Decree on the Abolition of Personal Serfdom in Schleswig-Holstein (December 19, 1804)

Abstract

The abolition of landed villagers' personal subjection or serfdom reflected Enlightenment-inspired condemnation of the curtailment of individual freedom. But it also entailed a complex renegotiation of the "emancipated" (or "freed") villagers' land tenure rights (sometimes strong, sometimes, time-bound, sometimes precarious) as well as the determination of compensation to be rendered to their former seigneurial lords for loss of landlordly privileges and the former subjects' "feudal rents" (especially labor services).

In these Danish-ruled but largely German-populated northern duchies, noble estate owners, following larger trends at work in the Danish monarchy, agreed in 1797 on the abolition of personal serfdom within eight years' time, leading to the provisions of the decree translated here. It effected the emancipation into full civil freedom of some 100,000 subject villagers, mostly in Holstein. It decreed that, while landlords might remove emancipated villagers with weak tenurial rights from their previously cultivated farms, they were obliged to place these farms in the hands of new peasant proprietors and were forbidden from enclosing them in their own estates. Subjects retaining the farms they cultivated under servile tenure would negotiate terms of compensation with their landlords, mediated by royal judicial officials. Subjects removed or retiring from previously held farms were to receive from their former lordships provisions for old-age retirement.

Source

Decree on the Abolition of Personal Serfdom in the Duchies of Schleswig and Holstein

December 19, 1804

[…] 1. In Our Duchies of Schleswig and Holstein personal serfdom is, as of January 1, 1805, completely and forever abolished, with no exception. […]

3. From January 1, 1805, those who have been freed, like other freeborn compatriots, dispose freely and unhindered over their persons and their property, insofar as Our rulings do not prescribe restrictions applying generally to all.

4. In particular, on that day estate owners' permission for former serfs to marry or seek training in a handicraft ceases to be necessary. […]

7. Leaseholders of peasant farms who were previously held in personal serfdom, as well as occupants of fullholdings, cottage-holdings, and estate laborers' holdings of the same legal status, who in consequence of the abolition of personal serfdom do not retain their holdings through leases or other conferrals of tenancy, will enjoy such provisions for life in retirement as are customary in each place of residency. Where these are not customary, another appropriate settlement shall be reached free of cost for the lifetime of the tenants and their widows.

8. Should such emancipated subjects have, whether now or earlier, taken larger or smaller leasehold farms, but in the future legally surrender or otherwise lose them, the estate owner is obliged to provide them and their widows free lodging for their lifetime on the estate.

9. This applies also, from January 1, 1805, or earlier, to emancipated estate laborers not already given new cottage-holdings or those who are altogether landless.

10. If such emancipated subjects (as specified in paragraphs 8-9) seek their livelihoods through wage-labor or other means outside their previous lordship's estate, then they must pay the usual local rent for their dwelling, if they wish to retain it. […]

13. The number of family holdings endowed with land now to be found on each noble estate shall not be diminished.

14. Houses or dwellings endowed only with kitchen gardens or uncultivable moorland are not to be counted among such landed family holdings.

15. In particular, as of December 31, 1804, all holdings must be preserved as they now stand, whether occupied by subjects in personal serfdom, emancipated subjects or other peasant-farmers, and whether they are full-, half-, quarter-holdings, smaller arable parcels or the like.

[…]

23. Previously rendered manorial labor services deriving from personal serfdom come to an end with the abolition of serfdom.

24. However, the tenant previously obliged to perform labor services will render the estate owner an appropriate compensation in money or services until a new tenancy contract is signed, if this occurs or is in process by May 1, 1805, and will in that case remain in undisturbed possession of his holding. In the absence of an amicable agreement over the aforementioned compensation, the subjects must render the indispensable necessary labor service until resolution can be achieved by judicial commissioners, who will begin work as soon as possible, and in any case by May 1, 1805. […]

28. Conflicts arising from [lordships'] contracts with villagers in personal serfdom or concerning settlements owed to the emancipated, or that otherwise arise from relations of personal serfdom or compensation owed to tenant farmers, shall be summarily resolved, without formal legal proceedings, in the next five years by commissioners appointed by Our judicial authorities [*Oberdicasterien*].

29. In pursuit of non-adversarial settlements, the commissioners will report to the higher judicial authorities, who will then resolve controversial questions, without formal proceedings before the courts, summarily and without court fees. […]

Source: *Schleswig-Holsteinische Anzeigen*, Part 1 from January 7, 1805, pp. 2–6; reprinted in Walter Demel and Uwe Puschner, eds., *Von der Französischen Revolution bis zum Wiener Kongreß 1789-1815*. Deutsche Geschichte in Quellen und Darstellung, ed. Rainer A. Müller, Volume 6. Stuttgart: P. Reclam, 1995, pp. 315–17.

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