

Jérôme [Hieronymus] Napoleon, King of Westphalia, Decree on the Abolition of Personal Serfdom in the French Satellite Kingdom of Westphalia (January 23, 1808)

Abstract

In northeastern (east-Elbian) Germany personal serfdom (where it existed) served mainly to secure labor services for noble-owned large estates that produced for local or export markets. In west and south Germany, where large-estate agriculture was rare, serfdom persisted as a legal rationale for various forms of rents and other material exactions, and to secure subject villagers' labor at the manor house. This text enumerates the variety of burdens lifted by the abolition of serfdom in this large northwestern German region. It preserves, however, the landlords' property rights in their tenant farmers' holdings, for which their village occupants (effectively enjoying hereditary tenure) remained obliged to pay rents and even, if they counted as components of rent, to render limited labor services. The possibility for such tenant farmers to obtain full property rights in their holdings still lay in the future.

Source

We, Hieronymus Napoleon, etc., in view of article 13 of the Constitutional-Decree of November 15, 1807, which says

“All personal serfdom, of whatever nature and designation, is abolished, inasmuch as all inhabitants of the Kingdom of Westphalia shall enjoy equal rights,” have, in response to the report of Our Minister of Justice and Internal Affairs and after hearing the views of Our Council of State, resolved and decree as follows:

Part One. On the Abolition of Rights and Duties Pertaining to Serfdom.

Article 1. As obligations of serfdom, to be abolished as such, are:

- 1) strictly personal labor services [*Personal-Frohnen*], that is, those that a person is obliged to render as a vassal, or for living in a certain place;
- 2) all services that derive from possession of a landholding or that are *unspecified* and dependent on the will of him who demands them;
- 3) the obligation of village-farmers to work in the house of their former lordship as servants, and the so-called Right to Compulsory Service, according to which their children may be compelled to enter the service of their lordship and no other;
- 4) the obligation to obtain the former lordship's permission to enter into marriage, and to render to the lordship payment for such permission, whether called *Bedemund*, *Brautlauf*, *Klauenthaler* or any other name;

Article 2. The former lordship possesses no rights concerning the education and occupation of the village-farmers' children. He can oblige them neither to remain in the peasantry nor pursue their elders' trade, nor prevent them from moving away from the peasant-farm.

Article 3. He may not demand from his village-farmers an oath of loyalty and subjection.

Article 4. He may not compel them to fulfill their obligations, insofar as these continue to exist, by physical punishment or money fines. He may only appeal to the courts, since compulsory service and every other such right has been abolished.

Article 5. The peasant-farmer is free to leave his holding, to abandon its possession and settle in any other place, if only he gives prompt notice of his intention and waits to leave until an appropriate time.

Article 6. Abolished also is the right -- variously termed *Sterbfall*, *Besthaupt* ["best head"], *Curmede*, or, in general, *Mortuarii* -- to demand part of the movable possessions of a peasant-farmer's deceased wife, and in inheritance proceedings to take a portion of the movable goods, livestock, and money of the farmer himself.

Article 7. Peasant-farmers are empowered to acquire in full property [usufructuary] rights and [physical] properties and to dispose of them both through contracts among the living and last wills and testaments, as regulated by the Napoleonic Code.

Article 8. Communal labor services [*Commun-Frohnen*], rendered solely to benefit the village community, as also labor services known as *Burgfesten* and *Landfrohnen* that meet the needs of the State, are not abolished.

Part Two. On Obligations Burdening Landholdings

Article 9. The former lordships retain higher ownership [*dominium directum*] and all those rights not abolished as entailments of serfdom, but rather consisting in dues and obligations, consistent with the Constitution, understood as the price for conferral of use-rights or usufructuary property [*dominium utile*], namely, interest-payments, rents, tithes, dues in cash or natural payments, indeed even the obligation to work or supply transport for the former lordship, provided that the number of days and the extent of the work are specified, acknowledged, and declared in the occupancy contract or official registers of dues burdening tenant farms.

Article 10. If the farmer is called to public labor-service [*Burg-, Landfrohn-, or Commun-Dienst*] on a day when he is obliged to work for the former lordship, he is obliged neither to provide a substitute nor work on another day.

Article 11. Without the former lordship's agreement he may not alienate, exchange, or divide the landholding he cultivates, nor burden it with labor-service or mortgage, if the occupancy contract or register of dues does not empower him to do so.

Article 12. He must also, upon change of the landholding's possessor and in other instances specified by contract or the register of dues pay, as before, the entry-free, or so-called *Weinkauf*.

Article 13. All remaining rights possessed by the former lordships pertaining to the land may be dissolved, either by amicable agreement or according to provisions still to be determined. [...]

Source: Klaus Rob (ed.), *Quellen zu den Reformen in den Rheinbundstaaten*. Volume 2: *Regierungsakten des Königreichs Westphalen 1807–1813*, published by the Historical Commission of the Bavarian Academy of Sciences and Humanities. Munich: Oldenbourg Wissenschaftsverlag. 1992; 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. 318–21.

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