

# ENGLISH FEUDALISM AND THE STRUCTURE OF ANGLO-SAXON SOCIETY

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THE problems associated with the word "feudalism" are not to be solved simply by the examination of evidence and the making of inferences. A good deal must also depend on what notion of "feudalism" we have in the first place. I do not mean that we either do, or ought to, begin by defining "feudalism": in an important sense the definition of "feudalism" is a matter to be left to the end of the day. This is the main source of the difficulty. We cannot discuss "feudalism" in a vacuum: we must begin somewhere with something, but at first we know too little about the complex problems involved; about the obscure, difficult and tantalizing body of evidence that needs to be sifted if we are to choose the correct thing. Consequently it is not surprising that studies of English "feudalism" have proceeded in anything but a straight line: like love in the *Pickwick Papers* their course has not been at all like a railway track. From time to time the state of the subject requires that we go back and re-examine our original notion and re-shape it in the light of advances in knowledge. I suggest that this is very much needed in the present state of English feudal studies. I have tried to show elsewhere<sup>1</sup> that the notions of "feudalism" currently accepted simply cannot be squared with the current state of the evidence. But something further is required. It is not merely the current state of the evidence which requires fresh examination but the notion of "feudalism" which underlies its interpretation. The notion in question is certainly held by the majority of contemporary scholars but it is in fact neither very new nor has it been subjected to much recent scrutiny.

To undertake such a scrutiny it is necessary to begin with Stubbs, whose disquisition on "feudalism" in his *Constitutional*

<sup>1</sup> *Land Tenure in Early England*, (Leicester, 1960).

*History* lies behind most of what has been said on the subject since. This is what Stubbs had to say.

. . . (feudalism) may be described as a complete organization of society through the medium of land tenure, in which from the king down to the lowest landowner all are bound together by the obligation of service and defence: the lord to protect his vassal, the vassal to do service to his lord; the defence and service being based on and regulated by the nature and extent of the land held by the one of the other. In those states which have reached the territorial stage of development, the rights of defence and service are supplemented by the right of jurisdiction. The lord judges as well as defends his vassal: the vassal does suit as well as service to his lord. In states in which feudal government has reached its utmost growth, the political, financial, judicial, every branch of public administration is regulated by the same conditions. The central authority is a mere shadow of a name.<sup>1</sup>

What this meant when applied to England becomes clearer when we look at what Stubbs has to say about the primitive Germanic society he imagined feudalism to have replaced:

. . . The ancient German system . . . was no irregular unorganized fabric, but a complete governmental system. Its conquests were the work of the nations moving in entire order . . . all the people were bound to be faithful to the king, the gift of an estate by the king involved no defined obligation of service . . . the basis of the polity was not the relation of lord and vassal, but that of subject to sovereign.<sup>2</sup>

Stubbs believed that Anglo-Saxon England was just such a Germanic "polity" and that this "polity" was ended for a time by the Norman Conquest and the consequent introduction of "feudalism" into England. "Feudalism was", he wrote "as far as it existed in England, brought fully grown from France."<sup>3</sup>

Note what Stubbs is doing. He is taking a broad general view of the whole of early English society and he thinks he sees two fundamentally different kinds of political organization in England, one before and one after 1066. From his general view he takes particular characteristics which, especially dependent military tenure and the "defined order of service", have served as *the* criteria for the absence or presence of "feudalism" ever since. It is obviously possible to see "feudalism" as something rather different. French and German historians do not use the term in quite this way; Marxist and economic historians have a different set of criteria again: but in spite of the obvious source

<sup>1</sup> *Constitutional History*, (Oxford), 274.    <sup>2</sup> loc. cit.    <sup>3</sup> Ibid. p. 273, n. 2.

of Stubbs's Germanic "polity"—the England of Queen Victoria rendered after the manner of Tacitus—modern English scholarship still assumes that Stubbs was substantially right.

Now Stubbs's opinions on early English society have not gone without criticism. Maitland in his *Domesday Book and Beyond* and Chadwick in his *Origins of the English Nation* both take issue with the early part of the *Constitutional History* on absolutely fundamental points. Neither of these books is overtly polemical, but the profound disagreement with Stubbs's Germanism which underlies them is clear. Maitland indeed in the preface to *Domesday Book and Beyond* said: "I have been trying to show how we can . . . abandon as little as may be of what we learnt from Dr. Konrad von Maurer and Dr. Stubbs." The urbanity and modesty are characteristic of Maitland—equally characteristic is the casually slipped-in assumption that Stubbs is in need of salvage. In fact the book is a sustained rejection of almost all the theories Stubbs thought he had established about early English society. Unfortunately these criticisms have not been given a fair hearing. Chadwick has been largely ignored: Maitland thoroughly misunderstood. Maitland showed, without mentioning Stubbs by name for the most part, that the most important criteria used by Stubbs as proving the existence of "feudalism" applied as much to Anglo-Saxon as to Anglo-Norman society. He also pointed out that the same institutions developed a good deal by Henry II—and Glanvil's—day. Since he took Glanvil as the basis for his notion of what a "feudal" society was like, and since he supposed that the Conquest was the occasion and France the source from which the legal revolution of Glanvil's day came, he could be quoted in support of the opinion that Anglo-Saxon England was only proto-feudal and that full "feudalism" was only imported into England after 1066. But it must be clearly understood that the sense in which Maitland thought of "feudalism" as a Norman import is very different from what Stubbs meant: it is Stubbs's definition, however, which underlies most modern opinion on the subject. On the essential point that England in the reign of the Confessor and England in the reign of the Conqueror were two different kinds of society Maitland was adamant they were not. He saw, as Stubbs before him also

saw, that it is useless arguing that the Normans introduced "feudalism" and then trying to allow some resemblances between the old and newer dispensations. Either they were incompatible, and 1066 saw a revolution at an unusually fundamental level, or they were essentially similar and we are left with the question of how much or how little innovation did the Norman Conquest make in an already existing social framework. Maitland thought, I believe rightly, that it is misleading to use language in the way Stubbs did so as to suggest that the Conquest was a catastrophe in the manner of, say, the French Revolution or the German Reformation. In effect Maitland is saying that the England of 1166 was a very different place from that of 966 and that the Norman Conquest had something to do with the difference, but that the difference did not lie where Stubbs thought it did. Maitland is somewhat outmoded in details, but recent research has tended to find continuities between Anglo-Saxon and Anglo-Norman England<sup>1</sup> where even Maitland could see none. A revised "Maitland" would be even remoter from the first volume of the *Constitutional History* than is *Domesday Book and Beyond* as it stands.

Modern scholarship has generally preferred to follow Stubbs rather than Maitland. This is because far fewer scholars have the same acquaintance with Anglo-Saxon England that they have with Anglo-Norman. For the most part they take their stand on what they know well, which is Anglo-Norman England; when they want something to compare it with in earlier England they turn to Professor Stenton's classic volume, *Anglo-Saxon England*. Even this remarkable study followed the same author's *First Century of English Feudalism*, the standard account of the nature of Anglo-Norman society, by many years. Since *Anglo-Saxon England* is in fact a more detailed, more learned, restatement of Stubbs's original thesis—with certain important exceptions—it is not surprising that Maitland has found few supporters. It seems to me the more necessary to take another look at Stubbs's primitive Germanic "polity" as restated by Professor Stenton and to suggest that in spite of all, Maitland—and Chadwick—must

<sup>1</sup> This is principally in legal history: see N. D. Hurnard, "Anglo-Norman Franchises", *Eng. Hist. Rev.*, vol. lxiv (1949), and vol. lvi (1941).

prevail. In this way we can profitably reverse the usual order of procedure. I do not want to talk about Anglo-Norman society and to go back and look for, or denounce, alleged precedents for this or that institution in Anglo-Saxon England. I want to look at the broad features of English society before the Conquest and *then* ask, as Maitland did, does it make sense to talk about the introduction of a new kind of society into England in 1066?

The obvious starting point is the army. Anglo-Saxon society was so violent that a central fact of its politics, its way of life even, was fighting and making war. When the poet of *Beowulf*, who was certainly by contemporary standards an instructed Christian, wished to present us with a portrait of a good king he used these words :

Often Scyld scefing took mead-benches away from troops of foes, from many peoples. He terrified the nobles, after he was first found helpless ; he met with consolation for that, increased under the heavens and throve in honour, until each one of those who dwelt around, across the whale's road, had to obey him, and to pay him tribute. That was a good king.<sup>1</sup>

Almost every scrap of evidence we have from poems to charters bears witness to the cardinal importance of fighting and the army in early English life. The central point of Stubbs's thesis, then, is his view of the Anglo-Saxon *fyrd*. He thought—and every scholar of the “Germanist” tradition has followed him—that the *fyrd* was raised at the command of the sovereign and manned as a social obligation by subjects. It was a public military service : the *fyrd* was a truly national levy in which all freemen served ; it was the “nation in arms” as Vinogradoff once called it. 1066 was supposed to have changed all that. The *fyrd* was replaced by the feudal host. The “nation in arms” gave way to a select body of aristocratic warriors serving as the result of a series of private bargains made between individuals, of whom the king happened to be the most important. No longer the ruler commanding the military obedience of his subjects, the king is now the supreme lord sustained by his men who are in turn served by theirs, the whole being bound together by a series of personally negotiated contracts. This is pretty large talk. The difference alleged between *fyrd* and host is great. We are there-

<sup>1</sup> Ed. Fr. Klaeber (New York, 1950), lines 4-11.

fore entitled to ask for evidence to justify it. When we do, we find that the Germanist case rests less on a discussion of the evidence than on a matter of emphasis. Historians studying the Anglo-Norman army look above all at the knight; so far as the *fyrd* is concerned it is the freeman who claims their attention. This is obvious when we ask why we should believe the *fyrd* ever was a truly "national *fyrd*", to use the words of one of the few modern historians who have noticed there was a problem at all.<sup>1</sup>

The arguments put forward all relate to the service of the *ceorl*. It is commonly said that *ceorls* were free peasants, *ceorls* served in the *fyrd*, hence the *fyrd* was an army of free men and might properly be called a national army. This argument may be criticized from two different points of view. First, can we equate the *ceorl* with the "common man" of early English society, secondly did the *ceorl* really serve in the *fyrd*? The *ceorl* is, of course, a central figure in "Germanist" historiography. He is taken to be a smallish man, legally free, economically independent, and socially important. But as Mr. Aston has recently pointed out,<sup>2</sup> we really know almost nothing concrete about either the *ceorl* or his social position. He says, and rightly so: "The confidence . . . with which historians have often written about the history of the *ceorl* has not only gone beyond the evidence; it has also gone against the ambiguity of the name itself." A glance at the entries under *ceorl* in *Bosworth and Toller* will confirm this. In the extant texts *ceorl* means many things. It may be used as an equivalent for the Latin *vir*; in poetry it is applied to noblemen; it commonly means "husband" and is so used of all social ranks; it can also mean *rusticus*—perhaps "yokel" would be a good modern equivalent. We have really no warrant for supposing that *ceorl* meant anything precise to Anglo-Saxons. Questions as to what kind of incomes did *ceorls* have, how many *ceorls* were there, what kind of social standing did they enjoy, what ups and downs did they have in the course of the several centuries of Anglo-Saxon history, are unanswered and unanswerable. But they need some kind of answer before it is really possible to suppose what a *fyrd* composed of *ceorls* would be like.

<sup>1</sup> F. M. Stenton, *Anglo-Saxon England* (Oxford, 1947), p. 575.

<sup>2</sup> *Trans. Roy. Hist. Soc.*, viii. no. 5, p. 70.

Germanist historiography has, then, surprisingly little concrete to say about the *ceorl* considering the central role he plays in the Germanist account of Anglo-Saxon society. It follows that when scholars have argued about the *fyrð* as a national levy they have been accustomed to debate about a class of men of whose mode of existence they know almost nothing.

The Germanist case is still further weakened by a consideration of the position of the thrall or slave in Anglo-Saxon society. We know a little more about thralls than we do about *ceorls*. They were certainly unfree, they did not serve in the *fyrð*. Yet their numbers were substantial. As Sir Frank Stenton has pointed out, "the primitive English *ceorl* was usually a slave-owner".<sup>1</sup> So that there must have been at least as many thralls as *ceorls* in Anglo-Saxon England. Even if *ceorls* did serve in the *fyrð*, then a large fraction, perhaps a majority, of the population did not. In what sense, then, was the *fyrð* a national levy?

But did the *ceorls*, whoever they were, serve in the *fyrð*? The Germanist case is stated by Professor Stenton as learnedly and as cogently as anyone is ever likely to do. He writes: ". . . different scholars have come to very different opinions about the military value of the *ceorl*. The bare fact that this class served in the *fyrð* is proved by an explicit statement to that effect in Ine's laws. Whatever the basis of their service may have been, it is only reasonable to assume that all able-bodied freemen would fight, or attempt to fight, when their country was invaded. . . . In all the recorded fighting of Anglo-Saxon history the typical warrior is the man of noble birth, fitted to be the king's companion, with far more than the equipment of an ordinary peasant, and dismounting only for battle. The peasant contingents in the host move very dimly behind this aristocratic foreground. But impressions derived from a few incidents, imperfectly recorded, can easily mislead, and there are facts which suggest that a *ceorl* may have been by no means negligible as a fighting man. . . . The numerous swords and shields found accompanying the burials of the heathen period cannot all have belonged to kings' companions and their kin. The Kentish *ceorl* of Æthelbeht's time was certainly rich enough to provide himself with an elaborate military

<sup>1</sup> *Trans. Roy. Hist. Soc.*, viii. no. 5, p. 310.

equipment. Above all, the one text which illustrates the composition of the *fyrd* in the time before the Danish wars shows that kings were interesting themselves in its composition, and suggests they were attempting to raise its quality by limiting its numbers."<sup>1</sup>

There is only one piece of direct evidence here, a law of Ine<sup>2</sup> which states that a *ceorl* who neglects the *fyrd* shall be fined 30s. From this it follows that whatever the drafter of the laws of Ine thought a *ceorl* was, he owed some kind of military service, at any rate in Wessex about 690. Professor Stenton then cites some supporting evidence, mainly archaeological. This amounts to saying that *ceorls* had weapons. But in the turbulent world in which they lived who could doubt they had? What is important is what those weapons were used for—defence of the realm or the homestead? This archaeology cannot tell us. Professor Stenton adds to this the evidence of a Mercian charter, CS 201. But although this charter requires an obvious aristocrat to have ready a quota for the *fyrd*, it does not say what social class the men composing the quota belonged to. I cannot see that we are entitled to suppose they were *ceorls* from anything said in the charter.

His most persuasive argument seems to me to be the supposition that able-bodied men would fight when their country was invaded. Under the spell of Stubbs and his Germanic "polity" one might enthusiastically agree, but the sources themselves do not encourage us to place much reliance on the patriotism of the lower classes, or the higher classes—who had more to lose—either. In the time of Æthelred II the unfree class enthusiastically embraced the cause of the invader according to Archbishop Wulfstan and fought against their former masters.<sup>3</sup> Asser's account of King Ælfred's struggle against the Vikings shows that indifference from his own subjects was one of the hindrances to his resistance to the Vikings:

What shall I say of the frequent sorties and campaigns against the pagans and the unceasing problems of government? . . . What concerning the great disturbance and controversy—besides his illness—caused by those unwilling to submit to any, or but little, service for the common necessity of the kingdom.<sup>4</sup>

<sup>1</sup> *Trans. Roy. Hist. Soc.*, viii. no. 5, p. 287.

<sup>2</sup> *Ine*, c. 51.

<sup>3</sup> *Sermo Lupi ad Anglos*, ed. D. Whitelock (London, 1952), i. 104 ff.

<sup>4</sup> *Asser's Life of King Ælfred*, ed. W. H. Stevenson (Oxford, 1904), c. 91, pp. 11, 13 ff.



Asser then goes on to show that it is the very highest classes of society that he means :

For diligently he most sensibly brought to his way of thinking and the common profit of the whole kingdom, his bishop, ealdormen, magnates, those of his thegns most dear to him and likewise his reeves, to whom after God and the king, all authority in the kingdom seems, as is right, to belong ; gently teaching, praising, urging, commanding, but at last, after a show of considerable patience, sharply punishing the disobedient, abominating vulgar folly and obstinacy in every way.

Thus this negligence occurs at the highest level of society in the greatest threat to their " country " the Anglo-Saxon nobility ever had to face. Can we really suppose the peasantry did better ? Asser certainly does not think so. He speaks of :

fortresses commissioned by him but not begun or begun excessively late and left unfinished.

As we shall see there is an important connection between the building of fortresses and the service of the *ceorl*. No, the assumption of a common patriotism and a sense of communal self-interest cannot be safely made in Anglo-Saxon times.<sup>1</sup> We are left then with a solitary piece of evidence, Ine's law.

To account for this it is only necessary to look at the evidence for the nature of the *fyrð* without Germanist spectacles. Curiously enough this was done many years ago by the late H. M. Chadwick in what still seems to me an unanswerable—it is certainly unanswered—case for a limited, selective *fyrð*. He pointed to a passage in Bede<sup>2</sup> which deals with an incident supposed to have occurred during the battle of Trent in 679. A man called Imma, indubitably an aristocrat, was wounded and captured. Imma feared to admit he was a *miles* and pretended to be a *rusticus* who had " come on the campaign with others of his kind to bring provisions to the troops (*militibus*) ". The importance of the passage is capital. Bede takes it for granted that gentlemen fight and yokels supply : a captured *gesith* is in quite different case from a captured *ceorl*—*ceorl* is, of course, a common rendering of *rusticus* in Anglo-Saxon. The *gesith* was liable to be killed because of his captor's obligation to avenge his own kinsmen killed in the battle. The *ceorl*, according to Bede, was not killed

<sup>1</sup> *Origin of the English Nation* (Cambridge, 1907), pp. 159 ff.

<sup>2</sup> *Opera Historica*, ed. C. Plummer (Oxford, 1896), iv. c. 22.

but enslaved. The *ceorl* then could not have fought or he would have come under the ordinary custom of the vendetta which Imma obviously feared. This incident gives us a convincing explanation of *Ine*, 51, and the *ceorl's fyrd* service, which brings it into line with the rest of the sources.

The other sources are more numerous than might be supposed. Many pages of the Anglo-Saxon Chronicle are taken up with stories of battles, especially of the campaigns of King Ælfred against the Vikings. No one reading these annals with an unprejudiced eye could suppose that they refer to warriors of less than the highest rank. The names of the dead reported are all, where they can be identified, men of noble birth. The *ceorl*, however, comes in too, on one occasion. Under 893 we are told that a Danish army landed in Kent, stormed a half-built fortress, and killed a few ceorlish men there. If we wish we can say that the *ceorls* were there defending the "Folk", but the sense of the passage seems more to lie as Chadwick and others have thought. For the annalist *ceorls* counted for little, they were there merely to build the fortress. Its half-finished state recalls Asser's complaints. But for the most part Ælfred's *fyrd* moved to war on horseback, ranging from one side of England to the other. They spent six months in the field and six months at home. If one remembers that Anglo-Norman kings only got a few weeks service from their host, the thought that King Ælfred had peasants in the field for six months defies belief. In fact the men who made up the *fyrd*<sup>1</sup> cannot have been cultivators of the land. No farmer, not even an Anglo-Saxon *ceorl*, could have left his crops for so long.

It is worth citing the tenth-century poem on the battle of Maldon of 991. This is by far the most intimate account of the *fyrd* in action we possess. Chadwick wrote of it: "Now the

<sup>1</sup> *The Chronicle*, s. a. 893, is quite explicit that King Ælfred divided the *fyrd*, the whole *fyrd*, into two. The passage reads in Dr. Whitelock's translation, (London), 1961, 54: "The king had divided his army into two, so that always half its men were at home, half on service, apart from the men who guarded the boroughs." The men from the fortresses were also aristocrats, see the same annal: "Then Ealdorman Ethelred . . . and the king's thegns who then were at home at the fortresses assembled from every borough east of the Parret." Thus the annalist knew of no stay-at-home contingents of peasants forming part of the *fyrd*.

only detailed account of a *fyrð* which we possess is that of the Essex force commanded by Earl Byrhtnoth, given in the poem on the battle of Maldon. The backbone of the force clearly consisted of a number of warriors, over twenty of whom are named, in the personal service of the earl, and who in some cases at least were men of very high birth. Indeed there is no indication that the army contained any other element than these warriors and their followers.”<sup>1</sup> Chadwick went a little too far. One of the named warriors, Dunhere, is described as a simple *ceorl*. I do not think he can have been a rustic. His place in the battle is on the same level as that of the undoubted thegns, and he was the personal man of Ealdorman Byrhtnoth. I suggest he was one of those *ceorls* who throve, answered for five hides worth of land, and enjoyed thegnly status, mentioned by Archbishop Wulfstan.<sup>2</sup>

We have then only a single, ambiguous, text to cite for the thesis that *ceorls* were fighting men. Against this is the silence of the really quite numerous texts which always treat the *fyrð* as an army of aristocrats. The silence of the poems seems to me particularly significant. These poems were so often devised for the entertainment or edification of fighting men. They show an utter indifference to agricultural pursuits and preserve a complete silence on the subject of fighting *ceorls*. If *ceorls* really did fight alongside their betters one would have expected some stories involving them, if only in a minor way. Surely there should be some references to them, condescending no doubt, after the fashion of stories of “tommies” in the literature of the Great War? To read through the Anglo-Saxon sources is to get a strong impression that Archbishop Wulfstan knew what he was saying when he divided society into those who worked, those who fought, and those who prayed.<sup>3</sup> I cannot think if these sources had been read without the presuppositions planted by Stubbs and his primitive “polity”, we should ever have dreamt of supposing that the *fyrð* was anything but aristocratic, with nothing at all of the nation in arms about it.

If, as I suggest, the evidence requires we send the peasants about their business, leaving fighting to their lords and masters,

<sup>1</sup> Chadwick, *op. cit.* p. 159.    <sup>2</sup> F. Liebermann, *Gesetze*, i (Halle, 1903), 456.

<sup>3</sup> B. Thorpe, *Ancient Laws and Institutes* (London, 1840), ii. 306.

although this must strike a serious blow at the Germanist view of Anglo-Saxon society it does not in itself tell us much about the *fyrd*. We must replace Stubbs's primitive "polity" with a differently directed account of how the *fyrd* fitted into contemporary society. This is a complicated task which cannot be accomplished easily or in a moment, but the outlines of a more plausible account can already be sketched in. There is really quite a lot of evidence. Let us take to begin with the problem of vassalage, the bond of lord and man. No one has ever denied the existence of lordship in Anglo-Saxon society, but few have taken it very seriously. In particular the quite vital part these bonds played in the *fyrd* has been overlooked. In the seventh century Bede casually reveals that lordship mattered when early Anglo-Saxon warriors went to war. In the incident I have discussed already, when the pretended *rusticus*, Imma, was captured, his captors took him to their *dominus*, who was a companion, a *comes*, of the king himself. The O.E. translation of Bede, made a century and a half later, reinforces the point by rendering *dominus hlaford*, the standard Anglo-Saxon word for a man who holds the homage and fealty of another. The sources seem to take it for granted that a *comes* or *gesith* of the king would himself be the king's man. This is well illustrated from some lines towards the end of *Beowulf*.<sup>1</sup> In the final section the young Wiglaf goes to help his sorely pressed *freodryhtne*, Beowulf. Thus there is no doubt that Wiglaf was Beowulf's man. Wiglaf then turns and harangues the cowardly companions who hang back. Beowulf, he reminds them, is their *hlaford*, they have received weapons and treasure from him, now they should fight for him. The whole passage is a treatise on the duties of a vassal towards his lord. The poem in general takes it for granted that warriors fight as the men of their lord, that the greatest lords are the king's *gesiths*, and that they too are tied to their king by the bonds of vassalage. Bede's story about the captured Imma suggests that this was not poetic licence, which is in any case improbable on a point of this kind.

The Anglo-Saxon Chronicle takes up the story. If we read it carefully, it always assumes that fighting men fight as vassals

<sup>1</sup> Ed. Klaeber, 11, 2604 ff.

around their lords. The best example of this is the story of Cynewulf and Cyneheard.<sup>1</sup> King Cynewulf was visiting his mistress, with naturally only a small following. His enemy Cyneheard surprised him and killed him before his companions could reach him. These companions are called his thegns. They were beyond question his men, and they refused all the offers of Cyneheard and died fighting their dead lord's murderer. More of Cynewulf's thegns appeared next day and besieged Cyneheard. Cyneheard tried to bargain for their acceptance of himself as king. If they fought him they fought their own kinsmen, who formed his bodyguard. The thegns replied that no relative was dearer than their own *hlaford*, accordingly they refused the offer and fought. The point of the story is the priority of the bond of lordship to that of kinship; again it is taken for granted that a king—or a magnate such as Cyneheard—would fight as lord of his troops. It would be possible to cite many more examples from the Chronicle of the basic assumption of its authors that the *fyrd* was held together by the bond of vassalage. What is even more obvious is that when the Chronicle wishes to speak of the relations of a king to "his people" it uses the allegedly "feudal" terminology of lordship. In 774, for instance, "the Northumbrians drove their king Ahlfred from York, and took as their lord (*hlaford*) Æthelred". If we read through the account of the wars of Edward the Elder and the numerous submissions of groups of Viking settlers to his rule it is obvious that such submission was expressed by the Vikings becoming the men—not the subjects in Stubbs's sense—of the king. In 914 the Viking Earl Thurcetul submitted to Edward by seeking him *to hlaforde*. In other instances the words chosen to express this kind of submission speak of the men bowing to the king.<sup>2</sup> This use of *bagan* as meaning *submit* must refer to the ceremony of homage.

The persistence of lordship as the cement of the *fyrd* is shown

<sup>1</sup> ASC, s. a. 757.

<sup>2</sup> The "bowing", of course, recalls the form of the ceremony of homage. The degree to which Anglo-Saxon speech habits were penetrated with the vocabulary of "feudalism" is shown by some ecclesiastical sources. *Hlaford* is used to describe an abbot or bishop. *Hired* may mean indifferently the retainers of a great layman or a religious community: see *Journal of Ecclesiastical History*, vi (1952), 147, n. 5.

at the end of the Anglo-Saxon period in the poem the *Battle of Maldon*. This is an account of a battle which took place between the Vikings and the Essex *fyrd* led by Ealdorman Byrhtnoth. The *fyrd* consists plainly of the Ealdorman and his vassals. The whole point of the poem implies that the duty of a man to his lord animated the *fyrd*: those who fell with their lord are held up to honour, those who fled from him, to obloquy.

But the very "feudal" ties of lord and man were not confined to the lower ranks of the *fyrd*. In the *Battle of Maldon* Ealdorman Byrhtnoth speaks of King Æthelred as his lord. It is taken for granted that ealdormen should stand in this position. All the evidence supports this assumption. The story of Cynewulf and Cyneheard already cited says explicitly that Cynewulf's "thegns", who included at least one ealdorman, regarded him as their lord. On the death of King Ælfred, his nephew, Æthelwold, made a claim to succeed him. He went to the Northumbrian Vikings who took him as king and *him to bugon*.<sup>1</sup> They did him homage in other words. From the reign of Edward the Confessor we have the invaluable, and neglected, *Encomium Emmae Reginae*. In its account of the confusions that followed the death of Cnut it is made plain that the usual way of raising a claim to the crown was the taking of homage by the claimant from the greater magnates.<sup>2</sup> Once we have understood this, then it is apparent that the bond of lordship must go through the whole of society, because the relations of the king and his magnates were Anglo-Saxon politics.

It is probable that a good deal of the shape of medieval local

<sup>1</sup> ASC (D text), ed. F. Classen and F. E. Harmer (Manchester, 1926), p. 39.

<sup>2</sup> *Encomium Emmae Reginae*, ed. A. Campbell, *Royal Historical Society, Camden Series*, no. lxxii, 1949. When Ælfred, the younger brother of Edward the Confessor, came to try his luck on the death of his step-father, Cnut, he met Earl Godwin, *op. cit.* p. 42, who at first accepted him as king-elect, probably in connivance with the dowager queen. Godwin met Ælfred and became "eiusque mox miles cum sacramenti affirmatione". (The use of *miles* here by a man who may well not have been English and who certainly acquired his latinity in a Flemish monastery deserves note.) Ælfred was then murdered and Emma sent for his elder brother Edward. The latter, more prudent, refused. He said: "he was able in no way to help since the English nobles had sworn no oath to him", *op. cit.* p. 49. Earl Godwin was certainly the man of King Edward, see *Vita Eadwardi*, ed. F. Barlow, (London, 1962), *passim*.

government derives from this all-pervasive bond of vassalage. The ealdormen, under the king, alone, or with a few colleagues, led the *fyrd*. The ealdorman's sphere of authority was known as his *scir*. Since the ealdorman's *scir* tended to become hereditary, or at any rate was frequently transmitted entire and intact, these *shires*, to use the modern word, tended to become fixed territorial units. But the Anglo-Saxon sources show this is a later development. The *scir* is primarily the local *fyrd*, the ealdorman and his men. When the *fyrd* fights, the sources indifferently speak in terms of bands of warriors, lords surrounded by their retainers, the *scir*, or even the *folc*.<sup>1</sup> It is apparent that these all mean the same thing. The shire was subdivided, of course. As everyone knows, the most important part of the shire was the hundred. Now the importance of the hundred as a unit of early medieval local government has been pointed out many times, but recent historiography has concentrated mainly on its legal and administrative functions: the military side has been virtually ignored. This has thoroughly obscured the problem of the "origin" of the hundred. The legal and administrative functions of the hundred are all disclosed through the operations of the hundred court which does not appear before the reign of Edward the Elder, unless one of Ælfred's laws contains an oblique reference to it.<sup>2</sup> But scholars have shown that the hundred is in fact much older than its court. Signs of the existence of the hundred in the eighth century have been detected by Sir Frank Stenton,<sup>3</sup> and Mr. Anderson has shown the pagan origin of some hundred names.<sup>4</sup> There is no reason to doubt that the English hundred was a very primitive institution indeed. This brings it into line with its counterpart, the Continental hundred, and again it seems likely that the English hundred, like the Continental,

<sup>1</sup> The word *folc* has a much more military ring than is usually allowed. In *Maldon*, lines 22, 227, 241, 259, and 323, it means simply army, as the poem's editor, Professor Gordon, noted.

<sup>2</sup> *Ælfred*, 42, 1. This is the law requiring those who attack their enemies to keep them, when taken, thirty nights unharmed. The ealdorman is to be informed. The term may mean that the man was to be produced at the next hundred court. I owe this suggestion to Sir Goronwy Edwards.

<sup>3</sup> *Anglo-Saxon England*, p. 298.

<sup>4</sup> O. S. Anderson, *The English Hundred Names*, (Lund, 1934).

had a military origin.<sup>1</sup> The hundred is a component part of a shire : a shire is a group of men serving the lord, the ealdorman, who holds the shire of his lord, the king. It could hardly be anything else but a part of the elaborate network of lordship which made up Anglo-Saxon society. But we need not argue from what " must be the case ".

Ealdorman Æthelweard in his chronicle speaks of the ealdorman and hundreds of Wiltshire when he means the Wiltshire *fyrð*.<sup>2</sup> A more intimate glimpse into what lies behind this casual remark can be got from the Oswaldslow charter, CS 1135. One of the purposes of the charter was to complete the building up of a great soke in the heart of Worcestershire to lie in the hands of the bishops of the Hwicce. This was done by consolidating and extending grants anciently made and endowing them with new powers out of the treasury of authority being amassed by the West Saxon rulers of England. The liberty of Oswaldslow was carved out of the ealdorman of Mercia's " shire ". It was composed of three hundreds ; significantly this meant first and foremost that the *exactors*, whose duty it was to enter the Mercian hundreds and raise the *fyrð*, were excluded from the three hundreds of Oswaldslow and their duties imposed on the bishop. CS 1135 shows also that the liberty, when created, like the shire its parent, was made up of the mutual obligations of lord and man. The first thing St. Oswald did when he got it was to make the local thegns take him as their lord.<sup>3</sup> Likewise when King Edgar, about the same time, " restored " the hundreds of Taunton, Downton, and Chilcomb-Farley, to the church of Winchester, so far as Taunton was concerned, at least, he ceased to be " head " of the hundred and transferred his powers to the bishop of Winchester, who in 1086 is found leading the men of Taunton to war as his brother of Worcester led the men of Oswaldslow.<sup>4</sup>

It is also useful to reverse our procedure, start at the bottom of the *fyrð*, and work up. In Bede's day what was called a hide

<sup>1</sup> H. Dannenbauer, " Centena und Huntari ", *Historisches Jahrbuch*, lxii-lxix, 1942-9, reprinted *Grundlagen der Mittelalterlichen Welt* (Stuttgart, 1958).

<sup>2</sup> *Rerum Anglicarum Scriptores*, ed. H. Savile (Frankfurt), p. 842, *recte*, 840.

<sup>3</sup> This is discussed at length in *Land Tenure in Early England*, chap. vi and vii *passim*.

<sup>4</sup> *DB*. i. 87b. See further Appendix II.



of land seems to have been enough to support a single warrior and his family. The subsequent history of the basic unit of service in the *fyrð* is obscure, but by the late tenth century it had settled down at a tariff of one warrior—the normal term is now *thegn*—answering for each five hides.<sup>1</sup> By following up the relation of the thegn to the ealdorman through the hundred a good deal of light is shown on Anglo-Saxon military arrangements. The hundred itself in the tenth century was thought of as an existing, augmented or diminished, unit of one hundred hides. The Midland shires which were reshaped in the late tenth or early eleventh centuries still retain sufficient uniformity by the time of Domesday Book to prove that an original grouping of units of a hundred hides lay behind their making.<sup>2</sup> If we consult Domesday Book again, as Round so often insisted, these hundreds were

<sup>1</sup> See *Land Tenure in Early England*, p. 122, and C. W. Hollister, *Speculum*, vol. xxxvi (1961). Professor Hollister and myself both independently argued for a return to the older view that thegns answered for five-hide units in Anglo-Saxon England: we both rejected Professor Stenton's well-known counter-argument based on the interpretation of the Berkshire customal in Domesday Book. We have been criticized in this instance by Professor Hoyt, *Speculum*, xxxvi (1961), 664. Professor Hoyt wishes to maintain that the *miles* of the Berkshire customal was not a thegn. If his argument is to be cogent he must go all the way with Sir Frank Stenton and say that the *miles* was a *ceorl*, and that the reference to thegnly service in the second part of the customal is quite distinct and different from that to the *miles* who must answer for five hides in the first. Since it cannot be denied that a man who answered for five hides of land in the late tenth century counted as a thegn even though born a *ceorl*, this seems difficult. But Professor Hoyt argues: "The term *miles* is not synonymous with thegn, nor is it restricted to, or have (*sic*) as its primary meaning mounted peasant." The question is what does it mean in the case of the Berkshire customal? In fact Professor Hoyt cites a number of instances of its meaning a man of very high rank. He cites no case where *miles* means unambiguously a peasant. He can show *militēs* however who have only one hide of land. But knight's fees containing only three hides of land, and in one case only one hide, are found in the Abingdon archives, *Chron. Monasterii de Abingdon*, ed. J. Stevenson, ii (London, 1858) (Rolls Series), 5 f.; *Eng. Hist. Rev.*, lxxvii (1962), 417, n. 3. It cannot be argued that a man who held a knight's fee, however small, was a peasant. But there is another serious objection to Professor Hoyt's argument. The passage in question is not part of a return in the regular form of the Domesday Inquest. It forms a discreet statement of local custom and it is reasonable to suppose that the terminology may well differ somewhat from that of the regular Domesday entries. *Miles* as a synonym for thegn is used unambiguously in a later section of the same customal.

<sup>2</sup> See H. P. R. Finberg, *Gloucestershire Studies* (Leicester, 1957), pp. 17-51.

made up of sub-groupings of estates, which in district after district answered for service in multiples of five hides. In other words the hundred was commonly subdivided into five-hide units. Behind these dry facts and figures the shape of the *fyrd* can be seen. The five-hide units are the estates of warriors of the *fyrd*: the men who hold them serve their lord, or their lord's lord, in his shire and his hundreds. The hidage of an estate told a man how much service he owed his lord, the hundred it lay in told him when and how he paid his dues and did his share, the shire commonly told him who was his lord in battle. By 1086 this system had been bent a good deal by the course of time. Many thegns must have held less than five hides, some had more than one lord, some hundreds had gained or lost hides, some shires showed gaping holes where great sokes had been carved out of them. But the outlines of the system and its deeply traditional character can still be seen behind the statistics of Domesday Book.<sup>1</sup>

Thus the history of the Anglo-Saxon hundred and shire is not to be understood in terms appropriate to the study of rural district councils or whatever. It must be set in the context of the *fyrd* and the rites and customs of lordship: it must be seen as part of a society shaped like a pyramid with the king at its apex and the bonds of lordship running through it from top to bottom. It is hardly surprising that the Old English sources know of only two kinds of disloyalty, betrayal of one's lord or betrayal of one's kin. Of the crime of treason of subjects against a "polity" or any kind of state or nation they know nothing. The conception of authority their authors hold is almost wholly personal; they show only the most tentative gropings towards anything at all abstract and impersonal.<sup>2</sup>

<sup>1</sup> *Land Tenure*, pp. 140 ff.

<sup>2</sup> The military functions of the hundred have only been touched on here. It seems likely that the burghal system of defence against the Vikings was based on the hundred, *Land Tenure*, p. 154. King Edgar based his system of "shipfuls" on the casting of three hundreds together. From this last arrangement it seems that a hundred was intended to provide twenty warriors for the *fyrd*. The importance of the *burgh* and the shipful for the shaping of the Midland shires suggests that the conception of the hundred as a unit for rendering a fixed quantity of military service was both ancient and pervasive in spite of the many anomalies which time and privilege worked into it.

But there is another aspect of this network of warriors and estates, of lords and men, shires and hundreds, which must be faced and that is the problem of justice, "public" or "private". This is not because studies of "feudalism" always touch on the question of the judicial franchise, but because the nature of the evidence shows that justice in Anglo-Saxon society was almost a by-product of its military arrangements.

Stubbs saw that if his distinction between the Anglo-Saxon polity and Anglo-Norman "feudalism" was to stand, judicial as well as military affairs must have a different look in the two societies. Stubbs was perhaps rather clearer about what was involved than his successors have been. For Stubbs Anglo-Saxon justice was public justice done in folkmoets; Anglo-Norman justice was private justice done in franchisal courts. He knew that there is plenty of evidence for the granting of judicial privileges in Anglo-Saxon England which he tried to explain away by the ingenious theory that the privileges were grants of the profits of justice only. This view has been decisively rejected by Maitland and Professor Stenton: not all the valiant efforts of Dr. Goebbel have succeeded in reviving it.<sup>1</sup> But the implications of this rejection have not been faced by the historians of "feudalism". We now know that judicial franchises are found in Anglo-Saxon England a-plenty from the middle of the tenth century at least. We know that alongside, and in some cases above, these courts were the so-called public courts of the shires—and sometimes the hundreds where they had not been granted away. In Anglo-Norman England franchisal courts existed, but recent work has shown that where evidence of their functioning exists, nothing suggests they were as important as they seemed to historians in Stubbs's day.<sup>2</sup> What is more, it is becoming increasingly clear that it is in the shire court that some of the most important Anglo-Norman litigation was heard. Thus in the present state of knowledge it is becoming increasingly hazardous to say that the whole manner of English justice was transformed by the Conquest. It is just here that scholars have been most inclined to abandon the Stubbs tradition and admit some elements of continuity between

<sup>1</sup> *Felony and Misdemeanour*, (New York, 1937).

<sup>2</sup> N. D. Hurnard, *Eng. Hist. Rev.*, vol. lxiv (1949).

Anglo-Saxon and Anglo-Norman institutions. It has been less generally realized how damaging this admission is to Stubbs's case. On the Stubbs view judicial matters must be dealt with differently before and after 1066 : if Anglo-Saxon England were really a primitive " polity " this must show in so important a matter as the administration of justice. Likewise Anglo-Norman justice must be sufficiently different and sufficiently private to justify the general claim that the " polity " had given way to something " feudal ". The contradiction becomes worse when we examine the nature of Anglo-Saxon " public " justice.

Everyone knows that Anglo-Saxon justice was done mainly in things called folkmoets i.e. the *witenagemot*, the court of the king and his magnates ; the shire and hundred moets ; and perhaps the manor court, although we have no information about justice on the lowest level. The justice done in these courts was done according to the law of the land, which meant ancient custom, the high sentences and pious vapourings of the various Anglo-Saxon rulers and their ecclesiastical advisers, and so on. It was public justice, publicly done. Now public courts and public law are something we instinctively feel are different from the sort of justice done in private courts according to custom. But this instinct is misleading. A brief examination of the working of Anglo-Saxon justice in the records of surviving lawsuits will show why. The important suits for this purpose are those relating to land and tenure.

The customary conclusion of an Anglo-Saxon lawsuit over rights in land was an oath which was sworn by one of the litigants with the help of a prescribed number of men of equal or higher social status. This practice is known as compurgation or oath-helping, and more than one scholar has pointed out its picturesque and absurd character. But there was a strictly hard-headed side to compurgation which has been less often pointed out. We have an important letter, dating from the early tenth century, addressed to Edward the Elder.<sup>1</sup> The writer has been convincingly identified as Ealdorman Ordlaf by Dr. Whitelock.<sup>2</sup>

<sup>1</sup> F. E. Harmer, *SEHD* (Cambridge, 1914), no. xviii. The letter is translated also by Dr. Whitelock, *EHD*, pp. 502-3.

<sup>2</sup> loc. cit.

The letter is a detailed account of a lawsuit over an estate called Fonthill. It throws some rather new light on the "public" character of Anglo-Saxon justice. The original holder of the land was called Helmstan. He was a protégé of Ealdorman Ordlaſ and a thorough bad hat. His claim to the Fonthill estate seems to have been a good one; he certainly began as the man in possession. He was, however, a thief and was detected stealing a belt. He was therefore *tyhtbysig*, of ill-fame. This was itself a crime<sup>1</sup> and it is clear from this letter that one of its consequences was that Helmstan lost his right to defend himself in court. Consequently a number of people chose this moment to raise claims against him. One of his estates was Fonthill. It was bookland and therefore the suit had to be heard by the king himself—in this instance King Ælfred. First Helmstan had to get special permission to defend himself, which was granted because of the advocacy of Ealdorman Ordlaſ. A sort of committee was appointed to examine Helmstan's title and his charters. They found them valid. This did not constitute a verdict in Helmstan's favour however. It meant that he was "nearer to the oath": that is, he could keep his land if he could produce an oath supported by the right number of oath-helpers. A day for this performance was appointed: it is clear oath-helpers were not to be had for nothing. Helmstan made a bargain with Ordlaſ. If the ealdorman would help him produce the oath—obtain the required number of thegns from his connection in other words—Helmstan would be content with a life-interest in Fonthill, leaving Ordlaſ the reversion of the land on his death. In more contemporary terms Helmstan abandoned his bookright, taking instead a *laen* for one life. It is obvious that this transaction was no isolated occurrence. Ordlaſ permits himself a general reflection in his letter: "When will any suit be settled, if it cannot be settled either with money or an oath." Which should be read in the light of a later lawsuit<sup>2</sup> in which a payment of a large sum of money was substituted for the oath because: "Then the councillors who were there declared that it would be better for the oath to be dispensed with rather than sworn, because thereafter friend-

<sup>1</sup> See III *Edgar*, 7.

<sup>2</sup> Robertson, *Anglo-Saxon Charters* (Cambridge, 1956), no. lxvi.

ship would be at an end between them." Oaths meant trouble, and it seems that the practice of compurgation has some resemblance to livery and maintenance (as I believe Mr. K. B. McFarlane once pointed out).

This Fonthill suit only began because Helmstan was in bad odour with men of his own class. It proceeded at all only because a great magnate used his privileged position to intervene and gain Helmstan a hearing. The legal title was only validated by a dubious bargain between Helmstan and the local establishment. In the end it is obvious that a man only got his rights if a fair number of the local thegns—a fair section of the local *fyrd* we might say—would stand by him.<sup>1</sup> It is significant that it is to the ealdorman, the lord of many thegns, that Helmstan turned for help. The folkmoets, then, were in a sense public courts administering public law, but they were also assemblies of landed warriors quarrelling and bargaining amongst themselves. It is difficult to believe that the pervasive bond of vassalage did not play some part in all this. The Fonthill document does not inform us of the precise nature of Helmstan's relation to Ordlaf beyond saying that Ordlaf was Helmstan's sponsor at his confirmation. Helmstan, however, held land on *laen* from Ordlaf; the men who held *laens* from the church of Worcester were certainly the men of the bishop.<sup>2</sup> Helmstan was also the king's man: this is not the only known case of a man with two lords in Anglo-Saxon England.<sup>3</sup> It is possible, fortunately, to pursue the question of the relation of lordship to litigation further down the social scale.

We have, of course, no such detailed evidence of litigation in the hundred court as the Fonthill letter provides, but we have important evidence of the relation of this court to the local thegns in the documents relating to the church of Worcester's triple hundred of Oswaldslow and the church of Winchester's set of "restored" hundreds of Taunton, Downton, and Chilcombe-Farley. The Oswaldslow evidence brings out very clearly the

<sup>1</sup> This point is well-shown by the difficulties Queen Eadgifu met when she tried to gain justice in a Kentish lawsuit recorded, Harmer, *SEHD*, no. xxiii, and comments, *Bull. John Rylands Lib.*, xlii. 81, n. 2. <sup>2</sup> *Land Tenure*, c. vii, *passim*.

<sup>3</sup> D. Whitelock, *Anglo-Saxon Wills* (Cambridge, 1930), p. 201.

connection between the bond of lordship, title to land, and military service. For St. Oswald and King Edgar these things went together. Oswald was not in good standing with the Mercian thegns who resented his reduction or elimination of traditional family rights over the endowment of the church of Worcester. This presented obvious dangers, and it is clear that the church had lost or feared to lose some of her estates under the gloss of legal forfeiture<sup>1</sup> after litigation. At Worcester the remedy was simply to carve three hundreds out of the Mercian ealdorman's *scir* and dub it "Oswaldslow". The new liberty had two important aspects: it conferred military responsibilities on the bishops of Worcester. In particular, since the ealdorman and his minions were excluded from the liberty when the *fyrð* was summoned, the bishop was responsible for raising his quota himself. A special court was created for the liberty, a sort of afforced hundred court, over which the bishop presided and did justice. The main kind of justice was obviously the enforcement of the rights and dues of the church of Worcester over its men, but the documents imply that litigation between the Oswaldslow thegns will be heard by the bishop too. Moreover the first thing Oswald did when he got the liberty in the first place was to make the Oswaldslow thegns the vassals of himself and his church. The new vassals owed their military service to the bishop and the amount was determined, in Oswald's own words, "according to the quantity of land they possessed". Thus we can see how inextricably bound up lordship, judicial rights, military obligations, and the tenure of land were by the tenth century at the latest. What is more, neither St. Oswald nor King Edgar had much faith in the public character of English justice: for them local justice was interested justice manipulated by the wishes of the local magnates; only by cancelling so-called public justice over church estates and giving the local bishop a private franchise was the church likely to maintain its rights. This would be so especially in a period when the episcopate was not quite *coeur à coeur* with the local magnates.

The distinction between "public" and "private" justice in Anglo-Saxon England was not then so clearly defined as Stubbs,

<sup>1</sup> *Bull. John Rylands Lib.*, xlii. 80 ff.

for instance, thought. The public courts on the highest level were as permeated with the influence of the bonds of lordship as any "feudal" court. The very procedure of compurgation implies that verdicts to be enforced must be acceptable to the local establishment. Once a liberty had been carved out, moreover, the new court, though basically an alienated hundred court, is not easy to distinguish from an honour court. It is difficult to believe that justice was "feudalized" as a result of the Conquest. Indeed, it might be argued that since the Anglo-Norman kings with their writs, itinerant justices, sheriffs, and inquests, made the shire and hundred courts genuinely subservient to the Crown and made possible the creation of a body of law which was common as well as public, the effects of the Conquest were more to limit than to promote the "feudalization" of English justice.

It does seem then that Stubbs's primitive Germanic "polity" is pure myth. If we take his criteria for distinguishing "feudalism" we must admit that Anglo-Saxon England exhibited every symptom of chronic "feudalism". Obviously Anglo-Norman society is in some ways very different from the England of Edgar and the Confessor, but then so is the England of Edgar from that of Ælfred, Offa, or Bede. No one would seriously want to deny the importance of the Conquest in English history, but what is in question are the misleading consequences of confusing the problem of the effects of the Conquest with the origin of English "feudalism". It is not simply that one wishes to criticize Stubbs for denying the attributes of "feudalism" to Anglo-Saxon England, but more fundamentally one wishes to doubt whether "feudalism" as a term of art is not somewhat too blunt for the use we tend to make of it. It seems to me that "feudalism" will do when we are wishing to make sweeping generalizations, when we wish to talk about "societies" in the broad sense, meaning communities spread widely over both space and time. But I do not think it is the kind of category which it is meaningful to try and define too precisely, or about which one can meaningfully ask questions such as what were its origins and so on. The danger of doing this seems to me to be shown by the distorted view of Anglo-Saxon and Anglo-Norman history at present widely accepted. Because we think that 1066 ushered in



English "feudalism", we tend to assume that England only became part of "Europe" at this time, which is palpably false. We tend to forget what is obvious, that the West Saxon kings of England left precisely "England" to their Norman successors. Whatever else the Anglo-Saxons did, they made "England" in the political sense. Further we tend to have a lop-sided view of Anglo-Norman institutions themselves. Where similar institutions are found in Anglo-Saxon England it is usual to talk about precedents, and the prefixes "pre" and "proto" are bandied about. The problem of degree, of how much development, how much continuity there really was, is not faced. Thus Anglo-Saxon history tends to be lumped together with one monotonous, changeless, face. How many textbooks are there which treat the whole period as if the English were only waiting for William the Conqueror? But it is obvious that the England of the Confessor was a far different place from that of Bede. The Vikings, the reign of Edgar, the disastrous experiments of the greedy and rather foolish Cnut; the significance of the Jomsvikings, all need much closer study if we are to understand the way the English political community took on its permanent shape. They do not seem likely to get it on present assumptions. Nor in consequence do the Anglo-Norman rulers of England get their proper share of the credit. Because we look at military quotas, which I do not think on any view of the matter can possibly have had the importance they have been given, we neglect the way in which by the control of the shire and its sheriff the Anglo-Norman rulers secured a control of local government which rapidly solved the problem of "government at a distance", a problem which had perplexed English rulers since the days of Ælfred at least. In fact by ruling out continuity *a priori* we deny ourselves the chance of taking the proper bearings of Anglo-Norman England; we do not see how the Anglo-Norman kings inherited the same problems of government as their West Saxon predecessors, and the brilliant success with which they solved them. Likewise we equally deny ourselves the opportunity of really explaining the phenomenon Dr. Lane Poole has called the "English Conquest of Normandy".

It seems to me then that the debate on "feudalism" needs a thorough review. I am sure that a very different picture of the

formative years of English political arrangements would result. The English would look less insular, more European, their history less catastrophic but more subject to ebbs and flows. The final outcome can hardly yet be foreseen, but enough is clear to suggest the differences from current orthodoxy would be considerable. To this end the bandying of words like "feudalism" can hardly help. I suggest we resist the seductive conveniences of such terms of art for a space and confine ourselves to the more arduous, but more rewarding, task of saying precisely what we mean.

## APPENDIX I

Mr. Loyn, *History*, xlvi (1961), 234 has criticized my interpretation of the *Battle of Maldon*. He thinks I fail: "... to draw a distinction between the *folc* and the hearthtroop who stay to fight it out alone after the others have fled. It would be interesting to know what Mr. John makes of the earlier passages in the poem where the earl rode about, instructing the men, and drew up the *folc* in proper manner." This seems to me based on a misunderstanding of the central episode of the poem and a series of mistakes about its vocabulary. I can see no distinction between the *folc* and the hearthtroop; they are one and the same. The poem nowhere suggests that the hearthtroop stayed with their dead lord, Byrhtnoth, whilst the *folc* fled. In the first passage dealing with those who fled a number of men are named. It is made clear that one of these men, Godric, was Byrhtnoth's man. He, who had been given many a horse by Byrhtnoth "leapt upon the horse that had been his lord's". This is quite unambiguous. It also seems that the poet takes it for granted that the other men who fled were betraying their lord: the only reason why the relationship between Godric and Byrhtnoth is mentioned is because the chance that Godric took his lord's horse meant that many thought it was Byrhtnoth himself who fled. Mr. Loyn also draws attention to lines 17-24 of the poem which read in Miss Ashdown's translation, *English and Norse Documents*, (Cambridge, 1930), quoted by D. Whitelock, *EHD*, pp. 293 ff.: "Then Byrhtnoth began to array his men; he rode and gave counsel and taught his warriors how they should stand and keep their ground, bade them hold their shields aright, firm with their hands, and fear not at all. When he had meetly arrayed his host, he alighted among the people where it pleased him best, where he knew his body-guard to be most loyal." It seems to me that the "men", the "warriors", the "host", the "people" and the "body-guard" are all synonymous: *beornas*, *rincum*, *folc*, *leodon*, *heorðwerod* are the vernacular forms. Repetition of important actions avoiding monotony by the extensive use of synonym is part of this poet's technique. Plainly the *beornas* and *rincum* of the first sentence and the *folc* who were arrayed in the second are synonyms; so too must be the *leodon* and *heorðwerod* of the second. This can be shown by comparison *inter alia* with lines 96-99: "Wodon þa wælwulfas, for wætere ne murnon, wicinga werod, west ofer Pantan ofer scir wæter scyldas wegona, lidmen to lande linde bæron." (The wolves of slaughter pressed forward they

recked not for the water, that Viking host ; west over Pante, over the gleaming water they came with their bucklers, the seamen came to land with their linden shields.) The plethora of synonyms in so short a passage is obvious. The question is can *heorðwerod*, *leodon* be taken to mean the same as *folc*, *beornas*, *rincum*? It seems to me that the obvious device of repetition alone would justify us in supposing this, but the use of some of these words in the rest of the poem is added confirmation. *Beorn* is used of men who must have been members of the *heorðwerod* ; Edward, Byrhtnoth's man and burthegn, for instance ; in another place Byrhtnoth himself is called *beorn*. *Heorðwerod* does not occur again, but *werod* is regularly used to mean the whole host without exception, as is *folc*. How very far *folc* is from the misleading term "folk" is shown by the fact that the Viking host is called *folc*, line 227. Mr. Loyn's distinctions, then, can hardly be maintained.

## APPENDIX II

Professor Hollister has raised the question of the relation of these episcopal quotas to the *fyrd* with the post-Conquest military service of such ecclesiastical tenants as the bishops of Winchester and Worcester. He seeks to divide the Anglo-Norman army into two component parts, one the remnant of the Anglo-Saxon *fyrd* which he calls "sub-feudal", the other the "feudal host". His views are most fully set out, *Eng. His. Rev.*, lxxvii (1962), 417-36. I find them unpalatable on a number of grounds. Professor Hollister assumes without question the validity of the "Germanist" account of the nature of the *fyrd*. He then in effect discusses the incorporation of the *fyrd* as it stood after the campaigns of 1066, denuded of its aristocratic and English leadership, into the Conqueror's largely foreign army. This is in itself interesting and important but cannot fairly be used as a comparison between the *fyrd* at its most typical, that is led and principally composed of important English landowners, and the Anglo-Norman army in which the principal members were the new aristocracy which had replaced the Old English ruling class. On Professor Hollister's assumptions it is not surprising that the English elements in the Anglo-Norman army appear exclusively as "other ranks". Again he persistently assumes that the Anglo-Norman sources use a vocabulary which distinguishes between *fyrd* and the host. It seems to me that in fact they use traditional and "feudal" terms with complete indifference. He cites, *op. cit.* p. 428, n. 1. several examples (they are not so numerous as they seem since not all these sources are independent) relating to the campaign in Maine in 1073. One of these sources, Orderic Vitalis, *Historia Ecclesiastica*, ed. le Prevost, ii. 254, says specifically : "Regali jussu Normannos et Anglos celeriter ascivit, et multas armatorum legiones in unum conglomeravit prudenter ad bellum milites peditesque cum ducibus suis disposuit . . .". This hardly gives warrant for the view that the foot-soldiers were the *fyrd* and the *milites* the knights. In any case in another place Professor Hollister's argument requires him to suppose : "fyrd soldiers were called *milites* and *servicium militum* might therefore just as accurately be translated 'fyrd service' as 'knight service'," *op. cit.* p., 432. Most significantly the *Chronicle*, D text s.a. 1074 calls the army which went to Maine simply *fyrd* : "Engliscfe fyrde 7 Frenciscfe." It seems to me that the sources distinguish between men of English or French origin in the

Anglo-Norman army but assume that they performed much the same sort of service. They note differences of race in the composition of the Anglo-Norman forces but do not equate them with differences of function. Professor Hollister's thesis leads him into a further difficulty. In order to explain away the evidence of continuity between pre- and post-Conquest tenurial customs in Oswaldslow, *op. cit.* pp. 432-5, he assumes that the great ecclesiastical landholders continued to provide their traditional quotas for the *fyrd* to which the new quotas of knight service were added. I cannot believe that these tenants could have provided these enormous additional quotas out of what ought to have been their demesne lands: even if they could have, it is incredible that this enormous new burden evoked no comment, let alone any protest, in the numerous ecclesiastical writers of the period.

H. G. Richardson & G. O. Sayles, *The Governance of Medieval England* (Edinburgh, 1963) appeared too late for me to use. Although its authors make a similar criticism of Stubbs to the one I have made above, I cannot believe with them that Stubbs was either delinquent or incompetent. Like the rest of us he was sometimes mistaken.