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Unconditioned Freedom: The Abolition of Serfdom as Discursive Context of the Ideal of Free Labour

ABSTRACT

This article examines the debates on the abolition of serfdom in the late German Enlightenment as a discursive context in which the ideal of 'free labour' was shaped. It demonstrates how a specific constellation of conflicts led to the liberal conception of personal freedom as a necessary but already sufficient condition of equal liberty. In liberal natural rights theory, the demand for personal freedom was regarded as an evident consequence of natural equality. This normative demand was supplemented by considerations of utility: with full confidence in the auto-harmony of the economy, freedom was seen as a guarantee for general prosperity. The defenders of serfdom countered this with the model of a mutual contract, in which the advantage for the bonded resulted from the given economic inequality, revealing the liberal ideal of formal freedom as illusory. In this discursive constellation, it was the conservative side that centred the material precondition of liberty. This line of thought could have provided the rhetorical arsenal to demand economic security as a necessary precondition for equal liberty. But this path was not taken, as opponents of serfdom chose instead to declare economic hardship as non-existent or non-existential and stressed the priority of purely formal freedom.

Keywords: German Enlightenment; Natural Rights Theory; Liberalism; Conservatism; Abolition of Serfdom; Equal Liberty; Personal Freedom; Contract Theory; Physiocracy; Political Discourse

The Ideal of Free Labour between Affirmation and Critique—Conflicting Interpretations and Methodological Approach

The liberal master narrative of the Enlightenment that has long dominated the historical discourse asserts the interdependency of human rights, democracy, and a free market economy.¹ Contrasted with the privileges of the nobility, the absolutist power of monarchy, and the various restrictions on the economy, the period around 1800 is considered to be the breakthrough for liberty and civic equality. In perfect concordance with this interpretation is the fact that in many European regions where it persisted, serfdom was also abolished during this period. In contrast to this affirmative narrative, Marxist historiography usually stresses the unfree aspects of ‘free labour,’² a line of interpretation that goes back to Marx and Engels themselves. In the first volume of his *Capital*, Marx stated that “the transformation of feudal exploitation into capitalist exploitation” was a merely formal one—only “a change of form” of the same enduring servitude.³ While Marx thereby equated free and slave labour, Engels went even further. In *The Condition of the Working-Class in England*, his comparison of the free worker and the feudal serf led him to argue that the situation of the second was actually preferable:

In short, the condition of the two is not far from equal, and if either is at a disadvantage, it is the free working-man. Slaves they both are, with the single difference that the slavery of the one is undissembled, open, honest; that of the other cunning, sly, disguised, deceitfully concealed from himself and everyone else, a hypocritical servitude worse than the old.⁴

But he recognized at least a kind of ‘civilizing force of hypocrisy’ in that change: it acknowledged “the right to freedom, at least in outward form; bows before a free-

- 1 This article is adapted from Sibylle Röth, *Grenzen der Gleichheit. Forderungen nach Gleichheit und die Legitimation von Ungleichheit in Zeitschriften der deutschen Spätaufklärung* (Hannover: Wehrhahn, 2022).
- 2 Additionally, recent scholarship focuses on the various kinds of unfree labor within capitalism, seeking to confound the asserted connection between free market economy and free labor in general. See Carolyn Brown and Marcel van der Linden, “Shifting Boundaries between Free and Unfree Labor: Introduction,” *International Labor and the Working-Class History* 78 (2010), 4–11.
- 3 Karl Marx, *Capital. A Critique of Political Economy, vol. 1* [1867], in *Collected Works (further MECW)*, vol. 35 (New York: International Publishers, 1996), 706.
- 4 Frederick Engels, *The Condition of the Working-Class in England* [1845], in *MECW*, vol. 4 (New York: International Publishers, 1975), 473.

dom-loving public opinion, and herein lies the historic progress as compared with the old servitude, that the principle of freedom is affirmed, and the oppressed will one day see to it that this principle is carried out.”⁵ Marx, by contrast, considered the underlying concept of freedom itself to be problematic, as it was by no means contradictory to the capitalist system. The free labour market was “in fact a very Eden of the innate rights of man,” as it was—formally speaking—ruled by nothing but freedom, equality, property, and self-interest.⁶

This liberal interpretation was, however, based on a complete abstraction from the material conditions of existence and the dependency that went with it. It was only possible because the personal restrictions of feudalism were concealed as objective limitations.⁷ But as long as owners of the means of production and providers of their labour power met on the free market, the dependency would remain. Marx thus argued that the proletariat was free in a double sense: free to sell his labour power and free from any other possibility to secure his subsistence.⁸ Hence, ostensible equality turned out to be manifest inequality; the free labour to be forced labour; the voluntary contract an illusion since the worker was forced to accept any condition.⁹ That advocates of market society could nevertheless denote this as a realm of equal liberty was founded in their conviction that “in accordance with the preestablished harmony of things, or under the auspices of an all shrewd providence,” even if only following their own interests, all would “work together to their mutual advantage, for the common weal and in the interest of all.”¹⁰

The purpose here is not to examine whether the comparison is historically valid, nor if it was ever intended to be or must be classified as mere political rhetoric.¹¹ Instead, this article aims to follow the line of argumentation that there is no qualified distinction between free and bonded labour—the question of the material precondition of equal freedom—as a position in the political discourse. It will ask, from

5 Ibid., 473.

6 Marx, *Capital I*, 186.

7 Karl Marx, *Economic Manuscripts of 1857–1858*, in *MECW*, vol. 28 (New York: International Publishers, 1986), 100.

8 The concept of the double freedom of the free laborer is formulated with slight variations on different occasions. See Marx, *Capital I*, 179, 705; Marx, *Economic Manuscripts of 1857–1858*, 431.

9 For the unequal conditions of the exchange, see e. g., Marx, *Capital I*, 306, idem: *Economic Manuscripts of 1857–1858*, 386 and 438.

10 Marx, *Capital I*, 186.

11 For a detailed analysis of Marx’s use of the comparison between free labor and slavery, see Pe-pijn Brandon, “‘With the Name Changed, the Story Applies to You!’: Connections between Slavery and ‘Free’ Labor in the Writings of Marx,” in *The Lifework of a Labor Historian: Essays in Honor of Marcel van der Linden*, ed. Ulbe Bosma and Karin Hofmeester (Leiden: Brill, 2018), 47–70.

which political camp this assertion was advanced, how it was made plausible and how it was refuted. As Pierre Rosanvallon demonstrates in his *The Society of Equals*, in the nineteenth century, there was obviously something to be said for this thesis. Faced with pauperism, the comparison between the free worker and the slave and the interpretation of capitalist relations as a “new feudalism” were common far across the borders of revolutionary socialism. Thus, authors from very different political positions attacked the liberal notion of equal liberty as a purely formal concept that ignored the dependencies underlying it, thereby contesting the very ideals of the Enlightenment.¹² Arising from this—retrospective—perspective is the question as to why the eighteenth-century authors neglected the material preconditions of equal liberty. While in the traditionalist Marxist historiography, this is denounced as bourgeois ideology, Rosanvallon explains it by referring to changing socio-economic circumstances: only tremendous pauperism, spawned by industrialization, proved the Enlightenment’s vision that economic differences would not affect equal freedom to be incorrect.¹³ Yet this answer is not entirely convincing either: even if the poverty of pauperism had gained a different quantity or quality, the general novelty of the phenomenon can be questioned, as poverty, even severe and widespread, was a structural element of early modern societies and by no means successfully extenuated by institutions tasked with social safeguarding.¹⁴

The argument brought forward in this article is thus that the answer can neither be found in the social-economic framework, as Rosanvallon indicates, nor in ideology—in the polemic sense of hardly covered economic interests. Instead, the liberal concept of a purely ‘formal’ liberty, disregarding its socio-economic preconditions, can be explained by the particular constellation of the political discourse.¹⁵ This will

- 12 See Pierre Rosanvallon, *The Society of Equals*, trans. by Arthur Goldhammer (Cambridge, MA: Harvard University Press, 2013), 75–87. For the spread of the argument across national and political borders, see also Alessandro Stanziani, *Bondage, Labor and Rights in Eurasia from the Sixteenth to the Early Twentieth Centuries* (New York: Berghahn, 2014) 31.
- 13 Ibid., 75. For the Enlightenment’s vision, see *ibid.*, 21–33 and Pierre Rosanvallon, *Le capitalisme utopique. Critique de l'idéologie économique* (Paris: Seuil, 1979).
- 14 See for an encompassing overview David Hitchcock and Julia McClure eds., *The Routledge History of Poverty in Europe, c. 1450–1800* (London: Routledge, 2021); for the continuity between pre-industrial and industrial times, see Robert Castel, *Les métamorphoses de la question sociale. Une chronique du salariat* (Paris: Fayard, 1995).
- 15 Discourse, here, is defined as the culturally and socially anchored, but not determined, framework of basic convictions that structure the political dispute. Thus, the positions in interaction are not taken as manifestations of abstract *unit ideas*, but as the result of their specific context: The persuasive power of an argument derives less from its inherent consistency than from its opposition to given alternatives. This requires a different source base—instead of the classical canon of great thinkers, a wide range of journal articles is used—and a changed understanding of ideology. The difference between idea and ideology vanishes because it is assumed that they are always inextricably entangled. Thus, this study

be demonstrated through the example of the public discourse of the late German Enlightenment, and the debate on the abolition of serfdom in particular, which can be interpreted as part of the discursive context in which the ideal of free labour took shape.

The German example is interesting for several reasons: It reminds us that unfree labour was by no means restricted to the colonial world, and that no clear dichotomy existed between a European ‘realm of freedom’ and colonial slavery.¹⁶ While slavery may have been externalized,¹⁷ unfree labour was not.¹⁸ The picture is more complex, and this complexity becomes obvious when considering its wide variety in the German lands¹⁹: In some territories, serfdom had already ended in the late Middle Ages; in others, such as Bavaria, it slowly fell into disuse, or was officially abolished by “enlightened” rulers, as in Austria (1781–1782) and Baden (1783). Elsewhere, especially in the notorious East-Elbian territories, its use even increased with the development of pre-industrialized largescale agriculture. Just as diverse was the variety of duties and restrictions but also entitlements that—in an act of oversimplification—can be summarized under the term “serfdom”: In some territories, they had shrunk into merely symbolic acts; in many, they were the backbone of the social and political order; in others, of the whole economic system.²⁰

does not seek to uncover hidden interests but to make different interpretations of the world comprehensible by showing the concrete conflict situations they emerged in. This approach owes a lot to Quentin Skinner’s contextualism, see Skinner: *Visions of Politics, vol. 1: Regarding Method* (Cambridge: Cambridge University Press, 2002). Nevertheless, I do not follow all of Skinner’s presumptions: The term “web of convictions” is borrowed from Marc Bevir’s critique of Skinner (where he uses “web of beliefs”), see Bevir, *The Logic of the History of Ideas* (Cambridge: Cambridge University Press, 1999). For this understanding of discourse analysis, which differs significantly from Foucault’s, see Raimund Ottow, “Ein Modell politischer Diskursanalyse,” *European Journal of Sociology* 43, no. 2 (2002), 241–169.

- 16 See Tom Scott, “The Survival of Serfdom in the West,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte/germanistische Abteilung* 136 (2019), 51–75.
- 17 Andreas Eckert, “Aufklärung, Sklaverei, Abolition,” in *Die Aufklärung und ihre Weltwirkung*, ed. Wolfgang Hardtwig (Göttingen: Vandenhoeck & Ruprecht, 2010), 254.
- 18 See Paul Freedman and Monique Bourin, eds., *Forms of Servitude in Northern and Central Europe. Decline, Resistance, and Expansion* (Turnhout: Brepolis, 2005).
- 19 As discursive phenomena are the object of study here, the exact political borders are less important than the shared language. Therefore, certain statements are included from outside the Holy Roman Empire of the German Nation as soon as they formed part of the ‘German’ public discourse.
- 20 See Jan Klußmann, ed., *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit* (Cologne: Böhlau, 2003); for a warning against the harmonization of serfdom in the south-western territories see Werner Troßbach, “‘Südwestdeutsche Leibeigenschaft’ in der Frühen Neuzeit: eine Bagatelle?,” *Geschichte und Gesellschaft* 7, no. 1 (1981), 69–90, on the East-Elbian ‘demesne lordship’, see Markus Cerman, “Demesne Lordship and Rural Society in Early Modern East Central and Eastern Europe: Comparative Perspectives,” *The Agricultural History*

In any case, serfdom could not be ignored in the same way the question of trafficked slaves in Germany was ignored, for whom—although their numbers were much larger than the historiography has until recently presumed²¹—there was not even a legal framework.²² It could not be treated as something that happened far away, like the—far from marginal and exceptional—German involvement in the slave trade and colonial slavery.²³ Instead, it was an open and everyday fact that not only affected ‘foreigners’ but also members of one’s own society.²⁴ The discussion of serfdom thus became central in the public debates on freedom in Germany.

Within this context, liberals actually abstracted from any material preconditions of freedom. This position, however, becomes comprehensible in the context of the constellation of the debate: Marx’s argument that merely formal freedom was undermined by grave economic inequality could already be found in the Enlightenment discourse, but in the German discussion, this was by no means the position of extreme radicals as it had been in the revolutionary French discourse, for example by Gracchus Babeuf or the Énrages around Jacques Roux. On the contrary, it was conservative authors in Germany who pointed to the material preconditions of freedom to argue that the liberal conception of freedom would fail so long as economic inequality prevailed. Thus, the argument was not used to raise radical demands to go further than formal liberal equality, but served to reject legal equality and personal freedom as illusions. In opposition to this argument, the liberal concept of freedom as an absolute normative necessity unconditioned by material concerns was only strengthened.

Review 59, no. 2 (2011), 239–258; for a more proper differentiation between the different forms, see Scott, “The Survival of Serfdom in the West”.

- 21 See Rebekka von Mallinckrodt, Josef Köstlbauer, and Sarah Lentz, eds., *Beyond Exceptionalism. Traces of Slavery and Slave Trade in Early Modern Germany, 1650–1850* (Berlin: De Gruyter Oldenbourg, 2021), especially the introduction.
- 22 See Rebekka von Mallinckrodt, “Verhandelte (Un-)Freiheit: Sklaverei, Leibeigenschaft und innereuropäischer Wissenstransfer am Ausgang des 18. Jahrhunderts,” *Geschichte und Gesellschaft* 43, no. 3 (2017), 347–380.
- 23 See Rebekka von Mallinckrodt, Josef Köstlbauer, and Sarah Lentz, eds., *Beyond Exceptionalism*.
- 24 For *being ingenious* versus *being alien* as an important difference between serfs and slaves, see Michael Bush, “Introduction,” in *Serfdom and Slavery. Studies in Legal Bondage* (London: Routledge, 1996), 2.

A Late Enlightenment Controversy: Equal Natural Liberty and the Justification of Serfdom as Contract of Mutual Benefit

Although the critique of unfree labour had a long pre-history in early modern natural law, it gained considerably more vehemence at the end of the eighteenth century.²⁵ As a rule, the enlightened critics neither cared for the differences between slavery and serfdom, nor for the social and juridical subtleties that characterized the various forms of the latter. From their perspective, every kind of bondage was an intolerable violation of natural rights. This connected the German debate on serfdom to the English abolition movement and other parallel discussions in Europe at that time—minor differences aside, they all formed part of an encompassing discourse nourished by the values of liberty and equality.²⁶ This does not mean that ‘enlightened ideas’ were sufficient to abolish serfdom or slavery—in some places, these lasted until the middle of the nineteenth century and the different factors that finally led to their end varied from county to county—but they did in fact fundamentally alter the normative criteria.²⁷

For the German debate, a theoretical development—which Diethelm Klippel termed the transformation from ‘older’ to ‘younger’ German natural law—is instructive. It caused an essential change in the concept of equal liberty, which was no longer interpreted as the *original status* but as the *natural condition* of men. Whereas older natural law postulated that the inhabitants of the state of nature had to give up their original liberty and equality in order to gain the security of civil society and thereby strengthened the power of the monarchy, younger natural law developed a theory of enduring natural rights that had to be respected by the state. Thus, the purpose of the political order shifted from the absolutist concept of *Glückseligkeit* to the liberal concept of the greatest possible reach of individual rights.²⁸

25 For the discussion in the 17th century, see Bernd Franke, *Sklaverei und Unfreiheit im Naturrecht des 17. Jahrhunderts* (Hildesheim: Georg Olms, 2009).

26 For similarities and differences between the anti-slavery and the anti-serfdom discourse, see Michael L. Bush, *Servitude in Modern Times* (Maiden: Polity Press, 2000), chap. 11; for the discussion on the specific role of Christian ideals in the English abolition movement, see Anthony Page, “Rational Dissent, Enlightenment, and the Abolition of the British Slave Trade,” *Historical Journal* 54, no. 3 (2011), 741–772.

27 See Bush, *Servitude in Modern Times*, 177–181; Shane O’Rourke, “The Emancipation of the Serfs in Europe,” in *The Cambridge World History of Slavery, Vol 4: AD 1804–AD 2016*, ed. David Eltis (Cambridge: Cambridge University Press, 2017), 422–440; especially for the German Lands, see Karl H. Schneider, *Geschichte der Bauernbefreiung* (Stuttgart: Reclam, 2010).

28 See Diethelm Klippel, *Politische Freiheit und Freiheitsrechte im deutschen Naturrecht des 18. Jahrhunderts* (Paderborn: Ferdinand Schöningh, 1976); Diethelm Klippel, “Ideen zur

This new concept first appeared in the public sphere around 1770, in particular in the *Ephemeriden der Menschheit*, edited by the Basel proponent of physiocracy Isaak Iselin, who thereby became an intellectual broker between the French and German-speaking discourse.²⁹ Presupposing natural freedom and equality, the—today mostly unknown—authors of these texts deduced general rights that claimed validity for all human beings as they arose from human nature.³⁰ The transition from the state of nature to society could not legitimate any diminution of them because man would never have renounced them voluntarily, but instead entered into society to protect them.³¹ Thus, any law that infringed on them was rejected as arbitrary.³²

Consequently, the guarantee of natural freedom was the central demand of this natural rights theory. It was regarded as “the source and most original reason for all [...] rights and powers,” which meant that “all laws, every constitution of state and society may be nothing more than necessary consequences of this right, which is the fundamental law of every political association.”³³ Therefore, it became the supreme purpose of the state to safeguard personal liberty—tellingly labelled as *Personaleigentum* (self-ownership)—and property.³⁴ That this had to be equal for all would be comprehensible by simple self-interest: everyone should refrain from infringing on the freedom of others, just as one wanted their sphere of freedom to be protected.³⁵ “What, then, does natural law mean? Nothing else than self-ownership, or, in other

Revision des Naturrechts: Die Diskussion zur Neubegründung des deutschen Naturrechts um 1780,” *Jahrbuch für Recht und Ethik / Annual Review of Law and Ethics* 8 (2000), 73–90.

- 29 For Iselin and the German-speaking Physiocracy, see Ulrich Im Hof, *Isaak Iselin und die Spätaufklärung* (Bern: Francke, 1967); Diethelm Klippel, “Der Einfluß der Physiokraten auf die Entwicklung der liberalen politischen Theorie in Deutschland,” *Der Staat* 23 (1984), 205–226; Keith Tribe, “The Reception of Physiocratic Argument in the German States,” in *La diffusion internationale de la Physiocratie (XVIIIe–XIXe)*, ed. Bernard Delmas, Thierry Demals, and Philippe Steiner (Grenoble: Presse Universitaires de Grenobles, 1995), 331–344; for the debate of the French Physiocracy about slavery and serfdom and its ideal of free labor, see Stanziani, *Bondage. Labor and Rights in Eurasia from the Sixteenth to the Early Twentieth Centuries*, 23–25.
- 30 Christian August Wichmann, “Rezension zu Schlettwein, J. A.: Die Rechte der Menschheit. Gießen: Krieger 1784,” *Ephemeriden der Menschheit* (1784, vol. 1), 548 and Anonymous, “Schreiben über das natürliche Menschen- oder Naturrecht,” *Ephemeriden der Menschheit* (1783, vol. 2), 4.
- 31 Anonymous, “Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte,” in: *Ephemeriden der Menschheit* (1783, vol. 2), 630.”
- 32 Wichmann, “Rezension zu Schlettwein,” 543.
- 33 Anonymous, “Schreiben über das natürliche Menschen- oder Naturrecht,” 9. [Here and in the following, direct quotations are translated by the author.]
- 34 Wichmann, “Rezension zu Schlettwein,” 572; see also Anonymous, “Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte,” 631.
- 35 Anonymous, “Schreiben über das natürliche Menschen- oder Naturrecht,” 7.

words, the freedom to provide for one's needs under the condition not to harm any other."³⁶ The result is the classical conception of equal liberty as an individual sphere of freedom.

Especially in Iselin's writings in favour of economic freedom, it was indeed the teleological assumption of a "purpose of creation" and the "intention of an all-wise Creator"³⁷—which Marx ridicules as "all shrewd providence"—that guaranteed the convergence of the common good and individual interest. As he presumed natural sociability, he considered men to be predisposed to cooperation.³⁸ So, he interpreted the scarcity of goods less as a problem than as an incentive for the development of human capacities and cultural advancement.³⁹ These natural conditions allowed and stimulated the division of labour and the exchange of goods, which increased the private as well as the common good. Thus, "the happiness of all and every man represents one whole; each suffers as soon as the rights of another are violated, and everyone gains as soon as another becomes happier and richer by diligence and justness."⁴⁰

Among other claims for reform, like a wide array of civil liberties, the abrogation of privileges, monopolies, and the guilds, these presumptions evidently lead to the demand to abolish serfdom. Iselin supplemented this normative position with a consideration of its utility: Every form of labour wherein the participants did not act as free and equal necessarily produced disadvantages, since both—the slave and the tyrant—would work less efficiently.⁴¹ Here, the ideal of free labour was encapsulated as the "courage and pleasure [of] the free man who expects a richer reward the more he works."⁴² Thus, freedom would lead to increasing prosperity, whereas oppression harmed both the oppressor and the oppressed.⁴³ Consequently, it was equally pernicious for the individual and society, if wealth and power could be gained without useful activity and if people were condemned to misery despite their best efforts.⁴⁴ At least in Baden, this line of argumentation succeeded: It was physiocratic ideas that inspired Grand Duke Charles Frederick to initiate a reform program that included the abolition of serfdom.⁴⁵

36 Ibid., 8.

37 Isaak Iselin, "Menschenfreundlicher Catechismus," *Ephemeriden der Menschheit* (1776, vol. 3), 225.

38 Ibid., I, 23.

39 Ibid., III, 224.

40 Ibid., IV, 12.

41 Ibid., V, 117.

42 Ibid., V, 119.

43 Ibid., VI, 223.

44 Isaak Iselin, "Ueber einige Ungerechtigkeiten der menschlichen Stiftungen und Gesetze. An einen Menschenfeind," *Ephemeriden der Menschheit* (1777, vol. 7), 120.

45 Günter Birtsch, "Der Idealtyp des aufgeklärten Herrschers. Friedrich der Große, Karl Friedrich von Baden und Joseph II. im Vergleich," *Aufklärung* 2, no. 1 (1987), 38.

While the liberal attack on serfdom did not differ fundamentally from contemporary options for critiques of slavery, the means available to defend each were quite distinct: German advocates of serfdom did not have recourse to racist stereotypes as did the advocates of transatlantic slavery.⁴⁶ Due to territorial fragmentation and regional differences, they also could not make an argument for a common national interest in the face of international economic competition, as was put forth by British and French defenders of the slave trade.⁴⁷ They thus had to develop different lines of argumentation.⁴⁸ Adapting to the normative assumptions of their opponents, they tried to prove that, under certain circumstances, it was rational—and thereby legitimate—to give up one's liberty. Under these conditions, they claimed, serfdom must be considered as a free contract for mutual benefit". As will be demonstrated below, it was always economic need that served as the explanation for voluntary subjection.⁴⁹ Conversely, the conservative line of argumentation did not depend on the premise of natural inequality, as economic inequality proved sufficient to deny the possibility of equal liberty.

When considering the historical origins of serfdom, these authors always presupposed a state of economic inequality. The *Anleitung zur Rechtschaffenheit*, a textbook from the Habsburg territories, published a few years before emancipation, told the story like this: "The owners of certain estates, i. e. the lords who cleared forests, dried up swamps, made deserts fertile and established villages, needed people to cultivate the land. For this purpose, they chose such persons who had neither anything of their own nor any other engagement."⁵⁰ In exchange for the right to use the land and the landowners' obligation to supply them in times of distress, settlers consented to pay certain rents and render services.⁵¹ Justus Möser, a statesman in Osnabrück and the prototype of the conservative thinker,⁵² came to the same conclusion: At least in an

46 Andreas Eckert, "Aufklärung, Sklaverei, Abolition," 244–246.

47 Ibid., 248.

48 There were also some shared arguments: Serfs, like slaves, were thought to be 'unfit' for freedom due to their alleged moral and intellectual deficiencies. In both cases, the inviolable property rights of the owners were highlighted. Nonetheless, in the sources considered here, these points are minor digressions to the main line of argumentation.

49 This is also distinctively different from the argumentation to defend serfdom used in seventeenth century's "Wildfangstreit." See Luca Scholz, "Leibeigenschaft Rechtfertigen: Kontroversen um Ursprung und Legitimität der Leibeigenschaft im Wildfangstreit," *Zeitschrift für Historische Forschung* 45, no. 1 (2018), 41–81.

50 [Johann Ignaz von Felbiger], *Anleitung zur Rechtschaffenheit oder das für die in den Trivialschulen lernende slawonisch-servische nicht unirte Jugend bestimmte Lesebuch* (Vienna 1777). Here and in the following after the review, Anonymous, "Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu lernen?," *Stats-Anzeigen* (1786, vol. 9), 498 [= Direct quotation from Felbiger, "Anleitung zur Rechtschaffenheit," 253].

51 Anonymous, "Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu lernen?," 499.

52 See Klaus Epstein, *The Genesis of German Conservatism* (Princeton: Princeton University Press, 1966), ch. 6.

early stage of cultural development, it was doubtlessly a great advantage for those who could not sustain themselves to find a master who equipped them with the means of production. Serfdom was thus not the result of violence or tyranny, but a free, mutually beneficial contract.⁵³ Johann Georg Büsch, a Hamburg scholar of mathematics and economics, also advanced this argument but explicitly limited it to the past. His intention was not to justify serfdom but to outline the advancement brought about by the invention of money, before which it had been reasonable for the propertyless to gain security through dependency. Without the option to earn and save money, the only way to achieve enduring material safety had been to submit oneself completely and continuously to a master.⁵⁴

While Büsch emphasized that this arrangement became dispensable once money existed, Möser and Wilhelm Ernst Christiani adapted the argument to the present, which required a consideration of certain normative or at least legal restrictions. Both dismissed absolute slavery but argued that serfdom did not necessarily offend the principles of humanity and morality.⁵⁵ Christiani, a professor in the Danish-ruled duchy of Holstein, where intense discussions on the abolition of serfdom were taking place at the time, presented a theoretical examination of the compatibility of bondage and natural law.⁵⁶ According to the premises of the latter, he presupposed free and equal individuals with certain natural rights that were inalienable:⁵⁷ since an individual could never renounce them, they could never be deprived of them.⁵⁸ But since his conception of inalienable rights did not include personal freedom, he considered serfdom to be permissible. By defining the right of self-preservation as the primordial right of men, he considered it legitimate to abdicate liberty in order to secure it.⁵⁹ Complementary to this theoretical study, Möser provided a practical example by

53 Justus Möser, "Etwas zur Naturgeschichte des Leibeigenthums," *Berlinische Monatsschrift* (1785, vol. 1), 7.

54 Johann Georg Büsch, *Abhandlung von dem Geldsumlauf in anhaltender Rücksicht auf die Staatswirtschaft und Handlung* (Hamburg/ Kiel: 1780). Here presented after Johann Christian Schmohl, "Von dem Ursprunge der Knechtschaft in der bürgerlichen Gesellschaft," *Berlinische Monatsschrift* (1783, vol. 1), 336–338.

55 Wilhelm Ernst Christiani, "Ueber die Leibeigenschaft, nach Gründen des Naturrechts," *Schleswig-Holsteinische Provinzialberichte* (1787, vol. 1), 134–166, 138 and Justus Möser, "Leibeigenschaft in Westfalen," *Staats-Anzeiger* (1783, vol. 3), 407.

56 See Jan Klußmann, "Leibeigenschaft im frühneuzeitlichen Schleswig-Holstein: Rechtliche Entwicklung, öffentlicher Diskurs und bäuerliche Perspektive," in *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. Jan Klußmann (Cologne: Böhlau, 2003) 213–240.

57 Christiani, "Ueber die Leibeigenschaft, nach Gründen des Naturrechts," 143.

58 *Ibid.*, 138.

59 *Ibid.*, 152. In the further course of the examination, however, Christiani stated that this arrangement could not rightfully be transferred to the descendants of the serfs. To renounce one's liberty was taken as an individual act, requiring factual consent. Möser, by contrast,

arguing that serfdom in Westphalia—contrary to regions in East-Elbia—was barely different from hereditary tenure.⁶⁰ Its conditions were hardly burdensome because the mutual rights and duties of the serf and the landlord were precisely defined and effectively controlled.⁶¹ In addition, compared to the free peasant, the serf's situation was in fact preferable, since he was effectively secured against poverty.⁶² As such, only the fewest serfs actually strove for freedom.⁶³

Presupposing grave economic inequality, each of these texts contended that it was a perfectly rational and therefore legitimate act to renounce one's liberty for the sake of material security. To forbid it, an anonymous article from 1793—the climax of the French Revolution—argued, would mostly harm the poorest members of society who had no other way to secure their livelihood.⁶⁴ Here, the line of argumentation popularized in the nineteenth-century discourse, which equated serfdom to other forms of dependent employment, was anticipated: "I am absolutely unable to understand why the metaphysical politicians are more outraged if they see serving peasants than if they see the swarm of servants, who stand behind the chairs or on the carriages, or who otherwise have to fulfill the heaviest and dirtiest duties."⁶⁵ The only difference between the two was that the one group was remunerated with money, while the other with the provision of accommodation and work equipment.⁶⁶ Obviously, this could not constitute a difference in legitimacy, so both must be considered to be equally permissible:

Even the New-French concept of liberty and equality does not go as far, as to consider it unlawful to employ a citizen with all his innate rights of men as staff, or otherwise to conclude a contract with him; by which he admittedly becomes dependent on an individual, but in turn, receives payment (e.g., real services in return) from the latter.⁶⁷

Like Marx, the author recognized economic inequality to be the cause of this dependency. Unlike Marx—but in full accordance with his discursive environment—he considered this to be unalterable. For as long as wealth was unequally distributed, rich people would purchase large landholdings and the differences between the estates

tried to prove that this was dispensable. See Möser, "Etwas zur Naturgeschichte des Leibeigenthums," 2.

60 Möser, "Leibeigenschaft in Westfalen," 412.

61 *Ibid.*, 409–411.

62 *Ibid.*, 412.

63 *Ibid.*, 406.

64 E. v. K., "Ueber Dienstkontrakte, welche nicht auf Geld lauten," *Berlinische Monatsschrift* (1793, vol. 1), 79.

65 *Ibid.*, 86.

66 *Ibid.*, 80 and 83.

67 *Ibid.*, 79.

would remain. No matter “how many unjust and ridiculous annihilations of names and titles will be made,” the nation would always be divided “into the two great classes”: those who owned land and those who did not. “The former, and their heirs, will eternally stand in a very different relation to both their fellow citizens and the entirety of the state, compared to the latter, since even the most resolute philosophers have not yet advanced to the point of urging the stealing of wealth and the destruction of inheritance rights.”⁶⁸

“In Germany, this Distress never Occurs” — The Liberal Marginalization of the Material Preconditions of Liberty

According to the conservative line of argumentation, economic inequality necessarily led to the inequality of freedom. The introduction of formal equality could not eliminate the underlying dependency and thus would come to nothing. Consequently, the ideal of equal freedom was rejected, as—first of all—the more original right to self-preservation must be secured. Serfdom was considered an effective way to do so. The reaction to this vindication of serfdom, however, was not to turn to the material conditionality of equal freedom. The liberal opponents neither argued that even under conditions of life-threatening need, freedom could simply not be rightfully renounced, nor did they transform these conservative reflections into a demand to grant the material preconditions of freedom for all. Instead, the assumption of such inequality was called into doubt.

In terms of the historical explanations for serfdom, the presumption that land was already unequally distributed was scrutinized. Supposing that property originated from labour, the existence of vastly unequal properties required an explanation. Criticizing the *Anleitung zur Rechtschaffenheit*, an anonymous reviewer argued that if not supported by other clues, the reader would be forced to suppose “two Adams, whereby the descendants of the one possesses the earth and the descendants of the other must first obtain the permission to live from the earth by the sweat of their brow by allowing the first to live without any sweat—which is contrary to his Bible.”⁶⁹ Objecting to Büsch, the Anhaltian educator Johann Christian Schmohl argued that, especially at an earlier cultural stage, there must have been sufficient unsettled land for everyone. Therefore, it was incomprehensible that an individual should not have been able to

68 Ibid., 87.

69 Anonymous, “Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu lernen?,” 498.

maintain himself: “Every man can acquire his food without living in the service of another if he is not prevented by other men from using the soil.”⁷⁰

Obviously, the distribution of land was the crucial point. By presupposing that not all land had yet been distributed, the provision of the means of production as exchange value ceased to apply. By assuming abundance, the rationality of the contract was discarded. This objection highlights that—in contrast to classical social contract theory, which proceeds from the logically constructed state of independent individuals—the starting point for the conservatives in a state of inequality lacked both logical necessity and legitimation. However, their opponents did not argue that a contract that was concluded under conditions of distress could not be described as voluntarily and therefore failed to generate legitimacy. Instead, they argued that such a situation could not have existed, and therefore no rational reason for such an act of submission existed. On this basis, the assertion that the serf benefited from his situation was relegated to the realm of fiction: No one of sound mind would voluntarily enslave himself.⁷¹ No free contract, but “violence forced the weaker to sacrifice his freedom to save his life and security, not against scarcity, but against the encroachments of the powerful.”⁷² Hence, the critique did not point to economic inequality, but to an inequality of power.

While these critiques rejected historical explanations for the development of serfdom, the liberal publicist and professor of constitutional law in Göttingen August Ludwig Schlözer made the same argument regarding its presence. In opposition to Möser’s justification of serfdom out of economic need, he flatly asserted: “In Germa-

70 Johann Christian Schmohl, “Von dem Ursprunge der Knechtschaft in der bürgerlichen Gesellschaft,” 340. It must be mentioned that Schmohl was an extraordinary figure in the German Enlightenment in terms of his political as well as his economic ideas. His agreement with the liberals, which is stressed here, only refers to the past, not to their optimism about the future. In the further course of his treatise, he submitted a critique of civilization that is reminiscent of Rousseau’s *Second Discourse*. He argued that the introduction of money had by no means ended servitude but, on the contrary, had actually increased it. Büsch’s misjudgment resulted from his desire to explain why slavery no longer existed in modern societies. But he was misled by the mere wording: “The name slave is rare in Europe—but also slavery itself? The chain remains a chain, you can gild and silver it as much as you like”. (Schmohl, “Von dem Ursprunge der Knechtschaft,” 342 and 347). This was not the common equation of slaves with serfs but a critique of economic inequality. And in fact, in his *Über Nordamerika und Demokratie*, Schmohl demanded the equal distribution of landed property and a limit on wealth. See Michael Niedermeier, “Der anhaltische Philanthrop, Schriftsteller und Aufrührer Johann Christian Schmohl und seine spektakuläre Flucht aus Halle im Jahre 1781,” in *Europa in der Frühen Neuzeit. Festschrift für Günther Mühlpfordt*, ed. Erich Donnert (Cologne: Böhlau, 1997), 242.

71 Anonymous, “Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu lernen?,” 498.

72 Schmohl, “Von dem Ursprunge der Knechtschaft in der bürgerlichen Gesellschaft,” 339.

ny, this distress never occurs.”⁷³ Therefore, any renunciation of freedom was always an act of irrationality that would never generate rightfulness. If serfs actually rejected the possibility of regaining their freedom, this could only stem from the moral deprivation that developed under long-lasting servitude.⁷⁴ While Schlözer thereby generally denied the existence of existential need, Christian Ulrich Detlev von Eggers at least discarded the notion that social security was an adequate exchange for freedom. In an article from 1788–1789, the Holsteinian reformist politician, scholar, and publicist stated:

And for all these sacrifices the landlord compensates the serf—by the obligation to give him a piece of land, from which he and his family can miserably exist after the rent is paid; to give him another cottage and other cattle if his miserable cottage burned down and his cattle died because he could not live without them and could not render the *corvée*, and to meagerly sustain him in times of famine. That’s all—and yet, there are people among the nobility, the bourgeoisie, and the clergy who think meanly enough to regard this reward as perfectly sufficient.⁷⁵

But even if equivalent goods were exchanged, the mere fact that the conditions were unilaterally determined by the landlord would make manifest that the ostensible mutual rights and duties were based on inequality and oppression.⁷⁶ Thus, the interpretation of serfdom as a voluntary contract could not stand. Writing on the eve of the French Revolution, Eggers used the full pathos of reason and natural rights to call for the abolishment of serfdom.⁷⁷ As a strict normative requirement, this could never be weighed against the common good. Eventually, the opposition between liberty and the common good was anyways only an alleged one because right and utility always coincided in the end. Like Iselin, Eggers was convinced that the emancipation of the peasants was also for the common benefit since it promoted industriousness.⁷⁸

At the end of the 1790s, when the debates surrounding the abolition of serfdom in Holstein (together with Schleswig) transformed into a process of practical reform, this firm expectation of liberty leading to increased productivity allowed Eggers to deny the necessity that emancipation must be accompanied by the provision of land. While other participants in this discourse claimed the provision of land to be obligatory to compensate peasants for the loss of their landlord’s duty to supply them in

73 Möser, “Leibeigenschaft in Westfalen,” annotation Schlözer, 411.

74 Ibid., 407.

75 Christian Ulrich Detlev von Eggers, “Briefe an Frau von B. Ueber die Aufhebung der Leibeigenschaft und Frohndienste,” *Deutsches gemeinnütziges Magazin* (1788, vol. 2), 117.

76 Ibid., 108.

77 Ibid. (1789, vol. 3), 2.

78 Ibid. (1788, vol. 3), 68.

times of distress, Eggers contended, that free peasants would be able to provide for themselves.⁷⁹ As soon as they were free, “the most frequent cause of impoverishment is remedied for the future.”⁸⁰ And in any case, the serfs were less anxious about their economic situation than burdened by their lack of liberty.⁸¹ The free choice of one’s residence, spouse, and profession—“these are surely expressions of personal freedom which everyone who feels to be a human being [...] wishes to be in his power.”⁸² To grant this was by no means an empty right, and even if some duties toward the landlord remained, the peasants would gain infinitely more from their liberty, be happier—and more industrious.⁸³

In this debate, it becomes obvious that the liberal marginalization of the social circumstances of the serfs was not merely a blind spot but a conscious position. Eggers emphasized that the question of the allocation of land should be put aside since, before all else, personal freedom had to be granted. In this way, the reform could be accomplished within a few years because the concerns of the landlords—whose consent was required—centred only around the economic interventions.⁸⁴

But why shall two matters be combined that are in fact essentially different? If the emancipation of the peasant [...] is highly beneficial for him, and at least harmless for the landlord, but at the same time independent of a further improvement of the economic situation of the peasant, and only insofar connected to the latter as it must necessarily precede it, [...] then one should not be tardy to take the first, always necessary step, as soon as possible, while the situation of things gradually brings about the others.⁸⁵

He thereby separated legal status from economic conditions and subordinated the latter to the former. In terms of personal liberty, he assumed that natural law and the interests of the state coincided and were definite, whereas, in terms of the distribution of land, the rights of the landlords must be taken into consideration. Fortunately, the solution to this problem could be left to develop on its own, because the mutual

79 For the broader debate, see Röth, *Grenzen der Gleichheit*, chapt. II.6.2.

80 Christian Ulrich Detlev von Eggers, “Rechtliches Bedenken über die Aufhebung der Leibeigenschaft oder erblichen Gutsverpflichtung (Glebae adscriptio),” *Deutsches Magazin* (1798, vol. 15), 380–420, 401. The article was already written in 1785, for its original context, see the annotation, *ibid.*, 380.

81 Christian Ulrich Detlev von Eggers, “Bedarf es weitaussehender Vorbereitungen, um dem holsteinischen leibeigenen Bauer persönliche Freiheit wieder zu geben?,” *Deutsches Magazin* (1796, vol. 11), 213–232, 216.

82 *Ibid.*, 217.

83 *Ibid.*, 221.

84 *Ibid.*, 228.

85 *Ibid.*, 231.

advantage of landowners and peasants would soon lead to the gradual replacement of dues and services by free property.⁸⁶ Eggers was convinced that on the basis of equal freedom, the economic question would be resolved as part of a harmonious process. He considered it to be a matter between landlords and peasants, in which the government was not to intervene. He thus disregarded the demand for land and did not believe a decision on its organization to be a political question.

Eggers' position makes clear that he was not explicitly fighting for free property but only for personal freedom. The ideal of self-ownership, which gained its plausibility in its differentiation from serfdom, makes the free disposal of one's own person and labour power the only precondition for freedom. It does not imply the power to dispose of one's own means of production. While Eggers was surely convinced that the preferable outcome of the reform, in the long run, would be free property, he did not deem it necessary to guarantee it would. Quite the opposite: he explicitly argued against those who thought that the goal of prosperity and self-reliance could only be reached through a redistribution of land that would turn the serfs into independent landowners—and who thereby lost sight of the many landless farmhands. In short, the liberal concept of freedom was a purely negative one: Personal freedom was thought to be necessary, but also inherently sufficient to ensure self-preservation. That being said, the ideal of free labour that emerged in this context cannot be equated with the conception of wage labour that emerged in the nineteenth century. It was, however, not a conception of small independent producers either. In the end, it was no conception at all—only an ideal. The question of the economic preconditions of autonomy did not lead to bourgeois notions but was ignored.⁸⁷

Liberty as Sufficient Condition for Subsistence— the Liberal Priority of Freedom in Context

In referring to the right of self-preservation, the defenders of serfdom actually used a loophole provided to them by the Physiocrats. Since they considered human nature to be the foundation of rights, the necessity to meet physical needs was also the starting point for their theoretical reflections. One anonymous article regarded the ability

86 *Ibid.*, 394–396.

87 A similar argumentative structure can be observed in the debate on the abolition of guilds. There, liberal authors argued for a natural right to work and free access to all professions. This would also have the advantage that producers could flexibly react to shifting demands by changing occupations. This argument, however, required that one did not presuppose the possession of a workshop or work equipment of one's own to be a prerequisite. Here too, these deliberations do not lead to independent craftsmen but to flexibly deployable workers. See Röth, *Grenzen der Gleichheit*, Chapt. II.2.3.3.

to feel joy and sorrow as the most fundamental characteristic of men, which made securing basic needs their first intention.⁸⁸ Iselin, too, considered it to be the primary instinct of pre-social men to procure sufficient food and to stockpile provisions to archive the security of its supply.⁸⁹ Self-preservation was thus defined as the most primordial natural right. Occasionally, even the right to personal freedom was deduced from it, since natural rights consisted “in nothing more [...] than in the right to exist and the means of existence.”⁹⁰ That freedom was only considered as the appropriate means to achieve this end was also apparent in the wording of another text, wherein self-ownership was characterized as the “common interest of all human beings without any difference *because* there is no condition more secure, no shorter way, to gain the goods which serve for their enjoyment [italics added].”⁹¹ Thus, in the strictest sense, freedom was only a secondary value that existed in an instrumental relationship with the primary good of existence.

Based on these premises, it seems quite debatable whether to give up freedom in order to secure one’s subsistence. To avoid this collision of rights, it would be necessary to provide social safety without being forced to renounce one’s liberty. Yet, only one of the examined liberal authors took this into consideration: He related the right to appropriation to a reservation of use and connected property rights of the one who possesses in abundance to the obligation to support the needy.⁹² But not only must this right of necessity be interpreted as an exception in case of emergency,⁹³ in other Physiocratic writings such considerations did not even enter. Instead, freedom was gradually detached from its original relationship to the right to exist.

In a first step, freedom was elevated from a mere instrument to self-preservation to its necessary condition: It was considered to be the clearest evidence that man “could not gain self-preservation and well-being without the freedom to use his strength and abilities to obtain whatever his needs demand.”⁹⁴ In a second step, its status as a necessary condition was tacitly transformed into that of a sufficient one, as the passage, already quoted above, shows: “What, then, does natural law mean? *Nothing else than self-ownership*, or, in other words, the freedom to provide for one’s needs under the

88 Anonymous, “Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte,” 634.

89 Iselin, “Menschenfreundlicher Catechismus,” here part I., 17.

90 Anonymous, “Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte,” 635.

91 Anonymous, “Schreiben über das natürliche Menschen- oder Naturrecht,” 7.

92 Wichmann, “Rezension zu Schlettwein,” 550.

93 See *ibid.*, 554. For the conceptual difference to modern social rights, see Samuel Fleischacker, *A Short History of Distributive Justice* (Cambridge, MA: Harvard University Press, 2004), 28–34.

94 Anonymous, “Schreiben über das natürliche Menschen- oder Naturrecht,” 8.

condition not to harm any other [italics added].”⁹⁵ In this way separated from the original deduction, personal freedom was then defined as the first and most fundamental right of men.⁹⁶ This led to the equal right to appropriate the necessary means of subsistence: a right to property and a right to work. Yet they were defined as purely negative rights that no one was allowed to infringe, versus as positive demands that have to be fulfilled. Thus, the security of property—which included liberty as self-ownership, but not of existence—was declared to be the purpose of the state.⁹⁷

That formal freedom might not be sufficient to secure one’s subsistence—that a formal right to work and to own property could not actually guarantee to do so—was not taken into consideration.⁹⁸ Nor was it deemed possible that formal equality could be insufficient to prevent structures of dependency. The explanation for these limits of liberal thought, however, need not be sought outside but can be found within the constellation of this discourse. It can be explained by the stability of its front lines: The economic conditionality of freedom was too clearly a conservative notion. Without access to the means of production, the defenders of serfdom deemed formal freedom to be insufficient to secure one’s subsistence, underlining the illusory nature of freedom as autonomy, since the propertyless depended on the grace of others and could thus never be equal to the property owners. As such, the unfreedom and inequality of the serfs were the results of an inequality and dependency that preceded their formal submission. According to this premise, serfdom was the legal form that corresponded to these factual conditions, whereas the proclamation of a formal right to freedom must fail in the face of this material inequality.

As we have seen, the liberal thinkers did not reject this argumentation as theoretically inconsistent but as implausible, since they denied the existence of economic hardship as a factual motivation for renouncing one’s freedom. They assumed that all could pursue their personal needs and desires if only freedom were granted.⁹⁹ In their theory, freedom and equality were given by nature, so it must only be ensured that these were not inhibited. As such, they emphasized the absolute and thus unconditioned status of personal freedom as a normative demand. How this could be implemented once its material preconditions were considered was indeed anything but obvious. But if they had extended their claim to the social conditions necessary for

95 Ibid.

96 Anonymous, “Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte,” 635.

97 Ibid., 641.

98 Ibid., 632. See the same pattern of argumentation in the context of the abolition of guilds, for example in Johann August Schlettwein, “Die Freyheit der Gewerbe, und des Handels wider den Herrn Generaladvocaten Seguier zu Paris,” *Ephemeriden der Menschheit* (1778, part II), 1–54, 10.

99 See Anonymous, “Schreiben über das natürliche Menschen- oder Naturrecht,” 8.

equal liberty, this would have weakened their position dramatically: their demand for freedom would have appeared impracticable, their demand for its preconditions far too radical as it would necessarily have affected the given property order. This would not only have disqualified their position in the eyes of their opponents but was also not their own intention. Framed in the narrative of harmonious progress, through which the freedom of one would necessarily strengthen the benefit of all, their argument became, if not more convincing, then at least less dangerous.¹⁰⁰

In this situation, a blindness toward the material conditionality of equal liberty emerged, leading to the propagation of 'free labour' as an ideal. However, this is not (merely) to be interpreted as bourgeois ideology. Because it was precisely through the rejection of the material context that this demand could acquire its persuasive power: only in this way could personal freedom be presented as a requirement of human nature that was as self-evident as absolutely requisite. Simultaneously, human nature, which was seen as the basis of the entire concept of natural rights, became more and more abstract. By focusing on individual's liberty, their material constitution as biological beings fell increasingly from view. Rhetorically, this was expedient: the claim for equal liberty was based on the assumption that the individual was independent by nature. To stress their physical needs, their possible weakness, and their inability to maintain themselves would have been counterproductive. Consequently, the material preconditions of equal liberty were marginalized. Thus, the defenders of freedom dismissed economic need as non-existent or non-existential and fully trusted in the harmonic development of the mutual benefit between free and equal individuals.

One may accuse the liberal Enlightenment of blindness in this regard since the counterarguments were readily available. All that would have been necessary was to turn these arguments around and transform the named obstacles into enabling conditions. But more important than passing judgment on historical actors is whether this analysis provides a new perspective on the question of free and unfree labour. Is free labour—as Engels suggested—nevertheless progress, even if initially only semantically, because it provides leverage for future demands? Or is the liberal concept of freedom—as Marx confirmed—in fact so contaminated that it must be replaced? The conclusions presented here emphasize that the ostensible opposition between freedom and social security was not only practically but also theoretically on the wrong track. The reasons therefore are explicable from the historical context but conceptually it was contingent. As has been demonstrated, even in liberal natural rights theory, the right

100 "Dangerous" not only for the order of society, but potentially also for themselves, as can be seen through the example of Schmohl, whose writings evidently crossed the line of the acceptable. In 1781, one of his publications was publicly burned, he was prosecuted by the authorities of Anhalt-Zerbst, and finally had to flee Germany (see Niedermeier, "Der anhaltische Philanthrop, Schriftsteller und Aufrührer Johann Christian Schmohl und seine spektakuläre Flucht aus Halle im Jahre 1781," 243–247.)

to exist was the primordial right of men. Consequently, a purely negative definition of natural liberty contradicted its own premises. An encompassing concept of liberty demands more than formal freedom—which remains a necessary but not sufficient condition.

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