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Absolute Obedience: Servants and Masters on Danish Estates in the Nineteenth Century

Dorte Kook Lyngholm

Viborg Museum, Viborg, Denmark, e-mail: dkl@viborg.dk

Abstract

This article examines legal relations between estate owners and their servants and workers on Danish estates in the nineteenth century. From the end of the eighteenth century onwards, the traditional privileged role of Danish estate owners was changing, and their special legal status as "heads of household" over the entire population on their estates was slowly being undermined. The article investigates the relationship between estate owners and their servants and workers in legislation and court cases during these times of change. It examines the Danish servant acts from 1791 and 1854 and identifies the asymmetric order of subordination and superiority in this legislation. The core of the relationship was still a "contractual submission" that, to some extent, was private and unregulated by law, and estate owners were entitled to impose sanctions and physical punishment on their servants and workers according to their own judgement. When the Servant Law of 1854 abolished estate owners' right to punish adult servants physically, it was a significant break from the old legal order. However, a central element in the legislation, before and after 1854, was that servants' and workers' disobedience towards estate owners was illegal. By analysing court cases, the article examines the borderlands of the legal definition of disobedience. The elasticity in the legal system was substantial – and frequently favoured the owners. In the legal system, the notion of disobedience served to protect the last remnants of the traditional legal order of submission and superiority.

In early modern Denmark, the masters' right to punish workers and servants was protected by state law. In rural districts, the private noble estates and the estate owners' personal privileges constituted the framework of this punitive system. Private estates were the mainstay of the lives of the rural population, and the copyhold system was the foundation of the economic, social, and working conditions of large parts of the population. During the time of absolute monarchy in the 1700s, the expanding state's local administrative structure and judicial system were largely based on the existing system of estates and estate owners' personal authority.[1] State and private justice on the estates were intertwined, and the estate owners administered important

[1]Birgit Løgstrup, *Jorddrot og offentlig administrator. Godsejerstyret indenfor skatte- og udskrivningsvæsenet i det 18. århundrede* (Copenhagen, 1983); Lotte Dombernowsky, *Lensbesidderen som amtmand. Studier i administrationen af fynske grevskaber og baronier 1671–1849* (Copenhagen, 1983); Jonathan Finch and Kristine Dyrmann, "Estate Landscapes in Northern Europe: An Introduction", in Jonathan Finch *et al.* (eds), *Estate Landscapes in Northern Europe* (Aarhus, 2019), pp. 13–36.

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parts of criminal justice.[2] In Danish research, this system has been referred to – inspired by Max Weber's ideal type – as "the patrimonial household".[3] In this system, the estate was perceived as a parallel to the small individual household, with the estate owner being the head of a "family" that included the entire estate population. In the 1700s, the estate population was thus part of two punitive systems: the emerging "public" criminal justice system of the state and the traditional "private" punitive system of the estate owners. The private punitive system was protected by state laws that, in certain matters, left the estates as enclaves with considerable legal autonomy.

The agrarian revolution beginning in the latter part of the 1700s eroded the foundation of this social and legal order. The public administration of criminal justice was transferred to the state exclusively, and the estate owners' private right to inflict corporal punishment on the copyholders was abolished. These changes and their effect on punishment as a tool for managing the workforce on Danish estates is the point of departure for this article. The article examines the development of the punitive structure between estate owners and their workforce from the late 1700s to the late 1800s. The analysis includes punitive measures towards the two main groups of workers on Danish estates in the period: live-in servants and corvée workers. It examines the development of the traditional punitive system in the legislation from 1791 to 1854 and in court cases between estate owners and workers from the 1830s and 1870s. During these times of change, the article identifies *obedience* as an important entry point into the study of punishment and labour management. It examines how the legal demand for workers' obedience was a crucial tool in the estate owners' efforts to remain in control of their workforce during the process that led to the final elimination of the traditional private punitive system.

The Legal Privacy of the Household

The legal relationship between Danish estate owners and their workers after the agrarian revolution features in Anette Faye Jacobsen's research on the evolution from a collective to an individual legal culture from the late 1600s to the early 1900s. Her work is mainly based on normative sources but also includes some interesting examples of local legal practice in 1797 and 1853.[4] Jørgen Mührmann-Lund has dealt extensively with the procedures of the urban police courts, investigating the legal practice in trials concerning rural servants and corvée workers around 1800.[5] Hanne Østhus has examined master–servant relationships in Danish–Norwegian cities in law and practice between 1750 and 1850.[6] And Vilhelm Vilhelmsson has investigated labour relations in Iceland in the 1800s and master–

[2]Dorte Kook Lyngholm, *Godsejerens ret. Adelens retshåndhævelse i 1700-tallet. Lov og praksis ved Clausholm birkeret* (Viborg, 2013).

[3]Anette Faye Jacobsen, *Husbondret. Rettighedskulturer i Danmark 1750–1920* (Copenhagen, 2008), pp. 31–36. Unless otherwise stated, all translations are mine.

[4]Jacobsen, *Husbondret*, pp. 153–186, 293–310.

[5]Jørgen Mührmann-Lund, *Borgerligt regimente. Politiforvaltningen i købstæderne og på landet under den danske enevælde* (Copenhagen, 2019), pp. 377–381.

[6]Hanne Østhus, *Contested Authority: Master and Servant in Copenhagen and Christiania, 1750–1850* (Florence, 2013).

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servant relations in rural Sweden during the agrarian revolution by Carolina Uppenberg.[7]

Some Scandinavian research has interpreted the relationship between masters and servants in the light of the Lutheran doctrine of the three estates consisting of commanding and obeying positions, often emphasizing the mutual duties and obligations within the household.[8] The asymmetrical power relationship between servants and masters has been addressed with analyses of the special character of the private sphere surrounding this relationship. Anette Faye Jacobsen has argued that (small and large) households were basic social and legal entities that constituted parallel orders with considerable legal autonomy from the state.[9] Sølvi Sogner has made similar observations in her research on the legal status of servants in Norway, where she describes the world of the household in the following terms: "a very private arena […] where angels, let alone lawmakers, might well fear to tread".[10]

Other studies have considered the special status of the household and the apparent opposition between the contractual and patriarchal elements of the relationship between master and servant within the household. In his studies of the Augustenborg castle, Mikkel Venborg Pedersen has noted that the great households of the early modern period rested on an unclear duality of contractual relationships and family ties that held advantages for the servant but also contained control and risk of abuse from the master.[11] In his research on the conditions of Swedish servants, Börje Harnesk has also emphasized that, as compensation for wages, a servant had to submit to an unequal patriarchal structure.[12] Christer Lundh has described the legal implications of the specific contractual conditions of servants in his studies of Swedish servant legislation: "The decision to take up service or to hire a servant was made freely, but as soon as the employment agreement was made, a relation of subordination and superiority was also established."[13] To take up service involved entering into a contract, one consequence of which was that the contractee entered into an area where state legislation provided a framework but left important measures – such as the punishment of the servant – to the masters' judgement.

[7]Vilhelm Vilhelmsson, "The Moral Economy of Compulsory Service: Labour Regulations in Law and Practice in Nineteenth-Century Iceland", unpublished paper presented at the European Social Sciences History Conference, Leiden, 2021; Carolina Uppenberg, *I husbondens bröd och arbete. Kön, makt och kontrakt i det svenska tjänstefolksystemet 1730–1860* (Gothenburg, 2018); *idem*, "The Servant Institution During the Swedish Agrarian Revolution: The Political Economy of Subservience", in Jane Whittle (ed.), *Servants in Rural Europe 1400–1900* (Woodbridge, 2017), pp. 167–182, 171.

[8]Nina Javette Koefoed, "Authorities Who Care: The Lutheran Doctrine of the Three Estates in Danish Legal Development from the Reformation to Absolutism", *Scandinavian Journal of History*, 44:4 (2019), pp. 430–453.

[9]Jacobsen, *Husbondret*.

[10]Sølvi Sogner, "The Legal Status of Servants in Norway from the Seventeenth to the Twentieth Century", in Antoinette Fauve-Chamoux (ed.), *Domestic Service and the Formation of European Identity* (Bern, 2004), pp. 175–187, 187.

[11]Mikkel Venborg Pedersen, "Det augustenborgske hof. Organisation og praksis", *Herregårdshistorie*, 17 (2021), pp. 77–91; *idem*, *Hertuger. At synes og at være i Augustenborg 1700–1850* (Copenhagen, 2005), pp. 177–185.

[12]Börje Harnesk, "Patriarkalism och lönarbete. Teori och praktik under 1700- och 1800-talen", *Historisk Tidskrift*, 3 (1986), pp. 326–355.

[13]Christer Lundh, *Life Cycle Servants in Nineteenth Century Sweden: Norms and Practice* (Lund, 2003), p. 2.

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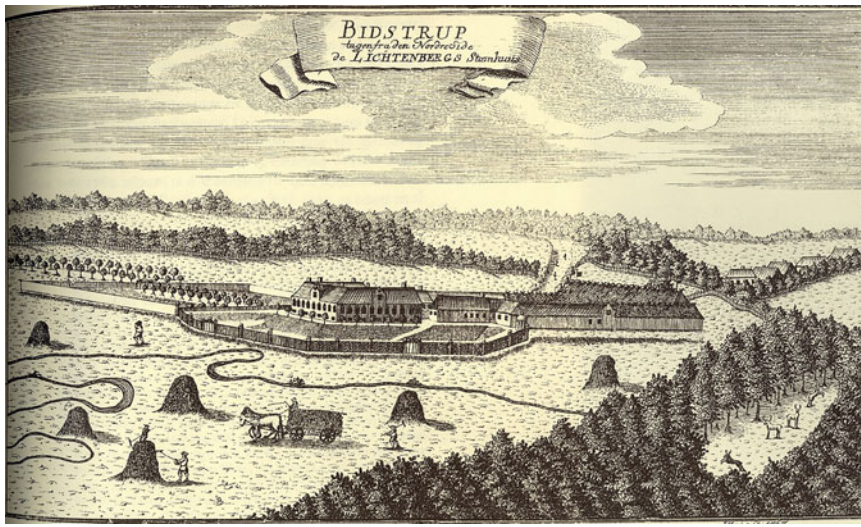

Figure 1. Bidstrup Manor in 1767, harvest time on the estate's main farmland. In the 1700s, the workforce on Danish estates could be punished physically by their masters, the estate owners. In the legislation, chastisement was linked specifically to the workers' duty to show obedience towards their masters. *Copper engraving by Jonas Haas from Erik Pontoppidan's Danish Atlas 1763–1781.*

This article examines this private arena of masters and servants. Analysing legislation and court cases, it investigates the boundaries of this private space and the changing connections to the state surrounding the large households of the estates.[14] Within this private area, the article specifically studies punishment as a tool for managing and controlling the workforce. It examines how the intimate connection between punishment and the demand for obedience could provide an effective strategy for the masters in a legal context during these times of change (Figure 1).

The Prohibition of Disobedience in the Laws of 1791 and 1854

During the 1800s, the legislation of the Danish state was the framework for controlling the workforce. The legislation contained specific rules for certain elements of the relationship between heads of household and the workforce. At the same time, it left a private area of control and punishment. This article deals with the two large groups of workers on the estates of the 1800s: (1) live-in servants (*tjenestefolk*) and (2) corvée workers (*hoveriarbejdere*). These two groups performed very different types of work and were subject to different legislation. Some were parts of other hierarchies and families, but their roles were similar regarding their position in the patrimonial household. When performing work at the estates, they were all subordinates of the estate owner.

[14]Lorenzo Avellino's contribution to this Special Issue is an interesting example that this transition from "private" to "state" punitive systems has striking parallels in different legal, social, and economic settings.

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(1) The first group included unmarried, contractually employed women and men who lived and worked at the estates and had long-term contracts. Most of these servants were young, working at the estates before they married and established their own households. This type of servant has been identified as an integral element in the so-called European Marriage Pattern, where relatively late marriage was preceded by the circulation of young unmarried men and women as servants between households.[15] They have been referred to as "life-cycle servants" as their employment was not permanent but reflected a specific period in the lives of society's young women and men.[16] This group included the domestic servants in the estate owner's household and those who provided labour in the farm production.

During the first half of the 1800s, all servants in rural Denmark were covered by a special law defining the legal framework of their lives: the regulation relating to several aspects of the police work in rural Denmark of 23 March 1791 (the Police Regulation of 1791).[17] The introduction of this regulation mentions the "mutual rights and obligations" of the head of the household and the servants. However, this is mainly a law that defined servants as subordinate to their heads of household, and the basic premise of this regulation was that it was illegal to be unemployed. It was the duty of the landless rural population to enter into permanent employment, and if they did not, they could be punished for vagrancy. It was only possible for servants to change their jobs twice a year, either on 1 May or 1 November, and notice had to be given at least twelve weeks in advance and with witnesses. Specific sections of the regulation define the rules for observance and breach of the service contracts.

(2) As mentioned above, the second group of workers were people connected to the estates through the corvée system. Corvée was the work that copyholders (*fæstebønder*) and smallholders (*husmænd*) were obliged to carry out for the estate owner as a part of their copyhold arrangement. This form of work was still widely practised on estates during the first half of the 1800s.[18] The corvée of the copyholders was subject to a regulation that, like the Police Regulation mentioned above, was passed on 23 March 1791: the regulation regarding the enforcement of good conduct in connection with corvée at the Danish estates (the Corvée Regulation of 1791).[19] On

[15]John Hajnal, "Two Kinds of Preindustrial Household Formation System", in Richard Wall *et al.* (ed.), *Family Forms in Historic Europe* (Cambridge, 1983), pp. 65–104; Whittle, *Servants in Rural Europe*, p. 2.

[16]Peter Laslett, *Family Life and Illicit Love in Earlier Generations* (Cambridge, 1977), p. 34; Sheila McIsaac Cooper, "From Family Member to Employee: Aspects of Continuity and Discontinuity in English Domestic Service, 1600–1800", in Antoinette Fauve-Chamoux (ed.), *Domestic Service and the Formation of European Identity* (Bern, 2004), particularly p. 278ff.; Sogner, "The Legal Status of Servants", p. 184; Lundh, *Life Cycle Servants*, pp. 1–14; Kussmaul, *Servants in Husbandry*, p. 4; Hanne Østhus, "Servants in Rural Norway c.1650–1800", in Whittle, *Servants in Rural Europe*, pp. 113–130, 113.

[17]Published in Jacob Henrik Schou, *Chronologisk Register over de Kongelige Forordninger og Aabne Breve, samt andre trykte Anordninger, som fra Aar 1670 af ere udkomne*, vols 1–28 (Copenhagen, 1777–1850). Available at: https://www.hf.uio.no/iakh/tjenester/kunnskap/samlinger/tingbok/lover-reskripter/schous-forordninger/ (Forordning om adskilligt, der vedkommer Politievæsenet paa Landet i Danmark); last accessed 17 November 2022.

[18]Carsten Porskrog Rasmussen, "Gård og gods", in John Erichsen and Mikkel Venborg Pedersen (eds), *Herregården*, 4 vols, I: *Gods og samfund* (Copenhagen, 2009), pp. 163–240.

[19]Published in Schou, *Chronologisk Register* (Forordning ang. hvorledes god Orden skal haandthæves ved Hoveriet paa Jorde-Godserne i Danmark).

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31 January 1807, a separate regulation was passed regarding the corvée of the smallholders: the regulation regarding the enforcement of good conduct in connection with the weekly or other compulsory work carried out by smallholders in Denmark (the Smallholder Regulation of 1807).[20]

These two regulations primarily aimed at safeguarding the interests of the estate owners by ensuring that work in the fields of the estates was carried out without irregularities. The main rule for the copyholders was that they had to be notified the evening before the work had to be carried out, but that the estate owner had the right to summon them immediately with unexpected work. The working hours in the field were set at ten hours a day, excluding breaks. However, the Corvée Regulation of 1791 also stipulated that the servants of the copyholders could not refuse to work longer hours if the copyholders thought that they were able to work more than ten hours a day. In addition, the regulation included detailed provisions regarding punishments for carelessness, being late for work, or not turning up.

By the mid-nineteenth century, the legislation on servants' disobedience was revised. The 1800s was a turbulent period for the Danish estates, and the transition of copyholds to freeholds gradually removed the structural foundation of the rural population's corvée until it was finally abolished by law in 1850. However, during the second half of the century, the estates continued to farm on a large scale, and the workforce primarily consisted of contractually employed live-in servants.[21] To cover this group, a new law was passed on 10 May 1854: the Servant Law for the Kingdom of Denmark (the Servant Law of 1854).[22] The new law abolished compulsory service and the system that only allowed servants to change their jobs twice a year. The existing regulations regarding service contracts were expanded, but the fundamental inequality enshrined in the Police Regulation of 1791 was maintained.

One of the most notable expressions of the subordinate role of the rural servants and corvée workers in the legislation of the 1800s was their legally defined duty to show obedience towards the estate owners. For the copyholders, the demand of obedience had been fixed by law as early as 1683 in the Danish Code's section 3-13-1, which stipulates that a copyholder owed submissiveness and obedience to his estate owner. This section was repeated in the first paragraph of the Corvée Regulation of 1791. The Smallholder Regulation of 1807 §1 included a similar statement ordering submissiveness and obedience. The same demands were put on the servants, who, in §14 of the Police Regulation of 1791, were ordered to show obedience towards their head of household.

The legislation allowed the servants and corvée workers in rural Denmark to be subjected to corporal punishment, and the estate owners and their representatives could execute this punishment themselves. This piece of legislation rests on an

[20]Published in Schou, *Chronologisk Register* (Forordning ang. hvorledes god Orden skal haandthæves ved det Ugedags- eller andet Pligtsarbeide, som Huusmænd eller Huusbeboere i Danmark, efter deres Fæstebreve eller Leiecontracter, ere skyldige at forrette for Jorddrotterne).

[21]Carsten Porskrog Rasmussen, "Storlandbrugets storhedstid. Danske godser og godsejere 1849–1919", in Britta Andersen *et al.* (eds), *Herregårdenes Indian Summer. Fra Grundloven 1849 til Lensafløsningsloven 1919* (Gylling, 2006), pp. 101–117.

[22]Published in Tage Algreen-Ussing, *Love og Anordninger, samt andre offentlige Kundgjørelser Danmarks Lovgivning vedkommende* (Copenhagen, 1850–1871) (*Tyendelov for Kongeriget Danmark*).

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older legal order, as the sections on physical punishment in both regulations from 1791 are based on the article regarding domestic discipline in the Danish Code of 1683. Section 6-5-5 reads: "The head of household can chastise his children and servants with a cane or rod, but not with an actual weapon. However, if he inflicts upon them a wound with a pointed weapon or a stick, breaks their bones, or otherwise damages their health, he will be punished as if he had hurt a stranger."[23] The article gives the head of household the right to chastise his servants but defines limits on which instruments may be used for this purpose and the severity of the punishment.

In §14 of the Police Regulation of 1791, the right to chastise servants was linked directly to the requirement of servant obedience: "It is the distinct wish of the King that all servants must be obedient to their head of household, who has the legal right to punish his servants as put in the Law's section 6-5-5." Furthermore, §15 of the regulation links the right to chastise servants to disobedience: "Servants must show their head of household due respect and obedience, and the head of household may enforce his authority as the Law entitles him to." Moreover, the Police Regulation of 1791 dictated that servants could not oppose such punishment. If a servant openly disobeyed or resisted chastisement, they could be sentenced to prison on "bread and water" or even hard labour.

At the time of the Danish Code of 1683, the population on the estates was considered part of the household of the estate owner – the patrimonial household – and with the articles in the Corvée Regulation of 1791 regarding chastisement, this understanding was put into law. However, in §13, the copyholders and their wives were exempted from the estate owners' chastisement rights, as the respect they were entitled to as heads of their own households on their copyhold farms would otherwise have been eroded. This was an important step for the state to cross the boundary into the traditional private area of the estates. Regarding labour conditions on the estates, this change probably had little practical effect, as the copyholders rarely did corvée work themselves but sent their servants. For these servants, the regulation simply confirmed the chastisement article from the Danish Code of 1683. The servants of the copyholders were still subjected to the right of chastisement when working for the estate owner. The same applied to the smallholders. Even though they were also heads of their own households, they were not exempted from the estate owner's right of chastisement when they were performing corvée work on the estates.[24]

As mentioned above, the Danish Code of 1683 set certain limits for how the right of chastisement could be practised and specified where infringement could lead to the punishment of a head of household. The law's section 6-5-10 read: "If a head of household behaves in an illegal or unseemly manner towards his servants or peasants, then it is as if such an act had been committed towards a stranger, and it is in their power to seek justice against their head of household as if he had been a stranger." This meant that if the limits of the right to chastise servants were breached, workers on the estate had the right to take legal action against their head of household, who could then be punished as if he had committed an offence against a "stranger", that is,

[23]This article is based on even earlier sources in Danish law, as it is also known from the Law of Jutland from 1241 (sections 2–86).

[24]See Jacobsen, *Husbondret*, pp. 126–128.

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a person outside the household. The Corvée Regulation's §14 also dealt with breach of the limits of the right of chastisement, such as if the estate owner or his representative "punished an innocent". For cases like this, the regulation referred to the provisions of the Danish Code of 1683 and the right of people on the estate to sue the estate owner.

When the Servant Law of 1854 replaced the Police Regulation of 1791, disobedience was still a core issue. The question of the scope of the servants' work obligations was not covered by the Police Regulation of 1791. Still, the Servant Law's §22 specified that they were practically unlimited: "Even if a servant was employed to carry out certain tasks, he/she is bound also to carry out other tasks relevant to his/her position and abilities, should circumstances require this." And finally: "Every servant is bound by the domestic order of the household." In the Servant Law of 1854, disobedience was still covered by the right of the head of household to chastise his servants. §27 stipulates that, in connection with disobedience, chastisement could be practised towards servant girls aged less than sixteen and servant boys aged less than eighteen. However, the older adult servants were now covered by a new rule. Disobedience was still illegal, but the law introduced a new fundamental principle: estate owners and other heads of household were not allowed to carry out the punishment themselves. The centuries-old right of heads of household to deal with the conflict situations of everyday life and to punish their servants themselves had been abolished, and this was now in the hands of the state and the courts. From this point onwards, a head of household who submitted an adult servant to corporal punishment could be convicted of violence.

Until 1854, corporal punishment was the predominant form of punishment towards servants and corvée workers, but the laws also included other forms. In terms of offences committed during corvée work, the Corvée Regulation of 1791 allowed fining as one form of punishment. As mentioned above, the estate owners' right to chastise their copyholders was abolished with the introduction of this regulation. Still, the duty of the copyholders to observe obedience towards their estate owners remained. The regulation's §9 stipulated that if a copyholder behaved in a disobedient or insubordinate manner during work, he could be fined between two *mark* and two *rigsdaler*. Furthermore, if servants and smallholders committed the same offence, they could be fined slightly less severely, between eight *skilling* and half a *rigsdaler*.[25] If the disobedient act was witnessed by others and thereby set a "wicked example", this was considered an aggravating circumstance, which could lead to a doubling of the fine and, in the worst cases, copyholders and smallholders could have their copyhold forfeit. The worst possible case of disobedience was to attempt to induce others to disobedience, which was punishable by fines of up to ten *rigsdaler*, a prison sentence, years of hard labour, or the forfeit of the offender's copyhold.

With §26 of the Servant Law of 1854, disobedience towards the head of the household was punishable by fines of between one and ten *rigsdaler*. Defiance and insults resulted in the same punishment or a prison sentence on an ordinary prison diet or on "water and bread" for up to five days. Finally, physical resistance or violence might

[25]One *rigsdaler* was ninety-six *skilling*, and one *mark* was sixteen *skilling*. The annual wage for a male servant in Denmark in the late 1700s varied from nine to twenty-eight *rigsdaler* (paid both in money and kind).

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Figure 2. Workers and servants in front of Gammel Estrup Manor in 1918. The Servant Law of 1854 abolished Danish estate owners' right to punish servants with a physical chastisement. However, servants' disobedience towards estate owners continued to be illegal and could now be sentenced in court. *Photo: Gammel Estrup. The Danish Manor & Estate Museum.*

result in a prison sentence on a diet of "water and bread" for five to ten days unless other paragraphs in the law dictate more severe punishment for a similar offence. However, regarding the punishment of underage servants, §27 stipulated that if they had been subjected to corporal punishment for one of the offences mentioned in §26, they could not also be fined. This meant that the heads of household could choose whether to chastise or fine underage servants – but they could not subject these servants to both forms of punishment for the same offence.

The right of a head of household to punish his servants also included the right to dismiss them without notice. This was not specified in the Police Regulation of 1791, but it was covered indirectly by the regulation's §10 on the illegal dismissal from service. This section stipulates: "If a head of household, without legal cause, dismisses a servant before the end of term, he must, in addition to outstanding wages, pay the servant a further half a year's wages and twelve weeks of subsistence allowance." This meant that if a head of household dismissed a servant, the law committed him to pay half a year's wages and twelve weeks of subsistence allowance in addition to the wages owed to the servant on the day of dismissal. However, the mention in §10 of illegal dismissal suggests that there were also legal reasons for dismissal.

The Servant Law of 1854 clarified these matters. The law retained the right of heads of household to dismiss their servants without notice and listed no less than seventeen different legal reasons for doing so. Among other things, a dismissal would be considered legal if it turned out that the servants did not possess the skills they had claimed to have, if they seduced the children of the household to misbehave,

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or if a servant girl became pregnant.[26] §46 made clear that if a head of household dismissed a servant for other than the seventeen legal reasons, he had to pay the wages and the subsistence allowance the servant would have been due on the day when they could have been dismissed legally. In the Servant Law of 1854, disobedience is mentioned as one of the main reasons for dismissal. The law's §5 stipulates that servants who refused to obey the head of household or his representative could be dismissed. Persistent carelessness during work is mentioned in the same article as a legal reason for dismissal. In addition, §4 allows servants to be dismissed if "they behaved in a physically threatening or offensive manner" or if "during work they insulted" the head of household, his family, or representative.

In several areas where the state legislation protected a private domain where the heads of household were allowed to punish servants and corvée workers, disobedience was a key concept. The legislation's various provisions overlap to a certain degree and generally allow the head of household to either chastise or dismiss the worker. If a case was brought before a court, disobedience could be fined, or the worker could be imprisoned (Figure 2).

Punishment and Disobedience in Trials in the 1830s and 1870s

The estate owners were the masters of both servants and corvée workers. However, the practical administration of the different kinds of work on the estates was often performed by his representatives: a bailiff (*forvalter*/*ridefoged*) or a leaseholder (*forpagter*).[27] When bailiffs and leaseholders organized work on the estates, the rights of the estate owners were transferred to them. In the 1791 legislation, it is specified that the right of chastisement could be performed by the estate owner and by these particular representatives.[28] In the following analyses of court practice, both kinds of representatives – bailiffs and leaseholders – are thus considered masters of the estates. In work-related matters on the estates, these representatives operated with the authority of a head of household towards all workers.

As the survey of the legislation has shown, servants' and corvée workers' disobedience towards their masters was clearly illegal and punishable in the 1800s. But what was the legal definition of obedience? Which acts were defined by the legal system as representing disobedience? What were the consequences of these definitions regarding how legal disputes between estate owners and their servants and corvée workers were solved? Below, this chapter deals with these questions based on an investigation of court cases between estate owners and workers from the area covered by the lower court of Rougsø, Sønderhald, and Øster Lisbjerg districts ("Rougsø and other

[26]See also Dorte Kook Lyngholm, "Når herregårdenes tjenestepiger kom i ulykkelige omstændigheder", *Herregårdshistorie*, 8 (2013), pp. 23–31.

[27]The bailiff was the top administrator responsible for all estate matters. On some estates the farming was organized directly from the state administration and in these cases the bailiff was in charge. On other estates the entire farm production or parts of it was put in the hands of a leaseholder. The leaseholder organized and had financial responsibility for the production.

[28]Corvée Regulation, §13.

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districts") in eastern Jutland.[29] Cases concerning service relationships appeared before the local police court, and the archives from this court form the empirical basis for the investigation.[30] Two periods were selected for scrutiny, 1830–1835 and 1870–1875, and within these periods, all court cases concerning conflicts in service relationships or corvée work on the area's estates were examined.[31]

The total number of examined court cases was eighty-four, distributed equally between the two periods, with forty-three cases in the 1830s and forty-one cases in the 1870s. With twenty-five cases concerning absence from or insufficient corvée work, this is the largest group of cases in 1830–1835. In these cases, the estate owner was the plaintiff, and proceedings were finished quickly before the court. The court cases reveal no legal excuses for the neglect of corvée work, and the workers were found guilty in all the trials. A similar group of cases concerns servants sued for illegally leaving their jobs. These cases were also all won by the estate owners.[32]

Many other trials concerning conflicts within the large household of the estates concern the right of estate owners and their representatives to sanction or punish servants or corvée workers. The examined court records include several trials that deal with the right of chastisement held by the estate owners, which were brought before the court by workers who found that the limits of this right had been breached. The cases show that one of the most important points of the investigations of the courts was to clarify whether the limits of the Danish Code's section 6-5-5 had been breached – that is, partly the question as to whether the chastisement had been carried out with an appropriate instrument, and partly whether the chastisement had caused serious physical injury to the claimant. The sentencing in these cases shows that – in the 1830s as well as in the 1870s – this was an area where the courts were very hesitant to intervene, and even very severe chastisement did not necessarily lead to the head of household being found guilty.

One such case dates to 1874, when the Sorvad estate's leaseholder chastised the sixteen-year-old servant Frederik Simon Stemme and was subsequently charged

[29]Danish Rougsø, Sønderhald og Øster Lisbjerg herreder. This area was considered suitable for the investigation of legal relations between estate owners and their workforce since it had a high density of traditional estates throughout the century. In a Danish context, this area (Djursland), along with parts of the islands Funen (Fyn) and Zealand (Sjælland), had the highest concentration of estates. See Carsten Porskrog Rasmussen *et al.* (eds), *Det Danske Godssysten* (Aarhus, 1987), pp. 13–38.

[30]In other Nordic studies investigations of the archives from the arbitration courts have given valuable insights into labour conflicts. See Vilhelmsson, *The Moral Economy*. Studies in Danish arbitration courts also include examples of conflicts between estate owners and copyholders. See Lotte Dombernowsky, *Slagsmaale ere nu om Stunder langt sjældnere…* (Odense, 1995). However, all police matters including conflicts concerning servants and corvée workers were exempt from the arbitration courts established in Denmark in 1795. Hence the archives from the arbitration courts have not been included in this study. See Forordning om Forligelses-Commissioners Stiftelse overalt i Danmark, samt i Kiøbstæderne i Norge of 10 July 1795, §§26–28. (Published in Schou, *Chronologisk Register*.)

[31]The term "estates" includes both Danish nineteenth-century terms: *godser* and *proprietærgårde*. The choice of the two periods was made to investigate the development both over time and before and after the Servant Law of 1854. The specific period 1830–1835 was chosen to study estates after the agrarian revolution and the second period 1870–1875 to ensure that the Servant Law of 1854 had been an integrated part of the legal practice.

[32]See also Dorte Kook Lyngholm, "Pligten til lydighed. Tjenestefolk og landarbejderes retsstilling på danske herregårde i 1800-tallet", *Temp – tidsskrift for historie*, 13 (2016), pp. 27–59.

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with grievous bodily harm.[33] The leaseholder was unhappy with how the boy performed when he was asked to bring food to some of the estate's cattlemen, and he, therefore, chose to chastise him. He grabbed the boy's whip, and when the latter resisted, the leaseholder pushed him over and struck him several times on his body with it. According to the boy, he also stepped on his chest with his boot. The boy subsequently fell ill, and a doctor examined him and found clear signs of violence. However, during the case, the judge emphasized that the instrument used to chastise the boy had been suitable, and that the boy's injuries were no more serious than would usually be accepted in such cases. The leaseholder was therefore acquitted.

The cases concerning chastisement shed light on how the courts in the 1800s assessed the question of disobedience and which forms of disobedience the courts accepted as justification for chastisement. One of the judgements states that "it is accepted that it is not the head of household's duty to prove whether he had reason to chastise his servant, as long as he did not go beyond the limits of his chastisement right".[34] This means that, in principle, a head of household did not have to prove whether chastisement had been justified in a specific case but simply whether he had gone too far. However, this specific question was the focus of several court cases where servants claimed chastisement was unjustified.[35]

One of these cases was brought before the court in 1832, where the servant Søren Nielsen Dahl from the Stenalt estate sued leaseholder Bræmer, who had beaten him with a cane.[36] During the court case, the servant explained that he found the punishment unjustified as he had not given the leaseholder any reason to chastise him. The leaseholder's explanation took as its point of departure that the servant had been drunk and beaten one of the farm's pigs so hard that it might have been killed. He later elaborated on the explanation by claiming that the servant, due to his drunkenness, was incapable of carrying out his duties. Furthermore, the servant had answered back several times, for example, when he, after the chastisement, had been ordered back to work, to which he had replied that he "would not be ordered around by him".[37]

[33]Danish National Archives, Viborg [hereafter, DNAV], Rougsø, Sønderhald, and Øster Lisbjerg lower court, Register of Judgements (*domprotokol*) [hereafter, RSØ RJ] 1872–1875, pp. 146b–148.

[34]DNAV, Rougsø, Sønderhald, and Øster Lisbjerg lower court, Register of Police Trials (*politiprotokol*) [hereafter, RSØ RPT] 1831–1833, p. 102.

[35]A comparison of the estate owners' and the copyholders' rights of chastisement could reveal similarities and differences between the perception and practice of the punishment in "small" and the "big" households. However, no separate study has yet been conducted on court practice concerning masters and servants in Danish copyhold farms and the existing research on rural court practice does not systematically draw a distinction between estates and copyhold farms in the analysis. Hanne Østhus's studies of urban households in Denmark–Norway has, however, shown many similarities in court practice in trials concerning chastisement. She has shown that the courts in the cities operated with three criteria when identifying the boundary between illegal violence and chastisement: the instrument used, the severity of the injuries, and the question of the justification of the punishment. She has also emphasized that drawing the line between violence and chastisement was a question of interpretation. And she has shown that court cases concerning chastisement stand out as a category were the servants almost never won. Hanne Østhus, *Vanartige tjenestefolk eller uordentlige husbønder? Tjenestefolk i arbeidskonflikter i Christiania på sluten af 1700-tallet* (Oslo, 2007), pp. 44–46, 104–106.

[36]DNAV, RSØ RPT 1831–1833, pp. 39b–102b; DNAV, Rougsø, Sønderhald, and Øster Lisbjerg lower court, Police Cases (*sager til politiprotokoller*) [hereafter, RSØ PC] 1832–1833.

[37]DNAV, RSØ RPT 1831–1833, p. 47b.

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In court, the servant confirmed that he had beaten the pig to prevent it from eating the grain in the barn. He also admitted that, on the day, he had had "a dram"[38] but claimed that he had not been too drunk to be able to carry out his work. The following day he had been so done in by the beating that he had been unfit for work. None of the witnesses could shed any light on the cause of the chastisement. To the judge, the conclusive point was that the servant had neglected his work commitments. The leaseholder was entitled to beat the servant as "it is the court's decision that there is no doubt that the head of household had the right to chastise the servant, as he had not carried out his work".[39] As this example shows, neglecting one's work was a form of disobedience that was clearly perceived as an acceptable reason for corporal punishment.

Other forms of disobedience might also justify chastisement in the legal system of the 1830s. In a court case from 1833, the servant Thomas Pedersen sued the estate owner J.M. Secher and his son after he had been chastised on the Julianeholm estate.[40] The servant claimed that he had been violently attacked with a cane by the estate owner and his son without having offended them in any way. He found the chastisement unjustified and focused his complaint on the following point: "As head of household, Conscription Commissioner Secher may have the right to chastise, but the chastisement has to have a legal cause."[41] According to the servant, there was no such cause in the present case where he had been beaten after a row with the head farmhand. He considered this row a private matter between him and the head farmhand, of no concern to the estate owner.

However, the estate owner accused the servant of several other offences, which he found justified the chastisement. During the trial, it was revealed that, on the previous day, the servant had left the horses and cart in his care to take a nap in a haystack. According to several witnesses, he had called the head farmhand names and called him a scoundrel when he was ordered to return to work. Following this, the head farmhand sent for the estate owner, and an incident occurred in which the owner removed a hayfork from the servant. The servant fled, followed by the estate owner with the fork, who repeatedly ordered him to stop, before pursuing him on horseback. In addition, the court also heard that on several occasions, the servant had, without permission, taken off by night on one of the horses grazing near Julianeholm. In the past, the tense relationship between the servant and the head farmhand had resulted in the servant deliberately dulling the edge of the farmhand's scythe.

All these counts formed part of the estate owner's accusations against the servant, and they were all confirmed by witnesses and by the servant's own admissions in court. They all formed part of the judge's evaluation, and in the verdict, they were listed as the basis for the outcome of the case. The verdict stated that the sum of the servant's behaviour towards the estate owner was irreconcilable with "the submissiveness and obedience he as a servant, according to the regulation of 25 March 1791 §14, was duty-bound to observe towards his head of household

[38]*Ibid.*, p. 40.
[39]*Ibid.*, p. 102b.
[40]*Ibid.*, pp. 290–301b; DNAV, RSØ RPT 1833–1836, pp. 30–31b; DNAV, RSØ PC 1833–1834.
[41]DNAV, RSØ PC 1833–1834.

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and his bidding".[42] Furthermore, as the chastisement had not breached the limits of the law, in terms of which instrument was used and the damage caused, the case went against the servant. In addition, the servant's "entire attitude, as described to the court, must be considered of a kind which a head of household would be fully justified to perceive as unseemly, and that a servant behaving in such a manner would be liable to punishment for this behaviour".[43] In effect, the court ruled that the estate owner was justified in chastising the servant. The servant's disobedience included several examples of improper behaviour, culminating in the incident in the field.

A case from 1833 represents an example of servant disobedience that could trigger a different kind of justified sanction from an estate owner. In this case, the servant Anders Pedersen Rytter brought an action against his former master, the owner of the Vosnæsgård estate, Ditmar Friedrich von Ladiges, for illegal dismissal.[44] The servant described the estate owner's conduct in the following way: "Yesterday he took the liberty, without any cause from me, to dismiss me from his service and to only pay me the wages I was due yesterday."[45] During the court case, the estate owner argued that he had been justified in dismissing the servant. The so-called unseemly behaviour of the servant was illustrated thus: He thought he had the right on his own to "decide when to appear for work, disregarding the fact that everybody else did the work they were ordered to do, and he also thought he had the right on his own to decide when it was time to take a break".[46] In addition, he opposed the orders of the bailiff to collect some manure, which had been dropped on the road in connection with muck spreading. On this occasion, he even referred to the order as "nonsense", and asked the bailiff to speak Danish as, according to one of the interviewed witnesses, he did not understand "his German gibberish".[47] The servant denied that he had opposed the order, and none of the interviewed witnesses could confirm his refusal to carry out the task.

No witnesses supported the bailiff's claim that the servant had refused to carry out the work he had been ordered to do, and, subsequently, he was not convicted for neglect of work. He was, however, convicted for having referred to work he had been ordered to do as nonsense. In the verdict, it was put that "his behaviour suggested an inclination to reason in a way which was not in line with the submissiveness, obedience, and respect the law impresses on servants that they must show towards their head of household".[48] The premises of the verdict also considered that the servant had frequently been seen arguing with the bailiff. In summary, the court found that the improper attitude and behaviour of the servant had given the estate owner good reason for the dismissal. The servant's claim of payment of outstanding wages was not accepted, and the estate owner was cleared of the charge of illegal dismissal. In this case, the punishable disobedience was thus not the servant's refusal to work but his improper and disrespectful attitude.

[42]DNAV, RSØ RPT 1833–1836, p. 31.
[43]*Ibid.*, p. 31b.
[44]DNAV, RSØ RPT 1831–1833, pp. 255b–279; DNAV, RSØ PC 1832–1833.
[45]DNAV, RSØ PC 1832–1833.
[46]DNAV, RSØ RPT 1831–1833, p. 256b.
[47]*Ibid.*, p. 268.
[48]DNAV, RSØ PC 1832–1833.

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The right of chastisement and the right to dismiss servants therefore gave the masters two different ways of sanctioning their workers. The above case shows that the head of household had the right to choose between the two different forms of punishment. The verdict stated that "it is in [the] hands of the accused [the estate owner] whether he will punish him [the servant] for the neglect of his duties, or whether he will declare the contract null and void".[49] During the case, the estate owner demanded that the servant be fined for his behaviour. However, the court rejected this for the following reason: "Although the behaviour of the plaintiff [the servant] may be punishable by law, the defendant [the estate owner] has, by dismissing him, renounced further charges against him."[50] Servants who had breached the limits of acceptable behaviour could not be punished twice for the same offence, but it was up to the estate owner to decide the nature of the punishment; that is, whether the servant should be chastised, dismissed, or fined by the court.

As shown above, the estate owners had the right to punish their servants without involving the courts. Court cases based entirely on charges of disobedience were thus rare in the investigated districts in the 1830s. However, the records do include examples of disobedience brought before the court, where the judge – and not the estate owner – was expected to sentence the servant. In 1834, the owner of the Stenalt estate, Malte Bruun Nyegaard, sued the corvée workers Frantz Sørensen and Peder Nielsen.[51] The workers were not employed by the estate owner but were the servants of two copyholders in the village of Ørsted who had sent them to do corvée work during the harvest on the main farm on the estate. They were charged with disobedience and insubordination in connection with the corvée work since they had refused to carry out the estate owner's order to separate grain from hay. In addition, they "induced other corvée workers to also behave in a disobedient manner, and when I [the estate owner] ordered them to do this work, they replied in a rude tone of voice that 'they chose to do otherwise'".[52] During the court case, the workers denied that they had been disobedient or said that "they chose to do otherwise". They explained that on the day in question, work had been distributed in such a way that they would have had to process twice as much hay as the other corvée workers, which they had found unfair.

The judge agreed in principle that one corvée worker could not be ordered to carry out harder work than the others. Still, he found that, in practice, it would be impossible to distribute the work entirely evenly. In the present case, he noted that one witness had mentioned that there was a good reason why the work had been distributed unevenly, as one of the haystacks would otherwise have tumbled over. Against this background, the judge assessed that the two charged workers had no legal reason to refuse to work. He also pointed out that there were aggravating circumstances in connection with the workers' refusal to work, namely, that their refusal had taken place in front of other people. As mentioned above, disobedience and insubordination in the presence of others carried higher penalties, and, in accordance with

[49]*Ibid.*
[50]*Ibid.*
[51]DNAV, RSØ RPT 1833–1836, pp. 136b–160b; DNAV, RSØ PC 1833–1834.
[52]DNAV, RSØ PC 1833–1834.

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§9 of the Corvée Regulation of 1791, the two workers were each sentenced to pay a fine of two *mark*. The case is remarkable since nothing suggests that this was a total work stoppage or that the accused's behaviour had negatively influenced the other corvée workers' performance. However, the fear of collective action by the workforce was deeply ingrained in the society of absolute monarchy. In the case against the two workers from Stenalt, an example had to be made of them.[53] In this case, the estate owner used the court system to ensure that those who witnessed the episode knew precisely who was in command and to confirm the established relationship between superiors and subordinates.[54]

Following the Servant Law of 1854, the heads of household were no longer allowed to punish their servants with chastisement. An accusation of disobedience could therefore be brought before the courts. The records from the courts in Rougsø and other districts in the 1870s include several trials where estate owners sued their servants for disobedience with reference to the Servant Law's §26. Most of these cases concern refusal to work, where servants refused to carry out certain tasks and stated that they had been employed to carry out other types of work. However, as shown above, it was specified in §22 that the scope of the servants' work obligations was unlimited. The examined court practice confirms this principle since the estate owners won all cases of this kind. One interesting exception to this rule was from 1873 when estate owner Schytte from Ejstrupgård sued his servant Nicoline Petersen who had refused his order to spread manure on the field.[55] The servant won this case when she claimed she was hired as a parlourmaid and thus had no obligation to work in the field. Another female servant, Ane Kirstine Andersen, was sued in this case as she denied spreading manure on the same occasion. She, however, lost the case. She was hired as a kitchen maid, which probably made a difference. The case suggests the special status of some of the domestic servants and illustrates that the courts drew a thin line between the functions in the house and stated that a parlourmaid could not be obliged to work outside.

Some of the other trials on disobedience concerned offensive or rude behaviour, and the charged servants were fined between three and ten *rigsdaler*. The most severe sentence was passed in a case from the Holbækgård estate in 1873.[56] In this case, disagreements over food developed into a more substantial conflict, with one servant throwing the meat on the floor during a meal, claiming it smelled off. When the estate bailiff reprimanded him, the servant threatened him and called him "a red-bearded donkey" and "a lecher".[57] Later that evening, after the servant had drunk some schnapps, he broke a window in the bailiff's room and struggled so that it took two other servants to restrain him and lead him to bed. For this behaviour, the

[53]Mührmann-Lund, *Borgerligt regimente*, pp. 370–376; Claus Bjørn, *Bonde Herremand Konge. Bonden i 1700-tallets Danmark* (Copenhagen, 1981), pp. 26–35; Lyngholm, *Godsejerens ret*, pp. 200–244.

[54]Mührmann-Lund concludes that the police courts very often judged in favour of the masters in corvée cases compared to servant cases. *Borgerligt regimente*, p. 370. A similar pattern can be found in the investigations presented in this article since all cases between estate owners and corvée workers were won by the estate owners.

[55]DNAV, RSØ RJ 1872–1875, p. 133b.

[56]*Ibid.*, pp. 125b–126.

[57]*Ibid.*, p. 125b.

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servant was sentenced to pay for the damaged window and to spend five days in prison. The sentence was served in Randers prison the same month as the sentence was passed.[58]

The trials from the 1870s also show that servants could be sentenced for disobedience for matters less serious. Such a case was brought before the court in 1873, where estate owner Poulsen of Dalsgård sued four of his servants for defiance and insubordination in service.[59] The reason was that the servants had written to the estate owner and complained about the food. During the court case, the servants admitted that the food had been adequate and that they had, therefore, no reason to complain. However, the court found that the most aggravating point of the case was that the letter had been put in improper and indecent language and contained threats to stop work. The four servants were therefore sentenced for disobedience according to §26 and made to pay a fine of three *rigsdaler*. In this case, the servants were punished for disobedience because they displayed an improper attitude towards the estate owner. The courts' definitions of obedience were still very broad, and in trials during the 1870s where servants were charged for this offence, the estate owners were the winners in all cases.

In the trials from the 1870s where servants sued their masters for illegal dismissal, the counterargument from the masters in most cases was that the servant had been disobedient. As in the trials from the 1830s, the refusal to work was considered a form of disobedience which clearly justified dismissal. However, a trial from the 1870s suggests that the court now observed a kind of triviality limit regarding which forms of disobedience could justify a dismissal. This trial was from the Gammel Estrup estate, where the servant Niels Jørgensen sued dairy leaseholder Hein for illegal dismissal.[60] During the case, the leaseholder stated that he had dismissed the servant due to disobedience. However, it turned out that all the servant had done was inform the leaseholder that he intended to leave his job half a year earlier than he had said. The judge ruled that this statement could not be defined as disobedience and justify dismissal. The leaseholder lost the case and was sentenced to pay the servant's wages until the contract expired.

Although the right of heads of household to chastise adult servants was abolished with the introduction of the Servant Law of 1854, cases brought before the court of Rougsø and other districts in the 1870s show that the centuries-old practice of corporal punishment was not discontinued automatically with the introduction of the new rules. The records show that the servants used their newly obtained right to sue the estate owners for violence if they subjected them to corporal punishment.[61] All these cases had the same outcome: the servants won the cases, and the accused were sentenced according to §200 of the Penal Code of 1866. In all these cases, it

[58]DNAV, Records from Randers Prison (*arrestjournal*) 1869–1877, serial number 826.

[59]DNAV, RSØ RJ 1872–1875, pp. 137b–138.

[60]DNAV, RSØ RJ 1867–1872, pp. 13–13b.

[61]The development of the workers' role as plaintiffs is remarkable, not only in cases concerning chastisement. Between 1830 and 1835, seven workers sued their masters; between 1870 and 1875 this number had increased to twelve. This means that in cases from the 1870s, the workers were plaintiffs in almost a third of cases.

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was the representative of the estate owner – a bailiff or a leaseholder – who was sentenced, and they were either fined or sentenced to two days in prison.

One such case shows how the built-in inequalities of the service legislation could still have serious consequences for the servants. In this case, the servant S.N. Ytte sued bailiff Olsen from the Estruplund estate for beating him with a cane during work in the field.[62] According to the servant, the bailiff dismissed him on the spot when he asked to see a doctor after the incident. The bailiff admitted that he had beaten the servant but denied dismissing him. Instead, he accused the servant, referring to §47 of the Servant Law, of leaving his job illegally. The outcome was that the bailiff was fined according to the Penal Code's §200 to pay a fine of four *rigsdaler*, but the servant received a much harsher sentence, as it could not be proven that he had been illegally dismissed. He was sentenced for illegal absence from work and had to pay fifteen *rigsdaler* – half a year's wages – to the estate owner, as well as a fine of nine *rigsdaler*. Although the Servant Law of 1854 had made it illegal for an estate owner to chastise his servants, the courts did not consider a breach of this rule severe enough to allow the wronged servant to leave the service.

Conclusion: The Obligation to Be Obedient

Throughout the nineteenth century, the relationship between estate owners and the workforce was regulated by special laws that defined servants and corvée workers as subordinate to the estate owners. The inequality between the two parties was the foundation of this legislation, which provided the owners with an effective tool for binding the workforce to the estates. An important part of this legislation was the continuation of the estate owners' centuries-old right to – independently from the courts – punish their workforce with corporal chastisement or dismissal.

The right of the estate owners to chastise their workers was protected by law, even if the law did not specify in which contexts chastisement was permitted. However, in the legislation, chastisement was explicitly linked to workers' duty to show obedience towards the estate owners. The servants and corvée workers who were subjected to the right of chastisement were protected by law in the sense that the workers had the right to sue the estate owner if he breached the limits of this rule. Most trials from the court in Rougsø and other districts show that the courts trod very cautiously in cases like these. Even a very brutal chastisement did not necessarily lead to an estate owner being found guilty.

The demand for obedience from servants and corvée workers was fixed by law throughout the entire century, and the court cases show which offences the courts defined as disobedience. The kind of obedience defined as indisputable throughout the century was the demand that workers carry out the work they were ordered to do. In almost all cases where servants or corvée workers had neglected or refused to carry out work, they were found guilty of disobedience. During the first half of the century, it was perceived as an aggravating circumstance if others witnessed the disobedience. In these cases, the courts were used to make an example and to emphasize the estate owners' indisputable superiority. In addition to refusals to work, the

[62]DNAV, RSØ RJ 1867–1872, pp. 53b–54b.

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courts recognized more diffuse forms of disobedience. In cases from the 1830s and the 1870s, servants were found guilty of disobedience or insubordination if they displayed a disrespectful attitude by, for example, insulting or behaving provocatively towards the estate owner and/or his representatives.

When the Servant Law in 1854 abolished the right of estate owners to chastise adult servants, the courts took over the authority of punishment in cases of disobedience. The courts' definition of disobedience did not change significantly, and in all examined cases where servants were accused of disobedience, they were found guilty. The pattern was broken in one trial from the 1870s concerning dismissal, where the court rejected the head of household's claim of disobedience. However, the general picture of legal practice through the entire period is that the courts accepted the accusations made by estate owners regarding disobedience. Particularly during the 1830s, the articles regarding disobedience could function like "rubber paragraphs", where accumulated small-scale provocations over an extended period could legitimize an estate owner's claim of disobedience in court and justify punishment.

The court practice in Rougsø and other districts shows how the court's interpretation of the service and corvée legislation's provisions regarding disobedience predominantly favoured the estate owners. If the servants and corvée workers challenged the independent legal powers of their heads of household, and the case was brought before a court, the likelihood of winning the case was small. Concerning the legally fixed duty of obedience, the courts of the 1800s protected the final remnants of the estate owners' legally defined special status and their right to determine whether their workforce should receive a punishment.

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