

Masters writing the rules: how peasant farmer MPs in the Swedish Estate Diet understood servants' labour and the labour laws, 1823–1863*

by Carolina Uppenberg

Abstract

Peasant farmers made up one of the four estates in the Swedish parliament, the Diet of the four estates, from late medieval times up until the introduction of the two-chamber parliament in 1867. Affiliation to the estate of the peasant farmers was based on landholding. Landholding also entitled peasant farmers to employ servants. Peasant farmers thus played a double role: as masters of servants and as lawmakers of the Servant Acts that regulated the relationship between masters and servants. In this article, minutes from the peasant farmers' estate are analysed to understand their position on servants and servants' labour, through a study of debates concerning compulsory service, hiring date, treatment of sick servants, and chastisement of servants. The results challenge the dominant interpretation of rural servanthood being part of the life-cycle by showing how peasant farmers identified antagonistic class differences between themselves and their servants.

Lords and peasants have been understood as the main antagonists in rural history, both in feudal society, when peasants were subject to serfdom, and in the early modern period, when free peasants paid taxes and rents to support the upper classes. The struggle between them has been used to understand economic development and modernization.¹ However,

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¹ Barrington Moore, *Social origins of dictatorship: lord and peasant in the making of the modern world* (1966); Francis G. Castles, 'Barrington Moore's thesis and Swedish political development', *Government and Opposition* 8 (1973), pp. 313–31; Matti Alestalo and Stein Kuhnle, 'The Scandinavian route: economic, social, and political developments in Denmark, Finland, Norway, and Sweden', *International J. Sociology* 16 (1986), pp. 1–38; Christer Winberg, 'Another route to modern society. The advancement of the Swedish peasantry', in M. Lundahl and T. Svensson (eds), *Agrarian society in history. Essays in honour of Magnus Mörner* (1990), pp. 48–67; Trevor H. Aston and Charles H. E. Philpin (eds), *The Brenner debate: agrarian class structure and economic development in pre-industrial Europe* (1995); Jan Christensen, *Bönder och herrar. Bondeståndet i 1840-talets liberala representationsdebatt. Exemplet Gustaf Hierta och J P Theorell [Peasants and lords. The peasant farmer estate in 1840s liberal debate of the parliamentary reform]* (Diss. series from the Dept. of Hist., Univ. of Gothenburg, 16, 1997); Michael Albertus, 'Landowners and democracy', *World Politics* 69 (2017), pp. 233–76.

peasant farmers also occupied another position in agrarian society: as masters or employers of servants. Servants were an important part of the rural, pre-industrial workforce: approximately 15–20 per cent of the Swedish rural population were servants and around half of peasant farmer households employed servants during the early decades of the nineteenth century.² Although the dominant perspective for analysing the rural servant institution is still the concept of the life-cycle servant, the importance of legislation is now receiving increasing interest. This article aims to supplement previous research with a focus on the conflict of interests between servants and their masters, through a study of the restrictive labour laws that shaped service. A desire to force the young, landless population into service was commonly found across Europe, although compulsion was abandoned at various times. The Nordic countries kept compulsory service well into the mid-nineteenth century. In the Swedish case, this meant that people without access to land could be forced into service, up until the last Servant Act issued in 1833, which allowed other 'honest occupations'.³

In this article, I analyse debates concerning the position of servants and servant laws in the peasant farmer estate, one of the four estates represented in the Swedish Diet (parliament). Because peasant farmers had had political representation in their separate estate in the Diet since medieval times, the Swedish case proves a unique opportunity to analyse the institution of agrarian service and compulsory service from the perspective of the masters. Seen from this perspective, the view of farmers as 'the people' in opposition to lords or people of rank hides another dimension of power. It was power derived from landholding that peasant farmers exercised both as employers and as makers of the laws that obliged landless people to enter into their service. Since the category of employers was broader than the group of landed peasant farmers represented in the Diet, but all masters were subject to the same legal framework and shared a common interest as masters, a study of the arguments that MPs used concerning servants' labour and labour laws makes it possible to reveal a new picture of the diverse social structure of the peasantry, and gain an understanding of the forces that shaped pre-industrial conceptions of labour.

² Nils Wohlin, *Emigrationsutredningen. Bil. 9. Den jordbruksidkande befolkningen i Sverige 1751–1900* [*The investigation of emigration. Suppl. 9. The farming population of Sweden 1751–1900*] (Stockholm, 1909), pp. 48–9; Börje Harnesk, *Legofolk: drängar, pigor och bönder i 1700- och 1800-talens Sverige* [*Farm servants and peasants in 18th and 19th century Sweden*] (Umeå Studies in the Humanities, 96, 1990), p. 217; Christer Lundh, 'Life-cycle servants in nineteenth-century Sweden: norms and practice', in A. Fauve-Chamoux (ed.), *Domestic service and the formation of European identity. Understanding the globalization of domestic work, 16th–21st centuries* (2004), pp. 71–85; Jonas Lindström, *Distribution and differences: stratification and the system of reproduction in a Swedish peasant*

community, 1620–1820 (Studia Historica Upsaliensia 235, 2008), pp. 53, 108.

³ Hanne Østhus, *Contested authority. Master and servant in Copenhagen and Christiania, 1750–1850* (European Univ. Institute, 2013); Vilhelm Vilhelmsen, *Själftætt fólk. Vistarband og Íslenskt samfélag á 19. öld. [Independent people: labour bondage and Icelandic society in the 19th century]* (Reykjavík, 2017); Jane Whittle, 'Introduction. Servants in the economy and society of rural Europe', in J. Whittle (ed.), *Servants in rural Europe 1400–1900* (2017), pp. 1–18; Carolina Uppenberg, 'The servant institution during the Swedish agrarian revolution: the political economy of subservience', in Whittle (ed.), *Servants in rural Europe*, pp. 167–82.

I

The main objective for studying peasant farmers as political actors in the light of their relation to servants, is that this role has been veiled in the historiography of the rural servant. I trace this historiography to two strands of research: an analysis of peasant farmers as 'the people' in opposition to lords; and the dominant perspective of the life-cycle servant in family history.

Even in Marxist historiography, otherwise so concerned with the position of employed workers, the employment relationship between rural servants and their peasant farmer employers is often overlooked in the broader analysis of peasants locked in a struggle over the surplus against large landowners and other lords. The theoretical standpoint that peasants and lords are opposing social classes makes any analysis of class differences within the peasant class difficult.⁴ Peasant farmers have also been studied in their role as the lowest estate, struggling against the powers of the other estates and the Crown.⁵ Some scholars have connected Swedish peasant farmers' early political representation to the development of Swedish equality during the twentieth century, although these far-reaching effects have been denied by others.⁶ In this article, I study peasant farmers from a new perspective in agrarian historiography, by focusing on their power over the landless and the laws that regulated them, which leads to a more diversified and partly antagonistic view of the rural population.

In family history, the employer-employee relation between peasant farmers and servants is disguised due to the dominant concept of the *life-cycle servant*, coined by Peter Laslett in the 1960s.⁷ As part of the European marriage pattern, the life-cycle servant took up the position of servant in adolescence and remained so until marriage and the formation of a new household based on a nuclear family in his or her late 20s or early 30s. This pattern served several objectives: the servant eased the burden of provision in the family of origin and contributed to the workforce of a neighbouring nuclear household, while he or she also got the chance

⁴ Aston and Philpin, *Brenner debate*. For a critique, see Jane Whittle, *The development of agrarian capitalism: land and labour in Norfolk, 1440–1580* (2000), p. 25.

⁵ Kalle Bäck, *Bondeopposition och bondeinflytande under frihetstiden: centralmakten och östgötaböndernas reaktioner i näringspolitiska frågor* [Peasant opposition and the influence of peasants during the 'age of freedom': the central authorities and the reactions of the peasants of the peasants of Östergötland in questions pertaining to economic policy] (Stockholm, 1984); Christensen, *Peasants and lords*; Joakim Scherp, *De ofrälse och makten: en institutionell studie av riksdagen och de ofrälse ståndens politik i maktodelningsfrågor 1660–1682* [Commoner estates and power. An institutional study of the Riksdag and the commoner estates' policy regarding power-sharing 1660–1682] (Stockholm Studies in Hist., 96, 2013); Martin Almbjör, *The voice of the people? Supplications submitted to the Swedish*

Diet in the Age of liberty, 1719–1772 (Historical Studies: Reports from Umeå Univ., 13, 2016).

⁶ Eva Österberg, 'Compromise instead of conflict? Patterns of contact between local peasant communities and the early modern state: Sweden in the sixteenth to eighteenth centuries', in Lundahl and Svensson (eds), *Agrarian society in history*; Bo Stråth, 'The cultural construction of equality in Norden', in S. K. N. Bendixsen, M. B. Bringslid, and H. Vike (eds), *Egalitarianism in Scandinavia: historical and contemporary approaches* (2018), pp. 47–64. For a critique, see Börje Harnesk, 'Den svenska modellens tidigmoderna rötter? [Early modern roots of the Swedish model?]', *Historisk tidskrift* 122 (2002), pp. 78–90; Erik Bengtsson, 'The Swedish sonderweg in question: democratization and inequality in comparative perspective, c. 1750–1920', *Past and Present* 244 (2019).

⁷ Peter Laslett, *The world we have lost* (1965).

to acquire skills, broaden his or her network, and earn a little.⁸ The life-cycle perspective is a valuable tool for understanding the demographic pattern of servants. However, it has also coloured analyses of the relation between masters and servants, by focusing on the reciprocity of the relation and regarding masters and servants as part of the same class.⁹ One aspect that has received less attention is the role of labour laws and the Servant Acts in shaping the position of the servant.

In order to understand the social groups in agrarian society, one of the most obvious links between them needs further analysis – that masters paid servants to work in their households. Although this does not question the life-cycle perspective as a demographic pattern, it has implications for interpretations focusing on reciprocity. The aim of this study is to understand peasant farmers in a new perspective by studying their role as lawmakers and masters of servants, and analysing their attitudes to labour and objectives for compulsion in the labour laws.

II

The proposals, minutes, and discussions from the Diet of the four estates are consistently well kept and organized, and have recently been digitized.¹⁰ Since landless groups were not represented in the Diet, this source is seldom used to study them. But as argued above, peasant farmers were both employers and lawmakers, which makes their arguments especially interesting when studying their relation to and understanding of the unrepresented groups.

This study covers the debates before and after the last Servant Act was issued in 1833, up until the beating of adult servants was prohibited in 1858. Thus the debates will reveal peasant farmers' positions during a period in which the freedom of labour was gaining ground. The Diet held their meetings irregularly and for up to three years in succession. The Diet gatherings studied here were held in 1823, 1828–30, 1834–35, 1840–41, 1844–45, 1847–48, 1850–51, 1853–54, 1856–58, 1859–60, and 1862–63.

The peasant farmer MPs were elected by and from among the farmers in each hundred (administrative region), which meant that more than 300 representatives could be elected, but since the local communities had to pay the MPs' expenses, most of the parliamentarians represented more than one hundred.¹¹ The estate was careful to distinguish itself – to maintain its purity – from both the lower ranks of society and from people of rank, such as people from higher estates who owned and leased farms, or state officials. Although the estate did include both freeholders and Crown tenants, as well as manorial tenants after 1834, in practice the MPs were almost exclusively freeholders. Moreover, they were significantly wealthier than their electorate, and this became especially pronounced after the introduction of the

⁸ John Hajnal, 'European marriage patterns in perspective', in D. V. Glass and D. E. C. Eversley (eds), *Population in history: essays in historical demography* (1965), pp. 101–43.

⁹ Martin Dribe and Christer Lundh, 'People on the move: determinants of servant migration in nineteenth-century Sweden', *Continuity and Change* 20

(2005), pp. 55–56; Carl-Johan Gadd and Hans Christian Johansen, 'Scandinavia, 1750–2000', in E. Vanhaute, I. Devos, and T. Lambrecht (eds), *Making a living: family, income and labour* (2011), p. 307.

¹⁰ Available at: riksdagstryck.kb.se/.

¹¹ Christensen, *Lords and peasants*, pp. 106–12.

two-chamber parliament in 1867.¹² Crofters were not included in the peasant farmer estate, but as a semi-landless group subject to day labour obligations, they had a need for additional labour and did employ servants. As will be shown, this created a tension in the peasant farmer MPs' handling of the Servant Acts.

The relationship between the King and the Diet varied over time. The period between 1809, when a new constitution was implemented and the Diet gained more power, until the Diet of the four estates was replaced by a two-chamber parliament in 1867, has been described as 'the great age of the peasants', thanks to the increased opportunities for peasant farmers to buy land, and changes in political representation which meant that the political power of the peasant farmer estate in the Diet was brought closer to that of the other estates.¹³ This essentially meant an increase in both the relative number and political power of freeholders, at the expense of tenants, crofters and the landless. It was also a period in which the peasant farmer estate took a stand on an increasing number of political issues, and when liberal ideas started to create new conflicts, not only between but also within the estates.¹⁴

The number of people not represented in any estate increased tremendously from the mid-eighteenth century to the mid-nineteenth century. While the number of peasant farmers' households only increased from 187,000 in 1751 to 207,000 in 1850, crofters, cottagers, lodgers, and married servants (*statäre*) increased from 48,000 households to 203,000 during this period.¹⁵ This proletarianization process and increased class division from the mid-eighteenth century to the mid-nineteenth century changed the future prospects of children of peasant farmers as well as servants and the poorer strata of the rural population.

I have analysed all material emanating from the peasant farmer estate concerning: servant; servant act; master; beating of servants; compulsory service; vagrants and vagrancy.¹⁶ The debates analysed here, i.e. compulsory service, hiring date, treatment of sick servants, and beating of servants, were the most widely debated issues during the period, although the debates sometimes touched on a few more practical issues. My main interest in this analysis is what the MPs' arguments reveal about their position and understanding of their relation to servants and servants' labour, while less attention is given to the political games of possible coalitions and the political acumen of individual MPs.

Proposals were discussed in each of the estates separately, and thereafter by elected representatives from each of the estates in the relevant committee. The committee agreed on a report, which was then referred back to the estates for a voting procedure. Most often, questions were resolved by acclamation, but if not, a simple majority was enough to get the proposal through each estate. The number of votes was only occasionally reported, and no lists of how individual

¹² Jan Christensen, 'Radikalism som strategi. Bondepolitik vid 1800-talets mitt [Radicalism as strategy. Peasant politics in the middle of the nineteenth century]', *Historisk tidskrift* 126 (2006), pp. 727–47; Erik Bengtsson and Mats Olsson, 'Peasant aristocrats? Wealth, social status and the politics of Swedish farmer parliamentarians 1769–1895', *Scand. J. Hist.* (2020).

¹³ Winberg, 'Another route', p. 52.

¹⁴ Christensen, *Peasants and lords*, pp. 3–4.

¹⁵ Janken Myrdal and Mats Morell (eds), *The agrarian history of Sweden: from 4000 BC to 2000 AD* (Lund, 2011), pp. 285–86.

¹⁶ For *laga försvar*, vagrants and vagrancy, only proposals and debates directly referring to servants have been included. Terms in Swedish: *tjenstehjon*, *legostadga*, *husbonde*, *husaga*, *laga försvar*, *försvarslöse*, *lösdrifveri*.

MPs voted exist in the material. In order to get a proposal through the Diet, approval was needed from three of the four estates. Even if all four estates agreed, the King in Council had the final say and did not always follow the Diet, although the King increasingly did so during the period studied here.¹⁷

III

The analysis is based on debates regarding the Servant Acts, and the four different subjects that these debates centred on all relate to attitudes towards servants and labour in general. The most fundamental is the debate about the first paragraph of the Acts concerning compulsory service, since it deals explicitly with the question of freedom of labour. The following three debates deal with more detailed regulations, but still reveal attitudes towards labour.

The free use of labour

The development of free wage labour has been scrutinized in studies concerning 'free/unfree labour', which show empirically the many possible combinations of free and unfree labour, and the theoretical caution needed when telling the history of free labour.¹⁸ Robert J. Steinfeld goes to lengths to show how pre-modern society drew the line between the legitimate rules of free labour and the illegitimate constraints of unfree labour in a different way than is done today, and he centres his discussion on the legal framework. The main historical change behind this was, according to Steinfeld, between seeing labour as 'a resource of the community' and 'a particular legal construction of the idea that individuals owned themselves and were free to dispose of their energies in the marketplace'.¹⁹ The struggle between those views is clearly visible in the debates in the peasant farmer estate in the Diet.

The Servant Acts regulated the labour market through the principle of *laga försvar* (literally 'legal/orderly protection', hereafter referred to as 'legal protection'), which meant compulsory year-long service for landless people who were not soldiers nor held positions as artisans. The idea behind this regulation was that casual work should be discouraged and that everyone should belong to a household. The households that could offer legal protection – those that were eligible to employ servants – should have a landholding or some kind of business and be in need of the servant's labour. An important dividing line was thus drawn between those who had access to land and the landless, and the latter were obliged to be employed by the former. The fact that crofters acted as employers but were not represented in parliament, opens up for a more divergent social structure than simply 'lords and peasants'.

It was not until the last Servant Act was passed in 1833 that it became acceptable to provide for oneself through casual labour. From then on, as long as one could show an honest occupation, one was free to choose between a year-long contract of service under the Servant Act and a

¹⁷ Christensen, *Peasants and lords*, pp. 103–6.

¹⁸ Robert J. Steinfeld, *The invention of free labor: the employment relation in English and American law and culture, 1350–1870* (1991); Tom Brass, *Towards a comparative political economy of unfree labour. Case studies and debates* (1999); Tom Brass and Marcel van

der Linden (eds), *Free and unfree labour. The debate continues* (1997); Robert J. Steinfeld, *Coercion, contract, and free labor in the nineteenth century* (2001); Ulbe Bosma, 'Slavery and labour contracts: rethinking their nexus', *International Rev. Social Hist.* 63 (2018), pp. 503–20.

¹⁹ Steinfeld, *Invention of free labor*, p. 5.

contract regulating labour for shorter periods of time.²⁰ During the mid-nineteenth century, opportunities for alternative occupations also increased due to a more diversified economic structure and legal changes, such as the replacement of the guild system with freedom of trade in 1846 and 1864.²¹ But the law still stated that every person needed legal protection, and this was not changed until 1885 when vagrancy became more of a social and moral category rather than merely the flipside of the labour laws. During the 1830s and 1840s, vagrancy laws continually strove to distinguish people who were unable to find employment through no fault of their own from vagrants and criminals.²²

The proposals and discussions in the Diet in 1823 and 1828–30 may serve as examples of conflicting views regarding for whose sake employment and work should be done. Proposals from the estates included a suggestion from peasant farmer MP Nils Håkansson, of Kristianstad, who wanted to impose restrictions on crofters' rights to employ servants, as well as proposals from representatives from all four estates that advocated harsher control on the mobility of landless groups.²³ Nils Håkansson's proposal specified that crofters with less than a certain amount of arable land should not be allowed to employ servants. He argued that although it was already forbidden to employ servants if their work was not fully needed, he wanted this reinforced in the Servant Act. Simply stated: he wanted the pool of available servants to be reserved for the landed farmers that he represented. This proposal was turned down by the committee, which argued that the problem was already covered by the Act.²⁴ This decision was also accepted by the peasant farmers without a debate.²⁵ The committee continued to argue against proposals suggesting harsher terms on mobility by saying that it was 'a firm right to seek one's livelihood by work and industriousness' and that anyone should have the freedom to decide 'the way and the terms for using one's power and capacity for work'.²⁶ The members of parliament thus had different views on the extent to which labour was a community resource that certain groups had rights to, or the property of the individual worker – but as will become clear when studying the later gatherings of the Diet, the peasant farmers usually leaned towards a position where servants were seen as a community resource.

Nils Håkansson, Kristianstad, made another attempt in 1828, stating that everyone knew about the abuse:

²⁰ Servant Acts 1664 §1–2; 1686 §1–2; 1723 §1–2; 1739 art. 1 §1–2; 1805 art. 1 §1, art. 2 §1; 1833 art. 1 §1, art. 2 §3. Title and date for Swedish laws: *Kongl. Maj:ts stadga och påbudh, om tjenstefolck och legohjon*. 30 Aug. 1664; *Kongl. Maj:ts stadga och förordning, angående tjenstefolck och legohjon* [...]. 23 Nov. 1686; *Kongl. Maj:ts förnyade stadga och förordning angående tjenstefolck och legohjon*. 6 Aug. 1723; *Kongl. Maj:ts förnyade stadga och förordning angående tjenstefolck och legohjon*. 21 Aug. 1739; *Kongl. Maj:ts nådiga legostadga för husbönder och tjenstehjon*. 15 May 1805; *Kongl. Maj:ts förnyade nådiga lego-stadga för husbönder och tjenstehjon*. 23 Nov. 1833.

²¹ Lars Magnusson, *An economic history of Sweden* (2000), pp. 52–56, 71–72.

²² For a comprehensive study of vagrancy in Sweden, see Theresa Johnsson, *Vårt fredliga samhälle: 'lösdriv-eri' och försvarslöshet i Sverige under 1830-talet* [Our peaceful society: 'vagrancy' in Sweden during the 1830s] (Studia Historica Upsaliensia, 254, 2016).

²³ 1823 Bd [Bd is the abbreviation used for *bondeståndet*, the peasant farmer estate] proposal 2:175, Committee proposal 7:83.

²⁴ 1823 Committee proposal 8:63.

²⁵ 1823 Bd minutes 3:315.

²⁶ 'en orubbad rättighet att genom arbete och industri söka sin bärgning' 1823 Committee proposal 7:83; 'sättet och villkoren för användande af deras krafter och arbetsförmåga' 1823 Committee proposal 8:34.

Crofters, and even cottagers, think that they have the right (as they call it) to offer legal protection to a farmhand, who is a lodger somewhere else and only out of necessity, for an excessive wage, might take the trouble to do some work. The result is obvious! The landed farmer in real need of a servant will have to pay a double wage or ... be unable to work his land.²⁷

Another peasant farmer MP, Eric Paulsson, of Älvsborg, also stressed how important it was to compel the sons and daughters of crofters, soldiers, and cottagers to leave their parental home and join the pool of available servants.²⁸ The Servant Acts had always gone to lengths to define all possible groups that were eligible for compulsory service, in order to avoid loopholes. But the Acts had never distinguished between the sons and daughters of freeholders and those of agrarian semi-landless groups such as crofters. In the debate, the peasant farmer MPs were careful not to include their own sons and daughters among those who would be subject to such harsher terms, but expressed a clear view of differing interests between different parts of the peasantry: freeholders, crofters, and servants.

Other opinions were expressed as well. Nils Månsson, of Malmöhus, said in a hearty tone that he could not understand why anyone wanted to impose stricter rules on anyone else: 'I wanted everything to be as free as possible in this world', he said in conclusion to his speech. Månsson opposed the committee proposal, as it harmed 'the natural rights of the serving class'. Månsson's view was however not embraced by the majority of MPs in the peasant farmer estate, and only Månsson and one other MP, Lars Andersson of Skaraborg, registered their reservations in the minutes.²⁹

The idea of freedom of work gained more support in the other estates. Since the estate of the burghers and the estate of the nobility had turned the committee proposal down, the matter was resubmitted, even though the peasant farmers and the clergy had accepted it. The burghers on the committee were especially worried over any suggestions that would include apprentices and journeymen in the Servant Act, since they thought that would lead 'better men' to avoiding sending their sons into such positions. However, the committee majority stated that they would not budge an inch: each man should be used in a way that served society at large, and too much freedom of work would only create more vagrants and overcrowded workhouses.³⁰ In the end, the Servant Act of 1833 did legitimize the right for anyone to support themselves as long as it was honest work, but freedom of work was not commonly accepted and continued to be questioned from the masters' perspective of shaping the labour force.³¹

The question of freedom of work concerning servants continued to be discussed in the Diet even after the last Servant Act was issued in 1833, but less intensively and more related to the matter of how to decrease vagrancy. It is clear that the peasant farmers were not convinced that

²⁷ 'Torpare, till och med Backstugusittare tilltro sig äga rätt (som de kalla) att förswara en dräng, hwilken inhyses hos någon annan och allenast i nödtwång för en öfwerdrifwen hög dagspenning, kan beqwämas utgöra ett dagswerke. Följden är gifwen! – den af tjenstehjon werkeligen behöfwande Hemmansbrukaren måste antingen betala en dubbel årslön, eller [...] wara

urståndsat genom odling förkofra sin jord.' 1828 Bd minutes 3:64.

²⁸ 1828 Bd minutes 2:411.

²⁹ 1828 Bd minutes 8:62.

³⁰ 1828 Committee proposal 7:2 no 71; Servant Act 1833 art. 1 §1.

³¹ 1828–30 common reports from the estates no 353.

it was for the common good that potential servants could choose the contract they would work under. In the Diet in 1840–41, peasant farmer MP Peter Gabrielsson, of Kronoberg, wanted harsher punishment for the above-mentioned false registration of servants, because this was used by ‘healthy and able-bodied persons, who under the law lack legal protection, but who find it much more convenient, even under scarcity and extreme poverty, to be their own masters, and who live a kind of vagrant life rather than earning their living as proper servants’.³² The committee stated that this false registration of servants was already prohibited, but they did not want to see harsher rulings since this would ‘circumscribe the ways and means for the working class to honestly support themselves, whereas this should rather be facilitated than obstructed’.³³

During 1847–48, vagrancy laws were discussed in the Diet, and peasant farmer MP Nils Strindlund, of Västernorrland, criticized ‘the false liberalism of our time’ and wanted any person who lacked legal protection to be allocated to farmers in need of labour.³⁴ This was massively supported by the estate, but not by the Diet at large.³⁵ Had this been approved, the compulsory part of the Servant Act would have been more far-reaching than it had ever been, since it would have deprived servants of the right to choose their employer freely. Again in 1859–60 and 1862–63, many of the MPs in the peasant farmer estate showed that they had not embraced the idea of freedom of work.³⁶

Peasant farmer MPs were in general not very interested in expanding the freedom of work. One could assume that wealthy farmers would have benefited from using market mechanisms to provide their workforce, rather than legal means to force people into their service. While there were farmers who argued in favour of masters’ right to create the workforce they needed, i.e. to employ workers on any kind of contract, the will to order the landless population and ensure masters of their mastery was stronger. Arguing for crofters’ decreased power over themselves and their children was clearly a means of distinguishing themselves as employers, in a relationship where they did not see servants as part of their own group, but rather as working hands who should be used as effectively as possible – and to the advantage of the class of landed farmers that they belonged to and represented.

The management of work and the hiring date

The hiring date was the issue related to the Servant Acts that was by far the most debated in the peasant farmer estate during the period concerned. A prominent feature of the servant institution was the year-long service contract, which had one possible hiring date – any servant leaving his or her position before that date could be considered a vagrant. The hiring date was also followed by a few days of freedom, which were intended to be used for the actual process of moving, but since it was the only free week during the year for many young people, it was also a time for feasts and fairs. As such, the hiring date and the following holiday were a subject

³² ‘Friska och arbetsföre personer, som enligt författningarna icke ega eget laga försvar, men som finna det wida beqwämligare att, äfwen under brist och yttersta armod, wara sina egne Herrar, och föra ett slags lösdrifwarelif heldre än att såsom lagstadde Tjenstehjon förtjena sitt bröd’ 1840–41 Bd minutes 1:234.

³³ ‘inskränka utvägarne för den arbetande classen

att kunna sig ärligen försörja, de der snarare böra underlättas än försåras’ 1840–41 committee proposal 7:2 no. 57.

³⁴ 1847–48 Bd minutes 2:173.

³⁵ 1847–48 Bd minutes 6:329.

³⁶ 1859–60 Bd minutes 5:386; 1862–63 Committee proposal 7:2 no. 2, Bd minutes 3:176.

for concern about the threat of disorder. The law concerning the hiring date is easily described: up until 1819, the hiring date was traditionally Michaelmas Day, 29 September, and thereafter it was changed to 24 October.³⁷

The debates were intense and engaged many MPs. No other question concerning servants drew such a long list of speakers or such detailed examples of the horrors associated with the wrong hiring date. The most common suggestion was to change the hiring date to Midsummer, close to 20 June, while others wanted it to change back to 29 September, or to March. A few MPs suggested different hiring dates for different regions, two hiring dates every year or – on one occasion – that servants should be allowed to change employer anytime during the year.³⁸ Proposals to change the hiring date to Midsummer were repeatedly submitted to the Diet, in 1834–35, 1840–41, 1847–48, 1850–51, 1853–54, and 1859–60.³⁹ However, this did not stop J. G. Dahlgren, of Kalmar, from proposing Midsummer yet again in 1862–63, nor did it stop 27 MPs from taking active part in the discussion.⁴⁰ The debates were quite monotonous over the decades, as was acknowledged by some MPs.⁴¹

An important conclusion from the intensity and longevity of this debate is that the use of a fixed hiring date and a few days off for servants were a lived experience for the peasant farmer MPs. This means that the Servant Act was actively in use, so the hiring date affected the work and lives of masters and servants, in contrast to what some previous research has stated, i.e. that the Servant Act was too detailed and rigid to be followed.⁴² Even more significant is that the MPs saw themselves and their voters as employers of servants, not as representatives of servants. This will be more obvious when analysing the arguments used in these debates, in which the MPs' most urgent concern was how to extract as much labour as possible out of the servant class.

The most common argument for having the hiring date around Midsummer was strictly a question of work management. When a new servant arrived in September or October, most of the harvest work had already been done by the former servant, while the new servant had the duty to feed the livestock during winter. This meant that the new servant could not, through his or her hard work, increase the harvest yield, and the former servant had no incentive to work hard during harvest since someone else would take over the results of this work. A similar

³⁷ Servant Acts 1664 §3; 1686 §3; 1723 §4, 1739 art. 6 §1; 1805 art. 7 §1; 1833 art. 8 §44; *Kongl. Maj:ts nådiga kungörelse angående flyttningstiden för tjenstehjon*. 22 Apr. 1819 [Royal decree concerning hiring date for servants]. See also Carolina Uppenberg, *I husbondens bröd och arbete. Kön, makt och kontrakt i det svenska tjänstefolkssystemet 1730–1860* [Servants and masters. Gender, contract, and power relations in the servant institution in Sweden, 1730–1860] (Gothenburg Studies in Economic Hist., 20, 2018), p. 98, in English p. 276.

³⁸ Different dates for different regions were suggested by, for example, Carl Johan Leonard Lönnberg, Östergötland (1862–63 Bd minutes 1:195); Paul Hedström, Västernorrland and Pehr Nilsson, Kristianstad (1862–63 Bd minutes 3:176). Two hiring dates every year

were suggested by, for example, Anders Andersson, Östergötland (1828–30 Bd minutes 1:172). A free hiring date was suggested by Jöns Rundbäck, Göteborg och Bohus (1862–63 Bd minutes 3:176).

³⁹ 1834–35 committee proposal 7:2 no 6; 1840–41 committee proposal 7:2 no 11 (this time not proposed by the peasant farmers, but by the nobility and the burghers); 1847–48 Bd minutes 2:515; 1850–51 Bd minutes 1:75, 103; 1853–54 Bd minutes 1:125, 208; 1859–60 Bd minutes 2:508.

⁴⁰ 1862–63 Bd minutes 1:195, 156 no 84.

⁴¹ For example Lars Larsson, Älvsborg (1847–48 Bd minutes 2:515); Ingemund Odin, Gotland (1850–51 Bd minutes 1:103); J M Lundahl, Skaraborg (1859–60 Bd minutes 3:89).

⁴² Harnesk, *Farm servants and peasants*, pp. 37–38.

argument was that if one servant started the foddering period, he or she would be wasteful with the fodder to the detriment of the new servant who had to make ends meet with what was left. The premise for these arguments was that servants were supposed to have a personal interest in well-fed animals – a premise that was widely shared among the peasant farmer MPs.⁴³ In fact, no one questioned this premise, but those who spoke against this argument claimed instead that this incentive was insufficient and that servants needed close supervision anyway, both during harvest and during foddering.⁴⁴

Another topic of the debate about Midsummer or September/October as hiring date was the days off associated with changing employer. Since these days were given to servants to complete the moving process, employers could not legitimately argue against it, but as employers, they wanted to keep this time to a minimum. Those in favour of Midsummer as the hiring date argued that since summer time gave more hours of daylight, servants needed fewer days off in order to undertake their move. An additional argument was that travelling the roads was easier and quicker during summer than during the rainy and muddy season of October.⁴⁵ Those who preferred October as hiring date said that it was reckless to give servants days off during summer, since it was the season with the longest work days. If a farmer needed to hire casual workers during the servants' days off, they would have to pay them more.⁴⁶ Some also said that they preferred Midsummer as the hiring date since the mild and gentle climate would mean servants were in a merrier mood and thus worked harder, while opponents saw the good weather and long days as a risk that servants would be lured into casual work.⁴⁷

The most common argument against having the hiring date around Midsummer was also connected to labour force management. Nils Månsson, of Malmöhus, stated that if servants were released during summer, they 'would not give a thought to winter but rather than go into year-long service, try to get casual work with high wages during summer, creating rising costs and great damage to the farmer'.⁴⁸ It was perceived as easier to contract and keep

⁴³ This argument was openly supported or mentioned 1828–30 by: Anders Andersson, Skaraborg (Bd minutes 1:171), Jan Eric Jansson, Värmland (Bd minutes 1:167), Anders Andersson, Östergötland (Bd minutes 1:172), Eric Paulsson, Älvsborg (Bd minutes 1:173), Olof Nilsson, Värmland, and Anders Pehrsson, Östergötland (Bd minutes 1:179), Andreas Hansson, Älvsborg (Bd minutes 1:180); 1850–51 by: Carl Olsson, Södermanland, and Anders Andersson, Skaraborg (Bd minutes 1:103); 1853–54 by: deputy speaker Swartling (Bd minutes 1:125); 1859–60 by: Nils Fredrik Andersson, Östergötland (Bd minutes 2:508); 1862–63 by: J. G. Dahlgren, Kalmar (Bd minutes no 84). See also Uppenberg, *Servants and masters*, pp. 218–23.

⁴⁴ 1828–30 by: deputy speaker Jon Jonsson (Bd minutes 1:176), Olof Pehrsson, Stockholm (Bd minutes 1:177), Eric Andersson, Västmanland (Bd minutes 1:177), 1847–48 by: Lars Larsson, Älvsborg (Bd minutes 2:515).

⁴⁵ 1828–30: Eric Paulsson, Älvsborg (Bd minutes 1:173–6), deputy speaker Jon Jonsson (Bd minutes 1:180),

1850–51 Bd minutes 1:103 (Carl Olsson, Södermanland).

⁴⁶ 1828–30 by Johan Andersson, Uppsala (Bd minutes 1:528–31), Nils Håkansson, Kronoberg (Bd minutes 1:532–4), 1847–48 by: former Speaker Anders Eriksson, deputy speaker Nils Persson and others (Bd minutes 2:515), 1853–54 by: Johan Lekberg, Örebro, Matts Pehrsson, Stockholm, Ola Svensson, Malmöhus, Mauritz Sahlén, Västernorrland (Bd minutes 1:151), 1859–60 by: Nils Fredrik Andersson, Östergötland (Bd minutes 2:508), 1862–63 by: Erik Ersson, Gävleborg (Bd minutes 1:195).

⁴⁷ 1828–30 by: Anders Hansson, Älvsborg (Bd minutes 1:513–4), 1847–48 by: Anders Andersson, Skaraborg (Bd minutes 2:515).

⁴⁸ 'tjenstehjonen då skulle icke tänka på wintern, samt heldre än att taga årstjenst, under sommaren låta lega sig till dagswerken för dryg betalning, till både ökad utgift och stor skada för landtbrukaren' 1828–30 Bd minutes 1:177. Those who openly expressed consent with Månsson and Jon Jonsson were: Eric Pehrsson Gävleborg, Pehr Pehrsson Örebro, Olof Olsson Värmland,

servants in their year-long contracts in October, when winter was at hand, the climate was unpleasant, and the wages were low for casual work, which made it a less attractive alternative for servants.⁴⁹

If one group owns land and the means of production, and needs people to work on the land, it is in their interest to make these people work as hard and for as long as possible. It is clear from the debates concerning hiring date that this was the interest that the peasant farmer MPs represented. Previous research has sometimes understood the peasant farmers as non-ideological and penny-pinching, as they wanted public expenditure to be kept as low as possible since they were the main contributors.⁵⁰ But in my analysis, peasant farmers are seen as an interest group in relationship to the lower strata of the rural society, which makes their penny-pinching behaviour ideological in another way: that the peasant farmers in the Diet understood themselves as employers.

Payment for sick servants

The Servant Acts stipulated masters' responsibility for their servants round the clock, including supervising their behaviour, feeding and lodging them properly, and caring for them in case of sickness. Previous research emphasizing reciprocity in the master-servant relation has pointed to this responsibility for care as a defining element.⁵¹ However, there is a lack of studies that have analysed the extent to which servants who were ill were actually cared for by their masters.⁵² In this section, I explore how peasant farmer MPs understood this responsibility.

In the Acts, this responsibility shifted back and forth. The Act of 1739 stated the responsibility rather straightforwardly: masters had to care for a servant if he or she fell ill, but could, if preferred, deduct the cost of a doctor and medication used in treatment from the servant's wages.⁵³ In the Act issued in 1805 the same wording was used, but it was clarified that if a servant fell ill or was injured during his or her work and in a way that was not caused by the servant him/herself, the master should not deduct the cost of a doctor and medication from wages.⁵⁴ In the last Servant Act, issued in 1833, this was changed once again, back to the wording of the 1739 Act, i.e. nothing was mentioned about how the injury had happened.⁵⁵ The word describing the duty of the master to care for a sick servant was

Note 48 continued

Lars Ericsson Gävleborg, Börje Börjesson Halland, Andreas Håkansson Älvsborg, Jan Andersson Uppsala, Samuel Jönsson and Pehr Jönsson Öland, Olof Månsson Blekinge, Bengt Nilsson Örebro, PehrBurge Gotland, Johannes Svensson Jönköping, Anders Nilsson Tottarp and Anders Nilsson i Isii Malmöhus, Anders Andersson Västmanland (Bd minutes 1:178), as well as in 1853–54 by Johan Lekberg, Örebro (Bd minutes 1:151).

⁴⁹ 1828–30 by deputy speaker Jon Jonsson (Bd minutes 1:180), 1850–51 by Pehr Hansson, Värmland, Johan Lekberg, Örebro (Bd minutes 1:103), 1853–54 by: Pehr Erik Andersson, Västmanland, Petter Jönsson, Jönköping, Georg Nyqvist, Värmland (Bd minutes 1:151), 1862–63 by many speakers (Bd minutes 1:195).

⁵⁰ Bäck, *Peasant opposition*; Christensen, *Peasants and lords*.

⁵¹ Christer Lundh, *Spelets regler. Institutioner och lönebildning på den svenska arbetsmarknaden 1850–2010* [*The rules of the game. Institutions and wage setting in the Swedish labour market 1850–2010*] (Stockholm, 2010), p. 53.

⁵² For examples of masters not treating sick servants, see Cristina Prytz, 'Life-cycle servants and servant for life: work and prospects in rural Sweden c.1670–1730', in Whittle (ed.), *Servants in rural Europe*, pp. 95–111; Uppenberg, *Servants and masters*, pp. 197–202.

⁵³ Servant Act 1739 art. 7 §11.

⁵⁴ Servant Act 1805 art. 2 §4.

⁵⁵ Servant Act 1833 art. 2 §6.

not 'must' (Sw. *skall*), but 'ought to' (Sw. *bör*) but the reason for giving this duty a separate paragraph in the Acts ever since 1723 was of course that it must be followed, and this was how the peasant farmer MPs understood the paragraph.

As one can imagine, this responsibility could potentially be rather expensive. The only way for masters to get compensation, even for a lengthy loss of labour, was the right to reduce the servant's wages by the amount spent on a doctor and medication. However, if this cost exceeded wages, the servant would effectively be indebted to the master. The Act did not address this, as it did not distinguish between the cost of treatment and the value of labour lost due to sickness. In 1834, one peasant farmer MP, Johan Eriksson, of Stora Kopparberg, put forward a proposal to the Diet to clarify this issue and address the loss of labour.⁵⁶ Another peasant farmer MP, Olof Olsson, of Östergötland, thought that the Act was clear: wages could only be reduced if money had been spent on the treatment of the servant, not for loss of his or her working time. And since the Act issued in 1833 had been more restrictive of servants' rights because it did not guarantee that servants would be treated at the master's expense even if injury had happened in his or her work, as in the Act issued in 1805, it was fair to allow a deduction only if the duration of their infirmity had exceeded one and a half months. Olof Olsson thus proposed what he saw as a compromise: if a servant had been sick and unable to work for more than a month, then masters could reduce their wage.⁵⁷

The committee accepted the proposal of Johan Eriksson, and suggested a new wording as follows. Masters should be allowed to deduct wages both for doctors and medication, and for the period when a servant was unable to work. However, this sum must not exceed the wage for the period of sickness. In this way the committee tried to balance the need to show kindness to servants who were thought to be impecunious, and to show understanding of the master's position, which actually could be even worse than the servant's, concerning their financial solvency.⁵⁸ This proposal was accepted by the estate of the peasant farmers, but rejected by the three other estates. The other estates had two reasons for their rejection: the vulnerable position of the servant, and the vulnerable position of the master. It was only the latter concern that the committee incorporated in its new report. The new suggested wording was thus that the master could deduct wages for expenses for doctors and medication as well as for the time period that the servant had been unable to work.⁵⁹ When this new report reached the peasant farmer estate, the division in the estate was made clear.

The question of who would pay when a servant is injured or sick reveals a clear conflict, and the incentives for the different parties were discussed openly in the estate of the peasant farmers as well as in the committee that handled the proposals. It is important to bear in mind that the cash wage constituted a very small part of the remuneration that servants were eligible for, the lion's share of the cost of employing a servant was food, lodging and clothing. This means that the cost of a doctor and medication could easily exceed what the servant should have earned as a cash wage during his or her period of sickness. If this was the case, the master would suffer a financial loss by paying for the treatment of his non-working servant. Some contributors to the debate feared that this would lead masters to neglect the treatment

⁵⁶ 1834–35 Bd proposal 2:282.

⁵⁷ 1834–35 Bd minutes 3:627.

⁵⁸ 1834–35 committee report 7:2 no 6.

⁵⁹ 1834–35 committee report 7:2 no 35.

of servants. On the other hand, if the full costs of a doctor, medication, and the cash wage were deducted from the servant's small wage, the servant could then be indebted to his or her master for having fallen sick during his or her period of service. This was not acceptable according to some others. The matter provoked quite a debate, and the estate of the peasant farmers was divided. The decision centred on whether the estate should stick with the former, more servant-friendly report (no. 6), or vote for the new, more master-friendly report (no. 35), which allowed masters to deduct wages and all costs.

Nils Månsson, of Malmöhus, the same MP who argued for freedom of work in the Diet in 1828–30, spoke in favour of the servant-friendly report and clarified what was at stake: in this report, the deduction could not exceed the wage set for the time period when the servant was injured or sick; but in the master-friendly report, the committee has loosened this restriction and allowed wages to be deducted for the whole working year, which would mean 'unreasonable distress for the poor servant'. However, six of Månsson's fellow MPs raised their voices to speak against his arguments, while others tried to show their mildness by referring to crofters and other poor farmers in need of servants. They also pointed to the risk that masters would neglect to care for their sick servants if the wording in the former report gained ground, because it concerned 'as one says, his own skin'. The estate of the peasant farmers accepted the new, harsher report (no. 35) with acclamation.⁶⁰

After other estates had turned down the proposal, the decision had to be settled by voting in the peasant farmer estate, which turned out very even: 40 votes for the more master-friendly report (rejected by the three other estates) and 39 votes for the more servant-friendly report. Nils Månsson registered his dissent by saying that this opened up a possibility of ruining a servant completely and that a harsh master could make his servant a slave for ten years. Others registered their dissent as well, but some of them did so because they thought this question could be resolved by master and servant between themselves without the interference of the law.⁶¹ In the end, no suggestion to change the paragraph was made from the Diet, since the estates could not agree.⁶²

The declining acceptability of beating servants

While surprisingly little is known about how servants were actually treated when they were sick, the legislation has been understood as part of a reciprocal relation. With the cost posed mainly as a problem for poorer masters, such as crofters, the majority of peasant farmer MPs used the divisions in the peasantry to promote their own economic interest. From the arguments that took place in the peasant farmer estate it is quite clear that the farmers perceived servants as a labour force that came with a cost – a cost that needed to be kept as low as possible. The way that the peasant farmer MPs understood the responsibility for treatment in case of sickness is thus in conflict with the reciprocal relationship.

⁶⁰ 'ett obilligt lidande för arma tjenaren' 1834–35 Bd minutes 9:170. Speakers against Nils Månsson, Malmöhus were: Johan Eriksson, Stora Kopparberg, deputy speaker Jon Jonsson, Lars Larsson, Älvsborg, Johannes Svensson, Stockholm, Petter Jönsson, Jönköping, and Nils Strindlund, Västernorrland, from

which the quotation is taken ('då det, som man säger, gäller hans eget skinn').

⁶¹ 1834–35 Bd minutes 10:78.

⁶² 1834–35 committee report 7:2 no 57, Bd minutes 11:87.

The right – and the duty – to chastise misbehaving servants was an integral part of the relation between masters and servants and was regulated in the Servant Acts. In the minds of the lawmakers, masters needed this ultimate deterrent in order to manage their servants. Since it was very difficult to dismiss servants in advance, and they could be accused of vagrancy if they were out of work in the middle of the working year, misbehaving servants needed to be managed rather than dismissed. This meant that when the beating of adult servants was abolished, it also needed a change in the labour contract that made it easier to end the contract. As such it was an important example of the new kind of labour contract: non-pecuniary – violent – means of compulsion were replaced by pecuniary methods of compelling labour.⁶³

The discussion about the right to chastise servants was intense in the Diet for ten years, from 1848 until the decision to prohibit beating of male servants older than 18 years and female servants older than 16 years was issued in 1858.⁶⁴ There were proposals concerning chastisement earlier than 1848 as well, especially in discussions about apprentices, but the question did not arouse much debate before the Diet held in 1847–48.⁶⁵ These debates have been studied previously, but the outcome has generally been seen as an unavoidable effect of time.⁶⁶

In this section, I study the peasant farmer MPs' argument in an effort to explain their change of mind as a reflection of their understanding of servants' position and labour. To the Diet held in 1847–48, peasant farmer MP Gustaf Glad, of Västerbotten, wrote a proposal suggesting that chastisement should be prohibited. He mentioned how corporal punishment of soldiers had been abolished and saw this as a step towards a time more characterized as 'loving of humanity'. He had no argument in principle against the beating of servants, but instead objected to its abuse. If all masters were good, Glad wrote, then it would not matter if beating was accepted in law or not, but as some masters used beating excessively, he wanted it abolished altogether.⁶⁷ The famous publicist Lars Hjerta from the estate of the nobility presented another proposal to this Diet to abolish chastisement, in which he understood the relationship between master and servant as one between equals, and as such, physical violence could not be accepted. The committee rejected the proposals.⁶⁸ This provoked no debate in the peasant farmer estate, but was accepted.⁶⁹

On the next occasion, in the Diet of 1850–51, MPs from the estate of the nobility and the estate of the burghers had proposed prohibiting the beating of servants, which again was turned down by the committee. The committee argued that although the servant contract was drawn up between free parties, a peculiarity of the servant contract was that the servant was part of the family in which he or she served. Therefore, they argued, the right to chastise did

⁶³ Servant Act 1664 §5; 1686 §5; 1723 §6; 1739 art. 7 §1; 1805 art. 2 §3; 1833 art. 2 §5. Cf. Steinfeld, *Invention of free labor*, pp. 152–53.

⁶⁴ Servant Act 1833 art. 2 §5, *Kongl. Maj:ts nådiga kungörelse, angående [...] ändring af 5, 9 och 10 §§ i legostadgan 1833. 1 Oct. 1858 [Royal decree concerning changes in §§5, 9 and 10 of the Servant Act 1833]*.

⁶⁵ For example 1823 7 no 253; 1828–30 7:2 no 54.

⁶⁶ Hilding Pleijel, *Hustavlans värld: kyrkligt folkliv i äldre tiders Sverige [The world of the Lutheran household codes]* (Stockholm, 1970), pp. 66–83; Christensen, *Peasants and lords*, pp. 283–288.

⁶⁷ 1847–48 Bd minutes 2:409.

⁶⁸ 1847–48 Ad committee proposal 7:2 no. 2.

⁶⁹ 1847–48 Bd minutes 4:452.

not emanate from the contract, but from the parental power. As such, beating was not used to humiliate the servant, as was the case when corporal punishment was used against criminals.⁷⁰ One can of course wonder if servants agreed that being beaten was not humiliating.

The first time this committee proposal reached the peasant farmer estate, the estate accepted that chastisement should not be abolished without a debate, but four MPs registered their dissent.⁷¹ However, since the burghers did not accept the rejection by the committee, the matter was resubmitted for consideration by all the estates. This time, peasant farmer MP Pehr Sahlström, of Stockholm, challenged the argument used by the committee, that servants were part of the family and therefore were not humiliated by chastisement. Sahlström presented a somewhat peculiar argument, saying that he did not accept the view that servants were part of the family, but, he said, this had been the case in the past and luckily still was the case in the peasantry. He defined this relationship as servants and masters sharing 'table, dwelling, and labour'. But as this was not the case in the other classes, and since those would not use chastisement against 'their families' real members', he wanted the beating of servants to be prohibited. Sahlström's arguments were supported by seven peasant farmer MPs together with unnamed others.⁷²

What Sahlström did in his argument is interesting and points to the standing that would later lead the peasant farmer estate to advocate the abolishment of beating of servants. He shifted the problematic areas of relations between masters and servants to other classes or estates, and in doing so presented the peasant farmer as a better master. He also relocated the view of the servant as part of the family to the past, and at the same time to the peasantry – making the peasant farmer a more appropriate and more natural master of servants, without associating the peasant farmer class with the servant class.

In the Diet of 1853–54, the arguments relating the abuse of beating to other groups was also used by peasant farmer MP Johan Johansson, of Örebro. He proposed the abolition of chastisement with an argument that had the advantage of shifting the blame for cruelty and inappropriate behaviour to masters who were outside the peasant farmer group, i.e. that inspectors and foremen were the main abusers of the right to chastise servants. The rightful use of chastisement was thought to be the controlled, reformatory beating that was not administered in the heat of the moment. Johansson admitted that: 'since we are all poor men, we happen often to use our rights as masters to beat in anger; but to let ignorant and stuck-up foremen, using patriarchal authority, cruelly batter co-servants must arouse indignation enough to be willing to curb this abuse'.⁷³ Although the peasant farmer MPs could not agree concerning chastisement as such, they definitely could agree on the manners of such foremen.⁷⁴

⁷⁰ 1850–51 committee proposal 7:2 no 31.

⁷¹ 1850–51 Bd minutes 6:283. The four MPs registering their dissent were Pehr Östman, David Andersson, Bengt Gudmundsson and Falk, all four from Skaraborg.

⁷² 1850–51 Bd minutes 6:285. Quotations in Swedish: 'bord, boning och möda'; 'familjens verkliga medlemmar'. Support was given by Svartling and Anders Gustafsson, Östergötland, Peter Mårtensson and Peter Petersson, Jönköping, Berg and Falk, Skaraborg, Pehr

Hansson, Värmland and others.

⁷³ 'Svaga äro vi alla och kunna ofta med husbonderätt aga i vredesmod; men att tillåta okunniga och uppblåsta tillsyningsmän, med paternell myndighet, grymt misshandla medtjenare måste väcka en ovilja, tillräcklig för att hämma dessa missbruk.' 1853–54 Bd minutes 1:99.

⁷⁴ 1853–54 Bd minutes 1:183.

The MPs thus transferred the cruelty of beating not to their equals, who they assumed were most often sensible heads of households, but to foremen – assumed to belong to another class, to the class of servants, and therefore they were coarse and without the necessary authority. This was also a conflict over power derived from access to land, which real masters had, and power derived from simply doing one's job, as foremen.

In the last Diet discussing this question, 1856–58, MP Johan Johansson, of Örebro, once again proposed the prohibition of beating. Johansson admitted that the servant contract in some ways appeared similar to a familial relationship, but if so, beating of adult servants should not be allowed, since fathers and mothers did not beat their grown-up children.⁷⁵ That children needed some level of corporal punishment in order to grow up into well-behaved men and women was not questioned by anyone in the debate.

It was the aforementioned Hjerta who suggested that beating should be allowed only for male servants under the age of 18 years and female servants under the age of 16 years. However, the committee still thought that due to the patriarchal relation between master and servant, the household head should have the right to use the same means as against his other dependants: children and wife. Furthermore, the committee pointed to the problem of the demand for year-long service: if the master did not have the right to dismiss a misbehaving servant, he needed the power of chastisement if no other means had helped. The proposals were turned down, but many members registered their dissent, among them four peasant farmer MPs.⁷⁶

When the decision from the committee was debated in the peasant farmer estate, the tone was totally different compared to earlier discussions. This time, the majority of the members of the estate spoke against the beating of servants.⁷⁷ Many speakers expressed their astonishment that not every member of parliament strongly opposed the beating of servants, and their relief over being part of the progressive estate that clearly dissociated itself from such practices. Many speakers also expressed their absolute conviction that chastisement of servants did not take place in the peasantry; it could only be possible in the higher ranks of society. It has even been assumed that chastisement was unusual in the peasantry because of the arguments used by the peasant farmer MPs in the 1856–1858 Diet, however this seems to be a rash conclusion in the light of the preceding gatherings of the Diet.⁷⁸

Nils Olsson, of Malmöhus, also declared how he perceived his role as lawmaker in relation to servants: 'It must be our duty as lawmakers to give the unrepresented working class its civil rights; then this class would be more willing to fulfil its moral obligations, i.e., faithfully fulfil its undertakings'.⁷⁹ This quotation summarizes the standpoint of the peasant farmers in the estate: they perceived themselves and their voters as masters, not as fathers of servants, nor as foremen or book-keepers. They associated cruelty and abuse with the higher estates and with foremen, which made the masters of the peasant farmer estate the better masters. But

⁷⁵ 1856–58 Bd minutes 2:314.

⁷⁶ 1856–58 committee proposal 7:2 no 42.

⁷⁷ 1856–58 Bd minutes 2:416.

⁷⁸ Harnesk, *Farm servants and peasants*, pp. 35, 39.

⁷⁹ 'Det måste vara vår skyldighet som lagstiftare att

gifva den orepresenterade arbetsklassen medborgerliga rättigheter; då fullgör den så mycket hellre sina moraliska skyldigheter, det vill säga, fullgör troget hvad den åtagit sig.' 1856–58 Bd minutes 9:12.

the goal of this law was to make servants work better and more faithfully – and in no way to make them their equals and give them representation in the peasant farmer estate.

With three out of the four estates in favour of abolishing the right to beat adult servants, the committee proposed a revision of the law which was issued in 1858. This decision also included an extended right for masters to dismiss servants who behaved badly, which was seen as a trade-off in order to keep the masters' position unthreatened.⁸⁰ Before 1858, masters had the duty to use chastisement to correct servants, and only after doing so could they turn to authorities for the right to end a contract. When beating was not allowed, the master could end the contract directly if he found the situation impossible.⁸¹

This means that the right to chastise servants was part of the labour contract between employee and employer. The removal of the right to chastise servants was an important step towards the development of a freer labour contract, not because it superseded the family-like relations of the olden days with modern contracts, but rather because it introduced the possibility to end a contract which one of the parties disliked. I argue that the declining legitimacy of beating servants is best understood as part of the development towards a freer labour contract in which pecuniary means of keeping people in work gradually replaced non-pecuniary means, such as compulsory service and chastisement of servants.

IV

Peasant farmers have been characterized as 'the people', struggling against the higher ranks of society, and as masters who employed neighbourhood adolescents for their mutual interest. But this employment was strictly regulated in law, in the Servant Acts which were established in the Diet, where the peasant farmers – but not the servants – had political representation. While the debates in the Diet cannot be used to understand how servants themselves perceived their position, this source reveals a great deal about how the landed peasants understood their own position, the position of servants, and labour in general. What has been lacking from the dominant life-cycle perspective on rural servants, and in studies of the struggle between lords and peasants, is the perspective of peasant farmers as employers, and their role in development towards a freer labour market.

It was their position as landholders that made farmers eligible to become members of the peasant farmer estate, and thus gave them power over labour legislation and allowed them to employ servants. Although the group of employers was broader than the peasant farmer estate, legislation created fundamental divisions based on landholding in three ways. Firstly, the Servant Acts stipulated that the landed were eligible to employ servants and that landless people had to enter service in order to receive legal protection. Secondly, the landed position made peasant farmers eligible to vote for and be elected as MPs, which gave them power over the legislation that created the above-mentioned divide between landed employers and landless employees. Thirdly, the landed position was used in debates to legitimize the behaviour of

⁸⁰ 1856–58 committee proposal 7:2 no 52; common report from the estates no 258.

⁸¹ Servant Act 1833 article 2 §5; Royal decree 1858.

masters and the rights assigned to them, and through this kind of argument, they dissociated themselves from the servants.

To understand economic development and modernization, the employment contract between servants and masters needs to be analysed. The main finding of this study is that in the double position of the peasant farmer MPs, as masters of servants and as lawmakers making decisions on the Servant Acts, the MPs clearly understood themselves as masters, promoting an employer interest. Furthermore, they dissociated themselves from the servant class, in no way acknowledging that servants were sons and daughters of landed farmers as well as landless people. While the result that the peasant farmer MPs pursued their own economic interests might seem unsurprising, there has been a lack of empirical studies that have analysed their position. And it is by no means self-evident that the life-cycle perspective was so invisible to MPs, i.e. that they did not think of servants as their future landed peers or themselves as representatives of a larger peasantry. This points to a social structure with antagonistic interests that are much more finely grained than the notion of 'lords and peasants'.

The other aim of this study was to analyse peasant farmers' understanding of labour as such, in relation to the development of freer labour contracts. During the period 1823–1863, peasant farmers were part of a development trend in which non-pecuniary means of forcing people to work were gradually replaced by the pressure of the capitalist labour market. From the analysis of the debate on the use of legal protection, it can be concluded that peasant farmers were rather reluctant to give up the non-pecuniary methods of compulsion they had at their disposal through the Servant Acts, and that the majority of members of the estate did not hesitate to propose harsher terms on the landless population in their desire to increase the pool of available labour.

In the debates analysed here, there was also another feature that makes peasant farmer MPs appear as representatives of masters and as active masters themselves, namely their intense debates about work management. This was most clearly seen in the long and frequent debates about the hiring date, but also when they discussed the question of payment for sick servants. While there were some MPs who pitied servants who fell ill during their time in service, the arguments used reveal that the aim was to make servants work more efficiently. Peasant farmer MPs tried to shape an effective mix of pecuniary and non-pecuniary means to enforce hard work. The peasant farmer MPs strove for an optimized use of the labour force, and for laws that created a pool of available labour as large as possible and preferably reserved for the groups of landed farmers that they represented and from which they were recruited.