



Serfdom and Slavery

Studies in Legal Bondage

M L Bush



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Preface

The purpose of this book is to explore, comparatively and without confinement to any one period, the theme of servitude, as it was expressed through the history of serfdom and slavery. Approached in this general way, the subject could only be worked out properly by means of a colloquy of ancient, medieval and modern scholars. This book, therefore, had its beginnings in a conference held in September 1994, under the auspices of the History Department, University of Manchester, and made possible by funds from this department, the British Academy, the Rodewald Trust, the Economic History Society and the University of Manchester Research Fund. All deserve special thanks for their generosity.

Thanks are also due to the scholars, from France, Norway, Germany, Russia, the United States and the United Kingdom, who attended the conference. Apart from the speakers who are now the authors of this book, they are Constantine Brancovan who contributed a paper on the emancipation of serfs in the Danubian Principalities, Claus Meyer, Tom Scott, Roger Bartlett, Rosamund Faith, Tom Wiedemann, Jane Whittle, Zvi Razi, David Moon, Margaret Yates, Elizabeth Smadja, Phillippe Schofield, John Hatcher, Steven Hodkinson, Robert Millward, Nicholas Purcell, Maria Moisa, Anne Hughes, Joseph Burgin, Pat Hudson, Richard Hoyle, S.C. Todd, Christine Hallett, Michael Rose, David Carpenter, Steven Rigby, Graham Burton, Susan Sweetinburgh, Peter Gatrell, Norris Nash, Tore Iverson and Isabel De Madariaga.

Michael Bush,
Didsbury, Manchester,
September 1995

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PART ONE

*Comparative studies of serfdom and
slavery*

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CHAPTER ONE

Introduction

MICHAEL BUSH

University of Manchester

Historically, the two most prevalent types of legal bondage were serfdom and chattel slavery. This book examines the variety of forms that they adopted, along with the problems of definition that this sets; the processes of creation, development, survival and abolition both underwent; and their economic, social and political impact. Operating within the ancient, medieval and modern worlds, the book uses comparative overview, thematic analysis and illustrative case study to accomplish its task.

Both serfdom and slavery were defined by law. As such, they are regarded as forms of extra-economic coercion. But what does this reveal about their true nature? This is the vital question that the book seeks to answer. The conclusion is: very little. The differences evident between slavery and serfdom; the different forms in which slavery or serfdom existed; the variety of slave and serf systems that emerged: all suggest that the character and condition of both were determined in reality by a wide range of other factors, notably population density, the nature of employment, the opportunities for commercial production, the capacity for protest and the power of custom. Legally defined as the property of lords and masters, the assumption could be readily made that slaves and serfs were typically victims of exploitation; but this overlooks the two-way nature of the relationship between owner and owned and ignores the *modus vivendi* the two parties could reach by respecting customary rights and by agreeing to negotiate change.

Serfdom and slavery were found generally acceptable before 1750, but a century later both were thought ripe for rejection. Confronted by moral outrage, on the grounds that they were evil, or by rational repudiation, on the grounds that as forms of labour they were inefficient, each underwent abolition. The process of disposal

culminated in the 1860s when, within the same decade, Russian serfdom and American slavery were prohibited by law (see chapter by Kolchin). Thereafter, legal bondage was transformed rather than wiped out. By the twentieth century, it no longer consisted predominantly of serfdom and slavery, but instead was comprised of indentured service, the enforced labour of prison or concentration camp, and debt bondage (see chapters by Turley, Temperley, Engerman).

Slavery and serfdom had much in common: as forms of coerced, wageless labour (Engerman); as systems of human ownership; as expressions of dishonour and humiliation; as widely employed means of pre-capitalist, commercial production. But the elemental character of each resides in the basic differences between them. The slave was more appropriately defined as the chattel of his master (Rihll, Blackburn, Engerman). Serfs, in contrast, belonged not only to their lords but also to some prince. Whereas the obligations owed by slaves were monopolized by their masters, serfs, in the manner of freemen, had duties to the state. Obligated to pay taxes and to provide military service, they acquired something the slave signally lacked: a well-established personal identity in the law.

Slaves were usually aliens, imported rather than indigenous, and racially or ethnically different from their masters. Typically, they were the offspring of non-slaves, often captured by raiders or taken in battle, and, in most cases, uprooted for ever from their homeland (Blackburn, Engerman). Central to slavery was transportation and a trade in human beings (Engerman, Rihll). The high mortality of slaves, chiefly from diseases to which they had, as newcomers, little immunity, meant that the recruitment of fresh slaves was a necessity (Engerman). Serfs, in contrast, were home-grown, self-reproducing and generational. They were not racially or ethnically different from the rest of society. Normally, they were the offspring of serfs and therefore base-born. Normally, they were buried where they were born. They entered captivity, the basic condition of the slave, only as a result of fleeing the estate. The outcome of capture was a return to the birth-place, not the natal alienation of the slave (Blackburn). As a result, whereas slaves tended to exist beyond the society they had to serve – separated from it not only by chattel status but also by culture – the serf was, as a native, socially integrated (Engerman).

Regarded as property, it was assumed that the slave would be owned rather than owner. All their possessions were their master's; as was most of their labour (Blackburn). In contrast, serfs normally held property in their own right. Most medieval serfs, and the

Untertanen of modern Brandenburg, the Austrian Territories and Bohemia, were serfs by virtue of the property they held (Bush). Serfs, moreover, exercised some control of their own labour: whereas slaves worked full-time for their masters, serfs worked only part-time for their lords (Engerman). Both the property and labour rights of serfs rested upon the possession of a smallholding. Slaves were frequently granted some land to grow foodstuffs for their own consumption (Blackburn), but little more than garden plots (Engerman). These plots were no equivalent of the small farm typically worked by serfs, because of their minuteness and the little amount of the working day allowed for their cultivation. To farm their own land, serfs, as a rule, were allocated several days in the week. The labour they owed the lord was the rent, or part of the rent, for the smallholding (Hagen); and conversely, the smallholding was the payment the lord made to serfs, originally for the labour they provided in cultivating his demesne and to enable them, in the absence of wages, to raise the taxes required of them by the government (Engerman, Bush). This was not the case with slaves. Reciprocity was not really a part of the slave-master relationship.

Slaves were officially perceived as individual things. In contrast, serfs were officially accepted not only as persons but also as families (Engerman). Slaves were intrinsically landless labourers; serfs were usually peasants. As producers, slaves worked in gangs; serfs in family teams (Engerman). Slaves often lived in their master's household or in dormitories; serfs usually lived in their own homes (Engerman). Allowed smallholdings with proprietorial rights attached, which defined the obligations owed and imparted tenurial security, serfs were in this manner given some incentive to accept their condition. In contrast, slaves were essentially objects of force. This meant that, when engaged in large-scale production, slavery was highly dependent upon a superstructure of physical control (Blackburn) which, along with the price paid for new slaves, could make the operation very costly. In contrast, serf production could be relatively cheap, since serf communities did not normally need restocking and, in being self-supportive, required the minimum of management. Yet land had to be set aside for the serfs' private use, and the competing demands of demesne and tenure meant that, as a source of labour for commercial farming, serfdom was inferior to slavery in competence and reliability. Finally, the rights of slaves remained a stunted growth, qualifying them for baptism and legal protection against life-and-limb punishment but offering virtually no safeguard against the master's arbitrariness (Blackburn). The

rights of serfs, on the other hand, eventually became considerable because lords, in the absence of a system of repression, had to seek their cooperation by permitting the creation of custom and showing it respect; and also because governments, having a fiscal and military incentive to protect serfs against the extremes of lordly exploitation, were therefore inclined to produce regulations restricting what the lord could exact from the subjects they both ruled (Hagen, Bush).

Typically, slaves followed a wide range of occupations, many of them of a service nature and therefore non-economic and divorced from production (Phillips, Blackburn); and, because of the prevalence of domestic slavery and, within the history of slavery, the rarity of plantation slavery, slaves were as much urban as rural (Phillips). In contrast, serfs were typically more restricted in occupation, with most of them working the land and resident in the countryside (Bush).

Historically, serfdom and slavery tended to be alternative systems of production, with serfdom excluded by a flourishing system of slave production and emerging as slavery went into decline. On the other hand, there was a great deal of overlap between serf and slave societies, on account of the pervasiveness of domestic slavery and the practice of granting smallholdings to favoured slaves (Phillips). As systems of production, both were a response to a shortage of labour. But in the history of slavery, the recruitment of new slaves, either by conquest or purchase, was vital for maintaining it as a system of production; in contrast, for preserving serfdom, the recruitment of new serfs was unimportant (Engerman). Furthermore, whereas a plenitude of slaves always upheld the system of slavery, a plenitude of serfs could bring it to an end: for example, through persuading lords to opt for waged labour in the early nineteenth century (Bush, Hagen). As a system of production, slavery developed (both in Ancient Rome and in the New World) in the absence of a sufficient peasantry (Phillips); this was clearly not so with serfdom which derived both from the subjection of an existing peasantry as well as from the settlement of slaves as peasants on the land (Davies, Bush). Both systems provided a solution to the problems created by an absence of waged labour or an unwillingness to pay wages. In this respect, they sprang from an ingrained anti-capitalist attitude, traditionally held towards production in particular, not only by lords but also by a peasant-orientated or hunter-gatherer workforce. Both serfdom and slavery therefore eventually suffered from the general appreciation of capitalist

production, and of the free waged labour associated with it, that became common from the late eighteenth century (Turley, Kolchin, Engerman).

The significance of serfdom and slavery is difficult to assess simply because of the variety of serf and slave regimes in existence. When either was entrenched as the basic means of commercial agriculture, its importance was overwhelming; so much so that it is possible to talk of serf and slave societies. But how often did this occur? Many societies were more adequately described as societies with slaves or societies with serfs: that is, societies in which these forms of bondage were an incidental and superficial feature, rather than an integral part of the economy or state. In the history of slavery, the 'true' slave societies were arguably confined to Ancient Rome and the Americas (Phillips); in the history of serfdom, serf societies came into their own in early modern Central and Eastern Europe but perhaps at no other time (Bush).

Economically and socially, slavery and serfdom served the same purpose, by providing unfree, unwaged labour and by upholding a concept of popular honour which distinguished the free, no matter how ordinary and poor, from the unfree. But politically they tended to be somewhat different, since slaves were usually beyond the pale of the state; whereas serfdom, in providing governments with vital fiscal and military supplies and a means of privatizing public authority, was an essential part of the political system, in both the medieval West and the modern East. However, it would be misleading to regard slavery as totally divorced from politics. Certain Islamic societies, notably the Ottoman Turks, operated a system of state slavery whereby the ruler's army was manned by men legally defined as slaves (Phillips, Blackburn). And slave tax officials were not unknown (Blackburn). Moreover, slavery could be said to have had some political effect in the development of democracy in Ancient Greece and in the British American colonies (Rihll, Blackburn, Turley), and in the extent to which the political decision to end slavery was a response to slave resistance (Turley, Kolchin).

Their joint effect, economically, was to delay the development of a capitalist agriculture. Like peasant sharecropping, serfdom and slavery provided alternative and socially preferable means of commercial production. On the other hand, they promoted large-scale commercial farming in societies where various factors, such as a lack of suitable labour or a primitive money economy, ruled out capitalist production. And arguably the profits they created, and the services that developed to make them operable, promoted non-

productive forms of capitalism, notably merchant and finance capitalism.

Socially, their joint effect was to give the free poor, or the privileged unfree, a sense of honour and social distinction; and thus to extend downwards an appreciation of formal hierarchy that rested upon not simply deference but also self-benefit. Moreover, the process of urbanization in modern Europe, pre-industrial and industrial, owed something to the productive capacity of serfdom (in grain) and slavery (in cotton), as well as to the strained relations in the countryside that persuaded lords to live in town.

Politically, their joint effect was to ensure that large numbers of inhabitants should be removed from the direct responsibility of the government, the rule of slaves and serfs being, wholly in the case of slaves and partially in the case of serfs, exercised by their lords and masters.

In each case, it could be said that the gains made from emancipation were psychological, not economic; and the poverty both suffered at the time of emancipation was not generally relieved by it (Kolchin). This was certainly true of the emancipations of the nineteenth century. Ordered by governments and freeing all slaves and serfs at a stroke, they left the freed in the same economic plight that they had suffered when unfree. But it was not true of the piecemeal emancipation of slaves that attended the fall of the Roman Empire or the piecemeal emancipation of serfs that occurred in the West between the thirteenth and fifteenth centuries.

Slavery

Over the space of 2,500 years a wide range of slave systems came into being: in the New World of the Americas and the Caribbean; in classical and medieval Europe; in Africa, India and the Arab world generally. Slavery came in three basic forms: domestic slavery; gang slavery; and state service slavery (Phillips, Blackburn). The first form consisted of slaves living, in small numbers, in the master's house. They worked usually as household servants but occasionally as craftsmen or shopkeepers in household-based businesses (Phillips, Rihll, Saller, Turley, Blackburn). This was easily the most pervasive form of slavery. The second consisted of slaves living, in large numbers, in barracks and working principally on plantations but sometimes down mines (Phillips, Temperley, Blackburn). It was largely confined to Ancient Rome, the Deep South, Brazil and the

Caribbean and therefore could not be regarded as all that common (Phillips, Blackburn). The third comprised slaves owned by the state and serving it as civil servants, soldiers or concubines. Found chiefly in Islamic states, and predominantly in a military capacity (Blackburn, Phillips), it was, overall, rarer than gang slavery. Slavery, then, was a source of service as well as of production, and not only domestic service, for on occasions it could form part of the machinery of government.

New World plantation slavery, Islamic state service slavery and the slave practices of the ancient world (e.g. Rihll, Phillips) all relied upon the enslavement of strangers. These were acquired by capture or sale and regularly imported to meet the needs of the economy, society or state. A great deal of modern slavery, moreover, was practised in colonies abroad rather than at home. But, over the centuries, there was a considerable amount of indigenous slavery, notably in Africa and India, with people native to a region serving others native to it as slaves (Turley, Temperley).

Gang slavery, as it operated on the plantations of the Deep South, the Caribbean and Brazil, would suggest that enslavement was for ever, with no real chance to attain freedom except by flight. But slavery was frequently a temporary condition (for example, in Ancient Rome, the Byzantine Empire, the Ottoman Empire, the northern United States and the Portuguese and Spanish empires of Latin America), with manumission granted to the slave, or at least the offspring (Morris, Phillips). Consequently, in some societies, slavery could be regarded as a process of stranger assimilation (Phillips). The reward of liberation was especially given to service slavery, as opposed to production slavery (Phillips, Saller, Morris, Turley). No matter what, slavery was hardly a generational matter. Because of the high mortality associated with production slavery and the high rate of emancipation associated with service slavery, the slave condition, although legally defined as 'in the blood', tended to last no more than a lifetime, ensuring that both the parents and offspring of a slave would be free.

Gang slavery was undoubtedly harsh; but domestic slavery was frequently mild, largely because of the personal friendships that developed between the master's family and the slaves attending it (Phillips, Saller, Turley). Neither form, however, offered any safeguard against the brutality of masters and overseers. Furthermore, within the household a firm distinction separated the master's family from his slaves, no matter how close and familiar the relationship. This distinction could be made explicit in forms of

address; in symbolic behaviour such as whipping and sexual subjection; and in public rituals (e.g. Saller).

Slavery was often no more than a legal construct, with only a change in the law required for its obliteration; but it could also be so imbedded in society that its legal prohibition made no difference to practice (Temperley, Turley). The former was the case in the Americas and the Caribbean; the latter, in much of India and Africa.

The possession of slaves served a variety of purposes: usually it was a source of prestige and honour (Saller); sometimes, a capital asset or a means of productive wealth (Phillips); occasionally, a source of state power (Blackburn). The independent ethos to which the free subscribed was often shaped by the presence of slaves (Rihll). Responsible for the emergence and duration of slavery, however, was not simply its usefulness and the demand this created for slaves. The use of slaves could stem simply from an abundant supply. Thus, slavery developed originally in Ancient Greece as a result of expeditions of conquest and the creation of colonies, and in response to the practice of taking prisoners alive and the establishment of slave markets (Rihll). A plenitude of slaves created functions for them to perform. The employment of slavery in Ancient Rome was similarly promoted by a profusion of supply (Phillips). In addition, slave systems could arise from a marked imbalance between resources and labour. Thus, in the Caribbean and the Americas, the demand for slaves created by a shortage of labour, and the openings for generating wealth created by cash-crop cultivation, interlocked with the supply of labour provided by the African slave trade. A similar situation promoted plantation slavery in Ancient Rome, where insufficient labour existed to exploit the commercial cultivation of grain and imported slaves provided the remedy (Phillips). In contrast, in parts of India and Africa slavery resulted from the conjunction of inadequate resources and an excess of labour, producing a different type of slavery – native, small-scale and domestic, not alien, large-scale and plantation (Temperley).

Over the centuries, enfranchisement from slavery occurred frequently, within the framework of social and political acceptance. In a bid for Christian virtue (Morris), or to reward loyal service, or to escape the problems of supervising gang slavery, masters could grant individual slaves either manumission or land (Blackburn). The former freed them of bondage; the latter converted them into serfs (Bush). This enfranchising process had, in the course of time, profound effects, especially when it interacted with a reduction in

the supply of new slaves. Thus the slave society of Ancient Rome had gone five centuries after the fall of the Western Empire, simply by a process of gradual erosion resulting from individual liberations and the settlement of slaves upon smallholdings.

The termination of modern slavery happened somewhat differently, although again a reduction in the supply of new slaves played an important contributory part. In the late eighteenth century the practice of slavery, in spite of being traditionally acceptable to Christianity and Islam (so long as the slaves were born of other religions), and upheld by the European/American reverence for Ancient Greece and Rome, suddenly became distasteful, notably in the northern United States and in north-west Europe (Turley). Several factors combined to create this change of attitude: practical considerations, especially stemming from an appreciation of the greater efficiency and profitability of free, waged labour (Kolchin); moral considerations centring upon a Christian fear of God's wrath as well as the *philosophe* belief that slavery was a brake on the progress of mankind; and political considerations which, in the United States and Britain, came of regarding slavery as a stain on the nation's character (Turley, Engerman). But while slavery became a recognized evil, reasons could be found for delaying its abolition, even by those strongly moved by anti-slavery sentiment: on the grounds that it remained useful; that slaves were not ready for freedom; that the property rights of the masters over their slaves were as sacred as their landowning rights; that the profitability of plantations worked by slaves should not be jeopardized; that, in view of the above, slavery ought to be phased out or reformed rather than banned (Turley). Repugnance for slavery was therefore accompanied by its toleration. In these circumstances, a number of physical pressures were required to translate abhorrence into abolition: provided, notably, by a stoppage of the transatlantic slave trade and the overthrow of certain slave regimes, especially in Haiti in the 1790s and the Deep South in the 1860s. In the process of ending slavery, promotion from above and from below were not alternative but interactive forces, since slave resistance, whether in the form of flight or revolt, could effectively exploit the divisions created by the anti-slavery movement within the free establishment (Turley).

Slavery was easier to condemn than to root out. It showed a remarkable capacity to survive, either in its original, chattel form or in derivative modes of legal bondage (Turley, Temperley). Associated with its removal from commercial agriculture was not simply the development of free, waged labour but the employment of other

types of unfree labour, notably debt bondage and indentured service, much of it imported in the traditional slave manner and, in the conditions of work, not so different from plantation slavery (Engerman). Slavery, moreover, remained entrenched in its relatively benign domestic form. With little vocal opposition to it from the societies in which it was found, domestic slavery survived in the twentieth century, exposed by international bodies but capable of outliving even its official prohibition (Turley, Temperley).

The historical significance of slavery lies in its social, political, economic and cultural impact. The development of democratic political systems in the ancient world and in the United States was intimately connected with its social presence, the awareness of slavery rendering the free especially appreciative of their own personal independence (Rihll, Blackburn, Turley). Citizenship and slavery, arguably, were two sides of the same political coin. The social importance of slavery also lay in the sense of honour and prestige it conferred upon the lowest of the free. Economically, plantation slavery was of overwhelming importance, in the world of Ancient Rome where it provided the huge supplies of grain upon which its urban culture depended, and in the modern world where it provided the luxury goods of tobacco and sugar that promoted consumerism and also promoted industrialization by supplying the raw material of cotton (Phillips, Blackburn). Its importance as a means of commercial production was underlined by the economic decline that set in when plantation slavery was brought to an end, not only after the fall of the Roman Empire but also in the Deep South and the Caribbean during the course of the nineteenth century (Turley, Engerman, Kolchin).

Serfdom

From studying the subject top-down, historians, both liberal and Marxist, have tended to explain serfdom in terms of the lord's initiative and interest. Assuming that serfdom was essentially imposed by lords, they have regarded it as harsh in nature and very much geared to the lord's advantage. Studied bottom-up – from a peasant's rather than a lord's viewpoint – serfdom, along with its origins and the social relationships that it created, takes on a different appearance and perspective (Hoch, Hagen, Dyer, Davies).

The early development of serfdom would suggest that, rather

than the result of a process of subjection, a clamp-down by lords asserting their class power, it was partly shaped by the advantages it conferred upon the serf. Enserfment not only allowed slaves to gain some independence and humanity, especially by replacing their obligation of gang labour with the right to operate their own farms, but also allowed former free proprietors, by the act of submitting to servility, to gain protection, piety and patronage (Davies). Furthermore, serfdom, as it developed, conferred upon peasants a range of valuable rights: notably, to services fixed by custom; hereditary tenancy; commoning rights; membership of the community (Bush, Hoch, Dyer, Davies, Brenner). And, judged by their living standards, it would be difficult to argue that serfs as a rule were grossly exploited (Hagen, Hoch, Dyer).

Serfdom was never a static or uniform system. In fact, because lord-serf relations on one estate could differ from those on another, a case could be made for even denying that it constituted a system (Hoch). In the course of time, it underwent profound changes: partly as the state intruded, either to confer citizen rights in the bid to annex an increased share of the serf's surplus, or to take them away, in order to please the lords (Bush, Hagen, Dyer, Brenner); partly in response to economic changes, notably an extension or contraction of demesne farming and an increase or decrease in population density (Bush, Dyer); partly because of the pressures lords brought upon other lords in a competition to attract peasants from one estate or territory to another (Brenner); partly because of the pressures brought upon lordship by the serfs themselves (Bush, Dyer, Hagen, Brenner, Mironov).

The exactions lords could make of serfs, although often entitled to be 'at will' or arbitrary, could be restrained by the serf's objection to their enlargement. Serfs developed a range of effective strategies for protecting the peasant interest, including petitions to the lord against bad officials, appeals to the prince against bad lords, acts of non-cooperation such as footdragging and rent strikes, and acts of reprisal such as theft or illicit pasturing or actual revolt (Bush). As a result, within the legal shell of serfdom that was determined by the extensive authority the law accorded to lordship, was the real world of peasant rights, fixed by custom, or protected by a concept of reasonableness, and controlled by a recognized procedure for change based upon trade-off negotiations between lord and subject (Bush, Brenner, Hagen, Dyer). The success serfs enjoyed in establishing effective rights means that to regard serfdom generally as a system of class exploitation is somewhat misleading, since in opera-

tion it could be lenient, even benign. And the resistance of serfs to changes in estate management did not necessarily express the outrage of the impoverished but could be a protest of well-off peasants against an alleged infringement of rights, thus rendering the serfs' resistance to their lords a type of constitutional struggle akin to the political conflict that occasionally erupted between the baronage and the crown (Dyer, Bush).

Western serfdom had a very long history, emerging in the late Roman Empire as slaves were settled on peasant holdings and as free tenants (the colonate) were tied by government order to the land (Bush); then evolving over the next six centuries, especially through an increase in tenancy associated with a process of voluntary enserfment, and realized as free peasant proprietors submitted to a dependency approximate to servitude by granting their lands to lords; with many being granted to the Church, especially between the seventh and tenth centuries. The importance of the latter development was highlighted by the fact that, in regions where the free peasant proprietor remained numerous, serfdom failed to develop, as, for example, in Scandinavia, much of the Iberian peninsula, and the Celtic lands (Davies). From the late twelfth and thirteenth centuries serfdom was largely on the retreat, with a process of enfranchisement dramatically reducing it in thirteenth-century France. This came about as landlords sold freedom to raise cash and to counter the effects of fixed dues in a period of inflation; or as, competing for peasants who had been encouraged to migrate by the colonization of waste in the previous century, banal lords granted freedom to their subjects, either to persuade them to stay or to lure others to reside on their territory (Brenner). But in the same period, in association with centralizing states and the princely practice of respecting lordship rights in order to secure aristocratic support, serfdom could be confirmed and consolidated, as, for example, in England and Catalonia (Dyer, Brenner). In England the process of enfranchisement came after the Black Death, again achieved by intra-lord competition and in response to dramatic depopulation and spectacular peasant migrations (Brenner). By the start of the sixteenth century, serfdom had been reduced to a marginal social phenomenon, whereas in the early thirteenth century it had accounted for something like one-third of the population (Dyer).

The late Middle Ages, however, was not just a period of retreat. Coincidental with its disappearance in much of the West was a further expansion in south-west Germany, the result of fifteenth-

century banal lords laying claim to subjects on lands they did not own by defining them as personal serfs (Bush). Moreover, the medieval serfdom that survived the sixteenth century – located in the eastern provinces of the Dutch Republic and of France and in the small lordship-states of south-west Germany – lingered on until the revolutionary era, mainly because it was rendered mild and tolerable, thanks to the disappearance of week-work and to the power of custom.

Furthermore, having wilted in the West, serfdom rose in the East, beginning in the late fifteenth century and affecting, by the early seventeenth century, most of Central and Eastern Europe (Bush, Hagen). This came of lords combining in parliamentary assemblies to control the peasantry, rather than competing among themselves to enlist its allegiance (Brenner). As with the colonate of the fourth and fifth centuries, enserfment was brought about by government orders tying the tenantry to the estate. Like the origin of medieval serfdom, the motive was to retain labour. Once established, serfdom was appreciated as the ideal workforce and provider of equipment for direct demesne farming; and so, following the peasantry's attachment to the estate, unpaid week-work was imposed upon it. Rather than arbitrarily exacted, however, the labour obligations tended to be imposed at a price, since the lord-peasant negotiations which led to their introduction often involved the relief or removal of rent (Hagen). Although in the East serfdom preceded direct demesne farming and was principally introduced in response to underpopulation and thanks to the capacity of the lords, through their control of parliamentary assemblies, to alter the law in their own interest (Brenner), the two sooner or later became interlinked, remaining connected until serfdom was terminated. Arguably, this made good sense because serfdom could provide a reasonably efficient means of labour productivity, on account of its capacity to achieve a high level of labour intensity and a reasonable profit (Mironov). Yet it was less efficient than wage labour (Mironov) and prone to footdragging (Dyer, Bush); and, for it to work well, it required, rather like plantation slavery, a high level of punishment (Mironov).

Bringing serfdom to an end in the East, as well as terminating the residual medieval servitude that had survived in the West, was the progressive ideology of the Enlightenment, implemented by the French Revolution and its military conquest of Europe, the spectacular example of economic growth achieved by free labour in Britain and the northern United States, and rapid population growth

(Kolchin, Bush, Mironov). Politically, it was felt that tax revenues would benefit from an end of serfdom; economically, it was felt that waged labour, especially now that it was cheapened by population growth, would be better than serf labour (Hagen). Moved in this way, governments could propose and lords could dispose; and with revolutionaries making a bid for peasant support by offering promises of agrarian reform, the old order was obliged to act likewise in order to counter revolution. To retain peasant support, it was essential to establish a shared value. Given the long history of protest and non-cooperation, serfdom was clearly no basis for symbiosis. As for the lords, they readily conceded the end of serfdom because it was accepted that the seigneurial system would live on. Only in Russia were the two terminated in tandem (Mironov). By 1870 Europe was free of serfdom, for the first time in over a thousand years. Elsewhere in the world, notably in Africa and India, it survived, usually as a form of slavery, in which families recognized as unfree were allowed to hold land in return for unpaid services (Turley, Engerman).

Serfdom in Europe came in two basic forms: bondage in the blood and bondage by tenancy (Bush, Dyer), the first derived from slavery, the second originating in the late Roman colonate practice of tied tenancy. Whilst personal bondage was a clear example of servitude, tenurial bondage could be more ambiguous and putative, especially in the medieval West, simply because it was possible for freemen to occupy servile tenures and because this form of bondage rested not upon hereditary servile status but simply upon the occupation of a holding recognized as unfree (Bush). In the modern East the matter was more certain and simple. Each country opted for the one or the other, recognizing both as proof of subjection and unfreedom. But this did not mean that the two were indistinguishable in practice. Personal (as opposed to tenurial) serfs had the chance to be other than peasants. In systems of personal serfdom the state was inclined to retire, leaving the rule of the serfs almost entirely in the lord's hands; whereas in systems of tenurial serfdom the state tended to be more intrusive and serfs had greater access to legal action in the royal courts (Bush, Hagen).

Tenurial serfdom tended to be less onerous than personal serfdom. This was true of both the medieval West and the modern East (Bush). But the strategies serfs pursued to protect their interest could even things out. Thus in early modern Poland (a case of personal serfdom) and in modern Brandenburg (a case of tenurial serfdom) the condition of the peasants, when measured by their

living standards, appeared roughly similar (Hagen). What tended to make a significant difference to the serfs' lot was direct demesne farming (Bush, Dyer, Hagen). Thus, in medieval France serfdom became progressively lighter as its services were commuted to rent, and week-work was converted into boons (i.e. a few days a year) (Bush). The serf regimes of modern Western Europe, where direct demesne farming had faded away, were notably lighter than those in modern Eastern Europe, where direct demesne farming prevailed (Bush). Serfs could be relieved either as lords ceased to farm the demesne directly or as an excess of labour resulting from rapid population growth permitted lords or serfs to employ wage labour in place of labour services (Bush). Although humiliating, serfdom was not intrinsically heavy. What made it mild or harsh were the circumstances in which it operated. For this reason, it came in a variety of strengths, even within the same system.

The importance of serfdom is often assumed, but with what good reason? One view is to see it as a veil draped over the true face of rural society, obscuring its essential features. Thus, in eighteenth and nineteenth-century Russia, the mentality of the peasantry, it is argued, was conditioned not by serfdom but by other factors, notably the way authority was allocated within the commune and among its component families, the way relationships between lord and serf were determined by the collusion of family heads, and the way relationships between families within the commune were determined by the practice of repartitional tenure (Hoch). Within this scheme, serfdom played little part in determining the peasant outlook. On the other hand, without the coercion of serfdom, it is argued, the Russian peasantry would have been much less productive (Mironov). The importance of serfdom could also be questioned on the grounds that, within the peasant community, social divisions were created by the differences between rich and poor rather than by the distinction between those of free or unfree status.

One means of stressing the importance of serfdom is to view it in class terms, especially by assuming that peasant societies which featured serfdom were dominated by it and therefore especially vulnerable to exploitation, so much so that, thanks to serfdom, the peasants' advantage of possessing the means of production was denied and lords instead gained free access to their surplus and took full charge of their labour. However, in medieval serf societies the unfree formed only a minority (Dyer, Davies). In the modern period, serfs often formed the majority, but, outside Poland, Hun-

gary and Bohemia, not usually an overwhelming one (Bush). Furthermore, the unfreedom of the serf was no bar to the possession of rights and the acquisition of wealth: the former, a protection against exploitation, the latter, proof of the effectiveness of these rights. Serfdom was presented by reformers in the eighteenth century as a cause of peasant impoverishment, but much depended upon the degree to which serfs were exposed to the demands of their lords and the crown. Studies of living standards and the weight of exaction, in both medieval and modern serf societies (Dyer, Hagen, Hoch), suggest that serfdom could serve the peasant as well as the lordly interest. Within the chain of exploitation, serfs were not at the bottom. As peasants, serfs were better off than landless labourers; and, protected by seigneurial custom or urban regulations, they were better off than those free peasants who were rack-rented, either because they leased demesne or because they held subleases of tenure land. Serfs were not downtrodden simply because of their servile condition; and lords were not necessarily free to do what they liked because their tenants were serfs. All this would suggest that explaining the condition of serfdom in class terms fails both to identify its true nature and to appreciate its pre-capitalist character (Hoch).

On the other hand, could serfdom be regarded as no more than a superficial detail on the past, something with little import and little impact? Politically, serfdom was significant because, under the old regime, even the most centralized states could rely for their grass-roots effectiveness upon the seigneur's capacity to command his dependants. Economically, serfdom was important because of the part it could play in commercial farming. Socially, serfdom was important because it was recognized as a mark of dishonour; and because it created an unease in the lord-peasant relationship and sustained this unease by tempting lords to encroach upon the peasant interest and by reminding the free peasantry of what they could lose at the lord's hand. Although presented as a source of backwardness, serfdom often acted as a progressive force. After all, it was direct demesne farming with serf labour that promoted European urbanization in the early modern period; and it was the frequent spectacle of serf rebellion that proposed, in both the medieval and modern periods, radical critiques of lordship (Bush).

Two basic problems lie coiled round the study of serfdom and slavery. The first is that, in both cases, the servitude evident in practical social relationships usually failed to comply with the

servitude declared in the law or conceived by lords and masters. Whereas theory and ideology presented a neat definition of each and, if related, a clear distinction between the two, in reality there existed, at the same time, a host of differing servilities. Forms of serfdom, in practice, could vary considerably from each other, as could forms of slavery; while some serfs (i.e. personal serfs without holdings) could resemble slaves, and some slaves (i.e. those allowed holdings) could resemble serfs. A need remains, however, to determine, within the scope of differences and similarities, what was typical, so that particular instances of servitude can be characterized by the extent to which they departed from the norm.

The second major problem is a legacy of liberalism. The values of contemporary society remain determined by a movement driven not only by its appreciation of democracy, equal rights and the market economy but also by its abhorrence of legal bondage. This makes it extremely difficult to view the matter with any objectivity. Moreover, the progressive rhetoric of liberalism established a view of 'the old order' which condemned its recognized constituents – monarchs, nobles, serfs, slaves – and in so doing awarded them an excessive importance in the making of the past. Whilst there is clearly a need to see through this rhetoric, there is also the need to avoid overreaction. No likelihood exists of reviving a belief in the virtue or even usefulness of either slavery or serfdom, but there is the danger of assuming that they were economically, socially and politically peripheral and that, in studying ancient, medieval and modern societies, there are more significant things to note than servitude.

CHAPTER TWO

Slavery, serfdom and other forms of coerced labour: similarities and differences

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This chapter will examine and discuss a number of different forms of labour institutions that have been considered to be coerced labour. Varieties of what has been considered as coerced labour have existed in many times and in many places; there were large numbers of individuals and groups involved, as coercers and coerced; and there have been numerous variants and characteristics in the depiction of coerced labour, so that clearly few generalizations will hold for all cases. Further, there is a perhaps artificial separation made, explicitly or implicitly, between economics and politics in explaining the basis of coercion, but this distinction will remain useful in attempts to distinguish between different actors and different motives. I shall not be concerned here with describing aspects of hegemony, religion, nationalism, and other belief systems that served as alternative ways to get labour productive and also to permit a 'quiet' society for the rulers. These have, however, been important as aspects of economic change in the past, and are to be regarded as the basis of alternative political and/or economic strategies for elite investment in achieving desired ends, as demonstrated by debates on the roles of education and of religious training. Not all of the possible forms of social control will be discussed; little will be said on the use of police and the military as alternatives or complements to the use of market incentives, or on direct economic controls in 'encouraging' various forms of labour activity. Clearly, there are many different manners in which the basic problems of social order and production have been solved, each with differences in the efficiency of meeting goals and in the equity of the distribution of rewards among members of society. In some sense, the interesting historical questions may be less that of whether coercion existed, than of why specific forms of coercion

existed at particular times, and how and why they changed over time.

Slaves and serfs: similarities

Slavery and serfdom have generally been regarded as the extreme versions of coerced labour, one end of a spectrum, at the other end of which is what would be called free labour. One of the most prominent rights of slaveowners and serfowners was their ability legally to buy and sell labourers. Such rights were not always unlimited: serfs often had to be sold as a package with the land on which they lived, while sales of slaves below certain ages were often prohibited. In addition, other individuals have been bought and sold, including indentured labour, convict labour, wives in Victorian England, and athletes in most professional sports. These, however, generally were the result of a free choice of occupation or a behaviour-induced loss of rights (the sale of wives apparently was in lieu of divorce). Motion-picture stars and directors were, at an earlier stage of the development of the industry, hired-out from one studio to another as a result of long-term contracts, until courts in the United States refused to uphold the provisions of these agreements. In the case of athletes, there had been acceptance of an initial voluntary agreement, which included the right of sale for at least some limited time. Earlier these agreements covered the full career of the athlete (the so-called reserve clause), but recently such controls have been for only a limited number of years. Most professional sports still do have restrictions on the initial bargaining situation of athletes when entering the league (the so-called draft system). These cases of movie-stars and athletes highlight one aspect of coerced labour systems: that the material rewards may not be indicative of the legal arrangements of the system, and that the right to be bought and sold did not necessarily mean a low level of income.

Slavery and serfdom have generally been hereditary, with the status imposed on the offspring of those previously introduced into those conditions. Thus they were really of infinite duration, not for either a fixed time or of one (or more) generation duration. Manumissions of slaves and freeing of serfs were permitted, ending the condition for those individuals and their offspring, but these were usually small in number as long as the systems remained legally acceptable. In some areas slavery was confined to two or three

generations, leading to either a limited or an unlimited entry of descendants into the free society. There have also been some cases when no individual could be regarded as born into a slave status, only the living being considered enslavable.

Under slavery and serfdom, the individual slaves and serfs did not own property rights in themselves and thus had to forego certain rights in law (if not in practice), such as the ability to leave the holdings and move elsewhere, the ability to plan fully their own labour time, the ability independently to form families, and the ability to determine the intra-family allocation of work. This would mean, for serfs, that the number of days left for their own work, and whether they would need to work directly for their owner or use their time to earn money to make cash or kind payments, were not determined by themselves. Of course, under both slavery and serfdom there were often opportunities for individual negotiations over these terms and, over time, various forms of 'customary rights' developed, but the legal rights generally were with the owners, the extent of deviations being based on laws imposed by ruling groups themselves or else were the outcome of a bargaining process, however one-sided, among owners and workers. In addition, the owners generally had the right to utilize certain forms of punishment (and to determine their magnitude) that could not be used for most free workers, although there might be exceptional cases, such as children, criminals, and the military, where forms of punishment, such as whippings, were still allowed.

In general, most forms of slavery and serfdom have been regarded as involuntary institutions. This view is based primarily on the cases of the New World slavery of the European powers and of serfdom in Russia, where this depiction is clearly most appropriate. Yet, given the many cases of slavery and serfdom, it is of interest to see when those statuses were the outcome of voluntary and mutual decisions. Some such cases included arrangements to provide the labourer with subsistence or defence, in exchange for the giving up of some control over work and living arrangements. These varieties of social security could be important where levels of income were low and highly variable or where societies were warlike and chaotic.

Serfdom in Europe has been regarded either as coercive in its origin or else as initially the result of an implicit contract for military support from a lord, support that continued even after changes in relative bargaining strength, and would later become unnecessary and/or unfeasible with the rise of larger, central states. The state and the nobles may have come into conflict in their attempts to

control labour and the overall population, and the shifting power balance might have meant, depending on the particular circumstances, that serfdom was either terminated or reintroduced.

Voluntary slavery generally existed where income levels were low. Although this clearly cannot explain the existence of the major modern slave systems in the New World where, particularly after the demographic disaster that followed the first contact, population densities were low, resources abundant, and opportunities for high incomes present. Voluntary slavery was a means taken to offset famines at low levels of subsistence (a circumstance that also played a role in providing late nineteenth-century indentured labour). It often entailed the selling of children to avoid starvation, an alternative to infanticide for solving the problem of excess children. Voluntary enslavement could be, for adults, the outcome of a prior build-up of debt that could not be otherwise repaid. Whether or not this was due to lender entrapment is a matter for historical debate.

Slaves and serfs: differences

Both slavery and serfdom rested upon individual power in the control of labour and persons, but it required direct or supportive control by a state or other governmental apparatus or, at the least, a successful cartel among the owners to limit runaways and to prevent the raiding of other owners to acquire labourers. There was a need to have some legal authority limiting intra-elite (actual and potential) disputes that could benefit subject workers (such as that which occurred in England after the Black Death), with sufficient judicial and/or military controls to have these laws enforced. Perhaps at an earlier time continued control could have been achieved by combinations of large or small lords in a military standoff, but it was essential that there was no direct free bidding by lords to attract the serfs away from other lords. Under slavery, it was required that there be no negotiations directly between owners and slaves, all transfers among owners were to be made only by transactions in the market, with payments to previous owners and not to the slaves.

There were a number of crucial distinctions between slavery and serfdom. Serfs generally had the rights to some land, and they could not in most cases (Russia being a major exception) be sold apart from this land. Sales of serf and land to a new owner of the land and labour at the existing location was the typical pattern, thus restricting the efficiency of serfdom *vis-à-vis* slavery. Serfs paid their owners

in cash, kind, or labour time to fulfil their labour obligations, as well as to obtain the permission needed for various personal actions, such as marriage and mobility. There were periods which saw the substitution of money payments made in commutation for labour services, as well as the reverse, and understanding the causes and consequences of such changes may help explain the transition to other labour institutions, including the emergence of free labour. Of course, some systems of slavery had characteristics that resembled this mixture of payment forms. Frederick Douglass, for example, an urban slave in the United States, operated in a system of self-hire, where different incentives other than force were provided. He lived apart from his owner, chose his employment, and gave his owner cash compensation on a periodic basis.¹ While this system developed most typically in urban areas and in industries using slave labour, for rural slaves the production of their foodstuffs might be either in their own time or else provided by masters from slave-grown output, so that there was some effective variation in payment forms and in the amount of consumption between individuals and families.

Serfdom, in general, did not involve large-scale geographic movements, since most were enserved in the location of their previous residence, often on land they had previously worked. Russian serfdom, which effectively allowed sales of individuals without land, did permit some relocation of serfs (either by sale or by movement with owners) in settling the Russian frontier, a pattern somewhat similar to that of the westward movement of United States slaves in the nineteenth century. Modern slavery, however, meant long-distance, inter-continental mobility to help settle new areas. Slavery very seldom occurred in the original locations of those initially enslaved. In some cases, movement took place over relatively short distances, but even this was to different social and political regions, so that these slaves were infrequently found in their initial areas of residence. Voluntary slavery may have occurred without such relocations, but this was seldom true for involuntary slavery.

Serfs were generally considered to be lower-class, often rather despicable elements of society, with no or limited abilities and few chances to rise socially and economically. Yet they were not always considered complete outsiders, ethnically different from the other members of society. Indeed, since some of the attacks on serfdom came about because the king was in dispute with the nobility,

¹ Frederick Douglass, *My Bondage and My Freedom* (New York, 1969) (first published 1855), pp. 318–20.

seeking political support and tax money, some role for the serfs (and ex-serfs) within the state was possible, even if, by our standards, this was rather incomplete, for they were without voting and other political rights. Slaves were almost always considered outsiders from the rest of society with only a limited sense of rights, no matter whether the ultimate rationale for slave status was based on nationality, religion, ethnicity, or race. While the rationale for acceptable enslavement did vary over time, the general pattern was the restriction of slavery to some group considered as outsiders, and in some sense what are described as anti-slavery movements in the modern era were the extension of the argument against slavery to new sets of outsiders, slavery itself having long been considered inappropriate for one's 'own kind'.

Slaves were often the outcome of warfare, although the status of outsider was reflected in different treatments of war prisoners in Europe and in Africa, at a time when foreign prisoners of war could be killed, sold as captives, ransomed, or freed. There was some distinction made in regard to the treatment of those captured in warfare, who could presumably be enslaved, given that the option was death, a point that goes back to the Ancient Greeks and resurfaced in the justifications of transatlantic slavery by Hobbes, Locke, and others.

The extreme aspects of the definition of the enslaved can be seen in comparison with another group of involuntary long-term migrants, convicts. Areas of convict settlement, such as the United States and Australia, as well as the French colonial regions, had strong restraints on the convicts during the term of penal servitude, but these were never as severe as was slavery in the United States; and the convicts were permitted to re-enter society with minimal penalties after serving their term. In the United States some relation between criminals and slaves was recognized, convicts losing their rights of citizenship for limited periods; and the thirteenth amendment, which ended slavery, did permit 'servitude' for criminals, a distinction going back to at least the late eighteenth century, while criminals frequently lost certain rights, such as that of voting, even after being freed.

In the New World, slavery was used mainly to produce tropical crops (particularly sugar) on large-scale plantations. Another important use of slave labour, in different periods and places, had been in mining. Some plantation production also occurred in Africa and Asia. In general, however, other uses to which slave labour was put did not lead to such distasteful work. Sometimes the non-

plantation work of slaves was the same as the work done by free labour, particularly the poor (as in domestic service), sometimes not. And sometimes, after the end of slavery, it was possible to use indentured labour to grow crops previously grown by slave labour. Serfs were generally involved in the production of various grains and of livestock, with the use of animal power, working several days for lords (sometimes on large, sometimes small, units) and several days for themselves, the precise allocation of labouring time varying on a weekly or seasonal basis.

Generally, both slaves and serfs were involved in some production for markets: slaves, of products usually for sale in distant, export markets; and serfs, either for distant markets or, at the least, for sale off the working unit; while both slaves and serfs often produced their own subsistence foodstuffs as well. Despite the importance of production for sale, even on slave plantations this usually accounted for less than one-half of the total labour time. Slaves generally worked in large gangs, combining male and female labour in similar types of work. Serfs seldom worked in such large gangs, and more often worked in a family unit. Generally there was a sharper division of labour between the work performed by males and by females in serfdom than in the case of slavery, whether because of the specifics of crop production requirements or due to differences in attitudes to gender matters across races and legal status. The diverse nature of both slave and serf agriculture resulted from problems of matching crop needs and seasonal work requirements. Both serfs and slaves laboured in industrial pursuits, although under serfdom there appeared to have been more small-scale industry and proto-industry than was general under slavery. There were shifts of slave and of serf labour from field to factory, in both the short run and the long run, depending upon relative profitability, though both systems remained predominantly rural, agricultural institutions. Slavery in the cities appeared less severe than was rural slavery. In some areas of medieval and early modern Europe, urban location for at least one year (sometimes with occupational restrictions) could result in the freeing of individual serfs who had established residence there.

Slavery and serfdom were quite different in their effect on family rights, including inheritance, and the role of women. Under slavery there generally was no legal recognition of the slave family and of inter-generational relations although, of course, practice could differ dramatically from the legal requirements. Slaves often did live in nuclear-type families, in village-like arrangements, and the family was recognized and accepted by slaveowners, at least when the costs

of doing so were not too high for the owners to pay. Under serfdom, there was a general acceptance of the family as a residential and working unit and of family farms, in a manner similar to that for free peasants, although the requirement of either labour or cash payments to the lord in exchange for his approval persisted. Women, under serfdom, were subjected to a more distinct division of labour than was to be found under slavery, and generally resembled that found among the free peasantry in the same society.

It has long been argued that slave populations were not capable of reproducing themselves, the one major exception being that of the slave population of mainland North America, where population growth was among the highest in the world in the eighteenth and nineteenth centuries. Rates of population change for European serfs appear to have been positive, and thus higher than for most slave populations, although the precise mixture of fertility and mortality differences remains unclear. It appears that Caribbean and Brazilian slaves had rates of fertility similar to those of free Europeans and, possibly, of serfs. Mortality among slaves was high, both because of the effects of long-distance movement, a movement into a somewhat different disease environment, and also because of the difficulties of the climate, working conditions, and topography of the areas in which many slaves worked.

There is one aspect of the presumed fertility differential between slaves and serfs that has been used to explain the early evolution of European serfdom out of slavery. The argument that family units living together would tend to have higher fertility than would slaves meant that when the supply of slaves declined, and a population increase was desired, a shift to new resident arrangements for those who had been enslaved was implemented. The decline of estates has also been explained, however, by the changes in Europe resulting from rising transport and transactions costs, and thus the limited importance of distant markets. While the nature and magnitude of differences in fertility between slavery and serfdom remain for further examination, the negative rates of natural increase meant that slave societies often needed a continual inflow of new slaves from abroad to maintain the population, while serf societies did not generally suffer from this set of problems, and the magnitude of serf transportation was relatively small.

Various forms of labour coercion often entailed measures to control other aspects of the life of the labourer, not always directly related to the control of labour for profit. In some cases, the controller of labour had legal restraints over the lives of the

labourers; in other cases control over labour did not give any additional rights, these being reserved to the state. Similarly, at times the laws permitted different sets of rights to coerced labourers in regard to their owners than they did concerning their relations with other members of society. The distinction between rights to service and rights to the person has often been recognized, both in law and in practice. It was, for example, traditional in English law, Blackstone making the distinction between 'perpetual service' and the rights to the 'body or person'.² The Dutch West India Company devised a system called 'half freedom', as a reward for certain slaves, which apparently permitted them choice of location, marriage, and so forth, but required payment to their masters, a system with characteristics resembling that of slave self-hire in the United States and some cases of European serfdom.³ Early reforms of serfdom recognized this distinction by permitting the serfs more rights over their life-choices as long as the desired amount of labour was provided. While the idea of 'warranteeism' – introduced into the United States pro-slavery argument in the 1850s by the Mississippian Henry Hughes, with its distinction between control over the individual's labour and control over the individual's life – has generally been regarded as an oddity, it was clearly within the range of ideas that had long been discussed and agreed upon.⁴ These attempts to separate legally the labour requirement from the idea of personhood were also used by pro-slavery and pro-serfdom advocates as a means of arguing that, no matter what the legalities, masters did not exercise unlimited power over individuals. And it has a counterpoint in those policies of free labour markets which permitted employers some controls over the private lives of their workers as a condition for employment.

Other labour systems

When discussing coerced labour, we are describing a spectrum of labour systems with a variety of different characteristics. A basic difficulty comes with the problem of defining the meaning of free

2 William Blackstone, *Commentaries on the Laws of England* (Chicago, 1979), 4 volumes (first published, 1765–69), II, pp. 401–2. See also I, pp. 411–13.

3 Oliver A. Rink, *Holland on the Hudson: An Economic and Social History of Dutch New York* (Ithaca, 1986), pp. 160–3, and Edgar J. McManus, *Black Bondage in the North* (Syracuse, 1973), pp. 57–9.

4 See the writings of Hughes in Stanford M. Lyman (ed.), *Selected Writings of Henry Hughes: Antebellum Southerner, Slavocrat, Sociologist* (Jackson, 1985).