impoverished.

Communal institutions also played a key role in German serfdom, counter to the ‘manorial dominance’ view that serfdom suppressed village life. But the full complexity of this role is not reflected in revisionist theories of complete ‘communal autonomy’. Community institutions certainly sometimes helped serfs resist manorial incursions. But micro-studies reveal clearly that in normal times village institutions carried out essential tasks that supported the manorial

administration in ensuring that serfdom worked. A far-reaching 'community responsibility system' created brutal incentives for villages to enforce the obligations of serfdom against their own errant members in order to avoid incurring punishment for the entire community. Communal institutions were dominated by an oligarchy: they created a certain autonomy for more powerful serfs, but often at the expense of the weak or the marginal.

The state was also a central component of the institutional framework of German serfdom. But its role was complex and cannot be fully explained in terms of 'peasant protection', 'centralized feudalism', or revisionist assumptions about state irrelevance. Fiscal and military interests made rulers simultaneously rivals and collaborators with manorial lords for the streams of benefits they could extort from serfs. As rivals to lords, rulers offered serfs legal redress against manorial abuses and experimented with agrarian reforms on royal estates. As collaborators with lords, rulers devolved taxation and conscription to them in return for state enforcement. The tense equilibrium between these two countervailing interests on the part of rulers gave rise to centuries of near-stasis in most territories of eastern Germany, during which the state supplied the coercive force that maintained serfdom by solving 'free-rider' problems among lords. The centrality of state institutions survived to the bitter end of German serfdom, when the state did not so much abolish serfdom as mediate an enforceable commitment by which former serfs and their successors compensated former overlords and their successors.

Serfdom, as the German evidence shows, cannot be understood in isolation from the wider institutional framework within which it was embedded. It did not consist merely of manorial rights to extort labour, control land, restrict mobility, or judge serfs. Indeed, serfdom cannot be understood in terms of manorial institutions alone. Rather, we must examine the entire framework of institutional constraints within which rural people made their decisions. Serfdom could only work in conjunction with institutional constraints imposed by the community and the state, sometimes in opposition to the manor but surprisingly often in collaboration with it. This gave rise to a complex situation in which serfs in different societies, different estates in the same society, and different time-periods on the same estate, were subject to differing degrees of institutional control on their choices. This in turn had far-reaching implications for the well-being of individual serfs and the performance of the entire economy. Understanding serfdom requires moving away from terminological debates about whether a particular situation should or should not be defined as 'serfdom', and instead focussing on how rural people's choices were constrained and facilitated by the multiplicity of institutional constraints within which they had to operate.