



Volume 2. From Absolutism to Napoleon (1648-1815)

Emperor Joseph II's Patent on Serfdom [*Leibeigenschaft*] (November 1, 1781)

Historians have misunderstood this Imperial act as a wholesale conversion of the Austrian monarchy's servile peasantry into freemen, but in fact, outside Galicia, personal serfdom [*Leibeigenschaft*] was an uncommon legal status. Most villagers stood under seigneurial lords as "subjects," but possessed the rights of freemen under locally prevailing conditions, for example, that a farmer departing a noble jurisdiction should pay a moderate fee to his lordship. Maria Theresa had already ended personal serfdom on the crown estates. Joseph's proclamation achieved this on a wider scale for subjects of noble lordships, especially in the monarchy's Bohemian lands. (Serfdom in Galicia and Hungary awaited separate action.)

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### The Serfdom Patent

Patent of November 1, 1781, *in re* Manorial Lords and Subjects. The servile status of subjects is herewith abolished completely and the following dispositions enacted:

1. Any subject is entitled to marry, subject to previous notification and acquisition of a certificate, to be delivered free of charge.
2. He may, provided he observes the regulations governing conscription for military service, leave his present manor and settle or take service on another within the Province; but if he wishes to establish himself as a peasant cultivator or cottager on another manor, he must ask for a leaving certificate, which must also be issued him free of charge, to be shown to the new manorial authority.  
  
[ . . . ]
3. A subject is free to learn any handicraft, trade, etc., and seek his livelihood where he will. For this no leaving permit is necessary.
4. Subjects are no longer required to perform domestic service for their lords, except orphans, who may be required to do such service for a period not exceeding three years.
5. No services shall be imposed on or required of subjects beyond the *robot* and payments in kind and cash attaching to their holdings. Subjects are bound to render obedience to their lords in virtue of the existing laws.

Source of English translation: C.A. Macartney, ed., *The Habsburg and Hohenzollern dynasties in the Seventeenth and Eighteenth Centuries*, in *Documentary History of Western Civilization*. New York, Evanston, and London: Harper & Row, 1970, p. 177. Introduction, editorial notes, chronology, translations by the editor; and compilation copyright © 1970 by C.A. Macartney. Used by permission of HarperCollins Publishers.

Source of German original text: Joseph Kropatschek, ed., *Handbuch aller unter der Regierung des Kaisers Joseph II. für die k.k. Erbländer ergangenen Verordnungen und Gesetze in einer sistematischen Verbindung: enthält die Verordnungen und Gesetze vom Jahre 1780 bis 1784* [*Handbook of all Decrees and Laws issued under the Government of Emperor Joseph II for the Austrian Imperial and Royal Hereditary Lands in Systematic Assembly, including the Decrees and Laws from 1780 to 1784*], volume 1. Vienna: Moesle, 1785, pp. 74-77.