

THE PROBLEM OF

Evil

**Slavery, Freedom,
and the Ambiguities of
American Reform**

**Edited by Steven Mintz
and John Stauffer**

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For David Brion Davis,

who through his scholarship and teaching,
generosity and curiosity, has been a brilliant
guide and beacon for exploring the ironies and
moral ambiguities of the past.

You are the mentor of us all.

The Editors and Contributors

Americans frequently denied or evaded the reality of black participation in the Civil War, Abraham Lincoln's Gettysburg Address would stand as an indelible reminder that American history was a struggle for liberty and equality.

NOTES

- 1 John R. McKivigan and Mitchell Snay, eds. *Religion and the Antebellum Debate over Slavery* (Athens: University of Georgia Press, 1998), 11.
- 2 Ibid., 12.
- 3 Robert P. Forbes, "Slavery and the Evangelical Enlightenment," in *ibid.*, 68.
- 4 Garry Wills, "Negro President": *Jefferson and the Slave Power* (Boston: Houghton Mifflin, 2003), 5-7; Leonard Richards, *Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 9, 56-57, 62, 96, 111, 127, 132, 138; Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1980), 239; Philip H. Burch Jr., *Elites in American History: The Federalist Years to the Civil War* (New York: Holmes and Meier, 1981), 236-37; Sidney H. Aronson, *Status and Kinship in the Higher Civil Service* (Cambridge: Harvard University Press, 1964), 115; Don E. Fehrenbacher, *The Slaveholding Republic* (New York: Oxford University Press, 2001).
- 5 Richards, *Slave Power*, 2-27; David Brion Davis, *The Slave Power Conspiracy and the Paranoid Style* (Baton Rouge: Louisiana State University Press, 1970), 7-9, 14-21.
- 6 John Thornton, *Africa and Africans in the Making of the Atlantic World*, 2nd ed. (New York: Cambridge University Press, 1998), 211-34, 262-71; Michael A. Gomez, *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South* (Chapel Hill: University of North Carolina Press, 1998), 87, 149-53, 245-51, 262-63, 268.
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- 8 Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South*, rev. ed. (New York: Norton, 1999), 29, 47, 75-76, 120-21, 129; Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988), 49-50, 172-73, 177; Stephen C. Crawford, "Quantified Memory" (Ph.D. diss., University of Chicago, 1980), 162, 169-70; Paul D. Escott, *Slavery Remembered: A Record of Twentieth-Century Slave Narratives* (Chapel Hill: University of North Carolina Press, 1979), 43-48.

ORLANDO PATTERSON

The Ancient and Medieval Origins of Modern Freedom

This essay, by the historical sociologist Orlando Patterson, asks how freedom—personal, civic, and political—became one of the most cherished values in the Western world. Freedom, Patterson argues, is not a universally shared value. Nor is a passion for freedom simply a byproduct of the growth of capitalism. Rather, the ideal of freedom developed during antiquity and through the Middle Ages in direct relationship to slavery and other forms of coerced labor. It was not an accident that classical Greece and Rome, the only ancient societies in which slavery became the dominant labor force, generated an awareness of the value of freedom. The very centrality of slavery in these societies encouraged philosophers, dramatists, and others to reflect on the privileges of freedom and to attempt to rationalize the difference between those who were free and those who were not.

Patterson also stresses the point, a highly significant one, that Western ideas about freedom owe much to Christian theology, and he explores the ways in which various subordinated groups interpreted Christian doctrine. With its emphasis on spiritual freedom, its equation of slavery with sin, and its stress on redemption, early Christianity provided a language for criticizing various forms of coercion.

In this essay, I address two closely related problems in the history of freedom. The first is to understand the presence and pervasiveness of freedom in the early modern West. The second is the problem of continuity—the question of the degree to which the freedom of the early modern world related to or, more strongly, was the product of, the preceding medieval and ancient heritage.

The cultural model and practice of freedom preceded the emergence of capitalism by at least two thousand years and was already deeply and inextricably embedded in both the spiritual and secular domains of Western culture in the sixteenth century, when capitalism began its rapid socio-economic gestation. By "the cultural model and practice of freedom" I mean the following.

First, that a distinct body of ideas and beliefs called freedom can be shown to have existed at any given period of Western history from about the middle of the fifth century BC. Further, these ideas and beliefs have a recognizable subjective coherence, by which I mean that they can be shown to be meaningful and cohere hermeneutically.

What exactly are these ideas, and where did they originate? Here I summarize findings from previous work.¹ Freedom, from its first construction in fifth-century Athens, has always been a tripartite complex of beliefs relating to power. It is the experience and idea of power that gives the belief its meaning and coherence. Freedom is, first, the valorization of liberation or release from the power or control of another agent, usually another person, but also an institution or immaterial force. We are free to the degree that we are no longer under the power of another agent. This is the familiar notion of negative freedom, which some modern philosophers have claimed, prescriptively, to be the only real concept of freedom.² Whatever the logical consistency of their claims, the sociohistorical record indicates that two other notions of freedom have always coexisted with this fundamental idea.

Freedom, secondly, has always also meant the power to do what one wants, to fulfill one's desires with the minimum of constraint. For most of Western history, this positive view of freedom included the power to do with another person whatever one pleased, including bringing about their enslavement. Only in the nineteenth century was the qualification added that one was positively free to do what one pleased so long as it did no harm to others or restrained their own freedom.³

The third notion of freedom is the idea that one is free to the degree that one shares in the public or communal power of one's society. This is the idea of freedom as participation. It was often expressed as belonging or—in more advanced systems—as citizenship. However expressed, the basic idea is that one is free only to the degree that one has the right to share equally in the public life of one's society should one choose to do so. Equality, or equal claims (and responsibilities) in public life, is the central idea here. It achieved its most powerful embodiment in the idea and practice of democracy—the power of the *demos*—but it is important to note that from its very inception in fifth century Greece the idea also embraced the notion of economic equality. Indeed, for most of the sixth century BC in Athens, the formative struggle for democracy was as much a struggle for economic equality as it was for political equality. Nonetheless, by the time it was finally fashioned in the latter half of the fifth century, the emphasis had shifted to political participation and equality.⁴

It cannot be too strongly emphasized that the Greeks saw these three

notions as a tripartite whole focused on the notion of power. Thucydides has left us in no doubt about this, most notably in his account of Pericles' funeral oration.⁵ From Greek times, however, an important sociological aspect of this belief system emerged. While all the major classes of society embraced all three notions of freedom, the priority given to one or the other notion varied across classes. Thus, for the Greek ruling class freedom as power and control was the decisive ideal. Freedom as release from another's control was obviously important, but it was simply taken for granted. And while democracy was accepted, it was viewed with great ambivalence or even disdain, as the writings of the aristocratic theorists make clear. For the mass of freeborn Greek citizens, the main notion of freedom was democracy, or power sharing. Belonging to a free state and to an exclusive community that was considered superior to others was the fundamental experience of freedom. Again, there can be no doubt that ordinary Greeks viewed freedom as power favorably: everyone wished to be a slavemaster and to experience the honor and respect—the *arete*—that was the hallmark of the aristocrat. Unlike the elite, ordinary Greeks did not simply take negative freedom for granted. The era of serfdom and debt bondage and the early sixth-century struggle against it was singed into their collective memory and independence was a cherished ideal—so much so that even working for others was considered a serious attenuation of freedom.

There was, third, the large class of freedmen and resident aliens for whom simple negative freedom was the fundamental note of the triad of freedom. Precisely because it had been denied to many in their previous existence as slaves, this notion achieved greater salience. Nonetheless, all sought to experience freedom as power, the more successful becoming slavemasters and businessmen. To this group, however, freedom as power sharing was denied. This does not mean that they did not desire or valorize it. Indeed, the very fact that it was the one thing that they could never hope to achieve made it all the more valuable, and an exceptional few went to great lengths to become citizens who could participate in the democratic process.

The Greeks constructed two other important features of the culture of freedom that was to persist down to modern times. One was a tradition of discourse about its meaning and significance. From very early we find contesting views about what freedom really should mean, in which different thinkers emphasize or condemn one or another element of freedom. By the fourth century this tradition was well developed and informed a good deal of philosophical thinking, most notably that of the Stoics.

The other, equally important aspect of the culture of freedom initiated by the Greeks was the distinction between inner and outer freedom, along with

contestation about the relative significance of each. Beginning with Plato, we find a tradition that emphasized inner freedom as superior to the outer, physical freedom of the masses.⁶ It is striking, however, that among the Greeks and throughout Western history thereafter, we still find the same tripartite idea when applied to the inner dimension of freedom. Thus Plato simply introjected the outer tripartite notion of freedom to the inner domain, with the same emphasis on freedom as power and control that was typical of his aristocratic class. True freedom, he argued, was escape from and power over the inner slave impulses of one's soul. Others were to follow Plato, but as in the outer world, different groups of thinkers emphasized one or another component of the triad. Cynicism, for example, emphasized inner freedom as pure liberation, in stark and mocking contrast with Plato. Stoicism, which was the most advanced form of thought about inner freedom, also shifted the focus from Plato's aristocratic emphases on control to that of freedom as an inner democracy: perfect freedom was achieved when one's own spirit or soul of reason participated harmoniously with the rationality of world-soul.

How, and under what circumstances, did the Greeks construct this unique tripartite cultural value? I, and others, have argued that the unprecedented existence of large-scale slavery in Greece (and later, Rome) was a necessary condition for this invention.⁷ Out of the evil of slave society came the complex, morally fraught idea and experience of freedom. But, although a necessary condition, slave society was by no means sufficient for the construction of freedom. As I have argued elsewhere, it was the combination of large-scale slave society and the specific features of Greek society, including contingencies of its history, that resulted in this outcome. Unfortunately, we do not have the space here to summarize this process.⁸

After the Greek era, there were two other major developments in the history of Western freedom before the Middle Ages. Ancient Roman society inherited much of the intellectual discourse on freedom, mainly via Stoicism, and added relatively little to this aspect of the cultural triad. In purely conceptual terms, the idea of freedom as a tripartite cultural complex remained focused on power. Freedom as the untrammelled exercise of power was, if anything, even more pronounced in the Roman mind. A common view has it that the idea of freedom as belonging and power sharing all but vanished from Rome by the period of the late Republic, but this view has been successfully challenged by recent scholars.⁹ While the incipient democracy of the early period and the advanced elite democracy of the third century collapsed during the civil struggles of the late Republic, the idea of participative freedom persisted not only among segments of the elite but also among the Plebs. And it has been shown that the

latter expressed their desire for some kind of political influence and recognition in their public behavior; which often took violent turns.

In practical terms, however, the most important development during Roman times was the strong emphasis on negative freedom. Indeed, by the period of the Principate the primary legal definition of freedom was the condition of not being a slave. In this regard, there was a vast expansion of the experience and valorization of freedom in the Roman empire, precisely because slavery was so much more extensive there and the freed population and their descendants such a large (some argue a majority) part of the population. Rome also differed from Greece in the granting of citizenship. Indeed, the manumitted slave of a Roman citizen immediately achieved citizenship. While not democracy in the Greek sense, it must be emphasized that the idea of citizenship does entail some form of power sharing in the broader sense of having claims on, or rights in, the politico-legal community.

It was within the context of imperial Rome that the third decisive development in the pre-medieval history of freedom took place: the birth and rise of Christianity. In its formative, post-crucifixion phase, the primitive church was dominated by freedmen and slaves and, through them, the secular notion of freedom as manumission through redemption. (*Redemption* derives from the Latin *redemptio*, meaning "to be purchased from slavery"). Pauline theology, I and others have argued,¹⁰ simply sacralized the already well-established tradition of freedom as liberation from inner slavery, making it the source for the young religion's theological reconception of the significance of Christ's death. In Pauline Christology, Christ's crucifixion was the price paid to purchase mankind out of its inner enslavement, which originated in the Adamic fall from grace. Freedom was redemption through the blood of Christ. What's more, like Plato and the Stoic thinkers before him, Paul introjected the tripartite secular conception of freedom in its entirety. Thus, he celebrated negative freedom in the letter to the Galatians in a manner that would not be witnessed again until nineteenth-century liberal thought. But he also later emphasized the idea of freedom as power, with the most complete freedom being realized only in the absolute power of God. And, in direct analogy with the Roman freedman's idea of freedom as power through surrender to the absolute freedom of the Emperor in the Imperial cult (dominated by freedmen), Paul's letter to the Romans advocated the idea of true freedom as surrender to the absolute freedom of God. Theologians have long agonized over the differences and possible contradictions between the negative freedom celebrated in Galatians and the austere positive freedom advocated in the book of Romans. However, once we understand how closely Paul modeled his view of freedom on the

secular experience of the Roman freedman, the seeming difficulties vanish. Freedom as surrender to the imperial genius in the imperial cult did not entail the loss of men's cherished negative freedom; it was, rather, complementary to the latter and ensured its survival. Similarly, the freedom that came to the Christian through surrender to the absolute power of God—that is, through a form of spiritual reenslavement—did not imply an abandonment of the negative freedom guaranteed by the salvific blood of Christ, as espoused by Paul in Galatians. Rather, this lesser but still important note of the chordal triad was guaranteed by surrender to the absolute freedom of God.

Nor did Paul neglect the third, participatory note of freedom. It was he who also introduced the idea of membership in the church as participative sharing in the body of Christ, symbolically represented in the sacrament that would culminate in the Eucharist. What Paul wrote of the incipient church—forming the basis of the fully developed medieval idea of the *Corpus Christi*—could, in fact, pass as an excellent description of a democratic polity. The church was “one body and one Spirit” in which “members are of one another” (Eph. 4:25). Of the sacrament he asks: “the cup of blessing that we bless, is it not a participation in the blood of Christ? The bread that we break, is it not a participation in the body of Christ?” (1 Cor. 10:16). That the participative feasting on the body and blood of Christ was an aspect of freedom was made clear by Paul when, a few verses later in the same letter, he urged Christians to liberate themselves from their dietary prohibitions and not be intimidated by the religious prohibitions of others: “for why should my freedom be determined by someone else’s conscience?” (1 Cor. 10:29).

By incorporating the distinctive triadic notion of freedom, Christianity not only became the first, and only, religion predicated on the notion of freedom but also ensured that freedom would remain a central component of medieval Christendom. It was the primary means by which the ancient intellectual heritage of freedom was transmitted to the Middle Ages and modern world. It also facilitated the institutionalization of the ideology of freedom as an autonomous, self-perpetuating cultural complex.



Let us begin our consideration of the progress of freedom during the Middle Ages by recalling that, although freedom was a cultural triad, different classes tended to emphasize one or other notes of the chord. This simple point will explain a great deal about what is otherwise problematic in the medieval experience and conceptions of freedom. I will begin with a consideration of the experience and meaning of freedom for the vast mass of the population.

Between the end of the fourth century and the fourteenth, the mass of rural Europeans experienced an unrelenting oppression, segregable into three phases. Slavery and serfdom were the two primary modes of domination. The two institutions were very closely related; indeed, they mutually constituted each other. As Ste. Croix has observed, slavery remained the model of ultimate exploitation throughout the Middle Ages.¹¹ There were three distinct periods of exploitation, each characterized by a different mode of interaction between slavery and serfdom.

It has now been well established that slavery, in varying degrees, persisted in Europe right down to the dawn of modern times. Indeed, the modern plantation system was in good part a direct sociocultural survival from the slave plantations of the late medieval and early modern world.¹² The history of medieval slavery is a complex matter. Before the feudal revolution of the late tenth century, it fell and then rose in various parts of Western Europe. In France it had become nearly extinct during the late seventh and early eighth centuries. With the renewed barbarian invasions of the eighth century, however, we find it on the rise again throughout the latter half of that century. A similar pattern of decline and rise is found in Spain, where it surged and became endemic after the Muslim conquest. Indeed it has even been argued that for much of the Dark Ages Europe was simply an enormous source of slaves for the Islamic states.¹³ We know from the Domesday statistics that it was endemic in England in the eleventh century, with slave proportions of over 20 percent in counties such as Cornwall and Gloucestershire, meaning that they approached the levels of many of the slave states of the American South.¹⁴ And recent studies on Scandinavia show that not only was slave trading a major economic activity but that it fed a large domestic market in addition to markets for northern European slave women in the Black Sea area and Mediterranean.¹⁵

In the broadest terms, there was a downward trajectory in the enslavement of men from about the middle of the eleventh century, resulting in its absence by about the fifteenth century in a few areas such as England, although it persisted in significant numbers in Scandinavia and went through a revival in Mediterranean lands during the late Middle Ages.¹⁶ Nonetheless, it is critical to understand that, after the waning of these long medieval centuries, the cultural and psychological presence of slavery remained very strong throughout Europe, including places such as England where it had petered out. What is more, as Susan Mosher Stuard has cogently argued, there is an important gender dimension to the story of the decline of slavery in Europe. The story, Stuard argues, is really largely about the ending of male slavery. The enslavement of women persisted in large numbers; indeed, it was on the rise in the great urban

households of the Mediterranean during the late Middle Ages. And, in sharp contrast to the changing meaning of the Latin term for slave in the Middle Ages—*servus* eventually morphing into *serf*—the ancient Roman word for a female slave—*ancilla*—“showed remarkable stability of meaning.”¹⁷ The result was that, not only was the model of classical slavery—the total ownership of one person by another—maintained throughout the Middle Ages, but the meaning of slavery maintained a “powerful resonance” in European culture, even in those areas where the institution had ceased to be of any significance in the agricultural economy.

Serfdom, the predominant system of labor exploitation during the Middle Ages, coevolved with slavery and, indeed, may even be seen as a recombinant form of it. The period between the late fourth and the late tenth centuries witnessed a transition from the large scale latifundic slavery of late antiquity to what may be called a convergent system of serfdom. Most persons were reduced to a condition of semislavery: former slaves “huttled” up to the status of servile tenants, and formerly free persons were reduced to this and other servile conditions.¹⁸

During this period the most popular ancient Roman notion of freedom—*libertas*—persisted. A free person was anyone who was not a slave. This persistence of Roman legal thought and language in regard to servitude and freedom served the interests of the rude, ruling groups or big men of the period. Even as more and more persons were reduced to servile status, an increasing number were declared to be manumitted, or free men. The persistence of slavery made this possible. It is tempting to imagine that the mass of subjected people now being called free were simply duped, but there is no reason to believe that this was so. The simple, stark, negative condition of not being a slave—however slight the socioeconomic difference from the condition of real slavery—had great psychological weight throughout the early Middle Ages. At the very least the free man had a modicum of honor, reflected in his honor price, while the slave had none that he could claim.

The radical disruption that swept Western Europe from the eleventh century entailed fundamental changes in the social and political life of great parts of the more advanced areas of the continent.¹⁹ By the end of the eleventh century, central authority had largely broken down on the continent and lordship replaced kingship in what had become collections of localized aristocratic fiefdoms. In many areas, most notably Spain and large areas of what became France, lordship was exercised with brutal force. In Catalonia, military power replaced law in a regime of tyranny that verged on anarchy.²⁰

A fundamental change took place in the condition and conception of serfdom and freedom during these centuries. Increasingly, power was exercised directly over the person of the peasant rather than through the lord’s proprietary holdings. In this regard, the peasant became more like a slave. More like, but not entirely, for in one other crucial respect the peasant became less and less like a slave, namely, in his sense of belonging to the community. He may have been owned by the lord, and under his complete jurisdiction and power, but there was no longer any sense in which he was an outsider. Indeed, he often went to war with his lord in the defense of their country. This development was reinforced by a parallel development in European slavery. The institution not only slowly declined as a means of production, but changed in character. Increasingly, slaves were outsiders from the east of the continent, so much so that the very word for “slave” changed to reflect the Slavic origin of most of the new entrants. From this period, we find in all the European languages the root term *slav* for “slave.”²¹

This linguistic shift meant that all ambiguity was removed from the term “serf,” with its origin in the Latin term *servus* (slave). In all this, there was a riot of ironies. As we have already noted, the serf acquired a distinct identity at precisely the moment when, in his relation with his lord, he became more like a slave. But another, even more bitter irony was to emerge in connection with this. Because the serf was now clearly not a slave, he could be considered free in the old Roman sense. Nonetheless, it was clear to everyone that this old Latin meaning of the word *free* applied only to serfs. Among the Lords, as we will see shortly, freedom was alive and well; it was captured not in the Roman term *libertas*, which persisted in its old meaning of “someone who is not a slave,” but was a concept unto itself and referred to independence and the capacity to exercise power within one’s domain.²²

The ambiguity was thoroughly exploited by the ruling classes, especially in places like Catalonia, as Paul Freedman has demonstrated.²³ A further complication arose from the fact that not all peasants were serfs in the sense of personally belonging to a lord. A significant proportion of persons lived as tenants on the lord’s land and were bound to him as long as they did so. In such cases, the land, rather than the tenant, was considered unfree, although this meant that the tenant was in a condition of servitude. The distinction was in some places referred to as serfs of the blood, *neifty*, and serfs of the estate, or *tenurial bondsmen*.²⁴

The notion of unfree land, and of unfree status being derived from one’s tenure on such land is a peculiarly medieval concept, and it created enormous

complexity in the conception and reality of freedom during the classic middle centuries of the medieval era. We get a better idea of this complexity if we look more closely at England.

The Domesday records indicate that a substantial proportion of the population was listed as free, including the groups referred to as *villani*, *bodarii* and *cottarii*, the sole reason being that they were not slaves. Between 1086 and 1300 the number of free persons, defined in this classic negative sense, greatly increased, becoming the great majority of the population. At the same time, however, they were not considered *liberi homines*, which denoted a conception of freedom restricted to independent persons, especially lords, who, according to one estimate, made up no more than 14 percent of the population. These two notions of what it meant to be free coexisted right up to the late thirteenth century.

A clear trend can be detected in England, as Jean Scammell shows in her study of the development of knighthood and the gentry in England between 1066 and 1300.²⁵ The idea of freedom as non-slavery became less and less important as the proportion of real slaves declined. True freedom increasingly came to be extended from the condition of not being owned by another to that of not being under the domination of another. To be sure, the classic Roman idea of freedom as not being owned lingered; there is clear evidence for it in the early thirteenth century, and references have been found as late as 1415, but by then it was on the verge of extinction. Before the end of the twelfth century, knighthood was a function rather than a status; it reflected a person who bore arms, supplied by the lords, who themselves controlled all land and arms. Serf-knights were actually quite common during the tenth and eleventh centuries in Western Europe, and as late as 1166 were still being bought and sold like villeins in England. From this lowly status, two broad categories emerged over the course of the twelfth and thirteenth centuries: knights who had no land but were professional soldiers of the lords, lived as military retainers, and were not servile; and knights who owned their own land. The latter group came to form the original gentry of England, and by the thirteenth century a significant number of them owned both their own land and arms. It was from this group that the principle of taxation with consent emerged, for, as King John and other monarchs were to learn, "taxing without consent of people who had the ability to resist tends to be hazardous."²⁶ This nascent gentry soon became as class conscious and as acquisitive as the great lords from whom they had bought their independence, and, tracing a pattern of behavior that was as old as Europe, as soon as they acquired their negative freedom—liberation from bondage to their former lords, usually through monetary redemption—they

sought to exercise their positive freedom by dominating and exploiting the very serf and peasant classes from which they had come. As Scammell wrote: "Having escaped oppression, the gentry had very quickly themselves become oppressors." When John Ball posed his famous question, "When Adam delved and Eve span, who was then a Gentleman?" this was no romantic harking back to an idealized age. It was a straightforward piece of contemporary sociology, and a pertinent political point.²⁷

Accompanying this development were three others. One was the tendency to play down the differences between the many status categories found in the eleventh century, a process no doubt hastened by the newly formed knights-cum-gentry, who found too ill-defined a gradation of statuses too easy a means for the diffusion of liberties and, hence, dilution of the value of their own freedom. The second was to consider serfdom as a condition of unfreedom. And the third was the growing inclination of and effort by the landowning class to abandon the distinction between serfdom based on personal bondage and serfdom based on tenancy on unfree land. By 1266, a clear change in nomenclature had taken place: the remnant of the slave population had largely folded into the category of *villani* and the latter were now regularly listed as unfree.

During the thirteenth century, however, the situation became too complex to speak of Western Europe in general terms. Major demographic, economic and political changes were to take place that interacted in different ways over the continent, with different consequences for the evolution of freedom. We will return to these later. But, at this point, let us pause and take stock of other aspects of the culture of freedom as well as its expression in the other major classes of high medieval Europe.



We have so far considered freedom as a socioeconomic condition and status among the mass of European peasants. Most historians of the Middle Ages tend to refer to this freedom as mere status, as if this was of little significance in the real history of freedom.²⁸ This is a grossly mistaken view; the status component of freedom has always been central to any experience and idea of freedom among the mass of Western peoples. What scholars have in mind when referring to freedom as mere status are questions concerning the existence of freedom as a broader cultural complex. Was it an ideal cherished as a state of being, an inherent quality of the person—and indeed of personhood—rather than simply a description of their status? Such a view implies some recognition of freedom as a more abstract idea. Put another way, were the chronic

struggles between landlords and peasants seen by the latter as something that went beyond mere disputes over land dues and labor services to embrace some notion of a principle that had inherent value, so much so that they would forfeit material gains in its favor?

There is, unfortunately, relatively little data on the state of mind of the peasantry during these long centuries, but much can be inferred from their actions and from the dominant institutions to which they were exposed, and both leave us with little doubt that freedom was a major value among the medieval peasantry. From the earliest periods of the Middle Ages, we find a continuation of the old Roman practice of persons in servile conditions going to great lengths to purchase their freedom, even when such transactions made little sense economically. The case of the purchase of urban freedom by burghers is well known; what is still not sufficiently recognized is the fact that rural communal freedoms were collectively purchased to an even greater degree from as early as the eleventh century. Such collectively won freedom should not lead us to the mistaken traditional view that the medieval experience of freedom was largely a corporate one, for all such corporate liberties had immediate implication for the freedom of the individuals who constituted the group, both at the village and urban level.

However, an even better indication of the individualist nature of the pursuit of freedom among ordinary medieval folks is the alacrity with which they grasped offers of purchase of manumission and the enormous material sacrifice usually incurred in such transactions. Among the best documented cases on record are the manumissions in Senois, France (corresponding to what is now Yonne) during the thirteenth century. In his careful analyses of these records, Jordan has taken us as close as possible to the motivations and mindset of ordinary Europeans and the emotional intensity of their commitment to freedom.²⁹ Pressed for cash and constrained by customary practices, especially the system of fixed rents, the ecclesiastical lord of the region came up with a novel, if pernicious, way of solving the community's fiscal problem. Upon discovering that a significant number of his tenants were not fulfilling all their obligations as unfree persons, or *homines de corpore* of the abbey, and in some cases were even denying that they ever were unfree, the abbot required them to purchase their manumission at enormous prices. In the struggle that ensued we learn a great deal about the nature of bondage and manumission, and the degree to which freedom was valued both materially and emotionally. We learn, too, how limited was the option of running away to the towns; as Jordan notes, "these were real people trying to survive in the familiar world they knew."³⁰ In the end, the peasants paid dearly for their freedom. What they

achieved was more than simply emancipation from their lord. The dispute had been resolved only after the intervention of the crown. And what this meant was that the freedmen's status had powerful legal and political recognition, was enforceable in the courts, and entailed "a widely agreed upon set of liberties for free people that were enumerated in a whole range of documents besides manumissions."³¹

A remarkable feature of the behavior of the *emancipati* reveals the deep emotional force of freedom. A large number of them, during their bondage, had been named *Felis* or *Felise*, which turned out to be names of debasement, similar to the mocking classical names given to American slaves. And, like American ex-slaves, every single one of the manumitted on which records exist abandoned the despised name for new ones which reflected the dignity of their dearly bought freedom. As Jordan in his explicit comparison with the behavior of black American slaves notes: "it is one way to demonstrate that rustics' concern with heirship transcended mere considerations of property and gave an ardor even to the nonviolent achievements of freedom."³²

Whenever the opportunity to acquire freedom arose, European peasants grasped at it even when the economic consequences were questionable. Take, first, the case of the landless peasant. A great shroud of ignorance hangs over this group. It was clearly much larger than commonly imagined. In the case of thirteenth-century England, it has been estimated by Hatcher that households renting land directly from landlords constituted perhaps as small as a half of all peasant households and no more than 75 percent, of whom at most 60 percent were unfree. "Household holdings by unfree tenure," he concludes, "may well have constituted little more than a third of total households."³³ Most of the remaining two-thirds of households that were free—either *de jure* or *de facto*—would have been landless or subtenants.³⁴

Another major indication of the enormous value placed on freedom among the rural masses of Europe is the eagerness with which they engaged in the great land reclamation schemes that took place all over Europe between the eleventh and the thirteenth centuries. This was part of a broader transformation of the European agricultural economy that saw the demise of the early manorial system, a change prompted by a combination of demographic growth, the rise of agricultural prices, increased agricultural efficiency, the monetization of services, and the growth of towns. While peasants hoped to improve their economic situation by participating in this reclamation, there can be little doubt that a primary motivation was the greater freedom they gained in these new settlements. Indeed, although less well known today, the rural counterpart of the famous dictum of urban liberation—*Stadtluft macht frei*—may have

been more important to peasants of the twelfth and thirteenth centuries: *Rodung macht frei*, or freedom through land clearance.³⁵ All over Europe, but especially in the regions that are now Holland, Belgium, northern and eastern Germany, southwestern France, and Switzerland, *Rodungsfreiheit* was the motivation for the great waves of land clearance and resettlements, some culminating in autonomous peasant communities and peasant republics such as Dithmarschen—located between the lower Elbe and northern Frisia—that marked the high point of peasant freedom in the history of the West.

No other aspect of medieval life better expressed the peasants' strong valorization of freedom than their long history of resistance to serfdom. Marc Bloch long ago emphasized the fact that peasant revolts were not merely infrequent aberrations but an entrenched feature of medieval life, the equivalent of strikes in modern capitalism.³⁶ Resistance, however, was not confined to open revolts. Far more frequent, and in the final analysis, more effective, were the many other forms of resistance, ranging from passive forms of disobedience, such as foot-dragging, to flight and theft.³⁷ Students of medieval peasant revolts are left in no doubt about the "centrality of serfdom in peasant unrest," their deep resentment of it and wish to abolish it.³⁸ "The desire for freedom," wrote Hilton, "is continuously present in peasant movements."³⁹

An interesting feature of medieval peasant resistance was the way in which they molded tradition to their own ends in their pursuit and justification of freedom. In nearly all revolts throughout Europe peasants invariably insisted on an invented golden past with an ancient liberty that they wished to restore.⁴⁰ This sense of a "lost freedom" was a powerful motivating force, driving peasants to regain it at great economic costs.⁴¹ Catalanian peasants regarded their servitude as exemption from "bad custom," which "had become the emblem of personal freedom and self-government for municipalities by the early thirteenth century."⁴² They deployed both Christian doctrine and invented history in their epic struggle for freedom.⁴³

A variant of this notion of lost liberty was the belief that it had been guaranteed by a direct relation to the crown and that its loss had come about as a result of the intervention of lordly feudal power. Thus the pursuit of freedom was allied to the very traditional reverence for the king, especially in England. Dyer's analysis nicely sums up this belief:

The widespread and persistent recourse to the plea of 'ancient demesne' by tenants who were not technically eligible for the privilege suggest a general belief in the possibility of recovering primeval freedom. Peasants must have been convinced . . . that the king had once been everyone's lord, and that

they could reclaim their freedom through a direct relation with the crown. What at first seems to have been a specific and narrow plea for special privileges could be interpreted as a legally presentable argument, behind which lay hopes of universal liberty.⁴⁴

Dyer's last sentence points to another important feature of freedom consciousness among medieval peasants that comes out powerfully in their revolts. It is the fact that it may well have been the peasants of the Middle Ages who made the first secular breakthrough to the idea of freedom as a universal principle, and not the intellectuals, urban merchants, or lords—the Ockhams, Magna Carta barons, or rising burghers—favored by historians of both the right and the left.

Two striking features of medieval peasant revolts strongly support this claim. The first is that they were led and largely supported not by the serfs and lowest orders of society but rather by the most prosperous and technically free peasants. This is true of the great peasant revolts of the fourteenth, fifteenth and early sixteenth centuries that were a major element in the decline and passing of serfdom in Western Europe: the bloody revolt in Maritime Flanders between 1323 and 1328; the widespread revolt of the *Jacquerie* in France in 1358; the great English rising of 1381; the sustained revolt of the *Remences* in northern Catalonia between 1462 and 1486; and the highly organized and ideologically driven revolt of the German peasants between 1524 and 1525.⁴⁵ As was true of the history of many modern strikes, it was precisely when demographic and changing economic factors improved the bargaining power of the peasants, as occurred during this period, that they were most likely to revolt. Brenner states the issue cogently: "It was the logic of the peasant to try to use his apparently improved bargaining position to get his freedom. It was the logic of the landlord to protect his position by reducing the peasants' freedom. . . . It obviously came down to a question of power, indeed of force."⁴⁶

The second remarkable feature of these revolts is the fact that even though they were led by peasants who were already free and even prosperous, their primary demand was nonetheless the abolition of serfdom and freedom for all. Thus, the rebellion of the peasants of Stellinga in Saxony in 841 was essentially a revolt against the imposition of Frankish feudal rule. The long resistance of the *Stedingers* during the early thirteenth century was primarily a defense of the freedom and independence they had previously gained in administering their own village affairs and cooperative institutions. The same was true of the peasant communities of Dithmarschen who, unlike the *Stedingers*, successfully resisted the military assaults of the territorial rulers and preserved their

political autonomy until well into the sixteenth century. The revolt of the Flemish peasants from 1323 to 1328, which was originally motivated by outrage against the excessive taxation of the judicial authorities, "soon developed into a universal protest of assertive peasant communities who held much more far-reaching goals."⁴⁷ "Peasant enthusiasm for freedom" is clearly demonstrated in the demands of the peasant rebels of 1381. Hilton finds it "remarkable that the demand for it should be first on the list of rebel demands when villeinage was economically and socially a good deal less irksome than it had been in the thirteenth century."⁴⁸ In like manner, in "both Catalonia and southwestern Germany, the key conflict was over servitude . . . and its attendant indignities."⁴⁹ We fully concur, then, with Hilton's conclusion that "the concept of the freeman, owing no obligations, not even deference to an overlord, is one of the most important if intangible legacies of medieval peasants to the modern world."⁵⁰

Thus far, we have seen that peasants in the Middle Ages had a well developed notion of two of the three elements of freedom identified earlier in our discussion of the ancient world. They had a powerful sense of negative freedom as escape from the often abusive power of their overlords. At the same time, freedom was conceived of in positive terms: it meant a degree of economic security, access to non-servile land and the substitution of money payment for corvee; and it entailed the preservation of "good custom" such as the liberties of access to the commons and, especially in England after the twelfth century, the capacity to enter pleas in common courts. Of course, freedom then (as now, in practice) was always relative. Some had more immunity from the lord's coercive power than others. Indeed, for most freedom required a measure of dependence since this was the price paid for the lord's protection; and without the latter there would be no freedom whatsoever. As Bisson observes, "security of possession" was often what mattered.⁵¹

And what of the third note of freedom—power sharing, or participatory freedom? Clearly, this was the component of freedom that was least experienced by the mass of peasants during the Middle Ages. It is here, however, that we must be most careful not to commit the error of anachronism. If we define power sharing in modern democratic terms, then clearly no such thing existed in the Middle Ages. Nonetheless, one may reasonably make the claim that notions of communal participation and collective power sharing did exist both as an ideal and in practice among the more prosperous of the peasantry in many parts of Europe, especially Germany, during the Middle Ages.⁵²

The village commune was generated mainly by the need to act cooperatively in securing rights to the commons against the lords and in meeting the demands of the three-field agricultural system; such cooperative action was also required in making road repairs, draining swamps, and maintaining communal assets such as wells. In many areas, such cooperative and associative activities evolved between the high and late Middle Ages into the village commune, or "the village community as a body politic" having a legal and administrative identity as formalized in a village charter.⁵³ Especially in the Verdun region of France and the Moselle and Rhineland regions of Germany, it is no exaggeration to refer to these rural communes as quasi-democratic jurisdictions, since the councils of adult males exercised liberties such as the election of their village assemblies, mayors, and magistrates; the passage of village laws; and the management of village budgets. Remarkably, they sometimes even chose their own priests. The elected village head, who administered the affairs of the village, was a precursor of the modern American city manager. Enfranchised villages emerged especially during the high Middle Ages when landlords had to entice their tenants into not leaving for new settlements.⁵⁴

The important point to remember about these communities is that they were primarily motivated by "a desire on the part of the group's members to come together in order to organize and govern themselves," according to Jeanine Quillet; "their social organization is part of the process of redistributing political power."⁵⁵ The fact that the freedom recognized was a collective one made these local village polities no less democratic than their modern counterparts. Indeed, a strong philosophical case could be made for the argument that the general will of the community was more accurately followed in such corporately enfranchised bodies. What's more, such a corporatist, participative conception of democratic freedom was closer to the pristine ancient Greek model of the relation between the individual and the polity than is the modern instrumental liberal view, which sees democracy as electoral restraint on a threatening state and downplays civic participation.

The second point to note, however, is that such a conception of the relation between the individual and the polity is not in any way a denial of individual identities or of the individual experience of freedom. In the final analysis, all social entities are made up of individual agents; and individuality and individual rights can be experienced either in a world conceived as a collective entity, in which the social good is paramount, or as an aggregate of self-interested isolates. We can get some idea of what the localized participative democracy of the medieval village was like by looking at the closest historical counterpart to it surviving in the modern West, the remarkable case of the Swiss canton of

Graubünden (historical Raetia), brilliantly analyzed by Benjamin Barber.⁵⁶ Independent in some form since 1291, Graubünden is typical of the highly decentralized local democracy found in Switzerland, exercising far more power than that of the federal government—a near perfect analog of the medieval manor and enfranchised villages and towns that existed within the framework of weak monarchies. In sharp contrast to the antistatist individualism of the Western liberal view of freedom, the conception of freedom that we find surviving here “has been understandable only within the context of community.” Freedom is guaranteed not by a bill of rights but by direct participation in local cantonal assemblies, which “lend to citizenship a sense of public virtue and collective responsibility unknown to representative, pluralist democracies.”⁵⁷

Raetia emerged as a semiautonomous commune in much the same way that similar enfranchised units did during the high Middle Ages. It began as an effort by the feudal nobility to impose jurisdictional control over a cluster of village communities, which unwittingly initiated the politicization of the peasants. Barber argues that in the course of the long contest between “neighborhood autonomy and feudal hegemony,” the peasant achieved a level of political consciousness that permitted him to “explicitly relate his quest for personal autonomy and collective independence with the securing of such particular political conditions as the absence of arbitrary external constraints, active political participation in his neighborhood, a dynamic consensus both within and between the communes, and a voice in the institutions that affected his life.”⁵⁸

Our consideration of the rural commune leads naturally to the next major source of freedom among the nonaristocratic masses of medieval Europe, namely, the urban communes. The role of towns and cities in the evolution of freedom is well known, indeed too well known, because recent research suggests that it has been exaggerated. The impressive growth of towns between the late tenth and the mid-fourteenth centuries was, in fact, part of the same historical process that generated the growth of rural communes and grew out of the same associational structures—guild confraternities, craft cooperatives, and other cooperative organizations. Similar to the rural communes, the motivation for the towns’ development was the desire of lords for trade and commerce in or near their domains, and the yearning for freedom and mobility on the part of the members of fraternities and guilds as well as wandering merchants.

While in a few areas of Europe—most notably northern Italy during the

thirteenth century—cities became islands of liberty for the merchants and other guildsmen who dominated them, the historical stereotype of medieval urban centers as fountainheads of European liberty must be sharply qualified. In the first place, the degree to which they attained even collective freedom and autonomy varied considerably over the continent. England stood at one extreme, having the least degree of autonomy, followed by France; at the other extreme were the city states of northern Italy.⁵⁹ Even where a fair degree of collective liberty was achieved, it was enjoyed at the grace of the local lord in whom ultimate power remained. The limits of urban collective liberty is well illustrated by an incident that took place in twelfth-century Flanders, which for two centuries had acted like an autonomous state although legally held in fief from both the French and German crowns. In 1127 the local count, William Clito, turned up with his retinue at a fair in Lille, spotted one of his runaway serfs, and ordered him arrested and sent back to the fields. The burgesses came to the defense of the serf, overpowered Clito, and chased him out of town, thereby preserving the principle that *Stadtluft macht frei*. It was a shallow victory: Clito returned with a superior army, forced the town into submission, and ordered it to pay him a huge fine for its insolence. Feudal might trumped urban liberty.⁶⁰

A second important qualification is that the collective liberty of the town was realized in individual terms by only a minority of the privileged in what were highly stratified communities. Hohenberg and Lees states the matter bluntly:

These were not egalitarian communities. Whatever internal peace and order they achieved came at the cost of systematic repression. Although we associate medieval communes with early advances toward freedom and democracy, they were also citadels of blatant privilege and nit-picking interventionism. Moreover, political inequalities increased over time. Similarly, while the air of the city was held to naturalize the rural stranger, cities were typically xenophobic as well as faction-ridden.⁶¹

Indeed, the three orders of the broader society—clergy, warrior/leader, and worker—were represented in the medieval towns either directly or through surrogates. The third order itself was highly stratified, different guilds varying widely in prestige and power. And, if it is wondered why it was that more serfs did not flee to the celebrated free air of the city, a brief look at the desperate condition of the urban poor provides a ready answer. Available quantitative data suggest “a lurid picture of golden affluence juxtaposed to abject poverty.”⁶² Ironically, the very success of the towns led to sharp class divisions

within them, sometimes resulting in proto-proletarian revolts and the eventual alliance between the successful merchants and the rural lords from whom their ancestors had bought or wrested their autonomy and liberty.

The importance of towns for our argument is that they were another major site for the valorization and perpetuation of the value of freedom. That the majority of persons did not experience much liberty is beside the point—the fact that the great majority of Americans are not capitalists does not vitiate the claim that America is the quintessential capitalist society and that capitalism is strongly valued and idealized by nearly all Americans. While town residents never completely removed seigneurial power, and in most cases had to contend with only a share of freedom, they nonetheless stood in the midst of the medieval world, alongside their rural counterparts as visible islands of enfranchisement in the ocean of seigneurial domination. And, like the rural communes, towns were living demonstrations of the fact that the lords could not rule by naked force alone, that their own self-interests required them to compromise by granting the carrot that people most wanted and for which they would pay dearly: freedom.

Let us turn, finally, to the most powerful order of medieval society, the aristocrats, and to their notion of liberty. This is the easiest of our tasks, since a great deal has been written on the subject. There can be no doubt now that medieval aristocrats had a highly developed sense of freedom, which bore striking parallels to ancient elite views (though with distinctive medieval coloring) and formed the basis of the early modern elite conception of freedom that was the ideological engine of the agrarian capitalist revolution. I have elsewhere referred to the aristocratic view of freedom as sovereign liberty. Like all other conceptions of freedom it was tripartite in nature: freedom meant immunity from the power of a superior; the capacity to exercise power within one's domain; and, in regard to levels of political community higher than one's domain, the insistence on some degree of power sharing and representation.

By the twelfth century the free man—the *liber homo*—was one who had a concrete set of negative liberties and positive privileges. He was guaranteed by oath and franchise immunity by the higher authority from interference in his claims to his land and other possessions. In the feudal context, this guarantee was the reciprocal of an oath of loyalty and military support. Such reciprocal dependence was in no way considered a mark of unfreedom or a restraint on individuality, and it ran through the entire vertical hierarchy of lordship from king to minor knight.⁶³ The Germanic (and feudal) warrior insisted on his

freedom from restraint; and the personal character of feudal ties meant that individual claims could be based upon the specific sworn obligation of lord and man to uphold each other's rights (*iura*), notably with respect to person and property. The feudal oath, having defined such obligations, implied that "a man walks freely provided he observes the common law."⁶⁴

The most ancient and fundamental notion in the aristocratic view of liberty was "tenurial immunity."⁶⁵ Originally, lordly power and liberty focused on the land over which the lord was allowed to claim ownership. Indeed, during this earlier period, reference was made as frequently to the freedom of the land as to the freedom of the individual. A crucial change eventually emerged—starting in the eleventh century—in which the notion of *dominium*, now identified with lordship, shifted from the things or persons possessed to "the person in whom this power or authority inheres."⁶⁶ The idea of freedom thus became focused on the "individual citizen in his proper sphere of life," holding the charter of immunity and his own inviolability.⁶⁷ Harding argues that this development marked the shift of the conception of liberty from a concrete set of privileges to a more abstract and individualistic idea. This may have been true for the aristocrats and the intellectuals who wrote for and about them. However, I wholly reject Harding's suggestion that this was the defining or only transition to the notion of freedom as a quality of the individual. As we have seen, the ordinary medieval peasant and his urban counterpart came independently to his critical intellectual transition in the history of freedom.

Like the commoners who emphasized political participation and control as a fundamental aspect of their freedom in the commune, the aristocratic classes all over Europe came to see such power sharing as a fundamental element of the chord of freedom. Of course, this was only relevant and meaningful where there was a hierarchy of communal powers. In those parts of Europe where all forms of broader state authority had effectively collapsed, especially in what are now Catalonia and Germany during the eleventh and twelfth centuries, the local manorial power of the lord was the only governmental power, and his *liberalis potestas* meant the free exercise of absolute power over all those who resided within his domain.⁶⁸

Where lordly power was nested in broader political entities the issue of representation and participation inevitably became important aspects of aristocratic liberty. The greater the relative strength of the crown, the more important this aspect of liberty became. Hence, it was precisely in England, with its precocious post-conquest royal power, that representation became salient. Interestingly, feudalism in such contexts, by emphasizing mutual consent, promoted the idea that there were constraints on the power of the sovereign,

namely, his sworn obligations to his lordly vassals; and it also suggested the principle that government was based on contract.⁶⁹ It is in this context that we must interpret the various charters between king and aristocrats, the most celebrated of which is *Magna Carta*. It should be made absolutely clear at once that nothing in these struggles over representation and taxation implied any notion of popular sovereignty. The political community was exclusively confined to the king and his aristocratic subjects, and the liberties won were theirs alone. The popular Anglo-American view that *Magna Carta* began a process that culminated in the revolutionary principle of parliamentary sovereignty is pure historiographic mythology.⁷⁰

Parliaments emerged in nearly all the kingdoms and principalities of Europe from the late thirteenth century. Invariably, these legislative bodies resulted from the needs of the rulers for money, administrative support, and advice. "War," of course, "was the compulsive urgency behind administrative experiment".⁷¹ Inevitably, maintaining a parliament came to be seen by the aristocrats as a right, especially when the process was accompanied by requests for tax revenues.⁷² Parliaments were also a means by which kings could keep abreast of the ways in which the liberties they had granted were working in practice.⁷³ A distinctive feature of the late medieval English parliament was its bicameral nature and the relatively large number of administrative chores it was required to perform. Even so, contrary to Whig historiography, there is no evidence of any ideology of constitutionalism in the late medieval parliament, and certainly nothing approaching parliamentary sovereignty before the seventeenth century. As McKenna baldly put it: "to the question, 'Who ruled medieval England?' the answer still remained: the king."⁷⁴ In the unique case of Britain, what triumphed in the end was "administrative convenience" and the advantage it provided to those burdened with it.⁷⁵

While there was little or no continuity in the parliamentary structures and ideologies between the high Middle Ages and what were to emerge much later in Europe, fundamental principles were established which later parliaments and freedom fighters could use both as bases for further demands and as legitimizing points of reference. For Coke in the seventeenth century, as well as for Blackstone and others seeking, in later centuries, continuity in English laws relating to freedom, *Magna Carta* was transformed into a "sacred text." As Holt cautions, however: "For the modern historian it is a statement of liberties rather than an assertion of liberty; a privilege which was devised mainly in the interests of the aristocracy, and which was applicable at the widest to the 'free man'—to a class which formed a small proportion of the population of thirteenth-century England."⁷⁶

Nonetheless, we should be careful not to be too skeptical in our interpretation of the historical continuity—as distinct from the invented, retrospective continuity—of such achievement of privileges. As Holt himself later goes on to point out: "In the long run the sale of privilege whetted and even created an appetite for liberties. Men came to think that what they obtained by purchase should be theirs by right, and that what some could buy should be equally available to all."⁷⁷

■ We have seen repeatedly an underlying tendency to transform purchased liberties and privileges into inherent rights among aristocrats, a tendency paralleled among the peasants with their claims of ancient "good custom." We find also a closely related tendency to believe that rights acquired should be available to all, or at least to all members of one's group. Again, this is even more true of peasants than of aristocrats; recall the remarkable insistence on the abolition of serfdom among peasant leaders who were already several generations removed from serfdom, or the call for freedom for all among peasant rebels. A similar tendency could be found in regard to urban dwellers and even to guilds. Confraternities began as exclusive organizations jealous of their "eternal brotherhood"; but from very early we find jurists insisting that their membership should be open and voluntary, "thus affirming in embryonic form the principle freedom of association."⁷⁸ Underlying these two tendencies was the thrust—clearly discernable over the course of medieval history—toward a generalized conception of liberty, one that transcended the particular liberties and privileges over which people fought in specific contexts.

We must now ask what it was that prompted these tendencies. After all, serfs and peasants revolted all over the world, and aristocrats, similarly, struggled with their rulers. Yet, only in the West do we find this extraordinary insistence on the interpretation of such struggles within a distinctive cultural and ideological frame, that frame being the thing called freedom. What was behind this cultural propensity?

The answer is simple and incontrovertible: the religion that dominated the civilization during these long centuries. Christianity was the great intellectual, spiritual and organizational source of the culture of freedom in the Middle Ages, as it was to remain in early modern Europe. It was the institutional repository of ancient views of freedom and, as such, the channel of continuity with the ancient tradition of freedom. But it also influenced the course of freedom in other ways related to the medieval context: in its own organization, and in its political and social relation to the secular world.

It is all too easy to be cynical—and mainly wrong—about the role of Christianity in the medieval history of freedom. There is no doubt that the religion worked, both doctrinally and organizationally, as a close ally of the ruling classes throughout the Middle Ages. Pauline theology, especially the letter to the Romans, and the writings of the church fathers, especially Augustine, were reinterpreted in full support of the hierarchical ordering of medieval society. Even the heavenly society of Augustine—the most powerful influence on medieval doctrinal thought—was an organic hierarchy with different ranks of saints in which “the less rewarded will be linked in perfect peace with the more highly favored.” As Van Engen recently observed, churchmen “often turned forms of social domination into spiritual virtues, depicting peasants as people redeemed by their work and their submission to lordship.” Power, or rather, powers, were central to this worldview, and the lords who exercised them were implored to exercise their lordly freedom as “ministers of God.”⁷⁹ What’s more, the church’s own organizational structure and behavior was a model of the hierarchical distribution of power, both within its ranks and in its secular dealings with its peasants, serfs, and slaves.

But there was another side to all this. In doctrinal terms, it must always be remembered that Christianity was, fundamentally, a religion of freedom. Its core idea was redemption—spiritual freedom—through the salvific blood of Christ. As we have already mentioned, this soteria was the foundation of Paul’s introjection of the tripartite secular view of freedom as the exercise of absolute power, the release from power and the participation in power. Medieval churchmen could, and did, argue that the exercise of lordly power was a form of freedom. The ultimate model of such freedom was the power of God, in submission to which the Christian partook of this divine freedom.

Viewed within the broader context of the entire Western history of freedom, there was nothing in the least abhorrent about the idea of lordly power as an element of freedom. It is an idea that would have been readily understood by elite Greeks and Romans;⁸⁰ and, although in much disguised form, the notion of freedom as the power to do as one pleases, including power over others, is alive and well today, although the means by which one legitimately does so requires indirect domination through the control of property or powerful corporations.

Medieval churchmen knew very well that lordly freedom, to be anything other than gross domination, had to be placed within the trinitarian structure of the other two notes of the chord of freedom—the negative note of redemption from bondage, and the egalitarian note of participation in a collective body. Here is where the church not so much failed as fudged or fell into

internal dispute. Conservative churchmen were fearful of any such secular projection of the other two elements of the freedom trinity. Redemption was to be wholly a spiritual matter; and the equality before God was to be experienced entirely in the corporate body of Christ. Indeed, those who dominated church doctrine for these long centuries were so fearful of the secular implications of these two notes of the chord of freedom that every effort was made to keep Christian doctrine, and the Gospels themselves, from the masses, primarily through the use of Latin.

It did not quite work. At the theological level, there was always a minority of churchmen who rejected the hegemonic view of the Christian doctrine of freedom and insisted on expressing it in its entirety, in both spiritual and secular forms. Among more moderate churchmen, the Christian egalitarian tradition and the component of Pauline doctrine that extolled negative freedom—redemption—in spirit and emancipation from bondage in the temporal domain—both powerfully celebrated in the Letter to the Galatians—was expressed in several ways throughout the Middle Ages.

One was the role of the church in curbing the savagery and oppression that emerged over continental Europe with the collapse of all central authority and the rise of feudal anarchy between the eleventh and twelfth centuries.⁸¹ Using its spiritual authority, the church led a mass movement, the Peace of God, against what J. P. Polly calls the “savage harmony of aristocratic liberty.”⁸² There was enormous gratitude and enthusiasm among the masses for the church’s role in bringing them relief from afflictive lordship exercising absolute freedom unrestrained by any recognition of public order and participation or of the negative rights of others (protecting them from abuse).

Even more important, though less easily documented, was the achievement of moderates in regard to the moral legitimacy of serfdom. Church authorities had no option but to accept the institution; indeed, the church was in many places among the largest owners of serfs or other persons in unfree tenancy. It would be a mistake, however, to conclude from this that serfdom was fully legitimized or considered morally acceptable. While the great leaders of the church—most of whom came from the aristocratic classes—may have fully rationalized serfdom, the situation was quite different among many of the lowly parish priests or the members of the monastic orders. These monasteries were located in rural areas within the heart of the peasantry, and it is they and their attitudes and organizations that were in most direct contact with the peasants and serfs. Many monks were also no more than a generation removed from the peasantry. It is these monks who over the course of the Middle Ages, by their teachings and their own lifestyles, came to sanctify work.⁸³

A far more radical Christian tradition existed which both contested the religious legitimization of isolated aristocratic liberty and emphasized the egalitarian teachings of the Gospels. Occasionally, such contestation could be found even among the learned, who, on the whole, supported lordly power and freedom. Philippe Buc has shown that there was a "reformist milieu" in northern France during the twelfth century that strongly contested the legitimization of aristocratic freedom in a "politicized debate, in which influential commentators of the Bible reactivated the negative face of *potestas* and *dominatio*."⁸⁴ Potentially radical too was the Church's doctrine of natural law, the "*Ius Naturale*," and its relation to the law of nations, the "*Ius Gentium*," which the church inherited from ancient Roman legal thought, especially Stoicism. Natural law was inherent in human nature and deducible through pure reason. It was rarely achieved, being approximated, instead, by the law of nations.

The history of the church's discourse on natural law was a critical factor in the history of both medieval and modern freedom. It was left to rebel peasants and their leaders, however, to draw out the most radical versions of the Christian gospel of freedom. All students of peasant revolts during the Middle Ages have found that a radical version of Christianity directly informed and inspired their movements.⁸⁵ One remarkable document that accompanied the demands of the *Remences* of the dioceses of Old Catalonia in 1450 makes clear not only the centrality of Christian doctrine in the peasants' demand for the abolition of bad custom, but the awareness among them of the doctrine of the *Ius Naturale* and of the radical identification of it with the law of God. The document also very nicely demonstrated how the relation between *Ius Naturale* and *Ius Gentium* could be given a radical interpretation. Freedman writes:

The notion that the Gospel confers rights of personal liberty on Christian believers . . . would be found elsewhere in late medieval Europe. What was unusual in this record is its response to arguments derived from history that sought to justify seigneurial privileges over a subjected rural population. . . . The prologue begins by contrasting divine grace with human law. Christ's sacrifice freed humanity from servitude and restored to fallen mankind its original liberty. Human beings, by nature free, had been degraded by the law of nations in historical time.⁸⁶

One strongly suspects that the anonymous author was a renegade priest. As Hilton pointed out, a large number of peasant revolts were led by such members of the lesser clergy.⁸⁷ Hilton cites a late medieval clause which epitomized the Christian foundation of the ideology of revolt among peasants throughout

medieval Europe: "We pray that all bonde men be mad ffre [i.e., made free] for god made all ffre wi his precious blode shedding." ⁸⁸

What all this indicates is that, in spite of the effort of church leaders to keep the Gospel a secret from them, peasants throughout medieval Europe were fully aware of its contents and were disabused of lordly attempts to impose a conservative interpretation of the Gospel on them. How did they gain access to such knowledge? I think medievalists have made far too much of this issue. A debate of several decades continues over the question of whether, as revisionists believe, the religion of the mass of peasants during the Middle Ages was largely a jumble of folk beliefs concerning relics, pilgrims, saints, and either semi-pagan superstitions or safe homilies handed down to them by semiliterate parish priests; or whether, as we have indicated above, and as was traditionally thought, they were knowledgeable about Christian doctrine.⁸⁹ Van Engen brilliantly debunks the revisionists as well as scholars such as the Brookes who have been too intimidated by them.⁹⁰

There were two other important ways in which the medieval church powerfully influenced the history of freedom. One was its insistence on and eventual triumph in establishing the principle of the duality of powers—the view that there were two powers, one temporal and the other spiritual; and that they were independent of each other and supreme in their own sphere. Twelfth-century political theory was largely preoccupied with the nature of the relation between these two spheres, or "swords," as they called them.⁹¹ In practice, dualism could be, and was interpreted in different ways. Watts argues that there were two competing models: hierocracy, the claim that the spiritual was dominant and had greater authority; and caesaropapism, the view that the king, as vicar of God, was invested with more power. There was, of course the model of complete equality and independence—dualism—which, as one would expect, rarely operated in practice.⁹²

The theory and practice of dual powers was extremely unusual in human history. Indeed, it may have been unique to Christendom, and it had vast implications for the history of freedom in the West. In the first place, it established the principle of divided authority and the idea that there were limits on the power of secular rulers. The church exercised moral and spiritual power, which could be as powerful as great armies, and it did not hesitate to use it when necessary. Second, there inevitably arose conflicts between the secular and spiritual powers, since each deeply believed that it was, or ought to be, superior. The greatest such controversy, of course, was the investiture crisis of the late eleventh and early twelfth centuries.

What is significant is the fact that the church from the very earliest times, expressed its defense of its power in terms of freedom: the *libertas ecclesiae*. It was a conception of freedom that most completely expressed the notion of freedom as absolute power. Because there was no limitation on the absolute freedom of God, and given that the church was founded by Christ, through whom it shared God's absolute freedom, there could be no secular authority that had the right to challenge its liberty.⁹³ The church's tenacious defense of its liberty had two important consequences for the temporal order. As Tierney and others have pointed out, the church's insistence on its freedom encouraged the development of free institutions in the temporal world.⁹⁴ In becoming a separate estate within the medieval kingdoms "with its own rights and privileges," the church offered a model to other estates claiming similar rights and charters of freedom. This was true not only of the nobility but sometimes also the peasants, the most striking example of which was the way in which the investiture crisis immediately encouraged dissent, not only among the German nobility aligned against Henry IV but among the mobilized masses who demanded a new relationship with their lords in what Leyser calls "the first religious mass movement in Europe."⁹⁵

Finally, and most importantly, the church, in defending its freedom and in developing its own ideas about church governance and canonical jurisprudence, created a rich vocabulary of concepts that were eventually adapted by secular thinkers for both radical and conservative ends. Tierney considers this to be the most important contribution of the Church toward the development of modern freedom.⁹⁶ Later theorists of divine rights of kings found an abundant harvest of terms in the canon lawyers' many discourses on *plenitudo potestatis* (fullness of power) and *libera potestas* (unlimited power).⁹⁷ However, the canonists also explored the constitutional limitations on the pope's exalted power. The idea that there was an "unwritten constitution of the church, the *status ecclesiae*, and the liability of the pope to err" proved potential grist for the mill of later constitutional theorists.⁹⁸

It is important to point out that all aspects of church doctrine, not just the canonists discourses on church governance, were to influence later political thought. As Ernst Kantorowicz brilliantly demonstrated years ago, European political thought, including every idea about freedom worth preserving, began as political theology "hedged in by the general framework of liturgical language and theological thought." Theories of kingship were often no more than secularized Christologies. What's more, this tradition of borrowing wholesale from church discourse did not end with the late Middle Ages. There was a

"crypto-theological" quality to almost all European political thought right through to the end of the seventeenth century.⁹⁹

And in no thinker was this tradition of secularized theology more evident than in John Locke, whose writings are generally considered the foundation of the modern liberal doctrine of freedom. The traditional views of Locke as the theorist of agrarian capitalism and the rising bourgeoisie, or of the Glorious Revolution and the newly emerging order, are no longer tenable. What modern analysts have come to recognize is that Locke was a profoundly religious man, and the key to understanding his doctrine of freedom is appreciating where and how it fits into his religious worldview.¹⁰⁰ Locke's doctrine of freedom is, in many ways, the last great political theology of the Middle Ages, even as it stands as one of the greatest founts of modern contractarian theories of freedom.

This reinterpretation of Locke is consistent with the reinterpretation of seventeenth-century British history generally as a period moved primarily by religious forces— theological, intellectual, and sociopolitical.¹⁰¹ The English Civil War, for example, while profoundly important for the history of liberty, can no longer be seen as the agent of nascent bourgeois capitalists. It was, in all important respects, a religiously inspired revolution that opened the way not for the bourgeoisie—their moment was still over a century away—but for the entrepreneurial section of the British aristocracy, whose push toward a radical restructuring of the British economy was a natural outcome of developments that go back to the late Middle Ages.¹⁰² Agrarian capitalism was the joint product of the British aristocracy, in pursuit of new ways of exercising their sovereign power and liberty, and of the British masses, whose eager embrace of the widened freedom offered by post-plague Britain resulted in their being hoisted by their own petard. The Reformation, and the emotional, intellectual, and political ferment it unleashed, was the social opening that allowed the British aristocracy to take the lead in fashioning the agrarian capitalism of the eighteenth century.

There was nothing in the conceptions or practices of medieval freedom that prevented its adaptation to the modern capitalist world. A. J. Carlyle demonstrated long ago that there were striking continuities between medieval and modern conceptions of freedom.¹⁰³ But what about the practice of liberty? Was there a necessary affinity between capitalism and the atomistic individualism that was associated with it during the heyday of classical liberalism in the nineteenth century? Is there a necessary affinity between capitalism and the atomistic individualism associated with it in the Anglo-American world? The answer

is an emphatic no. Capitalism is a promiscuous consort. Any form of freedom can be wedded to it, from the most selfishly atomistic to the communitarian; but it just as easily embraces every vile trick of tyrants, as long as markets remain open and contracts are fulfilled. There is every reason to believe that the impoverished rendition of freedom that reached its apogee during the nineteenth century—and threatens to rear its head again in contemporary America—was an historical contingency, no more required by capitalism than is Chinese communism or Pinochet-style tyranny.

Many modernist theorists explain the rise of modern freedom as a consequence of the development of capitalism. There is, I have argued, no necessary relationship between capitalism and freedom. Freedom emerged in the West over twenty-two hundred years before the seventeenth century. It remained one of the great and pivotal continuities in the civilization. There is nothing in Pericles' detailed specification and celebration of it that the man on the Clapham omnibus or the Boston MBTA would not readily recognize and applaud. A major reason for its continuity, I have argued, was the combination of structural factors that favored its perpetuation and the religion of Christianity, which provided the institutional means by which ancient thought about it was continued but also fashioned and valorized it in numerous ways during the long centuries of the Middle Ages—in its theology and jurisprudential writings, in its teachings, in its organization and in its monumental struggles to preserve its own collective liberty.

We have seen that, in spite of its corporatist structures, there were nonetheless "powerful forces making for the dignity, liberty, and rights of the individual."¹⁰⁴ The individual, to be sure, found himself, his identity, and his purpose not against but with the group; yet he was no less an individualist for that. By the fourteenth century, Europe had moved toward a generalized conception of liberty as a quality of the individual, something that all desire and have a right to. One finds this general concept of a universal liberty in many areas, but nowhere is it more conspicuous than in the liberty poems and fables that were so popular during the high Middle Ages. In numerous manuscripts from the period, for example, we find the ancient moral of the wolf and the bandog—in which the question is posed whether it is better to be a well fed bandog or a free, if hard-pressed wolf—extended to include distichs reflecting an intense idealization, and generalized notion of, freedom. Some six centuries before either Patrick Henry or the African American spiritual, Walter of England, the twelfth-century archbishop of Palermo, issued a collection of fables concern-

ing liberty that became wildly popular all over Western Europe. A common motif was that "Liberty is a resplendent and invaluable thing, by no price can it be divided; servitude generally is called the image of death."¹⁰⁵ And in another:

A Free beggar is richer than a wealthy serf. The serf does not own either himself or his property, whereas a free man does. Liberty, the eminently sweet good, contains all other goods; if that is not added, I cannot relish the food. Liberty is the food of the soul and its true enjoyment; whoever is rich in that cannot be richer. I shall not sell what is mine for such infamous advantage; who sells his wealth, makes himself poor.¹⁰⁶

Could there be any more exquisite celebration of the ethos of possessive individualism than these lines from the twelfth century?

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