1. Introduction

The role of institutions in economic growth and development has attracted considerable attention from social scientists. Law, in particular, and its importance in the assignment of property rights and contract enforcement, has been emphasised in the development economics and legal history literatures. Research on modern-day developing societies has revealed a robust link between the existence of formal legal institutions and the potential for economic growth and development.¹

But not everyone is convinced. A more sceptical view of the role of institutions has emerged in recent years, particularly among economic historians. According to the sceptics, property rights and contract enforcement existed in many parts of early modern Europe, but not all of these experienced economic growth and development. One of the most extreme articulations of this view is in Greg Clark’s recent publication, *A Farewell to Alms*, where Clark argues that ‘…. there were preindustrial societies that had most, if not all, of the institutional prerequisites for growth hundreds, and probably thousands, of years before the Industrial Revolution’.² Clark points to medieval England as a place with ‘extraordinary institutional stability’ where ‘[m]ost individuals enjoyed great security both of their persons and of their property’. In this view, inhabitants of medieval England enjoyed ‘low tax rates’, security of property, and ‘free markets’ in land, labour, and goods – all the institutional features development economists point to as favourable for economic growth. Yet despite this favourable environment, the industrial revolution did not occur in medieval England. According to Clark, we can only conclude that institutions are of little relevance to questions of growth.

A slightly different version of this debate has been observed among historians, especially with respect to one particular institution: serfdom. In this debate, too, the sceptics view institutions as irrelevant to the local economy. Not because markets were free and property secure under serfdom, but because they were not free and property was not secure, yet we know that serfs nonetheless engaged in market transactions, made complex investment decisions, and even, in some cases, achieved a degree of social mobility. The overwhelming evidence for lively rural markets in land, labour, and credit in serf societies from medieval England to eighteenth-century Russia has brought some historians to the conclusion that serfdom could not have been all that constraining. Some have even argued that serfdom was itself superstructure, something merely ‘draped over’ an underlying peasant culture which remained largely unchanged over time.

One problem with these arguments is that they treat institutions as monolithic entities, which are either present or absent in any given society, with no intermediate gradations. Thus Clark has his checklist of desirable institutions: property rights, land markets, credit markets, social mobility, etc. If a feature is observed in the society under investigation, its box gets ticked, with the result that, at the end of the exercise, medieval England looks very much like the modern-day United States, and one is forced to conclude that institutions cannot matter very much. But is this the way we should be thinking about institutions and their effects? Why should we assume that it was all or nothing rather than variations of something in-between? Does it really make sense to view property rights as uniform from place to place or over time? Or land markets as uniformly ‘free’ where they exist?

A further, related problem with Clark-type arguments is that they assume we can identify corresponding institutions in different institutional contexts. In any given society, all the institutions present in that society are adapted to each other; they all function together as components of an overall institutional system, and it is only by a

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kind of provisional abstraction that we can talk about any one of them in isolation from the whole system of which it is a part. But one of the dangers of such abstraction is that it can mislead us into comparing, or even identifying, apparently similar components of two such comprehensive systems in different times and places. For some purposes, such comparisons are harmless. But when they lead us to equate certain institutional components in twelfth-century England and certain apparently corresponding components in modern societies, without pausing to notice their different contexts and ramifications within the respective institutional systems they are components of, then we can be fairly certain something has gone badly wrong.

The debate over ‘serfdom’ is a good example of such over-abstraction. Serfdom is said to have been relevant when we observe immiserated, powerless peasants, cowering under the landlord’s knout, but insignificant when we find rural land and labour markets and significant socio-economic stratification among enserfed peasants. But no criteria are offered for determining when the institutions of serfdom are genuine, or efficacious, and when they are merely superstructure. There are many different societies where peasant mobility is restricted and landlords have some form of property right in peasants’ labour, in which the other institutional components vary widely. Most historians of serfdom would agree that it was not a uniform set of practices. So why should we assume uniformity in its effects?

The institutions of serfdom were much more complicated than these black-or-white, overly abstract approaches allow. There were significant qualitative differences in the way they functioned across space and over time. In order to determine whether an institution, or, more plausibly, a set of institutions had an effect on the local economy, it is important to understand how exactly the institutions functioned at the local level. We cannot assume, for instance, that ‘serfdom’ implied the same overall institutional system from place to place, or even from manor to manor. To highlight these qualitative differences, this paper compares two serf societies: medieval England and eighteenth-century Russia. Despite geographical and temporal disparities, there are remarkable similarities in the two forms of ‘serfdom’. But, as we shall see, it is the differences that are perhaps most illuminating.
This is not the first time these two disparate societies have been considered together. Although few historians would argue now that the history of England can provide us with a guide to Russia’s future development, the nineteenth-century Russian peasantry was representative of all peasantries, the comparative exercise is still instructive. First, it highlights the extent of variation in institutional arrangements such as ‘serfdom’ over time and space. There are broad similarities which make it possible to talk about something like ‘serfdom’ in both of these cases, while, at the same time, the significant differences make clear that there was no single system of ‘serfdom’ across Europe. Second, this comparison can indicate the extent to which ‘institutions’ – formal rules which govern the society – influence behaviour. Do, for instance, different legal arrangements result in different economic – and even social – outcomes?

This paper focuses on several aspects of what we might call the ‘institutional context’ of serfdom. In the next section, three key components of rural society in the two places are compared: the community, the manor, and the law (or the state). The third (and final) section looks at the implications of the similarities and differences. Despite certain general similarities, I conclude that these two forms of ‘serfdom’ differed significantly since they were embedded in fundamentally different institutional systems.

2. Communities, Landlords, and States

A. The community

The similarities in the literatures on the nature and role of village communities in medieval England and pre-emancipation Russia are remarkable, considering how far apart in space and time these two serf societies were. In both cases, the historiography has been characterised by lively debates between those who adhere to a ‘communal autonomy’ view of cohesive, independent communities, united against (and to some extent impervious to) ‘outside’ forces, especially the landlord or the state,

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7 This may be, to some extent, because the peasant community was the focus of many Russian historians of medieval England, including Vinogradov and others of his generation.
and proponents of the ‘manorial dominance’ view of peasant communities as mere appendages of the feudal estate system. And in both literatures, a more nuanced view of the village community has emerged in more recent years, based on detailed, empirical research for specific localities.

Villagers in both societies were more mobile than assumed by conventional views of serfdom. Rural communities were neither isolated nor autarkic; serfs in Russia and medieval England engaged in labour, credit, and land transactions beyond the boundaries of their local manors or estates. The existence of rural factor markets and the frequency of contact with ‘outsiders’ meant that serfs were less dependent on kin than older theories, especially those of Chayanov, have maintained. Both societies were characterised by a significant degree of socioeconomic stratification and intra-communal conflict. Communities did have some degree of independence, as adherents of the ‘communal autonomy view’ have argued, but they were also integrated into larger feudal structures – though they were not, as the ‘manorial dominance’ maintains, simply extensions of the manorial apparatus.

But looking beyond these superficial similarities, striking differences can be observed. The community – or commune – in Russian serf society was a formal corporate entity, which raised its own funds and assumed collective responsibility for a set of clearly defined obligations. Nearly all feudal burdens were levied collectively. Quitrents were assigned as a lump sum for communal officials to allocate among households. Labour obligations and recruitment levies were assigned in the same way, as was the state poll tax, for which all male serfs were assessed. Access to woodland and pasture was granted to the commune as a whole; rights to these resources were assigned to households by communal officials. Communes were responsible for selecting members to fill posts ranging from reeve or steward to tax collectors and

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8 These views are outlined in greater detail in Dennison and Ogilvie ‘Serfdom and social capital’; and Ogilvie, ‘Communities and the “second serfdom”’. They were perhaps given their most explicit articulation in the nineteenth-century Russian debates between the ‘statists’ (represented by Chicherin) and the ‘slavophiles’ (represented by Aksakov). The communal autonomy view for medieval England is perhaps most closely associated with the work of the ‘Toronto School’.

9 An accessible overview for medieval England can be found in C. Dyer, ‘Were late medieval English villages self-contained?’ in C. Dyer (ed), The self-contained village? The social history of rural communities 1250-1900 (2007), pp. 6-27. On Russian communities, the work of Edgar Melton has been especially illuminating.
constables.\textsuperscript{10} They were supposed to use their collective funds to pay these officials, and to provide relief to their poorer members.\textsuperscript{11}

While similar examples exist for medieval England – state taxes, and some feudal obligations, such as tallage, were apparently levied collectively – the community, it seems, was not formally institutionalised to the same extent. Indeed, from the Russianist’s perspective, it is remarkable how much space is devoted in the literature on medieval England to defining what the community \textit{was} in any given context. In some cases, the emphasis is on the village community; in others it is the parish community or the manorial community. It is clear that there were certain things medieval communities did: they coordinated agrarian production, they managed village resources, and they even monitored their neighbours’ activities. But membership in medieval communities could be viewed as ‘fluid and insecure’\textsuperscript{12} in stark contrast to serf Russia, where membership was strictly and clearly defined. It is particularly relevant that feudal obligations and customary rights were not collectivised in medieval England; it was an individual’s own legal status or the holding itself that determined rights and obligations.

Tenurial arrangements offer the clearest manifestation of these differences. The most distinguishing characteristic of the Russian peasant commune was communal land tenure. In Russia, the land allocated to serfs for their own use was given to the commune as a whole, rather than to individual households.\textsuperscript{13} On quitrent estates, feudal dues were usually attached (and proportional) to this land, such that, in taking on an allotment, a serf household also accepted the obligation to pay a corresponding proportion of the total quitrent levy. In most cases, it was up to communal officials to allocate the land – and thus the tax burden – among member households. A serf’s right to an allotment was therefore determined – but not guaranteed – by his (and sometimes her) membership in a commune. This was in contrast to medieval

\textsuperscript{10} Wealthy landlords frequently hired outsiders as managers and to oversee the elected officials.
\textsuperscript{11} An overview can be found in D. Moon, \textit{The Russian peasantry 1600–1930: the world the peasants made} (London, 1999). See also Dennison, \textit{Institutional framework}, chapter 4.
\textsuperscript{13} This does not mean Russian peasants did not hold land privately in individual tenure – they did. But this was not estate land. The estate land allocated by lords for serfs’ use was always held in communal tenure.
England, where, as Richard Smith has noted, ‘property tenure was not vested in groups other than through various forms of joint-possession by which ‘groups’ had contracted to hold land or had inherited land as a set of individuals. In some circumstances individuals might have certain common rights such as on the village waste for pasture, or within woods for pannage or fuel collecting. Access to those rights, however, was not acquired through membership of a group or residence within a village. Those rights were acquired through prior possession of land as an individual …’

Communal land tenure and ‘collective responsibility’ for feudal obligations had implications for the quality of village life in serf Russia. Because obligations were levied on the community as a whole, households that could not afford to contribute had to be subsidised by their neighbours. This gave rise in many cases to forms of social control designed to ensure that households would not ‘default’ on their quitrent payments. Neighbours scrutinised one another’s behaviour carefully, and reported indications of deviance to authorities. Those deemed ‘inadequate’ householders, including those who drank too much or engaged in other behaviour detrimental to the household economy, were sent to the army or even exiled to Siberia. Poorer serfs, especially unmarried women, who were viewed as less likely to meet their obligations, were often deprived of land, while larger shares were given to the more prosperous serfs, who could be relied on to pay the attached fees. Landlords were largely uninterested in the way obligations were shared out, so long as the work got done and the rents were paid.

Collectively-levied obligations came with the power to enforce them – power usually vested by landlords in communal officials. Absentee landlords were especially likely to grant communal officials the authority to make decisions about their fellow serfs’ requests to marry, to migrate, to hire labourers, to practice a craft, or to buy or sell land. Most landlords demanded communal approval for all such requests, since any of these could potentially affect a household’s economic viability. (Landlords also retained the right to override any decision made by communal authorities.) Serfs were

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15 Specific examples can be found in Dennison and Ogilvie, ‘Serfdom and social capital’.
generally required to live in complex, extended-family households containing several able-bodied adults (fines and other punishments were administered for unauthorised separation), since nuclear families were viewed by authorities as economically precarious.\footnote{16 As shown by S. Hoch for the Petrovskoe estate, in Serfdom and social control: Petrovskoe, a village in Tambov (Chicago, 1986); and Dennison for the Voshchazhnikovo estate in ‘Serfdom and household structure in central Russia’, Continuity and change, (2003), pp. 395-429.}

The system of collective responsibility was convenient for the landlord, who could minimise administrative costs by forcing communal officials to allocate, collect, and deliver cash rents, allocate and organize labour obligations, and monitor the activities of their neighbours. It was less convenient for ordinary members of the community who found their behaviour closely scrutinised and their demographic and economic choices thwarted by fellow serfs, who were trying to ensure that their own households would not be required to subsidise others. Unfortunately for those who felt most constrained – such as unmarried women, the socially deviant, and the more entrepreneurial peasants – voluntary withdrawal from the commune was impossible, except in those rare cases when prosperous serfs were granted permission to purchase membership in another corporate entity (such as an urban guild).

This is not to imply that communal coercion and social control were unknown to serfs in medieval England, nor that medieval village elites refrained from using their power to the disadvantage of their fellow serfs. But the kind of institutionalised, incentivised coercion we see in Russian serf communities was surely more constraining than the kind of social control we observe, more generally, in your average pre-industrial ‘face-to-face’ society without the extra communal reinforcement. The formal powers of village elites in medieval England, while indeed significant, were, it seems, considerably more limited than those of Russian communal officials, whose fiscal responsibilities and control over communally-held resources gave them the authority to take important decisions about the distribution of taxes and land within the community. In medieval England, village elites could not dictate how much land a serf household was entitled to nor the level of rents to be extracted from members. These arrangements were determined by custom (about which more will be said.
below) at the tenancy level rather than the community, or village, level.\(^{17}\) Thus it was possible to find considerable heterogeneity in tenants’ legal statuses and the types of holdings on medieval English manors – free persons and villeins, for instance, could be (and were) tenants of the same lord, and reside in the same community, where one would not find free peasants as members of communes on Russian serf estates. In fact, it would be exceptional to find any free peasants residing on a Russian serf estate.\(^{18}\)

In order to better understand these differences, we must consider the larger institutional context within which serf communities were embedded:\(^{19}\) in particular, the manor or estate – the jurisdictional domain of the landlord. Indeed what concrete knowledge we do have about serf communities in these two societies has been gleaned from manorial records or, in the Russian case, archives of the wealthiest landlords. And in both cases the archival record makes clear that lordship could have significant effects on the nature and role of communities under serfdom.

**B. The manor or estate**

At first glance, there are, again, clear similarities at the manorial level in these two societies, especially in the juridical monopolies and rent-seeking powers of landlords. Landlords in both societies were entitled to labour services or rents in cash and kind from serf tenants. Under both forms of serfdom landlords were capable of interfering in the demographic decisions of their tenants, particularly marriage and migration, as well as inheritance practices. Landlords in both societies extracted additional fees for – to name just a few activities – marriage, mobility, and property transfers, as well as for manorial services (which serfs were often forced to use), from milling and distilling to contract enforcement and dispute resolution. And in both societies, there was considerable variation in the way landlords managed their estates and made use of the powers at their disposal.


\(^{18}\) Admittedly our information about what occurred on Russian serf estates is far from complete! But none of the local studies undertaken so far has revealed the presence of free tenants on landlords’ estates.

\(^{19}\) This point is made convincingly by Smith in ““Modernization” and the corporate medieval village community in England: some sceptical reflections’, in A.R.H. Baker and D. Gregory (eds) Explorations in historical geography: interpretative essays (Cambridge, 1984), pp. 140-79.
But again, the similarities on the surface mask profound underlying differences. Medieval English manors, by comparison with Russian estates, were characterised by a remarkable degree of uniformity. Particularly striking was the widespread existence of manorial courts, which, while mostly concerned with upholding the rule of the lord of the manor and regulating the agrarian economy, also offered a broad (and varying) range of additional services to tenants – free and unfree – including contract enforcement for a variety of land and credit transactions. Medieval historians have pointed out that there was significant variation in the customary laws upheld by these courts; much depended on the rule of the manor in question. But just the notion that there was some form of customary law that manorial courts were there to enforce and uphold distinguishes medieval English serfdom from the later, Russian version.

On Russian serf estates there was no institutional equivalent to the manor court. Unlike medieval English lords, few Russian landlords offered judicial services to their serfs, and, as far as we can tell, none operated anything like a formal court. At the more institutionally precocious end of the spectrum, there were landlords like the wealthy Sheremetyev family, who offered their serfs contract enforcement services and a form of extra-local dispute resolution. But the system was administered from distant St Petersburg (their estates were scattered across 17 provinces) and judgments relied on petitions and written reports from chosen ‘jurors’ and officials. At other end of the spectrum, were those landlords who left the day-to-day management of their estates, including dispute resolution, to communal authorities. In between was a range of possibilities, including noble families like the Gagarins, who hired outside officials to reside on and run their estates. These employees were charged with direct intervention in all local affairs; decisions related to disputes and other issues related to estate management were made by the steward himself, in consultation with the landlord. The degree of variation in the governance of estates appears to have been far higher in Russia than in medieval England.

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21 A detailed description is in T. Dennison, ‘Contract enforcement in Russian serf society’ (currently under review).
23 As discussed in Hoch, Serfdom and social control.
This brings us back to the nature and role of local communities. In both serf societies an inverse relationship existed between community strength and the strength of lordship. But the relationship seems to have been much stronger in the Russian context. This may be because, in medieval England, the system of manorial courts (along with the absence of collective responsibility) constrained the powers of the village elite through the enforcement of customary law (about which more will be said shortly) and by making legal recourse accessible (or at least relatively accessible) to all tenants of the manor. That poorer tenants, including widows, appear as plaintiffs in medieval court rolls is very unlike anything observed on a Russian estate. They could also apparently make use of the court’s contract enforcement services, appearing as parties to credit and land transactions. This is not to claim that poorer tenants in medieval England were always everywhere on equal legal footing with their better-off neighbours. The village elite clearly had significant powers: as manorial officials they could influence which cases got to court. As jurors, they could influence outcomes. Village elites usually had considerable informal authority as well, thanks to wealth and extensive social networks.

Russian serf elites had all these powers, and no system of manorial courts – no customary law – to constrain them. Even where lordship was strong, as on the Sheremetyev family estates, where the landlord provided extra-local conflict resolution services, there were large numbers of petitions from middling and poorer serfs against communal officials for corrupt practices, including embezzlement, illegal confiscation of land, taking bribes, double taxation, false imprisonment, and other such offenses. Sheremetyev officials in St Petersburg demonstrated a willingness to rule against powerful serfs if accusations could be justified, but the number of complaints in the archive indicates that communal elites continued to abuse their powers despite the threat of landlord intervention. Moreover, despite the Sheremetyevs’ quasi-formal administrative framework, the poor had very few protections. They were denied communal land because they could not pay the attached feudal dues, they could not afford to pay bribes to communal officials, and they were excluded from formal channels of credit and other ‘legal’ market transactions since they could not afford the fees the Sheremetyevs’ demanded for their contract enforcement services. Poor serfs were even denied relief from communal funds; requests for assistance from poor young widows were regularly turned down by
officials. All these serfs could do in such instances was petition the landlord to take pity on them.\textsuperscript{24}

Most Russian estates lacked even a quasi-formal legal-administrative apparatus like that of the Sheremetyevs.\textsuperscript{25} On these estates, poorer and other marginalised serfs were left entirely to the mercy of communal officials, whose main interests were allocating resources to themselves and their associates and pushing rents and obligations onto others and away from themselves. On the Baki estate in Kostroma province, the communal oligarchs were so powerful they managed to persuade the (absentee) landlord to dismiss the estate steward and allow them to manage local affairs, despite protests from the other villagers who claimed that the oligarchs routinely abused their authority, using positions of power to benefit themselves, at the expense of their neighbours.\textsuperscript{26}

The absence of a customary law to which Russian serfs could appeal had other important implications. On medieval English manors, there appears to have been a familiar set of customary obligations, such as \textit{tallage, chevage, merchet}. The precise levies and the extent of enforcement may have varied from place to place, but the same kinds of obligations regularly appear in accounts of manorial economies. While this is broadly true of Russian serfdom, there was, again, much greater variability. All Russian serf estates demanded basic obligations in either labour or cash. Most wealthy landlords demanded fees for marriage beyond estate boundaries, for migration, for approval of land transactions. Beyond these broad similarities, we observe significant variation in rents and taxes across estates. The Sheremetyevs levied taxes on all forms of economic activity (land transactions, hiring of labour, practicing a craft), on undesirable demographic behaviour (such as remaining unmarried), demanded fees for legal services (drawing up a contract, filing it, hearing a dispute), and levied fines for breaking any of the over 100 rules and regulations set out in the estate ‘instructions’. The Gagarin family, on the other hand, did not bother with fees, fines, laws, or instructions.

\textsuperscript{24} This discussion is based on evidence presented in Dennison, \textit{Institutional framework}.

\textsuperscript{25} This would have been especially true of so-called ‘state peasants’ (serfs of the crown), who are assumed to have enjoyed greater freedom than proprietary serfs, since they were not ruled by landlords, but by state officials who demanded annual rents and taxes from them and largely left them alone. It is unlikely, however, that a lack of access to extra-local legal recourse (as unfree peasants they were still largely excluded from civil institutions) implied greater freedom.

\textsuperscript{26} Melton, ‘The magnate’. 
and taxes; they relied mainly on corporal punishment and physical coercion to achieve compliance with their policies.

And, moreover, where medieval English serfs could protest against violations of their customary rights, Russian landlords had the legal authority to raise their rent demands, levy new fees and taxes, and even expropriate serfs of their land and goods. This does not, of course, mean that all landlords did these things; it was in the interests of most to ensure that their serfs could continue to provide the rents and labour services they relied on. But the inherent uncertainty and the enormous scope for confiscation of surpluses must have had considerable implications for the Russian rural economy.

C. The state and the law
The contrasts outlined above almost certainly derived from larger institutional differences related to the role of the state and the legal framework within which serfdom existed in these two societies. One particularly striking feature of serfdom in medieval England is the extent to which there really was something like a ‘legal system’, within which manors and communities were embedded. This might strike some as ironic, since Russian serfdom was a phenomenon of the early modern – and by some conventions even modern – period, by which time the state in western Europe was much stronger and more centralised than in the medieval period. But England and Russia seem to have been at opposite extremes within Europe, with the central state in England emerging much earlier than on the continent and the Russian state remaining (internally) weak for much longer.

In both Russia and medieval England, villages and manors were part of a larger institutional framework. In England, at least by the end of the twelfth century, this meant a system of law, extending outward from the Crown, into which local

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institutions, such as manorial courts, were integrated. The existence of a unifying legal framework, grounded in a common law, seems to have had important implications for the practice of serfdom in England. The growing influence of the royal courts and the Common Law placed certain checks on landlords’ powers over their tenants. Landlords were aware of the looming presence of the state, which inhibited [their] powers of justice through enquiries into franchises, and offered the peasants at least a hope of protection … While it is unlikely that tenants commonly brought suit against landlords in the royal courts – the risk involved must have been very high – it is still plausible that the mere existence of legal recourse beyond the manor had a significant impact on the landlord-tenant relationship. Furthermore, the royal courts were not the only option for extra-local legal recourse. Recent research on debt litigation provides evidence of attempts by some manorial courts to compete for revenues by offering their services to a larger pool of plaintiffs. The result for tenants – free tenants, mainly – was greater choice in the court to which they brought their suits.

These legal developments had implications for serfs, too. Serfs’ options were more constrained, as they were legally obliged to use their landlords’ courts, but the changes introduced in some localities (and at least partly in their efforts to attract litigants) are thought to have benefitted serfs as well as free tenants. There is evidence, for instance, that manorial courts in some regions began to adopt the language and procedures of the royal courts, including the use of written records as evidence for a wide variety of transactions. Written records of court transactions enabled landlords to defend their rights to customary obligations from tenants in the case of challenges in the royal courts. But it has been noted that this practice also protected tenants, free and unfree, from arbitrary attempts – by their landlords and others – to deprive them of their lands or make other arbitrary demands of them. It is remarkable (at least to a historian of the ‘second’ serfdom) the extent to which serfs and free persons in

30 Some, however, were undeterred. See the accounts in Crook, ‘Freedom, villeinage, and legal process’; Dyer, ‘Memories of freedom’.
31 C. Briggs, Manor court procedures, debt litigation levels, and rural credit provision in England, c 1290-1380, Law and History Review, vol. 24, no. 3 (Fall 2006), pp. 519-58.
32 Smith, ‘The English peasantry’; “Modernization” and the corporate medieval village'.
medieval England were integrated into the same increasingly universal system of
law.\textsuperscript{33}

The institutional context for Russian serfs was very different. In Russia, ‘public law
effectively stopped at the gates to the estate’\textsuperscript{34}. Serfs were not only the legal subjects of
their lords, they were their personal property. (It is perhaps worth pointing out here
that a Russian serf would never be referred to as a tenant, a term which implies some
kind of contractual relationship.) Russian serfs could be sold, expropriated, physically
abused, forced to marry or migrate, subjected to new and more onerous obligations,
and they had no legal recourse beyond their own estates. The absence of formal
checks on landlord power gave ample scope for abuses of this sort. But the lack of a
larger legal framework – even a recognised form of local customary law – had more
mundane and much more far-reaching implications. Serfs were not legally permitted
to own land in their own names before 1848, and they were denied access to civil
institutions before emancipation in 1861. These restrictions pushed much of their
economic activity into the informal sector, where transactions involved a greater
amount of risk. Serfs could purchase land in the names of their landlords, for instance,
but they had no recourse should their landlords later decide to confiscate this land.
They could engage in credit transactions but they had no legal recourse should a
borrower fail to repay or relinquish collateral. They could establish rural
manufactories, but they had little recourse against the confiscation of their capital.
Their ambiguous legal status meant serfs were often forced to pay bribes for access to
goods and services they could not obtain through formal channels.

Even on estates like those of the Sheremetyev family, where there was a quasi-formal
rule of law (the Sheremetyevs offered contract enforcement services and were quite
conscientious about upholding property rights), recourse did not extend beyond the
estate. This not only meant that serfs could not stop the Sheremetyevs themselves
from interfering in their economic affairs, but that they could only engage in
transactions that were enforceable through the Sheremetyevs’ administrative
framework. These constraints become especially apparent in credit transactions,

\textsuperscript{33}This is really made clear in P. Hyams, ‘What did Edwardian villagers understand by law?’ in Razi
and Smith (eds), \textit{Medieval society and the manor court}.
\textsuperscript{34}R. Bartlett, ‘Serfdom and state power in Imperial Russia’, \textit{European history quarterly} (2003), p. 48.
where Sheremetyev serfs borrowed extensively from outsiders and free persons (who could rely on the Sheremetyevs to force their serfs to repay) but lent only to other Sheremetyev serfs (since the Sheremetyev family had no authority over other lords’ serfs or free persons). Furthermore, as noted earlier, the fees charged for these services put them out of reach of the poorer serfs.

On estates without any legal-administrative system, serfs were at the mercy of their neighbours as well as their landlords. Communal land tenure and communal liability for obligations gave communal officials extensive powers over fellow villagers. Communal elites could expropriate their neighbours of land, extract additional rents from them, deny them relief from communal funds, force them to pay bribes, and prohibit land transactions, and there was very little the victims could do, especially if village elites were able, as on the Baki estate, to convince the landlord that this was in everyone’s best interest. Not only was there no legal recourse for exploited villagers, it was virtually impossible for serfs to opt out of communal membership.

3. Outcomes and Implications

There are many ways in which English and Russian serf societies were alike. They had similar institutional components: village communities, manors, central states. They shared many shortcomings of the institutional system we refer to generally as ‘serfdom’. In both societies, economic growth and development were undermined by legal constraints on mobility and access to extra-local justice. Even in medieval England, where the law put greater checks on lordship, the balance of power strongly favoured landlords, whose rights to extract obligations from tenants must have created some disincentive among peasants for the generation of surpluses. Similarly, and perhaps ironically, serfdom in both forms created strong disincentives for innovation by the landowning classes – those with the wealth to undertake major investments – by guaranteeing them rents from enserfed tenants. It is not so surprising, given these constraints, that there was no industrial revolution in medieval England or in eighteenth-century Russia.

Still, a closer look reveals some very significant differences. In the medieval English case, the terms of tenancy were anchored in customary law, which was integrated,
increasingly it seems, into a larger body of common law. This legal context seems to have placed at least some limits on the exploitative powers of landlords and village elites, creating, as a result, a greater degree of security of property than one would find in rural Russia under serfdom. If the scope for arbitrariness were reduced, there would have been less risk involved in economic transactions, making even unfree tenants more willing to engage in them. And indeed we do observe lively markets in land, labour, credit, and goods in medieval England in which serfs were regular participants. The extensive credit markets observed in medieval Cambridgeshire, with participants from a wide range of socio-economic strata, has no equivalent in eighteenth-century Russia.  

There is much more abundant evidence for land market transactions in East Anglian manor court rolls than what we find in the archives of Russian seigniorial estates. Access to these markets may have given serf households in medieval England more possibilities for economic diversification than were available to Russian serfs. And this, in turn, may have reduced the extent to which the medieval English serf household was forced to rely on kin and neighbours for assistance.

In Russia, where estates were not integrated into any larger legal framework, and serfs were explicitly excluded from any kind of civil law, serfdom was significantly more oppressive. It is no coincidence that Russian serfdom has so often been compared to American slavery. Landlords could do what they wanted with their serfs, short of killing them (and even that prohibition was not always enforced). Archival records indicate that they could – and in certain cases did – expropriate the property of serfs, buy and sell individual serfs without land, levy new taxes and obligations, and force serfs to work for others while confiscating their wages. Even on the Sheremetyev estates, where a system was in place for the enforcement of contracts and

39 Some examples are given in J. Blum, *Lord and peasant in Russia from the ninth to the nineteenth century* (Princeton, 1961).
40 This was permitted until the late eighteenth-century.
41 Landlords revised their estate ‘instructions’ – the rules and regulations by which estates were governed – periodically with updates to the inventory of obligations.
42 As on the Gagarin family’s Manuilovskoe estate described by R. Bohac in *Family, property, and socioeconomic mobility: Russian peasants on Manuilovskoe estate, 1810-1861*, unpublished Ph D dissertation (University of Illinois at Champaign-Urbana, 1982).
upholding of property rights, and where participation in markets was merely taxed but not prohibited (!), serfs faced considerable risks. Because the Sheretemyev system was not integrated into any larger system of law, serfs’ rights were not acknowledged beyond the boundaries of the estate. Their ambiguous legal status made them easy targets for provincial and ecclesiastical officials who could extract bribes for access to services that could not be procured legally. And, while the Sheremetyevs allowed their serfs to purchase land and hold it in individual tenure, there was no extra-local recourse in the case of expropriation. The informal nature of the Sheremetyevs’ legal framework would almost certainly have raised concerns about continuity in the commitment of the new generation to a system his father or grandfather had devised. After all, there was nothing to stop an heir from putting an entirely different administrative framework in place. These constraints would surely have had some effect on the willingness of serfs to undertake risks associated with innovation in agriculture or rural industry. And the disadvantages to poorer serfs – who could not afford to pay bribes, had restricted access to communal land, could not afford to register their land and credit transactions – cannot be emphasised enough.

The property rights, the land, credit, and labour markets, the security of person and property, the approximation to a rule of law shared by these two serf societies, while superficially similar, were embedded in two quite different institutional systems. In the English case, they were increasingly situated within a framework of interlocking legal institutions extending from the crown to the manor; in Russia, they were situated within a kind of ‘composite state’ of territorial mini-sovereignties ruled by grandees whose subjects were denied any sort of integration into a larger legal framework. The analogous institutional components apparently shared by these two societies had very different consequences and a very different significance within these two different contexts (differences that would not be captured by a ‘box-ticking’ approach). The institutional components constituting ‘serfdom’ had significant effects in both places; they constrained growth and opportunities, especially to the poorest. But they led to (relatively) more benign outcomes in one context than the other because the overall institutional framework prevented the worst abuses and, over time, appears to have evolved in a way that undermined the system of serfdom itself. In the other case, the institutional paralysis spilled over even into the post-emancipation era, with the codification of communal land tenure and collective responsibility, and the creation of
a separate body of law to govern the ‘former serfs’. It was not until after 1917 that anything resembling a centralised system of law came into existence.