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॥ प्रदीपयेत् जगत् सत्यम् ॥

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Introduction

“For that some should rule and others be ruled is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule,” said Aristotle (Politics). He believed that some people were born slaves and ought to be slaves under any circumstances and people who were born to rule these slaves could use them as they pleased and could treat them as property. He added that natural slaves were slaves because their souls weren't complete - they lacked certain qualities, such as the ability to think properly, and so they needed to have masters to tell them what to do. In fact, Aristotle thought of slaves as 'living tools' like domestic animals, fit only for physical labour. This is the stream of thought that continued to echo in the European society. Certain sections of society were oppressed by the more powerful and the exploitation took the form of slavery in the beginning which turned into serfdom by the 10th century with changes in the economic and political situation. Though the terminology changed, the truth remained that exploitation had only taken a different form and it was a fine line dividing slavery and serfdom and the two often got blurred. Unfreedom and the lack of dignity and respect for fellow human beings formed the core of both these practices.

Slavery in Medieval Europe

Slavery was foundational to the medieval European economy and was at the core of its economic progress. One of the classic examples of slave society was Rome. Slaves played a major role in Roman commerce by accounting for most of the means of the industrial output. It was estimated that nearly five million slaves resided in Rome. Tens of thousands of slaves were drawn from all over Europe and the Mediterranean. It was the reign of King Charlemagne which truly marked the beginning of global slave trade. He had united large parts of West and Central Europe during the Middle Ages. His campaigns involved taking slaves and selling them to highest bidders. Due to this, European slaves gained wide popularity in the Muslim countries. Within Europe, the slaves were forced to work as labourers in agricultural fields, mines and quarries in subhuman conditions. They were also used for domestic, artisanal and sexual services among others.

Some enslaved people also served as accountants for wealthy Romans. Due to the availability of a large slave population, big estates grew valuable crops like olives and grapes which contributed in a major way to the economic development of the medieval European society. Another area where slaves were used was for the purpose of entertainment. The gladiators who fought in Roman arenas were essentially slaves who were trained under harsh conditions and led their lives as social outcasts. Most of them were soldiers who had survived a war and taken captive. They had no value attached to their lives. Wherever, slaves were taken as captive as a result of war or raids, it needs to be noted that a huge number of men were also massacred on the spot and women and children were taken captive in large numbers. Slavery robbed people of their individuality and reduced them to the status of objects in the eyes of the law. As stated earlier, the enslaved people were classified as livestock and they were not treated like humans.

Contrary to popular belief, not all slaves were captured from other countries. In Italy, most of the slaves were native Europeans. A biochemical analysis of 166 skeletons from three imperial-era cemeteries in the vicinity of Rome confirmed that only one individual came from North Africa and another two also possibly came from outside Europe, but the results could not be conclusively proved.¹ Slaves also included those convicts who lost their freedom as citizens. Such people had to forfeit their property to the state and became *servipoenae*, slaves as a legal penalty. They could not buy their freedom, be sold or be set free.

A slave was kept subservient using both laws and societal norms. The law deprived them of all judicial personality by terming them as the property of their master. They required their master's permission to carry out any function. Slavery essentially symbolised a system in which enslaved people could be bought and sold as property. The nature of this institution was elucidated in the early medieval law from Bavaria, a region which is now part of Germany. Take a look at a translation of this early medieval law from Bavaria, a region now part of Germany: "A

¹Kristina Killgrove. "Migration and Mobility in Imperial Rome." Journal, University of North Carolina at Chapel Hill.

sale once completed should not be altered, unless a defect is found which the vendor has concealed, in the slave or horse or any other livestock sold...: for animals have defects which a vendor can sometimes conceal.”²

Slaves had no legal rights to marry and only cohabitation was permitted by the masters. The Roman law ensured the continuity of this institution by fixing the transmission of personal status from the mother to the child 'through the belly' (*per ventrem*).³ A slave was considered not to have a personality or own his body. In Anglo-Saxon law, a slave could be stoned or hanged like a thief for running away. The testimonies of slaves were never accepted in a court of law unless they were tortured as it was believed that the loyalty of slaves would forbid them from revealing the private affairs of their masters unless they were coerced.⁴

It is widely accepted by historians that slavery which was prevalent in Europe in the first century AD had disappeared by the twelfth century. Economic factors which included shift in the nature of agricultural production, technological progress and changing nature of markets meant that it was no longer profitable to have slaves. There were also multiple other factors at play like military and political events, slave rebellions and shortage of supply of slaves. The Black Death of 1347–1348, following famine in the earlier 1340s, killed up to a third of the population in much of Europe, creating a labour shortage. Combined with these was the expansion of Christianity which termed it a sin to enslave fellow Christians. But even when slavery as a system was abolished, it did see periods of revivals and it continued to exist in the domestic sphere.

Between the twelfth and seventeenth centuries, forms of slavery were present in various parts of Europe. The only difference was that during this period, the practice of slavery escaped notice as this was confined within the four walls of a house and the affected were mostly voiceless women. Women continued to be

² Edict of the Aediles, Book I

³ Partus sequitur ventrem

⁴ Ingram, John Kells. "Slavery" Encyclopaedia Britannica. 1911, 25 (11th ed.). Cambridge University Press. pp. 216–227.

exploited and many were even kidnapped and sold as prostitutes in England. The women who were employed in domestic sphere were often single women with no family of their own. It was due to the continuance of slavery in the domestic spaces that the system did not entirely disappear from Europe.

The real evil of slavery can only be understood if particular attention is paid to the condition of women. In Susan Stuard's research on the urban society of the late medieval Mediterranean, it was brought to light that a system of domestic slavery persisted in the aristocratic households of the Dalmatian coast throughout the Middle Ages. The majority of these slaves were women and the reason for this was predominantly economic. Women were an asset in manufacturing processes and in carrying out complex tasks like weaving and sewing. Along with a range of household chores, the talents of these women were used in economy and commerce with no additional costs. In addition to this, the position of women in Medieval Europe made them subservient with no chance of going against their lord's will ever. Sexual abuse of these women by the lords was considered the norm and any children born out of such forced relation became the master's property due to rule of the transmission of status through mother. Due to this, the master could always threaten the women that their children will be taken away from them and sold to another household.

There are evidences of slavery existing in many parts of Europe even after the Renaissance period. In Italy, it persisted till the 17th century. In the period 1300–1700, slaves comprised five per cent of the population of Italy. It had also survived in some monastery estates. During the Renaissance and into the modern era, household slavery continued, as did the use of slavery to retain valued artisans.

Throughout most of the eighteenth-century, English newspapers contained advertisements to sell slaves and to recover those who had run away. Later, slavery in England became unsupportable by law due to judicial intervention. In 1772, the Lord Chief Justice Baron Mansfield ruled in the famous *James Somerset v. Charles Stewart* case that a slave essentially gained his freedom by landing in Britain. He ruled that the plaintiff, a former Virginia slave could not be forced back into slavery and shipped

against his will to Jamaica. A notion was also established that if runaway slaves embraced Christianity, then they were emancipated. But most of the time all this was only on paper. Double standards prevailed in the English society as English men continued to be the major players in the international slave trade, especially out of Africa. They also had large sugar and tobacco plantations in the Caribbean and the South where they were the major slave owners. These facts made it clear that it was not the changing societal morality but other external factors led to slavery taking on a new form in Europe.

The absence of state power had made the enforcement of slave laws nearly impossible. But it was the change in economic and political scenario that eventually led to slavery transforming to serfdom. There was a slowing down of imperial expansion which meant there were fewer prisoners of war who could be enslaved. There was the collapse of the Western Roman Empire which also led to an economic slowdown. This made it unviable for the landowners to maintain a huge workforce which was incapable of sustaining on its own. It became important for real estate farms to search for low-cost labour and to become self-sufficient without relying on outside aid in the absence of a centralised economy. By mid- fourteenth century, the objective was not to keep slaves but to get most out of tenants. The demand for slave labour was also reduced by technological improvements including improved heavy ploughs, horse collar and harnesses and water mills among others. More effective crop rotation improved yields. Slaves who were bound to the master became no longer sustainable.

As city economies crumbled and more people started migrating from the villages, the landowners negotiated a new kind of labour agreement with the slaves and also those poor peasants who came from elsewhere. Moreover, the abundance of land gave peasants more options to withdraw from the farms of their landlords. This created a strong incentive for the landlords to bring in a system that will tie the peasants to the land and stop them from migrating to other estates or searching for some other work. In addition to this, the death of King Charlemagne who tried to bring Europe under one system of landowner agreements in the late eighth and early ninth century CE also gave impetus to

instituting a new form of exploitation. He had established counties and appointed counts to rule regions of his domain. But after his death, his empire dissolved and counts who had received land from the court of the king consolidated their power and exerted power on people who lived on the lands. It became important to find workers to till these lands.⁵

So, a system called *coloni* was put in place where the slaves and peasants were neither enslaved nor truly free. They didn't own the land; they rented it from a landowner in exchange for a portion of the harvest produced in their fields. Some of them became labourers to be paid in money or food rents or by the tenure of rent-free small holds. These labourers were most in demand for permanent services like those of the shepherd, swineherd, oxherd, dairy etc., since the regular villein had to work his own lands and could only give intermittent services to the lord.⁶ As this arrangement started yielding favourable results for the lords, the Roman emperors created laws that bound the *coloni* to the land and made their status hereditary—it passed from parent to child. The *coloni* did not have the permission to leave the land they were assigned and they could not file suit against their landlords. A *coloni* could marry, but they couldn't marry a free person. This system eventually came to be known as serfdom and by eleventh century a good section of slave population had assimilated in the class of serfs. It opened another chapter in the exploitative history of medieval Europe where the operations of landed estates became the backbone of its economy.

Church's relationship with slavery

The Church's relationship with slavery and serfdom remained complex. For a very long period, it supported both these institutions and had through several means legitimized slavery and serfdom. The intermixing of slavery with religion was also amongst the major factors that rendered slavery invisible in the European society. In many ways, the teachings and practices of Christianity paved the way for the acceptance of slavery.

⁵ Marten Seppel. "Three definite conclusions on indefinable serfdom." SZTE OJS Journals. University of Szeged

⁶ J. A. Raftis. "The Trends Toward Serfdom in Mediaeval England." Canadian Catholic Historical Association Report, Vol.22 (1955)

The Anglo-Saxon raiders founded a society in the fifth century after the Romans had abandoned Britain. It was a society based on triple division: nobles, freemen and slaves. In the year 597 CE, Augustine of Canterbury was sent by Pope Gregory the Great to convert the Anglo-Saxons to Christianity. By the end of seventh century, Christianity had spread across Europe but slavery was viewed as part of everyday life and the many teachings and practices of the church only further embedded this thought deep in the minds of people. The multiple wars along with poverty ensured that there was always a steady supply of slaves.

In the initial years, there are many instances which prove that the Church had extended its complete support to the landed class and was itself the largest slave owners of Europe. One of the earliest records of the Church's support to slavery can be seen in the letter to Ephesians written by Apostle Paul in which he said, "Slaves, obey your earthly masters with fear and trembling, single-mindedly as serving Christ." In 324 CE, the Church Council of Granges issued a decree which said that anyone inciting to revolt slaves against their masters should be anathemized. Even as late as 914 CE, the Church Council of Altheim compared slaves running from their masters to with Christians running away from the church.

It is interesting to note that the social sanction for slavery was drawn from the very religion which was later used to improve the condition of slaves. Church became the single dominant institution and its influence was visible on every aspect of human life. The Pauline doctrine had clearly stated that slaves ought to perform the duties of their condition and 'obey in all things [their] masters ... in singleness of heart, fearing God' (Col. iii.22). This idea was further reiterated by St Augustine who said that slavery forms part of the natural order, which provides 'a good disposition of discrepant parts, each in the fittest place'. But he who is a slave is a 'sinner', punished for his sins. God wished to see he whom 'he made ... reasonable ... lord only over the unreasonable, not over man but over beasts'. The truth remains that Christianity never posed a fundamental challenge to the institution of slavery. It only recognised certain subjective rights of the unfree. Slaves were owned by church estates. They were

the property of monastic centres. According to the law, their work for the church should be lighter than in secular estates. There are also records of some slaves receiving an income like part of yields and were required to pay taxes.⁷

The church also made provisions to maintain the hereditary social hierarchy. The church's teachings included that "it was God's will one had been born into a certain set of circumstances and attempting to improve one's lot was tantamount to claiming God had made a mistake." Workers were considered of the lowest status. In the Ethelberht's code written in 602, it was clear that there was a hierarchy among slaves and each slave was treated in accordance with the rank. For example, if any man lay with the king's grinding slaves, he had to pay the king 25 shillings whereas if the slave belonged to the third class, he had to pay only 12 shillings and if it was a commoner's slave, he had to pay only six shillings. The fine for a third-class slave was as low as twenty sceattas. The lawmakers as well as the clergy had clearly established that the status of slaves' dependent on their owners.

There is enough evidence that the churchmen had important roles to play in the government and they have had huge influence on the making of law from the time they arrived in England. The law did not consider slaves as equal to freemen. They were viewed as properties of their masters with no ability for independent thinking. A slave killing at the command of his master had to perform only forty days penance as opposed to a freeman who had to do one year's worth penance, plus intervals for the next two years.

Another way the church recognised slavery was by imposing fines on slaves who worked on Sundays against their master's orders or who travelled for their own business. The Sunday work also appears in the Ine's code, written at the end of the seventh century. In this, if a slave worked on a Sunday without the master's permission, the punishment was flogging or a fine. But if a master had ordered a slave to work, the master had to pay a fine and the slave was freed. In both the instances, the slave is

⁷<https://scienceinpoland.pap.pl/en/news/news%2C32715%2Cresearcher-slavery-was-common-medieval-europe.html>

presented as someone who has no choice and the interference of church between a master and a slave is evident. In many ways, the church had used the institution of slavery to force its own rules and enter every realm of society.

By the sixth century, the Church took a more humane attitude. The slaves who embraced Christianity were treated differently as Christians were time and again reminded of the doctrine that, 'there is neither bond nor free . . . for all one in Christ Jesus' (Gal. iii.28). This was clearly evident when there was a revival of slavery towards the end of Middle Ages and in the Early Modern Era. The Byzantine–Ottoman wars (1265–1479) and the Ottoman wars in Europe (14th to 20th centuries) which resulted in the capture of a large number of Christian slaves. During this time, there was a huge demand from the Islamic world for slaves. However, with the rising influence of Christianity, sale of Christian slaves to non-Christians was banned. This is substantiated by the pactum of Lotharii of 840 between Venice and the Carolingian Empire, wherein Venice promised not to buy Christian slaves in the Empire and not to sell Christian slaves to Muslims. Florence in Italy in 1363 permitted unrestrained import of non-Roman Catholic slaves. The Church also played an important role in protecting Christian slaves by prohibiting their exports to non-Christian lands. This was proclaimed in the Council of Koblenz in 922, the Council of London in 1102, and the Council of Armagh in 1171.⁸

However, it needs to be noted that the lenient view that the church took towards slavery had a strong economic aspect involved in it. The reason why the church forbade the selling of slaves who were countrymen was to keep labour which was becoming scarce within the European borders. When the church resorted to manumission to free the slaves and there was a decline in the number of slaves in medieval Europe, it was in effect the technological process that made slavery obsolete in the form that was practiced.

Even in the later years when the church claimed that freedom is a right to be cherished there were no honest attempts to ensure that every individual got this as a fundamental right. A reason for this

⁸Decrees on Sale of Unfree Christians, pp. 922–1171

was slavery was an intrinsic part of the medieval European mindset. The church officials saw themselves as slaves of God because of which the European society had no reason to believe that slavery was a practice that went against the fundamental right to freedom. Churchmen wrote laws that assumed the existence of slavery. Even the acts of manumission mostly gave slaves the hope of freedom but did nothing to alter their situation. Many a times, these were acts of charity done by the lords to respect the teachings of Christianity.⁹

When slavery ended, only its visible aspects such as sale in a public market had ended. It was allowed to take on another form such as serfdom which still preserved the social hierarchy and was based on coerced labour.

Serfdom in Medieval Europe

The word ‘serf’ has its origins in the Latin word, *servus* which means slave. This was supported by documentary evidence from legal texts and literature of late medieval England. Due to this, the term villeinage became the widely used term. It was also the name of the common law institution that developed in the twelfth century. The system used new terms to describe the terms, ‘villeins,’ ‘bondmen’ and ‘nativi’ instead of slaves. But it did not alter the fact that it was another form of exploitation and there was hardly any significant change in the condition of serfs when compared to the status of slaves. Serfdom first appeared in the Early Middle Ages in the Carolingian Empire and later spread to much of Western Europe.

In Roman law, serfs were included under the category of *res Mancipi* in deeds relating to property rights. The law made it clear that the individual was attached to the soil by a tie of dependence without any prejudice to their personal status which may be free or unfree. It needs to be noted that the term ‘mancipium’ applies to both men and women and its use can be found in many normative texts where its origins can be traced back to mean slave.

⁹Patricia M Dutchak. “The Church and Slavery in Anglo-Saxon England.” Past Imperfect

While slaves were of unfree status, serfs were of unfree tenure. They were given land in return for providing labour, goods and cash. Their freedom was severely restricted as the decisions regarding their lives were made by the lord they lived under. Like the *coloni* system, serfs were denied their basic rights as serfs were not allowed to marry without their lord's consent, nor could they leave their land as per free will. Serfs were often shifted along with their land to a new master and had no rights to sell their allocated plot of land. Many of them were also forced to work inside their lord's homes.

For the landlords, they no longer had to incur the cost of supervising slaves instead they had a productive workforce that was able to earn its own subsistence while also ensuring that the land owner got the lion's share of earning. In jest, it was demesne farming with labour services.¹⁰ It also gave rise to export opportunities as the consumption goods obtained through serfs were cheaper than the costs incurred while maintaining an enslaved workforce. The lords fixed the rent equal to maximum product net of the known subsistence consumption level. Instead of monitoring inputs and outputs like before, all a lord had to do was monitor rental payments to know if work was being done properly.¹¹ The main duty of the serf was to work upon the lord's field or demesne in that village. Ironically, in traditional societies, where there was no technological progress or capital accumulation, it became more profitable to employ serfs, provided they stayed poor.¹²

Exploitation of the serfs

From slavery which was full ownership of human beings, serfdom paved the way for limited ownership of human beings. But there was one factor that was common to both slavery and serfdom, that is, it represented ownership capital. It meant that

¹⁰ Stefano Fenoaltea. "The Organization of Serfdom in Eastern Europe: A Comment." *The Journal of Economic History*, Sep., 1983, Vol. 43, No. 3 (Sep., 1983), pp. 705-708

¹¹ Robert Millward. "The Organization of Serfdom in Eastern Europe: A Reply Source." *The Journal of Economic History*, Sep., 1983, Vol. 43, No. 3 (Sep., 1983), pp. 709-712

¹² Evsey D. Domar. "The Causes of Slavery or Serfdom: A Hypothesis." *The Journal of Economic History*, Mar., 1970, Vol. 30, No. 1, The Tasks of Economic History (Mar., 1970), pp. 18-32

both these systems were created to gain ownership over an income generating asset. The primary reason why slavery gave way to serfdom was economic. The changed economic and political situation made it economically draining to keep slaves as the responsibility of housing and feeding them fell on the lords' shoulders. Serfdom on the other hand was a much more profitable practice as in it the serfs had to fend for themselves and the landowners were also assured of their profit share. In addition to this, the lords also had the freedom to extract any amount of unpaid labour from them the serfs. This system kept ensuring private returns for the owners.

Serfdom in legal terms was recognition of certain subjective rights granted to an increasing number of former slaves. They were granted the right to marry and possess property as a tenant. A lord was not allowed to kill a serf. 'Hutting' of a slave by the master constituted an economic reality. The slaves were given rights to form families to ensure that the lords will always have a stable workforce with significant additions as time goes by. The institution of serfdom preserved the feudalistic character of society.

Serfs could live upon and work for the piece of land inside the estate of their master and unlike slaves, their master had no right to sell them as serfs were bound to the land. But what such a system did was to push serfs to debt servitude and to keep working for their masters as bonded labourers. They were often subjected to brutal treatment and had no means to any judicial remedy. The state rarely interfered in the lords' exercise of power which meant in reality, the lords had complete jurisdiction of the rights of the serfs and could impose any number of conditions on them. Such a withdrawal of the central administration pushed even free peasants into serfdom. The institution of serfdom also had the backing of the Church where it was enforced through its teachings that the lord had the right to rule and that the poor farmers were entitled to his protection. Lords of the manor were not always nobility. Many estates in England were monasteries.

Serfs had the obligation to perform various tasks for the owner. They were supposed to keep aside a portion of the week to plough on the lord's fields while also carrying out other tasks

like harvesting crops, repair works and engage in other household work in the lord's house. He could spend the rest of the week on individual produce to provide for his family. But most of the times, they had to give up their interest to carry out the duties assigned to them by the landowner. In harvest seasons, all the family members of a serf were mandated to work on the lord's field ignoring their land. All a serf got in return for the hard work was access to deadwood from the lord's forests and the manor's mills and ovens. They were forced to part with the best produce from their harvest and had to pay taxes and fees to the lord over all above this. They were also required to pay taxes on special occasions. They owed an extra dozen eggs on Easter Sunday and a goose on Christmas. There were also arbitrary tests conducted to ascertain the value of the tax that was paid. For example, a chicken had to be able to jump over a fence of a given height to be adequate for tax payment.

As can clearly be seen, the major difference between slaves and serfs was legal. The slaves even when they were given certain economic and social advantages were never considered a person in the eyes of the law. They were considered the property of their owner and could never have any individual rights.

On the other hand, the serfs were considered a person before the law and had certain rights. But these rights were severely curtailed and were predominantly dependent on what their lords were willing to give them. The unfree peasant did not have any fixed obligations and the lords could time and again change the duties assigned to them. The serfs did not have the legal right to own land and the unfree status was also inherited by their children.¹³ Serfdom was passed on from mothers to children which was a pattern followed by slavery in medieval Europe. Serfs were mostly farmers, peasants and slaves. They had to pay a fixed rate to their lords either in money or by giving a share of their produce. At Courtisols in France, serfs and ancillae (female serfs), whether they lived inside or outside the estate, owed, once they had reached adulthood, a chevage of twelve pennies. For the ancillae who 'possess any piece of the manse', there were specific

¹³ Judith Spicksley. 'Slavery in medieval England: broad continuation between the 12th and 17th centuries.' Economic History Society.

additional burdens. This evidence is derived from the Frankish ecclesiastical estates of the late eighth and the ninth centuries. Serfs were allowed to marry only among serfs of the same lord or else, they had to pay a heavy penalty. Under a rule known as *merchet* or *formariage*, a serf had to pay a fee in order to marry outside their lord's domain, as it meant depriving the lord of a source of labour. Even then, they couldn't leave the land without the lord's consent.

The serfs resented the social humiliation of their condition. They had become dehumanised. Certain obligations and legal disabilities continued to stand as the characteristic of unfreedom. The first was the ritual servile dues that serfs had to pay to their lords. This consisted of an annual confirmation tax, usually a chicken or its monetary equivalent and it established their complete subordination to their masters. Second, the serfs had to pay dues to their master whenever there was a change in their legal or personal status. These included matrimonial taxes, death duties and manumission fees. Matrimonial taxes were a result of young serfs entering the procreative stage of their lives. Death duties to the lord for the loss of his source of earning and manumission fees marked the transformation from servile status to freedom.

The inheritance tax known as *mainmorte* was the heaviest of all servile burdens. The survivors of a deceased female serf had to surrender her finest item of clothing and a male serf's family paid the dues with their largest head of livestock. By the eighteenth century, the families of the deceased serfs had to pay *mainmorte* in cash which was a significant percentage of a serf's total worth. If a serf died childless, then under the theory of *mainmorte*, his house, tools, and any possessions were confiscated by the lord using the argument that they had only been lent to the serf for his labour. When it came to death duties, it was recorded that it accounted for about half of St Blasien's income in Germany. A death duty of one-third of all moveable goods was levied on the estates of male serfs who had not married before the age of fifty. Another interesting practice found in this village was that servile status could be inherited from both female and male parents. This uncommon practice was known as 'serfdom of the baser hand' (*Leibeigenschaft der*

argeren Hand). According to this, mixed marriage between a serf and a free person would always produce offspring bound as serfs to the abbey which ensured that the population of serfs would grow along with the free.¹⁴

Serfdom as an institution was dependent on two factors – the limited ownership of human beings and limited ownership of land. Both these factors benefited the landowners as the first factor meant that lords could exploit the serfs for their private gains and the second part made a serf economically vulnerable and it tied him/her to the land, thus closing doors on freedom. The success of this institution was also dependent on establishment of monopoly and elimination of competition amongst other serf owners. With time, there were only a reduced number of players involved which not only eliminated competition but greatly expanded the serf owners' rights over serfs in both economic and non-economic spheres. Such a strengthened oligarchy which also had the support of a powerful central authority ensured the continuation of serfdom till the nineteenth century in Europe.¹⁵

A natural question that may arise is why did serfs agree to such an arrangement without any opposition in the initial stages? The answer to this lies in security. With there being no centralised government, there was threat of violence from all corners, especially from bandits and armed bands of other landlords. By accepting the terms and conditions of serfdom which had its origins in codes of the Germanic kingdoms, Church law, and Roman property ordinances, a serf could get the lord's private army to protect them. The unfree farming sustained these military units. An advantage of this was seen later when following the Black Death and peasant revolts, wealth began to concentrate on this peasant class. This led to economic development in terms of growth of cities and rise of guild economies which ultimately put Europe on the path of

¹⁴ David Martin Luebke. "Serfdom and Honour in Eighteenth-Century Germany." *Social History*, May, 1993, Vol. 18, No. 2 (May, 1993), pp. 143-161

¹⁵ Arcadius Kahan. "Notes on Serfdom in Western and Eastern Europe." *The Journal of Economic History*, Mar., 1973, Vol. 33, No. 1, *The Tasks of Economic History* (Mar., 1973), pp. 86-99

Renaissance and led them to undertake several overseas voyages. It is ironical that a civilisation that set out to reform the 'uncivilised' all over the world had exploitation and disregard for humanity at its very foundation.

There have been arguments put forth that serfdom was in effect contractual labour and serfs had a much better position in society than the slaves. Nothing could be farther from the truth. The one factor that was common to serfdom throughout Europe was that serfs were recognised as unfree and they were completely bound to the will of their lords. It is rendered meaningless when the landowners' judicial powers over serfs are taken into consideration. The lords enjoyed monopoly of judicial power over the serfs. The effectiveness of contractual relations when the adjudication is left to one of the contracting parties is not something that needs to be debated as the result of such an arrangement is already known. It would be a flaw to perceive this system as contractual as the real nature of this was institutional and the serfs were placed in a degrading and debilitating position.

Without doubt, instances have been recorded where serfs were given the right to leave the land holding after giving notice to their respective lords. Once free of their holding, they were considered free men. But such incidences were extremely rare and, in most cases, serfdom transformed into slavery with the lords being able to move the peasants from one holding to another thereby converting them into landless labourers or domestic servants.

The gender imbalance

There was a visible gender imbalance between men and women on agricultural units or manse. This was predominantly due to the fact that help was required for manual tasks like ploughing, herding of ox etc. which were seen to require masculine strength. The primary requirement was cereal production which required specialised farmers. The role of women was mostly limited to maintaining the stability of the family and in engaging in work that was physically less strenuous.

Unmarried women were often seen as a threat as unwanted pregnancies would render them incapable of productive

contribution to the lord's estate. Due to this, they were mostly employed in domestic spaces with their condition resembling that of slaves. They were not bound by tenure but were constantly moved from one land holding to another. This was substantiated by a study conducted on the villae of St Remi, where it was found that out of the total population of serfs in that area, there was an average of 156 men per hundred women. In the villae of the abbey of St Bertin, there were 44.4 per cent of male serfs settled on manses as compared with only 27.6 per cent of ancillae. Compared to this, the hutted ancilla was in a better position as she had the right to her husband's holding and after his death could stake her claim to that holding.

As argued by Stuard¹⁶, most of the studies on serfdom have been conducted from the viewpoint of the masculine, and discrimination based on gender has largely been ignored. The Latin term for a female chattel, *ancilla*, remained the same through the periods of slavery and serfdom but its corresponding term, *servus*, for male chattels underwent numerous changes over the medieval centuries. The women who were pushed to domestic slavery did not even have the option of gaining freedom through manumission. In fact, not only her but her future generations were also relegated to absolute servitude.¹⁷

The ancilla was always at a doubly disadvantaged position. Her role was much more subservient when compared to her male counterparts but she still had to pay taxes as she was seen having the same subjective rights¹⁸ as them in the eyes of the law. The truth was that male serfs did not suffer from the same kind of sexual exploitation as compared to ancilla. A female serf was considered the property of the landlord and did not have any freewill. Those engaged in the domestic sphere did not have any rights over their lives. Even for those who remained in the household of the male serf, the lives were at the mercy of the

¹⁶Susan Mosher Stuard. "Women in Medieval Society." University of Pennsylvania Press

¹⁷Jean-Pierre Devroey. "Men and Women in Early Medieval Serfdom: The Ninth-Century North Frankish Evidence." *Past and Present*, No. 166. (2000)

¹⁸Jean-Pierre Devroey. "Men and Women in Early Medieval Serfdom: The Ninth-Century North Frankish Evidence Past & Present." *Feb.*, 2000, No. 166 (Feb., 2000), pp. 3-30

lord's whims and fancies. The lord controlled all aspects of an ancilla's life. He was the one who decided when a girl should marry. When a female serf got married, her father had to pay a fine to her lord which was known as *merchet*. The logic given was that marriage meant a loss of worker and also of the work that her future generations would have put in. A second fine known as *leyrwite* had to be paid by a serf who indulged in sexual acts forbidden by the Church. The reasoning was that such an act lessened a serf's value which would have an impact on the money that her lord was entitled to. Numerous instances have been recorded where lords have forced their female serfs into involuntary marriages to protect their land and ensure more workforce by means of the children that she will bear. The lords had the power to put any number of restrictions on serf women. If an unmarried serf woman got pregnant or had sex outside marriage, the lord had to be given compensation. Medieval lords had the legal right, *droit de cuissage*, (right to the thigh), to have sex with any serf woman on her wedding night. Women seldom had any escape from the serfdom status as it was passed on to her children. Contrary to this, gentry status was passed on to the children from their father.

The fines imposed in cases of abduction were another parameter that proved the subservient position of the serf women. If a maidservant was abducted, then the person who committed the crime had to pay 35 solidi, the value of the slave in addition to a fine for the loss of working hours. If a male serf tried to seduce a female serf, then he was liable to pay a fine of 72 solidi which included the value that he is worth as well as the maidservant's value. If a freeman seduced a maid servant, then he had to pay 15 solidi to her lord.¹⁹ If a free-born woman were to marry a serf, she will lose all her rights as a free-born woman and would have her property taken away from her and would be proclaimed an outlaw. The same was the case with a free-born man too. The gender imbalance in the treatment of persons who were legally equal pointed to the exploitation that a patriarchal society is capable of.

¹⁹Rivers, Theodore John. "The Laws of Salian and Ripuarian Franks. AMS studies in the Middle Ages"(AMS Press 1986)

The end of serfdom in Western Europe

The rising population and the economic prosperity of the 13th and the early 14th centuries had contributed to the change in status of the serfs. Ironically, it was the economic depression of the mid-14th and 15th centuries that gave an impetus to the process of emancipation of the serf population. The manorial system in Western Europe during the fourteenth and fifteenth centuries was under severe stress due to economic depression. There was a scarcity of capital, wage labour, changes in the value of money and decline of the market which resulted in reduced grain prices and increased wages. The monopoly of the serf owners was broken and it caused substantial shrinkage of their incomes.

The crisis was mainly agricultural which resulted in the decline of grain prices as well as land prices. The amount of tilled land witnessed a significant shrinkage and abandoned land holdings became a common feature of the Late Middle Ages. This period also saw population decline which meant that there were fewer hands available for labour. A combination of all these factors led to a sharp decline in income for the lords and their primary concern became holding on to the peasants, even if the cost they had to pay for that was the freedom of their serfs. Some of the serfs won their freedom by relocating to towns where due to the prevailing economic situation, they were given free leaseholds. Yet others won it when estates couldn't prove the servile status of the peasants as they were forced to discontinue the manor rolls due to the heavy death toll of the plagues. By the 16th century, due to economic compulsions, serfdom had almost disappeared in most of Western Europe.²⁰

Serfdom came to end in Western Europe primarily due to the changes in economy, demography and laws governing lord-tenant relations in the 16th century. Large arable plots were fenced off for livestock grazing which reduced the value of the serfs' small holdings in open fields. Around this period, money came to be increasingly in circulation, so a lord could hire more

²⁰ Jerome Blum. "The Rise of Serfdom in Eastern Europe." *The American Historical Review*, Jul., 1957, Vol. 62, No. 4 (Jul., 1957), pp. 807-836

skilled workers whenever he needed and pay them in cash. There was no need to maintain a family of serfs on his land anymore.

In addition to this, the serfs were gravely affected by the Black Death of 1348. It killed between one-third and one-half of the total European population of 80 million people. The population decline caused two problems for the nobility: lower prices for agricultural goods and higher labour costs. The peasants started revolting against the lords and put pressure on the nobility to reform the system. By the late 1400s, there was a price decrease of about 50 per cent in grains which led to a drastic decrease in profits. The increasing debt burden of the landed class forced them to free their serfs and negotiate new arrangements with them.

Another important factor that contributed to the decline of serfdom was the Industrial Revolution. There was a growing process of urbanisation and farmers wanted to move as industrial workers in the hope of receiving higher wages. The plague had affected the poor more severely. Before the plague, labour was cheap and there was little incentive to increase productivity through technological innovation. While in the earlier situation, social mobility was not possible, the plague gave serfs a chance to free themselves and position themselves better in the hierarchical order. In short, it became possible for peasants to move about and rise higher in life. Black Death led to many peasants leaving their land and move to towns and cities to engage in crafts and trade. In fact, cities provided a counterweight to nobility. This paved the way for the emergence of a middle class which became the centre point of the European economy and it also helped lay the foundations of capitalism.²¹

During the period of Hundred Years of War, Europe also saw peasant resistance movements like The Jacquerie of 1358 in France and Wat Tyler in England in 1381. The peasant revolt movement in France took place from May to June in 1358. It was a short-lived rebellion of French peasants in north-eastern France. The revolt was named after "Jacques Bonhomme," the

²¹ Andrew Latham. "The Black Death and the Great Transition." Medievalists.net <https://www.medievalists.net/2021/08/the-black-death-and-the-great-transition/>

nickname for peasants given by the French aristocrats. French peasants were in a worse state than their English counterparts and did not have any protection of custom or law. They were taxed mercilessly and were often looted by bandits. After the Black Death pandemic, they were forced to pay more taxes to even out the losses incurred by the landlords. These factors led to violent protest across northern France where the serfs set fire on every manor and brutally killed landlords and ladies. The revolt stood out only for its savagery. It was aimless and eventually resulted in the nobles uniting under a common cause which led to the massacre of all the peasants involved. French emancipated serfdom only on November 3, 1789, over 400 years after the Jacquerie.²²

In England, the Peasants' Revolt, also known as Wat Tyler's Rebellion or the Great Rising, was the first major social uprising in English history. It took place in 1381, the major causes of the revolt being King Richard II and the poll tax of 1379 along with the Statute of Labourers (1351). The poll tax of 1379 was a tax that required the same amount of payment from everyone to finance the military campaigns. This tax became a huge financial burden on the English peasants and created economic discontent among them since they were already reeling under the adverse effects of Statute of Labourers. After the plague there was a drastic decrease in the labour force, and the few survivors were left to do all of the work on the lands. The serfs started asking for higher wages. But King Edward III issued the Statute of Labourers, which dictated that the lords did not have to pay the peasants any more than what they did before the Black Death. This greatly enraged the English peasants and under the leadership of John Ball, Wat Tyler and Jack Straw, their army stormed London and seized the Tower of London, massacred some Flemish merchants and razed the palace of the king's uncle. Unlike the French peasants, the English peasants knew how to use arms like swords and axes. This forced the government into negotiation and the King promised cheap land, free trade, and also, the abolition of serfdom. But the promises were never fulfilled as Wat Tyler was killed by Mayor William

²² Yang, Eun Sung. "Serfs in Medieval European Society: England and France." Korean Minjok Leadership Academy

Walworth and the revolt was soon suppressed. The Revolt lasted only for less than a month and failed as a social revolution. It took many more decades to abolish serfdom in Western Europe. However, it succeeded as a "protest against the taxation of poorer classes insofar as it prevented further levying of the poll tax. This is why it is seen as the beginning of the abolition of serfdom in England.

By 1500, a new form of tenure called copyhold had replaced serfdom in western Europe. In this, the peasants were able to negotiate terms and conditions with their landlords. Though the peasants could not own the land, they were granted the right to occupy and use the land and the lord would receive a fixed payment in return. Over the years, the landowners were forced to lease out their land on easier terms. In fact, they had to provide incentives for people to work on their land. This led to serfs transforming into tenants and eventually free-holders.²³

It needs to be noted that the institutions of both slavery and serfdom declined not due to the inherent injustice that was part of these systems but because the economic factors pushed the rulers and lawmakers to adopt another system that would maximise their gains.

Rise of serfdom in Eastern Europe after its decline in Western Europe

Compared to the West, Eastern Europe followed a different trajectory. Serfdom became dominant in the region only around the 15th century. It developed after the Black Death of the mid-14th century which stopped the eastward migration of population and resulted in a high land-to-labour ratio. Coupled with the region's vast and sparsely populated areas, it gave an incentive to the lords to bind the remaining peasantry to their land. Also, with serfdom getting abolished in Western Europe, there was a huge demand on Eastern Europe to export more resources and fill the void in the market. The sixteenth and the eighteenth centuries had favourable land labour ratio. The growth of Western European demand for grain from the Baltic region which again saw the practice of serfdom returning, especially in Eastern Europe. Grain prices were rising and in Eastern Europe,

²³ ibid

serf owners held monopoly over their serfs which made grain production relatively cheap. Due to the power of state, in Eastern Europe serfs were kept at a subsistence level and the institution continued for two centuries even after its decline in Western Europe.

As seen earlier, the decline of serfdom in the Western Europe was a result of severe labour scarcity. By the beginning of the twelfth century, one-third to one-half of the serfs in Europe had become free and the remaining had many of the stringent rules and regulations put on them relaxed.²⁴ Ironically, it was the decline of serfdom in the Western Europe that made the conditions ripe for rise of serfdom in the Eastern Europe. These factors need to be taken a closer look at.

Grain trade predated the rise of serfdom in many places in Eastern Europe. But one of the major reasons why serfdom thrived in the Eastern Europe was that the political and legal rights over the peasantry were transferred from the sovereign to the nobility. The lord not only became the administrator of the land but also had police and legal jurisdiction over the serfs. In Russia, the lords had the power to punish serfs and even exile them to Siberia.

Serfdom took a different form in Russia, especially with respect to those serfs who were owned by the Tsars, *pomeshchiki*. While initially these serfs were bound to their holdings just like the serfs in the Western Europe in the sixteenth and seventeenth centuries. But after this period, the situation changed and serfs came to be bound to the tsars. The tsars began to move their serfs from one land to another and even began selling them without the land holding. These practices even got legal sanction in the eighteenth century when the crown announced that the peasants are not bound to the lands but to the lords. Slowly in Russia, the distinction between freemen and landed slaves became blurred because both lived in the same estate and had similar taxes and duties imposed on them.

²⁴Sheilagh Ogilvie, A.W. Carus. "Institutions and Economic Growth in Historical Perspective." Handbook of Economic Growth, 2014

What led to such a situation was the development of large-scale private landowning in Russia. Many of the free peasant communes were absorbed into estates owned by the princes and by clergy and lay lords. Though initially, they had invited peasants to settle as free renters, the situation soon changed and the peasants were reduced to the status of renters, landless labourers and even slaves. In the succeeding era, while Western Europe was on the road to freedom, Eastern Europe followed a diametrically opposite path and it resulted in more serfdom. This was because Eastern Europe responded to the changing conditions in a different way.

When the obligations on the peasantry were reduced in Western Europe due to scarcity of labour, the lords in Bohemia, Silesia, Poland, Brandenburg, Prussia, and Lithuania imposed heavier obligations on them which included labour dues and cash payment. The devastation caused by war had compelled many of these peasants to borrow heavily from their lords which made them ensnared in a cycle of indebtedness. Stringent restrictions were also imposed on the movement of the peasantry. The peasants did not have the permission to leave the landholdings and in cases, where they were permitted like in Russia, they could leave only at a certain time. Those wanted to free themselves had to pay all arrears and, in many instances, also a large fee. In Lithuania and Russia, peasants who had remained on a holding for a long period like 30-40 years were denied freedom of movement. The lords also reached an understanding amongst themselves that they would accept runaway peasants and would return them to their original owner. Those serfs who tried to escape were sentenced to harsh punishments. The restrictions kept on increasing till the sixteenth century when the process of enserfment was thought to be complete.²⁵

In Russia, it was despite the establishment of a royal autocracy that the nobility gained in political power. This was primarily because the nobility extracted a high price for the support it gave to royals. The monarchy rewarded them with land and peasants and also far-reaching privileges which strengthened their

²⁵ Jerome Blum. "The Rise of Serfdom in Eastern Europe." *The American Historical Review*, Jul., 1957, Vol. 62, No. 4 (Jul., 1957), pp. 807-836

influence in the state's administration. The monarchy also gave the nobility increasing judicial and administrative privileges. It also issued laws limiting peasant freedom. In addition to this, it became difficult for the monarchy to exercise centralised control over such a vast area controlled by influential lords. As a result of these factors, there was gradual withdrawal of the state from the lord-peasant relationship and the lords had the power to convert free tenants to serfs. By the early fifteenth century, this control was so strongly established that the peasants did not have the freedom of right to appeal the manorial court decisions. It had by then come to be recognised that the peasants are the subject of their lords. It came to be accepted as a mutually beneficial bargain the lords made with the monarchy in the face of multiple wars.

By the end of the fifteenth century, the nobles held unparalleled power over the peasants and for all practical purposes, had become the government and had a say in all matters. There are also instances of the lords choosing the clergymen. Through completely legal means, the lords changed the nature of the land tenure and imposed increased amounts of dues and services on the peasants. They also held the power to evict peasants from the landholdings which went against the nature of serfdom and reduced peasants to the status of slaves.

Another factor that led the nobles to change the nature of peasant tenure was the entry into market production. Till the end of fifteenth century, peasants were paying the lord predominantly in cash and kind. These were rents and a part of their produce that was primarily to meet the lords' needs. That changed when the nobility started tapping the market forces and required more animal and forests products. They started selling the surplus produce paid to them as rental charges to the market. They realised the work that used to get done by their slaves required more hands and it was possible for them to achieve the targets of production only if the peasants were also absorbed into the workforce. The only way to do this was to take away the rights of those who were occupying their lands and keep them bound with stringent restrictions. With time, instead of rental income, the nobles started depending more on grain production for market.

Eastern Europe also profited when in the seventeenth century, Europe was on the cusp of a new era of prosperity and demand for agricultural goods outran supply in the Western Europe. In the Western Europe, with the conversion of much of arable land into pasture, there was an acute shortage of food grains and the prices rose sharply. The nobles, because of their political power, were able to bypass the cities and directly sell their produce to foreign merchants. Eastern Europe, because of nobles' efforts to increase agricultural productivity by tying peasants down with stringent conditions, was able to profit from the situation in the Western Europe and this became yet another incentive for them to make the conditions of serfdom more severe.

They got favourable tariff provisions for their shipments which gave them a price advantage over the city merchants. Also, by stopping the flow of peasants to the cities, they ensured that the cities couldn't grow as a lot dependent on labour by the runaway peasants. Slowly even towns degenerated into villages. Such a stark difference in urban development between the Eastern and Western Europe took these two places on different growth trajectories.²⁶

The paths to serfdom in the Eastern and Western Europe may have been different but at the core of both were economic factors especially agricultural productivity. The penetration of market forces demanded sizeable number of large farms which Western Europe lacked.²⁷ Because of this economic prudence was in setting the serfs free and renegotiating the conditions with them. Whereas Eastern Europe with its large landholdings and increased power of nobility found it judicious to enserf their peasants and make them work on the lands to increase productivity. Eastern Europe also had state support in finding the runaway serfs and the lack of any development of cities unlike in Western Europe left the peasants with no choice but to return to their lands.

²⁶ Ibid

²⁷ Arcadius Kahan. "Notes on Serfdom in Western and Eastern Europe." *The Journal of Economic History*, Mar., 1973, Vol. 33, No. 1, The Tasks of Economic History (Mar., 1973), pp. 86-99

Serfdom finally came to an end in Eastern Europe during the early nineteenth century. In some areas, it was prevalent till the late nineteenth century. During the Napoleonic invasions, Napoleon emancipated the serfs of Poland in 1807. The same year, Prussia issued a royal edict freeing the serfs. Imperial Russian decrees of 1816 and 1819 freed the peasants of the Baltic States. And in 1861, serfdom was abolished in Russia by a decree issued by Tsar Alexander II. Fear of large-scale revolt by the serfs, the growing financial and military needs of the government and unprofitability of serfdom are considered as the reasons for abolishing the system.²⁸

Conclusion

The convergence of the status of former slaves with the status of dependent peasants was among the most important economic and legal outcome of the institution of serfdom. Agricultural sector and its productivity remained at the core of both these institutions. The seamless evolution of slavery to serfdom implied that it was a natural progression that was a result of factors of production and capital gains and had very little to do with any societal reforms.

The principles of economics were at the foundation of any reforms that have taken place in the European society. Slavery, serfdom and eventually freedom were all deeply interconnected to the economic as well as the political situation prevailing at that point. As with any form of exploitation, the legitimacy for it was drawn from religion and also legal instruments. Both slavery and serfdom had similar origins and subjective rights that were given to those in the latter category were mere hogwash. It was done with the prime motive of profit. It is important for history to be viewed from a different angle so that the centuries of inhuman exploitations of its own people by a civilisation that claimed to be superior are not allowed to be brushed under the carpet and its brutal and savage history continues to feature in discussions and debates around the world.

²⁸Evsey D. Domar, and Mark J. Machina, "On the profitability of Russian serfdom." *Journal of Economic History* (1984) 44#4 pp: 919-955

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