

10. *Marc Bloch, historian of servitude: reflections on the concept of 'servile class'**

The problem of servitude haunted Marc Bloch. His first piece of research, published in 1911, was about the serfs of the chapter of Notre-Dame of Paris at the time of Blanche of Castile.¹ One of his last articles, published posthumously, was about slavery in the early Middle Ages.² In between came his thesis, *Rois et serfs*,³ nine articles (amongst the most important he wrote)⁴ and several crucial chapters in his major works, *Les caractères originaux*⁵ and *La*

* First published in *Marc Bloch aujourd'hui: histoire comparée et sciences sociales*, Actes du colloque Marc Bloch, Paris, 1986 (Paris, E H E S S, 1990), pp. 363–87.

¹ 'Blanche de Castile et les serfs du chapitre de Paris', *Mémoires de la Société de l'histoire de Paris et de l'Ile-de-France*, 38 (1911), 242–72; reprinted in M. Bloch, *Mélanges historiques* (Paris, 1963), vol. 1, pp. 462–90; translated by William R. Beer in *Slavery and Serfdom in the Middle Ages* (London, 1975), pp. 66, 163–77.

² 'Comment et pourquoi finit l'esclavage antique', *Annales* (1947), pp. 30–43, 161–70; reprinted in *Mélanges historiques*, vol. 1, pp. 261–85; translation in *Slavery and Serfdom*, pp. 1–31.

³ *Rois et serfs: un chapitre d'histoire capétienne* (Paris, 1920). The plan for Marc Bloch's initial thesis (modified and limited due to the 1914–18 War) was entitled *Les populations rurales de l'Ile-de-France à l'époque du servage*.

⁴ *'Serf de la glèbe: histoire d'une expression toute faite' (1921); 'Un aspect de la société médiévale: rois et serfs' (1921); *'Les transformations du servage; à propos de deux documents du XIII^e siècle relatifs à la région parisienne' (1925); 'Collibertus ou Culibertus' (1926); '*Servus glebae*' (1926); *'Les *colliberti*: étude sur la formation de la classe servile' (1928); 'Un problème d'histoire comparée: la ministérialité en France et en Allemagne' (1928); *'Liberté et servitude personnelles au Moyen Age, particulièrement en France' (1933); 'De la cour royale à la cour de Rome: le procès des serfs de Rosny-sous-Bois' (1938); 'The Rise of Dependent Cultivation and Seigneurial Institutions' (1941). All these articles are reprinted in *Mélanges historiques*; the four asterisked are also translated in *Slavery and Serfdom* (to which later page numbers refer); the last article is chapter 6 of *The Cambridge Economic History of Europe*, vol. 1, ed. M. M. Postan (2nd edn Cambridge, 1966).

⁵ *Les caractères originaux de l'histoire rurale française*, 2 vols. (2nd edn 1952–6); volume 1 has been translated into English by Janet Sondheimer as *French Rural History* (London, 1966) (to which later page numbers refer); see, in particular, pp. 64–101 ('The *seigneurie* down to the crisis of the fourteenth and fifteenth centuries') and pp. 102–12 ('Legal changes affecting the *seigneurie*; the fate of serfdom'), also, in vol. 2 of *Les caractères originaux*, pp. 80–5 ('Le declin de l'esclavage') and pp. 143–7 ('Servage et sociétés rurales').

Société féodale:⁶ in all, he devoted many hundreds of pages to this absorbing question: the enserfment of man by man.

Bloch's principal ideas

'Slavery and serfdom: a historical contrast':⁷ if there was one idea which Marc Bloch held dear, which he never ceased to assert with growing conviction, and demonstrate with increasing rigour, it was that of the radical transformation experienced by the Middle Ages with regard to servitude. He placed this transformation firmly in the tenth and eleventh centuries, a period of 'great social disorder and renewal'.⁸

Ancient slavery survived into Carolingian times. In this respect, the 'great invasions' changed nothing; there was even an increase in the numbers reduced to slavery in the fifth century. The slave living in the Frankish kingdom was still relegated to the ranks of objects, at best an animal; devoid, at all events, of his individuality, lacking all status, thus any guarantees, he was 'a foreigner'.⁹ The decline of the slave system came about for a number of reasons, amongst which one of the most important was the practice of settling slaves on holdings. It usually took the form of enfranchisement *cum obsequio*, motivated by economic factors. In the ninth century, as the polyptiques reveal, manumissions had already had an effect; slaves constituted only a minority amongst the tenants of the great estates.¹⁰

Several centuries later, around 1200, servitude existed but was

⁶ *La société féodale*, 2 vols. (1938–40); translated by L. A. Manyon as *Feudal Society* (London, 1961) (to which later page references refer); see, in particular, chapter 19 ('Servitude and Freedom').

⁷ This was the sub-title given to the first section of 'Personal liberty and servitude' (*Slavery and Serfdom*, pp. 33–91).

⁸ *Ibid.*, p. 75. In many of his works, Bloch did not really date the period of the transformation, placing it without further specifying between the end of the eleventh century and the beginning of the thirteenth, but when he refined his analysis (as in the instance quoted here), he placed it unhesitatingly in the tenth–eleventh centuries.

⁹ *Ibid.*, p. 35. It is remarkable to note to what extent this definition of the slave by Bloch prefigures that given by contemporary ethnologists, who emphasise the phenomenon of the 'desocialisation' of the slave (see C. Meillassoux, *L'esclavage dans l'Afrique noire précoloniale* (Paris, 1975), p. 21).

¹⁰ For a more detailed analysis of Bloch's views on the decline of ancient slavery, see chapter 1 above, 'Survival and extinction of the slave system in the early medieval west', especially pp. 2–16.

no longer the same. An old name - *servus*, serf - concealed a new reality: serfdom was not (contrary to the writings of, for example, Fustel de Coulanges) the continuation of slavery. In the first place, it affected a much larger number of people: 'the majority of manorial subjects'.¹¹ Further, it was different in origin; if some ('a small number') descendants of the slaves of the early Middle Ages were found amongst the serfs, the majority of them ('the greatest number' by far) had as their ancestors '*coloni*, *lites*, [freedmen, small allod-holders], in a word, men considered [in the Carolingian period] as legally free'.¹² The process of enserfment took place within the framework of the *seigneurie*: it resulted from 'pressure exerted through promise or threat' on the mass of the humble and led to the creation of a single category of humble personal dependants.¹³ This is how the servile class was formed. And it was a class: 'Serfdom in fact presented this double character truly essential to its nature of being at one and the same time a bond between men and a class institution.'¹⁴ Finally, this 'new kind of servitude' was defined by 'almost entirely new criteria',¹⁵ the most important of which were the payment of chevage, prohibition of *formariage* and *mainmorte*.

Bloch's supposed errors

Marc Bloch's ideas about the survival of ancient slavery into the Carolingian period and its subsequent decline have been little contested. True, they upset some common assumptions and caused some perplexity amongst specialists (it was so convenient for ancient slavery to disappear along with Antiquity), but the latter have, in general, been content to leave the question open or veil it in an obscurity which is itself significant. But no one has openly denied the validity of Bloch's hypotheses and the most recent research seems to have given them striking confirmation.¹⁶

¹¹ *Feudal Society*, p. 262. The idea appears in many other of his written works.

¹² 'Personal liberty and servitude', p. 69.

¹³ *Ibid.*, p. 78.

¹⁴ *Ibid.*, p. 65. The concept of 'servile class' is a constant presence in Bloch's work. It assumed such importance in his eyes that it appeared explicitly in the title of several of his works: 'The *Colliberti*. A study on the formation of the servile class', 'Personal liberty and servitude in the Middle Ages . . . contribution to a class study'; and vol. 2 of *Feudal Society* is entitled 'Social classes . . .'

¹⁵ *French Rural History*, p. 90; *Feudal Society*, p. 263.

¹⁶ See chapter 1 above. What follows relates only to the serfdom of the eleventh to thirteenth centuries.

The same is not true of his ideas about serfdom. These were criticised, with unusual vehemence, by the legal historian, Leo Verriest, in his *Institutions médiévales* which appeared shortly after Marc Bloch's death.¹⁷ Forty years on, we may consider that this savage attack (there is no other word for it) deserves to be quietly forgotten. But this is hard to do because Verriest's criticisms, by their very virulence, their peremptory character and their scholarly apparatus, had a profound effect; even today, many medievalists regard the conclusions of Marc Bloch as having been 'undermined' to the point of being 'no longer credible'.¹⁸

For Verriest, Marc Bloch was wrong on every aspect of the history of serfdom and his mistakes only grew worse as his work progressed.¹⁹ In the first place, Bloch was mistaken in his definition of serfdom. Chevage, the prohibition of *formariage* and *mainmorte* could not be regarded as the specific obligations of serfdom. They very often also bore on villeins who might be considered, absolutely unequivocally, as free men.²⁰ When, in the thirteenth century, charters of customs, or rather '*chartes-lois*', abolished these charges, they were addressed not to serfs but to 'the population of the free villeins of the *seigneuries*'; Marc Bloch had crudely confused these texts with acts of manumission.²¹ When groups of peasants remained subject to these obligations (and particularly to *mainmorte*) down to modern times, we should not see them as serfs. Voltaire himself got it wrong when he wrote his *Mémoire pour l'abolition de la servitude en France*: he was only fighting, in practice, for 'pretend serfs' and infected later historians with the same error, Marc Bloch amongst them.²²

Secondly, Bloch was equally mistaken as to the number of serfs. The name 'serf' should be reserved for those men whom medieval charters continued to call by the name of *servi* or (but they were

¹⁷ *Institutions médiévales. Introduction au 'Corpus des records de coutumes et des lois de chefs-lieux de l'ancien comté de Hainaut* (Mons, 1946). The criticism of Bloch's views appears in pp. 171–248.

¹⁸ 'Undermined' for Robert Boutruche (*Seigneurie et féodalité*, vol. 2 (Paris, 1970), p. 75), 'no longer credible' to Robert Fossier (*Enfance de l'Europe*, vol. 1 (Paris, 1982), p. 577).

¹⁹ Though relatively indulgent towards the ideas expressed by Bloch in *Rois et serfs*, Verriest tore his later positions to shreds ('his doctrine') as it appeared in *Les caractères originaux* and, above all, in 'Personal liberty and servitude'.

²⁰ *Institutions médiévales*, pp. 232–4.

²¹ *Ibid.*, pp. 219ff. Verriest objected to the expression *charte de franchise*, expressed some reservations about *charte de coutumes*, and accepted only *charte-loi* (p. 219, note 1).

²² *Ibid.*, p. 173, note 2.

the same) for those called *homines de corpore* (words unequivocally implying personal dependence).²³ Defined in this way, serfs constituted only a tiny minority of the rural population. In which case, to talk of 'servile masses' or of a 'servile class' was a nonsense.

Thirdly, Marc Bloch was wrong about the origins of serfdom. Having hugely enlarged the concept of serfdom, he had to seek various provenances for it, incorporating into the serfs numerous descendants of ancient freedmen and ancient free men (both allodholders and tenants), creating a 'macédoine' as inadmissible as the 'magma' to which it gave rise.²⁴ In fact, the few *servi* of the thirteenth century descended quite simply from the equally rare *servi* of Carolingian times. 'The serfs of the late Middle Ages were purely and simply the fruit, perpetuated without any discontinuity, of the female servile bellies of the Frankish period.'²⁵ The continuity was complete and we can manage without the 'great revolution in the index of social values' attributed by Bloch to the tenth and eleventh centuries²⁶ in favour of a history that stands still!

Reading Marc Bloch today

When, forty years on, we read both Verriest and Bloch, we cannot but be struck by the differences of viewpoint, evidence, method and, in a word, sense of history, separating the two men; on the part of the former, a punctilious erudition, but limited to fixed categories of document (polyptiques, cartularies and royal charters) and put to the service of concerns of a strictly juridical kind; on the part of the latter, an equally impeccable erudition, but applied to an immense field (from Antiquity to the French Revolution), making use of the most diverse materials, extending far beyond the frontiers of the history of law in an attempt to examine mentalities and understand the realities of behaviour, and depending, lastly, on new studies, in particular linguistic.²⁷ Over-

²³ *Ibid.*, pp. 176–7, pp. 200ff. We may remark, in passing, that the identification of the *homines de corpore* with the *servi* is accepted by Verriest without its being specifically demonstrated by any text. If the logic of this author was pushed to its limits, the former could be excluded from the category of the serfs – a paradox, if ever there was one!

²⁴ *Ibid.*, p. 179 ('alleged servile macédoine'); pp. 200–1 ('jumbled servile magma').
²⁵ *Ibid.*, p. 236.

²⁶ *Feudal Society*, p. 261.

²⁷ One cannot but be struck today by the attention Bloch paid to the evolution of language, seeking to discover through the history of words the history of the

all, if Verriest was occasionally right in his criticisms of Bloch,²⁸ if he sometimes 'ploughed the cartularies better', it is nevertheless Bloch's intuitions which tend, sometimes in striking fashion, to be receiving confirmation today.

ON THE 'HISTORICAL CONTRAST'

Let us look first at the central problem, the problem which Bloch highlighted in all his works on servitude: continuity or rupture? Marc Bloch suspected, but was unable to describe, the 'great upheaval' of the tenth and eleventh centuries, as a result, he said, of the documentary 'twilight', the 'large obscure gap', which, according to him, as to all his contemporaries, characterised this period.²⁹ He deplored, in particular, the scarcity of information about the regions of the Midi for which, he said, 'the whole question is still to be studied'.³⁰ Over the last twenty years, a mass of converging research, bringing to light a considerable quantity of unpublished or little known documents, has illumined these 'obscure' centuries, especially as regards the southern regions: Latium,³¹ Provence,³² the Biterrois,³³ Catalonia,³⁴ Auvergne,³⁵

social realities they reflected. On serfdom, in particular, his argument was as much of a linguistic as a juridical order. See, especially, 'Personal liberty and servitude', pp. 71–5.

²⁸ As, apparently, at least, on the endlessly discussed problem of the 'specific obligations'. He proved, very clearly (*Institutions médiévales*, pp. 204–19), that men called 'villeins' or 'manants' were subject to *mainmorte*, payment of chevage and prohibition of *formariage* (or to all three simultaneously). But it is no less clear that texts exist (and Bloch published some quite conclusive ones) which show that prohibition of *formariage* and *mainmorte* were sometimes considered as sufficient to establish the condition of *homines de corpore* (see, for example, the deposition of Gilles Cornut, Archbishop of Sens, 27 November 1252, concerning the men of Orly: *Mélanges historiques*, vol. 1, p. 479). In practice, Verriest only evaded the problem; was the status of the *homines de corpore* not also that of many 'villeins' and *manants*? Where, then, should we set the limits of serfdom? There lies the problem.

²⁹ 'Personal liberty and servitude', p. 34.

³⁰ *Ibid.*, p. 213, note 107.

³¹ P. Toubert, *Les structures du Latium médiéval*, 2 vols. (Rome, 1973).

³² J.-P. Poly, *La Provence et la société féodale . . .* (Paris, 1976).

³³ M. Bourin, *Villages médiévaux en Bas-Languedoc: genèse d'une sociabilité (X–XIVe s)* 2 vols. (Paris, 1987).

³⁴ Bonnassie, *La Catalogne*.

³⁵ G. Fournier, *Le peuplement rural en Basse-Auvergne durant le haut Moyen Age* (Paris, 1962); complemented by C. Lauranson-Rosaz, *L'Auvergne et ses marges (Velay, Gévaudan) du VIIIe au XIe siècle: la fin du monde antique?* (Le Puy-en-Velay, 1987).

and the Charentais.³⁶ What they all show is the late survival in the areas studied of structures of the ancient type,³⁷ and their brutal collapse, often in the space of a generation (at the end of the tenth or at various times during the eleventh centuries), concurrently with the establishment, in the wake of the violence, of a system of a radically new type. This was the age of what we are now learning to call the 'feudal revolution'³⁸ or the 'feudal transformation'.³⁹

Amongst the institutions which foundered in this upheaval, slavery was one of the foremost. Long undermined by its failure to adapt to new economic conditions, weakened by those enfranchisements *cum obsequio* whose importance Marc Bloch had correctly perceived (and whose underlying purpose, we now know, was to assure the mobility of labour required for growth),⁴⁰ servitude of the ancient type disappeared, lock, stock and barrel. The last references to *servi* date from the end of the tenth or, at the latest, the first third of the eleventh centuries.⁴¹ Throughout the whole of the southern sector of Christendom, the rupture suspected by Bloch has been demonstrated: the great gap separating the slave from the feudal age. In northern Europe, the transformation was less clear-cut and residual groups of *servi* were able to survive beyond the year 1000 (they still constituted about 9 per cent of the rural population of the England of Domesday Book),⁴² even into the twelfth and thirteenth centuries.⁴³ It was only the existence of

³⁶ A. Debord, *La société laïque dans les pays de la Charente, Xe–XIIIe siècles* (Paris, 1984).

³⁷ Hence the title given by Christian Lauranson to his recent thesis on the Auvergne from the eighth to the eleventh centuries – see note 35 above.

³⁸ G. Duby, *Les Trois Ordres ou l'imaginaire du féodalisme* (Paris, 1978), translated by Arthur Goldhammer as *The Three Orders: Feudal Society Imagined* (Chicago, 1980), part 3, chapter 3: 'The feudal revolution', pp. 147–66.

³⁹ J.-P. Poly and E. Bournazel, *La mutation féodale* (Paris, 1980).

⁴⁰ This idea is developed for Italy by Toubert in *Les structures du Latium*, pp. 471ff., and also 'L'Italie rurale aux VIIIe–IXe siècles: essai de typologie domaniale', *Settimane*, 20 (1973), p. 105ff. More generally, chapter 1, above pp. 41–6.

⁴¹ *Ibid.*, pp. 55–6.

⁴² Figure taken from F. W. Maitland, *Domesday Book and Beyond* (republished Cambridge, 1960). The figure of 9 per cent is perhaps too low, as some *servi casati* may have been listed as *bordarii* by the Domesday commissioners: see R. H. Hilton, *The Decline of Serfdom in Medieval England* (2nd edn, London, 1983), pp. 14–19.

⁴³ L. Genicot, *L'économie rurale namuroise au Bas Moyen Age*, vol. 3: *Les hommes, Le commun* (Louvain-Brussels, 1982), especially pp. 207–38 and tables 15 and 16.

this residual slavery which enabled Verriest to contest Bloch's arguments on discontinuity.

ON THE ORIGIN OF THE NEW SERVITUDE

On this question too, Bloch was quite clear. The serfdom of the eleventh to thirteenth centuries emerged in the context of the *seigneurie*: 'Without any special agreements, the majority of manorial subjects . . . slid gradually, through the agency of prescription, of violence, and of the changes that had come about in legal opinion, into this [servile] condition.'⁴⁴ This was, for its time, a truly remarkable claim given the obscurity surrounding the concept of lordship, and more particularly given that no other form of lordship than 'land lordship', distant heir to the Carolingian *villa*, was known. In these circumstances, to detect the appearance of fundamentally new social relations in a context so antiquated testifies to a rare intuition. All became clear with the emergence of the concept of the *seigneurie banale*, proposed by Georges Duby⁴⁵ in 1953 and increasingly clearly defined since; *banal*, or 'jurisdictional', or better, perhaps, 'castral' lordship now appears as the keystone of the establishment of a feudal society. It was the castellan's *ban* – the power to constrain, extra-economic in character, and exercised within the framework of the districts subject to the castle by the new masters of military force and their auxiliaries – which submitted the peasants to the 'arbitrary will' (the expression is Bloch's)⁴⁶ of the lords. Peasants who had recently been free (allod-holders, tenants or descendants of freedmen) were now subject to the arbitrary power of a lord.⁴⁷

⁴⁴ *Feudal Society*, p. 262.

⁴⁵ *La société aux XIe et XIIe siècles dans la région mâconnaise* (Paris, 1953), pp. 205–29 ('Le pouvoir sur les paysans: l'installation de la seigneurie banale').

⁴⁶ 'Personal liberty and servitude', p. 47. See also p. 59, where, on the basis of a discussion of the works of Jacques Flach, Bloch makes violence 'a significant characteristic of eleventh-century judicial life' and explains the genesis of 'servile status' by the helpless subjection to 'brutality and arbitrariness'.

⁴⁷ See, most recently, Duby, *The Three Orders*, pp. 159–60: 'Previously, the obligation to toil in order to feed a master had been relegated outside the sphere of the "people": it fell upon slaves. After the year 1000, with the increased weight of the power of the ban, this burden came to be borne by all "rustics". Toil was the common fate of all men who were neither warriors nor priests. Some peasants might well claim to be free; they were nevertheless like the others subjected to the new signiory.'

The mechanisms and the various modalities of peasant degradation in the eleventh century have been too often described in recent works for it to be necessary to spend much time on them here. The *rusticus*, now subordinated to a leader who enjoyed over him a power of command (*bannus*, *mandamentum*) and punishment (*districtus*), lost even the appearance of liberty; he became the man of his lord, sometimes his 'homme propre', bound to him by a 'servile' homage.⁴⁸ The exactions of the *ban*, originally multi-form (new customs, new usages, bad usages of every type), gradually turned into more or less 'specific' obligations: tallage at will,⁴⁹ but also limitations on the right to marry,⁵⁰ and certain archaic forms of *mainmorte*.⁵¹ Soon, at least in some places, *rustici*, ancient free men, might be given, exchanged or sold with their *consuetudines* or their *usaticos*, that is, with the *banal* rights applying to them: by 1050 in the Auvergne,⁵² and by 1060/80 in Catalonia.⁵³ A last threshold would be crossed when the land

⁴⁸ In Poitou, the earliest reference to *homines proprii* was in 1032 (*Chartes de Saint-Maixent*, no. 91, p. 111: reference kindly supplied by G. Pon). In Catalonia, a homage was imposed on certain peasants by 1045/6: Alamany de Cervelló and his wife Sicards described as *omines de nostro ominatico* the peasants subjected to the *ban* of their castle (Bonnassie, *La Catalogne*, vol. 2, pp. 582, 815, also p. 224 above). In this region, from the beginning of the twelfth century, the expression *homines proprii et solidi* (own and liege men) was applied to all the men subject to a servitude of a personal kind.

⁴⁹ Marc Bloch (approved in this at least by Verriest) excepted arbitrary tallage from the 'specific obligations' of serfdom. Yet, in actual fact, there are regions (in fact, the whole of southern France, from the Rhône to the Atlantic) where its payment was enough to indicate a serf (the *questal*). References are very frequent for Languedoc, Béarn, the Bordelais etc.

⁵⁰ Examples for the Auvergne: 'servicio de viris vel feminis maritandis' (1094, *Recueil des chartes de Cluny*, 3681), 'nupcias et . . . que offerunt mulieres surgentes a partu' (1131/7, *Cart. de Sauxillanges*, no. 918) (quoted by Lauranson, *L'Auvergne*). For Catalonia: 'presentalias de ipsos aut ipsas qui duxerint maritos vel uxores' (1067), *presentalias* (1127), 'presentalges' (1130) (references in Bonnassie, *La Catalogne*, vol. 2, pp. 592, 827, also p. 235 above). Thus the origin of the right, arrogated to himself by the lord, was the introduction of the future spouses (hence the choice of spouse) and the tax linked to this right.

⁵¹ Obligatory bequests (*lexivos* or *lexivas*) levied on peasant inheritances regularly figured among the revenues of the Catalan *seigneuries banales* (from the 1050s (Bonnassie, *La Catalogne*, vol. 2, pp. 592, 826, also pp. 234–5 above). They are at the origin of the Catalan *exorquia* and also, probably, the Languedocian *escaducha*.

⁵² (c. 1050): 'dono . . . consuetudines et vicarias ibidem pertinentes . . . et quinquaginta rusticos cum consuetudinibus quas debent . . . et quinquaginta porcos, totidem multones' (*Chartes de Cluny*, no. 3315, quoted in Lauranson, *L'Auvergne*).

⁵³ 1063: 'donamus vobis II homines, Arnal Pere et Arnal Iover, ab lur servidi'; many other examples from the second half of the eleventh century. Such dona-

(allod or tenure) of the enserfed man fell, in its turn, under the discretionary power of the master, and was affected by a servile taint:⁵⁴ to personal servitude was added bondage to the soil.⁵⁵

Such a schema can, of course, accommodate many variants. It is even the case that the process of enserfment was not always and not everywhere pressed to its ultimate conclusion. Even in the worst period of *banal* constraints, even when subject to, for example, *mainmorte* and arbitrary tallage, men so subject to seigneurial pressure were able, in some regions, to retain some semblance of liberty; at least no one went so far as to give or sell them like the *servi* of ancient origin. Does this mean we should not therefore use the expression 'new servitude' to define their condition.⁵⁶ The

tions and sales of peasants might apply to individuals or to whole communities: *homines qui ad ipsum castrum pertinent, homines infra prefatos terminos habitantes* (Bonnassie, *La Catalogne*, vol. 2, pp. 812–13, also pp. 221–2 above).

⁵⁴ A typical example of servitude creeping from the man to the land (to land, what is more, still called allodial): (1087) *domanus vobis tres pagenses cum illorum decimis et serviciis et cum illorum alodiis et domibus* (*ibid.*, p. 814, also p. 222 above).

⁵⁵ This extension – from man to land – of the servile system was clearly observed and described by contemporaries: as when, towards 1130, Peter the Venerable remarked that powerful lay lords claimed 'the property at the same time as the persons, the persons at the same time as the property' (quoted by Duby, *La société mâconnaise*, p. 592). In the Mâconnais, this tendency for the peasant's master to assume control of the land is visible by the beginning of the eleventh century ('At the beginning of the eleventh century, the allod of the serf, that of the commended free men, was controlled and exploited by the lord of the person; similarly – and here copying the evolution of the feudo-vassalic relationship – the services of the 'man' were gradually transferred to his agricultural holding, which, whether allodial or rented, bore the charges imposed on it by his dependence') and the phenomenon reached its ultimate conclusion in the 'seizure of manses' of the beginning of the thirteenth century (pp. 592–7). The evolution was very similar in Catalonia, except that the establishment of 'serfdom of the soil' (which was also effected through 'seizures of manses') was even earlier (first half of twelfth century) (Bonnassie, *La Catalogne*, vol. 2, pp. 820–4, also pp. 228–32 above).

⁵⁶ For the region of Namur, Genicot rejected the 'theory of the new serfdom' (*L'économie rurale namuroise*, vol. 3, pp. 214–15). This is to be explained by the fact that here (as in Verriest's neighbouring Hainault) there was a late survival of residual groups of *servi* and *ancillae* descending (very probably) from the *familiae* of the early Middle Ages: it is to them alone that he believed the concept of serfdom should apply. The real problem is to know whether or not the (very numerous) *homines* who suffered all the *banal* charges and were called *hommes de taille, de poesté, de basse loi, levant et couchants* also suffered some form of servitude. Should we then distinguish 'serfdom' (in the narrow sense) from 'servitude' (in a wide sense)? This risks embroiling us in endless controversy, of the kind which has split (and often still continues to split) medievalists over the use of the terms *féodalité* and *féodalisme*; the sterility of such battles of words hardly needs emphasising.

charters which, even in the region of Namur, describe as *rustice servitutes* the obligations weighing on them hardly seem to challenge the phenomenon of enserfment.⁵⁷

ON THE CONCEPT OF 'SERVILE CLASS'

As for the number of men thus enserfed, Marc Bloch has, since Verriest, been much criticised for having exaggerated. In which case, his concept of the 'servile masses' and, above all, of the 'servile class' becomes unfounded. We need, therefore, to consider this question with the utmost care.

The problem of determining the proportion of serfs or of men regarded as such within the peasant population is extremely difficult. Who was a serf? If we renounce the 'classic' criteria for the definition of serfdom (chevage etc.), we have to rely – as, in fact, Verriest proposed – on what we can learn from the medieval vocabulary. Only those described by their contemporaries as serfs should be regarded as such. This is an excellent principle, but how is it to be applied? Which words indicate serfdom? The answer to the question posed will depend on how wide is the choice of these words. But the choice is not easy, as the meaning of words varied as a function of many factors: the nature of the texts in which they were employed (charters, juridical writings or literary works), or the period or the geographical area where they occurred, and, last but by no means least, the language in which they were expressed (whether, that is, in the Latin of the clerks, or the Romance languages at their different stages of evolution). That the history of serfdom relates in such a crucial way to that of language – as Marc Bloch so clearly perceived – shows in itself that it was not a marginal institution but truly integral to medieval societies.

Three groups of words can perhaps be regarded as characterising the servitude of the eleventh to thirteenth centuries in its different degrees and modalities:

1. *servus* and its derivatives in the Romance languages (serf, *sers*, *siervo* etc.).
2. '*Homo*, with or without a qualifier: *de capite*, *de corpore*, *de casalagio*, *de redimentia* etc.

⁵⁷ *Rustice servitutes quae ultra censum debitum terrarum a rusticis exiguntur* (Genicot, *L'économie rurale namuroise*, vol. 3, p. 1: the expression is taken from a charter of 1243).

3. Terms with an apparently more general meaning ('*manant*' and '*villein*'), but which might, at least in the case of the former (*homines commanentes*) be attached to the preceding group.

The semantic evolution of the word *servus*/serf deserves particular attention because it was his observation of this word that led Marc Bloch to formulate the concept of 'servile class'. The word *servus*, he commented, escaped the obsolescence which afflicted the other ancient words indicating dependence (*mancipium* and *colonus*, for example) and this because it assumed 'class value'. 'The tendency', he went on, 'to assimilate all seigneurial dependants to the *servi* quickly went beyond the level of language.'⁵⁸

If we confine ourselves solely to the vocabulary of the charters (to be precise, the Latin charters from between the Loire and the Rhine), Marc Bloch was wrong. It is, indeed, on the basis of the analysis of this type of document that Verriest based his case: undoubtedly, the creatures called *servi* in cartularies compiled in the twelfth and thirteenth centuries, far from constituting the mass of the peasant population, were only a minority.⁵⁹ But, as soon as we enlarge our field of observation, even if we still confine ourselves to occurrences of the scholarly form of the word (*servus* in Latin), the perspectives change. This applies in the case of texts of an ideological character, and, first and foremost, in the celebrated passage in the *Carmen* of Adalbero of Laon defining the tripartite social order: 'The society of the faithful forms only one body, but the State comprises three orders': *oratores*, *bellatores* and *servi*. Not *laboratores*, but *servi*; Adalbero does not employ the word inadvertently; he uses it four times in ten verses, and it alone, to qualify the third order: the *servorum divisio*.⁶⁰ The word clearly here has, if not a class value, as Bloch claimed, at least the connotation of an order, something which is perhaps even wider.

⁵⁸ 'Personal liberty and servitude', p. 73.

⁵⁹ Which is confirmed, more recently, by Genicot, *L'économie rurale namuroise*, vol. 3, pp. 20–738.

⁶⁰ *Nobilis et servus simili non ege tenentur*

...

Altera servorum divisio conditium:

Hoc genus afflictum nil possidet absque dolore:

Tesaurus, vestes, cunctis sunt pascua servi,

Nam valet ingenuus sine servis vivere nullus.

Much later, at the beginning of the thirteenth century, the same very wide meaning was attributed to the word *servus* by those jurists who had rediscovered Roman law, at least by some of them, and amongst the most eminent. The English example is significant in this regard; in England – and this has been particularly clearly shown by the work of Paul Hyams⁶¹ – the word *servus*, in its ancient sense, was quite deliberately applied by the legists of the years 1220–50 to the whole of the abundant group of ‘villeins’.⁶² It was even by reference to the status of the slave, as defined in the *Institutes*, that the status of villeinage was defined.⁶³ To read the finest spokesmen for the prevalent ideology, from Adalbero to Bracton, it is quite clear that, if all peasants were not born *servi*, all had a vocation to be so, and ought, so far as was possible, and for the common good, to be treated as such.

If we leave the Latin of the clerks for the language in common use, we cannot but be struck by the vitality of the derivatives of *servus*. In the literature of the *langue d’oil*, ‘serf’ was in frequent use, as a noun or as an adjective (*la gent serve*),⁶⁴ in a literal or in a figurative sense,⁶⁵ and there is no doubt that its meaning was much wider than that attributed to *servus* by the charters. The concept of ‘serf’ might even extend – as Marc Bloch emphasised⁶⁶ – to all who

⁶¹ P. R. Hyams, *Kings, Lords and Peasants in Medieval England: the Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980).

⁶² This was so, in particular, in the *De legibus et consuetudinibus Angliae* which gives the most elaborate formulation of the common law of villeinage. This work has always been attributed to Henry of Bracton; but its most recent editor (S. E. Thorne (Cambridge, Mass., 1968–77)) thinks that it was produced, in its original form, in the years 1220–30 by one or more anonymous authors. For reasons of convenience, it is still generally called ‘Bracton’s treatise’ (Hyams, *Kings, Lords and Peasants*, pp. 82–9).

⁶³ Bracton started from the premiss formulated in the *Institutes: omnes homines aut liberi sunt aut servi*. Having some difficulty, nevertheless, in completely identifying the English villein with the Roman slave (*servus*), Bracton got round the problem by specifying that the villein was free with respect to the whole world except his master, but a slave (*servus*) with respect to his master (who could, therefore, among other things, sell or give him like a beast).

⁶⁴ For example, *Roman de la Rose*, verses 7837–8:

Vos volés que j’oneure et serve
Ceste gens qui est fausse et serve

⁶⁵ For example, *ibid.*, verses 19436–7:

Briefment tant est chetis et nices
Qu’il est sers a trestous les vices

⁶⁶ ‘Personal liberty and servitude, p. 72.

engaged in 'servile works'; that is to all who toiled in the fields in the service of someone else.

The word's evolution is even more revealing in the *pays d'oc*. There, the word *servus* had completely disappeared from the charters by the beginning of the eleventh century; to read only them, there were no more serfs. But the derivative *sers* remained alive in the spoken language. Peire Vidal, for example, used it to describe Philip Augustus, the evil king, the 'hypocritical', 'cowardly', 'false', 'limp', 'squatting' king, who was assuredly not part of the 'gentz', the nobles, but behaved '*atressi cum sers o borgès*'.⁶⁷ In the social stratification here outlined by the troubadour, the word *sers* had certainly assumed 'class value'.

In these conditions, the concept of servitude (or, if preferred, the semantic field of the word 'serf') encompasses very diverse situations and applies to men – *homines*, 'men', in the vocabulary of the charters – whose dependence clearly derived from very different juridical categories. Amongst these figured, to be sure, first and foremost, the *hommes de corps* the 'bondsmen', whose servile condition has never been doubted. But it also extended to 'men' who were attached to 'the land they, or their ancestors, possessed, such as the *hommes de caselage* of Languedoc, serfs *de bien* whose status puzzled Marc Bloch,⁶⁸ but also to 'men' whose dependence was both personal and to the land, such as the *hommes naturels* of Rouergue who were listed in the patrimony of lords and given or exchanged with their holdings,⁶⁹ or the Catalan

⁶⁷ 'A per pauc', str. 3, verse 23 (*Les poésies de Peire Vidal*, ed. J. Anglade (Paris, 1913), poem 32; most recent ed. A. S. Avallé, *Peire Vidal, Le poésie* (Milan-Naples, 1960). The descriptions applied to Philip Augustus are taken from various poems of Peire Vidal, in particular 'A per pauc' and 'Deu en sia grazitz' ('*rei aunitz*', '*flac rei apostitz*', '*flac acrupitz*', '*flac avars*', '*cors de ven*' etc.).

⁶⁸ 'The status of men de caselage appears shadowy' ('Personal liberty and servitude', p. 55). See also *Rois et serfs*, pp. 100–1, and 'Serf de la Glèbe', in *Slavery and Serfdom*, pp. 179ff. Since Bloch's death, the problem has been illuminated by various studies on serfdom in Languedoc, in particular, P. Ourliac, 'L'hommage servile dans la région toulousaine' (*Mélanges Louis Halphen* (Paris, 1951), pp. 551–6), 'Le servage à Toulouse aux XIIe et XIIIe siècles' (*Mélanges Perroy* (Paris, 1973), pp. 249–61) and Bourin, *Villages médiévaux*. Other studies are in preparation.

⁶⁹ P. Ourliac and A. M. Magnou, *Le Cartulaire de la Selve. La terre, les hommes et le pouvoir en Rouergue au XIIe siècle* (Toulouse, 1985). Curiously, the authors reject the appellation 'serfs' for the *hommes naturels* because of the nature of their dependence, that is attachment to the land, although they were owned and alienated at will by their masters (pp. 25–6).

remença peasantry very numerous till the fifteenth century, whom the jurists took care not to call *servi* but who were, for all that, subject to extremely harsh constraints (the five *mals usos* and the *remença*).⁷⁰ To all these dependants were added those whose servitude cannot be explained (but is this not so of the previous groups?) except by their residence within a seigneurial district, and their subjection to the *potestas* of a local leader. The *hommes de poesté* or *de pôté* of the Mâconnais⁷¹ or of Champagne,⁷² among others, provide good examples, but also the many *homines* or *feminas* to whom the charters give no qualifying epithet, but who were given or sold with or without their possessions.⁷³

Should we go further and incorporate into the servile group the villeins and *manants*, whose subjection equally clearly depended on their residence within a *seigneurie*? Marc Bloch dared not go so far, remaining faithful on this point to an old tradition of legal history.⁷⁴ There are, indeed, texts (though always in Latin) which preserve a distinction, even mark an opposition, between *homines commanentes* and *servi* (but not truly between *villani* and *servi*).⁷⁵

⁷⁰ The five *mals usos*, see chapter 7 above, pp. 217–37.

⁷¹ Duby, *La société mâconnaise*, pp. 247–50; where he says that, by the dawn of the twelfth century, nothing any longer distinguished the *hommes de pôté*, former free men subject to the seigneurial *ban*, from serfs of ancient origin.

⁷² ‘Coustume est en Champagne que hons de poesté ne peult avoir franchise ne ne doit ne ne se puet appeler frans, s’il n’a dou don dou signor lettres ou privilaignes’ (article of the Ancient Custom of Champagne, quoted and discussed by P. Petot, ‘La preuve du servage en Champagne’, *Revue Historique de Droit français et étranger* (1934), pp. 464–98). More recently, A.-M. Patault, *Hommes et femmes de corp en Champagne méridionale à la fin du Moyen Age* (Nancy, 1978), pp. 27ff.

⁷³ Amongst a host of examples: ‘Ego Poncius de Verneto et ego domina Jusiana . . . vindimus vobis . . . quemdam hominen nostrum nomine Martinum Ysarnum de Ortaphano et uxorem eius Mariam et omnem suam prolem . . . et omnia bona eorum mobilia et immobilia . . . pro precio octingentorum L solidorum Malgoresium’ (1236), taken from S. Caucanas, *Introduction à l’histoire du Moyen Age en Roussillon, recueil de textes commentés* (Perpignan, 1985), p. 93.

⁷⁴ Since *Rois et serfs* (p. 21), Marc Bloch regarded the *villains*, *manants*, *hommes levants* et *couchants* as free men (and this constitutes, perhaps, the flaw in his argument). He kept to this afterwards, except as regards the villeins of England. He quoted, for example, the canon of Hereford who, at the end of the eleventh century, in his *Roman de Philosophie*, contrasted ‘villein’ and ‘free man’. For the thirteenth century, he did not hesitate: the English villeins ‘were considered henceforth deprived of liberty; they were often subjected to the old servile burdens’ (‘Personal liberty and servitude’, p. 91).

⁷⁵ *Homines commanentes/servi* and *homines commanentes/homines de corpore* oppositions are recorded for the Parisian basin and Hainault by Verriest (*Institutions médiévales*, pp. 222–30) and for the region of Namur by Genicot,

But there is much evidence, conversely, which points to an identification of villeinage and serfdom. This was obvious in thirteenth-century England.⁷⁶ In France, though barely evident in the Latin charters, it was almost general in writings in the popular tongue, a better pointer to the concrete realities. The case of the peasants of Orly, carefully studied by Marc Bloch, is extremely significant in this regard.⁷⁷ Two types of document describe the conflict which, in 1251, opposed the peasants against their lords, the canons of Paris. On the one hand, there are the records of the legal action which was held, after many twists of fortune, at the behest of Blanche of Castile, and consist of several dozen depositions, transcribed in Latin, and intended (though, in the event, without success) to define the juridical condition of the *homines commorantes apud Orliacum*, no one knowing precisely whether they were *homines de corpore* or not;⁷⁸ on the other, there is the account given in the *Grandes Chroniques de France*, not overly concerned with subtleties, as is shown by the statement attributed to the canons in their response to the queen, who had just offered her good offices:

The canons replied that it was not her (the queen's) affair to deal with their serfs (*sers*) and their villeins (*vilains*), whom they could seize, or kill, or upon whom they could make such judgement as they wished.

Serfs or villeins? This war of words must, in practice, have mat-

L'économie rurale namuroise, vol. 3, pp. 62–3). These authors do not, however, record any oppositions of the type *villani/servi* or *villani/hommes de corpore*.

⁷⁶ Hyams, *Kings, Lords and Peasants*, pp. 1–79 (part 1: 'Chattel ownership and its consequences').

⁷⁷ In his first article, 'Blanche de Castile and the serfs of the Chapter of Paris', *Slavery and Serfdom*, pp. 163–77. It might be useful, at this point, to give a brief resumé of events: the men of Orly refused to pay a tallage which the chapter of Paris wished to levy, claiming that they were not liable to tallage at will. The canons imprisoned sixteen of them. The peasants did not give in, obtained the support of neighbouring villages and appealed to Blanche of Castile. The chapter then threw all the men of Orly into prison. The queen intervened by asking the canons to submit their rights to an enquiry. The latter replied by imprisoning women and children. The queen then went in person, with a company of armed men, to the cloister of Notre-Dame, and delivered the prisoners who were in dungeons behind the wine cellars of the cloister. After various negotiations, a court of arbitration was established to hear the depositions regarding the status of the peasants and the rights of the chapter.

⁷⁸ The depositions were published by Bloch with the original article, see *Mélanges historiques*, pp. 177–90

tered little to these men, or their families, in the light of the fate which awaited them in the late summer of 1251:

Since a complaint had been made before the queen, the canons imprisoned their wives and children; and they were so overcome by the heat that they had from one another, that several of them died.⁷⁹

Did it matter more to those other peasants mentioned – usually quite incidentally – in literary works, who are indifferently referred to by both, equally pejorative, terms? Was the boorish Liétard from the region of Brie, on whom Renart bestowed both names, plus others, similarly unappealing, a serf or a villein?

Desloiaus vilains, puz et sers . . .
 Fil a putain, vilain roigneux . . .
 Puanz vilains et ors et lierres . . .
 (Disloyal villeins, . . . stinking serf . . .
 Son of a whore, mangey villein . . .
 Stinking villeins, filthy and thieving.)⁸⁰

The two words, ‘villein’ and ‘serf’, seems to be interchangeable in Romance speech. Between *vilenaille* and *servaille*, who can distinguish?

ON THE ‘PROFOUND ESSENCE’ OF SERVITUDE

An examination of vocabulary thus shows that the concept of servitude passed well beyond the social categories indicated by the terms *servi* and *homines de corpore* alone. How then are we to define the ‘new servitude’ of the eleventh to thirteenth centuries?

Marc Bloch has been much criticised for his emphasis on the three famous ‘specific criteria of serfdom’ as determinants. It has justly been said that none of the three (chevage, prohibition of *formariage* and *mainmorte*) was truly characteristic of a particular category of the peasantry (that is, those called ‘serfs’), and that, further, many other obligations could contribute to peasant enserfment. It has been less noticed that Marc Bloch, by 1933, clearly distinguished between these ‘specific obligations’, in which he saw

⁷⁹ *Recueils des historiens des Gaules et de la France*, 24 vols. (Paris, 1738–1904), vol. 21, p. 117.

⁸⁰ *Roman de Renart*, Branches X–XI, ed. Mario Roques (1958), verses 10481, 10496, 10510.

only the 'exterior characteristics' of serfdom, and its 'profound essence'.⁸¹ What was this 'profound essence'? Bloch never precisely said, but he suggested some clues to help towards its definition.

Firstly, in his very choice of the 'specific criteria'. We will pass over *chevage*, about which there is probably too much to be said. But *mainmorte* and prohibition of *formariage* define two of the most restrictive forms of alienation which the enserved peasant experienced: alienation of his power of production (since he could not possess fully nor will freely the fruits of his labour) and of his power of reproduction (since his right to choose his spouse and retain his children was limited, even denied). Now these two types of alienation are among those most readily accepted today by anthropologists when they define servitude.⁸² We may simply note that peasant alienation could experience much more severe forms when it was the actual body of the peasant (or of his wife or children) which might be alienated, by gift or sale etc.: 'the counts, barons and free tenants . . . may legally sell their peasants (*rusticos*) like oxen or cows' declared an English judgement in 1244.⁸³ Let us note in passing that this reduction of peasants to the level of cattle⁸⁴ concerned men who were never, in England, Catalonia or Languedoc, called serfs in charters.

A second pointer is to be found in the last lines of Marc Bloch's study of 'Personal liberty and servitude'. Concluding with the concept of 'servile class', he wrote: 'Human institutions being realities of a psychological order, a class exists only through the idea we have of it.'⁸⁵ The formulation is perhaps a little abrupt, but it has the value of indicating that it is in the area of mental images that we must seek one answer to the question posed. How did the masters see the 'men' they possessed? This image emerges clearly from the texts, and it is overwhelming. The servile condition is defined by the crushing 'burden of contempt' (the expression is Bloch's)⁸⁶ which the society of the well-born inflicted on those who

⁸¹ 'Personal liberty and servitude', p. 58.

⁸² For example, Meillassoux, *L'esclavage dans l'Afrique noire*, p. 25.

⁸³ Quoted by Hyams, *Kings, Lords and Peasants*, p. 3.

⁸⁴ 'The villein as chattel' is the title of chapter 2 of Hyams, *Kings, Lords and Peasants*.

⁸⁵ 'Personal liberty and servitude', p. 91.

⁸⁶ *Ibid.*, p. 65.

enabled it to survive. The evolution of vocabulary once again demonstrates this; think of the synonymy villainy/infamy or of the pejorative derivatives of words like *innobilis* and *rusticus*. In literary works, the words ‘serf’ and ‘villein’ are used, after the worst insults have been exhausted, to qualify the most repugnant of people.

Thus Ganelon in the *Song of Roland* (verses 3737–8):

A une estache l'un atachient cil serf,
 Les mains li lient a curreies de cerf . . .
 (They have bound this serf, fast upon his stake,
 In deer-hide thongs his hands they've helpless made)

Remember the imprecations, four centuries later, of Gloucester in *King Lear* (Act 1, scene 2):

O villain, villain! . . . Abhorred villain! Unnatural, detested,
 brutish villain! Worse than brutish! . . . Abominable villain!

This infinite contempt had as an implicit consequence the refusal – the psychological impossibility – of according human dignity to the peasant. Texts attributing a bestial aspect to the peasant are legion, beginning with the famous portrait found in the ‘Yvain’ of Chrétien de Troyes, a portrait made up, indeed, of a veritable montage of characteristics drawn from six different species of animal.⁸⁷ More precisely, the assimilation of the serf to the dog (‘dog, son of a dog’) is a literary commonplace. Thus, in *Gace de la Buigne*:

Il rest voir que chien est truant et serf . . .
 Si prend son chien qui est son serf . . .
 (It is true again that a dog is wicked and servile . . .
 And he takes his dog which is his serf . . .)⁸⁸

Starting from such premisses, it goes without saying that the power of correction which the masters exercised over their serfs or villeins had in their eyes no precise limits and needed no justification. Arbitrariness was the corollary of servitude. In Catalonia, the *ius maletractandi* – the right to maltreat without cause – was legalised in 1202 by the Corts of Cervera, but it is clear that this

⁸⁷ The pack-horse, elephant, cat, owl, wolf and boar (*Yvain*, verses 286–91).

⁸⁸ *Le roman des déduis*, ed. E. Blomqvist (Stockholm–Paris, 1951), verses 6196–7, 7927–8.

was only a tardy ratification of a practice regarded as natural.⁸⁹ It is no less clear that similar habits existed elsewhere. Marc Bloch, always conscious of the long ‘complaint [of the serfs], which the dryness of the texts cannot stifle’,⁹⁰ quoted some examples of brutality: the female serf Niva whose throat was cut by her lord,⁹¹ and the two men of the chapter of Saint-Père of Chartres mutilated by the lords of Gallardon.⁹² We will, in fact, never know how many serfs were mutilated,⁹³ tortured,⁹⁴ burned,⁹⁵ or simply (if one can put it that way) hanged: such atrocities cannot, as a general rule, be known except when they concerned individuals who did not belong to the perpetrator of the violence. Only then was there complaint, hence traces in the archives. In almost every other case, silence reigned. It is, nevertheless, not unreasonable to assume that the gibbets adjacent to fortresses were there for more than purely decorative purposes.

But more perhaps than these spectacular punishments, we should bear in mind the harassment which was the habitual lot of the enserfed peasant; that is, the threat of (and sometimes recourse to) the stick or the whip.⁹⁶ We here touch on what is

⁸⁹ On this subject, see P. Freedman, ‘The Catalan *ius malectrandi*’, in *Recueil de mémoires et travaux, La Société d’Histoire du Droit et des Institutions des anciens pays de droit écrit*, 13 (Montpellier, 1985), 39–53.

⁹⁰ ‘Personal liberty and servitude’, p. 65.

⁹¹ *Ibid.*, p. 59 (She was ‘égorgée par Vial, son seigneur’).

⁹² *Ibid.*, p. 60 and note 123.

⁹³ For example: the castellan Guillem Bernard of Odena cut off the foot of a peasant of Sant Cugat (*Cartulario Sant Cugat*, ed. J. Rius Serra (1946), 2, no. 627, dated 1062); the castellan Siger of Conques cut limbs off men belonging to the abbey: *monachos execrabilibu odiis insectari non cessabat, hominesque ejus membris diminuebat* (*Liber miraculorum sanctae Fidis*, ed. A. Bouillett (Paris, 1897), III, 17).

⁹⁴ A literary example: ‘Tu es mon serf, tu ne me dois riens refuser ne contredire chose que je te commande et se tu ne fais ce que je te commanderé, je te tourmenteré du corps moult aprement’ *Le Roman d’Apollonius de Tyr*, ed. M. Zink (Paris, 1982), p. 121.

⁹⁵ Evidence in *Roman de Renart*: Renart threatens to denounce the peasant Liétard to the count for a hunting offence (Liétard has some venison in his chest). The punishment would be the rope or the stake; and even if the peasant had enough to pay a fabulous fine, he would not escape (verses 11206–16, 11327–33).

⁹⁶ For example, again from *Roman de Renart*:

Tu antanz or mout a flater,
mes de duel te femai grater
tes tempes et tes poinz destordre

...

Certes je te ferai fraper
En une manière ou en deux. (verses 10489–96).

perhaps an essential point as regards the border between liberty and servitude. This frontier has been much discussed and debated by historians but with a view to defining it on the basis of the most abstruse judicial criteria. At the time, it was perhaps rather simpler and it might be argued that only if you could not suffer corporal punishment at the hands of someone else (except as a result of a serious offence and by virtue of a judicial sentence pronounced according to a regular procedure), could you feel free. Conversely, to be beaten (or susceptible of being beaten), at the discretion of the agents of a master, constituted recognition of lack of liberty. As late as the fourteenth century, Froissart recorded this equivalence between a consciousness of servitude and submission to beating when he made the rebellious Jacques say: 'We are called serfs and beaten if we are slow in service to [the nobles].'⁹⁷ The image of the thrashed villein, indeed, permeates the whole of medieval literature, and should not be treated simply as a cliché lacking historical significance. Marc Bloch himself invited us to heed it in a famous page of *Feudal Society*, when he called for a history of the body.⁹⁸ Such a history should deal not only with the athletic body of the knight, but with the ravaged body of the peasant.

Alienation, humiliation and subjection to arbitrary power (and in particular, to corporal punishment) seem to constitute the sombre triptych which best depicts servitude, especially that known by the Europe of the feudal period. Far from the legalism of the charters and their often misleading vocabulary, this triple image enables us, it seems, to come closer to the material and moral condition of the man who was enserfed. Is this to say that it applied to the totality – or to the near-totality – of the peasantry, identifying it, by the same token, with Marc Bloch's 'servile class'? To answer this, we need to look once again at chronology.

ENSERFMENT AND FRANCHISES

In their broad outlines, the movements of enserfment and enfranchisement are today fairly well known. The point of departure is firmly situated at the end of the tenth and in the eleventh cen-

⁹⁷ *Chronicles* (Penguin Classics edition, 1968), Book 2, no. 2, p. 212.

⁹⁸ *Feudal Society*, p. 72.

turies. Marc Bloch got it right when he characterised this period in words such as ‘roughness’, ‘brutality’, ‘arbitrariness’ and, above all, ‘violence’.⁹⁹ The terrible body-blow which the peasantry then suffered (particularly the old free peasantry) is easily explained. When the last vestiges of the slave (or post-slave) system perished, who could the seigneurial class make support the effort of production – an effort which continued to increase as a result of the first manifestations of growth – if not the mass of *laboratores*? To transform these – all of them – into *servi*, was what Adalbero had already done on parchment. In the real world, the establishment of castral (or *banal*), lordship was the instrument of this gigantic enterprise of subversion. Grasping the free peasantry as if in a vice, the *banal* constraints ‘rent the old social tissue’, despite its long history, and ‘destroyed the peasant neighbourhoods’.¹⁰⁰ Although a tiny minority of the inhabitants of the countryside (the richest, or simply the strongest and most agile in combat) moved into the noble camp, to provide its armed auxiliaries (the first *milites castri*), the mass of peasants was subject to such pressures that it lost the most elementary guarantees of its independence.

In these circumstances, it is not unreasonable to talk of a generalised trend towards the enserfment of the peasantry.¹⁰¹ Nor was this confined to the countries of the Midi, where the phenomenon appears in a particularly harsh light; it occurred also in post-Conquest England,¹⁰² and even in the north of the Frankish kingdom.¹⁰³ When all this violence had achieved its end (generally

⁹⁹ ‘Personal liberty and servitude’, p. 59. Bloch was influenced here by Jacques Flach who had already put violence ‘in the ranks of the significant characteristics of the juridical life of the eleventh century’ (*Origines de l’ancienne France*, 1, book 2, chapter 23: ‘La surprise et la violence’).

¹⁰⁰ Poly and Bournazel, *La mutation féodale*, pp. 101–3, 218–19.

¹⁰¹ Duby, *The Three Orders*, p. 159 (and see note 47 above). This idea is expressed in a similar fashion in many other places (for example, *Guerriers et Paysans* (Paris, 1973), translated by Howard B. Clarke as *The Early Growth of the European Economy* (London, 1974), p. 168.

¹⁰² Between 1066 and 1086, according to Domesday Book, the number of fully free tenants (freeholders or sokemen) diminished significantly in favour of villeins (in Norfolk and Suffolk, the number in 1086 was only a seventh of what it had been in 1066; in Cambridgeshire, the number fell from about 900 to 200).

¹⁰³ Even in the region of Namur, the imposition of *banal* charges, the *consuetudines indecentes*, could only be achieved by the use of force, in a generalised climate of ‘brutalities, exactions and depredations’ of every sort; in the second half of the eleventh century, ‘violence ran riot’ (Genicot, *L’économie rurale namuroise*, pp. 1–19).

around the year 1100: last third of the eleventh century or the beginning of the twelfth, according to place), the distress of the humble and their subordination were such, almost throughout western Europe, that the term 'servile class' used to denote the vast mass of the rural population does not appear particularly outrageous.

But things changed; during the course of the twelfth century, in the euphoria of a growth now well under way, the conjuncture of circumstances improved; while the peasantry benefitted from the side-effects of expansion (even if the chief benefits continued to go to the aristocracy) and thus became more assertive,¹⁰⁴ the masters of the *ban* (and their agents) began to relax their grip slightly. Many factors induced them to do this: a better understanding of their interests, in the first place (a regular and moderate levy on peasant revenues brought in more than rapine, pure and simple), also the need to moderate their demands if they wished to find colonisers for the areas of assarting, and lastly, perhaps, a modification of the way they viewed their 'rustics'.¹⁰⁵

It was a period of stabilisation of social relations, of normalisation, of a search for compromise, even, if you like, of 'seigneurial benevolence'.¹⁰⁶ It was also a period – and the two are linked – of the regrouping of villages (spontaneous, stimulated or coerced): Languedocian or Provençal *castra*, castral or rural *bourgs* in northern or western France etc.¹⁰⁷ There developed, in consequence,

¹⁰⁴ Duby, *The Three Orders*, pp. 175–7.

¹⁰⁵ Contempt for the peasant certainly remained the dominant sentiment in the seigneurial world. The twelfth and thirteenth centuries, however, saw some changes, illustrated by two similar incidents described by Marc Bloch. In the reign of Philip Augustus, the *homines de potestate* of Vernou sought out the king to complain about the bad conduct of their lord, the chapter of Paris; they attracted only the king's wrath and insults: *maledictum sit capitulum si non jactet vos in unam latrinam!* Half a century later, the attitude of Blanche of Castile, who actively intervened on behalf of the men of Orly, was quite different. Even within the chapter of Paris, there was no unanimity; though some canons (in a majority, initially) were in favour of implacable repression, others, who saw themselves as 'good men' (*boni homines*) demonstrated humanitarian sentiments and argued for negotiation: as the months passed, they won the day. ('Blanche de Castile', pp. 173–4; see also, *Mélanges historiques*, p. 483).

¹⁰⁶ 'La bienveillance des seigneurs' is the title of a chapter in M. Bourin and R. Durand, *Vivre au village: les solidarités paysannes du XIe au XIIIe siècle* (Paris, 1984). The authors, it should be said, put the word *bienveillance* in inverted commas.

¹⁰⁷ The case of Latium is exceptional, as a result of the precocity there of the phenomenon of *incastallamento*; the regrouping of villages often preceded (and

the grants of 'liberties', sometimes tacitly, simply by prescription (the lord not insisting on demanding taxes unanimously judged intolerable by his peasants), sometimes by the grant of those charters of liberties to which Marc Bloch devoted a large part of his research,¹⁰⁸ and in which he correctly saw acts of emancipation and not simply codifications of custom.¹⁰⁹

Fissures opened up in seigneurial arbitrary power. A significant group – growing with the passage of time – amongst the peasantry escaped from the quasi-prison¹¹⁰ in which the demands of the lords of men and land had tended to confine them, and obtained exemptions from the servitude of the *ban*, often even a statute of autonomy.¹¹¹ This privileged (in the literal meaning of the word) sector of the rural population, constantly enlarged, and soon, in many places, in a majority, was now distinguished from those who had retained their ignominious status. This differentiation appeared clearly in the vocabulary of the Romance languages where, in the twelfth and thirteenth centuries, the free/serf antithesis was very marked.¹¹² It seems that the distribution of the two groups can be

determined) the formation of castral lordship (Toubert, *Les structures du Latium*, vol. 1, p. 549, and especially vol. 2, pp. 1274ff.

¹⁰⁸ Beginning with his thesis, *Rois et serfs*.

¹⁰⁹ This was what, perhaps, lay at the heart of the debate between Leo Verriest and Marc Bloch, Verriest seeing the charters (*chartes-lois*) as always granted to 'free men', being unwilling to accept that drawing up a custumal, by the limitations it imposed on arbitrariness, was in itself an act of, at least partial, liberation.

¹¹⁰ This expression might appear excessive. It follows, however, from the concept of confinement in fixed areas. The prohibition of *formariage*, amongst others, was symbolic of the desire to confine which is implied by the definition of the seigneurial *districtus*.

¹¹¹ Catalan charters of franchise, excellently edited by Font Rius (*CPC*, vol. 1, 19; vol. 2, 19), show clearly the two different routes by which emancipation was achieved: the first was the recognition of the village collectively as a juridical personality, the second was liberation from the *mals usos*. These two types of privilege were quite distinct; some villages managed to have themselves recognised as having a true collective identity whilst their inhabitants remained unquestionably subject to the most specific marks of serfdom; conversely, many communities obtained exemption from the *exorquias*, *intestias*, *cugucias* and other bad customs without, for all that, receiving even the most embryonic autonomy of administration. On this subject, see chapter 8 above, 'Rural communities in Catalonia and Valencia (from the ninth to the mid-fourteenth centuries)', especially pp. 258–60.

¹¹² It was the major distinction. Examples are very numerous in the texts. I refer once again to the troubadour Peire Vidal: 'S'anc fos francs, as es sers ses doptanza' (If he was free, he is now a serf without a doubt) (*Les poésies de Peire Vidal*, ed. Anglade, 'Lanza marqués').

related – with reservations – to the movement towards the concentrations of habitat taking place at this period. With, of course, many exceptions, the inhabitants of the new villages seem, in general to have achieved the name and dignity of free men; the regrouping produced strong solidarities which weakened seigneurial constraints. Conversely, the inhabitants of remote places, of hamlets and isolated farms (vestiges of the previous habitat still thinly scattered over the territory of the castellanies) often retained their servile condition.¹¹³

But we should not be too schematic; the movement from servitude towards liberty was neither linear nor uniform. Two main correctives have to be applied to this over-simplified picture. The first concerns the backwards steps, of which there were major instances. Thomas Bisson and Paul Freedman have recently demonstrated this for Catalonia in the second half of the twelfth and the thirteenth centuries; whilst the franchises which certain groups of peasants (principally on the comital estates) had been able to acquire or preserve were ignored or even destroyed, the jurists elaborated a status of servitude, based on the *ius maletractandi* and attachment to the soil which was applied to increasing numbers of the peasantry, and which was to last until the end of the fifteenth century.¹¹⁴ England provides a similar example; whilst here, as elsewhere, seigneurial constraints (in this case ‘manorial’) were loosened during the course of the twelfth century, there was a vigorous and successful counter-attack by the lords of manors from the years 1180–90; a reaction which was assisted by the attitude of the Angevin monarchy, which abandoned all jurisdictional rights over their villeins to lords, and by the care which the lawyers of the royal court brought to the codification of the customs of villeinage.¹¹⁵ In both cases, the new servitude remained or once again became, in the thirteenth century, a massive reality.¹¹⁶

¹¹³ See, for Languedoc, the argument of Monique Bourin-Derruau, *Villages médiévaux*.

¹¹⁴ T. N. Bisson, ‘The crisis of the Catalanian franchises (1150–1200)’, *Formacio i expansio del feudalisme català*, pp. 153–72; P. H. Freedman, ‘Peasant servitude in the thirteenth century’, *ibid.*, pp. 437–45.

¹¹⁵ Hyams, *Kings, Lords and Peasants*. See also Hilton, *Decline of Serfdom*, especially pp. 17–19.

¹¹⁶ The servile status elaborated by the jurists of the courts weighed most heavily on the English peasantry at the end of the thirteenth and beginning of the fourteenth centuries (Hilton, *Decline of Serfdom*, pp. 25–6), and this despite

The second, and perhaps more important, corrective, relates to the origins of the movement of enfranchisements. It would be wrong to think that it succeeded, in perfect chronological order, the movement of enserfment. In reality, it first drew breath in the struggle of the peasantry to resist the imposition of the *banal* charges. As early as the eleventh century, the new servitude had been contested at the very moment it was being imposed. This was sometimes with a degree of success which, though it may appear to us derisory, was nevertheless important to the men concerned. One of the oldest charters of liberties to survive, granted in 1058 by the abbot of Nonantola (near Modena) to the local inhabitants, is evidence of this; it guaranteed them – its only clause – that they would not be beaten by the agents of the monastery except after a judgement pronounced according to custom.¹¹⁷ For these poor people, this was to achieve a safeguard for their bodies.

If we choose to go further back in time, we find the revolt of the Norman peasants in 996, magnificently – but, alas, tardily – related by the *trouvère*, Wace.¹¹⁸ We may guess this conspiracy to be the first – and bloody – riposte to the very earliest attempts to establish the ‘*banal order*’. What did these ‘rebels’ voice? Simple demands for human dignity and equality, aspirations based on the assumption – obvious but already denied – that there existed no difference between the body of the nobleman and that of the villein:

Nus sumes humes cum ils sunt
 Tels membres avum cum ils unt
 Et autresi granz cors avum
 Et autretant suffrir poum
 (We are men like them
 We have the same limbs
 And just as big hearts
 And we can suffer just as much.)¹¹⁹

evidence of very strong aspirations to freedom, which were given concrete form by the creation of free tenures, in derogation of common law, in numerous parts of the country and in particular on assart land (*ibid.*, pp. 19–27). This double phenomenon is equally characteristic of Catalonia (chapter 8 above, especially pp. 254–60).

¹¹⁷ Document quoted by G. Tabacco, ‘La storia politica e sociale. Dal tramonto dell’Impero alle prime formazioni di Stati regionali’, in *Storia d’Italia* (Turin, 1974), p. 162.

¹¹⁸ *Roman de Rou*, verses 815–958. Other accounts in William of Jumièges, Guillaume de Poitiers, Benoît de Sainte-Maure etc.

¹¹⁹ *Roman de Rou*, verses 867–70.

340 From Slavery to Feudalism in South-Western Europe

‘And we can suffer just as much’: the equality of the body before suffering – we come back to Marc Bloch – was the proof that there were no sub-humans and that the enserfment of man by man was unacceptable. It was this very refusal by peasants to abdicate the human condition – a stubborn refusal, sometimes openly expressed, more often obliquely, but constantly reasserted – which explains why the medieval peasantry was not, at least not for ever and in its totality, relegated to the ranks of the ‘servile class’.