

# Marc Bloch

# Feudal Society

1 The Growth of Ties of Dependence  
Translated from the French by L A Manyon  
Foreword by TS Brown



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# FEUDAL SOCIETY

## I

### The Growth of Ties of Dependence



# FEUDAL SOCIETY

VOLUME I

The Growth of Ties of Dependence

*by*

MARC BLOCH

*Translated from the French by*  
L.A.MANYON

*With a new foreword by*  
T.S.BROWN



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## FOREWORD

By T.S.BROWN

‘ONE of the outstanding historical works of modern times’, ‘a classic’ and, ‘a vital work of synthesis’ are some of the accolades lavished on Marc Bloch’s *Feudal Society*. In his foreword to the first edition of the English translation, published in 1961, Professor Michael Postan could describe the work as ‘the standard international treatise on feudalism’ and launch into a spirited eulogy of Bloch’s scientific approach (‘positivistic and rational in the proper sense of the terms’), of his broad concept of feudalism and of his commitment to the study of mentalities and the ‘whole human environment’.<sup>1</sup> The work had an impact on the medievalist, the non-historical specialist, the student, and the general reader which is unparalleled by any other work on the Middle Ages.

Bloch’s status as the *doyen* of modern medievalists was not, of course, founded solely on *Feudal Society* (the second volume of which first appeared in 1940). He had previously built up a formidable reputation for his early monographs on French rural life and for a wide range of studies on topics as varied as the decline of ancient slavery and the miracle-working powers of the Capetian kings. His wider concern for history was reflected in his founding, together with Lucien Febvre, of the enormously influential periodical *Annales d’Histoire Économique et Sociale* and by his authorship of the stimulating but incomplete treatise ‘Apologie pour l’Histoire ou Métier d’Historien’.<sup>2</sup> Both before, and after, his execution by the Gestapo on 16 June 1944, Bloch’s standing rested on his actions as well as his writings: he was revered as a colleague, teacher, and friend, and was passionately concerned with his beloved France and her struggles in his own day. *La Société Féodale* was widely seen as the culmination of his work as a medievalist, and the publication of the English translation in 1961 gave its author the cult-status in the English-speaking world which he had long enjoyed in France.<sup>3</sup>

Since then, however, the iconoclasts have been at work. A reaction has set in against Bloch’s concept of feudalism, and *Feudal Society* has been compared unfavourably with some of his earlier work. New historical movements, such as ‘metahistory’ and ‘cliometrics’, have condemned the



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work of the *Annales* school as flawed and old-fashioned, and there has been a powerful backlash on the part of advocates of 'narrative' and 'descriptive' history against the broad analytical approach associated with the *Annales* tradition.<sup>4</sup> To decide whether this reappraisal merely reflects the seesaw of historical fashion, or whether *Feudal Society* deserves to be seen as a historical museum-piece because of outdated research and methodology, one must examine in detail the criticisms that have been levelled.

### I

Many of the greatest admirers of *Feudal Society* are to be found outside the ranks of medieval historians, among writers on sociology, anthropology, literature, and even on modern history. Scholars in these fields have found the work useful as a lucid, accessible, and methodologically familiar survey of the institutions of the medieval West. This adulation has produced a reaction of professional exclusiveness on the part of some historians. The American medievalist Bryce Lyon wrote in 1963: 'A learned cult has developed around *La Société Féodale*...because social scientists and scholars of allied disciplines have found in it familiar and cherished concepts which to them make history meaningful'.<sup>5</sup>

Certainly one may suspect that some of these non-historians have confined their reading to Bloch's general survey in Part VIII, but Bloch should be commended for helping to build bridges between disciplines, rather than blamed for the excesses and misapprehensions of those in other scholarly areas who have followed, or distorted, his views. Similarly Marxist historians have often invoked Bloch's study because they regard his wide-ranging definition of feudalism as compatible with their own, but it would be singularly inappropriate to tar Bloch's work with a Marxist brush; Bloch never mentions Marx in his study, and loathed the rigidities and dogmas of such theory, although he admits his admiration for the power of Marx's social analysis. Unjust or not, however, such an association may have been a factor in a recurring criticism levelled against Bloch's work: that 'he became too intrigued by collective mentalities and phenomena', and that he lacked concern with individual personalities.<sup>6</sup>

One abrupt change in historical fashion which has particularly affected the standing of *Feudal Society*, is an abrupt waning of historians' enthusiasm for the term 'feudalism' over the last quarter of a century. To a quite remarkable extent its use has become confined to Marxists and historians of later medieval and Eastern Europe: for example, the author of an excellent recent study on early medieval France avoided its use completely.<sup>7</sup> The attack on the term has been on two fronts: first, that definitions of the term are so diverse that it has become useless and confusing: and second that it represents an artificial construct whose imposition on the medieval

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past only serves to distort reality.<sup>8</sup> Even historians who are prepared to continue using the term have questioned Bloch's approach in key respects, and inevitably, half a century of active research has given rise to major changes of emphasis and interpretation.

### II

Let us start our examination of the various criticisms with the concept of feudalism. Bloch had no doubts that he was dealing with a distinct social formation largely held together by feudal ties. Hence his classic definition:

A subject peasantry; widespread use of the service tenement (i.e. the fief) instead of a salary...; supremacy of a class of specialized warriors; ties of obedience and protection which bind man to man and, within the warrior class, assume the distinctive form called vassalage; fragmentation of authority—leading inevitably to disorder; and, in the midst of all this, the survival of other forms of association, family and State...—such then, seem to be the fundamental features of European feudalism.<sup>9</sup>

It is also clear, however, that Bloch had certain reservations about the term. In his *Apologie* he admitted that it had 'emotional overtones', that its convenience could lead to anachronism, and that, 'nearly every historian uses the word as he pleases'.<sup>10</sup> In *Feudal Society* he admits that the term 'has sometimes been interpreted in ways so different as to be almost contradictory' concedes that it was an abstraction devised by eighteenth-century political theorists to denote a particular state of society, and grants that the term was 'ill-chosen'. Nevertheless, he concludes that 'the mere existence of the word attests the special quality which men have *instinctively* [my italics] recognized in the period' which it denotes.<sup>11</sup> Bloch justified his use of such terms on the grounds that they were abstractions essential to scientific enquiry.<sup>12</sup>

In his original foreword to *Feudal Society*, Postan offered a spirited defence of Bloch's use of the term. While granting that the use of portmanteau formulae to sum up the essentials of a social system could lure scholars 'into the worst pitfalls of the nominalist heresy, and... encourage them to endow their terms with real existence,...or to construct edifices of historical argument out of mere semantic conceits', he argued that

the same dangers are inherent in all general terms. If pressed consistently this objection...would hold good against such humdrum concepts as war, peace, state, estate, class, industry, agriculture. Indeed without generalized terms not only history but all intelligent discourse would be impossible.<sup>13</sup>

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There are weaknesses in Bloch's argument, and in Postan's defence, which critics have pointed out. But the fact remains that Bloch was neither an etymologist nor philosopher of language aiming at pure semantic precision. He often reveals impatience with such an approach and admits that such a term is a mere 'symbol', there only to assist in the analysis. As Michael Wallace-Hadrill pointed out in a perceptive review:

The truth seems...to be that Bloch, an empiricist, accepted feudalism as a label descriptive of the society that intrigued him, and was little concerned to waste time justifying the adequacy of that label.<sup>14</sup>

Despite the impression given by some critics, Bloch was not seeking to erect feudalism into a universally valid term. Each historian has to use such terms as practical aids to enquiry: 'the private languages of historians will never...constitute the language of history'.<sup>15</sup>

### III

The question that should rather be uppermost, is whether Bloch's treatment of 'feudal society' is valid as an empirical tool of research. Over the years, commentators (including Postan in his 1961 foreword) have contrasted Bloch's 'large and loose' definition with a narrower definition advocated by other historians, especially British and German legal and political specialists: Postan characterized this concept as 'the legal or customary principles embodied in the *feudum* as the universal principle of military organization...[i.e.] baronial and knightly contracts of service', and castigated it as unhelpful as an intellectual tool, valid only for 'pedagogical purposes' (a distinction between research and 'scholastic rigour' which few teachers would accept).<sup>16</sup> Nevertheless, such a narrow 'legal' definition has obtained widespread acceptance, and received its clearest formulation in 'Qu'est-ce que la féodalité', the classic treatise published by the Belgian historian François Ganshof in 1944. Ganshof saw feudalism as:

a body of institutions creating and regulating the obligations of obedience and service—mainly military service—on the part of a free man (the vassal) towards another free man (the lord) and the obligations of protection and maintenance on the part of the lord with regard to his vassal.<sup>17</sup>

But does Ganshof's overall view of feudal society differ that radically from that of Bloch? Ganshof in fact admitted that 'feudalism may be conceived as a form of society possessing well-marked features' and proceeded to define them along lines little different from those of Bloch, although he chose to deal with feudalism in the narrow, technical sense and not with

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the structure of society or the state because of the brevity of his work.<sup>18</sup> One major difference lay in Ganshof's view of justice: to him 'there was nothing in the relationships of feudalism, whether considered from the personal or from the property standpoint, which required that a vassal receiving investiture of a fief should necessarily have the profits of jurisdiction within it, nor even that he should exercise such jurisdiction on behalf of the lord or of higher authority.' Nevertheless Ganshof went on to admit that 'powers of jurisdiction were...closely bound up with feudal relationships'.<sup>19</sup> Bloch's position was in practice little different. His carefully nuanced chapter on judicial institutions brings out the *ad hoc* nature of much 'feudal' jurisdiction and the persistence of other jurisdictions in the hands of the king, counts, and the Church. Moreover Ganshof himself admitted that 'the fief, if not the corner-stone, was at least the most important element in the graded system of rights over land which this type of society involved'.<sup>20</sup>

It has been argued that, while the fief may have played a key role in social relations in the upper echelons of society, Bloch was mistaken in according it a dominant role in lord-peasant relations. Bloch did after all identify 'a subject peasantry' as 'one of the fundamental features of European feudalism'.<sup>21</sup> But in fact Bloch did not consider the seigneurial tie as an *integral* part of feudal relations. In his *Apologie* he considered it 'arbitrary to equate the complex of dependent ties characteristic of a warrior aristocracy with a type of peasant subjection which was not only very different by nature but had arisen much earlier, lasted much longer, and was far more widespread throughout the world'.<sup>22</sup> Bloch was not concerned with the origins or economic role of the seigneurie but its place within feudal society, i.e. the extent to which it was a source of power and wealth for the aristocracy. (Note here that Manyon's translation of *seigneurie* by 'manor' is sometimes misleading, suggesting as it does, a kind of precise estate organization with a bipartite division between demesne and peasant holdings and the enforcement of labour services.)

Much of the criticism of Bloch's treatment of feudalism is therefore unjust or misdirected. Bloch was concerned to explain the diverse forces which articulated relationships within medieval Western society, in which the fief undoubtedly played a central role, and employed 'feudal' as a convenient label, rather than as a Weberian ideal-type, an abstraction into which historical processes can be fitted.

## IV

Other, more narrowly methodological, criticisms of Bloch's work have been made, some more valid than others. One accusation, that he focused his work excessively on Northern France, does not stand up. He included a 'general survey of Europe' in Chapter XIII, (including a section on 'French

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diversity') and covered England and Germany in his discussions of servitude and monarchical power in Chapters XIX and XXXI. Every historian has to work outwards from a foundation area where he has expert knowledge, and it cannot be denied that there *was* a diffusion of major feudal institutions from Northern France to areas as diverse as Spain, England, the Holy Land, and Norman Sicily. Criticism of Bloch's devotion to comparative approaches in history is similarly unjustified. Here it has to be remembered that Bloch was a pioneer and could only make a few tantalizing analogies with Japanese developments on the page and a half which he devoted to 'a cross-section of comparative history'. Since then the subject has mushroomed, with numerous studies of 'feudalism' as practised on all continents and at all periods of history. While it may be argued the quality achieved in this relatively new branch of historical study has not, so far, matched the quantity, Bloch can hardly be blamed for its deficiencies.<sup>23</sup>

Two other criticisms are perhaps more valid. It has been pointed out that there is little sympathetic or revealing treatment of individuals in *Feudal Society*, compared, for example, with Sir Richard Southern's masterly *The Making of the Middle Ages*, and that the work lacks the immediate closeness with physical, economic, and social reality evident most noticeably in his brilliant early work, *Les Caractères originaux de l'Histoire rurale française*.<sup>24</sup> But this is to ask the impossible of a wide-ranging synthesis of human relations over more than four centuries, an enquiry into states of mind and customs of life.

Arguably the greatest weakness of Bloch's work lies in his handling of chronology. It has been aptly remarked that Bloch's approach gave him 'une optique favorisant la synchronie'.<sup>25</sup> His impatience with what he regarded as historians' misguided infatuation with 'the idol of origins' emerges in his *Apologie*, most vividly in his approval of the Arab proverb 'Men resemble their times more than they do their fathers'.<sup>26</sup> In addition, Bloch believed that each period had its own 'creative force'. Whatever the historiographical objections to this view, (and they are compelling) it had an unfortunate effect on the treatment of various themes in *Feudal Society*. Its pages on the early development of vassalage, for example, are nebulous and indecisive, and his invocation of the ninth-century invasions as a *deus ex machina* which gave rise to an entirely new society is hardly satisfactory. It has to be admitted, however, that the chronological straitjacket was partly imposed by the requirements of Henri Berr's series, *L'Évolution de l'Humanité*, in which *Feudal Society* appeared.

## V

This brings us to some of the areas in which recent research has modified Bloch's interpretations. Following the views of his friend Henri Pirenne, Bloch tended to assume that Roman institutions had effectively disappeared

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by the ninth century, and that the pre-Viking period was dominated by narrowly Germanic societies. Much more emphasis would now be placed on the survival of an institutional and cultural *Romanitas*.<sup>27</sup> Similarly the economic backdrop of the Carolingian period is now seen as more buoyant than Bloch realized.<sup>28</sup> Many of the elements within feudal relations, and also the social forces which gave them birth, are now seen as existing as early as the Merovingian period.<sup>29</sup> Simultaneously there has been a reassessment of the impact of the ninth-century invasions on European society: rather than a major dislocating force, they have come to be seen as relatively short-lived in their impact, or at the most, a catalyst accelerating developments already under way in the Carolingian body politic.<sup>30</sup> Bloch's view that feudalism had a swift birth will no longer stand; its elements emerged fitfully over a long period and their coalescence was well under way in the early Carolingian period.

Most scholars would now also question Bloch's view of the close relationship between kindred and vassalage. While he argued that 'the relationships of personal dependence...[were] a sort of substitute for, or complement to, the solidarity of the family'<sup>31</sup>, many would regard these horizontal and vertical relationships as essentially distinct. The extensive recent research in the prosopography of the early medieval aristocracy has suggested that family ties, while changing in some respects, remained very strong, and that in some respects aristocratic clans showed increased solidarity and cohesion as a result of a switch to patrilineal inheritance and hereditary tenure of lands and offices in specific areas.<sup>32</sup> Moreover, in these spheres where the activities of the kin declined, such as the pursuit of vendetta, the relevant role was taken over, not by feudal ties, but by royal authority. On this same theme, despite Bloch's admission that the concept of the state never completely disappeared, he can be justifiably accused of underestimating the continued importance of royal prestige and public authority, which had previously existed with a fragmentation of administration and which reemerged so strongly in what he termed 'the second feudal age'.<sup>33</sup>

Students of ninth- and tenth-century France have stressed that in many areas authority resided in territorial principalities, whose power was originally based on the public *bannum* delegated by the Carolingians and where authority remained essentially public. In the wake of Georges Duby's influential study on the Maconnais, published in 1953, further research has suggested that in many areas feudalism did not emerge until independent castellans became dominant in the eleventh century, and that then it was imposed on existing structures.<sup>34</sup> Whereas Bloch postulated the rise in the invasion period of a new social group of increasingly powerful knights, recent investigations into the 'feudal' nobility have revealed a much greater level of continuity within the Carolingian aristocracy. The knights were still relatively lowly in the eleventh century and it was only gradually that

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some kind of fusion occurred, as the nobles began to 'hijack' the increasingly influential ethos of the knightly group.<sup>35</sup>

Having concluded his introduction by remarking that he would be content if his book made its readers 'hungry to learn...and above all to enquire', Bloch would have been delighted to find his conclusions corrected by new research. Not only has *Feudal Society* served as the stimulus for half a century of lively research, but such was his own awareness of the complex issues, that the preoccupation of recent studies are usually at least anticipated in his work, and often the end result represents a change of emphasis rather than outright direction.<sup>36</sup>

## VI

Although some of Bloch's views have inevitably been invalidated by more recent research, much of the work's contacts and approach have retained their value. One section stands out as having received near-universal praise from scholars: that is Part II, Bloch's discussion of 'The Environment: Conditions of Life and Mental Climate'. Not only does this section display the author's 'global' and 'psychological' approach to social questions to best effect, but it reveals his astonishing familiarity with the literature of the time and his intuitive grasp of the *mentalités* of medieval man. But even here major pieces of the mental jigsaw are strangely absent, partly perhaps a result of Bloch's Jewish upbringing. His lack of understanding of the element which contributed most to the cohesion of Western society, its Christian faith, is evident in the paltry five and a half pages which he allotted to 'the religious mentality', where belief is very narrowly viewed in terms of fear of God's imminent judgment.<sup>37</sup>

Elsewhere great insights are offered, but not always developed as fully as one would wish. Particularly fruitful is Bloch's notion of 'the two ages of feudalism', since the early age of informal, direct man-to-man relations stemming from simple practical need contrasts sharply with the position after the mid-eleventh century when the relationship was formalized, legally circumscribed and transformed into a literary and cultural commonplace, while its functional importance was being restricted by new social and political developments. Curiously Bloch never fully develops this suggestive distinction, preferring to discuss it largely in terms of the different economic conditions in each period.

It is less in his interpretations than in his approach, however, that the enduring value of Bloch's work lies. The breadth of his horizons remains astounding, and his trailblazing readiness to make use of the widest possible range of techniques, some of them derived from other disciplines, later found a worthy academic home in the programme of the 6<sup>e</sup> Section of the *Ecole pratique des Hautes Etudes* in Paris. His debt to sociologists, such as Durkheim, gave him a sociological approach, reflected in the emphasis

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which he placed on definitions of social groups and their relations with the overall social structure. Most of his concerns have become standard among present-day historians—to some extent we are all Blochians now—but one only needs to read the narrowly political or legal preoccupations of most historians of the twenties and thirties to appreciate the refreshing originality of Bloch's approach.

Much of the breadth and vitality of Bloch's approach stems from the emphasis which he placed on teaching. But other qualities stand out in *Feudal Society* which make it an invaluable teaching tool, notably the clarity and vigour of its writing and its driving intellectual passion, posing questions and then formulating solutions and approaches which are both precise and honest. These qualities, combined with his sheer range of knowledge and empathy with his subject place *Feudal Society* on a par with Sir Richard Southern's *Making of the Middle Ages* as the finest introductory guides to medieval society and culture. It remains a better 'textbook' than most textbooks.

A critic wrote in 1962 that 'few medievalists will learn much that is new from *Feudal Society*'.<sup>38</sup> Certainly it is not the perfect study of the Middle Ages, nor is it the theoretical treatise or the handbook to comparative history which some detractors *and* admirers have portrayed it. It is a personal and often impressionistic picture, full of a master scholar's insights into the broadest aspects of a whole society, and as such it deservedly remains a classic of historical writing.

## NOTES

- 1 M.M.Postan, foreword to M.Bloch *Feudal Society* (London, 1961), xii, xv.
- 2 Translated as *The Historian's Craft* (Manchester, 1953). *Les Caractères originaux de l'histoire rurale française*, 2 vols, (2nd edn., Paris, 1952, 1956), translated as *French Rural History* (London, 1966); *Les Rois thaumaturges* (Strasbourg, 1924), translated as *The Royal Touch* (London, 1973). Important article-length studies are republished in *Mélanges Historiques*, 2 vols, (Paris, 1963), and *Land and Work in Medieval Europe* (London, 1967).
- 3 Assessments of Bloch's life and *oeuvre* include L.Febvre, 'De l'histoire au martyre: Marc Bloch 1886–1944'; *Annales d'histoire sociale*, 1945; J.Stengers, 'Marc Bloch et l'histoire', in *Annales: économies, sociétés, civilisations*, 8 (1953), 329–337; G.Bourdé and H.Martin, *Les Ecoles historiques* (Paris, 1983), 179–85; B.Geremek, 'Marc Bloch. Historien et résistant', in *Annales: économies, sociétés, civilisations*, 41 (1986), 1091–1105; R.R.Davies, 'Marc Bloch', in *History*, 52 (1967), 265–86; H.Loyn, 'Marc Bloch' in J.Cannon, (ed.), *The Historian at Work*, (London, 1980), 121–35. Comité Français des Sciences Historiques, *La Recherche Historique en France de 1940 à 1965*, (Paris, 1965), xiv–xxi, surveys the influence of Bloch and the Annales School.
- 4 E.g. L.Stone, 'The Revival of Narrative', *Past and Present* 85 (1979), 3–24. It has been argued, unjustifiably in my opinion, that Bloch distanced himself from the *Annales* approach by the time of his death: B.Lyon, 'Marc Bloch: did he repudiate *Annales* history?', in *Journal of Medieval History*, 11 (1985), 181–91.
- 5 B.Lyon, 'The Feudalism of Marc Bloch', *Tijdschrift voor Geschiedenis*, lxxvi (1963), 282–3, reprinted in his *Studies of Western European Medieval Institutions* (London, 1978), no. XII.
- 6 *ibid.*, 282; F.R.H.Du Boulay, foreword to *Land and Work in Medieval Europe* (London,



- 1967), xi. An example of a Marxist invoking Bloch's work can be found in R.H.Hilton (ed.) *The Transition from Feudalism to Capitalism* (London, 1976), 30.
- 7 E.James, *The Origins of France. From Clovis to the Capetians* (London, 1982), 213. The limited use made of the term can be confirmed by a cull of the entries in the *International Medieval Bibliography*: only ten entries in the index of the January to June 1986 issue (Leeds, 1987) have the term 'feudalism' in the title, and the majority of these are published in Eastern Europe.
- 8 E.A.R.Brown, 'The Tyranny of a Construct: Feudalism and Historians of Medieval Europe', in *American Historical Review*, 79 (1974), 1063–88.
- 9 *Infra*, ii, 446.
- 10 *The Historian's Craft*, 171, 173, 176.
- 11 *Infra*, xxiii, xxv.
- 12 *The Historian's Craft*, 147–8.
- 13 M.M.Postan, foreword to 1961 edition, xii–xiii.
- 14 J.M.Wallace-Hadrill, review of 1961 edition of *Feudal Society*, in *English Historical Review*, 78 (1963), 117.
- 15 *The Historian's Craft*, 176.
- 16 M.M.Postan, foreword to 1961 edition, xii–xiii.
- 17 F.L.Ganshof, *Feudalism* (London, 1952), xvi.
- 18 *ibid*, xv, xvii.
- 19 *ibid*, 156, 158.
- 20 *Infra*, ch. xxvii; F.L.Ganshof, *Feudalism*, xvi.
- 21 *Infra*, 446.
- 22 *The Historian's Craft*, 171.
- 23 Bloch's contribution is assessed in O.H.Hill and B.H.Hill, 'Marc Bloch and Comparative History', *American Historical Review*, 85 (1980), 28–57.
- 24 F.R.H.Du Boulay, foreword to *Land and Work in Medieval Europe*, xi; Lyon, 'The Feudalism of Marc Bloch', 278–9, 283, and *cf. idem*, foreword to M.Bloch, *French Rural History* (London, 1966), xiv–xv.
- 25 Geremek, 'Marc Bloch. Historien et Résistant', 1097.
- 26 *The Historian's Craft*, 35.
- 27 A trend noted by Wallace-Hadrill, *English Historical Review*, 78 (1963), 118, and confirmed by numerous more recent studies. Those in English include James, *The Origins of France* and R.McKitterick, *The Frankish Kingdoms under the Carolingians, 751–987* (London, 1983).
- 28 See, e.g., R.Hodges, *Dark Age Economics* (London, 1982).
- 29 A point well brought out in F.L.Ganshof, *Feudalism*, 3–12, and confirmed by E. Magnou-Nortier, *Foi et fidélité: recherches sur l'évolution des liens personnels chez les Francs du VIIIe au IXe siècles* (Toulouse, 1976).
- 30 The reappraisal was largely initiated by P.Sawyer, *the Age of the Vikings* (2nd edn., London, 1971). Convenient discussions of the impact of the invasions on the continent include L.Musset, *Les Invasions: le Second Assaut contre l'Europe Chrétienne (VIIe–XIIe siècles)* (Paris, 1965), A.d'Haenens, 'Les invasions normandes dans l'empire franc au IXe siècle', *Settimane di Studio del Centro Italiano di Studi sull'alto medioevo*, xvi (Spoleto, 1969), 233–98, together with the comments of J.M.Wallace-Hadrill, 'The Vikings in Francia', in his *Early Medieval History* (Oxford, 1975), 217–36, and E.D. Logan, *The Vikings in History* (London, 1983).
- 31 *Infra*, 224, and *cf.* Lyon, 'The Feudalism of Marc Bloch', 280.
- 32 For a survey of the continental literature see M.Hinzlmann, 'La noblesse du haut moyen âge (VIII–XII siècles): à propos d'ouvrages récents', *Le Moyen Age*, lxxxiii (1977), 133–44. See also C.B.Bouchard, 'The origins of the French nobility: a reappraisal', *American Historical Review*, lxxxvi (1981), 501–32, the articles of continental scholars translated in T.Reuter (ed.) *The Medieval Nobility* (Amsterdam, 1979), K.Leyser, 'The German Aristocracy from the Ninth to the Early Twelfth Century', *Past and Present*, 41 (1968), 25–53, and D.A.Bullough, 'Early Medieval Social Groupings. The Terminology of Kinship', *ibid*, 45 (1969), 3–18.
- 33 J.M.Wallace-Hadrill, *English Historical Review*, 78 (1963), 118 *cf.* W.Ullmann, *The Carolingian Renaissance and the Idea of Kingship* (London, 1969), J.L.Nelson, *Politics*

## NOTES

- and Ritual in Early Medieval Europe* (London, 1986), the various works of the German scholar P.E.Schramm discussed by J.Bak, 'Medieval Symbolology of the State: Percy E.Schramm's contribution', *Viator*, 4 (1973), 33–63, and J.-F.Lemarignier, *Le Gouvernement royal aux premiers temps capétiens 987–1108* (Paris, 1965).
- 34 G.Duby, *La Société aux XIe et XIIe siècles dans la région mâconnaise* (Paris, 1953, reprinted Paris, 1971).
- 35 The literature on the subject is now vast. In addition to the studies translated in T.Reuter (ed.), *The Medieval Nobility*, see the articles of Génicot and Lemarignier in F.L.Cheyette, *Lordship and Community in Medieval Europe* (New York, 1969) and J.Martindale, 'The French Aristocracy in the Early Middle Ages: a Reappraisal', *Past and Present*, 75 (1977), 5–45. Recent French literature as surveyed in E.Hallam, *Capetian France* (London, 1980), 13–26 and J.Dunbabin, *France in the making 843–1180* (Oxford, 1985), 42–3.
- 36 A good example of this is Professor Duby's recent tendency to view feudalism in terms of *mentalités* and ideology: G.Duby, 'La Féodalité. Une mentalité médiévale', *Annales: économies, sociétés, civilisations*, 13 (1958), 765–71 and *idem*, *The Three Orders. Feudal Society Imagined* (Chicago, 1980).
- 37 *Infra*, 81–7.
- 38 B.D.Lyon, 'The Feudalism of Marc Bloch', 282.



# INTRODUCTION

## GENERAL SCOPE OF THE INQUIRY

ONLY within the last two centuries or so could the words 'Feudal Society', as the title of a book, have conveyed an idea of what the book was about. Yet the adjective itself is a very old one. In its Latin form, *feodalis*, it dates from the Middle Ages. The French noun *féodalité*, feudalism, though of more recent origin, goes back at least to the seventeenth century. But for a long time both these words were used only in a narrowly legal sense. The *fief* (*feodum*) was, as we shall see, a form of real property, and *féodal* was therefore understood as meaning 'that which concerns the *fief* (this was how the French Academy defined it); and *féodalité* might mean either 'the quality peculiar to a *fief* or the obligations incident to such tenure. The French lexicographer, Richelet, in 1630, described these terms as 'lawyers' jargon'—not, be it noted, historians' jargon. When did it first occur to anyone to enlarge their meaning so as to designate a state of society? *Gouvernement féodal* and *féodalité* are used in this sense in the *Lettres Historiques sur les Parlemens*, published in 1727, five years after the death of their author, the Comte de Boulainvilliers.<sup>1</sup> This is the earliest example that I could find, after fairly extensive research. Perhaps one day another inquirer will be more fortunate. Until this happens, however, this strange man Boulainvilliers, at once the friend of Fénelon and the translator of Spinoza, above all an impassioned apologist of the nobility whom he believed to be descended from Germanic chieftains—a sort of prototype Gobineau with less enthusiasm and more learning—may be regarded as having a presumptive claim to be the inventor of a new historical classification. For that is what it really amounts to, and in the study of history there have been few stages so decisive as the moment when 'Empires', dynasties, famous periods identified with some great name—in a word, all the old arbitrary divisions born of a monarchical and oratorical tradition—began to give place to another system of classification, based on the observation of social phenomena.

<sup>1</sup> *Histoire de l'ancien gouvernement de la France avec XIV Lettres Historiques sur les Parlemens ou Etats-Généraux*. The Hague, 1727. The fourth letter is entitled *Détail du gouvernement féodal et de l'établissement des Fiefs* (1, p. 286) and contains (p. 300) this sentence: 'Je me suis étendu dans l'extrait de cette ordonnance, la croyant propre à donner une idée exacte de l'ancienne féodalité'.

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It was however a more celebrated writer who first gave wide currency to this conception and to the terminology that expressed it. Montesquieu had read Boulainvilliers. The vocabulary of the lawyers, moreover, held no terrors for him: was not the literary language of France to emerge from his hands greatly enriched with the gleanings of the Bar? If he seems to have avoided the term *féodalité*, which was doubtless too abstract for his taste, it was unquestionably he who convinced the educated public of his time that the *lois féodales* were the distinguishing marks of a particular period of history. From the French the words, along with the idea, spread to the other languages of Europe, being in some cases merely transcribed, and in others translated, as with the German word for feudalism, *Lehnwesen*. At length the French Revolution, in its revolt against what remained of the institutions but lately christened by Boulainvilliers, completed the popular diffusion of the name which he, with entirely opposite sentiments, had conferred upon them. ‘The National Assembly’, declares the famous decree of the 11th August 1789, ‘totally abolishes the feudal regime’. How could one thenceforth deny the reality of a system which it had cost so much to destroy?<sup>1</sup>

Nevertheless, it must be admitted that the word feudalism, which was to have so great a future, was very ill-chosen, even though at the time the reasons for adopting it appeared sound enough. To Boulainvilliers and Montesquieu, living in an age of absolute monarchy, the most striking characteristic of the Middle Ages was the parcelling out of sovereignty among a host of petty princes, or even lords of villages. It was this characteristic that they meant to denote by the term feudalism, and when they spoke of fiefs they were referring sometimes to territorial principalities, sometimes to manors. But not all the manors were in fact fiefs, nor were all the fiefs principalities or manors. Above all, it may be doubted whether a highly complex type of social organization can be properly designated either by concentrating on its political aspect only, or—if ‘fief be understood in its narrowest legal sense—by stressing one particular form of real property right among many others. But words, like well-worn coins, in the course of constant circulation lose their clear outline. In the usage of the present day, ‘feudalism’ and ‘feudal society’ cover a whole complex of ideas in which the fief properly so called no longer occupies the foreground. Provided that he treats these expressions merely as labels sanctioned by modern usage for something which he has still to define, the historian may use them without compunction. In this he is like the physicist who, in disregard of Greek, persists in calling an ‘atom’ something which he spends his time in dividing.

It is a question of the deepest interest whether there have been other

<sup>1</sup> Among the French people whose buttonholes are today adorned with a red ribbon or rosette, how many know that one of the duties imposed on their order by its first constitution of the 19th May 1802 was ‘to combat...any enterprise tending to reestablish the feudal regime?’

## GENERAL SCOPE OF THE INQUIRY

societies, in other times and in other parts of the world, whose social structures in their fundamental characteristics have sufficiently resembled that of our Western feudalism to justify us in applying the term 'feudal' to them as well. This question will turn up again at the end of this book, but it is not the subject of our present study. The feudalism which we shall attempt to analyse here is that to which the name was first applied. Apart from some problems of origin or of later developments, the inquiry will be confined to that period of our history which extends roughly from the middle of the ninth century to the first decades of the thirteenth; and it will be restricted to western and central Europe. The reasons for the choice of dates will become clear in the course of the work itself, but the geographical limits seem to call for a brief explanation.

Ancient civilization was centred about the Mediterranean. 'I believe that the earth,' wrote Plato, 'is very large and that we who dwell between the pillars of Hercules and the river Phasis live in a small part of it about the sea, like ants or frogs about a pond.'<sup>1</sup> These same waters remained through many centuries the axis of the Roman world, even after conquest extended that world. A senator from Aquitania could make his career on the shores of the Bosphorus; he could own vast estates in Macedonia. The great fluctuations of prices that shook the Roman economy were felt from the Euphrates to Gaul. Without the grain of Africa, the existence of Imperial Rome is as little conceivable as Catholic theology without the African Augustine. On the other hand, anyone crossing the Rhine found himself at once in a strange and hostile land, the vast territory of the Barbarians.

Now, on the threshold of the period that we call the Middle Ages, two far-ranging movements of peoples had destroyed this equilibrium—there is no need at present to inquire how far it had already been shaken from within—and replaced it by a very different pattern of peoples. The first of these was the Germanic invasions; the second, the Moslem conquests. The Germans penetrated the greater part of the countries formerly included in the western section of the Roman Empire, and the territories occupied by them became united, sometimes through subjection to the same political regime, but always and in any case by the common mental habits and social customs of the invaders. Little by little, the small Celtic groups in the British Isles were linked up with this Romano-Germanic society and more or less assimilated to it. North Africa, on the other hand, was to follow an entirely different course. The counter-offensive of the Berber tribes had prepared the breach with Rome: Islam completed it. Elsewhere, on the shores of the Levant, the victories of the Arabs had isolated the former East Roman Empire in the Balkans and Anatolia and transformed it into the Greek Empire. Difficulties of communication, a distinctive type

<sup>1</sup> *Phaedo*, 109b.

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of social and political structure, and a religious mentality and ecclesiastical organization very different from those of Latin Christianity combined to cut off this Empire more and more from the Christian communities of the West. The West, it is true, exercised a wide influence among the Slav peoples in the eastern parts of Europe, among some of whom it introduced not only the Catholic form of Christianity, but also Western modes of thought and even certain Western institutions; but, none the less, the societies which were linguistically Slavonic evolved, for the most part, on quite independent lines.

Hemmed in by these three blocs, Mohammedan, Byzantine, and Slav, and ceaselessly engaged in pushing forward its ever-changing frontiers, the Romano-Germanic world was itself by no means homogeneous. Differences arising from their different backgrounds had deeply marked the various societies of which it was composed, and had lasting effects. Even where the points of departure were almost identical, the lines of development might subsequently diverge. Yet, however pronounced these differences may have been, how can we fail to recognize, over and above them, the predominant quality of a common civilization—that of the West? If in the following pages where the phrase ‘Western and Central Europe’ might have been expected, we say simply ‘Europe’, this is not merely to avoid the repetition of cumbersome adjectives. What does it matter, after all, how the name and its limits were defined in the old artificial geography, with its ‘five parts of the world’? All that counts is its human significance. European civilization arose and flowered, until in the end it covered the face of the earth, among those who dwelt between the Tyrrhenian, the Adriatic, the Elbe, and the Atlantic Ocean. It had no other homeland. The eighth-century Spanish chronicler who, after their victory over Islam, styled ‘Europeans’ the Franks of Charles Martel, had already dimly perceived this. So, some two hundred years later, had the Saxon monk, Widukind, who, when Otto the Great had driven back the Hungarians, enthusiastically hailed him as the liberator of ‘Europe’.<sup>1</sup> In this sense of the word—and it is the richest in historical content—Europe was a creation of the early Middle Ages. It was already in being at the beginning of the feudal age proper.

The term ‘feudalism’, applied to a phase of European history within the limits thus determined, has sometimes been interpreted in ways so different as to be almost contradictory, yet the mere existence of the word attests the special quality which men have instinctively recognized in the period which it denotes. Hence a book about feudal society can be looked on as an attempt to answer a question posed by its very title: what are the distinctive features of this portion of the past which have given it a claim to be treated in isolation? In other words, what we are attempting here is to analyse and explain a social structure and its unifying principles. A similar

<sup>1</sup> *M.G.H., Auctores Antiquissimi*, XI, p. 362; *Widukind*, I, 19.

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method—if in the light of experience it should prove fruitful—might be employed in other fields of study, under a different set of limiting conditions. I hope that what is undeniably new in the present enterprise will make amends for the defects of execution.

The very magnitude of the inquiry, so conceived, has made it necessary to divide the material. The first book will describe the social background generally and the growth of those bonds of interdependence between men which, more than anything else, gave the feudal structure its special character. The second book will be concerned with the development of social classes and the organization of governments. It is always difficult to divide up a living organism. Yet the final differentiation of the old social classes, the emergence of a new class, the *bourgeoisie*, and the resuscitation of the authority of the State after long eclipse, coincided with the time when the most specifically feudal characteristics of Western civilization began to disappear; and this explains why, though no strictly chronological division has seemed possible, the first book is concerned above all with the birth of feudal society, the second with the way it developed, extended and declined.

But the historian is in no sense a free man. Of the past he knows only so much as the past is willing to yield up to him. What is more, when the subject he is attempting to cover is too vast to allow him to examine personally all the sources, he is conscious of being constantly frustrated in his inquiry by the limitations of research. No survey will be made here of those paper wars in which scholars have sometimes engaged. History, not historians, is my concern. But whatever may be the reasons for them I resolved never to conceal the gaps or uncertainties in our knowledge. In this I felt I should run no risk of discouraging the reader. On the contrary, to impose an artificial rigidity on a branch of knowledge which is essentially one of movement—that would be the way to engender boredom and indifference. One of the men who have gone furthest in the understanding of medieval societies, the great English jurist Maitland, said that a historical work should make its readers hungry—hungry to learn, that is, and above all to inquire. If this book does that, I shall be well content.<sup>1</sup>

<sup>1</sup> Every historical work, if it happens to be addressed to a relatively large public, confronts its author with a practical problem of the most difficult kind—the problem of references. Justice perhaps required that the names of all the learned works but for which this book would not exist be set out in full array at the foot of each page. At the risk of being thought ungrateful, I decided to leave such references, for the most part, to the bibliography at the end of the book. I have, however, made it a rule never to cite an original source without affording every student with a little experience the means of finding the passage referred to and verifying my interpretation of it. If the reference is not given, the reason is that the information given in my text, supplemented by well-arranged tables in the publication in which the document appears, makes it easy to find. Where these are lacking, a note serves as a pointer. In a court of justice, after all, the status of the witnesses is much more important than that of counsel.





## **PART I**

### **The Environment: The Last Invasions**



# I

## MOSLEMS AND HUNGARIANS

### 1 EUROPE INVADED AND BESIEGED

YOU see before you the wrath of the Lord breaking forth.... There is naught but towns emptied of their folk, monasteries razed to the ground or given to the flames, fields desolated.... Everywhere the strong oppreseth the weak and men are like fish of the sea that blindly devour each other.' Thus, in 909, the bishops of the province of Rheims assembled at Trosly. The literature of the ninth and tenth centuries, the charters, and the deliberations of councils are full of such lamentations. When all allowance has been made both for exaggeration and for the pessimism natural to religious orators, we are forced to see in this incessantly recurring theme, supported as it is by so much contemporary evidence, the proof of a state of affairs regarded as intolerable even in those days. Certainly it was a period when those who were capable of observing and making comparisons, the clergy in particular, felt themselves to be living in a hateful atmosphere of disorder and violence. Feudalism was born in the midst of an infinitely troubled epoch, and in some measure it was the child of those troubles themselves. But some of the causes which helped to create or maintain this disorderly environment were altogether foreign to the internal evolution of European societies. Forged several centuries earlier in the fiery crucible of the Germanic invasions, the new civilization of the West, in its turn, seemed like a citadel besieged—indeed more than half overrun. It was attacked from three sides at once: in the south by the devotees of Islam, Arabs or their Arabized subjects; in the east by the Hungarians; and in the north by the Scandinavians.

### 2 THE MOSLEMS

Of the enemies just enumerated, Islam was certainly the least dangerous, although one would hesitate to speak of its decline. For a long period neither Gaul nor Italy, among their poor cities, had anything to offer which approached the splendour of Baghdad or Cordova. Until the twelfth century the Moslem world, along with the Byzantine world, exercised a true economic hegemony over the West: the only gold coinage still circulating

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in our part of Europe came from Greek or Arab mints, or at least —like more than one of the silver coinages too—were copies of their productions. And if the eighth and ninth centuries witnessed the final breakdown of the unity of the Caliphate, the various states which at that time arose from the wreckage remained formidable powers. But thereafter it was much less a question of invasions properly so-called than of frontier wars. Let us leave aside the East, where the emperors of the Amorian and Macedonian dynasties (828–1056) painfully and valiantly set themselves to reconquer Asia Minor. Western societies came into collision with the Islamic states on two fronts only.

First, southern Italy. This region was, as it were, the hunting-ground of the sovereigns who ruled over the ancient Roman province of Africa—the Aghlabite emirs of Kairouan, succeeded, at the beginning of the tenth century, by the Fatimite caliphs. The Aghlabites had wrested Sicily little by little from the Greeks who had held it since Justinian's time and whose last stronghold, Taormina, fell in 902. Meanwhile the Arabs had gained a footing in the peninsula. Across the Byzantine provinces of the south they threatened the semi-independent cities of the Tyrrhenian coast and the little Lombard principalities of Campania and of the Beneventino, which were more or less dependencies of Constantinople. At the beginning of the eleventh century they could still carry their raids as far as the Sabine mountains. One band, which had made its stronghold in the wooded heights of Monte Argento, very close to Gaeta, could only be destroyed, in 915, after twenty years of marauding. In 982, the young 'emperor of the Romans', Otto II, set out to conquer southern Italy. Though Saxon by origin, he considered himself nevertheless to be the heir of the Caesars, in Italy as elsewhere. He committed the surprising folly, so often repeated in the Middle Ages, of choosing the summer season as the time for taking to these scorching regions an army accustomed to entirely different climates, and on the 25th July he encountered the Moslem bands on the east coast of Calabria and suffered a most humiliating defeat.

The Moslem peril continued to press heavily on these regions till, in the eleventh century, a handful of adventurers from Normandy routed both Byzantines and Arabs. Uniting Sicily with the southern part of the peninsula, the vigorous state which they eventually created was destined both to bar for ever the path of the invaders and to act as an inspired intermediary between the Latin and Islamic civilizations. On Italian soil the struggle against the Saracens, which had begun in the ninth century, continued for a long time—with small and fluctuating territorial gains on either side. But in relation to Christendom as a whole, it was only a remote territory that was at issue.

The other field of conflict was in Spain. There, it was for Islam no longer a question of raids for plunder or temporary annexations; populations of Mohammedans lived there in great numbers and the states founded by the

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Arabs had their centres in the country itself. At the beginning of the tenth century the Saracen bands had not yet completely forgotten the way over the Pyrenees. But these long-distance raids were becoming more and more infrequent. Starting from the extreme north, the Christian reconquest, in spite of many reverses and humiliations, slowly progressed. In Galicia and on those plateaux of the north-west which the emirs and caliphs of Cordova, established too far to the south, had never held with a very firm hand, the little Christian kingdoms, sometimes divided, sometimes united under a single ruler, moved forward to the region of the Douro from the middle of the eleventh century; the Tagus was reached in 1085. At the foot of the Pyrenees, on the other hand, the course of the Ebro, although so near, remained for a long time Moslem; Saragossa fell only in 1118. These struggles, though they did not by any means preclude more peaceful relations, were as a rule interrupted only by brief truces, and they stamped the Spanish societies with a character of their own. With the Europe 'beyond the passes' they had scarcely any dealings, save in so far as they furnished its nobility—especially from the second half of the eleventh century—with the opportunity for brilliant, profitable and pious adventures, while at the same time providing its peasants with the opportunity of settling on the unoccupied lands at the pressing invitation of Spanish kings and nobles. But along with the wars properly so-called went piracy and brigandage, and it was chiefly through these that the Saracens contributed to the general disorder of the West.

From an early date the Arabs had been sailors. From their lairs in Africa, Spain, and especially the Balearics, their corsairs attacked the western Mediterranean. Nevertheless, in these waters, traversed by only a very few ships, the trade of pirate in the true sense of the word had not been very profitable. In the mastery of the sea, the Saracens—like the Scandinavians in the same period—saw above all the means of reaching coasts whence they could carry out profitable raids. From 842 they went up the Rhône as far as the approaches of Arles, plundering both banks on their way. The Camargue at that time was their normal base. But soon an accident was to procure them not only safer headquarters, but also the possibility of extending their ravages very considerably.

At a date not precisely ascertained, probably somewhere about 890, a small Saracen vessel coming from Spain was driven by the winds on to the coast of Provence, on the outskirts of the present town of Saint-Tropez. Its crew hid themselves during the day, then at nightfall emerged and massacred the inhabitants of a neighbouring village. Mountainous and wooded—it was called at that time the land of ash-trees (*frênes*), or 'Freinet'<sup>1</sup>—this secluded place was easy to defend. Like their compatriots of Monte Argento

<sup>1</sup> The memory of this name is preserved in the name of the existing village of La Garde-Freinet. But the citadel of the Saracens was situated on the sea-coast and was not, therefore, at La Garde, which is inland.

in Campania, at the same period, this band of Arabs fortified themselves on a height, in the midst of thickets of thorns, and summoned their comrades to join them. Thus was created a most dangerous nest of robbers. With the exception of Fréjus, which was pillaged, it does not seem that the towns, protected as they were by their walls, were direct victims. But in the neighbourhood of the coast the country districts were appallingly devastated. The brigands of Le Freinet also took numerous prisoners whom they sold in the Spanish markets.

Moreover, they were not slow to carry their incursions well inland. Very few in number, they seem to have been reluctant to face the risks of the Rhône valley, relatively populous and, protected by fortified cities or castles. But the Alpine massif made it possible for small bands of practised mountaineers to steal far forward, from one range of mountains to another, from thicket to thicket, and coming as they did from the Sierras of Spain or the mountainous Maghreb, these Saracens were, in the words of a monk of Saint-Gall, 'real goats'. Moreover, the Alps, in spite of appearances, were not to be despised as a field for raids. Nestling in their midst were fertile valleys, on which it was easy to descend without warning from the surrounding mountains. Such a valley was Graisivaudan. Here and there, abbeys stood forth, ideal objectives for the raider. (Above Susa, the monastery of Novalesa, whence most of the monks had fled, was sacked and burned as early as 906.) Best of all, there journeyed through the passes small parties of travellers, merchants, or even pilgrims on their way to Rome to pray at the tombs of the Apostles. What could be more tempting than to ambush them on the road? As early as 920 or 921, some Anglo-Saxon pilgrims were battered with stones in a defile, and from then on such crimes were of frequent occurrence. The Arab *djichs* or armed bands were not afraid to venture astonishingly far north. In 940, we find them in the neighbourhood of the upper Rhine valley and in the Valais, where they burned the famous monastery of Saint-Maurice d'Agaune. About the same time, one of their detachments riddled with arrows the monks of Saint-Gall as they walked peacefully in procession round their church. This band, at any rate, was dispersed by the little group of defenders whom the abbot hurriedly gathered together; a number of prisoners, brought into the monastery, heroically allowed themselves to die of starvation.

To police the Alps or the Provençal countryside was beyond the power of contemporary states. There was no other remedy than to destroy the lair at Le Freinet. But here a new obstacle arose. It was practically impossible to lay siege to this citadel without cutting it off from the sea, whence it received its reinforcements. Now, neither the kings of this region—in the west, the kings of Provence and Burgundy, in the east, the king of Italy—nor their counts had fleets at their disposal. The only skilled sailors among the Christians were the Greeks who, however, occasionally turned their skill to account, just as the Saracens did, by taking to piracy. (It was Greek

pirates who plundered Marseilles in 848.) On two occasions, in 931 and 942, the Byzantine fleet appeared off the coast of Le Freinet; on the second at least, and probably on the previous occasion also, they had been summoned by the king of Italy, Hugh of Arles, who had important interests in Provence. Nothing was achieved on either occasion. What is more, in 942, Hugh changed sides, even while the struggle was in progress, planning to make the Saracens his allies and with their aid to close the Alpine routes against the reinforcements which one of his rivals for the Lombard crown was awaiting. Then in 951 Otto the Great, king of East Francia—Germany of today—made himself king of the Lombards. His purpose was to build up in central Europe and even as far as Italy a power like that of the Carolingians, a Christian power and a promoter of peace. Regarding himself as the heir of Charlemagne whose imperial crown he was to assume in 962, he believed it to be his mission to put an end to the depredations of the Saracens. First trying the diplomatic approach, he sought to persuade the caliph of Cordova to order his people to evacuate Le Freinet. Then he formed the project of leading an expedition himself, but never carried it out.

Meanwhile, in 972, the marauders made the mistake of capturing too illustrious a prize. On the route of the Great Saint Bernard, in the valley of the Dranse, the abbot of Cluny, Maïeul, while returning from Italy, was ambushed and taken to one of those mountain refuges which the Saracens frequently used when they were not able to get back to their base. He was only released in return for a heavy ransom paid by his monks. Now Maïeul, who had reformed so many monasteries, was the revered friend, the director of conscience and, if one may venture to say it, the *saint familier* of many kings and barons; notably of William, count of Provence. The latter overtook on their way back the band who had committed the sacrilegious outrage and inflicted on them a severe defeat; then, gathering together under his command a number of nobles from the Rhône valley, to whom were to be distributed subsequently the lands brought back into cultivation, he launched an attack against the fortress of Le Freinet. This time, the citadel fell.

This for the Saracens was the end of large-scale brigandage on land, though naturally the coastline of Provence, like that of Italy, remained exposed to their outrages. Even in the eleventh century we find the monks of Lérins actively engaged in buying back Christians whom Arab pirates had captured and taken to Spain; in 1178 a raid near Marseilles yielded many prisoners. But the cultivation of the fields could be resumed in the coastal and sub-alpine regions of Provence, and the Alpine routes became again neither more nor less safe than any others traversing the mountains of Europe. Moreover, on the Mediterranean itself, the merchant cities of Italy, Pisa, Genoa and Amalfi, had since the beginning of the eleventh century passed over to the offensive. They chased the Moslems from Sardinia, and even hunted them down in the ports of the Maghreb (from



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1015) and of Spain (in 1092). Thus they began to clean up those seas on the security of which their trade was so largely dependent. It was only a relative security, but until the nineteenth century the Mediterranean was not to know anything better.

### 3 THE HUNGARIAN ASSAULT

Like the Huns before them, the Hungarians or Magyars had appeared in Europe almost without warning, and at an early date the writers of the Middle Ages, who had learned to know them only too well, showed a naive astonishment that the Roman writers should not have mentioned them. Their early history is in any case much more obscure than that of the Huns, for the Chinese sources which, well before the Western records begin, enable us to follow the trail of the 'Hiung-Nu', are silent on the subject of Magyars. It is certain that the new invaders also belonged to the peculiar and highly characteristic world of the nomads of the Asiatic steppes: peoples often of very diverse languages, but astonishingly alike in their manner of life, because of the similarity of their surroundings; horse-breeders and warriors, living on the milk of their mares or the fruits of their hunting and fishing; natural enemies especially of the agriculturalists on the fringes of their territory. In its basic structure, the Magyar speech belongs to the linguistic type called Finno-Ugrian; the idioms to which it is closest today are those of certain aboriginal peoples of Siberia. But in the course of its wanderings the original ethnic stock had been mixed with numerous Turkish-speaking elements and had received a strong imprint from the civilizations of that group.<sup>1</sup>

As early as 833 we find the Hungarians, whose name appeared then for the first time, disturbing the settled populations—the Khanate of the Khazars and the Byzantine colonies—in the neighbourhood of the sea of Azov. Soon, they are threatening at any moment to cut the Dnieper route, at this time an extremely active commercial highway by which, from portage to portage and from market to market, the furs of the North, the honey and wax of the Russian forests, and the slaves bought on all sides went to be exchanged against the merchandise or gold of Constantinople or Asia. But new hordes—the Petchenegs—starting out after them from beyond the Urals, harassed them unceasingly. The road to the south was successfully barred to them by the Bulgarian empire. Thus driven back, one of their groups preferred to bury itself in the steppe further to the east, but the greater number crossed the Carpathians in about 896, to spread over the plains of the Tisza and the middle Danube.

These vast areas, so often ravaged by invasion since the fourth century,

<sup>1</sup> The very name Hungarian is probably Turkish. The same perhaps is true, at least in one of its elements, of the name Magyar, which seems moreover to have been applied originally to only one tribe.

formed at that time on the map of Europe a sort of enormous blank patch, 'Solitudes' is the word used to describe them by the chronicler Regino of Prüm, though it is not necessary to take the expression too literally. The varied populations which had formerly had important settlements in these regions, or had merely passed through them, had in all probability left behind small groups of stragglers. Above all, a great many Slav tribes had by degrees infiltrated there. But settlement unquestionably remained very sparse: witness the almost complete recasting of the geographical nomenclature, including that of the rivers, after the arrival of the Magyars. Furthermore, after Charlemagne had crushed the Avar power, there was no longer any solidly organized state capable of offering serious resistance to the invaders. Their only opponents were some chiefs of the Moravian people who a short time before had succeeded in establishing in the north-west corner a tolerably strong principality, already officially Christian—the first attempt, in fact, to form a genuine, purely Slav state. The attacks of the Hungarians destroyed it once and for all in 906.

From this moment, the history of the Hungarians took a new turn. It is scarcely possible any longer to speak of them as nomads in the strict sense of the word, since they now had a permanent settlement in the plains which today bear their name. But from there they sallied forth in bands over the surrounding countries: not, however, to conquer territories. Their sole purpose was to plunder and return loaded with booty to their permanent location. The decline of the Bulgarian empire after the death of the tsar Simeon (927) opened the way to Byzantine Thrace, which they plundered on several occasions. The West, much less well defended, had a special attraction for them, and they came into contact with it at an early date.

As long ago as 862, before they had even crossed the Carpathians, a Hungarian expedition had penetrated as far as the borders of Germany. Later on, some of these men had been engaged as auxiliaries by the king of that country, Arnulf, in one of his wars against the Moravians. In 899, their hordes swooped down on the plain of the Po; the following year, on Bavaria. From this time onward, scarcely a year passed in which the annals of monasteries in Italy and Germany, and soon afterwards Gaul, did not record, sometimes of one province, sometimes of another: 'ravages by the Hungarians'. Northern Italy, Bavaria and Swabia were especially afflicted; all the region on the right bank of the Enns, where the Carolingians had established frontier commands and distributed lands to their abbey, had to be abandoned. But the raids extended well beyond these limits. The radius covered would confound one's imagination, if one did not take into account the fact that the long pastoral journeys to which the Hungarians were formerly accustomed in the open steppe and which they continued to practise in the more restricted circle of the Danubian *puszta* had been a wonderful apprenticeship. The nomadism of the herdsman of the steppes—who was already a robber as well—was a preparation for the nomadism

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of the bandit. Towards the north-west, Saxony—that is to say the vast territory which extended from the Elbe to the middle Rhine—was attacked as early as 906, and from then on was repeatedly ravaged. In Italy, the Hungarian hordes drove on as far as Otranto. In 917, they penetrated, by way of the Vosges forest and the Saales pass, to the rich abbeys grouped about the Meurthe. From that time onwards, Lorraine and northern Gaul became one of their familiar hunting-grounds. Thence they ventured into Burgundy and even south of the Loire. Men of the plains, they were nevertheless not afraid to cross the Alps if the need arose. It was 'by the devious ways of these mountains' that, coming from Italy, they descended in 924 upon the district of Nîmes.

They did not always avoid battles against organized forces, and in these engagements they met with varying success. Nevertheless they preferred as a rule to glide rapidly across country: true savages, whom their chiefs drove to battle with blows of the whip, but redoubtable soldiers, skilful in flank attacks, relentless in pursuit and resourceful in extricating themselves from the most difficult situations. Perhaps they needed to cross a river, or the Venetian lagoon. They hurriedly made boats of skins or of wood. At their halting places they set up their tents—the kind used by the people of the steppes; or they entrenched themselves in an abbey abandoned by its monks and from that point assailed the surrounding country. Artful as savages, provided when necessary with intelligence by the ambassadors whom they sent on ahead, less to parley than to spy, they had very quickly penetrated the rather clumsy artifices of Western policy. They kept themselves informed about interregna, which were particularly favourable to their incursions, and they were able to profit by the dissensions among the Christian princes to place themselves at the service of one or other of the rivals.

Sometimes, following the normal practice of bandits in every age, they demanded sums of money from the conquered populations in return for sparing their lives; from some they even exacted a regular tribute: Bavaria and Saxony were obliged for several years to submit to this humiliation. But these methods were scarcely practicable save in the territories bordering on Hungary itself, and elsewhere they simply killed and robbed outrageously. Like the Saracens, they seldom attacked fortified towns; where they ventured to do so, they usually failed, as they had done under the walls of Kiev in the early days of their expeditions in the region of the Dnieper. The only important city they captured was Pavia. They were especially dreaded by the villages and the monasteries, frequently isolated in the country districts or situated in the suburbs of towns, outside the walls. Above all, they seem to have been bent on taking prisoners, carefully choosing the best, and sometimes, among a whole population put to the sword, sparing only the young women and the very young boys—to serve their needs and their pleasures, no doubt, but mostly to be sold. On occasion,

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they had no compunction about selling this human cattle even in the markets of the West, where not all the customers were of a mind to be fastidious over the nature of their purchases; in 954 a girl of noble family, captured in the outskirts of Worms, was put up for sale in the city.<sup>1</sup> More often these unfortunates were dragged as far as the Danubian regions, to be offered to Greek traders.

### 4 END OF THE HUNGARIAN INVASIONS

Meanwhile, on the 10th of August 955, the king of East Francia, Otto the Great, who had received intelligence of a raid on southern Germany, attacked the returning Hungarian band on the banks of the Lech. After a bloody battle he was victorious, and was able to press home his advantage. The marauding expedition thus dealt with was destined to be the last. On the confines of Bavaria hostilities were henceforth limited to border warfare. Soon, in accordance with the Carolingian tradition, Otto reorganized the frontier commands. Two marches were created: one in the Alps, on the Mur; the other, further north, on the Enns. The latter, soon to acquire the name of the eastern command—*Ostarrichi*, from which Austria is derived—reached the forest of Vienna as early as the end of the tenth century, and the Leitha and Morava towards the middle of the eleventh.

Brilliant though it was and despite its resounding moral effect, an isolated feat of arms like the battle of the Lechfeld would clearly not have sufficed to put an end to the raids. The Hungarians, whose own territory had not been touched, were far from having undergone such a crushing defeat as the Avars had earlier at the hands of Charlemagne. The defeat of one of their bands, of which several had already been likewise vanquished, would have been powerless to change their mode of life. The truth is that, from about 926, their long-distance raids, though furious as ever, were none the less becoming more infrequent. In Italy, without battle, they also ceased after 954. In the south-east, from 960 on, the incursions into Thrace dwindled to modest little freebooting ventures. There is no doubt at all that this was the result of a number of deep-seated causes which had by degrees become effective.

The long forays across western Europe, carrying on an ancient traditional behaviour, had not always been ultimately profitable. The hordes created frightful havoc as they passed, but it was hardly possible for them to load themselves with enormous quantities of booty. The slaves, who must have followed on foot, always tended to slow down their movements, and moreover could not easily be prevented from escaping. The sources often speak of fugitives: an instance was that parish priest from the neighbourhood of Rheims who, forced to accompany his captors as far as Berry, gave them the slip one night, remained hidden in a swamp for several days and finally

<sup>1</sup> Lantbertus, *Vita Heriberti*, c. I in *M.G.H.*, SS., IV, p. 741.

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succeeded in getting back to his village, bursting with the tale of his adventures.<sup>1</sup> For the removal of treasure, the wagons, moving along the wretched tracks of the time and traversing hostile territories, provided a means of transport much more cumbersome and much less reliable than the ships of the Northmen did on the fine rivers of Europe. The devastated fields often gave insufficient fodder for the horses: the Byzantine generals well knew that 'the great obstacle encountered by the Hungarians in their wars resulted from lack of pasturage'.<sup>2</sup> On their journeys the bands were obliged to fight many a battle; and even if victorious, they returned decimated by this guerilla warfare. Disease also fought against them. Bringing to a close in his annals (which he compiled from day to day) his account of the year 924, the cleric Flodoard of Rheims joyfully records the news, just received, that the majority of the pillagers of the Nîmes region had succumbed to a 'plague' of dysentery. As time went on, moreover, the fortified towns and castles increased in number, breaking up the open spaces which alone were really favourable to raiders. Finally, from about the year 930, the continent had become practically free from the nightmare menace of the Northmen, so that thenceforth kings and nobles had their hands free to turn against the Hungarians and to organize a more methodical resistance. Looking at the situation from this aspect one sees that the decisive importance of Otto's work lay much less in his splendid victory of the Lechfeld than in his creation of the marches.

Many motives therefore came into play to turn the Magyar people away from a type of enterprise which was undoubtedly yielding less and less in profit and costing more and more in lives. But the influence of these motives could not have been so effective had not Magyar society itself been undergoing important changes.

On this point, unfortunately, the sources fail us almost completely. Like so many other nations, the Hungarians began to keep annals only after their conversion to Christianity and Latin culture. We gain the impression nevertheless that agriculture little by little took its place by the side of stock-raising: a slow metamorphosis, in any case, and one which involved for a long time modes of life intermediate between the true nomadism of the pastoral peoples and the absolute stability of the communities of agriculturalists pure and simple. In 1147, the Bavarian bishop, Otto of Freising, when on crusade, descended the Danube and was able to observe the Hungarians of his own day. Their huts of reeds (more rarely of wood) were used as shelter only during the cold season: 'in the summer and autumn, they lived in tents.' This is the same alternation which a little earlier an Arab geographer noted among the Bulgars of the Lower Volga. The villages—very small affairs—were movable. Some time after the introduction of Christianity, between 1012 and 1015, a synod decreed that

<sup>1</sup> Flodoard, *Annales*, 937.

<sup>2</sup> Leo, *Tactica*, XVIII, 62.

villages must not move too far away from their churches. If they did so, they were obliged to pay a fine and 'return'.<sup>1</sup>

So, in spite of everything, the practice of extended raids disappeared. Above all, there is no doubt that solicitude for the harvests ran counter to the great summer migrations that brigandage involved. Favoured perhaps by the absorption of foreign elements—Slav tribes that had long all but ceased to be nomadic, and captives coming from the old rural civilizations of the West—these modifications in the Magyar mode of life were in harmony with profound political changes.

We perceive dimly, among the early Hungarians, above the little societies united by blood-relationship actual or reputed, the existence of larger but not very stable groupings: 'the battle once ended,' wrote the Emperor Leo the Wise, 'they disperse to their clans (*γενή*) and tribes (*φυλάι*)'. It was a type of organization rather similar, on the whole, to that still to be found at the present day in Mongolia. As far back as the sojourn of the Magyar people in the region to the north of the Black Sea, an attempt had been made, in imitation of the Khazar state, to set above all the chiefs of the hordes a 'Great Lord' (such is the name employed by both the Greek and Latin sources). The leader elected was a certain Arpad. From then on, although it would be quite inaccurate to speak of a unified state, the Arpad dynasty clearly regarded itself as destined for leadership. In the second half of the tenth century it succeeded, not without a struggle, in establishing its power over the entire nation. Populations which were settled, or which moved about only in the interior of a restricted territory, were easier to subdue than nomads devoted to a life of constant roving. The work of stabilization seems to have been complete when in 1001, Vaik, a prince descended from Arpad, took the title of king.<sup>2</sup>

A rather loose association of plundering and roving hordes had been transformed into a state firmly rooted in its own soil, after the fashion of the kingdoms or principalities of the West—indeed to a large extent in imitation of them. As so often the fiercest conflicts had not prevented contact between civilizations, and the more advanced had influenced the more primitive.

The influence of Western political institutions had, moreover, been accompanied by a deeper penetration involving the whole outlook of the people; when Vaik proclaimed himself king, he had already received baptism under the name of Stephen, which the Church has preserved for him by ranking him among its saints. Like all the vast religious 'no man's land' of eastern Europe, from Moravia to Bulgaria and Russia, pagan Hungary had from the first been disputed by two teams of evangelists,

<sup>1</sup> K.Schünemann, *Die Entstehung des Städtewesens in Südosteuropa*, Breslau, n.d., pp. 18–19.

<sup>2</sup> On the somewhat obscure circumstances of the establishment of the Hungarian kingdom, cf. P.E.Schrömm, *Kaiser, Rom und Renovatio*, I. 1929, p. 153 *et seq.*

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each of which represented one of the two great systems, from that time quite clearly distinguishable, into which Christianity was divided: that of Byzantium and that of Rome. Hungarian chiefs got themselves baptized at Constantinople, and monasteries observing the Greek rite subsisted in Hungary till well on into the eleventh century. But the Byzantine missions, which came from too great a distance, were destined finally to be eclipsed by their rivals.

Initiated in the royal houses by marriages in which the desire for *rapprochement* was manifest, the work of conversion was actively carried on by the Bavarian clergy. Bishop Pilgrim in particular, who from 971 to 999 occupied the see of Passau, made this his concern. He conceived of Passau as playing for the Hungarians the same rôle of missionary metropolis as Magdeburg was to play for the Slavs beyond the Elbe, and Bremen for the Scandinavian peoples. Unfortunately, unlike Magdeburg and Bremen, Passau was only a simple bishopric, a suffragan diocese of Salzburg. Did that make any difference? The bishops of Passau, whose diocese had really been founded in the eighth century, regarded themselves as the successors of those who, from the time of the Romans, had had their see in the fortified burg of Lorch, on the Danube. Yielding to the temptation to which so many of his cloth on every hand were succumbing, Pilgrim caused a series of false bulls to be fabricated, by which Lorch was recognized as the metropolitan see of 'Pannonia'. All that remained was to reconstitute this ancient province. Around Passau, which would break all ties with Salzburg, and resume its pretended ancient rank, would be grouped, as satellites, the new bishoprics of a Hungarian 'Pannonia'. However, neither the popes nor the emperors could be persuaded to give their consent.

As for the Magyar princes, even if they felt ready for baptism they were yet firmly resolved not to be dependent on German prelates. As missionaries and later as bishops, they preferred to appoint Czech priests or even Venetians; and when about the year 1000 Stephen organized the ecclesiastical hierarchy of his state, it was placed, by papal consent, under the authority of its own metropolitan. After his death, the struggles for the succession, though they temporarily restored some prestige to certain chiefs who had remained pagan, did not in the end seriously affect his achievements. Ever more deeply penetrated by Christianity, provided with a crowned king and an archbishop, the latest arrival among the peoples of 'Scythia' had—in the words of Otto of Freising—finally renounced the tremendous raids of former days to shut itself up within the henceforth unchanging horizon of its fields and pastures. Wars with the sovereigns of neighbouring Germany remained frequent. But it was the kings of two settled nations who thenceforward confronted each other.<sup>1</sup>

<sup>1</sup> The history of the ethnological map of 'extra-feudal' Europe does not here concern us directly. It may be noted nevertheless that the settlement of the Hungarians in the Danubian plain ended by cutting the Slav bloc in two.

## II THE NORTHMEN

### 1 GENERAL CHARACTER OF THE SCANDINAVIAN INVASIONS

FROM the time of Charlemagne, all the populations of Germanic speech living to the south of Jutland, being thenceforward Christians and incorporated in the Frankish kingdoms, came under the influence of Western civilization. But farther to the north lived other Germans who had preserved their independence and their own traditions. Their speech, differing among themselves, but differing much more from the idioms of Germany properly so-called, belonged to another of the branches that sprang originally from the common linguistic stock; we call this today the Scandinavian branch. The contrast between their culture and that of their more southerly neighbours had been clearly marked after the great migrations which, in the second and third centuries of our era, had almost depopulated the German lands along the Baltic and about the mouth of the Elbe and thus removed many intermediate and transitional elements.

These natives of the far north formed neither a mere sprinkling of tribes nor yet a single nation. The following groups were distinguishable: the Danes, in Scania, on the islands, and, a little later, on the peninsula of Jutland; the *Götar* whose memory is preserved today in the names of the Swedish provinces of Oester- and Vestergötland;<sup>1</sup> the Swedes, round the shores of lake Mälär; finally, the various peoples who, separated by vast stretches of forest, by partly snowbound wastes and icy tracts, but united by a common sea, occupied the valleys and coasts of the country which was soon to be called Norway. Nevertheless there was a sufficiently pronounced family likeness among these groups, doubtless the result of much intermingling, for their neighbours to attach a common label to them. Since nothing seems more characteristic of the foreigner—a being by nature mysterious—than the direction from which he appears to spring forth, the Germans on the hither side of the Elbe formed the habit of saying simply: ‘men of the North’, *Nordman*. It is a curious thing that this word, despite its outlandish form, was adopted unaltered by the Roman populations of

<sup>1</sup> The relationship of these Scandinavian *Götar* to the Goths, whose rôle was so considerable in the history of the Germanic invasions, poses a difficult problem on which the specialists are far from agreement.



Gaul; either because, before they came into direct contact with ‘the savage nation of the Northmen’, its existence had been revealed to them by reports emanating from the border provinces; or, more probably, because the common people had first heard the name used by their leaders—royal officials most of whom, at the beginning of the ninth century, were descended from Austrasian families and normally spoke the Frankish tongue. Moreover, the use of the term was strictly confined to the continent. The English either tried to the best of their ability to distinguish among the different peoples, or simply designated them collectively by the name of one of them, the Danes, with whom they had most to do.<sup>1</sup>

Such were the ‘pagans of the North’ whose incursions, suddenly launched about the year 800, were destined for nearly a century and a half to afflict the West. We today are naturally better able to place the raids of the ‘Northmen’ in their historical setting than were the look-out men, searching the seas with their eyes and trembling when they descried the prows of the enemy ships, or the monks busy in their *scriptoria* recording the acts of pillage. Seen in their true perspective, the raids seem to us but an episode—a particularly blood-stained one, it is true—of a great human adventure: those far-ranging Scandinavian migrations which at about the same time, from the Ukraine to Greenland, were creating so many new commercial and cultural ties. But the task of showing how, by those epic achievements of peasants and merchants as well as of warriors, the horizon of European civilization was enlarged is not within the scope of the present work; we are here concerned with the ravages and conquests of the Northmen in the West only in so far as they constituted a leavening element in feudal society.

Thanks to the burial customs of the Northmen, we can form an exact idea of their fleets, for a ship concealed under a mound of earth was the chosen tomb of a chief. Modern excavations, mainly in Norway, have brought to light several of these ship-burials: ceremonial boats, it is true, intended for peaceful movement from fiord to fiord rather than for voyages to distant lands, yet capable at need of very long journeys; a vessel copied exactly from one of them—the Gokstad boat—was able in the twentieth century to cross the Atlantic from shore to shore. The ‘long ships’, which spread terror in the West, were of an appreciably different type—not so different, however, but that the evidence of the burials, supplemented by documentary evidence, enables us to reconstruct their appearance without much difficulty. They were deckless boats, masterpieces of joinery by a race of craftsmen in wood, and in their skilfully proportioned lines worthy of a great seafaring people. A little more than 65 feet long as a rule, they could either be propelled by oars or sailed, and each carried an average of forty to sixty men, no doubt closely packed. The speed of these vessels,

<sup>1</sup> The ‘Northmen’ to whom records of Anglo-Saxon origin sometimes give prominence are—according to the usage even of the Scandinavian texts; Norwegians, as distinct from Danes *stricto sensu*.

## THE NORTHMEN

judging by the model constructed from the Gokstad find, was easily as much as ten knots. They were of shallow draught—not much more than three feet; a great advantage when they left the high seas and ventured into the estuaries or even up the rivers.<sup>1</sup>

For, to the Northmen, as to the Saracens, the waters were only a pathway to the plunder of the land. Although they did not disdain at times to learn from Christian renegades, they possessed a sort of intuitive river lore of their own, becoming so quickly familiar with the complexities of this means of travel that, as early as 830, a contingent had escorted the archbishop Ebbo from Rheims on his flight from his emperor. The prows of their ships moved forward among intricate networks of tributaries with innumerable windings, favourable to surprise attack. Navigating the Scheldt, they got as far as Cambrai; on the Yonne, as far as Sens; on the Eure, as far as Chartres; on the Loire, they reached Fleury, well upstream from Orleans. Even in Britain, where the waterways beyond the tidal reaches are much less favourable to navigation, the Ouse was nevertheless able to convey Northmen as far as York, and the Thames and one of its tributaries as far as Reading. If sails or oars could not be used, they resorted to towing. Often, in order not to overload the ships, a detachment would follow by land. Sometimes the water might be too shallow for the ship to approach the banks, or perhaps in order to carry out a raid it might be necessary to follow a shallow river, and in such cases small boats were launched from the ships. To turn the fortifications barring the river route, a portage would be improvised; this was done in 888 and 890, in order to by-pass Paris. Over towards the east, in the Russian plains, the Scandinavian merchants had had long experience in these alternations between the navigation and the portaging of ships from one river to another or alongside rapids.

Moreover, these marvellous sailors had no fear of the land—of land routes or land battles. When necessary they did not hesitate to leave the river to set out in pursuit of plunder; like those who in 870 followed through the forest of Orleans, along the tracks left by the vehicles, the trail of the monks of Fleury as they fled from their abbey on the banks of the Loire. Increasingly they learnt to use horses (this for their journeys rather than for fighting) which they usually obtained from the very district they were plundering. Thus, in 866, they rounded up a great number of horses in East Anglia. Sometimes they transported them from one field of plunder to another; in 885, for example, from France to England.<sup>2</sup> In this way, they became more and more independent of the waterways: in 864, for instance, they abandoned their ships on the Charente, and ventured as far as Clermont<sup>3</sup>Auvergne, which they captured. Capable now of moving swiftly overland, they were better able to take their enemies by surprise; they were also very skilful at constructing earthworks and defending themselves. What

<sup>1</sup> Sec Plate I.

<sup>2</sup> Asser, *Life of King Alfred*, ed. W.H.Stevenson, 1904, c. 66.

is more—and they were superior in this respect to the Hungarian horsemen—they knew well how to attack fortified places. By 888 the list of the towns which in spite of their ramparts had succumbed to the assault of the Northmen was already long: among them were Cologne, Rouen, Nantes, Orleans, Bordeaux, London and York, to mention only the most famous. The truth is that, leaving aside the part sometimes played by the element of surprise, as at Nantes, captured on a feast-day, the old Roman walls were by no means always well maintained, still less were they always resolutely defended. When at Paris, in 888, a handful of energetic men put the fortifications of the *Cité* in order and found the heart to fight, this town, which in 845 had been sacked after being almost abandoned by its inhabitants, and which on two subsequent occasions appears to have suffered the same fate, for once put up a successful resistance.

The raids were profitable. The terror which they inspired in advance was not less so. Some communities (for instance, as early as 810, certain Frisian groups), recognizing that the government was incapable of defending them, and some isolated monasteries, had from the first begun to buy immunity. Later the sovereigns themselves grew accustomed to this practice: for a sum of money they would obtain from the marauders the promise to discontinue their ravages, at least for the time being, or to turn towards other prey. In West Francia, Charles the Bald had set the example in 845; in 864 it was followed by Lothar II, king of Lorraine; and in East Francia, in 882, it was the turn of Charles the Fat. Among the Anglo-Saxons, the king of Mercia paid for immunity, perhaps as early as 862; as did the king of Wessex, certainly, in 872. It was in the nature of such ransoms to act as a perpetual lure and in consequence to be repeated almost indefinitely. Since the princes were obliged to collect the necessary sums from their subjects and, above all, from their churches there finally developed a regular drain of Western wealth in the direction of Scandinavia. Today, among so many reminders of those heroic ages, the museums of the North preserve in their glass cases surprising quantities of gold and silver: largely the proceeds of commerce, no doubt; but much of it also, as the German priest Adam of Bremen remarked, ‘fruits of brigandage’. It is a striking fact that these precious metals stolen or received as tribute sometimes in the form of coins, sometimes as jewellery of the Western type, should usually have been refashioned into trinkets conforming to the taste of their new owners—evidence of a civilization singularly sure of itself.

Prisoners were also carried off, and unless they were afterwards bought back, transported overseas. Thus, a little after 860, black prisoners rounded up in Morocco were sold in Ireland.<sup>1</sup> Finally, these warriors of the North were men of strong and brutal sensual appetites, with a taste for bloodshed and destruction, which manifested itself at times in great outbreaks

<sup>1</sup> H. Shetelig, *Les origines des invasions des Normands* (Bergens Museums Årbog, Historisk—antiqvarisk rekke, nr. 1), p. 10.

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partaking of madness, when violence no longer knew any restraint: one such occasion was the famous orgy in 1012, during which the Archbishop of Canterbury, whom till then his captors had carefully guarded with an eye to ransom, was pelted to death with the bones of the animals eaten at the banquet. Of an Icelander who had campaigned in the West the saga tells us that he was surnamed 'the children's man', because he refused to impale children on the point of his lance, 'as was the custom among his companions'.<sup>1</sup> All this sufficiently explains the terror spread by the invaders wherever they went.

### 2 FROM RAID TO SETTLEMENT

Nevertheless, since the time when the Northmen had pillaged their first monastery on the Northumbrian coast (793), and had compelled Charlemagne hurriedly to organize the defence of the Frankish littoral on the Channel (800), the nature and scope of their enterprises had gradually undergone a considerable change. The earliest raids, limited to northern shores—the British Isles, the low-lying country bordering the great northern plain, the cliffs of Neustria—had been seasonal affairs carried out in fine weather by small bands of 'Vikings'. The etymology of this word is disputed.<sup>2</sup> But that it stood for a pursuer of profitable and warlike ventures is not in doubt, and no more is the fact that the Viking bands were generally constituted, in disregard of family or national ties, expressly for the enterprise itself. Only the kings of Denmark, heads of a state with at least a rudimentary organization, were already, on their southern frontiers, attempting genuine conquests—though indeed without much success.

Then, very rapidly, the radius of Viking activity expanded. The ships fared as far as the Atlantic and farther still towards the south. As early as 844, certain ports of western Spain had been visited by the pirates. In 859 and 860, it was the turn of the Mediterranean. The Balearics, Pisa, the Lower Rhône were reached, and the valley of the Arno was penetrated as far up as Fiesole. This Mediterranean inroad was, however, to be the only one of its kind. Not that distances frightened the discoverers of Iceland and Greenland. Did not the Barbary corsairs in the seventeenth century venture in the opposite direction to within sight of Saintonge, nay, even as

<sup>1</sup> *Landnámabók*, cc. 303, 334, 344, 379.

<sup>2</sup> Two principal interpretations have been advanced. Some scholars derive the word from the Scandinavian *vik*, bay; others see in it a derivative of the common Germanic *wik*, meaning a town or market. (Cf. the Low-German *Weichbild*, urban law, and a great number of place-names, such as Norwich in England, or Brunswick—*Braunschweig*—in Germany.) In the former case, the Viking would have taken his name from the bays where he lurked waiting to attack; in the latter, from the towns which he sometimes frequented as a peaceful merchant and sometimes pillaged. No one so far has been able to furnish a decisive argument for one theory or the other.

far as the banks of Newfoundland? But the truth is that the seas of southern Europe were too well guarded by the Arab fleets.

On the other hand, the raids ate farther and farther into the body of the continent and into Great Britain. No diagram is more eloquent than the wanderings of the monks of Saint-Philibert, with their relics. The abbey had been founded in the seventh century on the island of Noirmoutier—an abode well suited to monks, so long as the sea remained more or less free from marauders, but one which became extremely dangerous when the first Scandinavian ships appeared in the Bay. A little before 819, the monks had a refuge built on the mainland, at Déés, on the shore of the Lac de Grandlieu. Soon they formed the habit of going there every year from the beginning of spring and remaining there until the bad weather towards the end of autumn seemed to afford a safe barrier against their seafaring enemies, so that the church on the island could once more be opened for the divine offices. Nevertheless, in 836, Noirmoutier, continually devastated and experiencing growing difficulties in supplying itself with food, was judged to be no longer tenable, and Déés, formerly only a temporary refuge, was raised to the status of a permanent establishment, while farther to the rear a little monastery recently acquired at Cunauld, upstream from Saumur, served thenceforward as a position on which to fall back. In 858 a further retreat was necessary, and Déés, still too near the coast, had in its turn to be permanently abandoned in favour of Cunauld. Unfortunately this site on the easily navigable Loire had not been judiciously chosen. By 862 the monks had judged it necessary to move away from the river to Messay in Poitou—only to realize, after about ten years, that they were still perilously close to the sea. This time the entire extent of the Central Massif did not seem too great a protective barrier, and in 872 or 873 the monks fled to Saint-Pourçain-sur-Sioule. Even there, however, they could not remain for long, and eventually the fortified town of Tournus, on the Saône, still farther to the east, was the asylum where, from 875, the saintly community, after so many weary journeys, finally found the ‘place of tranquillity’ of which a royal charter speaks.<sup>1</sup>

These long-distance expeditions of the Northmen naturally required an organization very different from that which had served for the lightning raids of earlier days. In the first place, they called for much larger forces. The small bands, each grouped about a ‘sea king’, united by degrees until true armies came into being; an example is the ‘Great Host’ (*magnus exercitus*) which, having been formed on the Thames, and then—after plundering the Flemish coast—reinforced by the adhesion of several isolated bands, ravaged Gaul atrociously from 879 to 892, to return at last and disband on the coast of Kent. Above all it became impossible to return every year to the North, and accordingly the Vikings took to the practice

<sup>1</sup> R.Poupardin, *Monuments de l'histoire des abbayes de Saint-Philibert*, 1905, with the *Introduction*, and G.Tessier, *Bibliothèque de l'École des Charles*, 1932, p. 203.

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of wintering between two campaigns in the country which they had chosen as a hunting-ground. This they did in Ireland from about 835; in Gaul for the first time at Noirmoutier in 843; and in the Isle of Thanet, at the mouth of the Thames, in 851. They had first established themselves on the coasts, but soon they were not afraid to penetrate far into the interior. Often they entrenched themselves on a river island, or they settled down somewhere within easy reach of a stream. For these protracted visits some of them brought over their wives and children. In 888, the Parisians could hear from their ramparts female voices in the enemy camp, chanting the dirge of the dead warriors. Despite the terror inspired by these nests of brigands, from which fresh raids were constantly launched, some natives would venture into the winter quarters to sell their produce, so that the robbers' den for the moment became a market. Buccaneers still, but by now half-sedentary buccaneers, the Northmen were getting ready to become conquerors of the soil.

Everything indeed disposed the simple bandits of former days to such an evolution. These Vikings, who were attracted by the opportunities for plunder that the West afforded, belonged to a race of peasants, blacksmiths, wood-carvers and merchants, as well as warriors. Drawn from their homes by the love of gain or adventure, sometimes forced into this exile by family feuds or rivalries between chieftains, they none the less felt behind them the traditions of a society with a fixed framework. It had been after all as colonists that the Scandinavians had settled in the islands, from the Faroes to the Hebrides, and as colonists again, true reclaimers of virgin territory, that from 870 onwards they carried out the great 'taking up of the land', the *Landnáma* of Iceland. Accustomed to mixing commerce with piracy, they had created round the Baltic a whole ring of fortified markets, and the common characteristic of the early principalities founded by various chieftains during the ninth century at either end of Europe—in Ireland round Dublin, Cork and Limerick; in Kievan Russian along the stages of the great river-route—was that they were essentially urban, dominating the surrounding territory from a town selected as centre.

It is necessary at this point to pass over the history, interesting though it is, of the colonies established in the western isles: the Shetlands and Orkneys, which were annexed from the tenth century to the kingdom of Norway and were only to pass to Scotland at the very end of the Middle Ages (1468); the Hebrides and Man, which till the middle of the thirteenth century constituted an autonomous Scandinavian principality; and the coastal kingdoms of Ireland, which after their expansion had been checked at the beginning of the eleventh century did not finally disappear till about a century later, under the impact of the English conquest. In these lands situated at the extreme edge of Europe, it was with the Celtic societies that Scandinavian civilization clashed. Here the account of the settlement of the Northmen will be confined to the two great 'feudal' countries: the old

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Frankish state and Anglo-Saxon Britain. Although between these two territories—as among the neighbouring isles—human intercourse continued, and the war-bands always crossed the Channel or the Irish Sea with ease, while the leaders, if disappointed by a reverse on one shore, habitually turned to seek better fortune on the opposite coast, it will none the less be necessary, for the sake of greater clarity, to examine the two fields of conquest separately.

### 3 THE SCANDINAVIAN SETTLEMENTS: ENGLAND

Their first wintering on British soil in 851 initiated the Scandinavians' new policy of settling there permanently. From that time on, their bands, working more or less in relays, never let go their prey. Of the Anglo-Saxon states some, whose kings had been killed, disappeared: such were Deira, on the east coast, between the Humber and the Tees; and East Anglia, between the Thames and the Wash. Others, like Bernicia in the extreme north and Mercia in the centre, survived for some time, although much reduced in size and placed under a sort of protectorate. Only Wessex, which extended at that time over the whole of southern England, succeeded in preserving its independence, though not without bitter fighting in campaigns made illustrious from 871 by the clear-sighted and patient heroism of King Alfred.

A finished product of that Anglo-Saxon civilization which, more successfully than any other in the barbarian kingdoms, had managed to weld together in an original synthesis the contributions of contrasted cultural traditions, Alfred, the scholar-king, was also a soldier-king. He succeeded (c. 880) in conquering what still remained of Mercia, which was thus withdrawn from Danish influence, although in the same period it became necessary to abandon to the invader by regular treaty the whole of the eastern part of the island. Yet it should not be supposed that this immense territory, roughly bounded on the west by the old Roman road from London to Chester, formed at that time a single state in the hands of the conquerors. Scandinavian kings or 'jarls', with here and there, no doubt, a petty Anglo-Saxon chieftain, like the successors of the princes of Bernicia, divided up the country, being sometimes united among themselves by various bonds of alliance or subordination, and sometimes at odds with each other. Elsewhere small aristocratic republics were set up, similar to those of Iceland. Fortified boroughs had been constructed which served as strong-points as well as markets for the various 'armies', now become sedentary; and since it was necessary to provide sustenance for the troops arrived from overseas, land had been distributed among the warriors. Meanwhile, on the coasts, other bands of Vikings continued their pillaging. Is it surprising that, towards the end of his reign, his memory still burdened with so many scenes of horror, Alfred, translating the picture of the Golden Age in the *Consolation* of Boethius, could not

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refrain from adding this touch to the original: 'in those days one never heard tell of ships armed for war'?<sup>1</sup>

The state of anarchy prevailing in the Danish part of the island explains the fact that from 899 the kings of Wessex, who alone in the whole of Britain disposed of extensive territorial power and relatively large resources, were able to undertake the reconquest of the country. Their campaigns were based on a network of fortifications they had gradually constructed. From 954, after an extremely bitter struggle, they succeeded in getting their authority recognized as supreme over all the territory previously occupied by the enemy. This certainly did not mean, however, that the traces of Scandinavian settlement were effaced. It is true that a few jarls, with their followers, had more or less voluntarily taken to the sea again. But most of the former invaders stayed where they were: the leaders retained their authority under the royal hegemony, and the rank and file kept their lands.

Meanwhile, profound political changes were at work in Scandinavia itself. Above the chaos of small tribal groups, real states were being consolidated or established: states as yet very unstable, torn by innumerable dynastic conflicts and ceaselessly engaged in war with each other, yet capable, at least spasmodically, of formidable concentrations of their forces. Alongside Denmark, where the royal power had grown considerably by the end of the tenth century; alongside the kingdom of the Swedes, which had absorbed that of the Götar, there now stretched the latest-born of the northern monarchies, created initially in the relatively open and fertile lands about Oslo fjord and Lake Mjösen. This was the kingdom of the 'north way' or, as the English say, Norway: the very name, a simple matter of location and without any ethnic implications, signifying the unified authority which had been imposed by degrees on the particularism of peoples once quite distinct. The rulers of these more powerful political unities were still familiar with the Viking's way of life. As young men, before their accession, they had roamed the sea; later, if some reverse compelled them to flee for the time being before a more fortunate rival, they set off again on the great adventure. Is it not understandable that, once having been in the position to order substantial levies of men and ships over an extensive territory, they should again have cast their eyes towards the sea to seek, beyond the horizon, the opportunity for new conquests?

When from 980 on the incursions into Britain were once more intensified, it is characteristic that we should soon find at the head of the principal bands two pretenders to Scandinavian thrones: one to that of Norway, the other to that of Denmark. Both subsequently became kings. The Norwegian, Olaf Tryggvason, never returned to the island. The Dane, on the other hand, Sweyn Fork-Beard, did not forget the way back. He seems to have

<sup>1</sup> *King Alfred's Old English Version of Boethius*, ed. W.J.Sedgefield, § XV.



been recalled in the first instance by one of those feuds which a Scandinavian hero could not renounce without dishonour. In his absence, the pillaging expeditions had continued under other leaders, and Ethelred, king of England, decided that there was no better way to defend himself against the marauders than by taking some of them into his service. To oppose Vikings to Vikings in this way was an old game that had been practised on several occasions by the princes of the continent, but in most cases with very limited success.

Experiencing in his turn the faithlessness of his 'Danish' mercenaries, Ethelred, on the 13th November 1002 (St. Brice's Day), revenged himself on them by ordering the massacre of all those within reach. According to a later tradition, which it is impossible to verify, the victims included Sweyn's own sister. From 1003 onwards the king of Denmark was burning English towns, and thenceforward war almost incessantly ravaged the country, continuing till after the death of both Sweyn and Ethelred. In the early days of the year 1017, the last representatives of the house of Wessex having taken refuge in Gaul or having been sent by the Danish conquerors into the distant country of the Slavs, the 'wise' of the land—that is to say, the assembly of the great nobles and bishops—acknowledged Sweyn's son, Cnut, king of all the English.

This was not a simple matter of a change of dynasty. At the time of his accession to the English throne, Cnut was not yet king of Denmark, where one of his brothers reigned; but he became so two years later. Subsequently he conquered Norway, and at least attempted to establish his power over the Slavs and Finns beyond the Baltic, as far as Esthonia. It was natural that the freebooting expeditions by sea should be succeeded by attempts to found a maritime empire. England figured in this enterprise as the most westerly province. It was on English soil that Cnut chose to pass the whole of the last period of his life, and it was to the English clergy that he readily appealed to organize the missionary churches of his Scandinavian dominions. The son of a heathen king, perhaps converted late in life, Cnut himself was devoted to the Roman Church; he was a founder of monasteries, a religious-minded and moralizing legislator in the manner of Charlemagne.

Thus he was in full accord with his subjects in Britain when, faithful to the example of several of his Anglo-Saxon predecessors, he made his pilgrimage to Rome in 1027, 'for the redemption of his soul and the salvation of his peoples'. He was present at the coronation of the greatest sovereign of the West, the Emperor Conrad II, king of Germany and Italy; he also met the king of Burgundy, and as a good son of a people who had always been merchants as well as warriors, he contrived to obtain from these gatekeepers of the Alps profitable exemptions from tolls for the merchants of England. But it was from the Scandinavian countries that he derived the major part of the forces with which he held the great island. 'Aale caused this stone to be erected. He levied taxes for King Cnut in England. God rest

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his soul.' Such is the inscription in runic characters which today can still be read on a funeral stele, near a village in the Swedish province of Upland.<sup>1</sup> This state, centred about the North Sea, was a cross-roads where many different currents of civilization met. Officially it was Christian, despite the presence in its various territories of numerous elements still pagan or very superficially Christianized; and through the channel of Christianity it was accessible to the influence of the ancient literatures. Finally, it was a blend of the native traditions of the Scandinavian peoples with the heritage of Anglo-Saxon civilization, itself at once Germanic and Latin.

Perhaps it was about this time, but more probably a little earlier, that in Northumbria, which was peopled with former Vikings, an Anglo-Saxon poet, putting into verse old legends of the country of the Götter and the Danish islands, composed the *Lay of Beowulf*, full of the echoes of an epic vein still completely pagan. As further evidence of the play of opposing influences, this strange and sombre poem with its fabulous monsters is preceded in the manuscript in which it has been transmitted to us by a letter from Alexander to Aristotle, and followed by a fragment translated from the Book of Judith.<sup>2</sup>

But this remarkable state had always been rather loosely knit. Communications over such great distances and by turbulent seas involved many risks. For some it must have been disquieting to hear Cnut declare in the proclamation which in 1027, on his way from Rome to Denmark, he addressed to the English: 'I intend to come to you, once my eastern realm is pacified...as early this summer as I am able to procure myself a fleet.' The parts of the empire from which the sovereign was absent had to be entrusted to viceroys, who were not invariably loyal. After the death of Cnut the union which he had created and maintained by force fell to pieces. Norway having finally seceded, England, as a separate kingdom, was first allotted to one of his sons, then for a brief period reunited to Denmark. Finally in 1042, it was once more a prince of the house of Wessex, Edward, later called 'the Confessor', who was acknowledged king.

Meanwhile, the Scandinavian inroads on the coasts had not completely ceased, nor had the ambitions of the northern chiefs been quenched as yet. Bled white by so many wars and pillagings, disorganized in its political and ecclesiastical structure, troubled by the dynastic rivalries of the nobles, the English state was plainly no longer capable of more than a feeble

<sup>1</sup> Oskar Montelius, *Sverige och Vikingafärderna västernt* (Sweden and the Viking Expeditions in the West) in *Antikvarisk Tidskrift*, XXI, 2, p. 14 (several other examples).

<sup>2</sup> Klaeber's edition, 1928, furnishes a guide to the enormous literature relating to the poem. The date is in dispute, the linguistic evidence proving singularly difficult to interpret. The opinion advanced in the text seems to me to tally with historical probabilities: cf. L.L.Schücking, *Wann entstand der Beowulf?* in *Beiträge zur Gesch. der deutschen Sprache*, XLII, 1917. More recently, Ritchie Girvan (*Beowulf and the Seventh Century*, 1935) has attempted to put back the composition to some time about 700. But he does not explain the Scandinavian influence, so perceptible in the subject itself.

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resistance. The prey was ready for the kill and it was being watched from two sides: from beyond the Channel by the French dukes of Normandy, whose subjects during the whole of the first half of the reign of Edward (who had himself been brought up at the ducal court) already figured among the king's entourage and in the ranks of the higher clergy; and from beyond the North Sea by the Scandinavian kings. When, after the death of Edward, one of the chief magnates of the realm, Harold (himself Scandinavian by name and half-Scandinavian by birth), had been crowned king, two armies landed on the English coast at intervals of a few weeks. One army, on the Humber, was led by the king of Norway, another Harold or Harald—the Harald Hardrada ('of hard counsel') of the Sagas: a true Viking who had attained the crown only after long adventurous wanderings, a former captain of the Scandinavian guards at the court of Constantinople, commander of the Byzantine armies sent out against the Arabs of Sicily, son-in-law of a prince of Novgorod, and lastly an intrepid explorer of the Arctic seas. The other army, on the coast of Sussex, was commanded by the duke of Normandy, William the Bastard.<sup>1</sup> Harald the Norwegian was defeated and slain at Stamford Bridge. William was victorious at Hastings.

It is true that the successors of Cnut did not immediately renounce their inherited ambitions; on two occasions during William's reign the Danes reappeared in Yorkshire. But these warlike enterprises soon degenerated into simple brigandage. In their final phase the Scandinavian expeditions reverted to their original type. Withdrawn from the Nordic sphere, to which for a brief period it had seemed destined to belong for good, England was for nearly a century and a half incorporated in a state that compassed both sides of the Channel, and was permanently involved in the political interests and the cultural currents of Western Europe.

### 4 THE SCANDINAVIAN SETTLEMENTS: FRANCE

This same duke of Normandy, the conqueror of England, completely French though he was by speech and manner of life, was also one of the authentic descendants of the Vikings. For, on the continent, as in the island, more than one 'sea-king' had in the end made himself a territorial lord or prince.

The process there had begun very early. From about 850, the Rhine delta had seen the first attempt to establish a Scandinavian principality within the political edifice of the Frankish state. About this date, two members of the royal house of Denmark, exiles from their country, received as a 'benefice' from the emperor Louis the Pious the country round Duurstede, then the principal commercial centre of the Empire on the North

<sup>1</sup> C. Petit-Dutaillis (*The Feudal Monarchy in France and England*, p. 63) considers that there was probably an entente between the two invaders, who may have contemplated a treaty of partition. The hypothesis is ingenious, but it is scarcely susceptible of proof.

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Sea. Enlarged later by other fragments of Frisia, the territory thus conceded was to remain almost continuously in the hands of representatives of this family till 885, when the last of them was treacherously slain by the orders of Charles the Fat, his lord. The little that we are able to discern of their history suffices to show that, with their eyes turned sometimes towards Denmark and its dynastic quarrels, sometimes towards the Frankish provinces—where, though they had become Christians, they did not hesitate to undertake profitable raids—they proved faithless as vassals and useless as guardians of the land. But this Netherlandish Normandy, which did not survive, possesses for the historian all the value of a premonitory symptom.

A little later a group of Northmen, still pagans, appear to have lived for a considerable time at Nantes or in its neighbourhood on good terms with the Breton count. On several occasions the Frankish kings had taken Viking leaders into their service. If, for example, that Völundr, whose homage Charles the Bald had received in 862, had not been killed shortly afterwards in a judicial duel, there can be no doubt that it would soon have been necessary to provide him with fiefs and that this inevitable consequence was accepted in advance. At the beginning of the tenth century the idea of such settlements was clearly in the air, and at last one of these projects took shape. But exactly how and in what form? We are very ill-informed on these questions. The technical problem here is so serious that the historian cannot in honesty refrain from taking the reader into his confidence. Let us therefore, for a moment, open the door of the laboratory just a little.

There were at this period, in various churches, clerics who made it their business to keep an annual record of events. This was an old custom, connected with methods of chronological reckoning, the practice being to note down at the same time the salient events of the past and the present year. At the beginning of the Middle Ages, when dates were still reckoned by consuls, this was the procedure for the consular *fasti*; and also later for the Easter tables which determined the continually varying dates of this feast, which is what mainly regulates the order of the liturgies. Then, towards the beginning of the Carolingian period, the historical epitome was detached from the calendar, though its strictly annual divisions were preserved. Naturally, the perspective of these chroniclers differed greatly from our own. They were interested in hailstorms, in the scarcity of wine or corn, and in prodigies, almost as much as in wars, the deaths of princes, or the revolutions of State or Church. They were in addition unequal, not only in intelligence, but also in the amount of information they possessed. Curiosity, skill in investigation, and zeal varied from individual to individual. Above all, the quantity and quality of the information collected depended on such factors as the situation of the religious house, its importance, its links—close or otherwise—with the court or the nobility.

At the end of the ninth century and during the tenth, the best annalists of Gaul were, beyond question, an anonymous monk of the great abbey of

Saint-Vaast at Arras, and a priest of Rheims, Flodoard, the latter combining the advantage of a particularly subtle mind with residence in a unique centre of information and intrigue. Unfortunately the annals of Saint-Vaast stop short in the middle of the year 900, while those of Flodoard, at least in the form in which they have come down to us—for we have also, of course, to reckon with the ravages of time—do not begin before 919. Now, by the most exasperating mischance, the hiatus in the records happens to coincide exactly with the settlement of the Northmen in the West Frankish kingdom.

It is true that these memorials are not the only historical works left by an epoch much preoccupied with the past. Less than a century after the foundation of the Norman principality on the Lower Seine, Duke Richard I, the grandson of its founder, decided to have a record made of his ancestors' exploits as well as his own. He entrusted this task to a canon of Saint-Quentin named Doon. The work, executed before 1026, is full of information. We catch a glimpse of a writer of the eleventh century at work, occupied in putting together the evidence extracted from earlier annals, which he never cites, and adding to it some oral information, by which he sets great store, together with the embellishments suggested either by recollections of things he had read or purely and simply by his own imagination. Here we find displayed the ornaments which a learned clerk thought worthy to heighten the colour of his narrative, and the devices used by a cunning flatterer out to gratify the pride of his patrons. With the help of some authentic documents which enable us to check the narrative, we are here in a position to measure the depth of forgetfulness and the degree of distortion to which, after the lapse of some generations, the historical memory of the men of those times was prone. In short, as revealing the mentality belonging to a particular environment and age this narrative is an infinitely precious piece of evidence; but for the facts themselves, at least so far as the early history of the duchy of Normandy is concerned, its testimony is almost valueless.

Here then is what we are able to ascertain of these extremely obscure events, with the aid of some indifferent annals and a very small number of records.

Without entirely neglecting the mouths of the Rhine and the Scheldt, the Vikings' activities from about 885 were directed more and more to the valleys of the Loire and the Seine. In the region of the Lower Seine, for instance, one of their bands was permanently installed in 896, and thence sallied forth in all directions in search of booty. But these long-distance raids were not always successful. The marauders were defeated in Burgundy on several occasions, and under the walls of Chartres in 911. In the Roumois and the neighbouring region, on the other hand, they were masters, and there is no doubt that in order to feed themselves during the winter seasons they were already obliged to cultivate the land or have it cultivated for

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them; the more so since this settlement was a centre of attraction and the first arrivals, few in number, had been joined by other waves of adventurers.

If experience had shown that it was not impossible to curb their ravages, it yet seemed that to dislodge them from their lairs was beyond the powers of the sole authority whose business it was to do so, i.e. the king. For regional government no longer existed: in this horribly devastated area, whose centre was now the mere ruin of a town, the machinery of local command had totally disappeared. Apart from that, the new king of West Francia, Charles the Simple (crowned in 893 and universally acknowledged after the death of Odo, his rival), appears from the time of his accession to have planned to come to an agreement with the invader. This plan he tried to put into effect during the year 897, by summoning to his court the chief who at that time commanded the Northmen of the Lower Seine, and making him his godson, but this first attempt was unsuccessful. But after this it is not surprising that, fourteen years later, he should have taken up the idea again, addressing himself this time to Rollo, who had succeeded Charles' godson in the command of the same 'army'. Rollo, for his part, had just been defeated before Chartres and this reverse had not failed to open his eyes to the difficulties with which the pursuit of plunder was beset. He considered it wise to accept the king's offer. This meant that both sides recognized the *fait accompli*—with the additional advantages, so far as the king and his counsellors were concerned, of reuniting to their dominions, by the ties of vassal homage and the accompanying obligations of military aid, an already full-blown principality which thenceforward would have the best reasons in the world for guarding the coast against any further depredations by pirates. In a charter of the 14th March 918, the king mentions the concessions granted 'to the Northmen of the Seine, that is to say Rollo and his companions...for the defence of the realm'.

The reconciliation took place at a date which we have no means of determining precisely: certainly after the battle of Chartres (20th July 911), and probably soon after it. Rollo and many of his followers received baptism. He was thenceforward to exercise powers broadly equivalent to those of a count, the highest local official of the Frankish government. These powers, which were virtually hereditary, he was to enjoy throughout the area ceded, which is defined by the only trustworthy source—Flodoard's *History of the Church of Rheims*—as 'some counties' round Rouen. These probably comprised that part of the diocese of Rouen lying between the Epte and the sea, together with part of the diocese of Évreux. But the Northmen were not the men to be content for long with so restricted a living-space; moreover new influxes of immigrants drove them irresistibly to extend their territories. The renewal of the dynastic wars in the West Frankish kingdom soon provided them with the opportunity to sell their intervention. In 924, King Raoul handed over the Bessin to Rollo;<sup>1</sup> in 933, he ceded to Rollo's son and successor the dioceses of Avranches and

Coutances. Thus, progressively, the Neustrian 'Normandy' had assumed the shape that it was henceforth to retain.

There remained, however, the Lower Loire with its Vikings—the same problem as on the other estuary, and at first the attempt was made to solve it by the same method. In 921, the duke and marquis Robert—brother of the former king Odo—who held a great command in the West where he ruled all but autonomously, ceded the county of Nantes to the pirates of the Loire, of whom only a few had been baptized. The Scandinavian band, however, appears to have been less strong, and the attraction exercised by the settlements of Rollo, regularized about ten years earlier, hindered its growth. What is more, the Nantes region, unlike the counties about Rouen, was no vacant property, nor was it an isolated one. It is true that, in the kingdom or duchy of the Armorican Bretons, in which it had been incorporated soon after 840, the struggles between the pretenders as well as the Scandinavian inroads themselves had led to extreme anarchy. Nevertheless the dukes or the pretenders to the ducal dignity, notably the counts of the adjacent Vannes region, considered themselves the lawful masters of this Romance-speaking march, and for its reconquest they had the help of the forces which they were able to levy among their followers in Brittany proper. Alan Crooked-Beard, who returned in 936 from England where he had taken refuge, expelled the invaders. The Normandy of the Loire, unlike that of the Seine, had only an ephemeral existence.<sup>2</sup>

The settlement of the companions of Rollo on the Channel coast did not at once put an end to the depredations. Here and there isolated chiefs, all the more avid for plunder because they were angered at not having received lands themselves,<sup>3</sup> continued to overrun the countryside. Burgundy was again ravaged in 924. Sometimes the Northmen of Rouen joined these brigands, and even the dukes themselves had not altogether abandoned their old habits. The monk Richer, of Rheims, who wrote in the last years of the tenth century, rarely fails to call them 'dukes of the pirates'. In truth, their warlike expeditions did not differ greatly from the raids of former times, more especially as they frequently employed bands of Vikings newly arrived from the North: such were the adventurers, 'panting with desire for plunder',<sup>4</sup> who in 1013, more than a century after Rollo had done homage, arrived under the leadership of Olaf, a pretender to the crown of Norway. This chieftain was at that time a pagan, but was destined to become after his baptism the national saint of his country. Other bands operated

<sup>1</sup> At the same time, apparently, as Maine, the cession of which was later revoked.

<sup>2</sup> Later, several noble families, in various parts of France, claimed to be descended from chiefs of the Northmen: among them were the lords of Vignory and La Ferté-sur-Aube (Chaume, *Les Origines du duché de Bourgogne*, I, p. 400, n. 4). One scholar, Moranvillé, has ascribed the same origin to the house of Roucy (*Bibl. Éc. Charles*, 1922). But definite proof is lacking.

<sup>3</sup> Flodoard, *Annales*, 924 (concerning Rögnavald).

<sup>4</sup> William of Jumièges, *Gesta*, ed. Marx, V, 12, p. 86.

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independently along the coast. One of them (966 to 970) even ventured as far as the coasts of Spain and captured St. James-of-Compostela. In 1018 yet another band appeared on the coast of Poitou.

Little by little, however, the Scandinavian ships abandoned their long-distance expeditions. Beyond the frontiers of France the Rhine delta also became almost free from Northmen, so that in about 930 the bishop of Utrecht could return to his city, where his predecessor had been unable to set up any permanent residence, and have it rebuilt. But the shores of the North Sea remained exposed to many surprise attacks. In 1006, the port of Tiel on the Waal was pillaged and Utrecht was threatened; the inhabitants themselves set fire to the installations of the wharves and the mercantile quarter, which were not protected by any fortifications. A Frisian law of a slightly later date takes account of what was apparently quite normal: the case of a native of those parts being carried off by the Northmen and forcibly enrolled in one of their bands. For many years the Scandinavian seafarers continued in this way to maintain that state of insecurity so characteristic of a certain phase of civilization. But the age of the long-distance expeditions with their winter camps was past and so—after the defeat of Stamford Bridge—was that of conquests overseas.

### 5 THE CONVERSION OF THE NORTH

Meanwhile, the North itself was gradually being converted to Christianity. The case of a civilization passing slowly over to a new faith provides the historian with some of his most exciting material, especially when, as in this case, the sources, despite irremediable *lacunae*, permit its vicissitudes to be followed sufficiently closely for it to throw a light on other movements of the same order. But a detailed study would go beyond the scope of this book. A few salient points must suffice.

It would not be correct to say that Nordic paganism failed to put up a serious resistance, since three centuries were necessary to overcome it. We can discern, however, some of the internal causes which led to eventual defeat. To the strongly organized clergy of the Christian peoples Scandinavia opposed no corresponding body. The chiefs of kinship groups or peoples were the only priests. It is true that the kings, in particular, might be afraid that if they lost their rights of sacrifice an essential element of their power would thereby be destroyed, but as we shall explain later, Christianity did not compel them to renounce altogether their sacred attributes. As to the chiefs of families or tribes, it is probable that profound changes in the social structure, connected with the, migrations and with the formation of states, dealt a formidable blow to their sacerdotal prestige. The old religion not only lacked the framework of a Church; it seems at the time of the conversion to have shown many symptoms of spontaneous decomposition. The Scandinavian texts introduce us fairly often to real unbelievers. In the



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long run, this crude scepticism was to lead, less to the absence of any faith, something which would have been almost inconceivable, than to the adoption of a new faith.

Finally, polytheism itself offered an easy approach to the new religion. Minds that are strangers to any critical examination of evidence are scarcely inclined to deny the supernatural, from whatever quarter it may come. When the Christians refused to pray to the gods of the various pagan cults, it was not as a rule for any want of belief in their existence; on the contrary, they regarded them as evil demons, dangerous indeed, but weaker than the sole Creator. Similarly, as we know from numerous texts, when the Northmen came to know of Christ and his saints, they quickly became accustomed to treat them as alien deities whom, with the aid of one's own gods, one could oppose and mock, but whose obscure power was too much to be feared for the wise man, in other circumstances, not to propitiate them and respect the mysterious magic of their cult. It is on record that, in 860, a sick Viking made a vow to Saint Riquier. On the other hand, a little later an Icelandic chieftain genuinely converted to Christianity continued nevertheless in various predicaments to invoke the aid of Thor.<sup>1</sup> From recognizing the God of the Christians as a formidable force to accepting him as the sole God was an easy transition.

Interrupted by truces and *pourparlers*, the pillaging expeditions themselves played a part in the process. More than one seafarer from the North, on returning from his warlike cruises, brought home the new religion, almost as if it were part of his booty. The two great Christianizing kings of Norway, Olaf son of Tryggvi and Olaf son of Harald, had both received baptism—the first on English soil in 994, the second in France in 1014—at a time when, as yet without kingdoms, they were leaders of Viking bands. These transitions, gradual or otherwise, to the law of Christ increased in number as the adventurers, newly arrived from overseas, encountered along their route more and more of their compatriots permanently settled in lands long Christian, most of whom had been won over to the beliefs of the peoples who were now their subjects or neighbours.

Commercial relations, which had begun earlier than the great warlike enterprises and had never been interrupted by them, were also favourable to the conversions. In Sweden the majority of the first Christians were merchants who had frequented Duurstede, at that time the principal centre of communications between the Frankish empire and the northern seas. An old chronicle of Gotland says of the inhabitants of that island: 'They travelled with their merchandise to every land...among the Christians, they changed over to Christian customs; some were baptised and brought back priests with them.' It is a fact that the oldest Christian communities of which we find traces were formed in the trading towns: Birka, on Lake

<sup>1</sup> Mabillon, *AA. SS. ord. S.Bened.*, saec.II, 1733ed., II, p. 214; *Landnainabók*, III, 14, 3.

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Mälär, Ripen and Schleswig at the two extremities of the route which traversed the isthmus of Jutland from sea to sea. In Norway, towards the beginning of the eleventh century, according to the penetrating remark of the Icelandic historian Snorri Sturluson, 'most of the men who lived along the coasts had been baptized, while in the high valleys and on the mountainous expanses the people remained completely pagan'.<sup>1</sup> For a long time these contacts between man and man, incidental to temporary migrations, were much more effective in propagating the alien religion than were the missions sent out by the Church.

The latter had nevertheless begun at an early date. To work for the extinction of paganism seemed to the Carolingians at once a duty inherent in the vocation of Christian princes and the surest way of extending their own hegemony over a world destined to be united in one faith. And the same was true of the great German emperors, the heirs of their traditions: once Germania proper had been converted, their attention naturally turned to the Germans of the North. On the initiative of Louis the Pious missionaries went forth to preach the gospel to the Danes and Swedes. As Gregory the Great had once contemplated doing with English children, young Scandinavians were bought in the slave markets to be prepared for the priesthood and the apostolate. Finally, the work of conversion acquired a permanent base by the establishment of an archbishopric at Hamburg, to which the Picard monk Anskar, on his return from Sweden, was the first to be appointed. It was a metropolitan church, at that time without suffragans, but beyond the frontiers of the Scandinavians and Slavs there was an immense province for it to conquer. Nevertheless, ancestral beliefs were still too firmly rooted, the Frankish priests, regarded as servants of foreign princes, aroused too sharp a suspicion, and the teams of preachers themselves, in spite of some fiery souls like Anskar, were too difficult to recruit for these great dreams to be quickly realized. After Hamburg had been pillaged by the Vikings in 845, the mother-church of missions only survived because of a decision to unite it, while detaching it from the Cologne province, with the older and wealthier see of Bremen.

This at least afforded a position on which to fall back and wait, and in fact from Bremen-Hamburg a new and more successful campaign was launched in the tenth century. At the same time, coming from another sector of the Christian world, English priests disputed with their German brothers the honour of baptizing the pagans of Scandinavia. Long accustomed to the calling of 'fishers of men', helped by the constant communications which linked the ports of their island to the opposite coasts, above all less suspect than the Germans, their harvest seems indeed to have been more abundant. It is significant that in Sweden, for example, the vocabulary of Christianity should be composed of borrowings from

<sup>1</sup> *Saga of St. Olaf*, c. LX.

the Anglo-Saxon rather than from the German. Not less so is the fact that numerous parishes in that country should have taken English saints as patrons. Although, according to hierarchical rules, the more or less ephemeral dioceses founded in the Scandinavian countries were supposed to be dependent on the province of Bremen-Hamburg, the Christian kings frequently had their bishops consecrated in Britain. English influence was still more widely disseminated over Denmark, and even over Norway, in the time of Cnut and his immediate heirs.

For the truth is that the attitude of the kings and principal chiefs was the decisive factor. This was fully understood by the Church, which always did its utmost to win them over. Especially as the Christian groups grew in number and, from the very fact of their success, found themselves confronted by pagan groups more conscious of danger and consequently more resolute in the struggle, the two parties increasingly came to rely upon the power of coercion exercised—often with an extreme harshness—by the sovereigns. Moreover, without royal support, how would it have been possible to cast over the country that network of bishoprics and abbeys, in the absence of which Christianity would have been incapable of maintaining its spiritual order and of reaching the lower strata of the population? Conversely, in the wars between rival claimants which unceasingly rent the Scandinavian states, religious conflicts were fully exploited: more than one dynastic revolution temporarily destroyed an ecclesiastical organization in process of being established. Victory could be considered certain from the time when, in each of the three kingdoms in turn, Christian kings succeeded consecutively to the throne. This happened first in Denmark, with the accession of Cnut; then in Norway, with Magnus the Good (1035); and considerably later in Sweden, with King Inge who, towards the end of the eleventh century, destroyed the ancient sanctuary of Upsala, where his predecessors had so often offered in sacrifice the flesh of animals and even of human beings.

As in Hungary, the conversion of these northern lands, so jealous of their independence, was inevitably to lead to the establishment by each of them of a hierarchy of its own, directly subordinate to Rome. In due course the archiepiscopal see of Bremen-Hamburg came to be occupied by a politician sufficiently astute to bow before the inevitable and, cutting his losses, to try to save something of the supremacy traditionally claimed by his church. Archbishop Adalbert—from 1043—conceived the idea of a vast Nordic patriarchate, within which national metropolitan sees should be created under the tutelage of the successors of St. Anskar. But the Roman curia, which had no great love for intermediate authorities, withheld its support from this scheme; in addition the quarrels of the nobility in Germany itself prevented its author from pursuing it with much vigour. In 1103 an archbishopric was founded at Lund, in Danish Scania, with jurisdiction over all the Scandinavian lands. Then in 1152, Norway obtained one of its

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own, which was set up at Nidaros (Trondhjem) close to the tomb—the true national palladium—where rested the remains of the martyr king Olaf. Sweden finally (1164) established its Christian metropolis hard by the site where had stood in pagan times the royal temple of Upsala. Thus the Scandinavian Church escaped from the control of the German Church. Similarly, in the political field, the sovereigns of East Francia, despite their innumerable interventions in the dynastic wars of Denmark, never succeeded in imposing a permanent tribute (the normal sign of subjection) on the Danish kings, or even in advancing their frontiers to any considerable extent. The separation of the two great branches of the Germanic peoples had become more and more pronounced. Germany was not—was never to be—the whole of Germania.

### 6 IN SEARCH OF CAUSES

Was it their conversion that persuaded the Scandinavians to renounce their habits of pillage and of distant migrations? To conceive of the Viking expeditions as religious warfare inspired by the ardour of an implacable pagan fanaticism—an explanation that has sometimes been at least suggested—conflicts too much with what we know of minds disposed to respect magic of every kind. On the other hand it is surely possible to believe in a profound change of mentality under the influence of a change of faith. Certainly the history of the voyages and invasions of the Northmen would be unintelligible without the passionate love of war and adventure which, in this society, co-existed with devotion to more peaceful arts. The same men who, as shrewd merchants, frequented the markets of Europe from Constantinople to the ports of the Rhine delta, or who in freezing temperatures reclaimed the wastes of Iceland, knew no greater pleasure nor any higher source of renown than ‘the clang of iron’ and ‘the clash of shields’: witness so many poems and narratives, set down in writing only in the twelfth century, but faithfully echoing the age of the Vikings; witness also the *stelae*, grave-stones or simple cenotaphs, which on the burial mounds of Scandinavia, along the roads or near the places of assembly, today still display their runes, engraved in bright red on the grey rock. These do not for the most part commemorate, like so many Greek or Roman tombs, the dead who had passed away peacefully by their native hearth. The memories they recall are almost exclusively of heroes struck down in the course of bloody expeditions. This attitude of mind may seem incompatible with the teaching of Christ. But, as we shall often have occasion to observe in the following pages, among the peoples of the West during the feudal era there was apparently no difficulty in reconciling ardent faith in the Christian mysteries with a taste for violence and plunder, nay even with the most conscious glorification of war.

Thenceforth the Scandinavians joined with other members of the

Catholic Church in the same profession of faith, were brought up on the same pious legends, followed the same routes as pilgrims, read or had read to them, if ever they had any desire for instruction, the same books in 'which—in a more or less distorted shape—the Romano-Hellenic tradition was reflected. Yet has the fundamental unity of Western civilization ever prevented intestine strife? At most it may be granted that the idea of a single and omnipotent God, joined to entirely new conceptions of the other world, dealt in the long run a severe blow to that *mystique* of destiny and glory which characterized the old poetry of the North and in which more than one Viking had no doubt found the justification of his passions. But it is surely not to be supposed that this was sufficient to extinguish in the chiefs all desire to follow in the footsteps of Rollo and Sweyn, or to prevent them from recruiting the warriors necessary to realize their ambitions.

As a matter of fact, the problem as set out above suffers from having been incompletely stated. Before inquiring why a phenomenon came to an end, should we not first ask what produced it? This is perhaps in a sense merely to shelve the difficulty, for the causes which produced the Scandinavian migrations are scarcely less obscure than those that led to their cessation. Not that we should in any case need to spend time examining at length the reasons for the attraction exercised on the northern peoples by the countries—generally more fertile and of older civilization—which spread out to the south of them. Is not the history of the great Germanic invasions and of the movements of peoples that preceded them essentially the account of a long migration towards the sun? The tradition of seaborne raids was itself an old one. By a remarkable coincidence, Gregory of Tours and the poem of Beowulf have both preserved the memory of the expedition which, about 520, a king of the Götar undertook on the coast of Frisia; other similar enterprises are doubtless unknown to us only because of the dearth of records. It is none the less certain that quite suddenly, towards the end of the eighth century, these long-distance expeditions developed on a scale hitherto unknown.

Are we to believe therefore that the West, ill-defended as it was, was at that time an easier prey than in the past? Apart from the fact that this explanation could not be applied to strictly contemporaneous events, such as the colonization of Iceland and the foundation of the Varangian kingdoms on the rivers of Russia, it would be absurdly paradoxical to maintain that the Merovingian state, during the period of its disintegration, appeared more formidable than the kingdom of Louis the Pious, or even of his sons. Clearly it is by the study of the northern countries themselves that we must seek the key to their destiny.

A comparison of the ships of the ninth century with some other finds of earlier date proves that in the period immediately preceding the age of the Vikings the seafarers of Scandinavia had greatly improved the design of their boats. There is no doubt that without these technical developments

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the far-ranging expeditions across the oceans would have been impossible. But was it really for the pleasure of utilizing these better ships that so many Northmen decided to go in search of adventure far from their native land? It is more reasonable to suppose that they devoted attention to the improvement of their naval equipment so as to venture farther.

Another explanation was suggested in the eleventh century by the actual historian of the Northmen of France, Doon of Saint-Quentin. He saw the cause of the migrations in the over-population of the Scandinavian countries; and the origin of this he ascribed to the practice of polygamy. We may at least discount this second hypothesis: apart from the fact that the chiefs alone maintained real harems, demographic observations have never proved—far from it—that polygamy is particularly favourable to the growth of population. The explanation of over-population itself might well seem suspect. Peoples who have been subjected to invasions have almost always advanced it, in the somewhat naive hope of excusing their defeats by the supposed influx of a prodigious number of enemies. It was thus that the Mediterranean peoples used to explain their defeats by the Celts, the Romans their defeats by the Germans. In the present case, however, the theory deserves more consideration: partly for the reason that Doon probably took it, not from the tradition of the conquered, but from that of the conquerors; and, especially, because it has a certain inherent probability. From the second to the fourth century, the movements of peoples which were finally to bring about the destruction of the Roman Empire had certainly had the effect of leaving in the Scandinavian peninsula, in the islands of the Baltic and in Jutland, extensive territories empty of people. The groups that remained could for several centuries freely multiply. Then a time must have come round about the eighth century, when they began to lack living-space, particularly in view of the state of their agriculture.

It is true that the object of the first Viking expeditions in the West was much less to acquire permanent settlements than to capture booty and take it home. But this was itself a means of making up for the scarcity of land. Thanks to the spoils of southern civilizations, the chieftain who was worried by the constriction of his fields and pastures could keep up his way of life and continue to bestow on his companions the gifts necessary to his prestige. Among people of humbler status, emigration provided the young with a means of escape from the indifferent prospects of an overcrowded home. Lastly, suppose that by one of those quarrels or vendettas which the structure and manners of Scandinavian society made all too frequent a man was forced to abandon the ancestral *gaard*. The diminishing areas of unoccupied land would make it more difficult than in the past for him to find a new home in his own country; and if he were a hunted man he would seldom find any refuge but the sea or the far-off countries to which it opened the door. This was especially the case if the enemy from whom he fled was one of those kings who, owing to increased density of

settlement, were able to extend a more effective control over wide areas. Fostered by custom and encouraged by success, inclination very soon reinforced necessity, and to adventure abroad (which generally proved profitable) became at once a profession and a sport.

If the onset of the Scandinavian invasions cannot be explained by the state of government in the countries invaded neither can their termination. Doubtless the Ottonian monarchy was better able than that of the last Carolingians to defend its seaboard; whilst in England William the Bastard and his successors could have proved redoubtable adversaries. But it so happened that neither the German nor the Anglo-Norman rulers were ever seriously put to the test. And it is hard to believe that France from the middle of the tenth century and England under Edward the Confessor seemed prizes too difficult to win. In all likelihood the very strengthening of the Scandinavian kingships, after having at the outset momentarily stimulated the migrations by throwing on to the ocean routes many exiles and disappointed pretenders, had ultimately the effect of drying up the source of them. Henceforward, the levies of men and ships were monopolized by the governments, which organized the requisitioning of shipping with particular care. Moreover the kings were not very favourable to the isolated expeditions which kept alive a turbulent spirit and furnished out-laws with too easy a refuge, just as they provided conspirators—as the saga of St. Olaf shows—with the means of accumulating the riches necessary to their dark designs. It was said that Sweyn, once he had made himself master of Norway, prohibited overseas raids.

The chiefs gradually accustomed themselves to the limitations of a more regular life, in which ambition sought its gratification in the mother-country itself, in the service of the sovereign or his rivals. In order to acquire new lands, men pursued more actively the work of internal colonization. Conquests by kings, like those that Cnut accomplished and Harald Hardrada attempted, continued; but the royal armies were cumbersome machines difficult to set in motion in states whose political organization was so unstable, and the last assault upon England planned by a king of Denmark, in the time of William the Bastard, failed even before the fleet had weighed anchor, owing to a palace revolution. Soon the kings of Norway limited their designs to reinforcing or establishing their dominion over the Western Isles, from Iceland to the Hebrides. The kings of Denmark and Sweden became occupied with long campaigns against their Slav, Lettish and Finnish neighbours; campaigns which were at once punitive expeditions—for, by a fitting retribution, the piracies of these peoples constantly troubled the Baltic—wars of conquest and crusades, but which also at times closely resembled the raids from which the Scheldt, the Thames, and the Loire had so long suffered.

### III

## SOME CONSEQUENCES AND SOME LESSONS OF THE INVASIONS

#### 1 DISORDER

FROM the turmoil of the last invasions, the West emerged covered with countless scars. The towns themselves had not been spared—at least not by the Scandinavians—and if many of them, after pillage or evacuation, rose again from their ruins, this break in the regular course of their life left them for long years enfeebled. Others were even less fortunate: the two principal ports of the Carolingian empire on the northern seas, Duurstede on the Rhine delta, Quentovic at the mouth of the Canche, sank once and for all to the status, respectively, of a modest hamlet and a fishing village. Along the river routes the trading centres had lost all security: in 861, the merchants of Paris, escaping in their boats, were overtaken by the ships of the Northmen and carried off into captivity.

Above all, the cultivated land suffered disastrously, often being reduced to desert. In the Toulon region, after the expulsion of the bandits of Le Freinet, the land had to be cleared anew, because the former boundaries of the properties had ceased to be recognizable, so that each man—in the words of one charter—‘took possession of the land according to his power’.<sup>1</sup> In Touraine, so often overrun by the Vikings, a document of 14th September 900 throws a spotlight on a little manor at Vontes, in the valley of the Indre, and on an entire village at Martigny, on the Loire. At Vontes, five men of servile status ‘could have holdings if we were at peace’. At Martigny the dues are carefully enumerated; but this is a thing of the past; for, though seventeen units of tenure, or *mansi*, are still listed, they no longer have any meaning. Only sixteen heads of families live on this impoverished soil; one less than the number of *mansi*, in fact, whereas normally some of the latter would each have been occupied by two or three households. Several of the men ‘have neither wives nor children’. And the same tragic refrain is heard: ‘these people could have holdings if we were at peace’.<sup>2</sup> Not all the devastation, however, was the work of the invaders. For, in order to reduce

<sup>1</sup> *Cartulaire de l'abbaye de Saint-Victor-de-Marseille*, ed. Guérard, no. LXXVII.

<sup>2</sup> *Bibl. Nat. Baluze 76*, fol. 99 (900, 14th September).



the enemy to submission, it was often necessary to starve him out. In 894, a band of Vikings having been compelled to take refuge within the old Roman walls of Chester, the English host, says the chronicle, 'carried off all the cattle round about, and burned the harvests and caused the whole of the surrounding countryside to be eaten up by their horses'.

Naturally the peasants, more than any other class, were driven to despair by these conditions—to such a degree that, on several occasions in the country between the Seine and the Loire and in the region of the Moselle, they united under oath and hurled themselves frenziedly upon the marauders. Their ill-organized forces, however, were invariably massacred.<sup>1</sup> But peasants were not the only ones to suffer severely from the devastation of the fields, and the towns, even when their defences held firm, risked starvation. The lords, who derived their revenues from the land, were impoverished. In particular, the ecclesiastical manors survived now only with difficulty; the result was—as also later, after the Hundred Years' War—a profound decay of monasticism and, in consequence, of intellectual life. England was particularly severely affected. In the preface to the *Pastoral Rule* of Gregory the Great, translated under the auspices of King Alfred, the latter sadly recalls 'the time, before everything was ravaged and burned, when the churches of England overflowed with treasures and with books'.<sup>2</sup> This was in fact the knell of that ecclesiastical culture of the Anglo-Saxons whose radiance had till lately spread over Europe. But undoubtedly the most widespread and enduring effects resulted from the tremendous waste of resources won by human effort. When a condition of relative security had been re-established, a diminished population was confronted with vast stretches of land, formerly cultivated, but now once more reduced to scrub. The conquest of the virgin soil, still so abundant, was retarded by more than a century.

But the material damage was not all. The mental damage must also be reckoned. This was the more profound because the storm, especially in the Frankish empire, followed what had been at least a relative calm. It is true that the Carolingian peace was not of long standing and had never been really complete. But the memory of men is short and their capacity for illusion unbounded. Consider, for example, the history of the fortifications of Rheims, which was repeated, with some variations, in more than one other city.<sup>3</sup> Under Louis the Pious, the archbishop had begged the emperor's permission to remove the stones of the ancient Roman wall and use them in the rebuilding of his cathedral. The king who, in the words of Flodoard, 'enjoyed at that moment a profound peace and, proud of the illustrious

<sup>1</sup> *Ann. Bertiniani* 859 (with the correction proposed by F.Lot, *Bibl. Éc. Charles*, 1908 p. 32, n. 2); Regino of Prüm, 882; Dudo of Saint-Quentin, II, 22.

<sup>2</sup> *King Alfred's West Saxon Version of Gregory's Pastoral Care*, ed. Sweet (E.E.T.S., 45), p. 4.

<sup>3</sup> Cf. Vercauteren, *Étude sur les cités de la Belgique seconde*, Brussels 1934, p. 371, n. 1; cf. for Tournai, V.S.Amandi, III, 2, M.G.H., *Poetae aevi carol.*, III, p. 589.

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might of his empire, feared not any invasion of barbarians', gave his consent. Scarcely fifty years had passed before the 'barbarians' returned and it became necessary to build new ramparts with all possible speed. The walls and palisades with which Europe then began to bristle were the visible symbol of a great anguish. Pillage henceforth became a familiar event of which prudent people took account in their legal agreements. For example, there was the rural lease from the neighbourhood of Lucca, drawn up in 876, which provided for the payment of rent to be suspended 'if the heathen nation should burn or lay waste the houses and their contents or the mill';<sup>1</sup> or again, ten years earlier, the will of a king of Wessex, wherein he declares that the benefactions which he makes a charge on his property 'will be paid only if on each estate so burdened there remain men and cattle, and it is not changed into desert'.<sup>2</sup>

Different in purpose but similar in sentiment were the tremulous prayers—preserved for us in a number of liturgical books—which echoed throughout the West. In Provence they cried 'Eternal Trinity...deliver thy Christian people from the oppression of the pagans' (in this case certainly the Saracens); in northern Gaul: 'from the savage nation of the Northmen, which lays waste our realms, deliver us, O God'; at Modena, where prayers were addressed to S.Gimignano: 'against the arrows of the Hungarians, be thou our protector'.<sup>3</sup> Let us try for a moment to imagine the state of mind of the devout souls who daily uttered these supplications. A society cannot with impunity exist in a state of perpetual terror. The incursions, whether of Arabs, Hungarians, or Scandinavians, were certainly not wholly responsible for the shadow that lay so heavy on men's minds, but they were without doubt largely responsible.

The havoc had nevertheless not been merely destructive. The very disorder gave rise to certain modifications—some of them far-reaching—in the internal organization of Western Europe.

Movements of population occurred in Gaul which, if we could discover more about them instead of merely guessing, would no doubt be revealed as highly important. From the time of Charles the Bald the government undertook, without much success, the task of sending back to their homes the peasants who had fled before the invader. The texts show us the people of the Bas-Limousin seeking refuge in the mountains on several occasions and it is hardly to be supposed that they all reached their homes again. The plains, particularly in Burgundy, seem to have been more affected by depopulation than the highlands.<sup>4</sup> Of the old villages which disappeared

<sup>1</sup> *Memorie e documenti per servir all'istoria del ducato di Lucca*, V, 2, no. 855.

<sup>2</sup> Will of King Aethelwulf, in Asser's *Life of King Alfred*, ed. W.H.Stevenson, c. 16.

<sup>3</sup> R.Poupardin, *Le Royaume de Provence sous les Carolingiens*, 1901 (*Bibl. Éc. Hautes Etudes, Sc. histor.* 131), p. 408; L.Delisle, *Instructions adressées par le Comité des travaux historiques... Littérature latine*, 1890, p. 17; Muratori, *Antiquitates*, 1738, I, col. 22.

<sup>4</sup> *Capitularia*, II, no. 273, c. 31; F.Lot, in *Bibl. Éc. Chartes*, 1915, p. 486; Chaume, *Les origines du duché de Bourgogne*, II, 2, pp. 468–9.

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on every hand, not all had been destroyed by fire and sword. Many were simply abandoned in favour of safer refuges: as usual the general danger encouraged a concentration of population. We know most about the wanderings of the monks. As they carried along the roads of exile their reliquaries and their pious traditions, a great mass of legend sprang up along their paths—a potent reinforcement of Catholic unity and the cult of the saints. In particular, the great exodus of the Breton relics spread far and wide the knowledge of a new hagiography, readily accepted by minds impressed by the very fabulousness of its miracles.

But it was in England, where the foreign occupation was particularly widespread and prolonged, that the political and cultural map underwent the most noticeable changes. The collapse of two kingdoms till recently powerful—Northumbria in the north-east, and Mercia in the centre—favoured the rise of Wessex, which had already begun during the preceding period; it was this, indeed, that made the kings from that southern land, in the words of one of their charters, ‘emperors of all Britain’<sup>1</sup>—a heritage which Cnut, and after him William the Conqueror, would merely gather in. The towns of the south, Winchester, and later London, could thenceforth add to the contents of the treasuries in their castles the yield from the taxes levied on the country as a whole.

The abbeys of Northumbria had been famous homes of learning. There Bede had lived; thence Alcuin had set out for the continent of Europe. The ravages of the Danes, followed by the systematic devastation wrought by William the Conqueror in his determination to punish and prevent revolt, put an end to this intellectual hegemony. What is more, a part of the northern zone was detached for ever from England proper. Cut off from other populations of Anglo-Saxon speech by the settlement of the Vikings in Yorkshire, the lowlands round about the Northumbrian citadel of Edinburgh fell under the domination of the Celtic chiefs of the hills. Thus the bilingual kingdom of Scotland was by a sort of backhand stroke a creation of the Scandinavian invasions.

### 2 THE HUMAN CONTRIBUTION: THE EVIDENCE OF LANGUAGE AND NAMES

Neither the Saracen marauders, nor—outside the Danubian plain—the Hungarian raiders, mixed their blood in any significant proportion with that of the older Europe. The Scandinavians, on the other hand, did not confine themselves to pillage: in their settlements in England and Normandy they unquestionably introduced a new human element. How is this contribution to be measured? In the present state of knowledge, anthropological data afford no certain indications. While taking such data into account we are obliged to appeal to various scraps of indirect evidence.

<sup>1</sup> J.E.A. Jolliffe, *The Constitutional History of Medieval England*, 1937, p. 102.

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Among the Northmen of the Seine, the Nordic language was from about 940 no longer in general use in the region of Rouen. On the other hand, it was still being spoken during that period in the Bessin, which may have been occupied at a later date by a new batch of immigrants; and it remained sufficiently important in the principality for the reigning duke to find it necessary for his heir to learn it. By a striking coincidence we find for the last time, at about the same date, considerable groups of heathens in the area; groups sufficiently strong to play a part in the troubles which followed the death of Duke William Longsword, who was assassinated in 942. Till the first years of the eleventh century, in the entourage of these ‘jarls of Rouen’, long faithful—as one of the sagas tells us—‘to the memory of their cousinship’ with the northern chieftains, there must still have been men, doubtless bilingual, who were capable of expressing themselves in the Scandinavian dialects. How otherwise explain the fact that, about the year 1000, the kinsmen of the viscountess of Limoges, who had been kidnapped on the coast of Poitou by a band of Vikings and carried off by her ravishers ‘beyond the seas’, had recourse, in order to obtain her freedom, to the good offices of Duke Richard II? Or the fact that this same prince, in 1013, should have been able to take into his service the hordes of Olaf, and that the following year some of his subjects appear to have fought in the army of the Danish king of Dublin?<sup>1</sup>

The process of linguistic assimilation must by this period have been almost complete. It was favoured both by the growth of religious unity and by the dwindling flow of Scandinavian colonists, who had arrived at frequent intervals in the period immediately following the first settlement. Adhemar of Chabannes, who wrote in 1028 or shortly after, was of the opinion that assimilation was total.<sup>2</sup> Neither the Romance dialect of Normandy nor, through its agency, ordinary French borrowed anything from the speech of the companions of Rollo, save a few technical terms, almost all of them—if for the moment we disregard the terminology of agrarian life—relating either to navigation or to coastal topography: ‘havre’ and ‘crique’ for example. If words of this type remained in current use despite the ascendancy of Romance speech, it was because it had been impossible to find equivalents for them in the language of a nation of landlubbers, as incapable of building ships as they were of describing the physical features of a coastline.

In England the evolution of language was along altogether different lines. Here, as on the continent, the Scandinavians did not continue in their linguistic isolation. They learnt Anglo-Saxon—but only to handle it in a very extraordinary way. While adapting themselves as best they could

<sup>1</sup> Adhemar of Chabannes, *Chronique*, ed. Chavanon, III, c. 44 (for the adventure of the viscountess); H. Shetelig, *Vikingeminner i Vest Europa* (Archaeological Relics of the Vikings in Western Europe), Oslo, 1933 (*Instituttet for sammenlignende Kulturforskning*, A. XVI), p. 242 (for the presence of the Norman contingents at the battle of Clontarf).

<sup>2</sup> *Chronique*, III, c. 27.

to its grammar and adopting a large part of its vocabulary, they none the less persisted in mixing with it a great number of words from their original tongue. The natives, in their turn, being in close contact with the newcomers, became accustomed to using this foreign vocabulary extensively. Nationalism in language and style was at that time an unknown sentiment even among those writers most attached to the traditions of their people. One of the most ancient examples of borrowings from the language of the Vikings is provided by the song of the battle of Maldon, which celebrates the glorious deeds of the warriors of Essex, fallen in 991 in a battle against a band of these 'murderous wolves'. There is no need here to thumb the technical dictionaries. The evidence lies in perfectly familiar nouns like 'sky' or 'fellow'; in adjectives as frequently employed as 'low' or 'ill'; in verbs which everyone is constantly using, such as 'to call' or 'to take'; in certain pronouns, even (those of the third person plural)—so many terms which seem to us English of the English, but which, together with many others, were in fact born in the North. So much is this the case that the millions of people who in the twentieth century, somewhere in the world, speak the most widely diffused of the European languages, would express themselves quite differently in their everyday speech if the shores of Northumbria had never seen the ships of the 'men of the sea'.

That historian would be very imprudent, however, who, comparing those linguistic riches with the small contribution made to French by the Scandinavian tongues, inferred that the difference between the numbers of the immigrant populations was in exact ratio to the extent of these linguistic borrowings. The influence of a dying language on a rival which survives does not necessarily correspond to the number of individuals originally using the former one; the nature of the languages themselves is a no less important factor. The Danish and Norse dialects of the Viking period were utterly different from the Romance dialects of Gaul, but approximated closely to old English, which like them was descended from a common Germanic source. Certain words in both tongues were identical alike in meaning and in form; others with the same meaning presented similar forms which might easily be used alternatively. Even where the Scandinavian term supplanted an English one seemingly very different, its introduction was often facilitated by the presence in the native language of other words which were from the same root and belonged to an analogous order of ideas. It is none the less true that the formation of this sort of mixed speech would remain inexplicable if numerous Scandinavians had not lived on the soil of England and there maintained close contact with the old inhabitants.

Moreover, if many of these borrowings ended by infiltrating into the common language it was almost always through the medium of the speech peculiar to northern and north-eastern England. Other borrowings appeared only in the dialects of these regions. There indeed—particularly in Yorkshire,

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Cumberland, Westmorland, north Lancashire and the district of the 'Five Boroughs' (Lincoln, Stamford, Leicester, Nottingham and Derby)—the *jarls* from beyond the seas had carved out their most important and most enduring lordships. This was also the main area in which the invaders had taken possession of the soil. The Anglo-Saxon Chronicle records that in 876 the Viking leader dwelling at York handed over the district of Deira to his companions 'who thenceforward went on ploughing and tilling it'. And farther on, under the year 877 it is stated that: 'after the harvest, the Danish army went into Mercia and some of it they shared out'. The important linguistic evidence concerning this peasant occupation fully confirms the evidence of the chroniclers. For the majority of the words borrowed described humble objects or familiar actions, and only peasants rubbing shoulders with peasants would have been able to teach their neighbours new names for 'bread', 'egg' or 'root'.

The importance on English soil of this contribution at the deeper levels emerges no less clearly from the study of personal names. The most significant are not those used by the upper classes, among whom the choice of names was mainly dictated by a hierarchical tradition followed the more readily because no other principle in the tenth and eleventh centuries had developed to replace it. The practice of naming children after their parents had fallen into desuetude; godfathers had not yet formed the habit of conferring their own names on their godsons nor had fathers and mothers—even among the more pious folk—learnt to name their children only after saints. Before 1066 names of Scandinavian origin had been much in vogue among the English aristocracy, but little more than a century after the Conquest they were abandoned by everyone with any pretensions to social distinction. On the other hand they remained in use much longer among the peasant, and even the urban, populations, who were not inspired by the unrealizable aim of assimilating themselves to a victorious caste; and at these lower levels they persisted in East Anglia till the thirteenth century, in Lincolnshire and Yorkshire till the fourteenth, and in Lancashire till the very end of the Middle Ages. There is certainly no ground for thinking that these names were then borne exclusively by the descendants of the Vikings. For it is evident that in the country districts, within one and the same class, imitation and inter-marriage had exerted their wonted influence, though this influence could not have operated unless numerous immigrants had settled in the midst of the old inhabitants, sharing the same humble life.

So far as Normandy is concerned, the little that we can glimpse—in the present unsatisfactory state of scholarly investigation—leads us to imagine an evolution closely parallel to that of the English counties where the Scandinavian influence was strongest. Although the use of some names of Nordic origin, such as Osbern, persisted among the nobility till the eleventh century at least, it seems that the upper classes as a whole decided at an

early date to adhere to French naming. Did not Rollo himself set the example by having his son, born at Rouen, baptized under the name of William? From that time on no Norman duke reverted in this matter to the traditions of his ancestors; clearly the dukes had no desire to set themselves apart in this way from the other great nobles of the realm. On the other hand, the lower strata of the population, as in Britain, showed themselves much more faithful to tradition—as is seen in the survival in the Norman districts even today of a certain number of patronymics derived from old Scandinavian names. All that we know of family name systems in general forbids us to suppose that these names could have assumed a hereditary character before the thirteenth century at the earliest. As in England, these facts reflect a certain amount of peasant settlement; since the examples are less numerous than in England, these suggest that the settlement was less dense.

The study of place-names moreover affords ample evidence that in the countries where they had themselves created so many empty spaces the Vikings had founded more than one new settlement. In Normandy, admittedly, it is not always easy to draw a distinction between the Scandinavian place-names and an older Germanic set derived from a Saxon colonization about the time of the barbarian invasions, of which there is clear evidence in the Bessin at least. It seems however that in most cases the dispute must be settled in favour of the more recent immigration. If, for example, we draw up a list—as it is possible to do with some precision—of those lands in the Lower Seine region which were owned towards the end of the Merovingian period by the monks of Saint-Wandrille, two characteristic facts emerge. First, the names are all Gallo-Roman or of the Frankish period, with no possibility of being confused with the later Nordic contribution; secondly, a very large number are today quite impossible to identify, for the reason, unquestionably, that at the time of the invasion of the Northmen most of the places themselves were destroyed or renamed.<sup>1</sup> In any case it is the general phenomena which are important here and these are the ones least in doubt. The villages whose names show Scandinavian influence are crowded together very closely in the Roumois and the Caux district. Beyond, they are farther apart, though in places there are still little groups relatively compact, such as the one between the Seine and the Risle, on the edge of the forest of Londe (whose name is itself Scandinavian), which recalls the pioneer labours of colonists whose homeland had made them familiar with the life of trappers. To all appearance the conquerors avoided both dispersing themselves excessively and straying too far from the sea. No trace of their occupation appears to exist in the Vexin, the region of Alençon or the district of Avranches.

On the other side of the Channel we find the same contrasts, but spread

<sup>1</sup> Cf. F.Lot, *Études critiques sur l'abbaye de Saint-Wandrille*, 1913 (*Bibl. Écoles Hautes Études, Sc. histor.*, fasc. 204), p. xiii *et seq.*, and p. 1, n. 2.

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over much greater areas. Extremely dense in Yorkshire and in the regions bordering the Irish Sea to the south of the Solway Firth, the characteristic names—wholly Scandinavian or sometimes only Scandinavian in form—tend to become more scarce as one moves down towards the south or the centre, till they are reduced to a mere sprinkling when, with Buckinghamshire and Bedfordshire, one approaches the hills which form the north-eastern boundary of the Thames valley.

To be sure, not all the places with these Viking names were necessarily new settlements or places which had been entirely repopulated. By way of exception we can point to a few indisputable facts. The settlers who established themselves on the banks of the Seine at the entrance to a little dell and had the idea of calling this settlement, in their language, ‘the cold brook’ (it is today Caudebec) must have been all, or nearly all, of Nordic speech. Several places in the north of Yorkshire are called ‘village of the English’, *Ingleby* (the word *by*, moreover, being incontestably Scandinavian)—a name which obviously would have had no meaning if in this region at some particular period it had not been a most unusual thing for a place to have an English population. Sometimes not only the centre itself but also the various divisions of its farmlands acquired imported names, and clearly only peasants would have troubled to alter the humble toponomy of the fields. Cases of this kind are common in north-eastern England, but in Normandy, once again, it is necessary to admit the inadequacy of research.

Other pieces of evidence unfortunately offer less certainty. Many villages, in Britain as in the area about the Seine, are known by a composite name, the first part of which is a man’s name of Scandinavian origin. The fact that this eponymous personage (who can hardly have been anything but a chieftain) was a foreign settler does not necessarily imply that his subjects were also of foreign birth. Of the poor devils who laboured to feed the lord Hastein of Hattentot in Caux, or the lord Tofi of Towthorpe in Yorkshire, who can say how many had already, before the arrival of these masters, lived from father to son on the land which they enriched with their toil? All the more must these reservations be taken into account when, in the double name, the second part, which in the preceding examples was, like the first, of foreign derivation, belongs on the contrary to the native language. The men who, in speaking of the lord Hakon’s land, called it Hacquenville had assuredly forgotten the tongue of the invaders or, more probably, had never used it at all.

### 3 THE HUMAN CONTRIBUTION: THE EVIDENCE OF LAW AND SOCIAL STRUCTURE

In the field of law, likewise, not all the evidence is of equal significance, and the influence of a handful of foreign rulers suffices to explain certain



borrowings. Since the *jarls* administered justice in conquered England, their subjects—even the English ones—were accustomed to invoke the law under the name (*lagu*) familiar to the men from beyond the seas. The occupied zone was divided into districts on the Scandinavian pattern as *wapentakes* or *ridings*. Under the influence of the leaders of the colonists an entire new legal system was introduced. About 962, after the victories of the kings of Wessex, one of them, Edgar, declared: 'I desire that among the Danes the secular law continue to be regulated according to their good customs.'<sup>1</sup>

In fact, the shires which Alfred not so long before had been obliged to surrender to the Vikings remained for the most part united till the twelfth century under the common designation of 'Danelaw'. But the region so named extended well beyond the limits within which the study of place-names reveals intensive Scandinavian settlement. The fact is that in each territory the prevailing usages were fixed by the big local judicial assemblies where the magnates, even if their origin was different from that of the majority, had a preponderant voice. In Normandy, though the *féal*, or *vavasour*, continued for some time to be known by the imported name *dreng*, and the peace legislation preserved to the end a Scandinavian imprint, these survivals are not such as to afford any certainty about the extent of the colonization: for the *drengs* were only a restricted group and public order was, by its very nature, the concern of the prince.<sup>2</sup> Generally speaking, Norman law very quickly lost all ethnic colouring (apart from certain characteristics relating to the hierarchical organization of the military classes, which we shall notice later). Doubtless the very concentration of authority in the hands of the dukes, who at an early date gladly adopted the customs of the greater French baronage, was more favourable to juridical assimilation than was the subdivision of powers in the Danelaw.

On both sides of the Channel, in order to measure the profounder effects of the Scandinavian occupation, one should look to the structure of groups smaller in size than the province or county: to the English boroughs of which several, like Leicester and Stamford, long remained faithful to the judicial traditions of the warriors and merchants who had settled there at the time of the invasion; above all, in Normandy as well as in England, to the small rural communities.

In medieval Denmark, the aggregate of the lands appertaining to the peasant household was called *bol*. The word passed to Normandy, where

<sup>1</sup> Laws of Edgar, IV, 2, 1.

<sup>2</sup> For the word *dreng*, J. Steenstrup, 'Normandiets Historie under de syv første Hertuger 911-1066' (with a summary in French) in *Mémoires de l'Académie royale des sciences et des lettres de Danemark, 7e Série, Sections des Lettres*, V, no. I, 1925, p. 268. For the peace legislation, J. Yver, *L'Interdiction de la guerre privée dans le très ancien droit normand (Extrait des travaux de la semaine d'histoire du droit normand)*, Caen, 1928. The article of K. Amira (in reference to Steenstrup, *upNormannerne*, I) is still worth reading: *Die Anfänge des normannischen Rechts* in *Hist. Zeitschrift*, XXXIX, 1878.

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it later became a component of certain place-names or was simply used in the more restricted sense of an enclosure, including the farm buildings as well as the garden or orchard. In both the plain of Caen and a large part of the Danelaw, an identical term was used to describe the groups of elongated lots running parallel to each other and side by side, in the heart of the agricultural lands: the word was *delle* in Normandy, 'dale' in England. So striking a similarity of terms used in two zones having no direct relations with each other can be explained only by a common ethnic influence. The Caux district is marked off from the neighbouring French regions by the peculiar shape of its fields, which are roughly square and divided in an apparently haphazard manner; this peculiarity seems to indicate a rural reorganization subsequent to the settlement of the surrounding territories. In 'Danish' England, the upheaval was sufficiently serious to lead to the disappearance of the primitive agrarian unit, the 'hide', and its replacement by another of smaller size, the 'ploughland'.<sup>1</sup> Is it conceivable that a few chieftains, content to take the place of the former lords—over peasants born on that very soil—would have had the desire or the power thus to transform even the names of the fields and meddle with the pattern of agrarian boundaries?

The argument can be carried farther. Between the social structure of the Danelaw and that of Normandy we find a common feature which reveals a profound interrelationship of institutions. The servile bond which in the rest of northern France created such a strong hereditary link between the lord and his 'man' was quite unknown to the rural districts of Normandy; if conceivably it had begun to take shape before Rollo's time, its development then stopped short. Similarly, the north and north-east of England was long characterized by the degree of freedom enjoyed by its peasantry. Among the small cultivators many, while in general subject to the jurisdiction of the lords' courts, had the status of full free men; they could change their masters as they wished; they were accustomed in any case to alienate their lands at will, and altogether their burdens were lighter and more precisely fixed than those which weighed so heavily on some of their less favoured neighbours and indeed, outside the 'Danish' region, on the majority of peasants.

Now it is certain that in the age of the Vikings the manorial system was absolutely unknown to the Scandinavian peoples. Is it conceivable that a small body of conquerors who, because so few in number, would have had to live by the labour of the vanquished populations, should have had any scruples about keeping them in their former state of subjection? That the

<sup>1</sup> I believe that Mr. Jolliffe is in error in refusing—against the general opinion of English scholars—to recognize in the 'ploughland' of north-eastern England a result of the upheaval caused by the Scandinavian invasion. See especially *The Era of the Folk* in *Oxford Essays in Medieval History presented to H.E. Salter*, 1934.

invaders should have taken with them into their new settlements their traditional habits of peasant independence obviously implies a much more massive colonization, and evidently the ordinary warriors, who after the distribution of the soil exchanged the lance for the plough or the hoe, had not come so far merely to find a servitude unknown in their mother-country. It is true that quite soon the descendants of the first arrivals had to accept in part the framework of authority imposed by the conditions of their environment. The leaders of the settlers strove to imitate the profitable example of their counterparts among the other race; and once reinstated, the Church, which derived the best part of its subsistence from manorial revenues, behaved in like manner. The manor existed both in Normandy and in the Danelaw; but for many centuries, the subordination in those regions was less stringent and less general than it was elsewhere.

Thus everything leads to the same conclusion. Nothing could be more untrue than to conceive of the Scandinavian settlers as being—after the manner of the ‘French’ companions of William the Conqueror—solely a class of chieftains. It is beyond dispute that in Normandy, as in the north and north-east of England, many peasant warriors like those depicted in the Swedish stele landed from the ships of the North. Established sometimes on territory wrested from its previous occupants or abandoned by those who fled, sometimes in the gaps that had remained in the primitive settlements, these colonists were sufficiently numerous to found or rename whole villages, to spread about them their vocabulary and their place-names, and to modify in vital respects the agrarian machinery and even the very structure of the rural societies, already in any case thrown into chaos by the invasion.

In France, however, the Scandinavian influence was on the whole less strong and except in rural life, which is by nature conservative, it proved less lasting than on English soil. There the testimony of archaeology confirms the other types of evidence invoked above. Despite the sad incompleteness of our inventories, it cannot be doubted that the remains of Nordic art are much more rare in Normandy than in England. Several reasons explain these contrasts. In France, the smaller size of the area of Scandinavian settlement rendered it more accessible to external influences. The much more pronounced contrast between the indigenous civilization and the imported one, by the very fact that it did not favour reciprocal exchanges, led to the assimilation pure and simple of the less resistant of the two. The region appears to have been always more populous than the corresponding area of England; consequently, except in the Roumois and the Caux district, which had been terribly ravaged, the native groups that stayed where they were after the invasion preserved a greater density. Finally, whereas in England the influx had continued in successive waves for more than two centuries, in Normandy the invaders had arrived in several batches

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over a fairly short period and were beyond question—even in proportion to the area occupied—appreciably fewer.

### 4 THE HUMAN CONTRIBUTION: PROBLEMS OF ORIGIN

Settlement, more or less intensive, by the people of the North may be accepted as a fact. But from what regions of the North did they come? Even contemporaries did not always find it easy to discriminate. It was still possible for those who spoke one Scandinavian dialect to understand another without too much difficulty, and the early bands especially, composed of adventurers assembled for the purpose of pillage, were probably very mixed. Yet the different peoples each had their own traditions, and their consciousness of individual nationality, always lively, seems indeed to have sharpened with the progressive establishment of large kingdoms in the mother-country. In the fields of foreign conquest fierce wars were waged between Danes and Norwegians. These enemy brothers contended with each other for the Hebrides, for the little coastal kingdoms of Ireland and for the kingdom of York; in the Five Boroughs the Danish garrisons called in the English king of Wessex against the opposing army.<sup>1</sup> These rivalries, which rested on differences in ethnic customs that were sometimes profound, only make it the more desirable to determine, settlement by settlement, the precise origin of the invaders.

Some Swedes figured, as we have seen, among the conquerors of England under Cnut. Others took part in the pillage of the Frankish states: such a one was that Gudmar whose cenotaph in the province of Södermanland records his death 'yonder, towards the west, in Gaul'.<sup>2</sup> Most of their compatriots, however, preferred other paths: the eastern and southern shores of the Baltic were so near, the loot offered by the trading-stations on the Russian rivers so tempting, that these were the primary attraction. The Norwegians, familiar with the northern sea-route round the British Isles, formed the largest contingent to colonize the archipelagos scattered all along this periphery, as also in the region of Ireland: it was from there, even more than from the Scandinavian peninsula, that they set forth to conquer England. This explains the fact that they were almost the only invaders to people the counties of the western coast, from the Solway Firth to the Dee. Farther inland, traces of them are still to be found, relatively numerous in the west of Yorkshire, much more scarce in the remainder of the country and round about the Five Boroughs—but in this case everywhere mixed with those of the Danish settlements. The latter, throughout the mixed zone, were on the whole far more densely concentrated. Clearly

<sup>1</sup> Cf. Allen Mawer, 'The Redemption of the Five Boroughs', in *Eng. Hist. Rev.*, XXXVIII, 1923.

<sup>2</sup> O. Montelius, 'Sverige och Vikingäfaderna västernt', in *Antikvarisk Tidskrift*, XXI, 2, p. 20.

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most of the immigrants permanently established on English soil belonged to the southernmost of the Scandinavian peoples.

The narrative sources for Normandy are of disheartening poverty. What is worse, they contradict each other: while the dukes seem to have made themselves out to be of Danish stock, a Norse saga makes Rollo a Norwegian. There remains the evidence of place-names and of agrarian customs: both these sources have until now been insufficiently investigated. The presence of Danish elements appears certain; likewise that of men from southern Norway. In what proportions? And according to what geographical distribution? At present it is impossible to say: and here I will venture to point out that the clearly marked contrasts between the agricultural lands of the Caux district on the one hand and those of the Caen plain on the other, might well be attributed in the last analysis to differences of settlement—the irregular fields of the Caux recalling those of Norway, the elongated fields of the Bessin those of Denmark. I risk putting forward this very tentative hypothesis only through fidelity to a cherished principle of mine—never to allow the reader to forget that history has still all the excitement of an unfinished excavation.

### 5 LESSONS

That a handful of robbers perched on a hill in Provence should have been able for nearly a century to spread insecurity all along an immense mountain chain and partially close some of the vital routes of Christendom; that for even longer little detachments of horsemen from the steppes should have been left free to ravage the West in all directions; that year after year, from Louis the Pious to the first Capetians, nay, in England till William the Conqueror, the ships of the North should with impunity have hurled against the shores of Germany, Gaul and Britain pirate bands eager for pillage; that, in order to appease these brigands, it should have been necessary to pay heavy ransoms and ultimately yield extensive territories to the most redoubtable of them—all these are surprising facts. Just as the progress of a disease shows a doctor the secret life of a body, so to the historian the progress of a great calamity yields valuable information about the nature of the society so stricken.

It was by sea that the Saracens of Le Freinet received their reinforcements; and it was the sea that carried the ships of the Vikings to their familiar hunting-grounds. To close it to the invaders would undoubtedly have been the surest way of preventing their ravages: witness the Arabs of Spain denying the southern waters to the Scandinavian pirates, the victories of the fleet eventually created by King Alfred, and the cleaning up of the Mediterranean by the Italian cities in the eleventh century. Now, at the outset at least, the Christian authorities almost all displayed the utmost incompetence in this respect. Were not the masters of the Provençal coast,

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where so many fishing villages nestle today, to be found imploring the aid of the distant Greek navy? It is no use saying that the rulers had no warships. At that stage in the development of the art of maritime warfare it would certainly have been enough to commandeer fishing or trading vessels, if necessary enlisting the services of a few caulkers to make some of them more seaworthy; and any seafaring population could have provided the crews. But the West seems to have become by that time almost completely unaccustomed to seafaring, and this strange deficiency is not the least curious of the revelations afforded by the history of the invasions. On the coast of Provence the towns, which in Roman times were situated right on the edge of the creeks, were now set back in the hinterland.<sup>1</sup> Alcuin, in the letter which he wrote to the king and the magnates of Northumbria, after the first raid by the Northmen—that on Lindisfarne—makes a comment that sets one thinking: ‘Never’, he says ‘would one have believed in the possibility of such a voyage.’<sup>2</sup> Yet it had only been a matter of crossing the North Sea! When, after an interval of nearly a century, Alfred decided to fight his enemies in their own element, he had to recruit some of his sailors in Frisia, whose inhabitants from an early date had specialized in the business, almost abandoned by their neighbours, of coastal trading along the northern shores. It was left to his great-grandson, Edgar (959–75),<sup>3</sup> to organize a proper native fleet. Gaul showed herself even slower to learn to look beyond her cliffs and dunes. It is significant that the largest portion of the French maritime vocabulary, at least in the western sector, should be of late formation and made up of borrowings, some from the Scandinavian, others even from the English.

Once they had gained a foothold, the bands of Saracens or Northmen, like the Hungarian hordes, were difficult to check. It is not easy to maintain order save where men live close together. Now, at this time even the most favoured regions were by our present standards only sparsely populated. Everywhere empty spaces, dunes, forests offered terrain suitable for the purposes of surprise attack. The marshy thickets which screened the flight of King Alfred could also easily conceal the advance of the invaders. The problem, in short, was the very same one which French officers encounter today when they try to maintain security on the Moroccan borders or in Mauretania—made ten times worse, needless to say, by the absence of any higher authority capable of exercising effective control over vast areas.

<sup>1</sup> E.H.Duprat, ‘A propos de l’itinéraire maritime: I Citharista, La Ciotat’ in *Mém. de l’Institut Historique de Provence*, IX, 1932.

<sup>2</sup> Ep. 16, M.G.H., *Epistolae*, IV, p. 42.

<sup>3</sup> On the slowness of English maritime development, cf. F.Liebermann, ‘Matrosensteilung aus Landgütern der Kirche London um 1000’ in *Archiv für das Studium der neueren Sprachen*, CIV, 1900. The naval battle fought in 851 by the men of Kent is an isolated event; moreover, on this sector of the coast, relations with the nearby ports of Gaul had doubtless maintained maritime life in a less sluggish condition than elsewhere.

Neither the Saracens nor the Northmen were better armed than their adversaries. In the tombs of the Vikings the finest swords bear the marks of Frankish manufacture. They are the 'blades of Flanders', of which the Scandinavian legends so often speak. The same texts frequently speak of the 'Welsh (= foreign) helms' worn by their heroes. Riders and hunters of the steppes, the Hungarians were probably better horsemen, better archers especially than the men of the West; but they were none the less on several occasions defeated by them in pitched battle. If the invaders possessed a military superiority, it was much less technical than social in its origin. Like the Mongols later, the Hungarians were fitted for warfare by their way of life itself. 'When the two sides are equal in numbers and in strength, the one more accustomed to the nomadic life gains the victory.' This observation is from the Arab historian Ibn-Khaldun.<sup>1</sup> In the ancient world it had an almost universal validity—at least till such time as the sedentary peoples could call to their aid the resources of an improved political organization and of a really scientific military machine.

The nomad, in fact, is a 'soldier born', always ready to take the field with his ordinary resources, his horse, his equipment and his victuals; and he is also served by a strategic sense of direction, as a rule quite absent in settled peoples. As to the Saracens and above all the Vikings, their detachments were from the outset designed expressly for combat. Of what use against these highly aggressive troops were improvised levies, brought together in haste from the four corners of a country already invaded? Compare, in the narratives of the English chronicles, the spirited tactics of the *here*—the Danish army—with the clumsiness of the Anglo-Saxon fyrd, the heavy militia which could not be employed in even the shortest operation save by permitting each man, under a system of reliefs, to return periodically to his farm. These contrasts, it is true, were especially pronounced at the beginning. As the Vikings were transformed into settlers, and the Hungarians round about the Danube into peasants, new pre-occupations came to interfere with their movements. The West, by means of the system of vassalage or of the fief, provided itself at an early date with a class of professional fighting men. The comparative failure of this military machine, at any time, to provide the means of a really effective resistance speaks volumes as to the internal weaknesses of the system. Were these professional soldiers really willing to fight? 'Everyone runs away,' wrote the monk Ermentarius,<sup>2</sup> about 862 or a little later. Even among those who were apparently the best trained, the first invaders seem to have produced a panic terror whose paralysing effects remind one irresistibly of the accounts given by ethnographers of the headlong flight before any stranger of certain

<sup>1</sup> *Prolegomènes*, trans. Slane, I, p. 291. On the Mongols, see the shrewd observations of Grenard, in *Annales d'hist. éconóm.*, 1931, p. 564; I have borrowed some expressions from him.

<sup>2</sup> *Monuments de l'histoire des abbayes de Saint-Philibert*, ed. Poupardin, p. 62.

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warlike but primitive tribes.<sup>1</sup> Brave in the face of familiar dangers, untutored minds are as a rule unable to endure surprise and mystery. The monk of Saint-Germain-des-Prés, writing very soon after the event, related how the ships of the Northmen sailed up the Seine in 854. Notice the agitated tone in which he observes that ‘one had never heard speak of such a thing or read anything like it in the books’.<sup>2</sup> This emotionalism was sustained by the atmosphere of legend and apocalypse in which men’s minds were steeped. Rémi of Auxerre states that ‘innumerable persons’ believed that in the Hungarians they recognized the peoples of Gog and Magog, forerunners of Antichrist.<sup>3</sup> The universal belief that all these calamities were a divine chastisement produced a mood of resignation. The letters which Alcuin sent to England after the disaster of Lindisfarne are merely exhortations to virtue and repentance; of the organization of resistance there is not a word. However, the well-authenticated examples of such cowardice belong for the most part to the earliest periods. Later on people gained a little more courage.

The truth is that the leaders were far more capable of fighting (if their own lives or property were in jeopardy) than of methodically organizing a defence. Moreover with very few exceptions they were unable to understand the connection between their particular interests and the general interest. Ermentarius was right in attributing the Scandinavian victories, not only to the cowardice and ‘torpor’ of the Christians, but also to their ‘dissensions’. That a king of Italy, Hugh of Provence, should have come to terms with the terrible bandits of Le Freinet, that another king of Italy, Berengar I, should have taken Hungarians into his service, and a king of Aquitaine, Pepin II, Northmen; that the Parisians, in 885, should have let loose the Vikings on Burgundy; that the town of Gaeta, long allied with the Saracens of Monte Argento, should have agreed only in return for land and gold to lend its support to a league formed to expel these brigands—these episodes, among many others, throw a very harsh light on the common mentality of the age. But suppose the sovereigns, in spite of everything, did attempt to fight. Too often the enterprise ended like that of Louis III, who in 881, having built a castle on the Scheldt in order to bar the way to the Vikings, ‘could find no one to defend it’. There were not many royal armies of which one could not have repeated what a Parisian monk said (probably not without a touch of optimism) of the levy of 845; among the warriors summoned many came—not all.<sup>4</sup> But undoubtedly the most revealing case is that of Otto the Great, who, though the most powerful monarch of his time, never succeeded in assembling the small force which was all that was needed to put an end to the scandal of Le Freinet. If in England the kings of Wessex, until the final collapse, valiantly and effectively conducted the

<sup>1</sup> Cf., for example. L.Lévy-Bruhl. *La Mentalité primitive*, p. 377.

<sup>2</sup> *Analecta Bollandiana*, 1883, p. 71.

<sup>3</sup> Migne, *P.L.*, CXXXI, col. 966.

<sup>4</sup> *Analecta Bollandiana*, 1883, p. 78.



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struggle against the Danes, if in Germany Otto did as much against the Hungarians, in the West as a whole the most successful resistance came rather from the regional powers which, stronger than the kingdoms because they were nearer to the human material and less preoccupied with inordinate ambitions, slowly emerged from among the clutter of petty lordships.

However much may be learnt from the study of the last invasions, we should nevertheless not allow their lessons to overshadow the still more important fact of their cessation. Till then these ravages by hordes from without and these great movements of peoples had in truth formed the main fabric of history in the West as in the rest of the world. Thenceforward the West would almost alone be free from them. Neither the Mongols nor the Turks would later do more than brush its frontiers. Western society would certainly have its clashes; but they would take place within a closed arena. This meant the possibility of a much more regular cultural and social evolution, uninterrupted by any attack from without or any influx of foreign settlers. Consider by contrast the destiny of Indo-China where, in the fourteenth century, the splendour of the Chams and Khmers collapsed under the blows of Annamite or Siamese invaders. Consider above all, nearer home, eastern Europe, trampled underfoot until modern times by the peoples of the steppes and by the Turks. Let us ask ourselves for one moment what Russia's destiny might have been without the Polovtsi and the Mongols. It is surely not unreasonable to think that this extraordinary immunity, of which we have shared the privilege with scarcely any people but the Japanese, was one of the fundamental factors of European civilization, in the deepest sense, in the exact sense of the word.

## **PART II**

# **The Environment: Conditions of Life and Mental Climate**



IV  
MATERIAL CONDITIONS  
AND ECONOMIC CHARACTERISTICS

1 THE TWO AGES OF FEUDALISM

THE framework of institutions which governs a society can in the last resort be understood only through a knowledge of the whole human environment. For though the artificial conception of man's activities which prompts us to carve up the creature of flesh and blood into the phantoms *homo oeconomicus*, *philosophicus*, *juridicus* is doubtless necessary, it is tolerable only if we refuse to be deceived by it. That is why, despite the existence of other works on the various aspects of medieval civilization, the descriptions thus attempted from points of view different from ours did not seem to us to obviate the necessity of recalling at this stage the fundamental characteristics of the historical climate in which European feudalism flourished. Need I add that in placing this account near the beginning of the book there was no thought of claiming any sort of illusory primacy for facts of this kind? When it is a question of comparing two particular phenomena belonging to separate series—a certain distribution of population, for example, with certain forms of legal groups—the delicate problem of cause and effect undoubtedly arises. On the other hand, to contrast two sets of dissimilar phenomena over a period of several centuries, and then say: 'Here on this side are all the causes; there on that are all the effects', would be to construct the most pointless of dichotomies. A society, like a mind, is woven of perpetual interaction. For other researches, differently oriented, the analysis of the economy or the mental climate are culminating points; for the historian of the social structure they are a starting-point.

In this preliminary picture, designedly limited in scope, it will be necessary to retain only what is essential and least open to doubt. One deliberate omission, in particular, deserves a word of explanation. The wonderful flowering of art in the feudal era, at least from the eleventh century on, is not merely the most lasting glory of that epoch in the eyes of posterity. It served in those times as a vehicle for the most exalted forms of religious sensibility as well as for that interpenetration of the sacred and profane so

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characteristic of the age, which has left no more spontaneous witness than the friezes and capitals of certain churches. It was also very often the refuge, as it were, of certain values which could not find expression elsewhere. The restraint of which the medieval epic was incapable must be sought in Romanesque architecture. The precision of mind which the notaries were unable to attain in their charters presided over the works of the builders of vaults. But the links that unite plastic expression to the other features of a civilization are still insufficiently understood; from the little that we know of them they appear so complex, so subject to delays and divergences that it has been necessary in this work to leave aside the problems posed by connections so delicate and contradictions that to us seem so astonishing.

It would, moreover, be a grave mistake to treat 'feudal civilization' as being all of one piece chronologically. Engendered no doubt or made possible by the cessation of the last invasions, but first manifesting themselves some generations later, a series of very profound and very widespread changes occurred towards the middle of the eleventh century. No definite break with the past occurred, but the change of direction which, despite inevitable variations in time according to the countries or the phenomena considered, affected in turn all the graphs of social activity. There were, in a word, two successive 'feudal' ages, very different from one another in their essential character. We shall endeavour in the following pages to do justice as much to the contrasts between these two phases as to the characteristics they shared.

### 2 THE FIRST FEUDAL AGE: DENSITY OF POPULATION

It is and always will be impossible for us to calculate, even approximately, the population of Western countries during the first feudal age. Moreover, there undoubtedly existed marked regional variations, constantly intensified by the spasms of social disorder. Compared with the veritable desert of the Iberian plateaux, which gave the frontier regions of Christendom and Islam the desolate appearance of a vast 'no man's land'—desolate even in comparison with early Germany, where the destruction wrought by the migrations of the previous age was being slowly made good—the country districts of Flanders and Lombardy seemed relatively favoured regions. But whatever the importance of these contrasts and whatever their effect on all the aspects of civilization, the fundamental characteristic remains the great and universal decline in population. Over the whole of Europe, the population was immeasurably smaller than it has been since the eighteenth century or even since the twelfth. Even in the provinces formerly under Roman rule, human beings were much scarcer than they had been in the heyday of the Empire. The most important towns had no more than a few thousand inhabitants, and waste land, gardens, even fields and pastures encroached on all sides amongst the houses.

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This lack of density was further aggravated by very unequal distribution. Doubtless physical conditions, as well as social habits, conspired to maintain in the country districts profound differences between systems of settlement. In some districts the families, or at least some of them, took up their residence a considerable distance apart, each in the middle of its own farmland, as was the case, for example, in Limousin. In others on the contrary, like the Île-de-France, they mostly crowded together in villages. On the whole, however, both the pressure of the chiefs and, above all, the concern for security militated against too wide dispersal. The disorders of the early Middle Ages had in many cases induced men to draw nearer to each other, but these aggregations in which people lived cheek by jowl were separated by empty spaces. The arable land from which the village derived its sustenance was necessarily much larger in proportion to the number of inhabitants than it is today. For agriculture was a great devourer of space. In the tilled fields, incompletely ploughed and almost always inadequately manured, the ears of corn grew neither very heavy nor very dense. Above all, the harvests never covered the whole area of cultivation at once. The most advanced systems of crop-rotation known to the age required that every year half or a third of the cultivated soil should lie fallow. Often indeed, fallow and crops followed each other in irregular alternation, which always allowed more time for the growth of weeds than for that of the cultivated produce; the fields, in such cases, represented hardly more than a provisional and short-lived conquest of the waste land, and even in the heart of the agricultural regions nature tended constantly to regain the upper hand. Beyond them, enveloping them, thrusting into them, spread forests, scrub and dunes—immense wildernesses, seldom entirely uninhabited by man, though whoever dwelt there as charcoal-burner, shepherd, hermit or outlaw did so only at the cost of a long separation from his fellow men.

### 3 THE FIRST FEUDAL AGE: INTERCOMMUNICATION

Among these sparsely scattered human groups the obstacles to communication were many. The collapse of the Carolingian empire had destroyed the last power sufficiently intelligent to concern itself with public works, sufficiently strong to get some of them carried out. Even the old Roman roads, less solidly constructed than has sometimes been imagined, went to rack and ruin for want of maintenance. Worse still, bridges were no longer kept in repair and were lacking at a great number of river-crossings. Added to this was the general state of insecurity, increased by the depopulation to which it had itself in part contributed. Great was the surprise and relief at the court of Charles the Bald, when in the year 841 that prince witnessed the arrival at Troyes of the messengers bringing him the crown jewels from Aquitaine: how wonderful that such a small number

of men, entrusted with such precious baggage, should traverse without accident those vast areas infested on all sides by robbers!<sup>1</sup> The Anglo-Saxon Chronicle shows much less surprise when relating how, in 1061, one of the greatest nobles of England, Earl Tostig, was captured and held to ransom by a handful of bandits at the gates of Rome.

Compared with what the world offers us today, the speed of travel in that age seems extremely slow. It was not, however, appreciably slower than it was at the end of the Middle Ages, or even the beginning of the eighteenth century. By contrast with today, travel was much faster by sea than by land. From 60 to 90 miles a day was not an exceptional record for a ship: provided (it goes without saying) that the winds were not too unfavourable. On land, the normal distance covered in one day amounted, it seems, to between nineteen and twenty-five miles—for travellers who were in no hurry, that is: say a caravan of merchants, a great nobleman moving round from castle to castle or from abbey to abbey, or an army with its baggage. A courier or a handful of resolute men could by making a special effort travel at least twice as fast. A letter written by Gregory VII at Rome on the 8th December 1075 arrived at Goslar, at the foot of the Harz, on the 1st of January following; its bearer had covered about 29 miles a day as the crow flies—in reality, of course, much more. To travel without too much fatigue and not too slowly it was necessary to be mounted or in a carriage. Horses and mules not only go faster than men; they adapt themselves better to boggy ground. This explains the seasonal interruption of many communications; it was due less to bad weather than to lack of forage. The Carolingian *missi* had earlier made a point of not beginning their tours till the grass had grown.<sup>2</sup> However, as at present in Africa, an experienced foot-traveller could cover astoundingly long distances in a few days and he could doubtless overcome certain obstacles more quickly than a horseman. When Charles the Bald organized his second Italian expedition he arranged to keep in touch with Gaul across the Alps partly by means of runners.<sup>3</sup>

Though poor and unsafe, the roads or tracks were in constant use. Where transport is difficult, man goes to something he wants more easily than he makes it come to him. In particular, no institution or method could take the place of personal contact between human beings. It would have been impossible to govern the state from inside a palace: to control a country, there was no other means than to ride through it incessantly in all directions. The kings of the first feudal age positively killed themselves by travel. For example, in the course of a year which was in no way exceptional, the emperor Conrad II in 1033 is known to have journeyed in turn from Burgundy to the Polish frontier and thence to Champagne, to return

<sup>1</sup> Nithard, *Histoire des fils de Louis le Pieux*, ed. Lauer, II, c. 8.

<sup>2</sup> Loup de Ferrières, *Correspondence*, ed. Levillain, I, no. 41.

<sup>3</sup> *Capitularia*, II, no. 281, c. 25.

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eventually to Lusatia. The nobleman with his entourage moved round constantly from one of his estates to another; and not only in order to supervise them more effectively. It was necessary for him to consume the produce on the spot, for to transport it to a common centre would have been both inconvenient and expensive. Similarly with the merchant. Without representatives to whom he could delegate the task of buying and selling, fairly certain in any case of never finding enough customers assembled in one place to assure him a profit, every merchant was a pedlar, a 'dusty foot' (*piéd poudreux*), plying his trade up hill and down dale. The cleric, eager for learning or the ascetic life, was obliged to wander over Europe in search of the master of his choice: Gerbert of Aurillac studied mathematics in Spain and philosophy at Rheims; the Englishman Stephen Harding, the ideal monachism in the Burgundian abbey of Molesmes. Before him, St. Odo, the future abbot of Cluny, had travelled through France in the hope of finding a monastery whose members lived strictly according to the rule.

Moreover, in spite of the old hostility of the Benedictine rule to the *gyrovagi*, the bad monks who ceaselessly 'Vagabonded about', everything in contemporary clerical life favoured this nomadism: the international character of the Church; the use of Latin as a common language among educated priests and monks; the affiliations between monasteries; the wide dispersal of their territorial patrimonies; and finally the 'reforms' which periodically convulsed this great ecclesiastical body and made the places first affected by the new spirit at once courts of appeal (to which people came from all parts to seek the good rule) and mission centres whence the zealots were despatched for the conquest of the Catholic world. How many foreign visitors came to Cluny in this way! How many Cluniacs journeyed forth to foreign lands! Under William the Conqueror almost all the dioceses and great abbeys of Normandy, which the first waves of the 'Gregorian' revival were beginning to reach, had at their head Italians or Lorrainers; the archbishop of Rouen, Maurille, was a man from Rheims who, before occupying his Neustrian see, had studied at Liège, taught in Saxony and lived as a hermit in Tuscany.

Humble folk, too, passed along the highways of the West: refugees, driven by war or famine; adventurers, half-soldiers, half-bandits; peasants seeking a more prosperous life and hoping to find, far from their native land, a few fields to cultivate. Finally, there were pilgrims. For religious devotion itself fostered travel and more than one good Christian, rich or poor, cleric or layman, believed that he could purchase salvation of body and soul only at the price of a long journey.

As has often been remarked, it is in the nature of good roads to create a vacuum around them—to their own profit. In the feudal age, when all roads were bad, scarcely any of them was capable of monopolizing the traffic in this way. Undoubtedly such factors as the restrictions of the terrain, tradition, the presence of a market here or a sanctuary there, worked to



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the advantage of certain routes, although far less decisively than the historians of literary or artistic influences have sometimes believed. A fortuitous event—a physical accident, the exactions of a lord in need of money—sufficed to divert the flow, sometimes permanently. The building of a castle on the old Roman road, occupied by a race of robber knights—the lords of Méréville—and the establishment some distance away of the St. Denis priory of Toury, where merchants and pilgrims found by contrast a pleasant reception, were sufficient to divert the traffic from the Beauce section of the road from Paris to Orleans permanently westward, so that the ancient roadway was abandoned from that time on. Moreover from the beginning of his journey to the end, the traveller had almost always the choice of several itineraries, of which none was absolutely obligatory. Traffic, in short, was not canalized in a few great arteries; it spread capriciously through a multitude of little blood-vessels. There was no castle, burg, or monastery, however far from the beaten track, that could not expect to be visited occasionally by wanderers, living links with the outer world, although the places where such visits were of regular occurrence were few.

Thus the obstacles and dangers of the road in no way prevented travel. But they made each journey an expedition, almost an adventure. If men, under pressure of need, did not fear to undertake fairly long journeys (they feared it less, perhaps, than in centuries nearer to our own) they shrank from those repeated comings and goings within a narrow radius which in other civilizations form the texture of daily life; and this was especially so in the case of humble folk of settled occupations. The result was an ordering of the scheme of human relations quite different from anything we know today. There was scarcely any remote little place which had not some contacts intermittently through that sort of continuous yet irregular 'Brownian movement' which affected the whole of society. On the other hand, between two inhabited centres quite close to each other the connections were much rarer, the isolation of their inhabitants infinitely greater than would be the case in our own day. If, according to the angle from which it is viewed, the civilization of feudal Europe appears sometimes remarkably universalist, sometimes particularist in the extreme, the principal source of this contradiction lay in the conditions of communication: conditions which favoured the distant propagation of very general currents of influence as much as they discouraged, in any particular place, the standardizing effects of neighbourly intercourse.

The only more or less regular letter-mail service which functioned during the whole of the feudal era was that which linked Venice to Constantinople. Such a thing was practically unknown in the West. The last attempts to maintain a royal posting-service, on the model left by the Roman government, had disappeared with the Carolingian empire. It is significant of the general disorganization that the German monarchs themselves, the

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true heirs of that empire and its ambitions, should have lacked either the authority or the intelligence necessary to secure the revival of an institution clearly so indispensable to the control of vast territories. Sovereigns, nobles, prelates were obliged to entrust their correspondence to special couriers, otherwise—as was usual among persons of lesser rank—the transport of letters was simply left to the kindness of passing travellers; as, for instance, the pilgrims on their way to St. James of Galicia.<sup>1</sup> The relative slowness of the messengers, the mishaps that at every stage threatened their progress, meant that the only effective authority was the one on the spot. Forced constantly to take the gravest steps—the history of the papal legates is in this respect very instructive—every local representative of a great potentate tended only too naturally to act for his personal advantage and thus finally to transform himself into an independent ruler.

As for knowledge of distant events, everyone, whatever his rank, was obliged to rely on chance encounters. The picture of the contemporary world which the best-informed men carried in their minds presented many lacunae; we can form an idea of them from the unavoidable omissions even from the best of those monastic annals which are as it were the written reports of medieval news-hawks. Moreover, it was seldom exact as to time. It is, for example, remarkable to find a person so well placed for acquiring information as Bishop Fulbert of Chartres showing astonishment on receiving gifts for his church from Cnut the Great: for he admits that he believed this prince to be still a heathen, although in fact he had been baptized in infancy.<sup>2</sup> The monk Lambert of Hersfeld is quite well-informed about German affairs, but when he goes on to describe the grave events which occurred in his time in Flanders (a region bordering on the Empire and in part an imperial fief), he soon makes a series of the strangest blunders. Such an imperfect state of knowledge was a poor foundation for any large political designs.

### 4 THE FIRST FEUDAL AGE: TRADE AND CURRENCY

The life of the Europe of the first feudal age was not entirely self-contained. There was more than one current of exchange between it and the neighbouring civilizations, and probably the most active was that which linked it to Moslem Spain, as witnessed by the numerous Arab gold pieces which, by this route, penetrated north of the Pyrenees and were there sufficiently sought after to become the object of frequent imitations. In the western Mediterranean, on the other hand, long-distance navigation was now practically unknown. The principal lines of communication with the East were elsewhere. One of them, a sea-route, passed through the Adriatic,

<sup>1</sup> Cf. E.Faral, in *Revue Critique*, 1933, p. 454.

<sup>2</sup> *Ep.*, no. 69, in Migne, *P.L.*, CXXI, col. 235.

at the head of which lay Venice, to all appearance a fragment of Byzantium, set in a world apart. On land the Danube route, for a long time severed by the Hungarians, was almost deserted. But farther north, on the trails which joined Bavaria to the great market of Prague and thence, by the terraces on the northern flank of the Carpathians, continued to the Dnieper, caravans passed back and forth, laden on the return journey with products of Constantinople or of Asia. At Kiev they met the great transversal which, running across the plains and from river to river, linked the riparian countries of the Baltic with the Black Sea, the Caspian or the oases of Turkestan. For the West had missed its chance of being the intermediary between the north or north-east of the continent and the eastern Mediterranean, and had nothing to offer on its own soil to compare with the mighty comings and goings of merchandise which made the prosperity of Kievan Russia.

Not only was this trade restricted to very few routes; it was also extremely small in volume. What is worse, the balance of trade seems to have been distinctly unfavourable—at any rate with the East. From the eastern countries the West received almost nothing except a few luxury articles whose value—very high in relation to their weight—was such as to take no account of the expense and risks of transport. In exchange it had scarcely anything to offer except slaves. Moreover, it seems that most of the human cattle rounded up on the Slav and Lettish territories beyond the Elbe or acquired from the slave-traders of Britain took the road to Islamic Spain; the eastern Mediterranean was too abundantly provided with this commodity from its own sources to have any need to import it on a large scale. The profits of the slave-trade, in general fairly small, were not sufficient to pay for the purchase of precious goods and spices in the markets of the Byzantine world, of Egypt or of nearer Asia. The result was a slow drain of silver and above all of gold. If a few merchants unquestionably owed their prosperity to these remote transactions, society as a whole owed scarcely anything to them except one more reason for being short of specie.

However, money was never wholly absent from business transactions in feudal Europe, even among the peasant classes, and it never ceased to be employed as a standard of exchange. Payments were often made in produce; but the produce was normally valued item by item in such a way that the total of these reckonings corresponded with a stipulated price in pounds, shillings and pence. Let us therefore avoid the expression ‘natural economy’, which is too summary and too vague. It is better to speak simply of shortage of currency. This shortage was further aggravated by the anarchic state of minting, another result of the subdivision of political authority and the difficulty of communication: for each important market, faced with the threat of shortage, had to have its local mint. Except for the imitation of exotic coinages and apart from certain insignificant little pieces, the only coins now produced were *denarii*, which were rather debased silver pieces. Gold circulated only in the shape of Arab and Byzantine coins or imitations

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of them. The *libra* and the *solidus* were only arithmetical multiples of the *denarius*, without a material basis of their own. But the various coins called *denarii* had a different metallic value according to their origin. Worse still, even in one and the same area almost every issue involved variations in the weight or the alloy. Not only was money generally scarce, and inconvenient on account of its unreliability, but it circulated too slowly and too irregularly for people ever to feel certain of being able to procure it in case of need. That was the situation, in the absence of a sufficiently active commerce.

But here again, let us beware of too facile a formula—the ‘closed economy’. It would not even apply exactly to the small farming operations of the peasants. We know that markets existed where the rustics certainly sold some of the produce of their fields or their farmyards to the townsfolk, to the clergy, to the men-at-arms. It was thus that they procured the *denarii* to pay their dues. And poor indeed was the man who never bought a few ounces of salt or a bit of iron. As to the ‘autarky’ of the great manors, this would have meant that their masters had gone without arms or jewels, had never drunk wine (unless their estates produced it), and for clothes had been content with crude materials woven by the wives of tenants. Moreover, even the inadequacies of agricultural technique, the disturbed state of society, and finally the inclemency of the weather contributed to maintain a certain amount of internal commerce: for when the harvest failed, although many people literally died of starvation, the whole population was not reduced to this extremity, and we know that there was a traffic in corn from the more favoured districts to those afflicted by dearth, which lent itself readily to speculation. Trade, therefore, was not non-existent, but it was irregular in the extreme. The society of this age was certainly not unacquainted with either buying or selling. But it did not, like our own, live by buying and selling.

Moreover, commerce, even in the form of barter, was not the only or perhaps even the most important channel by which at that time goods circulated through the various classes of society. A great number of products passed from hand to hand as dues paid to a chief in return for his protection or simply in recognition of his power. It was the same in the case of that other commodity, human labour: the *corvée* furnished more labourers than hire. In short, exchange, in the strict sense, certainly played a smaller part in economic life than payment in kind; and because exchange was thus a rare thing, while at the same time only the poorest could resign themselves to living wholly on their own produce, wealth and well-being seemed inseparable from authority.

Nevertheless, in an economy so constituted the means of acquisition at the disposal even of the powerful were, on the whole, singularly restricted. When we speak of money we mean the possibility of laying by reserves, the ability to wait, the ‘anticipation of future values’—everything that, conversely, the shortage of money particularly impedes. It is true that people

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tried to hoard wealth in other forms. The nobles and kings accumulated in their coffers gold or silver vessels and precious stones; the churches amassed liturgical plate. Should the need arise for an unexpected disbursement, you sold or pawned the crown, the goblet or the crucifix; or you even sent them to be melted down at the local mint. But such liquidation of assets, from the very fact of the slowing down of exchange which made it necessary, was never easy nor was it always profitable; and the hoarded treasure itself did not after all constitute a very large amount. The great as well as the humble lived from hand to mouth, obliged to be content with the resources of the moment and mostly compelled to spend them at once.

The weakness of trade and of monetary circulation had a further consequence of the gravest kind. It reduced to insignificance the social function of wages. The latter requires that the employer should have at his disposal an adequate currency, the source of which is not in danger of drying up at any moment; on the side of the wage-earner it requires the certainty of being able to employ the money thus received in procuring for himself the necessities of life. Both these conditions were absent in the first feudal age. In all grades of the hierarchy, whether it was a question of the king's making sure of the services of a great official, or of the small landlord's retaining those of an armed follower or a farm-hand, it was necessary to have recourse to a method of remuneration which was not based on the periodic payment of a sum of money. Two alternatives offered: one was to take the man into one's household, to feed and clothe him, to provide him with 'prebend', as the phrase went; the other was to grant him in return for his services an estate which, if exploited directly or in the form of dues levied on the cultivators of the soil, would enable him to provide for himself.

Now both these methods tended, though in opposite ways, to create human ties very different from those based on wages. Between the prebendholder and the master under whose roof he lived the bond must surely have been much more intimate than that between an employer and a wage-earner, who is free, once his job is finished, to go off with his money in his pocket. On the other hand, the bond was almost inevitably loosened as soon as the subordinate was settled on a piece of land, which by a natural process he tended increasingly to regard as his own, while trying to reduce the burden of service. Moreover, in a time when the inadequacy of communications and the insufficiency of trade rendered it difficult to maintain large households in relative abundance, the 'prebend' system was on the whole capable of a much smaller extension than the system of remuneration based on land. If feudal society perpetually oscillated between these two poles, the narrow relationship of man and man and the looser tie of land tenure, the responsibility for this belongs in large part to the economic regime which, to begin with at least, made wage-earning impracticable.

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### 5 THE ECONOMIC REVOLUTION OF THE SECOND FEUDAL AGE

We shall endeavour, in another work, to describe the intensive movement of repopulation which, from approximately 1050 to 1250, transformed the face of Europe: on the confines of the Western world, the colonization of the Iberian plateaux and of the great plain beyond the Elbe; in the heart of the old territories, the incessant gnawing of the plough at forest and wasteland; in the glades opened amidst the trees or the brushwood, completely new villages clutching at the virgin soil; elsewhere, round sites inhabited for centuries, the extension of the agricultural lands through the exertions of the assarters. It will be advisable then to distinguish between the stages of the process and to describe the regional variations. For the moment, we are concerned only with the phenomenon itself and its principal effects.

The most immediately apparent of these was undoubtedly the closer association of the human groups. Between the different settlements, except in some particularly neglected regions, the vast empty spaces thenceforth disappeared. Such distances as still separated the settlements became, in any case, easier to traverse. For powers now arose or were consolidated—their rise being favoured by current demographic trends—whose enlarged horizons brought them new responsibilities. Such were the urban middle classes, which owed everything to trade. Such also were the kings and princes; they too were interested in the prosperity of commerce because they derived large sums of money from it in the form of duties and tolls; moreover they were aware—much more so than in the past—of the vital importance to them of the free transmission of orders and the free movement of armies. The activity of the Capetians towards that decisive turning-point marked by the reign of Louis VI, their aggressions, their domanial policy, their part in the organization of the movement of repopulation, were in large measure the reflection of considerations of this kind—the need to retain control of communications between the two capitals, Paris and Orleans, and beyond the Loire or the Seine to maintain contact with Berry or with the valleys of the Oise and the Aisne. It would seem that while the security of the roads had increased, there was no very notable improvement in their condition; but at least the provision of bridges had been carried much farther. In the course of the twelfth century, how many were thrown over all the rivers of Europe! Finally, a fortunate advance in harnessing methods had the effect, about the same time, of increasing very substantially the efficiency of horse-transport.

The links with neighbouring civilizations underwent a similar transformation. Ships in ever greater numbers ploughed the Tyrrhenian Sea, and its ports, from the rock of Amalfi to Catalonia, rose to the rank of great commercial centres; the sphere of Venetian trade continually expanded; the heavy wagons of the merchant caravans now followed the

route of the Danubian plains. These advances were important enough. But relations with the East had not only become easier and more intimate. The most important fact is that they had changed their character. Formerly almost exclusively an importer, the West had become a great supplier of manufactured goods. The merchandise which it thus shipped in quantity to the Byzantine world, to the Latin or Islamic Levant and even—though in smaller amounts—to the Maghreb, belonged to very diverse categories. One commodity, however, easily dominated all the rest. In the expansion of the European economy in the Middle Ages, cloth played the same vital rôle as did metal and cotton goods in that of nineteenth-century England. If in Flanders, in Picardy, at Bourges, in Languedoc, in Lombardy, and yet other places—for the cloth centres were to be found almost everywhere—the noise of the looms and the throbbing of the fullers' mills resounded, it was at least as much for the sake of foreign markets as for local requirements. And undoubtedly this revolution, which saw our Western countries embarking on the economic conquest of the world by way of the East, is to be explained by a multiplicity of causes and by looking—as far as possible—towards the East as well as towards the West. It is none the less true that it could not have occurred without the demographic changes mentioned above. If the population had not been more numerous than before and the cultivated area more extensive; if the fields—their quality improved by augmented manpower and in particular by more intensive ploughing—had not become capable of yielding bigger and more frequent harvests, how could so many weavers, dyers or cloth-shearers have been brought together in the towns and provided with a livelihood?

The North was conquered, like the East. From the end of the eleventh century Flemish cloth was sold at Novgorod. Little by little, the route of the Russian plains became hazardous and was finally closed. Thenceforward Scandinavia and the Baltic countries turned towards the West. The process of change which was thus set in motion was completed when, in the course of the twelfth century, German merchants took over the Baltic. From that time onwards the ports of the Low Countries, especially Bruges, became the centres where northern products were exchanged not only for those of the West itself but also for merchandise from the East. Strong international links united the two frontiers of feudal Europe by way of Germany and especially through the fairs of Champagne.

Such a well-balanced external trade could not fail to bring a flow of coin and precious metals into Europe and so add substantially to its monetary resources. This relative easing of the currency situation was reinforced—and its effects multiplied—by the accelerated rhythm of circulation. For in the very heart of the West the progress of repopulation, the greater ease of communications, the cessation of the invasions which had spread such an atmosphere of confusion and panic over the Western

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world, and still other causes which it would take too long to examine here, had led to a revival of commerce.

Let us avoid exaggeration, however. The picture would have to be carefully shaded—by regions and by classes. To live on their own resources remained for long centuries the ideal—though one that was rarely attained—of many peasants and most villages. Moreover, the profound transformations of the economy took place only very gradually. It is significant that of the two essential developments in the sphere of currency, one, the minting of larger pieces of silver much heavier than the *denarius*, appeared only at the beginning of the thirteenth century (and even at that date in Italy alone) and the other, the resumption of the minting of gold coins of an indigenous type, was delayed till the second half of the same century. In many respects, what the second feudal age witnessed was less the disappearance of earlier conditions than their modification. This observation applies to the part played by distance as well as to commerce. But the fact that the kings, the great nobles, and the manorial lords should have been able to begin once more to amass substantial wealth, that wage-earning, sometimes under legal forms clumsily adapted from ancient practices, should have increasingly supplanted other methods of remunerating services—these signs of an economy in process of revival affected in their turn, from the twelfth century onwards, the whole fabric of human relations.

Furthermore, the evolution of the economy involved a genuine revision of social values. There had always been artisans and merchants; individuals belonging to the latter class had even been able, here and there, to play an important rôle, though collectively neither group counted for much. But from the end of the eleventh century the artisan class and the merchant class, having become much more numerous and much more indispensable to the life of the community, made themselves felt more and more vigorously in the urban setting. This applies especially to the merchant class, for the medieval economy, after the great revival of these decisive years, was always dominated, not by the producer, but by the trader. It was not for the latter class that the legal machinery of the previous age—founded on an economic system in which they occupied only an inferior place—had been set up. But now their practical needs and their mental attitude were bound to imbue it with a new spirit. Born in the midst of a very loosely-knit society, in which commerce was insignificant and money a rarity, European feudalism underwent a fundamental change as soon as the meshes of the human network had been drawn closer together and the circulation of goods and coin intensified.



## V MODES OF FEELING AND THOUGHT

### 1 MAN'S ATTITUDE TO NATURE AND TIME

THE men of the two feudal ages were close to nature—much closer than we are; and nature as they knew it was much less tamed and softened than we see it today. The rural landscape, of which the waste formed so large a part, bore fewer traces of human influence. The wild animals that now only haunt our nursery tales—bears and, above all, wolves—prowled in every wilderness, and even amongst the cultivated fields. So much was this the case that the sport of hunting was indispensable for ordinary security, and almost equally so as a method of supplementing the food supply. People continued to pick wild fruit and to gather honey as in the first ages of mankind. In the construction of implements and tools, wood played a predominant part. The nights, owing to the wretched lighting, were darker; the cold, even in the living quarters of the castles, was more intense. In short, behind all social life there was a background of the primitive, of submission to uncontrollable forces, of unrelieved physical contrasts. There is no means of measuring the influence which such an environment was capable of exerting on the minds of men, but it could hardly have failed to contribute to their uncouthness.

A history more worthy of the name than the diffident speculations to which we are reduced by the paucity of our material would give space to the vicissitudes of the human organism. It is very naive to claim to understand men without knowing what sort of health they enjoyed. But in this field the state of the evidence, and still more the inadequacy of our methods of research, are inhibitive. Infant mortality was undoubtedly very high in feudal Europe and tended to make people somewhat callous towards bereavements that were almost a normal occurrence. As to the life of adults, even apart from the hazards of war it was usually short by our standards, at least to judge from the records of princely personages which (inexact though they must often be) constitute our only source of information on this point. Robert the Pious died at about the age of 60; Henry I at 52; Philip I and Louis VI at 56. In Germany the first four emperors of the Saxon dynasty attained respectively the ages of 60 (or thereabouts), 28, 22 and 52. Old age seemed to begin very early, as early as mature adult life

with us. This world, which, as we shall see, considered itself very old, was in fact governed by young men.

Among so many premature deaths, a large number were due to the great epidemics which descended frequently upon a humanity ill-equipped to combat them; among the poor another cause was famine. Added to the constant acts of violence these disasters gave life a quality of perpetual insecurity. This was probably one of the principal reasons for the emotional instability so characteristic of the feudal era, especially during its first age. A low standard of hygiene doubtless also contributed to this nervous sensibility. A great deal of effort has been expended, in our own day, in proving that baths were not unknown to seigniorial society. It is rather puerile, for the sake of making this point, to overlook so many unhealthy conditions of life: notably under-nourishment among the poor and overeating among the rich. Finally, we must not leave out of account the effects of an astonishing sensibility to what were believed to be supernatural manifestations. It made people's minds constantly and almost morbidly attentive to all manner of signs, dreams, or hallucinations. This characteristic was especially marked in monastic circles where the influence of mortifications of the flesh and the repression of natural instincts was joined to that of a mental attitude vocationally centred on the problems of the unseen. No psychoanalyst has ever examined dreams more earnestly than the monks of the tenth or the eleventh century. Yet the laity also shared the emotionalism of a civilization in which moral or social convention did not yet require well-bred people to repress their tears and their raptures. The despairs, the rages, the impulsive acts, the sudden revulsions of feeling present great difficulties to historians, who are instinctively disposed to reconstruct the past in terms of the rational. But the irrational is an important element in all history and only a sort of false shame could allow its effects on the course of political events in feudal Europe to be passed over in silence.

These men, subjected both externally and internally to so many ungovernable forces, lived in a world in which the passage of time escaped their grasp all the more because they were so ill-equipped to measure it. Water-clocks, which were costly and cumbersome, were very rare. Hour-glasses were little used. The inadequacy of sundials, especially under skies quickly clouded over, was notorious. This resulted in the use of curious devices. In his concern to regulate the course of a notably nomadic life, King Alfred had conceived the idea of carrying with him everywhere a supply of candles of equal length, which he had lit in turn,<sup>1</sup> to mark the passing of the hours, but such concern for uniformity in the division of the day was exceptional in that age. Reckoning ordinarily—after the example

<sup>1</sup> Asser, *Life of King Alfred*, ed. Stevenson, c. 104. According to L.Reverchon, *Petite histoire de l'horlogerie*, p. 55, a similar system was still employed by Charles V of France.

of Antiquity—twelve hours of day and twelve of night, whatever the season, people of the highest education became used to seeing each of these fractions, taken one by one, grow and diminish incessantly, according to the annual revolution of the sun. This was to continue till the moment when—towards the beginning of the fourteenth century—counter-poise clocks brought with them at last, not only the mechanization of the instrument, but, so to speak, of time itself.

An anecdote related in a chronicle of Hainault illustrates admirably the sort of perpetual fluctuation of time in those days. At Mons a judicial duel is due to take place. Only one champion puts in an appearance—at dawn; at the ninth hour, which marks the end of the waiting period prescribed by custom, he requests that the failure of his adversary be placed on record. On the point of law, there is no doubt. But has the specified period really elapsed? The county judges deliberate, look at the sun, and question the clerics in whom the practice of the liturgy has induced a more exact knowledge of the rhythm of the hours than their own, and by whose bells it is measured, more or less accurately, to the common benefit of men. Eventually the court pronounces firmly that the hour of ‘none’ is past.<sup>1</sup> To us, accustomed to live with our eyes turning constantly to the clock, how remote from our civilization seems this society in which a court of law could not ascertain the time of day without discussion and inquiry!

Now the imperfection of hourly reckoning was but one of the symptoms, among many others, of a vast indifference to time. Nothing would have been easier or more useful than to keep an accurate record of such important legal dates as those of the births of rulers; yet in 1284 a full investigation was necessary to determine, as far as possible, the age of one of the greatest heiresses of the Capetian realm, the young countess of Champagne.<sup>2</sup> In the tenth and eleventh centuries, innumerable charters and memoranda were undated, although their only purpose was to serve as records. There are exceptional documents which are better in this respect, yet the notary, who employed several systems of reference simultaneously, was often not successful in making his various calculations agree. What is more, it was not the notion of time only, it was the domain of number as a whole which suffered from this haziness. The extravagant figures of the chroniclers are not merely literary exaggeration; they are evidence of the lack of all awareness of statistical realities. Although William the Conqueror certainly did not establish in England more than 5,000 knights’ fees, the historians of a somewhat later time, and even certain administrators (though it would certainly not have been very difficult for them to obtain the right information), did not hesitate to attribute to him the creation of from thirty-two to sixty thousand of these military tenements. The period had, especially from the end of the eleventh century, its mathematicians who groped their

<sup>1</sup> Gislebert of Mons, ed. Pertz, pp. 188–9 (1188).

<sup>2</sup> *Les Établissements de Saint-Louis*, ed. P. Viollet, III, p. 165, n. 8.

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way courageously in the wake of the Greeks and Arabs; the architects and sculptors were capable of using a fairly simple geometry. But among the computations that have come down to us—and this was true till the end of the Middle Ages—there are scarcely any that do not reveal astonishing errors. The inconveniences of the Roman numerical system, ingeniously corrected as they were by the use of the abacus, do not suffice to explain these mistakes. The truth is that the regard for accuracy, with its firmest buttress, the respect for figures, remained profoundly alien to the minds even of the leading men of that age.

### 2 EXPRESSION

On the one hand, the language of the educated, which was almost uniformly Latin; on the other, the variety of tongues in everyday use: such is the singular dualism which prevailed almost throughout the feudal era. It was peculiar to Western civilization properly so called and helped to distinguish it sharply from its neighbours—from the Celtic and Scandinavian worlds with their rich poetic and didactic literatures in the national languages; from the Greek East; and, at least in the really Arabized zones, from the world of Islam.

In the West itself, it is true, one society long remained an exception. This was Anglo-Saxon Britain. Not that Latin was not written there and written very well, but it was by no means the only language written. The old English tongue was elevated at an early date to the dignity of a literary and legal language. It was King Alfred's wish that young people should learn it in the schools before the more gifted passed on to Latin.<sup>1</sup> The poets employed it in their songs, which were set down in writing as well as recited. It was also used by the kings in their laws; by the chanceries in the legal documents drawn up for kings or magnates; and even by the monks in their chronicles. This was something unique in that age, a culture that was able to keep in touch on its highest levels with the medium of expression employed by the mass of the population. The Norman Conquest cut short this development. Between William's letter to the people of London, written soon after the battle of Hastings, and a few occasional administrative instructions in the late twelfth century, there was not a single royal deed that was not drawn up in Latin. With virtually only one exception, the Anglo-Saxon chronicles are silent from the middle of the eleventh century. As for those writings which may, by stretching a point, be called 'literature', they were not to reappear till shortly before the year 1200 and then at first only in the form of a few minor works of edification.

On the continent the fine cultural effort of the Carolingian renaissance had not wholly neglected the national languages. True it occurred to no

<sup>1</sup> *Pastoral Care*, ed. Sweet, p. 6.

one in that age to consider the Romance tongues as worthy of being put into writing; they were regarded merely as a highly corrupt form of Latin. The German dialects, on the other hand, invited the attention of many men, at court or in the ranks of the higher clergy, whose mothertongue they were. Old poems, hitherto purely oral, were transcribed and new ones, mainly on religious themes, were composed; manuscripts in *lingua theotisca* (Germanic) figured in the libraries of the great. But here again political events—this time the dismemberment of the Carolingian empire, with the troubles which followed—interrupted the trend. From the end of the ninth century to the end of the eleventh, a few pious poems and some translations comprise the meagre treasure which the historians of German literature must be content to record. In comparison with the Latin writings composed on the same soil and during the same period, we may as well admit that both in quantity and in intellectual quality it is negligible.

We must be careful, moreover, not to think of this Latin of the feudal era as a ‘dead language’, with all that the epithet implies of the stereotyped and uniform. In spite of the taste for correctness and purism re-established by the Carolingian renaissance, there was much which tended to produce to a greater or lesser extent, according to the environments and the persons concerned, new words and new turns of phrase. One of these circumstances was the need to describe facts unknown to the Ancients or to express thoughts which, in the sphere of religion especially, had been foreign to their ideas; another was the infectious influence of the logical process (very different from that embodied in the traditional grammar) to which people’s minds grew accustomed through the use of the vernacular; finally, there were the effects of ignorance or half-knowledge. Moreover, if books tend to impede change, does not speech always favour it? Now men did not confine themselves to writing Latin. They sang it—witness the abandonment by poetry (at least in those forms of it most imbued with true feeling) of the classical prosody of long and short syllables in favour of accented rhythm, the only music henceforth perceptible to the ear. They also spoke it. It was for a solecism committed in conversation that a cultivated Italian, summoned to the court of Otto I, found himself cruelly mocked by a little monk of St. Gall.<sup>1</sup> In preaching, Bishop Notker of Liège, if he was addressing laymen, used Walloon; on the other hand, if he was preaching to his clergy he used Latin. Undoubtedly many ecclesiastics, especially among the parish priests, would have been incapable of imitating him, or even of understanding him. But for educated priests and monks the old *κωνή* of the Church retained its function for oral communication. Without Latin, how would it have been possible, at the Curia, in the great councils or in the course of their wanderings from abbey to abbey, for these men from different countries to communicate with each other?

Of course, in almost every society, the modes of expression vary, some

<sup>1</sup> Gunzo Novariensis in Migne, *P.L.*, CXXXVI, col. 1286,

times very considerably, according to the use which it is desired to make of them or the class to which the people concerned belong. But the contrast is limited, as a rule, to slight variations in grammatical exactitude or quality of vocabulary. In feudal society it was incomparably more profound. In a great part of Europe, the common languages, which were connected with the Germanic group, belonged to quite another family from the language of the educated. The Romance tongues themselves were so far removed from their common ancestor that to pass from them to Latin involved long training at school.

Thus the linguistic separation was reduced, in the long run, to the division between two human groups. On the one hand there was the immense majority of uneducated people, each one imprisoned in his regional dialect, limited, so far as literary culture was concerned, to a few secular poems transmitted almost exclusively by word of mouth, and to those pious cantilenas which well-meaning clerics composed in the vulgar tongue for the benefit of simple folk and which they sometimes committed to parchment. On the other hand, there was the little handful of educated people who, constantly alternating between the local everyday speech and the universal language of learning, were in the true sense bilingual. To them belonged the works of theology and history, invariably written in Latin; the knowledge of the liturgy; even the understanding of business documents.

Latin was not only the language in which teaching was done, it was the only language taught. To be able to read was simply to be able to read Latin. Though there were exceptional cases, in legal documents, of a lapse into the vernacular, this anomaly, where it occurs, must be simply regarded as a sign of ignorance. If, from the tenth century, certain charters of southern Aquitaine are full of Provençal terms, in the midst of a more or less incorrect Latin, it is because the monasteries of Rouergue or Quercy, situated away from the great centres of the Carolingian renaissance, could count very few literate monks. Because Sardinia was a poor country whose inhabitants, after their flight from the coastal region ravaged by pirates, lived in quasi-isolation, the first documents written in Sardinian are much older than the earliest Italian texts of the Peninsula.

The most immediately perceptible result of this hierarchic division of languages is that the picture of itself left by the first feudal age is exasperatingly blurred. Acts of sale or donation, of bondage or enfranchisement, judgments of the courts, royal privileges, written records of homage—the legal documents of everyday life—are the most valuable sources for the historian of society. If they are not always honest, they have at least, unlike the narrative texts intended for posterity, the merit of having been at worst designed to deceive only contemporaries, whose credulity had other limits than ours. Now, with very few exceptions which have just been explained, they were, till the thirteenth century, invariably drawn up in Latin. But this was not the way in which the realities they

were intended to record were first expressed. When two lords debated the price of an estate or the clauses of a contract of subjection they certainly did not talk to each other in the language of Cicero. It was the notary's business later to provide, as best he could, a classical vestment for their agreement. Thus every Latin charter or notarial record is the result of a work of translation, which the historian today, if he wishes to grasp the underlying truth, must put back, as it were, into the original.

This would be well enough if the process had always followed the same rules. But this was by no means the case. From the schoolboy exercise, clumsily reproducing an outline mentally projected in the vernacular, to the Latin oration, carefully polished by a learned clerk, all stages are to be found. Sometimes—and it is incontestably the most favourable case—the current word is simply disguised, as well as may be, by the addition of a pseudo-Latin termination: for example, *hommage* is scarcely concealed as *homagium*. In other cases, there was an endeavour to use only strictly classical terms, to the point of writing—by an almost blasphemous *jeu d'esprit* assimilating the priest of the Living God to the priest of Jupiter—*archiflamen* for archbishop. The worst of it was that, in the search for parallelisms, the purists did not hesitate to be guided by the analogy of sounds rather than of meanings. Because, in French, the nominative case of *comte* was *cuens*, it was translated as *consul*; or *fief* might be rendered as *fiscus*. It is true that general systems of translation were gradually established, some of which shared the universalist character of the learned language: *fief*, which was called *Lehn* in German, had as regular equivalents, in the Latin charters of Germany, words coined from French. But nothing was ever translated into notarial Latin, even when most skilfully handled, without being slightly deformed.

Thus, the technical language of law itself was handicapped by a vocabulary that was at once too archaic and too unstable to come really close to reality. As for the vulgar tongue, it had all the want of precision and the instability of a purely oral and popular vocabulary. As regards social institutions, confusion in words inevitably involved confusion of things. If only by reason of the imperfection of their terminology, a great uncertainty beset the classification of human relations. But this was not all. To whatever purposes it was applied, Latin had the advantage of providing the intellectuals of the age with an international medium of communication. On the other hand, to most of the men who made use of it, it presented the grave inconvenience of being radically divorced from the inner word—the term that stood naturally, in their minds, for the concept—so that they were forced to resort to perpetual approximations in the expression of their thoughts. Among the multiple causes that doubtless combine to explain the absence of mental precision, which was, as we have seen, one of the characteristics of those times, should we not include this incessant movement to and fro between the two planes of language?

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### 3 CULTURE AND SOCIAL CLASSES

To what extent was the language of the educated, medieval Latin, also the language of the aristocracy? To what extent, in other words, can the group of *literati* be identified with the ruling class? So far as the Church is concerned, the answer is clear. It is of no great consequence that the pernicious system of nominations had resulted, here and there, in the appointment of ignorant men to the highest posts. The episcopal courts, the great monasteries, the chapels royal, in a word, all the headquarters of the ecclesiastical army, never lacked educated clergy who, while often of noble or knightly origin, had been brought up in the monastic and especially the cathedral schools. But as soon as we come to the lay world, the problem becomes more complex.

Let us not imagine that, even in the darkest times, this society was positively hostile to all learning. That it was commonly deemed proper that a leader of men should have access to the treasure-house of thoughts and memories to which the written word, that is to say Latin, alone provided the key is most clearly shown by the importance attached by many sovereigns to the education of their heirs. Robert the Pious, 'king learned in God', had been the pupil of the illustrious Gerbert at Rheims; William the Conqueror gave his son Robert a cleric as tutor. Among the great of the earth, there were to be found genuine book-lovers: Otto III, brought up, it is true, by his mother who, as a Byzantine princess, had brought from her native country the customs of a much more refined civilization, spoke Greek and Latin fluently; William III of Aquitaine had assembled a fine library where he was sometimes to be found reading far into the night.<sup>1</sup> To these examples may be added the cases, by no means exceptional, of those princes who, intended originally for the Church, had retained some of the learning and some of the tastes proper to the clerical world; such a one was Baldwin of Boulogne—a rough soldier, nevertheless—who became king of Jerusalem.

But an education of this type was possible only in the atmosphere of a great dynasty, already firmly based on their hereditary power. Nothing is more significant in this respect than the almost regular contrast in Germany between the founders of dynasties and their successors. Both Otto II, the third Saxon king, and Henry III, the second of the Salians, were carefully educated, in contrast with their fathers—Otto the Great, who learned to read at the age of thirty, and Conrad II, whose chaplain avows that he 'knew not his letters'. As often happened, both the fathers were thrown too young into a life of adventure and peril to have had time to prepare themselves, otherwise than by practical experience or oral tradition, for

<sup>1</sup> Adhemar of Chabannes, *Chronique*, ed. Chavanon, III, c. 54. The emperor Henry III, to whom reference is made below, had manuscripts copied for him by the monks: *Codex epistolarum Tegernseensium* (M.G.H., Ep. Selectae III), no. 122.



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their profession as rulers. Still more was this true of the lower ranks of the nobility. The relatively brilliant culture of a few great royal or noble families should not deceive us; nor should the exceptional fidelity with which the knightly classes of Italy and Spain held to pedagogic traditions, somewhat rudimentary though these were: the Cid and Ximenes, if their knowledge perhaps did not extend much farther, at least knew how to sign their names.<sup>1</sup> But north of the Alps and the Pyrenees at least the majority of the small or medium lords who exercised most authority at this time were illiterates in the full sense of the word. So much was this the case that in the monasteries into which some of them precipitately retreated in the evening of their days, the terms *conversus*, that is to say one who comes late to the monk's vocation, and *idiota*, which designated the monk incapable of reading the Holy Scriptures, were treated as synonymous.

This neglect of education among the laity explains the rôle of the clergy both as interpreters of the ideas of the great and as depositaries of political traditions. The princes were obliged to rely on the clerical element among their servants for services that the rest of their entourage would have been incapable of rendering. About the middle of the eighth century the last lay referendaries of the Merovingian kings had disappeared; in April 1298, Philip the Fair handed over the seals to the knight Pierre Flotte. Between these two dates more than five centuries elapsed, during which the chancelleries of the sovereigns who reigned over France had at their head churchmen exclusively. It was the same elsewhere, on the whole. It is important to realize that the decisions of the powerful of this world were sometimes suggested and always expressed by men who, whatever their national or class allegiances, none the less belonged by their whole training to a society by nature universalist and founded on spiritual things. Beyond question they helped to maintain, above the confusion of petty local strife, a concern for certain wider issues. When required, however, to give written form to acts of policy, they felt impelled to justify them officially by reasons drawn from their own moral code. Thus there came to be diffused over the documents of almost the entire feudal era that veneer of disingenuousness the evidence of which is to be seen in particular in the preambles of so many enfranchisements masquerading as pure gifts, though they were in fact purchased for money, or in so many royal grants of privileges, invariably made to appear as inspired by simple piety. Since for a long period the writing of history itself, with accompanying value-judgments, was also in the hands of the clergy, the conventions of thought as much as the conventions of literature combined to hide the cynical reality of human motives behind a sort of veil which was only to be finally torn asunder, on the threshold of modern times, by the harsh hands of a Comynes and a Machiavelli.

The laity, however, remained in many respects the active element in

<sup>1</sup> Menendez Pidal, *La España del Cid*, II, pp. 590 and 619.

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secular society. Undoubtedly the most illiterate of them were not on that account ignorant men. Apart from the fact that they were in a position, when necessary, to have translated for them what they could not read themselves, we shall see presently to what an extent tales told in the vernacular could transmit both memories and ideas. Still, we must never forget that the majority of lords and many great barons were administrators incapable of studying personally a report or an account, judges whose decisions were recorded (if at all) in a language unknown to the court. Is it surprising that these leaders, who were ordinarily obliged to reconstitute their past decisions from memory, should often have totally lacked the sense of continuity which, quite erroneously, some historians of today are at great pains to ascribe to them?

Almost strangers to writing, they tended to be indifferent to it. After Otto the Great had received the imperial crown in 962, he allowed a privilege to be issued in his name which was inspired by the 'pacts' of the Carolingian emperors and perhaps by certain historical writings; granting to the popes, 'till the end of time', the possession of an immense territory. By thus denuding himself of territory, the king-emperor would have abandoned to the Patrimony of St. Peter the greater part of Italy and even the control of some of the most important Alpine routes. Certainly Otto never dreamed for one moment that these dispositions, though very precise, would in fact be carried out. It would be less surprising if it were a question of one of those dishonest agreements which at all times, under pressure of circumstances, have been signed without the least intention of executing them. But absolutely nothing, save perhaps an imperfectly understood historical tradition, obliged the Saxon prince to make such a pretence. On the one hand, there is the parchment with the ink on it; on the other—quite unconnected with it—what was actually done; such was one particularly flagrant example of a typical dichotomy. A great many people in a position to direct human affairs did not understand the only language deemed worthy to record, not only the knowledge most useful to man and his salvation, but even the results of all social activity.

### 4 THE RELIGIOUS MENTALITY

'Ages of faith' we say glibly, to describe the religious attitude of feudal Europe. If by that phrase we mean that any conception of the world from which the supernatural was excluded was profoundly alien to the minds of that age, that in fact the picture which they formed of the destinies of man and the universe was in almost every case a projection of the pattern traced by a Westernized Christian theology and eschatology, nothing could be more true. That here and there doubts might be expressed with regard to the 'fables' of Scripture is of small significance; lacking any rational basis, this crude scepticism, which was not a normal characteristic of educated

people, melted in the face of danger like snow in the sun. It is even permissible to say that never was faith more completely worthy of its name. For the attempts of the learned to provide the Christian mysteries with the prop of logical speculation, which had been interrupted on the extinction of ancient Christian philosophy and revived only temporarily and with difficulty during the Carolingian renaissance, were not fully resumed before the end of the eleventh century. On the other hand, it would be wrong to ascribe to these believers a rigidly uniform creed.

Catholicism was still very far from having completely defined its dogmatic system, so that the strictest orthodoxy was then much more flexible than was to be the case later on, after scholastic philosophy and the Counter-Reformation had in turn exercised their influence. Moreover, in the ill-defined border land where Christian heresy degenerated into a religion actively opposed to Christianity, the old Manichaeism retained a number of votaries in various places. Of these it is not precisely known whether they had inherited their religion from groups who had remained obstinately faithful to this persecuted sect since the first centuries of the Middle Ages, or had received it, after a long interval, from Eastern Europe. But the most notable fact was that Catholicism had incompletely penetrated among the common people. The parish clergy, taken as a whole, were intellectually as well as morally unfit for their task. Recruited with insufficient care, they were also inadequately trained; most commonly instruction consisted in casual lessons given by some priest, himself poorly educated, to a youth who was preparing himself for orders while serving the mass. Preaching, the only effective means of making accessible to the people the mysteries locked up in the Scriptures, was but irregularly practised. In 1031 the Council of Limoges was obliged to denounce the error which claimed that preaching was the prerogative of the bishops, for obviously no bishop would have been capable by himself of preaching the Gospel to the whole of his diocese.

The Catholic mass was recited more or less correctly in all parishes, though sometimes the standard was rather low. The frescoes and basreliefs on the walls or the capitals of the principal churches—'the books of the unlettered'—abounded in moving but inaccurate lessons. No doubt the faithful nearly all had a superficial acquaintance with the features most apt to strike the imagination in Christian representations of the past, the present, and the future of the world. But their religious life was also nourished on a multitude of beliefs and practices which, whether the legacy of age-old magic or the more recent products of a civilization still extremely fertile in myths, exerted a constant influence upon official doctrine. In stormy skies people still saw phantom armies passing by: armies of the dead, said the populace; armies of deceitful demons, declared the learned, much less inclined to deny these visions than to find for them a quasi-orthodox interpretation.<sup>1</sup> Innumerable nature-rites, among which poetry

<sup>1</sup> Cf. O.Höfler, *Kultische Geheimbünde der Germanen*, I, 1934, p. 160.

has especially familiarized us with the May-day festivals, were celebrated in country districts. In short, never was theology less identified with the popular religion as it was felt and lived.

Despite infinite variations according to environment and regional traditions, some common characteristics of this religious mentality can be discerned. Although it will mean passing over various deep and moving features and some fascinating problems of permanent human interest, we shall be obliged to confine ourselves here to recalling those trends in thought and feeling whose influence on social behaviour seems to have been particularly strong.

In the eyes of all who were capable of reflection the material world was scarcely more than a sort of mask, behind which took place all the really important things; it seemed to them also a language, intended to express by signs a more profound reality. Since a tissue of appearances can offer but little interest in itself, the result of this view was that observation was generally neglected in favour of interpretation. In a little treatise on the universe, which was written in the ninth century and enjoyed a very long popularity, Rabanus Maurus explained how he followed his plan: 'I conceived the idea of composing a little work...which should treat, not only of the nature of things and the properties of words..., but still more of their mystic meanings.'<sup>1</sup> This attitude explains, in large part, the inadequacy of men's knowledge of nature—of a nature which, after all, was not regarded as greatly deserving of attention. Technical progress—sometimes considerable—was mere empiricism.

Further, this discredited nature could scarcely have seemed fitted to provide its own interpretation, for in the infinite detail of its illusory manifestations it was conceived above all as the work of hidden wills—wills in the plural, in the opinion of simple folk and even of many of the learned. Below the One God and subordinated to his Almighty Power—though the exact significance of this subjection was not, as a rule, very clearly pictured—the generality of mankind imagined the opposing wills of a host of beings good and bad in a state of perpetual strife; saints, angels, and especially devils. 'Who does not know,' wrote the priest Helmold, 'that the wars, the mighty tempests, the pestilences, all the ills, indeed, which afflict the human race, occur through the agency of demons?'<sup>2</sup> Wars, we notice, are mentioned indiscriminately along with tempests; social catastrophes, therefore, are placed in the same class as those which we should nowadays describe as natural. The result was a mental attitude which the history of the invasions has already brought to notice: not exactly renunciation, but rather reliance upon means of action considered more efficacious than human effort. Though the instinctive reactions of a vigorous realism were never lacking, a Robert the Pious or an Otto III could nevertheless attach as

<sup>1</sup> Rabanus Maurus, *De Universo libri XXII*, in Migne, *P.L.*, CXI, col. 12.

<sup>2</sup> Helmold, *Chronica Slavorum*, I, 55.

much importance to a pilgrimage as to a battle or a law, and historians who are either scandalized by this fact or who persist in discovering subtle political manoeuvres in these pious journeys merely prove thereby their own inability to lay aside the spectacles of men of the nineteenth and twentieth centuries. It was not merely the selfish quest of personal salvation that inspired these royal pilgrims. From the patron saints whose aid they went to invoke, they expected for their subjects as well as for themselves, not only the promise of rewards in heaven, but the riches of the earth as well. In the sanctuary, as much as on the field of battle or in the court of law, they were concerned to fulfil their function as leaders of their people.

The world of appearances was also a transitory world. Though in itself inseparable from any Christian representation of the Universe, the image of the final catastrophe had seldom impinged so strongly on the consciousness of men as at this time. They meditated on it; they assessed its premonitory signs. The chronicle of Bishop Otto of Freising, the most universal of all universal histories, began with Creation and ended with the picture of the Last Judgment. But, needless to say, it had an inevitable *lacuna*: from 1146—the date when the author ceased to write—to the day of the great catastrophe. Otto, certainly, expected this gap to be of short duration: ‘We who have been placed at the end of time...’ he remarks on several occasions. This was the general conviction among his contemporaries as it had been in earlier times, and it was by no means confined to the clergy; to suppose so would be to forget the profound interpenetration of the two groups, clerical and lay. Even among those who did not, like St. Norbert, go so far as to declare that the event was so close that the present generation would witness it no one doubted of its imminence. In every wicked prince, pious souls believed that they recognized the mark of Anti-christ, whose dreadful empire would precede the coming of the Kingdom of God.

But when in fact would it strike—this hour so close at hand? The Apocalypse seemed to supply an answer: ‘and when the thousand years are expired...’ Was this to be taken as meaning a thousand years after the death of Christ? Some thought so, thus putting back the great day of reckoning—according to the normal calculation—to the year 1033. Or was it rather to be reckoned from his birth? This latter interpretation appears to have been the most general. It is certain at any rate that on the eve of the year one thousand a preacher in the churches of Paris announced this date for the End of Time. If, in spite of all this, the masses at that time were not visibly affected by the universal terror which historians of the romantic school have mistakenly depicted, the reason is above all that the people of that age, though mindful of the passage of the seasons and the annual cycle of the liturgy, did not think ordinarily in terms of the numbers of the years, still less in figures precisely computed on a uniform basis. How many charters lack any trace of a date! Even among the rest, what

diversity there is in the systems of reference, which are mostly unconnected with the life of the Saviour—years of reigns or pontificates, astronomical indications of every kind, or even the fifteen-year cycle of the indiction, a relic of Roman fiscal practices! One entire country, Spain, while using more generally than elsewhere the concept of a definite era, assigned to it—for reasons that are somewhat obscure—an initial date absolutely unrelated to the Gospel, namely the year 38 B.C. It is true that legal documents occasionally and chronicles more frequently adhered to the era of the Incarnation; but it was still necessary to take into account the variations in the beginning of the year. For the Church excluded the first of January as a pagan festival. Thus, according to the province or the chancellery, the year designated the thousandth began at one or other of six or seven different dates, which ranged, according to our calendar, from 25th March 999 to 31st March 1000. What is worse, some of these initial dates, being essentially moveable since they were linked with a particular liturgical moment of the Easter period, could not be anticipated without tables, which only the learned possessed; they were also very apt to lead to permanent confusion in men's minds by making some years longer than others. Thus it was not unusual for the same day of the month, in March or April, or the feast of the same saint to occur twice in the same year. Indeed, for the majority of Western men this expression, 'the year 1000', which we have been led to believe was charged with anguish, could not be identified with any precise moment in the sequence of days.

Yet the notion of the shadow cast over men's minds at that time by the supposed imminence of the Day of Wrath is not altogether wrong. All Europe, it is true, did not tremble with fear towards the end of the first millennium, to compose itself suddenly as soon as this supposedly fateful date was past. But, what was even worse perhaps, waves of fear swept almost incessantly over this region or that, subsiding at one point only to rise again elsewhere. Sometimes a vision started the panic, or perhaps a great historic calamity like the destruction of the Holy Sepulchre in 1009, or again perhaps merely a violent tempest. Another time, it was caused by some computation of the liturgists, which spread from educated circles to the common people. 'The rumour spread through almost the whole world that the End would come when the Annunciation coincided with Good Friday,' wrote the abbot of Fleury a little before the year 1000.<sup>1</sup> Many theologians, however, remembering that St. Paul had said: 'the day of the Lord cometh like a thief in the night', condemned these indiscreet attempts to pierce the mystery in which the Divinity chose to veil his dread purpose. But is the period of waiting made less anxious by ignorance of when the blow will fall? In the prevailing disorders, which we should unhesitatingly describe as the ebullience of adolescence, contemporaries were unanimous in seeing only the last convulsions of an 'aged' humanity. In spite of

<sup>1</sup> *Apologeticus*, in Migne, *P.L.*, CXXXIX, col. 472.

everything, an irresistible vitality fermented in men, but as soon as they gave themselves up to meditation, nothing was farther from their thoughts than the prospect of a long future for a young and vigorous human race.

If humanity as a whole seemed to be moving rapidly towards its end, so much the more did this sensation of being 'on the way' apply to each individual life. According to the metaphor dear to so many religious writers, the true believer was in his earthly existence like a pilgrim, to whom the end of the road is naturally of more importance than the hazards of the journey. Of course, the thoughts of the majority of men did not dwell constantly on their salvation. But when they did, it was with deep intensity and above all with the aid of vivid and very concrete images, which were apt to come to them by fits and starts; for their fundamentally unstable minds were subject to sudden revulsions. Joined to the penitent mood of a world on the verge of dissolution, the desire for the eternal rewards cut short more than one leader's career by voluntary withdrawal to the cloister. And it ended for good and all the propagation of more than one noble line, as in the case of the six sons of the lord of Fontaineslès-Dijon who eagerly embraced the monastic life under the leadership of the most illustrious of their number, Bernard of Clairvaux. Thus, in its way, the religious mentality favoured the mixing of the social classes.

Many Christians, nevertheless, could not bring themselves to submit to these austere practices. Moreover, they considered themselves (and perhaps not without reason) to be incapable of reaching heaven through their own merits. They therefore reposed their hopes in the prayers of pious souls, in the merits accumulated for the benefit of all the faithful by a few groups of ascetics, and in the intercession of the saints, materialized by means of their relics and represented by the monks, their servants. In this Christian society, no function exercised in the collective interest appeared more important than that of the spiritual organizations, precisely in so far—let us make no mistake about this—as they were spiritual. The charitable, cultural and economic rôle of the great cathedral chapters and of the monasteries may have been considerable: in the eyes of contemporaries it was merely accessory. The notion of a terrestrial world completely imbued with super-natural significance combined in this with the obsession of the beyond. The happiness of the king and the realm in the present; the salvation of the royal ancestors and of the king himself throughout Eternity: such was the double benefit which Louis the Fat declared that he expected from his foundation when he established a community of Canons Regular at the abbey of St. Victor in Paris. 'We believe', said Otto I, 'that the protection of our Empire is bound up with the rising fortunes of Christian worship.'<sup>1</sup> Thus we find a powerful and wealthy Church, capable of creating novel legal institutions, and a host of problems raised by the delicate task of

I, <sup>1</sup> Tardif, *Cartons des rois*, no. 357; *Diplom. regum et imperatorum Germaniae*, I, Otto no. 366.

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relating this religious 'city' to the temporal 'city'; problems ardently debated and destined to influence profoundly the general evolution of the West. These features are an essential part of any accurate picture of the feudal world, and in face of them who can fail to recognize in the fear of hell one of the great social forces of the age?



## VI THE FOLK MEMORY

### 1 HISTORIOGRAPHY

IN feudal society many influences combined to encourage an interest in the past. Religion had books of history among its sacred writings; its feasts commemorated past events; in its most popular forms it drew sustenance from the stories that were told about the saints of long ago; finally, in affirming that mankind was soon to perish, it rejected the optimism which has caused other ages to be interested only in the present or the future. Canon law was founded on the ancient texts; secular law on precedents. The vacant hours of cloister or castle favoured the telling of long tales. History was not indeed taught *ex professo* in the schools, except through the medium of readings directed, in theory, to other ends: religious writings, which were read for the sake of theological or moral instruction, and works of classical antiquity, meant to serve as models of good style. In the common intellectual stock, history none the less occupied an almost predominant place.

What sources of information were accessible to people of education eager to learn about the past? Though known only through fragments of their writings, the historians of Latin antiquity had lost nothing of their prestige; though Livy was not by any means the one most often read, his name figures among the books distributed between 1039 and 1049 to the monks of Cluny for their Lenten readings.<sup>1</sup> Nor were the narrative works of the early Middle Ages forgotten: we possess, for example, several manuscripts of Gregory of Tours executed between the tenth and the twelfth century. But the most considerable influence belonged unquestionably to the writers who, about the decisive turning-point of the fourth and fifth centuries, had set themselves to combine in synthesis the two historical traditions, hitherto alien to each other, whose double legacy thrust itself upon the new world—that of the Bible and that of Greece and Rome. Moreover, there was no need to go directly to Eusebius of Caesarea, St. Jerome, or Paul Orosius to benefit from the work of reconciliation which these pioneers had undertaken. The substance of their works had passed and continued to pass unceasingly into numerous writings of more recent date.

So eager was the desire to reveal the impetuous flow of the great river

<sup>1</sup> Wilmart, in *Revue Mabillon*, XI, 1921.

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of time beyond the present moment that many authors, even among those concerned primarily with the most recent events, nevertheless considered it useful to provide by way of a preamble a sort of rapid survey of universal history. In the *Annals* which the monk Lambert composed in his cell at Hersfeld about 1078 all that we look for is information on the clashes in the Empire during the reign of Henry IV; the *Annals*, however, begin at the Creation. Students who read the chronicle of Regino of Prüm on the Frankish kingdoms after the collapse of the Carolingian power, the chronicles of Worcester or Peterborough on the Anglo-Saxon societies, or the *Annals of Bèze* for the minute details of Burgundian history, may notice that these works outline the story of mankind from the Incarnation. Even when the narrative does start from more recent times, it is common to find it beginning at an epoch much anterior to the recollections of the memorialist. Though the fruit of an often superficial and inaccurate reading of earlier works, and thus incapable of informing us correctly about the extremely remote events which they profess to relate, these prolegomena are still valuable for the information they furnish about the mentality of the age in which they were written. They show us clearly the picture which feudal Europe formed of its past; they prove emphatically that the compilers of chronicles and annals did not deliberately limit their own horizons. Unfortunately, once the writer left the safe shelter of literature and found himself obliged to make his own investigations, the fragmentation of society had the effect of limiting his knowledge; so that frequently, by a singular contrast, the narrative as it progresses becomes both richer in detail and, geographically, more restricted in scope. Thus the great history of the French compiled in a monastery in Angoulême by Adhemar of Chabannes gradually came to be scarcely more than a history of Aquitaine.

The very variety of the types of work produced by the writers of history is evidence, moreover, of the universal pleasure then taken in telling or listening to stories. Universal histories, or works regarded as universal histories, histories of peoples, histories of churches, are ranged alongside the simple compilations of news prepared from year to year. As soon as great events made their impact on the minds of men, they were adopted as themes by a whole series of chroniclers; as, for example, the struggle of the Emperors and Popes, and especially the Crusades. Although the writers were no more capable than the sculptors of portraying the distinctive characteristics that make a human being an individual, biography was in fashion, and not by any means exclusively in the form of lives of the saints. William the Conqueror, Henry IV of Germany, Conrad II, monarchs for whom the Church had certainly no great love, found clerics to narrate their exploits. One great noble of the eleventh century, the count of Anjou, Fulk le Réchin, went farther: he wrote himself, or had written in his name, his own history and that of his line—so much importance did the great of this world attach to memorials! True, certain regions seem relatively poor

in this type of literature, but these produced little writing of any kind. Aquitaine and Provence, much poorer in chronicles or annals than the regions between the Seine and the Rhine, have also produced far fewer theological works. Amongst the preoccupations of feudal society history played a sufficiently large part to furnish, by its varying fortunes, a good barometer of the state of culture in general.

Let us not deceive ourselves on this point, however: this age, so interested in the past, could study it only in historical writings which were more copious than exact. The difficulty which men found in getting information even on the most recent events, as well as the general lack of precision in their thinking, meant that the majority of historical works had to be spun out with curious trash. A whole series of Italian narrative sources, beginning from the middle of the ninth century, by forgetting to record the coronation of the year 800 made Louis the Pious the first Carolingian emperor.<sup>1</sup> The criticism of evidence, almost inseparable from any form of study, was certainly not absolutely unknown—as is proved by the curious treatise of Guibert de Nogent on relics. But no one dreamed of applying it systematically to ancient documents—not, at least, before Abelard; and even with this great man it was still rather restricted in scope.<sup>2</sup> A bias towards the rhetorical and heroic—the unfortunate legacy of classical historiography—weighed heavily on these writers. If certain monastic chronicles abound in records, the reason is that almost their sole purpose was the modest one of justifying the right of the community to its possessions. A Gilles d'Orval, on the other hand, in a work written in a loftier strain, dedicates himself to the task of recounting the great deeds of the bishops of Liège, and when by chance he comes across one of the first charters of urban liberties, that of the town of Huy, he declines to give an analysis of it, for fear it should weary his readers. (One of the virtues of the Icelandic school, so superior in historical perception to the chroniclers of the Latin world, was that it avoided these pretensions.) The true comprehension of facts was further obscured by the symbolical interpretation placed upon them by another trend of thought. Were the books of the Bible to be regarded as books of history? Undoubtedly. But in one entire section of this history at least, namely the Old Testament, the interpretation imposed by exegesis was that it represented not so much a picture of events comprehensible in themselves as a prefigurement of what was to come: 'the shadow of the future', as St. Augustine expressed it.<sup>3</sup> Finally and above all, the representation of the past was distorted by an imperfect perception of differences in historical perspective.

It was not, as Gaston Paris maintained, that anyone clung obstinately

<sup>1</sup> Cf. E.Perels, 'Das Kaisertum Karls des Grossen in mittelalterlichen Geschichts-quellen' in *Sitzungsberichte der preussischen Akademie, phil.-hist. Klasse*, 1931.

<sup>2</sup> P.Fournier and G.Le Bras, *Histoire des collections canoniques*, II, 1932, p. 338.

<sup>3</sup> *De civ. Dei*, XVII, 1.

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to the belief in the 'immutability' of things. Such a tendency would scarcely have been compatible with the idea of a mankind moving with rapid steps towards a predestined end. 'Of the Vicissitudes of Temporal Affairs': this was the title which Otto of Freising gave to his chronicle in accordance with the normal outlook of his day. Yet undeniably the poems in the vernacular invariably depicted the Carolingian paladins, the Huns of Attila, and the heroes of antiquity with the characteristics of knights of the eleventh and twelfth centuries, and no one was disturbed by the anachronism. The fact of eternal change, which men did not fail to perceive, they found quite impossible to grasp in its full implications. This was partly no doubt because of ignorance, but also and in particular because men thought of past and present as being so closely bound together that they were unable to perceive the contrasts between them and were unconscious even of the need to do so. How could people who believed that the Roman Empire was still in existence and that the Saxon and Salian princes were the direct successors of Caesar or Augustus resist the temptation to picture the emperors of old Rome as men exactly like the rulers of their own day? Every religious movement conceived of itself as a movement of reform, in the true sense of the word—meaning a return to original purity. In any case, is not the traditionalist attitude, which constantly draws the present towards the past and thereby tends naturally to blend the colours of the two, as far removed as possible from the historical spirit, of which the dominant characteristic is the sense of diversity?

Though as a rule unconscious, the illusion was sometimes deliberately contrived. The great forgeries which influenced civil or religious policy in the feudal era belong to a slightly earlier period: the so-called Donation of Constantine dated from the end of the eighth century, and the fabrications of the remarkable workshop whose principal productions were the Forged Decretals published under the name of Isidore of Seville and the False Capitularies of the deacon Benedict were among the fruits of the Carolingian renaissance in its heyday. But the example thus set was to be followed through the centuries. The collection of canons compiled between 1008 and 1012 by the saintly Bishop Burchard of Worms abounds in false attributions and almost cynical alterations. False documents were manufactured at the imperial court. A great many others were produced in the scriptoria of the churches, so notorious in this regard that the perversions of truth, known or conjectured, which were regularly practised there tended in no small measure to discredit all written evidence. 'Any pen will do to recount anything whatsoever,' a German nobleman remarked, in the course of a lawsuit.<sup>1</sup>

Undoubtedly if the trades of forgery and myth-making, which are practised in all ages, were exceptionally flourishing during these few

<sup>1</sup> C.E.Perrin, *Recherches sur la seigneurie rurale en Lorraine d'après les plus anciens censiers*, p. 684.

centuries, the responsibility rests in large part both on the conditions of legal practice, based as it was on precedent, and on the disorders of the times. More than one of these forged documents was fabricated purely for the purpose of making good the destruction of an authentic text. Nevertheless, that so many spurious productions should have been executed in those times and that so many pious and indisputably high-minded persons should have had a hand in such dealings, although they were expressly condemned by the law and morality of the age—the psychological implications of these things are well worth pondering. By a curious paradox, through the very fact of their respect for the past, people came to reconstruct it as they considered it ought to have been.

Numerous as they were, moreover, historical writings were accessible only to a small and select number, for except among the Anglo-Saxons they were in the Latin tongue. According to whether or not a leader of men belonged to the small circle of *literati*, the past—authentic or deformed—exercised a more or a less pervasive influence upon him. Witness, in Germany, after the realism of Otto I, the policy of Otto III, inspired by memories of the older Rome; after the illiterate Conrad II, prepared to abandon the Eternal City to the struggles of its aristocratic factions and its puppet popes, the highly-educated Henry III, ‘patrician of the Romans’ and reformer of the Papacy. Even the less cultivated among the leaders enjoyed their share of this hoard of memories, helped, no doubt, by their household clergy. Otto I, much less susceptible certainly than his grandson to the spell of Rome, had yet been the first of his line to claim the crown of the Caesars. Who can say from what teachers, translating or summarizing for him who knows what works, this almost illiterate king had imbibed the imperial tradition, before restoring it in his own person?

Above all, the epic tales in the vernacular were the history books of the people who could not read but loved to listen. The problems of the epic are among the most controversial in medieval studies, and a few pages would be insufficient for an examination of their complexities. However, it is appropriate to deal with them here from the point of view of the folk memory, for this approach is not only directly relevant to the history of the social structure, but, in a more general sense, is also perhaps the one most suited to open up promising perspectives.

## 2 THE EPIC

The history of the French epic, as we understand it, begins about the middle of the eleventh century, perhaps a little earlier. It is certain that from this time heroic *chansons* in the vernacular were in circulation in northern France. Unfortunately we possess only indirect information about these compositions of a relatively remote date: allusions in the chronicles, a fragment of an adaptation in Latin (the mysterious ‘Hague fragment’). No

epic manuscript is of earlier date than the second half of the following century, but from the age of a copy it is impossible to deduce the date of the text copied. There are clear indications that three poems at least were in existence, certainly not later than the year 1100, in a form very close to that in which we read them today. These are the *Chanson de Roland*; the *Chanson de Guillaume*, which itself mentions incidentally several other songs of which we no longer possess early versions; and finally—known to us both by a manuscript of the first portion and by abstracts the earliest of which dates from 1088—the tale generally known as *Gormont et Isembart*.

The plot of the *Chanson de Roland* is based on folklore rather than history—hatred between stepson and stepfather, envy and treason. This last *motif* reappears in *Gormont*. The plot of the *Chanson de Guillaume* is only a legend. In all three works, many of the characters, including some of the most important, seem to be pure inventions; as, for example, Oliver, Isembart and Vivien. Nevertheless, the embroideries of the tale are all worked upon a fabric of historical truth. It is a fact that, on the 15th August 778, Charlemagne's rear-guard was surprised by an enemy force while crossing the Pyrenees—history describes them as Basques, but legend called them Saracens—and that in this savage battle a count named Roland perished, along with many other leaders. The plains of the Vimeu, where the action of *Gormont* takes place, had witnessed in 881 the glorious triumph of a historical King Louis, the Carolingian Louis III, over actual pagans—they were Northmen, in this case—whom fiction again transmutes into soldiers of Islam. Count Guillaume, as well as his wife Guibourc, had lived under Charlemagne. A valiant slayer of Moslems as related in the *Chanson* which bears his name, he was sometimes, as in that poem, vanquished by the Infidels, but always after an heroic struggle. In all three works, in the middle distance and even in the teeming background of the picture, it is not difficult to recognize, side by side with dim imaginary figures, more than one personage who, though the poets do not always date him correctly, had none the less actually lived. Such were Archbishop Turpin; the pagan King Gormont, a celebrated Viking in real life; and even that obscure count of Bourges, Esturmi, whom the *Chanson de Guillaume* paints in such dark colours only through unconsciously echoing the contempt to which, in his own day, his servile birth had exposed him.

In the numerous poems on similar themes which were put into writing in the course of the twelfth and thirteenth centuries the same contrast appears. They abound in fables, which encroach more and more on reality as this class of literature, while growing richer, was obliged to resort increasingly to pure invention for its subject matter. Yet almost always, at least in the works of which the general outline, if not the version known today, clearly goes back to a fairly early time, we find some unquestionably historical *motif* at the very centre of the action and some surprisingly accurate detail—an episodic figure, perhaps, or a castle whose existence

might well have been long forgotten. Thus the student is confronted with two insoluble problems. First, by what means was the knowledge of so remote a past transmitted to the poets across a gulf of many centuries? Between the tragedy of the 15th August 778, for example, and the *Chanson* of the last years of the eleventh century, what tradition wove its mysterious threads? And from whom had the twelfth-century *trouvère* of *Raoul de Cambrai* learned of the attack launched in 943 against the sons of Herbert de Vermandois by Raoul, son of Raoul of Gouy, of the death of the invader and (besides these central events) the names of several contemporaries of the hero—Ybert, lord of Ribémont, Bernard of Rethel, Ernaut of Douai? This is the first enigma. But here is the second, which is no less puzzling: how do these exact data come to be so strangely distorted? Or rather—for we could evidently not hold the latest authors solely responsible for the whole distortion—how does it happen that the good grain of truth should only have reached them mixed with the chaff of so many errors and inventions? The material is in part authentic, in part imaginary; and no attempt at interpretation can be acceptable which fails to give equal consideration to both elements.

The epic *gestes* were not, in theory, intended to be read. They were made to be declaimed or rather chanted, and they went the rounds from castle to castle or from public square to public square with professional reciters, called *jongleurs*. The humblest of these minstrels lived on the small pieces of money which each member of their audience drew 'from the lappet of his shirt',<sup>1</sup> and combined the profession of strolling story-teller with that of jester. Others, fortunate enough to have obtained the protection of some great nobleman, who attached them to his court, were thereby assured of a less precarious livelihood. These performers were sometimes also the authors of the poems. Thus *some jongleurs* performed the compositions of someone else; others recited poems of which they were themselves the original 'inventors' (*trouvères*). But between these extremes there were infinite shades of difference. Rarely did the 'inventor' devise the whole of his material; rarely did the interpreter refrain from some reshaping of it. The public for this literature was a very mixed one, for the most part illiterate, incapable as a rule of judging the authenticity of the facts, and much less interested in veracity than in being entertained and in hearing familiar sentiments exalted. Its authors were men accustomed to remodel incessantly the substance of their stories, yet dedicated to a life little favourable to study. They were in a position nevertheless to associate with the great from time to time and were anxious to please them. Such was the human background of this literature. To inquire by what means so many authentic memories have found their way into it is tantamount to asking by what channels the *jongleurs* could have become acquainted with the events or the names.

<sup>1</sup> *Huon de Bordeaux*, ed. Guessard and Grandmaison, p. 148.

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It is almost superfluous to reiterate that every ounce of truth which, to our knowledge, the *chansons* contain was to be found again, in a different form, in the chronicles or charters; if it had been otherwise, how would it be possible for us today to sort it out? Whilst it would be blatant misrepresentation to depict the minstrels as so many rummagers in libraries, it is legitimate to ask if they may not have had indirect access to the subject matter of writings which they were scarcely in a position to consult in person. As intermediaries it is natural to think of those who ordinarily had charge of these documents, namely the clergy, and especially the monks. This theory is in no way inconsistent with the conditions of feudal society. The historians of the romantic school, obsessed with the idea of a complete contrast between the 'spontaneous' and the 'learned', were quite wrong in assuming that the exponents of the so-called popular poetry and those professional adepts in Latin literature, the learned clerics, were separated by some insurmountable barrier. In the absence of other evidence, the synopsis of the *chanson* of Gormont in the chronicle of the monk Hariulf, the 'Hague fragment', which is probably an academic exercise, and the Latin poem which a French cleric of the twelfth century composed on the treason of Ganelon would suffice to prove that in the shade of the cloisters the vernacular epic was neither unknown nor despised. Likewise in Germany *Waltharius*, whose Virgilian hexameters form so strange a vehicle for a Germanic legend, may well have originated as a school exercise, and we are told that later, in twelfth-century England, the moving accounts of the adventures of Arthur brought tears to the eyes of young monks as well as laymen.<sup>1</sup> What is more, despite the anathemas of some rigorists against the 'histrions', the monks in general, naturally glad to spread the fame of their houses and of the relics which constituted their most cherished possessions, could hardly fail to recognize in these minstrels, whose repertoire in the market-place ranged from the most profane songs to pious tales of the saints, an almost unrivalled medium of publicity.

In fact, as Joseph Bédier has shown in an unforgettable manner, the mark of the monk is clearly written on more than one epic legend. The insistence of the monks of Pothières, and still more of Vézelay, can alone explain the transferring to Burgundy of the story of Gérard de Roussillon, all the historical elements of which were associated with the banks of the Rhône. Without the abbey of Saint-Denis-de-France, its fair and its sacred remains, we should not have the poem of the *Voyage de Charlemagne*, a humorous embroidery on the history of relics, intended no doubt less for the pilgrims to the church than for the customers at the fair; or the *Floovant*, which treats a related subject in a more serious and tedious vein; or in all likelihood many another *chanson* wherein, against a backcloth on which the monastery is prominently displayed, there figure the Carolingian princes

<sup>1</sup> Ailred of Rievaulx, *Speculum charitatis*, II, 17, in Migne, *P.L.*, CXCIV, col. 565.



whose memory was piously preserved within its walls. The last word has assuredly not yet been said on the subject of the part played in the elaboration of the Charlemagne theme by this great community, the allies and counsellors of the Capetian kings.

There are, however, many works, notably among the oldest ones, in which it would be difficult to discover a trace of monastic influence, at least in any concerted and sustained form. Examples of such works are the *Chanson de Guillaume*, *Raoul de Cambrai*, and the complete cycle of the *Lorrains*. In the *Chanson de Roland* itself, which has been thought by some to be connected with the pilgrimage to Compostela, is it not surprising, if this hypothesis be true, to find mention of so many saints and so many Spanish towns and yet to discover that St. James and the great Galician sanctuary are not among them? In a work supposedly inspired by the monks, how are we to explain the virulent contempt which the poet expresses for the life of the cloister?<sup>1</sup> Moreover, if it is beyond dispute that all the authentic details used by the *gestes* could, in theory, have been found by consulting the muniment chests and libraries, they only occur here and there in the documents, among many other features which have not been retained. To extract them from these texts, and to extract nothing else, would have required a major effort of comparison and selection, a labour of erudition, in short, quite out of keeping with the intellectual habits of the time. Lastly, and above all, to postulate as the source of every *chanson* this pedagogic pair—an educated cleric as teacher, with a minstrel as his apt pupil—is to abandon the attempt to explain the errors found in these works side by side with the truth.

For mediocre as was the annalistic literature, encumbered with legends and forgeries as the traditions of the religious communities are rightly judged to be—even allowing for what we know of the vagaries of minstrels' memories and their readiness to embroider any theme—the worst of the tales constructed by means of chronicles or charters could scarcely have perpetrated one quarter of the blunders of which the least untruthful of the *chansons* is guilty. In any case, we have further proof. About the middle of the twelfth century it happened that two clerics successively devoted themselves to putting into French verse, in a style closely modelled on the epic, an historical theme of which they had drawn the greater part from manuscripts. Now certainly neither the *Roman de Rou* of Wace, nor the *Histoire des dues de Normandie* of Benoît de Sainte-Maure is free from legends or confusions; but, by comparison with the *Chanson de Roland*, they are masterpieces of accuracy.

It must therefore be considered improbable, at least in the majority of cases, that the *trouvères* of the late eleventh century and the early years of

<sup>1</sup> V. 1880–2. These remarks are the more striking because the *Chanson* puts them in the mouth of an archbishop. Clearly the Gregorian reform had not yet passed that way.

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the twelfth had obtained the elements of their *gestes*, at the time of their composition, from chronicles or records, even indirectly.<sup>1</sup> We are in consequence obliged to admit that their stories are based on an older tradition. In point of fact this hypothesis, for long the classical theory, has become suspect only by reason of the forms in which it has too often been presented. To begin with (so runs the argument) there were some very short songs contemporaneous with the events; the *chansons* that we know were slowly and in general rather unskilfully put together from these primitive *cantilenaes*, sewn end to end. At the beginning, in short, there was the spontaneity of the popular soul, at the end a literary effort. This conception, attractive though it is in the simplicity of its lines, scarcely stands up to serious scrutiny. Certainly all the *chansons* are not of homogeneous growth; there are some in which the traces of crude additions are not wanting. Yet who, reading the *Chanson de Roland* with an open mind, could fail to see in it the fruit of a single effort, the work of a man—and a great man—whose artistic standards, so far as they were not personal to him, expressed the conceptions of his time and not the pale reflection of lost songs? In this sense it is quite true to say that the *chansons de geste* were ‘born’ towards the end of the eleventh century. But even in the comparatively rare case where a poet has genius—we are apt to forget how exceptional is the beauty of the *Chanson de Roland*—does he as a rule do otherwise than use, as best he can, the themes of which the collective inheritance has been transmitted to him across the generations?

Indeed, when we realize the interest taken in the past by the men of the feudal age, and the pleasure they derived from hearing tales about it, can we be surprised that a tradition of story-telling should have threaded its way down through the ages? As its favourite centres it had all the places where wanderers were to be found—those places of pilgrimage and fairs, those routes of pilgrims and merchants whose memory has been imprinted on so many poems. We know, by a chance document, that the far-ranging German merchants brought to the knowledge of the Scandinavian world certain German legends.<sup>2</sup> Is there any reason to believe that Frenchmen did not, in the same way, transport along the familiar trade-routes, together with their bales of cloth or their sacks of spices, a good many heroic themes, or even just names? It was without doubt the tales of such travellers, as well as those of the pilgrims, that taught the *jongleurs* the geographical terminology of the East and acquainted these northern poets with the beauty of the Mediterranean olive-tree, which with a naive taste for the exotic and a fine contempt for local colour the *chansons* plant boldly on the hills of Burgundy or Picardy.

<sup>1</sup> There may be one exception. It is not impossible that in the *Couronnement de Louis* there is to be found some evidence of the use of chronicles. Cf. Schladko, in *Zeitschrift für die französische Sprache*, 1931, p. 428.

<sup>2</sup> Prologue of the *Thidreksaga*; cf. H.J. Seeger, *Westfalens Handel*, 1926, p. 4.

Though they may not ordinarily have inspired the legends, the monasteries none the less provided a soil in which they could grow and flourish. For one thing, they were much frequented by travellers. For another, they usually possessed monuments capable of evoking ancient memories. Finally, monks were always fond of telling stories—far too fond, in the opinion of rigorists like Peter Damiani.<sup>1</sup> The earliest anecdotes about Charlemagne were set down in writing in the ninth century, at St. Gall. The chronicle of the monastery of Novalesa on the Mont-Cenis route, compiled at the beginning of the eleventh century, abounds in legends relating to the great emperor.

It must not be imagined, however, that all historical lore came from the religious houses. The noble families had their own traditions from which more than one record of the past—accurate or distorted—must have been derived, and men loved to talk of their forefathers in the halls of castles, as well as under the arcades of the cloister. We happen to know that Duke Godfrey of Lorraine was in the habit of entertaining his guests with anecdotes about Charlemagne.<sup>2</sup> Must we assume that this taste was peculiar to him? In the epic poems, moreover, we find two portraits of the great Carolingian which are violently contradictory. In sharp contrast with the noble sovereign of the *Chanson de Roland*, portrayed with an almost religious veneration, is the covetous and besotted old man of so many other *chansons*. The first version was in accord with the canon of ecclesiastical historiography, as well as the needs of Capetian propaganda; in the second we can hardly fail to recognize the voice of the anti-monarchical feudal nobility.

It is quite possible for anecdotes to be transmitted in this way from generation to generation without necessarily taking shape as poems. But these poems did after all come into being. From what period? It is almost impossible to tell. For we are dealing with French, that is to say a language which, since it was regarded as merely a corrupt form of Latin, took several centuries to raise itself to literary dignity. Was some element of heroic poetry already seeping into the *chansons rustiques*—the songs in the vernacular, which as early as the end of the ninth century a bishop of Orleans deemed it necessary to forbid to his priests? We shall never know, because it all took place in a sphere very much beneath the notice of literary men. Nevertheless, without wishing to overstrain the argument *a silentio*, it must be affirmed that the first references to the epic songs appear only in the eleventh century; the sudden emergence of this evidence, after a long night, seems clearly to suggest that the versified *gestes* did not develop much earlier, or at least not in any abundance. It is very remarkable, moreover, that in the majority of the old poems, Laon figures as the usual residence of the Carolingian kings; the *Chanson de Roland* itself, which restored

<sup>1</sup> *De perfectione monachorum*, in Migne, *P.L.*, CXLV, col. 324.

<sup>2</sup> Peter Damiani, *De elemosina*, c. 7, in Migne, *P.L.*, CXLV, col. 220;

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Aix-la-Chapelle to its true rank, nevertheless bears, as if inadvertently, some traces of the Laon tradition. Now this could have originated only in the tenth century, when 'Mont-Loon' was really playing the part which is thus assigned to it. At a later, as well as an earlier date it would be inexplicable.<sup>1</sup> It was therefore, according to all appearance, in this century that the principal themes of the epic were fixed, if not already in verse form, at least in a state fully ripe to receive it.

One of the essential characteristics of the *chansons*, moreover, was their reluctance to recount any but bygone events. The Crusades were almost alone in being thought immediately worthy of epic treatment. The reason is that they had everything needed to stimulate the imagination and that they transferred to the present a form of Christian heroism familiar in the poems since the eleventh century. These topical works provided the *jongleurs* with the opportunity to exert on their rich patrons a mild form of blackmail. For having refused to give one of them a pair of scarlet hose, Arnulf of Ardres had his name erased from the *Chanson d'Antioche*.<sup>2</sup> But whatever the pleasure that nobles must have experienced in hearing their exploits thus extolled, and however great the profit that poets might expect from such compositions, contemporary wars, unless their theatre was the Holy Land, did not as a rule find anyone to celebrate them in this manner. Does this mean that, as Gaston Paris has written, the 'epic fermentation' ceased at the moment when the French nation came definitely into being? This theory, in itself not very credible, is based on the assumption that the tales relating to the ninth and tenth centuries had immediately assumed a poetic form—which is anything but certain. The truth is no doubt that, imbued with respect for times gone by, the men of that age were unable to find inspiration save in memories already invested with the prestige proper to ancient things. In 1066 a minstrel accompanied the Norman warriors at Hastings. What did he sing? 'Of Karlemaigne and of Rollant.' Another, about 1100, preceded a band of Burgundian plunderers, in a little local war. What did he sing? 'The great deeds of forefathers.'<sup>3</sup> When the great sword-strokes of the eleventh and twelfth centuries had, in their turn, receded into the mists of time, the interest in the past still survived; but it found satisfaction in other ways. History, sometimes still versified, but based thenceforth on written records and consequently much less contaminated by legend, had replaced the epic.

The love of historical and legendary tales during the feudal age was not confined to France; it was common to the whole of Europe, but it expressed itself in different ways.

As far back as we are able to go in the history of the Germanic peoples,

<sup>1</sup> Cf. F.Lot in *Romania*, 1928, p. 375; and, on all the foregoing, the series of articles published by that scholar.

<sup>2</sup> Lambert of Ardre, *Chronique de Guines et d'Ardre*, c. CXXX, ed. Méilglaise, p. 311.

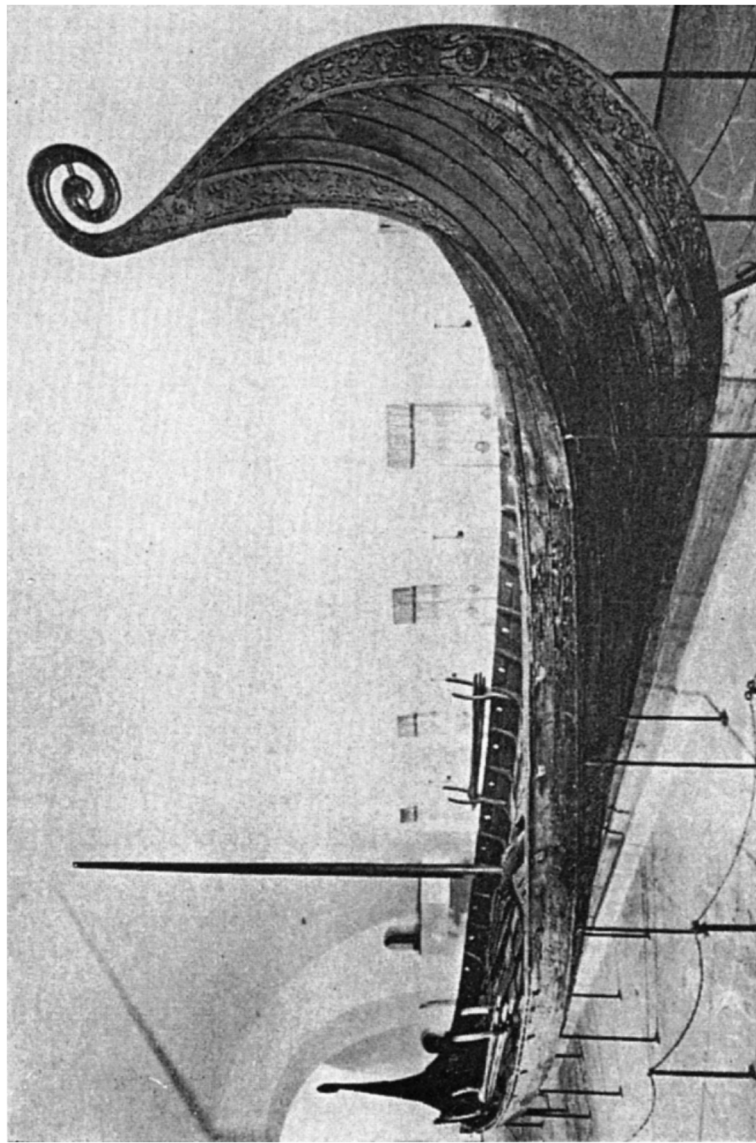
<sup>3</sup> *Miracles de Saint Benoît*, ed. Certain, VIII, 36,

we find them in the habit of celebrating in verse the exploits of heroes. It appears moreover that among the Germans of the continent and of Britain, as among the Scandinavians, two types of warlike poetry existed side by side. One type was dedicated to various ancient and sometimes mythical personages; the other proclaimed the glory of leaders still alive or lately dead. Then in the tenth century a period began in which men hardly wrote at all and, with very few exceptions, only in Latin. During these obscure centuries the survival of the old legends on German soil is attested almost solely by a Latin version—the poem of *Waltharius*—and by the emigration of certain themes to the northern countries, where the spring of popular literature flowed ever fresh. They had not disappeared, however, or lost their spell. In preference to the works of St. Augustine or St. Gregory, Bishop Gunther, who from 1057 to 1065 occupied the see of Bamberg, chose—if we are to believe one of his canons—the stories of Attila and of the Amalings, the ancient Ostrogothic dynasty which came to an end in the sixth century. It is even possible—the text is obscure—that he himself ‘poetized’ on these profane subjects.<sup>1</sup> In his circle, therefore, men continued to recount the adventures of long-departed kings. They also doubtless continued to sing of them in the language of the people; but none of these songs have survived. The life of Archbishop Hanno, written in German verse shortly after 1077 by a cleric of the diocese of Cologne, belongs much more to hagiography than to a narrative literature intended for a wide circle of hearers.

The veil is only lifted at a date nearly a century later than the appearance of the French *gestes*, and by this time the imitation of those *gestes* or of more recent works from the same source had already for a generation accustomed the German public to appreciate the great poetic frescoes in the vernacular. The first heroic poems of native inspiration, in a form resembling that in which we know them today, were not composed before the end of the twelfth century. As in France, they sought their themes in adventures constantly re-told through the centuries: thenceforth the great deeds of contemporaries would be left to the chroniclers and the Latin versifiers. The curious thing is that the German poems relate to a much more distant past. The one exception is the *Lied* of Duke Ernst, which gives an oddly distorted account of an event belonging to the early eleventh century.

In the other heroic poems pure legend and a sense of the marvellous that is sometimes still completely pagan mingle with old memories of the time of the Invasions, though these are usually reduced from their exalted status as world catastrophes to the level of commonplace personal feuds. In the whole of this literature it is possible to name twenty-one principal heroes as identifiable historical figures. They range from a Gothic king who died in 375 to a Lombard king who died in 575. Does no personage of later date appear anywhere by chance? In the *Nibelungenlied* we do indeed find a tenth-century bishop insinuating himself into that already

<sup>1</sup> C. Erdmann, in *Zeitschrift für deutsches Altertum*, 1936, p. 88, and 1937, p. 116.



I. A SCANDINAVIAN SHIP  
From the Oseberg ship-burial, early 9th century. (Oslo, University Museum.)



## II. HOMAGE

From the *Établissements de Saint-Louis*. MS. of the late 13th century. Bibl.Nat., MS Fr. 5899, f. 83v.



## III. HOMAGE TO THE DEVIL

Theophilus does homage to the Devil. From the *Psautier de la Reine Ingeburge* (about 1200). Musée Condé, Chantilly, MS. 9, f. 35v.

## THE FOLK MEMORY

remarkably heterogeneous company in which Attila, Theodoric the Great, and the Burgundian kings of the Rhine consort with such shadowy, unhistorical figures as Siegfried and Brünhilde. But this intruder appears only in an episodic way, probably as a result of clerical or local influence. It would certainly not have been so, if the poets had received their subjects from clerics engaged in examining written documents. The German monasteries did not owe their foundations to barbarian chiefs, and if the chroniclers had a good deal to say of Attila and even of the 'tyrant' Theodoric, they painted them in colours decidedly darker than those in which the epic clothes them.

What could be more striking than this contrast? France, whose civilization had been profoundly refashioned in the crucible of the early Middle Ages, whose language, so far as it was a truly differentiated linguistic entity, was very young, found her remotest tradition no farther back than the Carolingians. (The Merovingian dynasty appears, so far as we know, only in a single *chanson*, the *Floovant*, a fairly late production which, as we have seen, probably formed part of a group of works directly inspired by the learned monks of Saint-Denis.) Germany, on the other hand, could draw upon an infinitely older fund of material for her tales; for, though flowing long underground, the stream of stories, and perhaps of songs, was never interrupted.

The example of Castile is equally instructive. The thirst for memories was there no less keen than elsewhere. But in that land of reconquest the oldest national memories were of quite recent events. The result was that the minstrels, in so far as they did not copy foreign models, drew their inspiration from events that were barely cold. The Cid died on the 10th July 1099; the *Poem of the Cid*, sole survivor of a whole family of *cantares* devoted to the heroes of the recent wars, dates from about 1150.

More remarkable is the case of Italy. She had no native epic, nor does she seem ever to have had one. What is the reason? It would be the height of temerity to pretend to solve so difficult a problem in a few words. One solution nevertheless deserves to be suggested. In the feudal period, Italy was one of the few countries where, among the nobility, as also no doubt among the merchants, a large number of persons were able to read. If the taste for the past did not express itself in songs, might it not be because it found satisfaction in reading the Latin chronicles?

The epic, where it was able to develop, exerted a strong influence on men's imaginations, because, unlike a written work, it was not addressed merely to the eyes, but had the advantage of all the warmth of human utterance and of that sort of impact upon the mind which results from the reiteration vocally of the same themes and even of the same couplets. Ask the governments of our own day if radio is not a more effective medium of propaganda than the newspaper. True, it was mainly from the end of the twelfth century that the upper classes began really to live their legends, in



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circles which by then were far more cultivated. A knight could find no more biting or apt form of mockery for a coward than an allusion borrowed from a romance; and somewhat later a group of Cypriot nobles played at impersonating the characters in the cycle of Reynard the Fox, just as, nearer to our own time, certain society circles amused themselves by aping the heroes of Balzac's novels.<sup>1</sup> Nevertheless, from the very earliest period of the French *gestes*—before 1110—noblemen took to giving their sons the names of Oliver and Roland, while that of Ganelon, branded with a mark of infamy, was never used again.<sup>2</sup> There were occasions when these tales were referred to as if they were authentic documents. Though the son of an epoch already much more familiar with books, the celebrated justiciar of Henry II Plantagenet, Ranulf Glanville, when questioned as to the reasons for the long weakness of the kings of France *vis-à-vis* the Norman dukes, ascribed it to the wars which formerly had 'almost destroyed' the chivalry of France; as proof, he said, take the stories of *Gormont* and of *Raoul de Cambrai*.<sup>3</sup> This great minister would certainly have learned to reflect on history from reading such poems. The conception of life to which the *gestes* gave expression was, in many respects, only the reflection of that of their public: in every literature a society contemplates its own image. Yet, along with the memory of old events, distorted and imperfect though it was, traditions genuinely derived from the past had filtered down; and the traces of these we shall encounter over and over again.

<sup>1</sup> *Histoire de Guillaume le Maréchal*, ed. P. Meyer, I, v. 8444 *et seq.*; Philip of Novara, *Mémoires*, ed. Ch. Kohler, c. LXXII; cf. c. CL *et seq.*

<sup>2</sup> It may be remarked in passing that the study of the disappearance of this name, apparently not so far undertaken, would provide a useful means of dating the popularity of the legend of Roland.

<sup>3</sup> Giraldus Cambrensis, *De principis instructione*, dist. III, c. XII (*Opera*, Rolls Series, VIII, p. 258).

## VII

### THE INTELLECTUAL RENAISSANCE IN THE SECOND FEUDAL AGE

#### 1 SOME CHARACTERISTICS OF THE NEW CULTURE

THE appearance of the great epic poems in eleventh-century France may be regarded as one of the signs that heralded the immense cultural development of the succeeding age. 'The twelfth-century renaissance' is the phrase frequently used to describe this movement; and with the necessary qualification that the word 'renaissance', literally interpreted, is apt to suggest a mere revival, rather than a new development, the formula is valid—provided that it is not understood in too exact a chronological sense. For though the movement only reached its full development in the course of the twelfth century, its earliest manifestations, like those of the demographic and economic changes that accompanied it, date from the two or three decades immediately preceding the year 1100. This was the really decisive period. To this time belong, to mention only a few examples, the philosophic work of Anselm of Canterbury; the legal work of the first Italian teachers of Roman law and that of their rivals, the canonists; and the beginning of the serious study of mathematics in the schools of Chartres. No more in the domain of the intellect than in any other field of human activity was the revolution a complete one. But the second feudal age, closely akin as it was to the first in many aspects of its mentality, was characterized by certain new intellectual features, the effects of which we must now try to define.

The development of intercommunication, so manifest on the economic map, was no less clearly marked on the map of culture. The abundance of translations of Greek and Arabic works, especially the latter (though these were for the most part mere interpretations of Hellenic thought), and the influence which they exercised upon Western science and philosophy bore witness to a civilization that was coming to be better equipped with antennae. It was no accident that among the translators were several members of the merchant colonies established at Constantinople. In the heart of Europe the old Celtic legends, borne eastwards from their original home, began to imbue with their strange magic the imagination of the French romancers, whilst the poems composed in France—old heroic tales

or stories in a newer mode—were imitated in Germany, Italy, and Spain. The centres of the new learning were the great international schools: Bologna, Chartres, and Paris, ‘Jacob’s ladder raised towards Heaven’.<sup>1</sup> Romanesque art, in so far as it possessed a universal quality over and above its innumerable regional varieties, expressed chiefly a certain community of civilization, the interaction of a multitude of small centres of influence. Gothic art, on the other hand, is one of those forms of art that lend themselves to export and which (subject, of course, to every sort of local adaptation) are not the less widely disseminated because issuing from a well-defined centre—France between the Seine and the Aisne, or the Cistercian monasteries of Burgundy.

In his *Confessions*, written about 1115, the abbot Guibert de Nogent, who was born in 1053, contrasts the conditions prevailing at the beginning and towards the end of his life. ‘In the time just before my birth and during my childhood there was so great a dearth of teachers that it was practically impossible to find any in the small towns, and scarcely even in the cities. And supposing that by chance they were to be found? Their learning was so meagre that it could not be compared even with that of the little wandering scholars of today.’<sup>2</sup> During the twelfth century there was undoubtedly immense progress in education; it was both greatly improved in quality and much more widely diffused through the different social classes. More than ever before it was based on the imitation of ancient models, and though these were not more venerated perhaps, they were better understood, and more deeply felt—to such a degree that, among certain poets on the fringes of the clerical world, like the famous Rhenish *Archipoeta*, there emerged a kind of moral paganism quite alien to the spirit of the preceding period. But the new humanism was more often a Christian humanism. ‘We are dwarfs perched on the shoulders of giants.’ This oft-repeated saying of Bernard of Chartres illustrates the extent of the debt to classical culture acknowledged by the more serious minds of the age.

The new spirit had begun to pervade lay society. It was no longer exceptional to find a ruler like that count of Champagne, Henri le Liberal, who read Vegetius and Valerius Maximus in the original, or that count of Anjou, Geoffroi le Bel, who for advice on building a fortress also turned to the pages of Vegetius.<sup>3</sup> Most frequently, however, these interests were frustrated by an education that was still too primitive to penetrate the secrets of works written in the language of the learned; though this did not prevent them from seeking an outlet. Take for example Baldwin II, count of Guines (died 1205). Hunter, toper, and great wencher, this Picard noble was skilled in the minstrelsy of the *chansons de geste* and equally gifted in

<sup>1</sup> John of Salisbury in H. Denifle and E. Chatelain, *Chartularium universitatis Parisiensis*, I, pp. 18–19.

<sup>2</sup> *Histoire de sa vie*, I, 4; ed. G. Bourgin, pp. 12–13.

<sup>3</sup> D’Arbois de Jubainville, *Histoire des ducs et comtes de Champagne*, III, p. 189 *et seq.*, and *Chroniques des comtes d’Anjou*, ed. Halphen and Poupardin, p. 217–19.

the recital of coarse *fabliaux*, but 'unlettered' though he was, he did not find his sole enjoyment in heroic tales or droll stories. He sought the conversation of the clergy, repaying them with 'godless' anecdotes; and he profited too well from these erudite discussions for the liking of at least one Picard priest, for he used the theological knowledge thus acquired to dispute with his masters. But he was not content merely to bandy words. He had several Latin works translated into French, so that they might be read aloud to him; among these, in addition to the *Song of Songs*, the Gospels and the *Life of St. Anthony*, were a large part of the *Physics* of Aristotle and the old *Geography* of the Roman grammarian, Solinus.<sup>1</sup> Thus, from these new needs, there came into being almost everywhere in Europe a vernacular literature which, though meant for men of the world, was not for their amusement only. If at the outset this literature consisted almost exclusively of paraphrases of Latin originals, it nevertheless opened wide the doors of a whole tradition; in particular, it gave access to a more faithful picture of the past.

It is true that for many years historical narrative in the vernacular languages retained the verse form and general style of the old *gestes*; it was not to be found in prose, the natural vehicle of a literature of fact, before the early decades of the thirteenth century, when two new types of historical writing made their appearance. On the one hand, there were the memoirs of two men who belonged neither to the world of minstrels nor to that of clerks, namely those of a great noble, Villehardouin, and those of a humble knight, Robert de Clary. On the other hand, there were compilations specifically intended for the enlightenment of the general public—the *Deeds of the Romans*, the compendium which called itself, without false modesty, *The Whole History of France*, and the Saxon production known as the *Universal Chronicle*. Nearly as many more years were to pass before, first in France, then in the Low Countries and Germany, a few charters began to appear—they were very rare at first—in the vernacular languages, thus making it possible at last for the parties to a contract to understand its meaning without an interpreter. The gulf between action and its expression in words was slowly narrowing.

Meanwhile the cultured courts of the great rulers—the Angevins, the counts of Champagne, the Welf princes of Germany—were coming under the spell of a whole new literature of myth and fantasy. The *chansons de geste*, more or less refashioned to the taste of the day and abounding with additional episodes, had assuredly not lost their popularity. But, as genuine history gradually replaced the epic in the folk memory, new poetic forms, originating in Provence or northern France, sprang into existence and were soon diffused over the whole of Europe.

One of these forms was the romance, a work of pure imagination, in which prodigious sword-strokes—the *grans borrofflemens*—were given and

<sup>1</sup> Lambert of Ardre, *Chronique*, c. LXXX, LXXXI, LXXXVIII, LXXXIX.

taken, to the unfailing delight of what was still fundamentally a warlike society; but from this time on the normal background to these deeds would be the world of mystery and enchantment. The absence of any pretence to historical veracity and the flight into fairyland were the reflections of an age that was now sufficiently refined in its perceptions to separate the figments of the literary imagination from the description of real events.

Another poetic form that flourished at this time was the short lyric. The earliest examples are almost as old as the *chansons de geste*, but they were now being composed in ever-growing numbers and with ever-greater subtlety of contrivance. For a more developed aesthetic sense attached increasing importance to novelties of style, even when carried to the point of preciousness. To this period belongs the pleasant conceit with which one of the rivals of Chrétien de Troyes, regarded by twelfth-century France as its finest story-teller, sought to pay tribute to his memory; he could find no higher praise for him than to say: 'he took the French language by the handful.'

Particularly significant is the fact that the romancers and lyric poets were no longer content merely to recount men's deeds; they made a serious, if somewhat awkward, attempt to analyse their feelings. Even in the martial episodes the clash of armies, a favourite feature of the old epics, yielded place to the joust where only two combatants were engaged. The whole tendency of the new literature was towards the rehabilitation of the individual; it encouraged the growth of a more introspective habit of mind, reinforcing in this direction the influence of the religious practice of auricular confession which, after having been long confined to the monastic world, became widespread among laymen during the twelfth century. In many of his characteristics the man of A.D. 1200 or thereabouts, in the higher ranks of society, resembled his ancestor of earlier generations: he displayed the same spirit of violence, the same abrupt changes of mood, the same preoccupation with the supernatural; this last—where it took the form of an obsession with evil spirits—being perhaps even more pronounced as a result of the dualist influences with which the Manichaean heresies, then so flourishing, were infecting even the orthodox. But in two respects he differed profoundly from his predecessor. He was better educated. He was more self-conscious.

## 2 THE GROWTH OF SELF-CONSCIOUSNESS

This growth of self-consciousness indeed extended beyond the solitary human being to society itself. The impetus in this direction had been given, in the second half of the eleventh century, by the great religious 'awakening' which is usually called the Gregorian reform, after Pope Gregory VII, who was one of its leading figures. It was an extremely complex movement in which ideas thrown up from the depth of the popular soul were intermingled

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with, the pious aspirations of clergy, particularly monks, brought up on the ancient texts. The idea that the priest guilty of unchastity becomes thereby incapable of administering the sacraments of the Church had champions just as uncompromising among the lay masses as among the monastic zealots, and much more so than in the ranks of the theologians. The Gregorian reform was an extraordinarily powerful movement from which, without exaggeration, may be dated the definite formation of Latin Christianity; and it was no mere coincidence that this was the very moment of the final separation between the eastern and western churches. Varied as were the manifestations of this spirit—a spirit more revolutionary than contemporaries realized—its essence may be summed up in a few words: in a world where hitherto the sacred and profane had been almost inextricably mingled, the Gregorian reform proclaimed both the unique character and the supreme importance of the spiritual mission with which the Church was entrusted; it strove to set the priest apart from and above the ordinary believer.

The strictest of the reformers, naturally, were hardly friends of the intellectual life. They distrusted philosophy. They despised rhetoric, though they themselves yielded often enough to its spell: ‘My grammar is Christ,’ said Peter Damiani, who nevertheless declined and conjugated very correctly. They considered that the monk’s part was not to study, but to mourn. Since the time of St. Jerome, more than one Christian heart had been torn between admiration for the thought or art of antiquity and the jealous demands of an ascetic religion. In this drama of divided loyalties the zealots among the reformers ranged themselves on the side of that uncompromising group of churchmen who, far from sharing Abelard’s view that the pagan philosophers were men ‘inspired by God’, held with Gerhoh of Reichersberg, that they were ‘enemies of the cross of Christ’. But in their campaign for reform, and in the course of the struggle which they were compelled to wage against the temporal powers, especially the Empire, they were obliged to put their ideals in intellectual form; to reason, and invite others to do likewise. Now all at once problems which formerly had been discussed only by a handful of learned men became topics of the day. It was said that in Germany, even in the market-places and workshops, people read (or got others to read for them) works written in the heat of controversy by churchmen, wherein they freely debated such subjects as the ends of the State, and the rights of king, pope, and people.<sup>1</sup> Other countries had not been involved to the same degree in these polemics, but nowhere were they without effect. Human affairs were newly emerging as subjects for reflection.

There was yet another influence that contributed to this decisive change. In an age when every man of action had to be something of a lawyer, the

<sup>1</sup> Manegold of Lautenbach, *Ad Gebhardum liber* in M.G.H., *Libelli de lite*, I, pp. 311 and 420.

revival of jurisprudence (which will be surveyed in a later chapter) had wide repercussions; and it led to the recognition that the realities of social life were something that could be described methodically, and consciously worked out. Nevertheless the more positive results of the new legal education were manifested in another direction. First and foremost it inculcated the habit of reasoned argument no matter what the subject under discussion. In this way, it was associated with the progress of philosophical speculation, to which in other respects also it was closely allied. It is true that the logical work of a St. Anselm, an Abelard, or a Peter Lombard could only be followed by a few men, almost exclusively clergy. But these same clerks were often involved in the affairs of the world: it was a former student of the Paris schools, Reinald of Dassel, chancellor of the Empire, and later archbishop of Cologne, who for many years directed the policy of Germany; and it was the philosopher-prelate, Stephen Langton, who, in the reign of John Lackland, assumed the leadership of the English baronial revolt.

Moreover, it is surely possible to come under the influence of an intellectual movement without sharing in its highest manifestations. Place side by side two charters, one dating from about A.D. 1000, the other from the last years of the twelfth century: almost invariably you will find that the second is the more explicit, more accurate, and less ill-arranged. Naturally, there were very appreciable differences between documents of varying origin, even in the twelfth century. The urban charters, drawn up at the instance of burghers more shrewd than educated, were as a rule much inferior in their drafting to—let us say—the fine productions of the learned chancellery of a Barbarossa. Taken as a whole, however, the contrast between the two ages of feudalism is very marked. In the second there was no longer a divorce between the means of expression and the thought to be expressed. It is a significant fact in the history of the relation of thought and practice—still so obscure a subject—that towards the end of the twelfth century men of action had at their disposal a more efficient instrument of mental analysis than that which had been available to their predecessors.

## VIII THE FOUNDATIONS OF LAW

### 1 THE ASCENDANCY OF CUSTOM

IF a judge, in the pre-feudal Europe of the early ninth century, had to say what the law was, how did he proceed? His first task was to examine the texts. These consisted of the following: Roman compilations, if the case had to be decided according to the laws of Rome; customs of the Germanic peoples, almost all of which had been gradually committed to writing; and finally those legislative edicts which the sovereigns of the barbarian kingdoms had issued in great number. In cases where these authorities returned a clear answer, there was nothing to do but obey. But the task was not always so simple. Let us leave aside those cases, in practice no doubt quite frequent, in which, since the manuscript was lacking, or—as with the massive Roman collections—inconvenient to consult, the rule in question, although its source might have been the law-book, was in fact known only by usage. The most serious problem was that no book was capable of deciding everything. Whole aspects of social life—relations inside the manor, ties between man and man, in which feudalism was already foreshadowed—were only very imperfectly covered by the texts, and often not at all. Thus, by the side of the written law, there already existed a zone of purely oral tradition. One of the most important characteristics of the period that followed—the age in which the feudal regime was really established—was that this margin increased beyond all bounds, to the point where in certain countries it encroached on the whole domain of law.

In Germany and France this evolution reached its extreme limits. There was no more legislation. In France the last ‘capitulary’, a very unoriginal one moreover, dates from 884; in Germany, the spring seems to have run dry from the dismemberment of the Empire after the death of Louis the Pious. At most a few territorial princes—a duke of Normandy, a duke of Bavaria—promulgate here and there one or two measures of fairly general application. It has sometimes been supposed that this failure was an effect of the weakness into which the royal power had fallen. But this explanation, which we might be tempted to accept if only France were in question, would clearly not be valid for the much more powerful sovereigns of Germany. Moreover, these Saxon or Salian emperors who, north of the



Alps, never dealt in their charters with any but individual cases, set themselves up as legislators in their Italian States, though their power was certainly no greater there. If men north of the Alps no longer felt the need to add anything to the rules expressly formulated not so very long before, the real reason was that these rules themselves had passed quietly into oblivion. In the course of the tenth century the barbarian laws, like the Carolingian ordinances, gradually ceased to be transcribed or mentioned, except in passing allusions. If notaries still made a pretence of citing the Roman law, the reference in most cases was merely a commonplace or a misconception. How should it have been otherwise? The knowledge of Latin—the language in which all the old continental legal documents were written—was virtually the monopoly of the clergy. Now the ecclesiastical body had provided itself with a law of its own, which tended to become more and more exclusive. Based on the texts—so much so that the only Frankish capitularies which continued to be annotated were those which concerned the Church—this canon law was taught in the schools, which were completely in the hands of the clergy. Secular law was nowhere included in the curriculum. It is true that knowledge of the old law-books would not have been completely lost if a legal profession had existed. But the procedure did not call for advocates, and every chief was a judge. This meant in practice that the majority of judges were unable to read—a state of affairs unfavourable to the maintenance of a written law.

The close relation that thus existed in France and Germany between the decay of the old laws and the decline of education among the laity is thrown into clear relief by some examples of a contrary situation. In Italy, the connection between law and education was admirably expressed, as early as the eleventh century, by a foreign observer, the imperial chaplain Wipo. In this country, he said, where ‘all the young men’—he was referring to those of the ruling classes—‘were sent to the schools to work with the sweat of the brow’,<sup>1</sup> the barbarian laws and the Carolingian capitularies, as well as the Roman law, continued to be studied, summarized and glossed. Similarly a series of acts, few and far between no doubt but displaying a visible continuity, attest the persistence in Italy of the practice of legislation. In Anglo-Saxon England, where the language of the laws was the common language, and where in consequence, as the biographer of King Alfred informs us, unlettered judges could have the manuscripts read to them and understand them,<sup>2</sup> the rulers, till Cnut, codified or completed the customs and even modified them specifically by their edicts. After the Norman Conquest, it seemed necessary to make available to the conquerors or at least to their clergy the substance of these texts whose language was unintelligible to them. Thus there developed in the island, from the beginning of the twelfth century, a thing unknown in the same period on

<sup>1</sup> *Tetralogus*, ed. Bresslau, v. 197 *et seq.*

<sup>2</sup> Asser, *Life of King Alfred*, ed. Stevenson, c. 106.

the other side of the Channel—a legal literature which, though written in Latin, was based essentially on Anglo-Saxon sources.<sup>1</sup>

Nevertheless, considerable as were the differences thus manifest among the various parts of feudal Europe, they did not affect its essential development. Where law was no longer based on the written word, many old rules of diverse origin had notwithstanding been preserved by oral transmission. Conversely, in the countries which continued to know and respect the old texts, social needs had brought with them a great number of new usages, some complementary to them, others superseding them. Everywhere, in short, it was custom that finally decided the fate of the legal heritage of the preceding age. Custom had become the sole living source of law, and princes, even in their legislation, scarcely claimed to do more than interpret it.

The progress of this customary law was accompanied by a profound reorganization of the legal structure. In the continental provinces of the ancient *Romania*, which the barbarians had occupied, and later in Frankish Germany, the presence side by side of men who belonged by birth to different peoples had at first resulted in the most singular medley that ever confronted a professor of law in his nightmares. In theory, and making due allowance for the difficulties in applying the law which inevitably arose between two litigants of completely different origin, the individual, wherever he lived, remained subject to the rules which had governed his ancestors. Hence the celebrated remark of an archbishop of Lyons, that when in Frankish Gaul five persons happened to be gathered together it was no occasion for surprise if each of them—a Roman perhaps, a Salian Frank, a Ripuarian Frank, a Visigoth and a Burgundian—obeyed a different law. No thoughtful observer from the ninth century onward could doubt that such a system, formerly imposed by imperious necessity, had become terribly cumbersome and more and more out of harmony with the conditions of a society in which the fusion of the ethnic elements was all but complete.

The Anglo-Saxons, who had scarcely had to reckon with native populations, had never known the system of the personality of law. The Visigothic monarchy, as early as 654, had deliberately got rid of it. But where these special codes existed in writing, their power of resistance was great. It is significant that the country where this multiplicity of legal codes continued longest—till the opening of the twelfth century—was that land of learning, Italy. But even there it only survived in a strangely altered form. For, as legal affiliations seemed less and less easy to determine, the practice was introduced of making each person, whenever he took part in a legal transaction, specify the law to which he considered himself subject; thus the law sometimes varied, at the will of the contracting party,

<sup>1</sup> Similarly in Spain, where, as we have seen, a certain level of education was maintained among the laity, the Visigothic codification continued to be copied and studied.

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according to the nature of the case. In the rest of the continent, the oblivion which, from the tenth century, descended on the texts of the previous age permitted the advent of an entirely new order. This is sometimes called the system of territorial custom, but it would be more accurate to speak of group custom.

Each human group, great or small, whether or not it occupied a clearly defined area, tended to develop its own legal tradition. Thus, according to the different departments of their activity, men passed successively from one to the other of these zones of law. Let us take for example a rural agglomeration. The family law of the peasants normally followed much the same rules in the whole of the surrounding region. Their agrarian law, on the other hand, conformed to usages peculiar to their community. Among the obligations with which they were burdened, some, which they incurred as tenants, were fixed by the custom of the manor whose limits did not always coincide with those of the village's agricultural lands. Others, if the peasants were of servile status, touched their persons and were regulated by the law of the group, usually a more restricted entity, consisting of serfs of the same master living in the same place. All this, it goes without saying, was without prejudice to various contracts or precedents, some strictly personal, some capable of transmitting their effects from father to son through the whole length of a family line. Even where, in two small neighbouring societies similar in structure, the customary arrangements were originally constituted on roughly parallel lines, it was inevitable that, not being crystallized in writing, they should progressively diverge. Confronted with such a degree of subdivision, what historian does not sometimes feel tempted to endorse the disillusioned observations of the author of a *Treatise on the Laws of England*, compiled at the court of Henry II? 'To put in writing, in their entirety, the laws and customs of the realm', he declared, 'would be utterly impossible today...such a confused mass are they.'<sup>1</sup>

The differences were most marked, however, in the details and in the way they were expressed. Among the rules observed inside the different groups in a given region there was a great family likeness. Often, the similarity extended even farther. A few powerful and simple ideas—some peculiar to particular European societies, some common to Europe as a whole—dominated the law of the feudal era. And though it is quite true that there was infinite variety in their application, does not this very variety serve as a prism which, by separating the multiple factors of the evolution, provides the historian with an exceptionally rich body of social material?

<sup>1</sup> Glanville, *De legibus et consuetudinibus regni Angliae*, ed. G.E.Woodbine, New Haven (U.S.A.), 1932 (Yale Historical Publications, Manuscripts, XIII), p. 24.

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### 2 THE CHARACTERISTICS OF CUSTOMARY LAW

Fundamentally traditionalist, as was the whole of civilization in that period, the legal system of the first feudal age rested on the idea that what has been has *ipso facto* the right to be—though not indeed without some reservations inspired by a higher morality. Faced with a temporal society whose heritage was far from according completely with their ideals, the clergy in particular had good reasons for refusing to identify justice invariably with precedent. Already Hincmar of Rheims had declared that the king will not judge according to custom if this is seen to be more cruel than ‘Christian righteousness’. Interpreting the Gregorian spirit, which among the zealots was inspired by a truly revolutionary fervour, and appropriating as a natural heritage a remark of Tertullian, who had also been in his day a breaker of traditions, Pope Urban II wrote in 1092 to the count of Flanders: ‘Dost thou claim to have done hitherto only what is in conformity with the ancient custom of the land? Thou shouldst know, notwithstanding, thy Creator hath said: My name is Truth. He hath not said: My name is Custom.’<sup>1</sup> There could be, in consequence, ‘bad customs’. In fact, the legal documents quite frequently use these words, but almost invariably they are applied to rules actually or supposedly of recent origin—‘those detestable innovations’, ‘those unheard-of exactions’, denounced by so many monastic texts. A custom, in other words, might seem especially to deserve condemnation when it was too new. Whether it was a question of Church reform or of a law-suit between two neighbouring lords, the prestige of the past could scarcely be contested save by setting against it a past more venerable still.

The strange thing is that this law in whose eyes any change seemed an evil, far from being unchangeable, was in fact one of the most flexible ever known. This was due above all to the fact that it was not firmly fixed in writing—either in legal documents or in the form of statutes. The majority of the courts contented themselves with purely oral decisions. What if it was desired to restate them later? Inquiry was made of the judges, if they were still alive. In contracts, the intentions of the parties were made binding by means of gestures and sometimes the repetition of conventional formulas, in fact by a whole series of formalities well calculated to impress imaginations little susceptible to the abstract. Italy was an exception in that writing played a part in the exchange of agreements and was itself a recognized element in the ritual. To indicate the cession of an estate, the deed was passed from hand to hand, as elsewhere a lump of earth or a straw would have been. North of the Alps, the parchment, even if it were produced, served as little more than a memento; it had no authentic value, and was intended chiefly to provide a list of witnesses. For in the last analysis

<sup>1</sup> Hincmar, *De ordine palatii*, c. 21; Migne, *P.L.*, CLI, col. 356 (1092, 2 Dec.). Cf. Tertullian, *De virginibus velandis*, c. 1.

everything depended on personal testimony—even if ‘black ink’ had been used, still more so in the undoubtedly more numerous cases where it had not. Since memory was obviously likely to be the more enduring the longer its possessors were destined to remain on this earth, the contracting parties often brought children with them. Did they fear the heedlessness of childhood? Various methods could be used to overcome it: a box on the ear, a trifling gift, or even an enforced bath.

Whether it was a question of particular transactions or of the general rules of customary law, memory was almost the sole guardian of tradition. Now the human memory, the fluid, the *escoulourjante* memory, as Beaumanoir calls it, is a marvellous instrument of elimination and transformation—especially what we call collective memory. Since this is in fact merely a transmission of material from generation to generation, it is not only liable, if not committed to writing, to the errors to which each individual brain is liable in the recording of facts but also suffers through misunderstandings of what is said. This would not have been serious had there existed in feudal Europe a class of professional keepers of the legal memory such as other societies—the Scandinavian, for example—employed. But, in feudal Europe and amongst the laity, few of the men to whom it fell to declare the law did so regularly. Not having undergone a systematic training, they were reduced more often than not, as one of them complained, to following ‘any course that seemed open to them or was suggested by their whims’.<sup>1</sup> Jurisprudence, in short, was the expression of needs rather than of knowledge. Because its efforts to imitate the past were inevitably based only on an inaccurate picture of it, the first feudal age changed very quickly and very profoundly while believing itself to be unchanging.

In one sense, moreover, the very authority that was ascribed to tradition favoured the change. For every act, especially if it was repeated three or four times, was likely to be transformed into a precedent—even if in the first instance it had been exceptional or even frankly unlawful. In the ninth century, when one day there was a shortage of wine in the royal cellars at Ver, the monks of Saint-Denis were asked to supply the two hundred hogsheads required. This contribution was thenceforward claimed from them as of right every year, and it required an imperial charter to abolish it. At Ardres, we are told, there was once a bear, the property of the local lord. The inhabitants, who loved to watch it fight with dogs, undertook to feed it. The beast eventually died, but the lord continued to exact the loaves of bread.<sup>2</sup> The authenticity of this story may perhaps be disputed, but its symbolic significance is beyond doubt. Many dues originated in this way as benevolent gifts and for a long time continued to be so described.

<sup>1</sup> *Chron. Ebersp.*, in *M.G.H.*, SS., XX, p. 14; the whole passage is extremely curious.

<sup>2</sup> *Recueil des Historiens de France*, VI, p. 541; Lambert of Ardres, *Chronique*, c. CXXVIII.

Conversely a rent which ceased to be paid for a certain number of years, or a ceremony of submission once omitted, almost inevitably fell into desuetude by prescription. Thus the practice was introduced of drawing up, in growing numbers, those curious documents which students of diplomatic call 'charters of non-prejudice'. A baron or a bishop seeks lodgings from an abbot; a king, in need of money, appeals to the generosity of a subject. Agreed, replies the person thus approached, but on one condition: that it shall be specified, in black and white, that my compliance shall not create a right at my expense. These precautions, however, were seldom allowed except to men of a certain rank and were only effective when the balance of power was not too unequal. A too common consequence of the notion of custom was that brutality was legalized and encouraged by being made profitable. It was the practice in Catalonia, when an estate was alienated, to state, in a singularly cynical formula, that it was handed over with all the advantages that its possessor enjoyed 'by grace or by violence'.<sup>1</sup>

This respect for what had been done in the past operated with peculiar force on the system of real property rights. It is very rare, during the whole of the feudal era, for anyone to speak of ownership, either of an estate or of an office; much rarer still—never perhaps, except in Italy—for a lawsuit to turn on such ownership. What the parties claim is almost invariably 'seisin' (in German, *Gewere*). Even in the thirteenth century, the *Parlement* of the Capetian kings, responsive to Roman influences, vainly took the precaution, in every judgment on seisin, of reserving the 'petitory', that is to say the action claiming ownership. It does not appear that in fact the procedure envisaged was ever employed. What then was this famous seisin? It was not exactly possession, which the mere seizure of the land or the right would have sufficed to create. It was possession made venerable by the lapse of time. Two litigants go to law about a field or a right to administer justice. No matter which of them is the present holder, that one will succeed who is able to prove that he ploughed the land or administered justice during previous years or, better still, that his ancestors before him did so. For this purpose, in so far as the case is not remitted to the ordeal or to trial by battle, he will invoke as a rule 'the memory of men, as far as it extends'. Title-deeds were hardly ever produced save to assist memory, and if they proved that a transfer had taken place it was merely a transfer of seisin. Once the proof of long usage had been adduced, no one considered it worth while to prove anything else.

Moreover, for yet other reasons, the word 'ownership', as applied to landed property, would have been almost meaningless. Or at least it would have been necessary to say—as was frequently done later on, when a more developed legal vocabulary was in use—ownership or seisin of such and

<sup>1</sup> E.de Hinojosa, *El regimen señorial y la cuestión agraria en Cataluña*, pp. 250-1.

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such a right over the ground. For nearly all land and a great many human beings were burdened at this time with a multiplicity of obligations differing in their nature, but all apparently of equal importance. None implied that fixed proprietary exclusiveness which belonged to the conception of ownership in Roman law. The tenant who—from father to son, as a rule—ploughs the land and gathers in the crop; his immediate lord, to whom he pays dues and who, in certain circumstances, can resume possession of the land; the lord of the lord, and so on, right up the feudal scale—how many persons there are who can say, each with as much justification as the other, ‘That is my field!’ Even this is an understatement. For the ramifications extended horizontally as well as vertically and account should be taken of the village community, which normally recovered the use of the whole of its agricultural land as soon as it was cleared of crops; of the tenant’s family, without whose consent the property could not be alienated; and of the families of the successive lords.

This hierarchical complex of bonds between the man and the soil derived its sanction, no doubt, from very remote origins. (In a great part of the Roman world itself, Quiritarian ownership had been little more than a façade.) In feudal times, however, the system blossomed out as never before. To minds not much alive to logical contradictions there was nothing disturbing in this interpenetration of ‘seisins’ on the same thing, and perhaps this attitude to legal rights could not be better defined than by borrowing a familiar formula from sociology and calling it the mentality of legal ‘participation’.

### 3 THE REVIVAL OF WRITTEN LAWS

As we have noted, the study of Roman law had never ceased in the schools of Italy. But from about the end of the eleventh century, according to a monk of Marseilles, students were to be seen literally ‘in crowds’ attending the lectures given by teams of masters, now more numerous and better organized<sup>1</sup>—especially at Bologna, rendered illustrious by the great Irnerius, ‘the torch of the law’. Simultaneously, the subject-matter of the teaching was undergoing profound changes. The original sources, in the past too often neglected in favour of poor summaries, once again took first place; the *Digest*, in particular, which had almost fallen into oblivion, thenceforward opened the way to Latin legal reflection in its most refined form. The links between this revival and the other intellectual movements of the age are obvious. The crisis of the Gregorian reform had inspired among all parties a speculative effort that was as much legal as political; it was no coincidence that the composition of the great canonical collections which it directly inspired was exactly contemporaneous with the appearance

<sup>1</sup> Martène and Durand, *Ampl. Collectio*, I, col. 470 (1065).

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of the first works of the school of Bologna. In the latter we cannot fail to recognize the marks of that return to antiquity and that taste for logical analysis which were about to blossom in the new Latin literature, as well as in the revival of philosophy.

Similar developments were occurring at much the same time in the rest of Europe. There also, especially among the great nobles, there was a growing desire to secure the advice of professional jurists. After about 1096 there were to be found, among the assessors at the court of the count of Blois, persons who, not without pride, styled themselves 'learned in the laws'.<sup>1</sup> Possibly they had derived their education from some of the texts of ancient law that were still preserved in the monastic libraries north of the Alps. But these elements were too poor to furnish by themselves the material for an indigenous renaissance. The impulse came from Italy. Favoured by closer and more frequent social contacts than before, the influence of the Bolognese group was disseminated by its lectures (to which foreign students were admitted), by its writings, and finally by the emigration of several of its teachers. Frederick Barbarossa, ruler of the Italian kingdom as well as of the Germanics, welcomed Lombard legists into his retinue during his Italian expeditions. A former student of Bologna, Placentinus, established himself shortly after 1160 at Montpellier: another, Vacarius, had been called some years before to Canterbury. Everywhere, in the course of the twelfth century, Roman law penetrated into the schools. It was taught, for example, about 1170, side by side with canon law, in the shadow of the cathedral of Sens.<sup>2</sup>

Yet the revival of interest in Roman law provoked lively opposition. Fundamentally secular, it disturbed many churchmen by its latent paganism. The guardians of monastic virtue accused it of having turned the monks away from prayer. The theologians reproached it with supplanting the only forms of speculative activity that seemed to them worthy of clerics. The kings of France themselves or their counsellors, at least from Philip Augustus on, seem to have taken umbrage at the too easy justifications which it provided for the theorists of Imperial hegemony. Far from arresting the movement, however, this opposition did little more than attest its strength.

In the south of France, where customary law had retained a strongly Roman stamp, the work of the jurists, by providing access to the original texts, had the effect of elevating the 'written' law to the status of a sort of common law, which was applied in the absence of expressly contrary usages. It was thus too in Provence where, from the middle of the twelfth century, the knowledge of Justinian's Code seemed so important to the laity themselves that they were provided with a summary of it in the vernacular. Elsewhere the influence was less direct. Even where it found a particularly

<sup>1</sup> E.Mabille, *Cartulaire de Marmoutier pour le Dunois*, 1874, nos. CLVI and LXXVIII.

<sup>2</sup> *Rev. histor. de Droit*, 1922, p. 301.



favourable soil, the ancestral rules were too firmly rooted in the 'memory of men' and too closely bound up with a whole system of social organization very different from that of ancient Rome to be overthrown at the mere pleasure of a few teachers of law. But in all regions the hostility henceforth manifested to the old methods of proof, notably trial by battle, and the development, in public law, of the notion of treason owed something to the examples of the *Corpus Juris* and of the gloss. Here again the imitation of the ancient models received powerful support from quite other influences. There was the Church's horror of blood, as of every practice which might seem designed to 'tempt God'. There was the attraction—especially felt by the merchants—of more convenient and more rational procedures. And there was the renewed prestige of monarchy. If we find certain notaries of the twelfth and thirteenth centuries trying to express the realities of their age in the vocabulary of the Codes, these clumsy efforts scarcely affected fundamental human relations. It was by another route that Roman jurisprudence at that time exercised its true influence on living law, namely by teaching it to acquire a clearer conception of itself.

Looking with a new objectivity at the purely traditional precepts which had hitherto governed society after a fashion, men trained in the school of Roman law must inevitably have been inspired to remove their contradictions and uncertainties. It is in the nature of such attitudes to spread and it was not long before they passed beyond the relatively restricted circles which had a direct acquaintance with the marvellous instruments of intellectual analysis bequeathed by ancient jurisprudence. Here again, moreover, they were in harmony with more than one independent movement. Society was less uneducated than it had been and was filled with a great desire for the written word. More powerful groups—above all, the towns—demanded a more precise definition of rules whose uncertainty had lent itself to so much abuse. The consolidation of societies into great states or principalities favoured not only the revival of legislation but also the extension of a unifying jurisprudence over vast territories. It was not without justification that the author of the *Treatise on the Laws of England*, in the continuation of the passage cited above, emphasized the contrast between the discouraging multiplicity of local usages and the much more methodical practice of the royal court.<sup>1</sup> A characteristic feature of the Capetian kingdom is that about the year 1200, side by side with the old references to local custom in the narrowest sense of the word, there appear the names of much larger areas of customary law, such as France around Paris, Normandy, and Champagne. All these were signs that a work of crystallization was in progress, of which the closing years of the twelfth century witnessed at least the preliminaries, if not the completion.

In Italy, beginning with the charter of Pisa in 1142, the urban statutes

<sup>1</sup> See above, p. 112.

steadily increased in number. North of the Alps, the charters of enfranchisement granted to the townsmen tended more and more to become detailed statements of customs. In England, Henry II, the jurist king 'learned in the making and amending of laws, subtle inventor of unwonted judgments',<sup>1</sup> put out a mass of legislation. Under cover of the peace movement, the practice of legislation was reintroduced even in Germany. In France, Philip Augustus, prone in all things to imitate his English rivals, regulated a variety of feudal issues by ordinance.<sup>2</sup> Finally, we come across writers who, without official authorization and simply for the convenience of the practising lawyers, undertook the task of systematizing the rules in force around them. The initiative came, as was natural, from circles which had long ceased to rely upon a purely oral tradition. In northern Italy, for example, about 1150, a compiler brought together in a sort of *corpus* the opinions on the law of fiefs suggested to the lawyers of his country by the laws which the emperors had promulgated in their Lombard kingdom. In England, about 1187, in the circle of the justiciar Ranulf de Glanville, the *Treatise* to which we have already made several references was compiled. Next we have (c. 1200) the oldest Norman customary; and (c. 1221) the *Sachsenspiegel*, which was written in the vernacular<sup>3</sup> by a knight; double testimony to the far-reaching conquests of the new spirit.

The work was to be actively pursued during the following generations, and for this reason it is often necessary to make cautious use of relatively late works to understand a social structure which was never adequately described before the thirteenth century and which, in many of its features, survived into the Europe of the great monarchies. These later works reflect the organizing ability belonging to the great age of the cathedrals and the *Summae*. What historian of feudalism could ignore that admirable analyst of medieval society, Philippe de Beaumanoir, knightly poet and jurist, *bailli* to two kings of France (Philip III and Philip IV) and author, in 1283, of the *Coutumes of Beauvaisis*?

Since customary law was now taught and set down in writing and was in part fixed by legislation, it inevitably lost much of its variety and flexibility. There was certainly nothing to prevent it from developing, and it continued to do so, but change was less unconscious and consequently less frequent, for if one deliberates beforehand one may always decide not to make the contemplated change after all. A period of exceptional movement, an age of obscure and profound gestation, is therefore succeeded, from the second half of the twelfth century, by an era in which

<sup>1</sup> Walter Map, *De nugis curialium*, ed. M.R. James, p. 237.

<sup>2</sup> The kings of Jerusalem provide another and very early example of royal legislative activity. Cf. H. Mitteis, in *Beiträge zur Wirtschaftsrecht*, I, Marburg, 1931, and Grandclaude in *Mélanges Paul Fournier*, 1929. Another is that of the Norman kings of Sicily, though this was in part a continuation of traditions foreign to the West.

<sup>3</sup> At least in the only version which we possess; it was probably preceded by a Latin edition, now lost.

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society tends to organize human relations more strictly, to establish more clear-cut divisions between the classes, to obliterate a great many local variations, and finally to allow change only at a slower rate. For this decisive metamorphosis of about the year 1200, the transformation of legal thought, closely linked as it was with other developments, was not solely responsible. There is no doubt, however, that it was a very important contributory factor.

**PART III**  
**The Ties between Man and Man:**  
**Kinship**



IX  
THE  
SOLIDARITY OF THE KINDRED GROUP

1 THE 'FRIENDS BY BLOOD'

THE ties based on blood relationship existed long before, and were by their very nature foreign to, the human relations characteristic of feudalism; but they continued to exert such an important influence within the new structure that we cannot exclude them from our picture. Unfortunately this is not an easy subject for study. It was not without reason that in old France the family community of the country districts was commonly described as the 'silent' (*taisible*) community. Intercourse between close relatives naturally dispenses with writing. Though it was resorted to in exceptional cases, these specimens of family correspondence, which come almost exclusively from the upper classes, have for the most part perished—at least, those earlier than the thirteenth century. For the ecclesiastical archives are practically the only ones preserved up to that date. But that is not the only difficulty. A comprehensive picture of feudal institutions can be legitimately attempted because, originating at the very time when a real Europe was taking shape, they spread without fundamental differences to the whole European world. But the institutions of blood-relationship were, on the contrary, the legacy—and a singularly tenacious one—of the particular past of each of the groups of diverse origins whose destiny had brought them to live side by side. Compare for example the almost uniform character of the rules relating to the inheritance of the military fief with the almost infinite variety of those which regulated the transmission of other forms of property. In the following account, it will be more than ever necessary to concentrate upon a few major currents.

In the whole of feudal Europe, then, there existed groups founded on blood-relationship. The terms which served to describe them were rather indefinite—in France, most commonly, *parenté* or *lignage*. Yet the ties thus created were regarded as extremely strong. One word is characteristic. In France, in speaking of kinsfolk, one commonly called them simply 'friends' (*amis*) and in Germany, *Freunde*. A legal document of the eleventh century originating from the Île de France enumerates them thus: 'His friends, that

is to say his mother, his brothers, his sisters and his other relatives by blood or by marriage.<sup>1</sup> Only with a regard for accuracy that was somewhat rare did people occasionally say expressly 'friends by blood' (*amis charnels*). The general assumption seems to have been that there was no real friendship save between persons united by blood.

The best-served hero was he whose warriors were all joined to him either by the new, feudal relationship of vassalage, or by the ancient tie of kinship—two equally binding ties which were ordinarily put on the same plane because they seemed to take precedence of all others. *Magen und mannen*—this alliteration is almost proverbial in the German epic. But poetry is not our only authority on the point, and the sagacious Joinville, even in the thirteenth century, knew well that if Guy de Mauvoisin's force did wonderfully well at Mansurah it was because it was composed entirely either of liegemen of the leader or of knights of his kin. Devotion reached its highest fervour when the two solidarities were mingled, as happened, according to the *geste*, to Duke Bègue whose thousand vassals were *trestous d'une parenté*—'everyone of the same kin'. Whence did a feudal noble, whether of Normandy or Flanders, derive his power, according to the chroniclers? From his castles, no doubt, from his handsome revenues in silver coin, and from the number of his vassals; but also from the number of his kinsmen. And the same thing was true at the lower levels, right down the social scale. It was true of merchants, as for example the burghers of Ghent of whom a writer who knew them well said that they possessed two great sources of strength: 'their towers'—patrician towers whose stone walls, in the towns, cast a huge shadow over the humble wooden dwellings of the people—and 'their kinsfolk'. It was true also of the members of those kindred groups—many of them peasants or at any rate simple freemen, with the modest wergild of 200 shillings—against whom, in the second half of the tenth century, the men of London were ready to go to war, 'if they prevent us from exercising our rights, by giving shelter to robbers'.<sup>2</sup>

The man who was brought before a court found in his kinsmen his natural helpers. Where the old Germanic procedure of compurgation or oath-helping remained in force, in which a collective oath sufficed to clear the accused of any charge or to confirm the complaint brought by a plaintiff, it was among the 'friends by blood' that either by law or by custom the oath-helpers must be found. A case in point was that of the four kinsmen who, at Usagre in Castile, were required to swear with a woman who declared that she had

<sup>1</sup> *Cartulaire de Sainte Madeleine de Davron*: Bibl. Nat., MS. latin 5288. fol. 77 vo. This equivalence of the words 'friend' and 'relative' is found also in Welsh and Irish legal texts; cf. R. Thurneysen, in *Zeitschr. der Savigny-Stiftung*, G.A., 1935, pp. 100–101.

<sup>2</sup> Joinville, ed., de Wailly (Soc. de l'histoire de France), p. 88; *Garin le Lorrain*, ed. P. Paris, I, p. 103; Robert of Torigny, ed. L. Delisle, pp. 224–5; Gislebert of Mons, ed. Pertz, pp. 235 and 258; Athelstan, *Laws*, VI, c. VIII, 2.

## SOLIDARITY OF THE KINDRED GROUP

been the victim of rape.<sup>1</sup> What if trial by battle were preferred, as a means of proof? In theory, Beaumanoir explains, it could be claimed only by one of the parties. There were, however, two exceptions to this rule: it was lawful for the liege vassal to demand battle on behalf of his lord, and any man could do so, if a member of his own kin was involved. Once more, the two relationships appear on the same footing. Thus we see, in the *Chanson de Roland*, Ganelon's kinsmen delegating one of their members to enter the lists against the traitor's accuser. In the *Chanson*, moreover, the solidarity of the kindred extends much farther still. After the defeat of their champion, the thirty kinsmen, who have 'stood surety' for him, are hanged all together on the tree of the Accursed Wood. A poet's exaggeration, beyond any doubt. The epic was a magnifying glass. But the poet's inventions could hope to find little response unless they conformed to the common sentiment. About 1200, the seneschal of Normandy, a representative of a more advanced stage of legal development, had difficulty in preventing his agents from including in the punishment of a criminal all his kinsfolk as well.<sup>2</sup> To such a degree did the individual and the group appear inseparable.

While the kinship group was a source of strength to the individual, it was also in its way a judge. To it, if we are to believe the *gestes*, the thoughts of the knight went out in the hour of peril. 'Come to my aid, that I may not play the poltroon and thereby bring shame upon my kindred'—was the simple prayer of Guillaume d'Orange to Our Lady;<sup>3</sup> and if Roland refuses to call to his aid the army of Charlemagne, it is for fear lest his kinsmen should incur reproach on his account. The honour or dishonour of one of the members of the little group reflected upon them all.

It was, however, especially in the vendetta that the ties of kinship showed themselves at their strongest.

### 2 THE VENDETTA

The Middle Ages, from beginning to end, and particularly the feudal era, lived under the sign of private vengeance. The onus, of course, lay above all on the wronged individual; vengeance was imposed on him as the most sacred of duties—to be pursued even beyond the grave. A rich Florentine, Velluto di Buonchristiano, was a member of one of those citizen communities whose very independence of the great states bred a deep-rooted regard for traditional points of honour. Having been mortally wounded by one of his enemies, in 1310 he made his will. Now a will, in the eyes of that age, was a work of piety as much as of wise provision and was intended above all to ensure the salvation of the soul by devout bequests.

<sup>1</sup> E. de Hinojosa, 'Das germanische Element im spanischen Rechte' in *Zeitschrift der Savigny-Stiftung*, G.A., 1910, p. 291, n. 2.

<sup>2</sup> J. Tardif, *Coutumiers de Normandie*, I, p. 52, c. LXI.

<sup>3</sup> *Le Couronnement de Louis*, ed. E. Langlois, vv. 787-9.



Yet even in such a document Velluto was not afraid to set down a legacy in favour of his avenger, if one were to be found.<sup>1</sup>

The solitary individual, however, could do but little. Moreover, it was most commonly a death that had to be avenged. In this case the family group went into action and the *faide* (feud) came into being, to use the old Germanic word which spread little by little through the whole of Europe—‘the vengeance of the kinsmen which we call *faida*’, as a German canonist expressed it.<sup>2</sup> No moral obligation seemed more sacred than this. In Flanders, about the end of the twelfth century, there lived a noble lady whose husband and two children had been killed by enemies; from that time, the blood-feud disturbed the surrounding countryside. A saintly man, Bishop Arnulf of Soissons, came to preach reconciliation, and to avoid listening to him the widow had the drawbridge raised. Among the Frisians, the very corpse cried out for vengeance; it hung withering in the house till the day when, the vengeance accomplished, the kinsmen had at last the right to bury it.<sup>3</sup> Even in the last decades of the thirteenth century, why did the wise Beaumanoir, the servant of French kings pre-eminent in the maintenance of peace, deem it desirable that everyone should be able to determine the degrees of relationship? In order, he says, that in private wars a man might be able to call upon ‘the aid of his kinsman’.

The whole kindred, therefore, placed as a rule under the command of a ‘chieftain’, took up arms to punish the murder of one of its members or merely a wrong that he had suffered. But vengeance was not directed solely against the author of the wrong himself, for active solidarity was matched by a passive solidarity equally strong. In Frisia, the death of the murderer was not necessary in order that the corpse, its wrong requited, should be laid in the grave; the death of a member of the murderer’s family was enough. And if, as we are told, twenty-four years after making his will Velluto found at last in one of his kinsmen the desired avenger, the vengeance, in its turn, fell not on the guilty man himself but on a kinsman. There is no better proof of the power and endurance of these ideas than a decree—a relatively late one—of the Parlement of Paris. In 1260, a knight, Louis Defeux, was wounded by a certain Thomas d’Ouzouer and proceeded against his assailant in court. The accused did not deny the fact, but he explained that he had himself been attacked some time before by a nephew of his victim. What offence, then, had he committed? Had he not, in conformity with the royal ordinances, waited forty days before taking his revenge—the time held to be necessary to warn one’s kindred of the danger? Agreed, replied the knight; but what my nephew has done is no concern of mine. The argument availed him nothing, for the act of an individual

<sup>1</sup> R. Davidsohn, *Geschichte von Florenz*, IV, 3, 1927, pp. 370 and 384–5.

<sup>2</sup> Regino of Prüm, *De synodalibus causis*, ed. Wasserschleben, II, 5.

<sup>3</sup> Hariulf, *Vita Arnulfi episcopi*, in *M.G.H.*, SS., XV, p. 889; Thomas de Cantimpré, *Bonum universale de apibus*, II, 1, 15.

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involved all his kinsfolk. Such, at any rate, was the decision of the judges of the pious and peace-loving St. Louis. Blood thus called for blood, and interminable quarrels arising from often futile causes set the hostile houses at each other's throats. In the eleventh century a dispute between two noble houses of Burgundy, begun one day during the vintage season, went on for thirty years, and in the course of it one of the parties had lost more than eleven men.<sup>1</sup>

Among these feuds, the chronicles have recorded especially the conflicts of the great noble families, as for example the 'perdurable hatred', mixed with abominable treacheries, which in twelfth-century Normandy embroiled the Giroys with the Talvas.<sup>2</sup> In the tales chanted by the minstrels, the nobility found the echo of their passions, elevated to epic grandeur. The blood-feuds of the *Lorrains* against the *Bordelais*, of the kindred of Raoul de Cambrai against those of Herbert de Vermandois, make up some of the finest of the *gestes*. The mortal blow dealt on a feast day by one of the children of Lara to one of the kinsmen of his aunt engendered the series of murders which, linked one to another, constitute the thread of a celebrated Spanish *cantar*. But at every level of society the same customs prevailed. It is true that when in the thirteenth century the nobility had finally become a hereditary body, it tended to reserve for itself as a mark of honour any form of recourse to arms. Legal doctrine and the public authorities—such as the count's court of Hainault in 1275<sup>3</sup>—readily followed suit, partly from sympathy with the prejudices of the noble class, but also partly from a more or less obscure desire on the part of princes or jurists preoccupied with keeping the peace, to prevent the fire from spreading. To impose on a military caste the renunciation of all private vengeance was neither possible in practice nor conceivable in principle; but at any rate a big step forward would have been taken if it could be imposed on the rest of the population. Thus violence became a class privilege—at least in theory. For even authors who, like Beaumanoir, consider that 'it is not permissible for others than noblemen to wage war' scarcely leave us in doubt as to the restricted implications of that rule. Arezzo was not the only city from which St. Francis could have exorcised the demons of discord, as in the paintings on the walls of the basilica at Assisi. The first urban constitutions had as their principal concern the maintenance of peace and appeared essentially—according to the very name they sometimes adopted—as acts of 'peace'. The main reason for this was that, among many other causes of strife, the rising bourgeoisie was torn, as again Beaumanoir says, 'by the strife and hatred which set one family

<sup>1</sup> Ralph Glaber, ed. Prou, II, c. x.

<sup>2</sup> In the Vicomte de Motey's book, *Origines de la Normandie et du duché d'Alençon*, 1920, there is an account of this feud inspired by a candid partiality in favour of the Talvas.

<sup>3</sup> F. Cattier, *La Guerre privée dans le comté de Hainaut in Annales de la Faculté de philosophie de Bruxelles*, I, 1889–90. Cf. for Bavaria, Schnellbögl, *Die innere Entwicklung des bayerischen Landfriedens*, 1932, p. 312.

against another'. The little that we know about the obscure life of the country districts shows that there too a similar state of things prevailed.

Such aggressive sentiments did not, however, hold undivided sway in men's minds. They were countered by other forces—the horror of bloodshed inculcated by the Church, the traditional notion of the public peace, and, above all, the need for that peace. The history of the painful efforts throughout the feudal era to establish internal order—of which more hereunder—provides striking evidence of the evils that it sought to combat.

The 'mortal hatreds'—the phrase had assumed an almost technical meaning—which the ties of kinship engendered ranked undoubtedly among the principal causes of the general disorder. But since they were an integral part of a moral code to which in their heart of hearts the most ardent champions of peace undoubtedly remained faithful, only a few utopians could believe it feasible to abolish them altogether. While fixing penalties, or naming places where violence of any sort was prohibited, many of the peace pacts still recognized the legality of the blood-feud. The authorities for the most part adopted a similar policy. They sought to protect innocent people against the most flagrant abuses of family solidarity, and they fixed the period of grace. They also strove to draw a distinction between lawful reprisals and plain brigandage carried out under the pretext of justifiable vengeance.<sup>1</sup> They tried sometimes to limit the number and nature of the wrongs which could be expiated in blood; in the Norman ordinances of William the Conqueror only the murder of a father or a son was so classified. They ventured increasingly, as they grew stronger, to forestall private vengeance by the repression of flagrant offences or of crimes which came under the heading of violations of the peace. Above all, they laboured to bring the hostile groups to reason, and sometimes to compel them to conclude treaties of armistice or reconciliation under the arbitration of the courts. In short, except in England where, after the Conquest, the disappearance of any legal right of vengeance was one of the aspects of the royal 'tyranny', they confined themselves to moderating the more extreme manifestations of practices which they were unable and perhaps unwilling to stop altogether. The judicial procedures themselves, when by chance the injured party preferred them to direct action, were hardly more than regularized vendettas. A significant illustration, in the case of wilful murder, is the allocation of rights and responsibilities laid down in 1232 by the municipal charter of Arques, in Artois. To the lord is assigned the property of the guilty man; to the kinsmen of his victim his person, so that they may put him to death.<sup>2</sup> The right of lodging a complaint belonged almost invariably to the relatives alone;<sup>1</sup> and even in the thirteenth century in the

<sup>1</sup> For example, in Flanders: Walterus, *Vita Karoli*, c. 19, in *M.G.H.*, SS., XII, p. 547.

<sup>2</sup> G.Espinass, *Recueil de documents relatifs à l'histoire du droit municipal, Artois*, I, p. 236, c. XXVIII. It is significant that this provision had disappeared from the *Keure* of 1469, p. 251, c. IV j.

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best governed cities and principalities, in Flanders for example or in Normandy, the murderer could not receive his pardon from the sovereign or the judges unless he had first reached an agreement with the kinsmen of the victim.

For, important as might seem 'those old, well-nourished hatreds', of which the Spanish poets speak complacently, they could hardly be expected to go on for ever. Sooner or later, it was necessary to renounce—as the poet of *Girart de Roussillon* expressed it—'the vengeance of dead men'. According to a very ancient custom the reconciliation was normally effected by means of an indemnity. 'Buy off the spear aimed at your breast, if you do not wish to feel its point'—this old Anglo-Saxon saying was still wise counsel.<sup>2</sup>

The regular tariffs of composition which in the past the barbarian laws had set forth in such detail and, in particular, the meticulous gradation of wergilds now survived only in a few places—in Frisia, in Flanders, and in some regions of Spain—and then only in a much modified form. In Saxony, which was on the whole conservative, the system of tariffs was indeed mentioned in the *Sachsenspiegel*, compiled in the early thirteenth century; but it scarcely figures there save as a rather meaningless archaism. And the *relief de l'homme*, which under St. Louis certain texts from the Loire valley continued to fix at 100 *solidi*, was applied only in exceptional circumstances.<sup>3</sup> How should it have been otherwise? The old barbarian codes had been replaced by local customs which were thenceforth common to populations with very different penal traditions. The governing powers, which formerly took an interest in the strict payment of the prescribed sums because they obtained a share of them, had, during the anarchy of the tenth and eleventh centuries, lost the strength to claim anything at all. Finally and above all, the class distinctions on which the ancient assessments were based had been profoundly modified.

But the disappearance of the fixed scales did not affect the practice of compensation itself. This continued till the end of the Middle Ages to compete with the physical penalties advocated by the supporters of the peace movement as being more effective deterrents. But the compensation for injury or murder—to which was sometimes added a pious foundation on behalf of the departed soul—was henceforth determined in each particular case by agreement, arbitration, or judicial decision. Thus, to cite only two examples, taken from the two extremities of the social scale, about 1160 the bishop of Bayeux received a church from a kinsman of the

<sup>1</sup> It also belonged, as we shall see later, to the lord of the victim or to his vassal—though this was the result of a virtual assimilation of the tie of personal protection and dependence to that of kinship.

<sup>2</sup> *Girart de Roussillon*, trans. by P.Meyer, p. 104, no. 787; *Leges Edwardi Confessoris*, XII, 6.

<sup>3</sup> *Établissements de Saint Louis*, ed. P.Viollet, in table.

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nobleman who had killed his niece; and in 1227 a peasant woman of Sens obtained a small sum of money from the murderer of her husband.<sup>1</sup>

Like the blood-feud itself, the payment which put an end to it concerned the whole group. Where a simple wrong was involved, it seems that the practice had been established at a very early date of limiting the compensation to the wronged individual. But suppose that, on the contrary, it was a case of murder or, as sometimes also happened, of mutilation. Then it was the kinsmen of the victim who received the wergild in whole or in part, and the kinsmen of the guilty person who contributed to the payment. In some regions set indemnities had been fixed by law, but elsewhere habit was the deciding factor, or perhaps a mere sense of fitness, both sufficiently compelling to be recognized by the authorities as having almost the force of law. The clerks of the chancery of Philip the Fair transcribed in their formulary, under the heading 'Of the finance of kinsmen', a royal decree requiring that the share of the payment due from the different kinsmen concerned be fixed according to ascertained custom. No doubt they expected to have to make frequent use of this model.<sup>2</sup>

The payment of an indemnity did not as a rule suffice to seal the agreement. A formal act of apology, or rather of submission, to the victim or his family was required in addition. Usually, at least among persons of relatively high rank, it assumed the form of the most gravely significant gesture of subordination known in that day—homage 'of mouth and hands'. Here again it was groups rather than individuals that confronted each other. When in 1208 the steward of the monks of Saint-Denis, at Argenteuil, made peace with the steward of the lord of Montmorency whom he had wounded, he was obliged to bring with him for the expiatory homage twenty-nine of his kinsmen. In March 1134, after the assassination of the sub-dean of Orleans, all the relatives of the dead man assembled to receive the homage not only of one of the murderers, of his accomplices and of his vassals, but also of the 'best of his kin'—in all, two hundred and forty persons.<sup>3</sup> In every way a man's action was propagated throughout the circle of his kinsfolk in successive waves,

### 3 ECONOMIC SOLIDARITY

The feudal West universally recognized the legality of individual possession, but in practice the solidarity of the kindred was frequently extended to community of goods. Throughout the country districts there were numerous 'brotherhoods'—groups consisting of several related households sharing the same hearth and the same board and cultivating the same common

<sup>1</sup> L. Delisle and E. Berger, *Recueil des actes de Henri II*, no. CLXII; cf. CXCIV; M. Quantin, *Recueil de pièces pour faire suite au cartulaire général de l'Yonne*, no. 349.

<sup>2</sup> Bibl. Nat., MS. latin 4763, fol. 47 ro.

<sup>3</sup> Félibien, *Histoire de l'abbaye royale de Saint Denys*, docs., no. CLV; A. Luchoire, *Louis VI*, no. 531.

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fields. The lord frequently encouraged or even enforced these arrangements, for he considered it an advantage to hold the members of the 'communal households' jointly responsible, willy-nilly, for the payment of dues. In a great part of France the law of succession applicable to serfs knew no other system of devolution than the continuance of an already existing household community. Suppose that the natural heir, a son or sometimes a brother, had, before the succession took effect, abandoned the communal home. Then, but only then, were his rights completely extinguished in favour of those of the master.

Undoubtedly such arrangements were less common in the higher classes of society, partly because the division of property automatically becomes easier as wealth increases, but mainly, perhaps, because seignorial rights could not be clearly distinguished from political authority, which by its very nature was less easily exercised by a group. Many petty lords, however, particularly in central France and in Tuscany, practised parcenary just as the peasants did, exploiting their inheritance in common, living all together in the ancestral castle or at least sharing in its defence. These were the 'parceners of the ragged cloak', whom the troubadour, Bertrand de Born, himself one of their number, makes the very type of poor knights. To this category, as late as 1251, belonged the thirty-one co-possessors of a castle in the Gévaudan.<sup>1</sup> Suppose that by chance a stranger succeeded in joining the group. Whether it was a question of rustics or of persons of higher rank, the act of association was likely to take the form of a fictitious 'fraternity'—as if the only really solid social contract was one which, if not based on actual blood-relationship, at least imitated its ties. The great nobles themselves were not always strangers to these communitary practices. For several generations, the Boso family, who controlled the Provençal counties, while reserving to each branch of the family its particular zone of influence, regarded the general government of the fief as undivided, and all assumed the same title of 'count' or 'prince' of the whole of Provence.

Even when individual possession clearly prevailed, it was not on that account entirely free from family impediment. This age of legal 'participation' saw no contradiction between terms which we should probably consider conflicting. The deeds of sale or gift for the tenth, eleventh and twelfth centuries which the ecclesiastical muniment chests have preserved for us are instructive. Frequently, in a preamble written by the clerics, the alienator proclaims his right to dispose of his goods in complete freedom. Such was, in fact, the theory of the Church. Continually enriched by gifts, entrusted moreover with the guardianship of souls, it could scarcely have admitted that any obstacle stood in the way of the faithful desirous

<sup>1</sup> B. de Born, ed. Appel, 19, vv. 16–17; C. Porée, 'Les Statuts de la communauté des seigneurs pariers de La Garde-Guérin (1238–1313)' in *Bibliothèque de l'École des Chartes*, 1907, and *Études historiques sur le Gévaudan*, 1919.

of assuring their salvation or that of those dear to them. The interests of the greater nobility, whose patrimony was augmented by cessions of land agreed to more or less voluntarily by the small land-owners, pointed in the same direction. As early as the ninth century, the Saxon law enumerates the circumstances in which alienation—if it involves the disinheriting of the relatives—is permitted; and it is not by mere chance that among these cases, together with gifts to the churches and the king, it lists that of the poor devil who, ‘compelled by hunger’, has made it a condition that he be supported by the powerful man to whom he has made over his bit of ground.<sup>1</sup>

But loudly as these charters or deeds may proclaim the rights of the individual, they almost never fail to mention at a later stage the consent of the various relatives of the vendor or donor. Such consent seemed so far necessary that as a rule there was no hesitation in paying for it. But suppose that some relative, not having been consulted at the time, should claim (perhaps after many years) that the contract is null and void. The beneficiaries complain bitterly about the injustice and impiety of his action; sometimes they take the case to court and obtain judgment in their favour.<sup>2</sup> Nine times out of ten, however, despite protests and judgments, they are obliged after all to compound. Of course, there was no question of protection being given to heirs, in the restricted sense of the term, as in our legal system. No fixed principle limited the size of the group whose consent was considered necessary, and collaterals might intervene despite the presence of direct descendants; or in the same branch the different generations might be called on concurrently to give their approval. The ideal was to obtain, as a bailiff of Chartres undertook to do—even when wife, children and sisters had already given their consent—the favourable opinion of ‘as many kinsmen and relatives as possible’.<sup>3</sup> The whole family felt that it had suffered damage when a property passed out of its grip.

Nevertheless, from the twelfth century onwards, customs which were often vague but which were governed by a few broad collective principles were gradually replaced by a system of law more devoted to precision and clarity, whilst changes in the economy rendered restrictions on buying and selling more and more irksome. Formerly, sales of landed property had been somewhat rare; their very legality seemed doubtful, in the eyes of public opinion, unless there was the excuse of great ‘poverty’. Thus when the purchaser was a church, the sale was apt to be disguised under the name of a pious donation. Actually the vendor expected from his pretence, which was only half deception, a double gain. In this world he would receive the purchase-price (though a lower one perhaps than it would have been

<sup>1</sup> *Lex Saxonum*, c. LXII.

<sup>2</sup> See an example (judgment of the court of Blois), C.Méiais, *Cartulaire de Notre-Dame de Josaphat*, I, no. CIII; cf. no. CII.

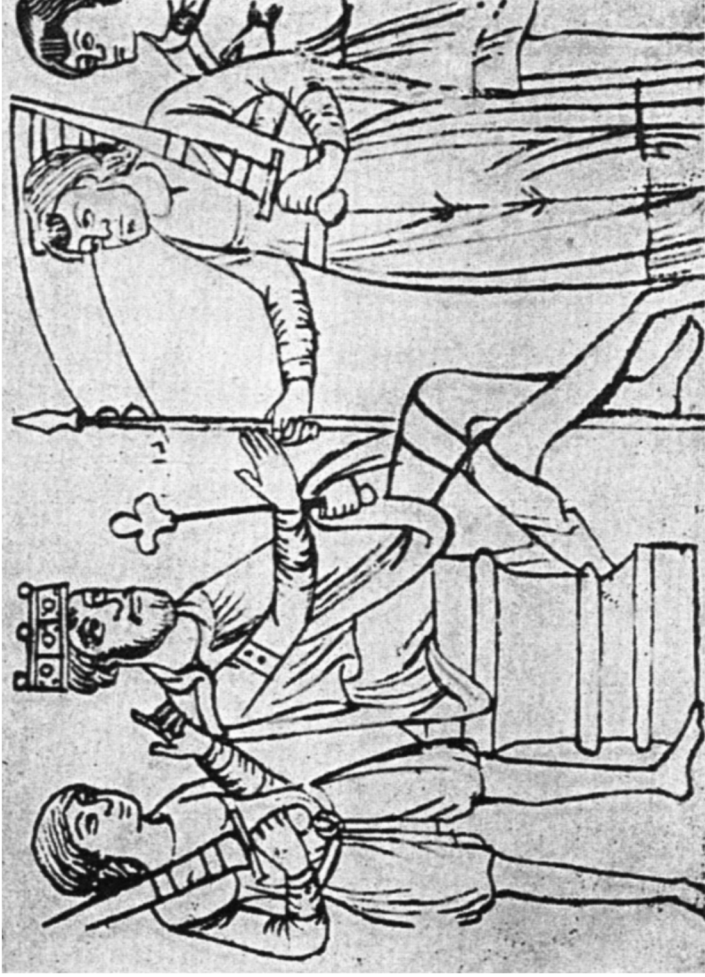
<sup>3</sup> B.Guérard, *Cartulaire de l'abbaye de Saint-Père de Chartres*, II, p. 278, no. XIX.



#### IV. THE LOVER'S HOMAGE

From the seal of Raymond de Mondragon, 12th century. Cabinet des Médailles.  
Bibliothèque Nationale, Paris.





V. INVESTITURE BY THE STANDARD  
Charlemagne invests Roland with the Spanish March. From the *Rolandlied* of Konrad of Regensburg, 12th century. University Library, Heidelberg, MS PLt. germ.112.

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in the absence of any other remuneration); in the next, the salvation of his soul, obtained through the prayers of the servants of God.

From now on, however, genuine sale became a frequent operation, conducted without disguise. To be absolutely free it would have required what was to be found only in societies of an exceptional type—the commercial spirit and audacity of a few great burgher communities. Outside these circles the sale of land was governed by its own law, clearly distinguished from that relating to gifts—a law still subject to some limitations, though these were less strict than in the past and much better defined. The tendency at first was to require that before every alienation for value received the property should be offered first to one of the relatives, provided it had itself been acquired by inheritance—a significant restriction and one which was retained.<sup>1</sup> Finally, from about the beginning of the thirteenth century, family control was reduced to a simple recognition of the right of the relatives, within prescribed limits and according to a stipulated order, to take the place of the buyer once the sale had occurred, on repayment of the price already paid. In medieval society there was scarcely an institution more universal than this right of redemption enjoyed by relatives (*retrait lignager*). With the single exception of England<sup>2</sup>—and even there it is found in certain municipal customs—it prevailed everywhere from Sweden to Italy. Nor was there an institution more firmly rooted; in France, it was abolished only by the Revolution. Thus, through the centuries, in more precise though more attenuated forms, the economic influence of the family lived on.

<sup>1</sup> This restriction appears, as early as 1055–70, in a document of the *Livre Noir de Saint-Florent de Saumur*: Bibl. Nat. nouv. acquis. lat. 1930, fol. 113 vo.

<sup>2</sup> As early as the Anglo-Saxon period, it should be added, there had been created in England a category of estates (not very numerous, it is true) which, under the name of ‘bookland’, were not subject to customary restrictions and could be alienated freely.

X  
CHARACTER AND VICISSITUDES OF  
THE TIE OF KINSHIP

1 THE REALITIES OF FAMILY LIFE

IN spite of the power of the family to give support to its members or impose restraints upon them, it would be a grave error to picture its internal life in uniformly idyllic colours. The fact that the family groups engaged readily in blood-feuds did not always prevent the most atrocious intestine quarrels. Though Beaumanoir finds wars between kinsmen distressing, he obviously does not regard them as exceptional or even, except when waged between full brothers, as actually unlawful. To understand the prevailing attitude it is enough to consult the history of the princely houses. If, for example, we were to follow from generation to generation the destiny of the Angevins, the true Atrides of the Middle Ages, we should read of the 'more than civil' war which for seven years embroiled the count Fulk Nerra with his son Geoffrey Martel; of how Fulk le Réchin, after having dispossessed his brother, threw him into prison—to release him only as a madman, at the end of eighteen years; of the furious hatred of the sons of Henry II for their father; and finally of the assassination of Arthur by his uncle, King John.

In the class immediately below, there are the bloody quarrels of so many middle and lesser lords over the family castle; as for example the case of that Flemish knight who, having been turned out of his home by his two brothers and having seen them massacre his wife and child, killed one of the murderers with his own hands.<sup>1</sup> More terrible still was the affair of the viscounts of Comborn, one of those tales for strong stomachs that lose nothing of their flavour through being set down by the tranquil pen of a monastic writer.<sup>2</sup> At the outset, we learn of the viscount Archambaud who, to avenge his deserted mother, kills one of his half-brothers and then, many years later, buys his father's pardon by the murder of a knight who had earlier inflicted an incurable wound on the old nobleman. The viscount leaves, in his turn, three sons. The eldest, who has inherited the viscounty, dies shortly afterwards, leaving a young boy as his only descendant.

<sup>1</sup> *Miracula S.Ursmari*, c. 6, in *M.G.H.*, SS., XV, 2, p. 839.

<sup>2</sup> Geoffroi de Vigeois, I, 25, in Labbé, *Bibliotheca nova*, II, p. 291.

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Mistrustful of the second brother, it is to the youngest, Bernard, that he confides the protection of his estates during the minority of his son. Arrived at the age of knighthood, 'the child' Eble vainly claims the inheritance. Thanks to the mediation of friends, however, he obtains the castle of Comborn though nothing else. He resides there, with rage in his heart, till one day his aunt (Bernard's wife) accidentally falls into his hands. He violates her publicly, hoping in this way to compel the outraged husband to repudiate her. Bernard takes his wife back and prepares his revenge. One fine day, he rides past the walls of the castle with a small escort, as if out of bravado. Eble, just rising from table, his brain clouded by drink, sets out madly in pursuit. After having gone a little way, the pretended fugitives turn, set upon the youth and wound him mortally. This tragic end, the wrongs which the victim had suffered, and above all his youth, so moved the people that for several days offerings were laid on his temporary grave at the spot where he was killed, as if it were the shrine of a martyr. But the perjured and blood-stained uncle and his descendants after him remained in undisturbed possession of both the castle and the viscounty.

None of this need surprise us. In these centuries of violence and highstrung emotions social ties could easily seem very strong and even show themselves frequently to be so, and yet be ruptured by an outburst of passion. But even apart from these brutal quarrels, provoked as often by greed as by anger, the fact remains that in the most normal circumstances, a strong sense of community was quite compatible with a pretty callous attitude towards individuals. As was natural perhaps in a society in which kinship was above all regarded as a basis of mutual help, the group counted for much more than its members taken individually. It is to the official historian employed by a great baronial family that we owe the record of a characteristic remark made one day by the ancestor of the line. John, the marshal of England, had refused, in spite of his promises, to surrender one of his castles to King Stephen. His enemies therefore threatened to execute before his eyes his young son, whom he had a short while before handed over as a hostage. 'What recks it me of the child,' replied the good nobleman, 'have I not still the anvils and the hammers wherewith to forge finer ones?'<sup>1</sup> As for marriage, it was often quite frankly a mere combining of interests and, for women, 'a protective institution. Listen, in the *Poem of the Cid*, to the words of the hero's daughters, to whom their father has just announced that he has promised them to the sons of Carrion. The maidens who, needless to say, have never seen their prospective husbands express their thanks: 'When you have married us, we shall be rich ladies.' These conventions were so strong that among peoples who were yet profoundly Christian they led to a strange conflict between social habits and religious laws.

<sup>1</sup> *L'Histoire de Guillaume le Maréchal*, ed. P.Meyer, I, v. 399 *et seq.*

## FEUDAL SOCIETY

The Church had no love for second or third marriages, although it was not expressly opposed to them. Nevertheless, from top to bottom of the social scale remarriage was almost universal. This was partly no doubt from the desire to place the satisfaction of the flesh under the shelter of the sacrament; but another reason was that when the husband had died first, it seemed too dangerous for the wife to live alone. Moreover in every estate that fell to the distaff side the lord saw a threat to the proper performance of the services due from it. When in 1119, after the defeat of the chivalry of Antioch at the Field of Blood, King Baldwin II of Jerusalem undertook the reorganization of the principality, he made a point both of preserving their heritage for the orphans and of finding new husbands for the widows. And, of the death of six of his knights in Egypt, Joinville naively remarks: 'Wherefore the wives of all six of them had to remarry.'<sup>1</sup> Sometimes seignorial authority even went to the length of ordering that peasant women whom an untimely widowhood prevented from properly cultivating their fields or carrying out the prescribed labour services should be provided with husbands.

The Church proclaimed the indissolubility of the conjugal tie; but this did not prevent frequent repudiations, especially among the upper classes, often inspired by the most worldly considerations. Witness, among a great many others, the matrimonial adventures of John the Marshal, narrated, always in the same level tone, by the *trouvère* in the service of his grandsons. He had married a lady of high lineage, endowed—if we are to believe the poet—with all the highest qualities of body and mind: 'great joy had they together'. Unfortunately, John had also an 'over-mighty neighbour' whom prudence required him to conciliate. He got rid of his charming wife and married the sister of this dangerous personage.

But to place marriage at the centre of the family group would certainly be to distort the realities of the feudal era. The wife only half belonged to the family in which her destiny had placed her, perhaps not for very long. 'Be quiet,' says Garin le Lorrain roughly to the widow of his murdered brother who is weeping over the body and bemoaning her lot, 'a noble knight will take you up again...it is I who must continue in deep mourning.'<sup>2</sup> In the relatively late poem of the *Nibelungen*, Kriemhild avenges on her brothers the death of Siegfried, her first husband—although it must be admitted that the justice of her action seems by no means certain; but it appears that in the primitive version of the story she pursued the blood-feud of her brothers against Attila, her second husband and their murderer. Both in its emotional climate and in its size, the family of those days was quite a different thing from the small conjugal family of later times. What then, precisely, was its scope?

<sup>1</sup> William of Tyre, XII, 12; Joinville, ed. de Wailly (*Soc. de l'Hist. de France*), pp. 105–106.

<sup>2</sup> *Garin le Lorrain*, ed. P. Paris, II, p. 268.

## THE TIE OF KINSHIP

### 2 THE STRUCTURE OF THE FAMILY

Vast *gentes* or clans, firmly defined and held together by a belief—whether true or false—in a common ancestry, were unknown to western Europe in the feudal period, save on its outer fringes, beyond the genuinely feudalized regions. On the shores of the North Sea there were the *Geschlechter* of Frisia or of Dithmarschen; in the west, Celtic tribes or clans. It seems certain that groups of this nature had still existed among the Germans in the period of the invasions. There were, for example, the Lombard and Frankish *farae* of which more than one Italian or French village continues today to bear the name; and there were also the *genealogiae* of the Alemans and Bavarians which certain texts show in possession of the soil. But these excessively large units gradually disintegrated.

The Roman *gens* had owed the exceptional firmness of its pattern to the absolute primacy of descent in the male line. Nothing like this was known in the feudal epoch. Already in ancient Germany each individual had two kinds of relative, those ‘of the spear side’, and those ‘of the distaff side’, and he was bound, though in different degrees, to the second as well as to the first. It was as though among the Germans the victory of the agnatic principle had never been sufficiently complete to extinguish all trace of a more ancient system of uterine filiation. Unfortunately we know almost nothing of the native family traditions of the countries conquered by Rome. But, whatever one is to think of these problems of origins, it is at all events certain that in the medieval West kinship had acquired or retained a distinctly dual character. The sentimental importance with which the epic invested the relations of the maternal uncle and his nephew is but one of the expressions of a system in which the ties of relationship through women were nearly as important as those of paternal consanguinity.<sup>1</sup> One proof of this is the clear evidence from the practices of name-giving.

The majority of Germanic personal names were formed by linking two elements, each of which had a meaning of its own. So long as people continued to be aware of the distinction between the two stems, it was the common custom, if not the rule, to mark the filiation by borrowing one of the components. This was true even in Romance-speaking regions where the prestige of the conquerors had led to the widespread imitation of their name system by the native peoples. Children took their names either from the father or the mother; there seems to have been no fixed rule. In the village of Palaiseau, for example, at the beginning of the ninth century, the peasant *Teud-ricus* and his wife *Ermen-bertha* baptized one of their sons *Teut-hardus*, another *Erment-arius*, and the third, by way of a double

<sup>1</sup> W.O.Farnsworth, *Uncle and Nephew in the Old French Chansons de Geste: a Study in the Survival of Matriarchy*, New York, 1913 (Columbia University: Studies in Romance Philology and Literature); C.H.Bell, *The Sister's Son in the Medieval German Epic: a Study in the Survival of Matriliney*, 1922 (University of California: Publications in Modern Philology, Vol. X, no. 2).

memorial, *Teut-bertus*.<sup>1</sup> Then the practice developed of handing down the whole name from generation to generation. This was done again by taking the name from each side alternately. Thus of the two sons of Lisois, lord of Amboise, who died in 1065, one was named after his father but the other, who was the elder, was named Sulpice like his maternal grandfather and uncle. Still later, when people had begun to add patronymics to Christian names, they vacillated for a long time between the two modes of transmission. 'I am called sometimes Jeanne d'Arc and sometimes Jeanne Romée,' said the daughter of Jacques d'Arc and Isabella Romée to her judges. History knows her only by the first of these names; but she pointed out that in her part of the country it was customary to give daughters the surname of their mother.

This double link had important consequences. Since each generation thus had its circle of relatives which was not the same as that of the previous generation, the area of the kindred's responsibilities continually changed its contours. The duties were rigorous; but the group was too unstable to serve as the basis of the whole social structure. Worse still, when two families clashed it might very well be that the same individual belonged to both—to one of them through his father and to the other through his mother. How was he to choose between them? Wisely, Beaumanoir's choice is to side with the nearest relative, and if the degrees are equal, to stand aloof. Doubtless in practice the decision was often dictated by personal preference. When we come to deal with feudal relations in the strict sense, we shall encounter aspects of this legal dilemma in the case of the vassal of two lords. The dilemma arose from a particular attitude of mind and in the long run it had the effect of loosening the tie. There was great internal weakness in a family system which compelled people to recognize, as they did in Beauvaisis in the thirteenth century, the legitimacy of a war between two brothers, sons of the same father (though by different marriages), who found themselves caught up in a vendetta between their maternal relatives.

How far along the lines of descent did the obligations towards 'friends by blood' extend? We do not find their limits defined with any precision save in the groups that maintained the regular scale of compensation, and even here the customs were set down in writing only at a relatively late date. All the more significant is the fact that the zones of active and passive solidarity which they fixed were surprisingly large, and that they were, moreover, graduated zones, in which the amount of the indemnity varied according to the closeness of the relationship. At Sepulveda in Castile in the thirteenth century it was sufficient, in order that the vengeance wreaked on the murderer of a relative should not be treated as a crime, for the

<sup>1</sup> *Polyptyque de l'abbé Irminon*, ed. A. Longnon, II, 87. The desire to mark the double filiation occasionally had oddly nonsensical results, as for example the Anglo-Saxon name Wigfrith which, literally translated, means 'war-peace'.

avenger to have the same great-great-grandfather as the original victim. The same degree of relationship entitled one to receive a part of the blood money according to the law of Oudenarde and, at Lille, made it obligatory to contribute to its payment. At Saint-Omer they went so far as to derive the obligation to contribute from a common founder of the line as remote as a grandfather of a great-grandfather.<sup>1</sup> Elsewhere, the outline was vaguer. But, as has already been pointed out, it was considered only prudent in the case of alienations to ask the consent of as many collaterals as possible. As for the 'silent' communities of the country districts, they long continued to gather together many individuals under one roof—we hear of as many as fifty in eleventh-century Bavaria and sixty-six in fifteenth-century Normandy.<sup>2</sup>

On close examination, however, it looks as if from the thirteenth century onwards a sort of contraction was in process. The vast kindreds of not so long before were slowly being replaced by groups much more like our small families of today. Towards the end of the century, Beaumanoir felt that the circle of people bound by the obligation of vengeance had been constantly dwindling—to the point where, in his day, in contrast with the previous age, only second cousins, or perhaps only first cousins (among whom the obligation continued to be very strongly felt), were included. From the latter years of the twelfth century we note in the French charters a tendency to restrict to the next of kin the request for family approval. Then came the system under which the relatives enjoyed the right of redemption. With the distinction which it established between acquired possessions and family possessions and, among the latter, between possessions subject, according to their origin, to the claims of either the paternal or the maternal line, it conformed much less than the earlier practice to the conception of an almost unlimited kinship. The rhythms of this evolution naturally varied greatly from place to place. It will suffice here to indicate very briefly the most general and most likely causes of a change which was pregnant with important consequences.

Undoubtedly the governmental authorities, through their activities as guardians of the peace, contributed to the weakening of the kinship bond. This they did in many ways and notably, like William the Conqueror, by limiting the sphere of lawful blood-feud; above all, perhaps, by encouraging refusal to take any part in the vendetta. Voluntary withdrawal from the kindred group was an ancient and general right; but whilst it enabled the individual to avoid many risks, it deprived him for the future of a form of protection long regarded as indispensable. Once the protection of the State

<sup>1</sup> *Livre Roisin*, ed. R. Monier, 1932, 143–4; A. Giry, *Histoire de la ville de Saint-Omer*, II, p. 578, c. 791. This explains why the canon law was able without too much presumption to extend the prohibition of consanguineous marriages to cousins of the seventh degree.

<sup>2</sup> *Annales Altahenses maiores*, 1037, in *M.G.H.*, SS., XX, p. 792. Jehan Masselin, *Journal des États Généraux*, ed. A. Bernier, pp. 582–4.



had become more effective, these 'forswearings' became less dangerous. The government sometimes did not hesitate to impose them. Thus, in 1181 the count of Hainault, after a murder had been perpetrated, forestalled the blood-feud by burning down the houses of all the relatives of the guilty man and extorting from them a promise not to give him succour. Nevertheless the disintegration and attenuation of the kindred group, both as an economic unit and as an instrument of the feud, seems to have been in the main the result of deeper social changes. The development of trade conduced to the limitation of family impediments to the sale of property; the progress of intercommunication led to the break-up of excessively large groups which, in the absence of any legal status, could scarcely preserve their sense of unity except by staying together in one place. The invasions had already dealt an almost mortal blow at the much more solidly constituted *Geschlechter* of ancient Germany. The rude shocks to which England was subjected—Scandinavian inroads and settlement, Norman conquest—were doubtless an important factor in the premature decay in that country of the old framework of the kindred. In practically the whole of Europe, at the time of the great movement of land reclamation, the attraction of the new urban centres and of the villages founded on the newly cleared lands undoubtedly broke up many peasant communities. It was no accident if, in France at least, these brotherhoods held together much longer in the poorest provinces.

It is a curious but not inexplicable fact that this period, in which the large kinship groups of earlier ages began to disintegrate in this way, was precisely that in which family names first appeared, though as yet in a very rudimentary form. Like the Roman *gentes*, the *Geschlechter* of Frisia and Dithmarschen both had their traditional labels. So too, in the Germanic period, had the dynasties of chiefs, invested with a sacred hereditary character. The families of the feudal era, on the contrary, remained for a long time strangely anonymous, partly no doubt on account of the vagueness of their outlines, but also because the genealogies were too well known for anyone to feel the need of a verbal reminder. Then, especially from the twelfth century onwards, it became a common practice to add to the original single name—the Christian or given name we should call it today—a nickname or perhaps a second Christian name. The disuse into which many old names had fallen, together with the growth of population, had the effect of increasing the number of homonyms in the most troublesome way. At the same time, the increased use of written legal material and a generally growing desire for clarity made the confusions arising from this poverty of names less and less tolerable, and impelled people to seek distinctive labels.

But these were still purely individual appellations. The decisive step was taken only when the second name, whatever its form, became hereditary and changed into a patronymic. It is characteristic that the use of true

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family names first arose among the greater nobility, in which the individual was at once more mobile and more interested, when he went away from home, in retaining the support of his group. In twelfth-century Normandy people already spoke customarily of the Giroys and the Talvas; in the Latin East, about 1230, of 'those of the lineage surnamed d'Ibelin'.<sup>1</sup> Next the movement reached the urban bourgeoisie, who were also accustomed to moving about and who because of their commercial interests were anxious to avoid mistakes over the identity of persons and even of families, which were often identified with business associations. The development eventually spread through the whole of society.

But it must be clearly understood that the groups which thus acquired definite labels were neither very stable nor of a size at all comparable with the old kindreds. The transmission of names, which sometimes, as we have seen, alternated between the paternal and the maternal lines, suffered many interruptions. The branches, in separating, often became known by different names. Servants, on the other hand, readily adopted the names of their masters. In short, what was here involved was not so much the clan-names as—in conformity with the general evolution of blood-relationships—the nickname shared by the members of the same household, the continuity of which was at the mercy of the slightest accident in the history of the group or the individual. It was not till much later that strict heritability of names was imposed by the authorities—together with civil status—in order to facilitate the work of police and administration. Thus in Europe, long after the demise of feudal society, the permanent family name, which today is held in common by men often devoid of any feeling of solidarity, was the creation not of the spirit of kinship, but of the institution most fundamentally opposed to that spirit—the sovereign state.

### 3 TIES OF KINSHIP AND FEUDALISM

It must not be supposed that from the remote tribal ages there was steady progress towards emancipation of the individual. On the continent at least, it appears that at the time of the barbarian kingdoms alienations were much less dependent on the consent of the near relatives than they were to become during the first feudal age. The same was true of arrangements for the disposal of property after death. In the eighth and even in the ninth century, it was possible, sometimes by will as in Roman law, sometimes under various systems developed by the Germanic customary laws, for a man to make his own arrangements for the devolution of his property with some freedom. From the eleventh century, this power was virtually lost except in Italy and Spain which were both, as we know, exceptionally faithful to the teachings of the old written laws. Gifts that were intended

<sup>1</sup> Philip of Novara, *Mémoires*, ed. Kohler, pp. 17 and 56.

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to take effect only after death thenceforward assumed exclusively the form of donations subject by the nature of the case to the approval of the relatives. This did not suit the Church, however, and under its influence the will properly so called was revived in the twelfth century. At first it dealt only with pious bequests; then, subject to certain restrictions for the benefit of the natural heirs, it was gradually extended. This was also the moment when the attenuated system of redemption (*retrait lignager*) replaced that of family consent. The blood-feud itself had been curtailed to some extent by the legislation of the states that sprang from the invasions. Once these barriers were removed, the feud took, or resumed, the foremost place in the penal law, till the time when it once more became the object of attack by the reconstituted royal or princely authorities. The parallelism, in short, appears in every respect complete. The period which saw the expansion of the relations of personal protection and subordination characteristic of the social conditions we call feudalism was also marked by a real tightening of the ties of kinship. Because the times were troubled and the public authority weak, the individual gained a more lively awareness of his links with the local groups, whatever they were, to which he could look for help. The centuries which later witnessed the progressive breakdown or metamorphosis of authentic feudalism also experienced—with the crumbling of the large kinship groups—the early symptoms of the slow decay of family solidarities.

Yet to the individual, threatened by the numerous dangers bred by an atmosphere of violence, the kinship group did not seem to offer adequate protection, even in the first feudal age. In the form in which it then existed, it was too vague and too variable in its outlines, too deeply undermined by the duality of descent by male and female lines. That is why men were obliged to seek or accept other ties. On this point history is decisive, for the only regions in which powerful agnatic groups survived—German lands on the shores of the North Sea, Celtic districts of the British Isles—knew nothing of vassalage, the fief and the manor. The tie of kinship was one of the essential elements of feudal society; its relative weakness explains why there was feudalism at all.

## **PART IV**

# **The Ties between Man and Man: Vassalage and the Fief**



# XI

## VASSAL HOMAGE

### 1 THE MAN OF ANOTHER MAN

TO be the 'man' of another man: in the vocabulary of feudalism, no combination of words was more widely used or more comprehensive in meaning. In both the Romance and the Germanic tongues it was used to express personal dependence *per se* and applied to persons of all social classes regardless of the precise legal nature of the bond. The count was the 'man' of the king, as the serf was the 'man' of his manorial lord. Sometimes even in the same text, within the space of a few lines, radically different social stations were thus evoked. An instance of this, dating from the end of the eleventh century, is a petition of Norman nuns, complaining that their 'men'—that is to say their peasants—were forced by a great baron to work at the castles of his 'men', meaning the knights who were his vassals.<sup>1</sup> The ambiguity disturbed no one, because, in spite of the gulf between the orders of society, the emphasis was on the fundamental element in common: the subordination of one individual to another.

If, however, the principle of this human nexus permeated the whole life of society, the forms which it assumed were none the less very diverse—with sometimes almost imperceptible transitions, from the highest to the humblest. Moreover there were many variations from country to country. It will be useful if we take as a guiding thread one of the most significant of these relationships of dependence, the tie of vassalage; studying it first in the most highly 'feudalized' zone of Europe, namely, the heart of the former Carolingian Empire, northern France, the German Rhineland and Swabia; and endeavouring, before we embark on any inquiries into its origins, to describe the most striking features of the institution at the period of its greatest expansion, that is to say, from the tenth to the twelfth century.

### 2 HOMAGE IN THE FEUDAL ERA

Imagine two men face to face; one wishing to serve, the other willing or anxious to be served. The former puts his hands together and places them,

<sup>1</sup> C.H.Haskins, *Norman Institutions*, Cambridge (Mass.), 1918 (Harvard Historical Studies, XXIV), p. 63.

thus joined, between the hands of the other man—a plain symbol of submission, the significance of which was sometimes further emphasized by a kneeling posture. At the same time, the person proffering his hands utters a few words—a very short declaration—by which he acknowledges himself to be the ‘man’ of the person facing him. Then chief and subordinate kiss each other on the mouth, symbolizing accord and friendship. Such were the gestures—very simple ones, eminently fitted to make an impression on minds so sensitive to visible things—which served to cement one of the strongest social bonds known in the feudal era. Described or mentioned in the texts a hundred times, reproduced on seals, miniatures, bas-reliefs, the ceremony was called ‘homage’ (in German, *Mannschaft*).<sup>1</sup> The superior party, whose position was created by this act, was described by no other term than the very general one of ‘lord’.<sup>2</sup> Similarly, the subordinate was often simply called the ‘man’ of this lord; or sometimes, more precisely, his ‘man of mouth and hands’ (*homme de bouche et de mains*). But more specialized words were also employed, such as ‘vassal’ or, till the beginning of the twelfth century at least, ‘commended man’ (*commendé*).

In this form the rite bore no Christian imprint. Such an omission, probably explained by the remote Germanic origins of the symbolism, in due course ceased to be acceptable to a society which had come to regard a promise as scarcely valid unless God were guarantor. Homage itself, so far as its form was concerned, was never modified. But, apparently from the Carolingian period, a second rite—an essentially religious one—was superimposed on it; laying his hand on the Gospels or on relics, the new vassal swore to be faithful to his master. This was called fealty, *foi* in French (in German *Treue*, and, formerly, *Hulde*).

The ceremony therefore had two stages, but they were by no means of equal importance. For in the act of fealty there was nothing specific. In a disturbed society, where mistrust was the rule and the appeal to divine sanctions appeared to be one of the few restraints with any efficacy at all, there were a great many reasons why the oath of fealty should be exacted frequently. Royal or seignorial officials of every rank took it on assuming their duties; prelates often demanded it from their clergy; and manorial lords, occasionally, from their peasants. Unlike homage, which bound the whole man at a single stroke and was generally held to be incapable of renewal, this promise—almost a commonplace affair—could be repeated several times to the same person. There were therefore many acts of fealty

<sup>1</sup> See Plates II, III, IV.

<sup>2</sup> By a misconception, originating with the feudists of the Ancien Regime, ‘suzerain’ has sometimes been used in this sense. Its true meaning was very different. Suppose that Paul has done homage to Peter, who himself had done homage to James. James—and not Peter—will be the ‘lord suzerain’ or, briefly, the suzerain of Paul, that is to say the superior lord (the word seems to be derived from the adverb *sus*, by analogy with *souverain*). In other words, my suzerain is the lord of my lord, not my immediate lord. The expression appears in any case to belong to a late epoch (the fourteenth century?).

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without homage: we do not know of any acts of homage without fealty—at least in the feudal period. Furthermore, when the two rites were combined, the pre-eminence of homage was shown by the fact that it was always given first place in the ceremony. It was this alone that brought the two men together in a close union; the fealty of the vassal was a unilateral undertaking to which there was seldom a corresponding oath on the part of the lord. In a word, it was the act of homage that really established the relation of vassalage under its dual aspect of dependence and protection.

The tie thus formed lasted, in theory, as long as the two lives which it bound together, but as soon as one or other of these was terminated by death it was automatically dissolved. We shall see that in practice vassalage very soon became, in most cases, hereditary; but this *de facto* situation allowed the legal rule to remain intact to the end. It mattered little that the son of the deceased vassal usually performed this homage to the lord who had accepted his father's, or that the heir of the previous lord almost invariably received the homage of his father's vassals: the ceremony had none the less to be repeated with every change of the individual persons concerned. Similarly, homage could not be offered or accepted by proxy; the examples to the contrary all date from a very late period, when the significance of the old forms was already almost lost. In France, so far as it applied to the king, this privilege was legalized only under Charles VII and even then not without many misgivings.<sup>1</sup> The social bond seemed to be truly inseparable from the almost physical contact which the formal act created between the two men.

The general duty of aid and obedience incumbent on the vassal was an obligation that was undertaken by anyone who became the 'man' of another man. But it shaded off at this point into special obligations, which we shall discuss in detail later on. The nature of these corresponded to conditions of rank and manner of life that were rather narrowly defined, for despite great differences of wealth and prestige, vassals were not recruited indiscriminately from all levels of society. Vassalage was the form of dependence peculiar to the upper classes who were characterized above all by the profession of arms and the exercise of command. At least, that is what it had become. In order to obtain a clear idea of the nature of vassalage, it will be well at this point to inquire how it had progressively disentangled itself from a whole complex of personal relationships.

### 3 THE ORIGINS OF TIES OF PERSONAL DEPENDENCE

To seek a protector, or to find satisfaction in being one—these things are

<sup>1</sup> L.Mirot, 'Les Ordonnances de Charles VII relatives à la prestation des hommages' in *Mémoires de la Société pour l'Histoire du droit et des institutions des anciens pays bourguignons*, fasc. 2, 1935; G.Dupont-Ferrier, *Les Origines et le premier siècle de la Cour du Trésor*, 1936, p. 108; P.Dognon, *Les Institutions politiques et administratives du pays de Languedoc*, 1895, p. 576 (1530).



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common to all ages. But we seldom find them giving rise to new legal institutions save in civilizations where the rest of the social framework is giving way. Such was the case in Gaul after the collapse of the Roman Empire.

Consider, for example, the society of the Merovingian period. Neither the State nor the family any longer provided adequate protection. The village community was barely strong enough to maintain order within its own boundaries; the urban community scarcely existed. Everywhere, the weak man felt the need to be sheltered by someone more powerful. The powerful man, in his turn, could not maintain his prestige or his fortune or even ensure his own safety except by securing for himself, by persuasion or coercion, the support of subordinates bound to his service. On the one hand, there was the urgent quest for a protector; on the other, there were usurpations of authority, often by violent means. And as notions of weakness and strength are always relative, in many cases the same man occupied a dual rôle—as a dependent of a more powerful man and a protector of humbler ones. Thus there began to be built up a vast system of personal relationships whose intersecting threads ran from one level of the social structure to another.

In yielding thus to the necessities of the moment these generations of men had no conscious desire to create new social forms, nor were they aware of doing so. Instinctively each strove to turn to account the resources provided by the existing social structure and if, unconsciously, something new was eventually created, it was in the process of trying to adapt the old. Moreover, the society that emerged from the invasions had inherited a strange medley of institutions and practices in which the traditions of the Germans were intermingled with the legacy of Rome, and with that of the peoples whom Rome had conquered without ever completely effacing their native customs. Let us not at this point fall into the error of seeking either in vassalage or, more generally, in feudal institutions a particular ethnological origin; let us not imprison ourselves once more in the famous dilemma: Rome or 'the forests of Germany'. Such phantasies must be left to those ages which—knowing less than we do of the creative power of evolution—could believe, with Boulainvilliers, that the nobility of the seventeenth century was descended almost entirely from Frankish warriors, or which, like the young Guizot, could interpret the French Revolution as a *revanche* of the Gallo-Romans. In the same way the old physiologists imagined in the sperm a fully formed *homunculus*. The lesson of the feudal vocabulary is nevertheless clear. This vocabulary is, as we shall see, full of elements of diverse origin subsisting side by side, some borrowed from the speech of the conquered people or that of the conquerors, or newly coined, like 'homage' itself. Such a vocabulary is surely a faithful reflection of a social regime which, though itself deeply moulded by a composite past,

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was above all the product of contemporary conditions. ‘Men’, says the Arab proverb, ‘resemble their own times more than they do their father’.

Among the lowly people who sought a protector, the most unfortunate became simply slaves, thereby binding their descendants as well as themselves. Many others, however, even among the most humble, were anxious to maintain their status as free men; and the persons who received their allegiance had as a rule little reason to oppose such a wish. For in this age when personal ties had not yet strangled the institutions of government, to enjoy what was called ‘freedom’ meant essentially to belong by undisputed right to the people ruled by the Merovingian kings—to the *populus Francorum*, as contemporaries called it, lumping together under the same name the conquerors and the conquered. As a result, the two terms ‘free’ and ‘frank’ came to be regarded as synonymous and continued to be so regarded through the ages. To be surrounded with dependents who enjoyed the judicial and military privileges characteristic of free men was, for a chief, in many respects more advantageous than to command only a horde of slaves.

These dependent relationships ‘befitting a freeman’ (*ingenuili ordine*)—as they are called in a formula from Tours—were described by terms derived for the most part from classical Latin. For through all the vicissitudes of an eventful history the ancient practices of the patron-client relationship had never disappeared from the Roman or Romanised world. In Gaul especially they took root all the more easily since they were in keeping with the customs of these subject populations. Before the coming of the legions there was no Gaulish chieftain who was not surrounded by a group of retainers, either peasants or warriors. We are very ill informed as to how far these ancient native practices survived the Roman conquest and lived on under the veneer of an ecumenical civilization. Nevertheless, everything leads to the conclusion that, though profoundly modified by the pressure of a very different political regime, they continued to exist in one form or another. In any case, the troubles of later centuries in every part of the Empire made it more than ever necessary to look for aid to powers closer at hand and more effective than the institutions of public law. In the fourth or the fifth century, at all levels of society, if one wished to protect oneself from the harsh exactions of the tax-collector, to influence in one’s own favour the decisions of the judges or merely to ensure for oneself an honourable career, one could do no better—even though free and perhaps a man of position—than attach oneself to someone more highly placed. Ignored or even prohibited by public law, these ties had no legal force. They constituted none the less one of the strongest of social bonds. In making increasing use of pacts of protection and obedience, the inhabitants of what had now become Frankish Gaul were therefore not aware that they were doing anything for which there was no ready term in the language of their ancestors.

The old word *clientela*, except as a literary anachronism, fell into disuse

in the later centuries of the Empire. But in Merovingian Gaul, as at Rome, one continued to say of the chief that he 'took charge' (*suscipere*) of the subordinate whose 'patron' he thereby became; and of the subordinate that he 'commended' himself—that is to say 'entrusted' himself—to his protector. The obligations thus accepted were generally called 'service' (*servitium*). Not so long before, the word would have horrified a free man. In classical Latin it was used only in the sense of slavery; the only duties compatible with freedom were *officia*. But by the end of the fourth century *servitium* had lost this original taint.

Germania also made its contribution. The protection which the powerful man extended to his weaker neighbour was often termed *mundium*, *mundeburdum*—which became *maimbour* in medieval French—or again *mitium*, this latter term expressing more particularly the right and the duty of representing the dependent in judicial matters. All these were Germanic words ill-disguised by the Latin dress in which they appear in the charters.

These various expressions were almost interchangeable and were used regardless of whether the contracting parties were of Roman or of barbarian origin. The relationships of private dependence were not subject to the principle of the 'personality of laws', since they were still on the fringe of all legal systems. The fact that they were not officially controlled rendered them all the more capable of being adapted to an infinite variety of circumstances. The king himself, in his capacity as leader of his people, owed his support to all his subjects without discrimination and was entitled in turn to their allegiance as confirmed by the universal oath of free men; nevertheless he granted to a certain number of them his personal *maimbour*. A wrong done to persons thus placed 'within his word' was regarded as an offence against the king himself and was in consequence treated with exceptional severity. Within this rather ill-assorted group there arose a more restricted and more distinguished body of royal retainers who were called the *leudes* of the prince, that is to say his 'men'; in the anarchy of later Merovingian times they more than once controlled both king and state. As in Rome, a little earlier, the young man of good family who wished to get on in the world 'entrusted' himself to a powerful man—if his future had not already in his childhood been assured in this way by a farsighted father. In spite of the prohibitions of councils, many ecclesiastics of every rank did not scruple to seek the protection of laymen. But it was apparently in the lower strata of society that the relationships of subordination were most widely diffused as well as most exacting. The only formula of 'commendation' that we possess shows us a poor devil who only accepts a master because 'he lacks the wherewithal to feed and clothe himself. There was no distinction of words, however, and no difference—at least no very clear one—in conception between these diverse aspects of dependence, despite all differences of social status.

Whatever the status of the person who commended himself, he seems

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almost invariably to have taken an oath to his master. Was it also customary for him to make a formal act of submission? We do not know with any certainty. The official legal systems, which are concerned only with the old institutions regulating the affairs of the people and the family, are silent on this point. As to the agreements themselves, they were hardly ever put in writing, which alone provides definite evidence. From the second half of the eighth century, however, the documents begin to mention the ceremony of the joined hands. The very first example shown to us is a case where the persons involved are of the highest rank, the protégé being a foreign prince, the protector the king of the Franks; but we must not be deceived by this one-sidedness on the part of those who compiled the records. The ceremony did not seem worth describing unless, being associated with matters of high policy, it was one of the features of an interview between rulers; in the normal course of life it was regarded as a common-place event and so was passed over in silence. Undoubtedly the ceremony had been in use for a considerable time before it thus suddenly appeared in the texts. The similarity of the custom among the Franks, the Anglo-Saxons and the Scandinavians attests its Germanic origin. But the symbolism was too obvious for it not to be readily adopted by the whole population. In England and among the Scandinavians we find it being used indiscriminately to express very different forms of subordination—that of the slave to the master, that of the free companion to the warrior chieftain. Everything points to the conclusion that this was also the case for a long time in Frankish Gaul. The gesture served to conclude protective contracts of various kinds; sometimes performed, sometimes omitted, it did not seem indispensable to any of them. An institution requires a terminology without too much ambiguity and a relatively stable ritual; but in the Merovingian world personal relationships remained on the level of customary procedure.

### 4 THE HOUSEHOLD WARRIORS

There were already in existence, however, certain groups of dependants permanently set apart from the rest of the population by the conditions under which they lived. These were the groups of household warriors who surrounded every powerful individual, including the king himself. For, of all the problems besetting the governing classes in those days, the most urgent by far was not that of administering the country or a private estate in time of peace, but that of procuring the means to wage war. Whether public or private, whether undertaken lightheartedly or in defence of life and property, war was for many centuries to be regarded as the normal thread of every leader's career and the *raison d'être* of every position of authority.

When the Frankish kings had made themselves masters of Gaul, they found that they had inherited two systems for the recruitment of armies,

both of which concerned the mass of the population. In Germania every free man was a warrior; Rome, in so far as she still used native troops, recruited them chiefly from the cultivators of the soil. The Frankish state, under its two successive dynasties, maintained the principle of the general levy, which indeed was destined to continue throughout the feudal age and to survive it. Royal ordinances attempted without success to regulate this obligation according to wealth, to form the poorest into small groups each of which had to provide one soldier. In practice these measures might vary with the needs of the moment, but the rule itself remained intact. In the same way, the great men in their quarrels did not scruple to involve their peasants in the fighting.

In the barbarian kingdoms, however, the recruiting machinery was a clumsy instrument in the hands of an increasingly incompetent officialdom. The conquest, moreover, had broken down the system created by the Germanic societies for war as well as for peace. The ordinary German, at the time of the invasion, was a soldier rather than a peasant, but in the end, preoccupied with the responsibilities of an increasingly stable agriculture, he became by degrees more peasant than soldier. It is true that the Roman *colonus* of an earlier day, when he was taken from his farm for military service, was equally ignorant of war. But he was enrolled in the ranks of organized legions and there he received his training as a soldier. In the Frankish state, by contrast, there was no standing army, apart from the guards whom the king and the magnates gathered about them, and consequently no regular training of conscripts. Lack of enthusiasm and experience among recruits, together with difficulties in arming them (under Charlemagne it was necessary to issue an order against joining the host armed only with a staff), were defects from which no doubt the Merovingian military system suffered from an early date. But they became more and more apparent as superiority on the field of battle passed from the foot soldier to the heavily armed horseman. For in order to possess a war-horse and to equip oneself from head to foot, it was necessary to be fairly well off or else to be assisted by someone richer than oneself. According to the Riparian Law a horse was worth six times as much as a cow; a *broigne*—a kind of cuirass of hide reinforced by metal plates—was worth the same; and even a helmet cost half that amount. In 761 a small landowner of Alemannia (the later Swabia) is recorded as having exchanged his ancestral fields and a slave for a horse and a sword.<sup>1</sup> Moreover, a long apprenticeship was necessary before a man could handle his charger effectively in battle and had mastered the difficulties of fighting with the sword while encumbered with heavy harness. ‘You can make a horseman of a lad at puberty; later than that, never.’ Under the early Carolingians this maxim had become a proverb.<sup>2</sup>

<sup>1</sup> H. Wartmann, *Urkundenbuch der Abtei Sankt-Gallen*, I, no. 31.

<sup>2</sup> Rabanus Maurus, in *Zeitschrift für deutsches Altertum*, XV, 1872, p. 444.

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But what was the reason for this decline of the foot soldier, the social repercussions of which were to be so important? It has sometimes been interpreted as an effect of the Arab invasions. It is pointed out that in order to withstand the charge of the Saracen horsemen or to go in pursuit of them, Charles Martel put his Franks on horseback. Yet even supposing it were true—and it has been disputed—that cavalry played at that time so decisive a rôle in the armies of Islam, the Franks, who had always possessed mounted troops, had not waited till the battle of Poitiers before giving them prominence. When in 755 the annual gathering of the magnates and the host was transferred by King Pepin from the month of March to the month of May—the season of the first forage—this significant step marked only the concluding stage of an evolution which had been going on for several centuries. The reasons for it, though applying to most of the barbarian kingdoms and even to the Eastern Empire, have nevertheless not always been very well understood, partly because insufficient consideration has been given to certain technical factors and partly because in the specialized field of the history of war attention has been directed too exclusively to the tactics employed in battle, to the neglect of what determined them and what followed from them.

Unknown to the Mediterranean societies of classical times, the stirrup and the horse-shoe do not make their appearance in the illustrated documents of the West before the ninth century. But it is likely that representation lagged behind reality. The stirrup, which was probably invented by the Sarmatians, was a gift to western Europe from the nomads of the Eurasian steppes and the adoption of it was one of the results of the much closer contact which was established in the period of the invasions between the settled communities of the West and the equestrian peoples of the great plains. Sometimes this contact was direct, thanks to the migrations of the Alans, some of whom were swept along by the Germanic tide, from their earlier home in the region north of the Caucasus, till they eventually found a refuge in Gaul or Spain. More often contact was effected through the agency of those Germanic peoples who, like the Goths, had dwelt for some time on the shores of the Black Sea. The horse-shoe also apparently came from the East. Shoeing was an immense advantage in riding and charging over rough ground. And the stirrup not only saved the horseman from fatigue: by giving him a better seat it increased the effectiveness of his charge.

In the battle itself, the cavalry charge became a favourite method of attack, though not the only one. For when the terrain conditions required it the horsemen would dismount and attack on foot. The military history of the feudal era abounds in examples of these tactics. But in the absence of suitable roads or of troops trained in those skilfully co-ordinated manœuvres which had been the strength of the Roman legions, the horse alone made it possible to carry out either the long expeditions necessitated

by wars between rulers or the swift guerilla operations favoured by most chiefs. It enabled one to arrive on the field of battle speedily and not too weary, after crossing ploughed fields and swamps, and to disconcert the enemy by unexpected manœuvres. If the day went ill, flight on horseback was the best means of escaping massacre. When the Saxons were defeated by Henry IV of Germany in 1075, the nobles owed it to the swiftness of their mounts that their losses were much less heavy than those of the slow peasant infantry.

In Frankish Gaul, everything conspired to make it more and more necessary to recruit professional warriors, men who had been trained by a group tradition and who were, first and foremost, horsemen. Although service on horseback for the king had continued almost to the end of the ninth century to be exacted in theory of all free men rich enough to be subject to it, the nucleus of these trained and well-equipped mounted troops—the only ones of whom a high standard of efficiency was expected—was naturally provided by the armed followers who had long been included in the retinue of kings and great personages.

Although in the ancient Germanic societies the affairs of the kindred group and the people offered sufficient scope for normal energies, they had never been able to satisfy the spirit of adventure and ambition. The chiefs, especially the young chiefs, surrounded themselves with ‘companions’ (in Old German *gisind*, meaning literally ‘companion for an expedition’; Tacitus has rendered the word very accurately by the Latin *comes*). These companions they led in battle and on plundering expeditions, and in the intervals of rest gave them hospitality in their great wooden ‘halls’ where the atmosphere was congenial for long drinking-bouts. The little band was the mainstay of its captain in wars and vendettas; it supported his authority in the deliberations of the freemen; and the generous gifts—of food and drink, of slaves, of gold rings—which he lavished upon these followers was an indispensable element of his prestige. Such, as Tacitus depicts it, is the ‘companionage’ (*comitatus*) in first-century Germania; such it is still, several centuries later, as it appears in the poem of Beowulf and (with some inevitable variants) in the old Scandinavian sagas.

Once settled in the wreckage of the Western Empire, the barbarian chiefs were the less inclined to give up these customs since, in the world into which they had penetrated, the practice of maintaining private bodies of armed retainers had long prevailed. In the later centuries of Rome there was scarcely a member of the high aristocracy who had not his own soldiers. They were often called *bucellarii*, from the name of the biscuit (*bucella*) which, being better than the ordinary ration bread, was generally distributed to these privileged soldiers. Hired soldiers rather than companions, these personal escorts were so numerous and so loyal that when their masters became generals of the Empire they were often given the foremost place among the fighting troops.

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Amidst the troubles of the Merovingian epoch, the employment of such armed followings became more necessary than ever. The king had his guard which was called his *trustis* and which had always been, in great part at least, mounted. His principal subjects, whether Frankish or Roman by origin, also had their armed followers. Even the churches deemed it necessary to provide for their security in this way. These 'gladiators', as Gregory of Tours calls them, were a rather mixed company in which were to be found ruffians of the worst type. The masters did not hesitate to enrol their strongest slaves. Free men, however, clearly formed the largest element, though they themselves did not always belong by birth to the highest social class. No doubt such service admitted of varying degrees of prestige and reward. It is none the less significant that in the seventh century the same form of document could be used indifferently for the donation of 'a small property' in favour of a slave or of a *gasindus*.

In the last-mentioned term, we recognize the old name of the German war-companion. It seems in fact to have been in current use in Merovingian Gaul, as indeed in the whole of the barbarian world, as a name for the private fighting-man. Progressively, however, it yielded place to the indigenous word 'vassal' (*vassus*, *vassallus*) which was to have such a splendid future. This newcomer was not Roman by origin but Celtic.<sup>1</sup> Yet it had unquestionably penetrated into the spoken Latin of Gaul long before it occurs for the first time in writing, in the Salic Law; for the borrowing could only have taken place in the days—long before Clovis—when there still dwelt on French soil, side by side with the populations that had adopted the language of Rome, large groups which had remained faithful to their ancestral tongues. We may recognize therefore in this venerable relic one of those genuine survivals of ancient Gaul that live on at the deeper levels of the French language. But at the same time, we must beware of deducing from its incorporation in the feudal vocabulary some sort of distant ancestry of military vassalage. Undoubtedly Gaulish society before the Roman Conquest, like Celtic societies in general, had practised a system of 'companionage' in many respects akin to that of ancient Germany. But to whatever extent these customs may have survived under the Roman superstructure, one fact is certain: the names of the armed 'client', as given by Caesar—*ambacte* or, in Aquitania, *soldurius*—disappeared without trace.<sup>2</sup> The connotation of 'vassal', at the moment when it passed into spoken Latin, was very much more humble. It meant 'young boy'—this meaning was to persist throughout the Middle Ages in the form of the diminutive *valet*, *varlet* (page)—and also, by an imperceptible transition such as had occurred in the case of the Latin *puer*, domestic slave. It is

<sup>1</sup> G. Dottin, *La Langue gauloise*, 1920, p. 296.

<sup>2</sup> At least in this sense; but from *ambacte* is derived—by indirect routes that do not concern us here—the French word *ambassade* and its English derivatives 'embassy' and 'ambassador'.



natural for the master to call those whom he has constantly about him his 'boys'. This second sense is the one which continues to be given to the word in Frankish Gaul by a variety of texts ranging in date from the sixth to the eighth century. Then, by degrees, a new meaning emerges; in the eighth century, it competes with the previous one and in the following century replaces it. More than one household slave was 'honoured' by being admitted to the guard. The other members of this cohort, without being slaves, yet lived in the house of the master, pledged to serve him in a great variety of ways and to obey his orders. They also were his 'boys'. They were therefore included, together with their comrades of servile birth, in the category of vassal, which henceforth bore the specific meaning of armed follower. Finally, the label which had hitherto been common to them all, suggesting a praiseworthy familiarity, was reserved exclusively for the free men of the band.

Now this history of a word which emerged from the under-world of slavery to be promoted by degrees to a place of honour faithfully reflects the rise of the institution itself. Modest as was the original social status of many of the 'thugs' maintained by the magnates and even by the king, from now on it grew steadily in prestige. The ties which bound these war-companions to their chief represented one of those contracts of fidelity freely entered into which were compatible with the most respectable social position. The term which designates the royal guard is extremely significant: *trustis*, that is to say fealty. The new recruit enrolled in this body swore to be faithful; the king in return undertook to 'bear him succour'. These were the very principles of all 'commendation'. Doubtless the powerful men and their *gasindi* or vassals exchanged similar promises. To be protected by a person of rank offered, moreover, a guarantee not only of security but also of social standing. As the disintegration of the state proceeded, every person in power was obliged to look for support more and more to those directly attached to him; and, as the old forms of military service decayed, the recruitment of professional fighting-men became daily more necessary and the rôle of whoever bore arms more respected. In these conditions, there was a growing conviction that of all the forms of personal service the highest consisted in serving on horseback with sword and lance a master of whom one had solemnly declared oneself a faithful follower.

But already an influence was beginning to make itself felt which profoundly affected the development of the institution of vassalage and was destined in a large measure to deflect it from its original course. This was the intervention, in these human relationships hitherto unrecognized by the State, of a state which, if not a new one, was at least a renovated one, namely the Carolingian kingdom.

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### 5 CAROLINGIAN VASSALAGE

The policy of the Carolingians—by which of course is meant not only the personal plans of the monarchs, some of whom were remarkable men, but also the views of their leading counsellors—may be said to have been dominated both by acquired habits and by principles. Members of the aristocracy who had attained power after a long struggle against the traditional royal house, they had gradually made themselves masters of the Frankish people by surrounding themselves with bands of armed dependants and by imposing their *maimbour* on other chiefs. Is it surprising that once they had reached the pinnacle of power they should continue to regard such ties as normal? On the other hand their ambition, from the time of Charles Martel, was to reconstitute the power of the central government which at the outset they, along with the rest of the aristocracy, had helped to destroy. They wanted to establish order and Christian peace throughout their realms. They wanted soldiers to spread their dominion far and wide and to carry on the holy war against the infidel, an enterprise both conducive to the growth of their own power and beneficial for souls.

The older institutions appeared inadequate for this task. The monarchy had at its disposal only a small number of officials: but these were in any case not very reliable men and—apart from a few churchmen—they lacked professional tradition and culture. Moreover, economic conditions precluded the institution of a vast system of salaried officials. Communications were slow, inconvenient and uncertain. The principal difficulty, therefore, which faced the central government was to reach individual subjects, in order to exact services and impose the necessary sanctions. Thus there arose the idea of utilizing for the purposes of government the firmly established network of protective relationships. The lord, at every level of the hierarchy, would be answerable for his 'man' and would be responsible for holding him to his duty. This idea was not peculiar to the Carolingians. It had already been the subject of legislation in Visigothic Spain; after the Arab invasion the many Spanish refugees at the Frankish court may have helped to make the principle known and appreciated there, and the very lively mistrust of the 'lordless man' which is reflected later in the Anglo-Saxon laws reflects a similar attitude. But hardly anywhere was the policy more consciously pursued and—one is tempted to add—the illusion more consistently maintained than in the Frankish kingdom about the year 800. 'Each chief must constrain his subordinates in order that the latter may with increasing willingness obey the Emperor's commands and instructions'<sup>1</sup>—these words from a capitulary of 810 sum up with expressive brevity one of the fundamental principles of the edifice constructed by Pepin and Charlemagne. In the same way, it is said that in Russia in the days of serfdom the Tsar Nicholas I boasted that

<sup>1</sup> *Capitularia*, I, no. 64, c. 17.

in his *pomeshchiks* (lords of villages) he had 'a hundred thousand police super-intendents'.

In the execution of this policy, the most urgent step was clearly to fit vassalage into the legal system and at the same time to give it the stability that alone could make it a firm bulwark of the royal power. At an early date, persons of humble status had commended themselves for life—like the starveling of the Tours formula. But though in practice (and this had no doubt long been the case) many war-companions had also continued to serve their masters to the end of their lives—whether as the result of an express undertaking or in obedience to the dictates of social convention or self-interest—nothing proves that under the Merovingians this had been the general rule. In Spain, Visigothic law had never ceased to recognize the right of private fighting-men to change their masters: for, as the law said, 'the free man always retains control of his person'. Under the Carolingians, on the other hand, various royal or imperial edicts were concerned with defining precisely the offences which, if committed by the lord, would justify the vassal in breaking the contract. This meant that, with the exception of such cases and apart from separations by mutual agreement, the tie lasted for life.

The lord, moreover, was made officially responsible for the appearance of the vassal in court and when required for his military service. If he himself took part in a campaign, his vassals fought under his orders. It was only in his absence that they came under the direct command of the king's representative, the count.

Yet what was the use of this scheme whereby the lords exacted loyalty from the vassals if these lords, in their turn, were not solidly attached to the sovereign? It was in trying to realize this indispensable condition of their great design that the Carolingians helped to push to the extreme limit the penetration of all social relations by the principle of vassalage.

Once in power, they had had to reward their 'men'. They distributed lands to them, by methods which we shall describe in detail later. Furthermore, as mayors of the palace and then as kings they had to get supporters and above all create an army. So they attracted into their service—frequently in return for gifts of land—many men who were already of high rank. Former members of the military following, established on property granted by the ruler, did not cease to be regarded as his vassals; and his new followers were considered to be bound to him by the same tie, even if they had never been his companions-in-arms. Both groups served in his army, followed by their own vassals, if they had any. But, since most of their time was spent away from their master, the conditions under which they lived were very different from those of the household warriors of but a short time before. Each one of them was the centre of a more or less widely scattered group of dependants whom he was expected to keep in order; if necessary, he might even be required to exercise a similar super-

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vision over his neighbours. Thus, among the populations of the vast empire, there became distinguishable a relatively very numerous class of 'vassals of the Lord'—that is, 'of the Lord King' (*vassi dominici*). Enjoying the special protection of the sovereign and being responsible for furnishing a large part of his troops, they also formed, through the provinces, the links of a great chain of loyalty. When in 871 Charles the Bald, having triumphed over his son Carloman, wished to re-establish the allegiance of the young rebel's accomplices, he could conceive of no better way of doing it than by compelling each of them to select from among the royal vassals a lord of his own choosing.

There was another consideration. Experience had seemed to prove the strength of the tie of vassalage, and the Carolingians planned to extend its use to their officials, for the purpose of stabilizing their constantly wavering loyalty. The latter had always been regarded as being in the special *maimbour* of the sovereign; they had always taken an oath to him; and they were more and more frequently recruited from men who, before their appointment, had already served him as vassals. The practice gradually became more general. From the reign of Louis the Pious, at the latest, there was no office at court, no great command, no countship especially, whose holder had not been obliged, on assuming office, if not earlier, to bind himself in the most solemn fashion as vassal of the monarch. Even foreign rulers, if they recognized the Frankish protectorate, were required from the middle of the eighth century to submit to this ceremony and they also were called vassals of the king or emperor. Of course no one expected these distinguished personages to mount guard in the house of their master, like the followers of former days. In a manner, nevertheless, they belonged to his military household since they owed him first and foremost—along with their fealty—aid in war.

Now the magnates, for their part, had long been accustomed to see in the good companions of their household following men whom they could rely on, ready to carry out the most varied missions. What happened if a distant appointment, the gift of an estate or a heritage led one of these loyal fellows to withdraw from personal service? The chief none the less continued to regard him as his sworn follower. Here again, in short, vassalage by a spontaneous development tended to break out from the narrow circle of the lord's household. The example of the kings and the influence of the legal enactments they had promulgated gave stability to these changing customs. Lords as well as dependants could not fail to favour a form of contract which henceforth would be provided with legal sanctions. The counts bound to themselves by the ties of vassalage the officials of lower rank; the bishop or abbot similarly bound the laymen on whom they relied to assist them in administering justice or to lead their subjects when the latter were called up for service in the army. Powerful individuals, whoever they were, thus strove to draw into their orbit increasing numbers

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of petty lords and these in their turn acted in the same way towards those weaker than themselves. These private vassals formed a mixed society which still comprised elements of fairly humble status. Among those whom the counts, bishops, abbots and abbesses were authorized to leave in the district when the host was summoned, there were some to whom—like *vassi dominici* on a small scale—the noble task of maintaining the peace was entrusted. Others, again, had the more modest duty of guarding the house of the master, watching over the harvest and supervising the lord's domestic arrangements.<sup>1</sup> These were positions of authority and consequently positions worthy of respect. Around the chiefs of every rank, as around the kings, the purely household service of earlier times had provided the mould in which thenceforward every form of honourable dependence would be cast.

### 6 THE FORMATION OF THE CLASSICAL TYPE OF VASSALAGE

The collapse of the Carolingian state represented the swift and tragic defeat of a little group of men who, despite many archaisms and miscalculations but with the best of intentions, had tried to preserve some of the values of an ordered and civilized life. After them came a long and troubled period which was at the same time a period of gestation, in which the characteristics of vassalage were to take definitive shape.

In the state of perpetual war—invasions as well as internal strife—in which Europe henceforth lived, men more than ever looked for chiefs, and chiefs for vassals. But the extension of these protective relationships no longer redounded to the benefit of the kings. Private ties now increased in number, especially in the neighbourhood of the castles. With the beginning of the Scandinavian and Hungarian invasions, more and more of these fortresses sprang up in the country districts, and the lords who commanded them—either in their own name or in that of some more powerful personage—endeavoured to assemble bodies of vassals for their defence. 'The king has now nothing save his title and his crown...he is not capable of defending either his bishops or the rest of his subjects against the dangers that threaten them. Therefore we see them all betaking themselves with joined hands to serve the great. In this way they secure peace.' Such is the picture which, about 1016, a German prelate drew of the anarchy in the kingdom of Burgundy. In Artois, in the following century, a monk pertinently explains how among the 'nobility' only very few have been able to avoid the ties of seignorial domination and 'remain subject to the public authority alone'. Even here it is obviously necessary to understand by this term not so much the authority of the crown, which was much too remote, as that of the count, the repository, in place of the sovereign, of all

<sup>1</sup> *Capitularia*, I, no. 141, c. 27.

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that remained of a power by its very nature superior to personal ties.<sup>1</sup>

It goes without saying that these ties of dependence spread through all ranks of society and not only among those 'nobles' to whom our monk refers. But the lines of demarcation which the Carolingian age had begun to trace between the different kinds of relationships, characterized by different social atmospheres, were now more firmly drawn.

Certainly language and even manners for a long time preserved vestiges of the old confusion. Some groups of very modest manorial subjects, dedicated to the despised labours of the soil and tied to responsibilities which from now on were considered servile, continued till the twelfth century to bear that name of 'commended men' which the author of the *Chanson de Roland* applied to the greatest vassals. Because the serfs were the 'men' of their lord, it was often said of them that they lived in his 'homage'. Even the formal act by which an individual acknowledged himself the serf of another was sometimes described by this name and indeed at times, in its ritual, recalled the characteristic gestures of the homage 'of hands'.<sup>2</sup>

This servile homage, however, where it was practised, was in sharp contrast with vassal homage; it did not have to be renewed from generation to generation. Two forms of attachment now began to be distinguished more and more clearly. One was hereditary. It was marked by all manner of obligations considered to be of a rather low order. Above all, it allowed of no choice on the part of the dependant, and so was regarded as the opposite of what was then called 'freedom'. It was in fact serfdom, into which most of those of inferior status who commended themselves descended imperceptibly, in spite of the 'free' character which had marked their original submission in a period when social classifications were based on different principles. The other relationship, which was called vassalage, terminated in law, if not in fact, on the day when one or other of the two lives thus bound together came to an end. By this very characteristic, which relieved it from the stigma of an hereditary restriction on the individual's liberty of action, it was well suited to the honourable service of the sword. And the form of aid which it involved was essentially warlike. By a characteristic synonymy the Latin charters from the end of the eleventh century speak almost indifferently of a man as being the vassal, or the *miles*, of his lord. Literally, the second term should be translated by 'soldier'.

<sup>1</sup> Thietmar of Merseburg, *Chronicle*, VII, 30. *Miracula S. Bertini*, II, 8, in Mabillon, *A. A. SS. ord. S. Benedicti*, III, I, pp. 133-4.

<sup>2</sup> The use of homage as an expiatory act, which has been mentioned above (p. 130), harks back to its rôle as a gesture of submission proper to persons of relatively high rank. Evidence adduced by G. Platon in an otherwise insufficiently critical article ('L'Homage féodal comme moyen de contracter des obligations privées' in *Revue générale de droit*, XXVI, 1902) shows that this rite was, in addition, a means of confirming various contractual obligations of private law. The reference, however, is to a deviant practice, restricted to a few regions (Catalonia, perhaps Castile) and of late date.

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But the French texts, from the moment of their appearance, rendered it by 'knight' and it was certainly this vernacular expression which the notaries of an earlier day had had in mind. The soldier was typically a man who served on horseback in heavy armour, and the function of the vassal consisted above all in fighting in this manner for his lord. So that, by another avatar of the old word which not long before had been so humble, 'vassalage' in popular speech came into common use as a name for the finest of the virtues known to a society perpetually at war—to wit, bravery. The relation of dependence thus defined was formally sealed by homage with joined hands, which was henceforth almost entirely restricted to this use. But, from the tenth century, this rite of profound dedication seems generally to have been completed by the addition of the kiss which, by placing the two individuals on the same plane of friendship, lent dignity to the type of subordination known as vassalage. In fact, this relationship was now confined to persons of high—sometimes even of very high—social status. Military vassalage had emerged by a slow process of differentiation from the ancient and disparate practice of commendation, and had come in the end to represent its highest form.

## XII THE FIEF

### 1 'BENEFIT' AND FIEF: STIPENDIARY TENEMENT

IN the Frankish period, the majority of those who commended themselves sought from their new master something more than protection. Since this powerful man was at the same time a wealthy man, they also expected him to contribute to their support. From St. Augustine, who in the closing decades of the Western Empire describes the poor in search of a patron who would provide them with 'the wherewithal to eat', to the Merovingian formula which we have more than once cited, we hear the same importunate cry—that of the empty stomach. The lord, for his part, was not influenced solely by the ambition to exercise authority over men; through their agency he often sought to lay hold of property. From the outset, in short, protective relationships had their economic aspect—vassalage as well as the others. The liberality of the chief towards his war-companions seemed so essential a part of the bond between them that frequently, in the Carolingian age, the bestowal of a few gifts—a horse, arms, jewels—was an almost invariable complement to the gesture of personal submission. One of the capitularies forbids the breaking of the tie by the vassal if he has already received from his lord the value of a golden *solidus*. The only true master was he who had given presents to his dependants.

Now the chief of a group of vassals, like every employer, was more or less restricted by the general economic conditions of the time. He had to choose between two methods of rewarding services. Either he could keep the vassal in his own house and feed, clothe and equip him at his own expense, or he could endow him with an estate or a regular income derived from land and leave him to provide for his own maintenance. In French-speaking districts the latter method was called 'housing' (*chaser*) the vassal, meaning literally to give him a house of his own (*casa*). By what means was this concession put into effect?

In early times the simple gift, free from any restrictions on its heritability, was widely resorted to. This is the form employed in a formula of the seventh century, whereby a chief grants a small estate to his 'companion'. Later, we find it used on many occasions by the sons of Louis the Pious, when they wished to display their generosity towards their vassals, with the express



object of holding them to their duty; and in some cases it was accompanied by the stipulation that the gift might be revoked if it did not have the desired effect. Nevertheless, since the estates regularly distributed by the lord to his followers were much more in the nature of pay than of reward, it was essential that they should revert to him without difficulty as soon as the service ceased to be rendered; at the latest, therefore, when the tie was broken by death. In other words, since vassalage was not transmitted by inheritance, the remuneration of the vassal could not, logically, take on a hereditary character.

For such grants of land, by definition temporary and, originally at least, devoid of any 'warranty', neither the official Roman law nor Germanic custom, with their rigid systems of bilateral contracts, afforded any precedents. Nevertheless in the Empire, under the influence of powerful individuals, there had already come into existence as a matter of private arrangement a great many pacts of this kind, which were naturally associated with the patron-client relationship, since they involved the maintenance of the client by the master. The terminology of these contracts was rather vague, as was only to be expected in the case of institutions on the margin of legality. One of the words used to describe them was *precarium*, by reason of the prayer (*preces*) which came or was supposed to come from the recipient of the grant; another name was 'benefit' (*beneficium*). Although the law, which did not recognize such contracts, did not provide the grantor with the means of enforcing in the courts the obligations which he ordinarily imposed on the estate, this mattered little to him, since he always had the right to take back what was in theory a gift made out of pure benevolence.

Both these terms continued to be used in Frankish Gaul, though in the case of *precarium* at the cost of a metamorphosis which has given historians much food for thought. From the neuter it passed to the feminine as *precaria*—simply a special case, it would seem, of a linguistic phenomenon very widely current in low Latin. This was produced by a contamination to which neuter words with plurals ending in *a* were susceptible; among other examples, the French *feuille* was derived in this way from *folium*. The change was facilitated, in the case we are considering, by the attraction exercised by the very name of the request framed by the suppliant—'praying letter', [*epistola*] *precaria*.

*Precaria*, *beneficium*—the two terms appear to have been used almost indifferently at first. But as the *precaria*, which embodied elements borrowed from the law of letting and hiring, gradually assumed the form of a fairly specific contract, this name tended to be reserved for grants which involved the payment of rent. On the other hand the term 'benefit'—at once more vague and more honourable, since it did not suggest the idea of supplication—was applied by preference to temporary grants, made in return for service, to persons attached to seignorial households and especially to vassals. An event of some importance helped to establish the

distinction. In order to obtain the estates with which they planned to enlist the support of a great number of sworn followers, the Carolingians shamelessly helped themselves to the immense wealth of the clergy. The first spoliation, under Charles Martel, had been ruthless. His successors did not abandon these levies; but they regularized them—dealing at one and the same time with the sequestrations that had taken place already as well as those that might occur in the future—and they were concerned to safeguard in some measure the rights of the legitimate owners. The bishop or the monastery required to surrender an estate to one of the king's vassals—in theory for life only—was henceforth paid a certain rent; the vassal's service belonged to the king. In relation to the Church, therefore, the estate was in law a *precaria*; but the vassal held it of the king 'in benefit'.

The use of the word 'benefit' to describe the lands granted in exchange for service, and in particular vassal service, was to continue in the Latin of the chancelleries and the chroniclers till well into the twelfth century. *Beneficium*, however, in contrast with really living legal terms, provided no derivative (such as *commendé*) in the Romance tongues; when at length it emerged in French, as *bénéfice*, it was a word steeped in associations dear to the clergy. Quite clearly, its function in the spoken language had long since been taken over by another term. During the feudal ages, perhaps as early as the ninth century, when the French scribes wrote *beneficium*, what they had in mind was 'fief'.

Despite some phonetic difficulties which, in any case, affect the Romance forms less than their Latin transliterations, the history of this famous word is clear.<sup>1</sup> The ancient Germanic languages all possessed a word distantly related to the Latin *pecus*. In some it was used indifferently to describe either movable property in general or the form of it which was then most common and most valuable, namely cattle; in others, it was restricted to one or other of these meanings. The German language has preserved the second of them and writes the word today as *Vieh*. The Gallo-Romans, borrowing it from the German invaders, reproduced it as *fief* (in Provençal *feu*). In this form it retained at first at least one of its traditional meanings—the wider sense of movable property. That it was still so used up to the beginning of the tenth century is attested by various Burgundian charters. An individual, we are told, has purchased a piece of land. The price has been fixed in terms of the ordinary monetary standard, but the purchaser has not got this sum in cash. He therefore pays, according to a practice then current, in objects of equivalent value. The texts express the transaction thus: 'We have received from thee the agreed price, in *feos* valued at so many pounds, shillings or pence.'<sup>2</sup> Comparison with other documents

<sup>1</sup> The best account, from the linguistic point of view, is to be found in W. von Wartburg, *Französisches etymologisches Wörterbuch*, III (it should be pointed out, however, that the charter of Charles the Fat, dated 884, is a forgery).

<sup>2</sup> *Recueil des chartes de l'abbaye de Cluny*, ed. Bruel et Bernard, I, nos. 24, 39, 50, 54, 68, 84, 103, 236, 243.

proves that what were normally involved were arms, clothing, horses, and sometimes food. These were very much the same commodities as were distributed to the followers maintained in the lord's household or equipped at his expense. In those circles also, no doubt, they spoke of *feos*.

But this word was derived from languages which no one in Romance-speaking Gaul any longer understood, and being in consequence deprived of the support of the entire vocabulary of which it had originally formed part, it naturally lost much of its etymological content. In the seignorial households where it was in daily use, it came to be associated exclusively with the idea of remuneration *per se*, regardless of whether the gifts were in the form of movable or landed property. What happened if a companion received a piece of land from a chief who had originally maintained him in his household? This in its turn was called the vassal's *feus*. Then, since land had become little by little the normal remuneration of the vassal, it was for this form of payment alone that the old word whose original meaning had been quite the reverse was finally reserved. As has happened more than once, semantic evolution ended in mistranslation. Of fiefs in the sense of landed estates held by vassals the earliest example to find its way into the written documents belongs to the end of the ninth century.<sup>1</sup> It appears in one of those southern charters which, having been drawn up by poorly educated clerks, made more than normal use of the spoken vocabulary. In the following century the term appeared in several other texts, also from Languedoc. In spite of their greater concern for linguistic purity, the chancelleries of Brittany, of northern France, and of Burgundy in about the year 1000 began to give way on this point to the pressure of popular speech. Even so this often meant at first that the vernacular expression was reduced to the rank of a gloss designed to make the meaning of the classical term clear to all. 'A benefit (*beneficium*) which in vulgar parlance is called fief,' is the way it is put in 1087 in a document from Hainault.<sup>2</sup>

In the countries where the Germanic tongues were spoken, however, *Vieh* kept its meaning of cattle, to the exclusion of nobler connotations. There was nothing to prevent the language of the charters from borrowing from the notaries of Gaul one or other of the Latin equivalents which they had ingeniously devised for the Romance expression *fief*; the most widely disseminated of them, *feodum*, was familiar to the German chancelleries as well as to those of the Capetian kingdom. But, in order to express something which was so much a part of everyday life as this, the vernacular had to have a word of its own. Since the grants of land made to vassals

<sup>1</sup> *Cartulaire de Maguelonne*, ed. J.Rouquette and A.Villemagne, no. III (different text in C.de Vic and J.Vaissète, *Histoire générale de Languedoc*, V. no. 48). Date: 23rd January 893–27th January 894, or (more probably) 1st January–31st December 898. It is not possible for me here to cite my references for the later examples. The Provençal form *feuz* is in evidence as early as 9th June 956 (*Histoire générale de Languedoc*, V, no. 100).

<sup>2</sup> A.Miræus, *Donationes belgicae*, II, XXVII.

were in theory temporary, the habit developed of describing them by a substantive derived from a verb in common use whose meaning was 'to hand over temporarily, to lend'. The fief was a loan—*Lehn*.<sup>1</sup> Nevertheless, since the connection between this term and its verbal root (which continued to be widely used in current German) always remained perceptible, it never became so specialized as its French equivalent. In popular usage, at least, it continued to be applied to all manner of grants involving land. All of which illustrates the fact that borrowed words adapt themselves more easily than any others to a new and precise technical meaning.

'Benefit', fief, *Lehn*—the concept which these various synonyms sought to express was, on the whole, a very clear one. It was—let us make no mistake about this—basically an economic concept. By fief was meant a property granted not against an obligation to pay something—when this entered into the matter, it was only in a secondary way—but against an obligation to do something. More precisely, a fief involved not only an obligation of service but also a very definite element of professional specialization and of individual action. The villein tenement, which the charters of the eleventh century, anticipating the jurists of the thirteenth, already expressly distinguished from the fief, was burdened with labour services as well as with rents in kind. But the services which it entailed—work in the fields, cartage, even the provision of small products of domestic industry—were considered tasks that anyone could perform. Furthermore, they were regulated by the customs of the village community. But suppose that land had been granted to a lord's 'serjeant' on condition that he should exercise faithful supervision over the other tenants; or to a painter in return for decorating the church of the monks whom he served; or to a carpenter or a goldsmith on the understanding that he would henceforth place his skill at the disposal of the lord; or to a parish priest as payment for exercising the cure of souls; or finally to a vassal, the armed companion of his lord and a warrior by profession. The tenement thus charged with services of a very special nature, which were in each case governed by a different convention or tradition, was distinguished primarily by the fact that it was a form of remuneration; in short, it was a stipendiary tenement. It was called a fief.<sup>2</sup> This was so, regardless of any consideration of rank, and of course, where a humble workman was concerned, without the requirement of homage. The lord's steward was frequently a serf; and probably neither the cooks of the Benedictines of Maillezais or of the count of Poitou, nor

<sup>1</sup> In the poem *Heliand* (822–40), the two subjects to which the word 'fief and the German *Lehn* relate are found curiously associated in the expression *Lehni feho*=borrowed property (v. 1548).

<sup>2</sup> The examples of serjeant's fiefs (the *fevum sirventale* of southern France, cf. de Vie and Vaissète, *Histoire générale de Languedoc*, V, no. 1037) are well known, as are also those of the *feudum presbyterale*. On the artisans' fiefs, see my references in 'Un Problème d'histoire comparée: la ministerialité en France et en Allemagne', *Revue historique de droit*, 1928, pp. 54–5.

the wielder of the lance whose duty it was periodically to bleed the monks of Trier, acquired any very great prestige from these occupations. Nevertheless, as they had all been endowed with tenements, instead of merely living on the victuals distributed in the lord's house, these professionally-qualified servants were legitimately numbered among the enfeoffed dependants.

Certain historians, noting some examples of these humble fiefs, have believed them to be a late deviation. But they are wrong. The surveys of the ninth century are already acquainted with 'benefits' held by manorial stewards, artisans and grooms. Einhard, in the reign of Louis the Pious, mentions the 'benefit' of a painter. When for the first time in the Rhineland, between 1008 and 1016, the new name fief appears, disguised in its Latin form, it is used to describe the tenement of a blacksmith. The history of the fief (as well as of vassalage and of many other legal forms in the feudal ages) was that of an institution, originally of a very comprehensive character, which was gradually transformed into one pertaining to a particular social class. Such was the course of its evolution, and not in the reverse direction.

For people undoubtedly found it inconvenient to be obliged to describe by the same name properties which, besides differing greatly in nature and extent, were held by men of such varied status as a petty manorial official, a cook, a warrior (himself the lord of many peasants), a count, or a duke. (Even in our relatively democratic societies, do we not feel the need of words that preserve class distinctions? Do we not speak of the wages of the manual worker, the salary of the official, and the fees of the professional man?) The ambiguity nevertheless persisted for a long time. In thirteenth-century France they continued to speak of fiefs of manorial officials and of artisans; so that the jurists, concerned to segregate the fiefs of vassals, were apt to characterize them by the epithet 'free' (*francs*), that is to say, subject only to obligations befitting a full free man. In other languages, which had borrowed the word fief from French usage, it continued even longer to be used in the general sense of remuneration, even apart from any grant of land. In Italy, in the thirteenth century, the salaries paid in money to certain magistrates or civic officials were termed *fio*; in English-speaking countries today the remuneration of the doctor or the lawyer is still called a 'fee'. Increasingly, however, when the word was used without special qualification, it tended to be understood as applying to the fiefs (at once more numerous and socially more important) with regard to which a true 'feudal' law had developed; namely, the tenements charged with the services of vassalage in the distinctly specialized sense which that term had acquired even earlier. Finally, in the fourteenth century, the *Gloss* of the *Sachsenspiegel* defined it thus: 'The fief (*Lehn*) is the pay of the knight.'

## THE FIEF

### 2 THE 'HOUSING' OF VASSALS

The two methods of paying the vassal for his services—by the fief and by maintaining him in the household—were not absolutely incompatible. Once established on his tenement, the vassal did not on that account relinquish his claim to other marks of the lord's generosity—in particular to the gifts of horses and arms, and especially of robes and mantles of 'vair and gris', which came to be expressly provided for in many 'customs' and which even the greatest personages—such as a count of Hainault, vassal of the bishop of Liège—did not disdain to accept. Sometimes we find, as in England in 1166, among the followers of a great baron, certain knights who, though duly provided with lands, none the less live with him and receive from him the 'necessaries of life'.<sup>1</sup>

Nevertheless, apart from some exceptional cases, household' vassals and beneficed vassals in reality represented two very well-marked types, serving—from the lord's point of view—different purposes; and as early as Charlemagne's time it was considered abnormal for a royal vassal attached to the palace to hold a benefice 'notwithstanding'. Whatever, in fact, might be required of the feudatories in the way of military service or counsel, or of administrative duties in peace-time, it was only the household vassals, able to be constantly in attendance, who could be expected to perform the innumerable escort duties or higher household services. Since the two categories were not interchangeable, the contrast between them was not, in the strict sense, the contrast between successive stages of development. Undoubtedly the companion maintained in the house of the master represented an older type of relationship. But he continued for a long time to exist side by side with the more recent type—the enfeoffed dependant. What happened if a vassal, after spending some time in the lord's immediate following, obtained a fief? Another person—it might be a youth awaiting his inheritance, or a younger son—took the vacant place at the lord's table; and security of board and lodging, thus guaranteed, seemed so desirable that knightly families of middle rank sometimes solicited the promise of it for their younger members.<sup>2</sup> At the beginning of the reign of Philip Augustus, landless vassals were still so numerous that, in his ordinance concerning the 'tenth' for the Crusade, the king, unwilling to allow any class of contributors to escape the net, considered it necessary to place them in a special category.

There can be no doubt, however, that, as early as the Carolingian epoch, there was a marked disparity in numbers between the two groups of vassals, in favour of the holders of fiefs; and this disparity increased as time went on. Regarding this process and some at least of its causes, we possess unusually striking evidence. Though it relates to an episode which took

<sup>1</sup> Gislebert of Mons, *Chronique*, ed. Pertz, p. 35; *Red Book of the Exchequer*, ed. H. Hall, I, p. 283.

<sup>2</sup> *Cartulaire de Saint-Sernin de Toulouse*, ed. Douais, no. 155.

place outside France, it is nevertheless relevant to our subject, since the institutions involved were essentially French in origin.

When William the Bastard had conquered England, his first concern was to introduce into his new kingdom the remarkable system of feudal military service which prevailed in his Norman duchy. He therefore imposed on his principal vassals the obligation of holding constantly at his disposal a prescribed number of knights, the number being fixed once and for all, barony by barony. Thus each of the great nobles immediately dependent on the king was obliged, in his turn, to attach to himself a certain number of military vassals. But he remained free, of course, to decide by what means he would provide for their upkeep. Many bishops and abbots preferred, at first, to give them board and lodging 'on the demesne', without enfeoffing them. This was naturally, in every country, the most attractive solution from the point of view of the princes of the Church, since it seemed to keep intact the inalienable patrimony of landed estates which had been entrusted to their care. About a century later, the biographer of Archbishop Conrad I of Salzburg could still congratulate his hero on having been able to conduct his wars 'without enlisting the support of his knights otherwise than by gifts of movables'. With very few exceptions, however, the English prelates were fairly soon obliged to abandon this system, which suited them so well, and thereafter to place the responsibility for service with the royal army on fiefs carved out of the ecclesiastical estates.<sup>1</sup> The Ely chronicler relates that the vassals, at the time when they were directly maintained by the monastery, made an intolerable nuisance of themselves by their noisy complaints to the cellarer. It may easily be believed that a boisterous body of men-at-arms with undisciplined appetites was a disturbing factor in the peace of the cloister. It seems certain that in Gaul itself such annoyances were partly responsible for the early and rapid reduction in the numbers of those household vassals of churches, who, about the beginning of the ninth century, had been still so numerous in the great religious houses that, at Corbie for example, the monks had been accustomed to reserve for them a special bread of better quality than that provided for other dependants. But, in addition to this inconvenience, peculiar to feudal lordships of a particular kind, there was a more serious difficulty which, if it did not completely put a stop to the practice of domestic maintenance, at least greatly restricted it. During the first feudal age, the regular provisioning of a fairly large group was a big undertaking. More than one monastic annalist speaks of famine in the refectory. Therefore in many cases it was found best, for the master as well as for the armed follower, to make the latter responsible for providing for his own subsistence while giving him the means to do so.

<sup>1</sup> J.H.Round, *Feudal England*, London, 1907; H.M.Chew, *The English Ecclesiastical Tenants-in-Chief and Knight-Service, especially in the Thirteenth and Fourteenth Centuries*, Oxford, 1932. For Salzburg, *M.G.H.*, SS., XI, c. 25, p. 46.

## THE FIEF

The disadvantages of the system of household maintenance were still more evident when the vassals whose fealty had to be paid for were of too high a rank to be content to live perpetually under their master's wing. These men had need of independent revenues which, associated with the political authority they already exercised, would enable them to live in conditions consistent with their prestige. Sometimes, moreover, this was necessary in the interests of vassal service itself. The rôle of a *vassus dominions* presupposed that a man should pass the greater part of his time in his province, exercising his supervisory functions. Thus it was that in the Carolingian period the extension of vassal relationships, not only in number but also, so to speak, in height, was accompanied by an immense distribution of 'benefits'.

It would be a misconception to suppose that all fiefs were in fact created by a grant made by the lord to the vassal. Paradoxical as it may seem, many actually originated in a gift by the vassal to the lord; for the man who sought a protector had frequently to pay for the privilege. The powerful individual who forced his weaker neighbour to submit to him was apt to require the surrender of his property as well as his person. The lesser men, therefore, in offering themselves to the chief, also offered their lands. The lord, once the bond of personal subordination had been sealed, restored to his new dependant the property thus temporarily surrendered, but subject now to his superior right, expressed by the various obligations imposed upon it. This great movement of land surrender went on at every social level during the Frankish period and the first feudal age. But it assumed very different forms according to the rank and the manner of life of the man who commended himself. The lands of the peasant were returned to him charged with rents in money or in kind and with agricultural labour services. The person of higher social status and warlike habits, after having done homage, received back his former possessions as the honourable fief of a vassal. Thus the distinction between the two great classes of real property rights was finally drawn. On the one hand, there were the modest villein tenements, regulated by the common custom of the manor, and the fiefs; on the other, there were the 'allods', which had remained completely independent.

Like the word fief, but of much more straightforward etymological descent (*od*, 'property', and perhaps *al*, 'whole'), 'allod' was of Germanic origin; like fief, it was adopted by the Romance languages—as *alleu*—and was destined to live only in the company of such borrowed words. The German equivalent was *eigen* ('own'). In spite of some inevitable distortions here and there, the meaning of those two synonymous words remained perfectly stable from the Frankish period to the end of the feudal age and even later. It has sometimes been defined as 'freehold'; but this is to forget that this term can never be applied with strict accuracy to medieval law. Even apart from the universal kinship impediments, the possessor of an



allod, if he were himself a lord, might very well have under him tenants, even feudatories, whose rights over the soil—in most cases hereditary in practice—constituted a severe limitation on his own. In other words, the allod was not necessarily an absolute right at the lower end of the scale. At the upper end, however, it was. ‘Fief of the sun’—that is to say, without human lord—was the happy description applied to it by the German jurists towards the end of the Middle Ages.

Naturally this privilege could apply to any kind of landed property or revenue from land, whatever the nature of the estate—from the small peasant farm to the largest complex of rents or powers—and whatever the social rank of the holder. There was therefore a contrast between the allod and the villein tenement as well as between the allod and the fief. Only the second of these need concern us at present. In this respect, French and Rhenish development was marked by two stages, of unequal duration.

The anarchy which accompanied and followed the disintegration of the Carolingian state at first gave a good many vassals the opportunity to appropriate outright the lands which they had received as temporary grants. This was especially the case when the grant was made by a church or by the king. Let us compare two charters from Limoges, separated by an interval of thirty-eight years. In the first, dated 876, Charles the Bald hands over to the vassal Aldebert, for his own lifetime and that of his sons, the estate of *Cavaliacus* to be held ‘as a usufruct, in benefit’. In the later one, which bears the date 914, Alger, son of Aldebert, makes a gift to the canons of Limoges of ‘my allod called *Cavaliacus*, which I got from my parents’.<sup>1</sup>

Nevertheless, unless they fell into the hands of the clergy, as this one did, neither the allods which were the fruits of usurpation nor those of ancient and authentic origin were usually destined to preserve their character for long. Once upon a time, a chronicler tells us, there were two brothers named Herroi and Hacket, who, after the death of their father, a wealthy lord at Poperinghe, shared his allodial estates between them. But the count of Boulogne and the count of Guines were tireless in their efforts to compel them to do homage for these lands. Hacket, ‘fearing men more than God’, yielded to the demands of the count of Guines. Herroi, on the other hand, being unwilling to submit to either of his two persecutors, took his share of the heritage to the bishop of Thérouanne and received it back from him as a fief.<sup>2</sup> Told at a later date and as mere hearsay, the story is perhaps not very reliable in its details. In its essentials, however, it certainly provides a faithful picture of what could happen to these petty allodial lords, caught up in the rival ambitions of powerful neighbours. Similarly the accurate chronicle of Gilbert of Mons shows us the castles built on the allodial estates of the Hainault region being gradually reduced to the status of fiefs

<sup>1</sup> S. Stephani Lemovic. *Cartul.*, ed. Font-Réaulx, nos. XCI and XVIII.

<sup>2</sup> Lambert of Ardre, *Chronique de Guines*, ed. Menilglaise, c. CI.

by the counts of Hainault or Flanders. Since the feudal regime, which may be defined essentially as a kind of network of dependent ties, never became a perfect system even in the countries which gave it birth, allodial estates continued to exist. They were still very numerous under the first Carolingians; indeed, the possession of one—and it had to be in the county concerned—was then the necessary condition for appointment as lay representative (*avoué*) of a church. But from the tenth century onwards they were rapidly disappearing, while the number of fiefs was constantly growing. The soil passed into subjection along with the men.

Whatever the real origin of the vassal's fief—whether an estate carved out of the possessions of the lord or a *fief de reprise*, that is to say, a former allod surrendered by its original owner and then 'taken back' by him on feudal terms—it appeared officially as the substance of a grant made by the lord. This explains the adoption of a ceremonial act in keeping with the forms usual at that time for all transfers of real property rights. Such symbolic acts were known as investitures. To the vassal the lord handed an object which symbolized the property. For this purpose a small stick often sufficed, but sometimes a more eloquent token was preferred—a clod of earth, representing the soil conceded; a lance to evoke the idea of military service; a banner, if the vassal was not only a warrior but also a chieftain, with other knights at his call. Into this originally rather indefinite picture custom and the genius of the jurists introduced a host of embellishments, varying according to the region. When a fief was granted to a new vassal, investiture took place immediately after homage and fealty—never before them.<sup>1</sup> The ceremony which created the bond of fealty was a necessary preliminary to its remuneration.

In theory, any form of property could be a fief. In practice, however, where vassals' fiefs were concerned, the social status of the beneficiaries imposed certain limitations—at least after the establishment of a clear-cut distinction between the different forms of commendation. The formula of the grant made to a 'companion', as it has come down to us in a document of the seventh century, appears to provide that agricultural labour services could be demanded. But the vassal of later times no longer condescended to work with his hands. He was therefore obliged to live on the labour of someone else. When he received an estate, he would expect to find on it tenants who were subject, on the one hand, to the payment of rents and, on the other, to labour services which would permit the cultivation of the portion of land generally reserved for direct farming by the master. In short, the majority of the fiefs of vassals were manors of varying size. Others, however, consisted of revenues and, while these also ensured for their possessors a life of aristocratic ease, they did not carry with them authority

<sup>1</sup> At least in the highly feudalized countries, like most of France. Italy was an exception. (For the ceremony of investiture, see Plate V.)

over other dependents, except in a subsidiary capacity. They included tithes, churches with their perquisites, markets, and tolls.

As a matter of fact, even revenues of this type, being in some measure attached to the soil, were, in accordance with the medieval classification, placed in the category of landed property. Only later, when the development of an exchange economy and administrative organization had enabled kingdoms and large principalities to accumulate considerable stocks of currency, did the kings and great nobles begin to distribute revenues pure and simple as fiefs. Although they were not based on land, these 'money fiefs' (*fiefs de chambre*) none the less involved homage, and had many advantages from the lord's point of view. In their case there was no risk of the alienation of estates. Largely unaffected by the deformation which, as we shall see, transformed the majority of territorial fiefs into hereditary properties, these grants conferred a life-interest at most and kept the beneficiary in much stricter subordination to the grantor. To the rulers they afforded the means of securing distant vassals, even outside the territories under their immediate control. The kings of England, who early became rich, seem to have been among the first to resort to this method; as early as the end of the eleventh century, they granted money fiefs to Flemish nobles (the count of Flanders above all) in order to enlist their military support. Then Philip Augustus, always ready to imitate his rivals, the Plantagenets, tried to compete with them by using the same method in the same region. Again, by similar means, in the thirteenth century the Hohenstaufen won over the counsellors of the Capetians and the Capetians those of the Hohenstaufen. In this way Saint Louis formed a direct tie with Joinville, who hitherto had been only his sub-vassal.<sup>1</sup> But what if the vassals concerned were armed retainers of the household type? In that case, the money payments obviated the inconvenience of feeding them. If, in the course of the thirteenth century, the number of household vassals diminished very rapidly, this was certainly due in most cases to the fact that the system of maintenance pure and simple had been replaced by the grant—in the form of a fief—of a fixed salary in money.

Was it certain, however, that a revenue of an exclusively movable type could legitimately be the subject of an enfeoffment? The problem was not solely a verbal one; it resolved itself into the question how far the very distinctive legal rules that had gradually been developed round the concept of the vassal's fief should be extended. That is why, in Italy and Germany—the countries where, in the special conditions which will be described later, this feudal law proper was most successful in constituting itself an autonomous system—legal doctrine and court practice refused in the end to recognize money incomes as fiefs. In France, on the other hand, the

<sup>1</sup> G.G.Dept, *Les Influences anglaise et française dans le comté de Flandre*, 1928; Kienast, *Die deutschen Fürsten im Dienste der Westmächte*, I, 1924, p. 159; II, pp. 76, n. 2; 105, n. 2; 112; H.F.Delaborde, *Jean de Joinville*, no. 341.

## THE FIEF

difficulty seems hardly to have troubled the jurists. Under the old name of military tenure, the great baronial and princely families were able to pass imperceptibly to what was to all intents and purposes a system of cash remuneration, characteristic of a new economy founded on buying and selling.

Since the grant of a fief was the pay of a commended individual, its natural duration was that of the human bond which constituted its *raison d'être*. From about the ninth century onwards, vassalage was regarded as uniting two lives, and consequently it was considered that the 'benefit' or fief was held by the vassal till either his own death or that of his lord, and only till then. This remained to the end the letter of the law. Just as the vassal relationship between the survivor of the original pair and his partner's successor continued only if the act of homage was repeated, so the renewal of the enfeoffment to the vassal's heir or to the vassal himself by the grantor's heir necessitated a repetition of the rite of investiture. How flagrant was the contradiction that soon manifested itself between facts and theories we shall have shortly to consider. But since in this respect the course of evolution was common to the whole of feudal Europe, it will be well first of all to attempt to sketch the development of institutions either similar or analogous to those just described, in countries which so far have remained outside our purview.

## XIII

### GENERAL SURVEY OF EUROPE

#### 1 FRENCH DIVERSITY: THE SOUTH-WEST AND NORMANDY

IT has been France's lot, since the Middle Ages, to bind together by evercloser ties of national unity—like the Rhône receiving the Durance, as Mistral finely says—a cluster of societies originally separated by strong contrasts. Everyone knows or is instinctively aware of this; yet no study has been more neglected than that of this social geography. It is therefore only possible here to offer a little guidance to students.

Let us take first the Aquitanian south—the Toulouse region, Gascony, Guienne. In these regions, whose social structure was in every respect very distinctive and which had been influenced only slightly by Frankish institutions, the spread of protective relationships seems to have encountered many obstacles. The allods—small peasant holdings as well as manorial lordships—remained very numerous to the end. Though the concept of the fief was introduced in spite of obstacles, its outlines soon became blurred. As early as the twelfth century, 'fief' was the term applied, in the neighbourhood of Bordeaux or Toulouse, to all sorts of tenements, including those charged with humble rents in kind or agricultural labour services. A similar development occurred in the case of the term 'honour', which had become in the north (as a result of a semantic process 'which will be described later) almost synonymous with 'fief'. Undoubtedly the two names, when first adopted, had been used in their normal, highly specialized sense. The deviation in meaning, which did not occur at all in the thoroughly feudalized countries, took place subsequently. The truth is that the legal concepts themselves had been imperfectly understood by a regional society familiar with quite different practices.

On the other hand, the Scandinavian followers of Rollo, accustomed to a system of companionship akin to the primitive usages of the Franks, found at the time of their settlement in Neustria nothing in their native traditions which resembled the institutions of the fief and vassalage, as they were already developed in Gaul. Their chiefs nevertheless adapted themselves to these practices with remarkable flexibility. Nowhere better than on this conquered soil were the princes able to use the network of feudal relationships in the interest of their authority. Nevertheless, at the lower

levels of society, certain imported characteristics continued in evidence. In Normandy, as on the banks of the Garonne, the word *fief* rapidly acquired the sense of a tenement in general; but not for quite the same reasons. For what seems to have been lacking here was the feeling, elsewhere so powerful, of the differentiation of classes, and consequently of estates, by the kind of life a man led. Witness the special position of the 'vavasours'. There was nothing unusual about the word itself. Throughout the Romance-speaking world, it designated the lowest grade among the holders of military fiefs—those who, in relation to kings and great nobles, were only vassals of vassals (*vassus vassorum*). But the original feature of the Norman vavasour consisted in the singular medley of responsibilities with which his property was burdened. Apart from the obligations of armed service, sometimes on horseback, sometimes on foot, the holding of the vavasour (*vavassorerie*) was subject to rents, and even occasionally to labour services; it was, in fact, half fief, half villein tenement. It seems that this anomaly was a vestige of Viking days; and this is borne out by a glance at the English 'Normandy'—that is at the counties of the north and north-east, known as the 'Danelaw'. The same duality of obligations was there imposed on the holdings of a class of dependants called 'drengs'—the term *dreng* having originally the same meaning as vassal, i.e. 'boys', though it was frankly Nordic and, as we have seen, apparently already in use, immediately after the invasions, on the banks of the Seine.<sup>1</sup> In the course of the following centuries both vavasour and *dreng* were to give a great deal of trouble to the jurists, who could not escape from classifications that had become progressively more crystallized. In a world which set the profession of arms above and apart from all other secular activities, they were a constant and embarrassing reminder of the time when, among the Northmen (as is still seen so clearly in the Icelandic sagas), there was no gulf between the life of the peasant and that of the warrior.

## 2 ITALY

Lombard Italy had witnessed the spontaneous development of ties of personal dependence similar in almost every respect to the various forms of commendation known to Gaul—from the simple delivery of one's own person into servitude to the institution of military companionship. The war-companions, at least those surrounding the kings, dukes and principal chiefs, bore the common Germanic name of *gasindi*. Many of them received estates, though as a rule they had to hand them back to the chief if they withdrew their allegiance. For, in conformity with the customs which we find everywhere at the root of this kind of relationship, the tie at that period

<sup>1</sup> The best account of the English 'drengs' is that by G. Lapsley in the *Victoria County History: Durham*, I, p. 284. Cf. J.E.A. Jolliffe, 'Northumbrian Institutions' in *English Historical Review*, XLI (1926).

was not yet indissoluble: to the free Lombard, provided that he did not leave the kingdom, the law expressly recognized the right to 'go with his kindred whither he would'.

Nevertheless the notion of a legal category of estates specifically devoted to the remuneration of services does not seem to have emerged clearly before the absorption of the Lombard state in the Carolingian. In Italy, the 'benefit' was a Frankish importation; and soon, as in the land of its origin, it came to be called by preference a 'fief. This word was to be found in the Lombard tongue with the old meaning of movable property. But its use, as early as the end of the ninth century, in the new sense of military tenement is attested by documents from the neighbourhood of Lucca.<sup>1</sup> At the same time, the Gallo-Frankish word Vassal' gradually replaced *gasindus*, which was relegated to the more restricted meaning of unenfeoffed armed retainer. Foreign domination had placed its imprint on the institutions themselves. As a result partly of the social crisis provoked by the wars of conquest (on this subject a Carolingian capitulary provides curious evidence),<sup>2</sup> and partly of the ambitions of the immigrant aristocracy which had taken over the higher offices, there had been an increase of every type of patronage. What is more, Carolingian policy simultaneously regularized and extended, on this side of the Alps as on the other, what had been originally a rather loose system of personal and territorial dependence. If, in the whole of Europe, northern Italy was unquestionably the region where the system of vassalage and the fief most nearly resembled that prevailing in France proper, the reason was that in both countries the basic conditions were much the same. In both countries there was a similar foundation to the system—a social substratum where the practices of Roman clientage were blended with the traditions of Germany; and in both a cohesive force was provided by the organizing work of the first Carolingians.

But, in this land where neither legislative activity nor the teaching of law was ever interrupted, feudal custom ceased at a very early date to consist exclusively, as for so long in France, of a rather vague and almost purely oral collection of traditional or jurisprudential precepts. The ordinances on this subject promulgated from 1037 onwards by the rulers of the Italian kingdom—who were in fact the German kings—gave rise to a whole technical literature which, besides providing a commentary on the laws themselves, set out to describe 'the good customs of the courts'. The principal chapters of this literature were brought together, as we know, in the famous compilation of the *Libri Feudorum*. Now one thing is unique about the law of vassalage as set forth in these texts. Homage of mouth and hands is never mentioned; the oath of fealty appears to suffice as the basis of allegiance. In this, it is true, there was a measure of systematization

<sup>1</sup> P.Guidi and E.Pelegrinetti, 'Inventari del vescovato, della cattedrale e di altre chiese di Lucca' in *Studi e Testi pubblicati per cura degli scrittori della Biblioteca Vaticana* XXXIV, 1921, no. 1.

<sup>2</sup> *Capitularia*, I, no. 88.

and artificiality, in harmony with the spirit of almost all the didactic writings of that period. The ordinary legal documents show that in Italy, in feudal times, homage after the Frankish fashion was sometimes performed; but not invariably, nor even perhaps usually. It was not considered necessary to the creation of the bond. An imported rite, it had undoubtedly never been completely accepted by legal opinion, which here much more than beyond the Alps was ready to recognize obligations contracted without any formal act.

A vivid light is thrown on the intrinsic conception of the vassal's fief by its history in another part of Italy—the Patrimony of St. Peter. In 999, the favour of the Emperor Otto III placed on the papal throne a man who had been born in the heart of Aquitaine and who in the course of his brilliant and restless career had gained experience of the monarchies and great ecclesiastical principalities of the old Frankish countries, as well as of Lombard Italy. This man was Gerbert of Aurillac, who became Pope Sylvester II. He found that his predecessors had known nothing of the fief. Certainly the Roman Church had its vassals, and it was accustomed to provide them with estates; but it still employed for this purpose the old Roman forms, especially *emphyteusis*, and these contracts, adapted to the needs of societies of quite another type, were ill-suited to the necessities of the time. They did not in themselves carry any obligations of service; the grants were temporary, though they might embrace several lives, but they did not embody the salutary principle of reversion to the grantor from generation to generation. Gerbert wished to replace them by genuine enfeoffments, and he explained why.<sup>1</sup> Though he was apparently not very successful in this first effort, fief and homage after his time gradually penetrated into the practice of the papal government—a proof that this dual institution was henceforth deemed indispensable to any sound organization of ties of dependence within the military class.

### 3 GERMANY

In addition to the provinces of the Meuse and the Rhine, which were from the first integral parts of the kingdom founded by Clovis and centres of Carolingian power, the German state, as it took definite shape towards the beginning of the tenth century, included vast territories which had remained outside the great heterogeneous mass of men and institutions which constituted Gallo-Frankish society. Of these regions the most important was the Saxon plain between the Rhine and the Elbe, which had been brought into the Western orbit only from the time of Charlemagne. The

<sup>1</sup> In the bull relating to Terracina, dated December 26 in the year 1000. Cf. Karl Jordan, 'Das Eindringen des Lehnwesens in das Rechtsleben der Römischen Kurie' in *Archiv für Urkundenforschung*, 1931.



institutions of the fief and vassalage nevertheless spread throughout trans-Rhenish Germany, but—and this was particularly true of the North—without ever penetrating the social body as profoundly as they had done in the old Frankish territories. Homage had been adopted by the upper classes, less completely than in France, as the human relationship appropriate to their rank, and in consequence it retained more of its primitive character as a rite of pure subordination. Only very exceptionally was the joining of hands accompanied by that kiss of friendship which placed lord and vassal almost on an equal level. It is possible that at the outset members of the great families of chiefs had felt some reluctance to submit to ties still regarded as half-servile. In the twelfth century, the story was told in Welf circles that one of the ancestors of the house, having heard of the homage done by his son to the king, had been so incensed by this act, which he regarded as a blemish on the ‘nobility’ and ‘freedom’ of his line, that he retired into a monastery and refused to his dying day to see the offender again. The story, which contains genealogical errors, is not of established authenticity. It is none the less symptomatic; nothing like the attitude it reflects is to be found elsewhere in the feudal world.

Moreover the distinction between military service and the cultivation of the soil, the real foundation elsewhere of the cleavage between classes, here took longer to establish itself. When, in the early years of the tenth century, King Henry I, himself a Saxon, set up fortified bases on the eastern frontier of Saxony, which was constantly threatened by Slavs and Hungarians, he entrusted their defence to warriors who are said to have been divided normally into groups of nine. Eight of them were settled in the neighbourhood of the fortress and came in to man it only in face of a threatened attack. The ninth lived there permanently in order to look after the houses and provisions reserved for his companions. At first sight, the system is not unlike that adopted at the same period for the defence of various French castles. On closer scrutiny, however, an extremely important difference is apparent. Unlike the Western vassals engaged in ‘castle-guard’, who depended for their subsistence either on distributions made by the master or on the rents of the fiefs with which he had provided them, these defenders of the Saxon borders were themselves genuine peasants, cultivating the soil with their own hands—*agrarii milites*.

Till the close of the Middle Ages, two characteristics continued to bear witness to this less developed feudalization of German society. First, there was the number and extent of the allodial estates, especially those belonging to the great men. When the Welf Henry the Lion, duke of Bavaria and Saxony, had in 1180 been deprived by a legal judgment of the fiefs that he held of the Empire, his allodial estates, which remained in the hands of his descendants, proved large enough to constitute a veritable principality; this was transformed in its turn seventy-five years later into

an imperial fief and, under the name of the duchy of Brunswick and Lüneburg, was to form the basis of the states of Brunswick and Hanover in the future German Confederation.<sup>1</sup> Secondly, in Germany the law of the fief and vassalage, instead of being, as in France, inextricably woven into the whole legal fabric, was at an early date treated as a separate system, whose rules were applicable only to certain estates or certain persons and were administered by special courts—much in the same way as in France today the law regulating commercial transactions and merchants is separate from the civil law. *Lehnrecht*, the law of fiefs; *Landrecht*, the general law of the country—the great legal manuals of the thirteenth century are almost entirely based on this dualism, of which the Frenchman Beaumanoir would never have dreamed. Its sole justification was that many legal ties, even among the upper classes, failed to come under the feudal heading.

#### 4 OUTSIDE THE CAROLINGIAN EMPIRE: ANGLO-SAXON ENGLAND AND NORTH-WESTERN SPAIN

Across the Channel, which even in the worst periods of disorder was still traversed by small craft, the barbarian kingdoms of Britain were not beyond the reach of Frankish influences. The admiration which the Carolingian state, especially, inspired in the island monarchies seems at times to have expressed itself in genuine attempts at imitation; witness, among other instances, the appearance in a few charters and narrative texts of the word vassal, an obvious borrowing. But these foreign influences remained wholly on the surface. Anglo-Saxon England affords the historian of feudalism the most precious of examples—that of a society of Germanic structure which, till the end of the eleventh century, pursued an almost completely spontaneous course of evolution.

No more than any of their contemporaries did the Anglo-Saxons find in the ties of the folk or the kindred the means to satisfy fully either the weak man's need for protection or the strong man's desire for power. From the beginning of the seventh century, when we begin to penetrate the obscurity of a history hitherto devoid of written records, we find in process of formation a system of protective relationships whose development was completed two centuries later under the pressure of the Danish invasion. From the outset the laws recognized and regulated these relationships, which, here also, when the emphasis was on the submission of the inferior, bore the Latin name of *commendatio*. If, on the other hand, the emphasis was on the protection accorded by the master, the Germanic word *mund* was used. These practices were favoured by the kings, at least from the tenth century onwards, as being conducive to public order. A law of

<sup>1</sup> Cf. L.Hüttebräuker, 'Das Erbe Heinrichs des Löwen' in *Studien und Vorarbeiten zum historischen Atlas Niedersachsens*, H. 9, Göttingen, 1927.

Aethelstan, between 925 and 935, deals with the case of the lordless man. If this situation is found to be an impediment to the exercise of legal sanctions, his kinsmen must name a lord for him in the folk-moot. What if they are unwilling or unable to do so? He becomes an outlaw and whoever encounters him is entitled to kill him, like any robber. The rule clearly did not touch persons of sufficiently high rank to be subject to the immediate authority of the sovereign; these were their own warrantors. But such as it was—and we do not know to what extent it was enforced in practice—it went farther, in intention at least, than anything Charlemagne or his successors had ever dared to attempt.<sup>1</sup> Moreover, the kings themselves did not hesitate to use these ties to their own advantage. Their military dependants, who were called ‘thegns’, were dispersed—like so many *vassi dominici*—throughout the realm, protected by special scales of *wergild* and entrusted with genuine public duties. If nevertheless, by one of the typical time-lags of history, protective relationships in England before the Norman Conquest never went beyond the still indeterminate state which had been more or less the stage reached by Merovingian Gaul, the reason must be sought less in the weakness of a monarchy profoundly affected by the Danish wars than in the persistence of an original social structure.

In England, as elsewhere, the armed followers with whom the kings and nobles surrounded themselves had at an early date become conspicuous among the crowd of dependants. Various names with nothing in common but a rather humble and domestic ring were used concurrently or successively to describe these household warriors. Among them we find, naturally, *gesith*, already familiar in the Latinized form *gasindus*; *gesella* signifying ‘hall-companion’; *geneat*, ‘table-companion’; *thegn*, a word distantly related to the Greek *τέκνον* and having, like vassal, the original meaning of ‘young boy’; and ‘knight’, which is the same word as the German *Knecht*, i.e. servant or slave. From the time of Cnut, the term *housecarl*—‘house-boy’, borrowed from the Scandinavian—was frequently applied to the armed followers of the king or the magnates. The lord—of the military retainer as well as of the humblest commended man and even of the slave—was called *hlaford* (whence was derived the modern English word ‘lord’), meaning literally ‘loaf-giver’, just as the men gathered in his house were ‘loaf-eaters’ (*hlafoetan*). He was indeed a foster-father as well as a protector. A curious poem brings before us the plaint of one of these war-companions, compelled after the death of his lord to roam the highways in search of a new ‘distributor of treasure’. It is the poignant lament of a sort of social

<sup>1</sup> Aethelstan, II, 2.—Among the agreements concluded at Mersen in 847 by the three sons of Louis the Pious, the proclamation of Charles the Bald contains the following phrase: ‘Volumus etiam ut unusquisque liber homo in nostro regno seniore, qualem voluerit, in nobis et in nostris fidelibus accipiat.’ But examination of the similar dispositions included in the various partitions of the Empire shows that ‘volumus’ means here ‘we permit’, not ‘we ordain’.

outcast, deprived at one and the same time of protection, kindness, and the pleasures most necessary to life. 'He dreams at times that he embraces and kisses his lord, and lays hands and head upon his knees, as he did in days gone by at the high seat whence bounty flowed; then the friendless man awakes and sees before him now only the dark waves.... Where are the joys of the great hall? Where, alas, the bright cup?'

Alcuin, describing in 801 one of these armed bands, which was attached to the household of the archbishop of York, mentioned that it included both 'noble warriors' and 'non-noble warriors'—a proof at once of the mixing of classes that originally characterized all groups of this sort and of the distinctions which nevertheless already tended to prevail amongst them. One of the services rendered by the Anglo-Saxon documents is that on this point they underline a causal relation which is scarcely revealed in the deplorably scanty Merovingian sources. The differentiation was a natural development; but it was clearly hastened by the practice, which spread progressively, of providing these fighting-men with lands. The extent and nature of the grant, varying in accordance with the man's rank, had the effect of sharpening these distinctions. Nothing is more revealing than the changes in terminology. Among the words which have just been listed, some eventually fell into disuse. Others acquired a more specialized meaning, moving either up or down the social scale. At the beginning of the seventh century, *the geneat* was a real warrior and a person of fairly high rank; in the eleventh, he was a modest tenant-farmer, almost the only difference between him and the other peasants being that he was required to perform guard duties for his master and carry his messages. *Thegn*, on the contrary, remained the label of a much more highly regarded class of military dependants. But, since the majority of these had been gradually provided with tenements, the need soon arose for a new term with which to describe the domestic fighting-men who had replaced them in the military service of the household. The name adopted was 'knight', which had now lost its servile taint. Nevertheless the movement making for the institution of a stipendiary form of land tenure was so irresistible that on the eve of the Norman Conquest there were instances of 'knights' who had also been provided with estates.

The fluidity of these verbal distinctions demonstrates the continued absence of any clear differentiation among the classes. Another piece of evidence is furnished by the very form of the acts of submission. To the end the ceremony of the joined hands was included or omitted at will, whatever the social ranks involved. In Frankish Gaul the extremely clear-cut separation which finally appeared between vassalage and the lower forms of commendation was based on a twofold principle. On the one hand there was the incompatibility between two kinds of life and therefore of obligations—the way of the warrior and the way of the peasant; on the other, there was the wide gulf between a voluntary life commitment and

an hereditary tie. Neither of these factors was operative to the same degree in Anglo-Saxon society.

*Agrarii milites*, 'peasant warriors'—this phrase, which we have already encountered in Germany, was also used by an Anglo-Norman chronicler, in 1159, to characterize certain traditional elements of the military forces which England (whose organization had not been completely upset by the Conquest) continued to place at the disposal of its foreign king.<sup>1</sup> Although they were mere survivals at this period, the elements referred to were related to what had been very general practices a century earlier. Those *geneats* and those *radmen*, whose holdings, so numerous in the tenth century, were burdened with escort or message duties as well as rents and agricultural services, were in fact fighting-men and peasants combined. Was not this equally true of certain of the thegns themselves, who were also subject, by virtue of their estates, to humble *corvées* along with military service? Everything conspired to maintain this sort of confusion of classes. In the first place, Britain lacked that substratum of Gallo-Roman society which in Gaul—though its influence cannot be precisely appraised—seems clearly to have contributed to the development of class distinctions. Then there was the influence of the Nordic civilizations. It was in the northern counties, which had been profoundly affected by Scandinavian influences, that peasant thegns were especially to be found, alongside the drengs with whom we are already acquainted. Another factor was the minor rôle assigned to the horse. Many of the Anglo-Saxon retainers did indeed possess mounts; but they normally fought on foot. The battle of Hastings was essentially the defeat of a body of infantry by a mixed force in which the foot-soldiers were supported by the manœuvres of the cavalry. In pre-Conquest England, 'vassal' and 'horseman' were never identified, as they normally were on the continent; and if, after the arrival of the Normans, the word 'knight' came eventually—though hesitatingly—to be employed as a translation of the second of these terms it was undoubtedly because the horsemen originally brought over by the invaders were for the most part, like the majority of 'knights', landless warriors. The apprenticeship and the constant training which were required to manage a charger in the mêlée and fight from the saddle with heavy weapons were scarcely necessary to enable a peasant to ride as far as the field of battle.

As for the contrasts which arose elsewhere from the varying duration of the tie, they had little opportunity to manifest themselves very strongly in England. For—with the obvious exception of slavery pure and simple—the protective relationships at all levels could be terminated without much difficulty. The laws, it is true, forbade a man to abandon his lord without the latter's consent, but this permission could not be refused provided that the property granted in return for services was restored and that no obligation incurred in the past remained unfulfilled. The 'quest for a lord'—

<sup>1</sup> Robert of Torigny, ed. L. Delisle, I, p. 320.

a search which might be perpetually renewed—was regarded as an imprescriptible privilege of the free man. ‘Let no lord obstruct it,’ says Aethelstan,—‘once he has received what is due to him.’ Undoubtedly special agreements, local or family customs, or even force were sometimes more powerful than legal rules. More than one subordination of man to lord was in practice transformed into a life-long or even an hereditary tie; but even so a great many dependants, sometimes of very humble status, retained the right, as *Domesday Book* puts it, ‘to betake themselves to another lord’. Furthermore, there was no rigid classification of territorial relationships to provide a framework for a system of personal relationships. If among the estates which the lords granted to their retainers many—as on the continent in the days of early vassalage—were ceded in full ownership, there is no doubt that others were to be held only so long as the fealty itself endured. These temporary concessions frequently bore, as in Germany, the name of loan (*laen*, in Latin *praestitum*). But the idea of a stipendiary property, with obligatory reversion to the grantor at each death, does not seem to have been clearly developed. When, in the late tenth century, the bishop of Worcester granted land in this way in return for the promise of obedience, the payment of rents and military service, he adopted the old ecclesiastical system of granting a lease for three generations. It sometimes happened that the two ties—of the man and of the land—did not coincide. Under Edward the Confessor a person who obtained the grant of a holding from an ecclesiastical lord (also for three generations) received at the same time the authorization ‘to go with it, during this term, to whatsoever lord he would’—that is to say, to commend himself, both his person and his land, to a master other than the grantor. It was a dualism which would have been quite inconceivable in France at the same period, among the upper classes at least.

Moreover, important as the protective relationships had become in Anglo-Saxon England as a means of social cohesion, they had by no means extinguished every other tie. The lord was responsible publicly for his men, but alongside this solidarity of master and subordinate, there subsisted—in full vigour and carefully organized by the law—the old collective solidarities of families and groups of neighbours. In the same way, the military obligation of every member of the folk survived, more or less in proportion to his wealth. As a result a confusion occurred here, which is immensely instructive. Two types of fully equipped warrior served the king—his thegn, who was more or less equivalent to the Frankish vassal, and the ordinary free man, provided that he had means. Naturally, the two categories partly overlapped, since the thegn was not as a rule a poor man. It became customary therefore, towards the tenth century, to describe as thegns (meaning king’s thegns), and to credit with the privileges of thegnhood, all free subjects of the king who possessed sufficiently extensive estates, even though they might not be placed under his special protection.

This status might even be accorded to those who had successfully engaged in the highly-regarded occupation of overseas trading. Thus the same word was used indifferently to express either the status gained by an act of personal submission, or membership of an economic class—an ambiguity which (even when allowance is made for the fact that the minds of that age were remarkably impervious to contradictions in ideas) could only have come about because in pre-Conquest England the tie between man and man was not regarded as incomparably the strongest of social bonds. Perhaps it would not be wholly incorrect to interpret the collapse of Anglo-Saxon civilization as the calamity of a society which, when its old social categories disintegrated, proved incapable of replacing them by a system of clearly defined protective relationships, organized on hierarchical principles.

The historian of feudalism searching for a really distinctive field of comparisons in the Iberian peninsula should not direct his attention to north-eastern Spain. Catalonia, originally a march of the Carolingian Empire, had been profoundly influenced by Frankish institutions. The same was true, though more indirectly, of the neighbouring kingdom of Aragon. Nothing was more original, on the other hand, than the structure of the societies of the north-western Iberian group—Asturias, Leon, Castile, Galicia and, later, Portugal. Unfortunately, the study of it has not been carried very far. Here, briefly, is what research has so far yielded.

The heritage of Visigothic society transmitted by the early kings and the nobility, and the conditions of life common to the entire West at that period, favoured, there as elsewhere, the development of personal dependence. The chiefs in particular had their household warriors whom they usually called their *criados*, that is to say, their ‘fosterlings’. The texts sometimes describe them as ‘vassals’; but this was a borrowed word, and the very rare instances of its use are chiefly interesting as recalling that even this exceptionally independent region of the Iberian peninsula was nevertheless subject—apparently increasingly so—to the influence of the feudal societies beyond the Pyrenees. How could it have been otherwise, when so many French knights and clerics were constantly going to and fro over the passes? Similarly, the word homage is occasionally found and, with it, the rite. But the native gesture of submission was different. It consisted in the kissing of hands, and was conducted with a much less rigorous formality. It might be repeated fairly frequently, as an act of ordinary courtesy. Although the name *criados* seems above all to imply household retainers and though the *Poem of the Cid* can still describe the followers of the hero as ‘those who eat his bread’, the tendency here, as everywhere, was to replace the distribution of food and gifts by endowments of land; but in this case the process was somewhat retarded by the exceptional amount of booty brought back from expeditions into Moorish territory by kings and nobles. There emerged nevertheless a fairly clear notion of a tenement charged with

services and revocable in case of failure to perform them. A few documents, inspired by foreign terminology, and in some cases drafted by clerks from France, call it 'fief (using its Latin equivalents). The vernacular had evolved, quite independently, a term of its own, *prestamo*, meaning literally—by a curious parallelism of ideas with the German or Anglo-Saxon *Lehn*—'loan'.

These practices, however, never gave rise, as in France, to a strong and well-ordered network of feudal relationships penetrating the whole of society. Two great events stamp the history of the societies of north-western Spain with a character of their own—the reconquest and the resettlement. In the vast areas wrested from the grasp of the Moors, peasants were established as small-holders. These settlers escaped at least the most oppressive forms of seignorial subjection, while maintaining of necessity the warlike aptitudes of a sort of border militia. The result was that far fewer vassals than in France could be provided with revenues derived from the rents and forced labour of unfree tenants; and a further result was that though the armed retainer was the fighting-man *par excellence*, he was not the only fighting-man, or even the only one to be mounted. By the side of the knighthood of the *criados* there existed a 'peasant knighthood', composed of the richest of the free tenants. Moreover, the power of the king, the war-leader, remained much more effective than it was north of the Pyrenees; and since the kingdoms were far less extensive, their rulers experienced much less difficulty in keeping in direct touch with the mass of their subjects. Hence, there was no confusion between the homage of the vassal and the subordination of the official, between the office and the fief. Neither was there a regular gradation of vassal engagements, rising step by step—save where interrupted by an allodial property—from the humblest knight to the king. There were, here and there, groups of retainers, many of them provided with estates as remuneration for their services; but they were imperfectly linked together and were far from constituting, as in France, the main framework of society and the State. Two factors, indeed, appear to have been indispensable to any fully developed feudal regime: the enjoyment by the vassal-knight of a Virtual monopoly of the profession of arms and the more or less voluntary abandonment, in favour of the tie of vassalage, of other means of government.

## 5 THE IMPORTED FEUDAL SYSTEMS

The establishment of the dukes of Normandy in England was one among a remarkable series of examples of the migration of legal institutions—the transmission to a conquered country of French feudal practices. This phenomenon occurred three times in the course of the same century: across the Channel, after 1066; in southern Italy where, from about 1030, other Norman adventurers began to carve out for themselves principalities which were destined, a century later, to be united to form the kingdom of Sicily;



and lastly in Syria, in the states founded from 1099 onwards by the Crusaders. On English soil the existence among the conquered population of practices already closely resembling vassalage facilitated the adaptation of the foreign institutions. Latin Syria presented a *tabula rasa*. As for southern Italy, it had been partitioned, before the arrival of the Normans, among three different powers. In the Lombard principalities of Benevento, Capua, and Salerno the practices of personal dependence were very widespread, though they had not been developed into a well-organized hierarchic system. In the Byzantine provinces, oligarchies of landowners, warriors, and often merchants also, dominated the mass of the humble folk who were sometimes bound to them by a sort of patron-client relationship. Finally, in the regions ruled by the Arab emirs there was nothing even remotely akin to vassalage. But, however great the contrasts may have been, the transplantation of feudal and vassal relationships was made easy by the fact that they were class institutions. Above the peasant class, and in some cases the burgher class, both of hereditary type, the ruling groups, composed essentially of invaders (to whom in England and especially in Italy were joined some elements of the native aristocracy), formed so many colonial societies governed by usages which, like the rulers themselves, came from abroad.

In the countries where feudalism was an importation it was much more systematically organized than in those where its development had been purely spontaneous. It is true that in southern Italy allodial estates continued to exist; for in these territories, which had been conquered gradually (as a result of agreements as much as of wars), the upper classes and their traditions had not completely disappeared. Many of these allods—and this was a characteristic feature—were in the hands of the old urban aristocracies. On the other hand, neither in Syria nor in England—if we disregard certain fluctuations of terminology—was the allod permitted. All land was held of a lord and this chain, which was nowhere broken, led link by link to the king. Every vassal, in consequence, was bound to the sovereign not only as his subject, but also by a tie which ascended from man to man. Thus the old Carolingian principle of ‘coercion’ by the lord was applied, in these lands which had never known the Carolingian Empire, with almost ideal precision.

In England, ruled by a powerful monarchy which had introduced the strong administrative practices of the Norman duchy, these imported institutions not only formed a more strictly regulated system than in any other country; by a sort of contagion, which spread from top to bottom, they penetrated virtually the whole of society. In Normandy, as we know, the word *fief* underwent a profound change of meaning—to the extent of being applied to any form of tenement. The deviation had probably begun before 1066, though at that date the change was not yet complete. But if the lines of development on both sides of the Channel were parallel, they

were not exactly the same. English law, in the second half of the twelfth century, came to distinguish clearly two great categories of tenements. Some (and these no doubt comprised the majority of the small peasant holdings), since they were regarded as both of uncertain duration and subject to dishonourable services, were described as unfree. Others, the possession of which was protected by the royal courts, formed the group of free holdings. It was to this group that the name *fief* (*fee*) was now applied. The knight's fees were included in this category along with lands held in free socage or in *burgage*. We must not think of the assimilation as a purely verbal one. In the whole of Europe, in the eleventh and twelfth centuries, the military *fief*, as we shall see shortly, was transformed into what was to all intents and purposes an hereditary estate. Furthermore, being regarded as indivisible, it was in many countries transmitted only from eldest son to eldest son. Such was the case in England, in particular. But here primogeniture gradually permeated a large part of the social structure. It was applied to all the estates described as fees, and sometimes to humbler holdings. Thus this privilege of birthright, which was to become one of the most important and distinctive features of English social custom, was fundamentally an expression of the process by which the *fief* became, as it were, transmuted into the characteristic tenure of free men. Among feudal societies, England is in a sense at the opposite pole from Germany. It was not enough for her merely to refrain, like France, from erecting the 'custom' of the feudal classes into a separate body of law; in England, a considerable part of the *Landrecht*—that relating to real property rights—was *Lehnrecht*.

XIV  
THE FIEF BECOMES  
THE PATRIMONY OF THE VASSAL

1 THE PROBLEM OF INHERITANCE: 'HONOURS' AND  
ORDINARY FIEFS

THE establishment of the heritability of fiefs was numbered by Montesquieu among the constituents of 'feudal government' as opposed to the 'political government' of Carolingian times. This classification is correct, though it should be borne in mind that, in the literal sense, the term 'heritability' is inexact. Possession of the fief was never transmitted automatically by the death of the previous holder. But, except in certain rigorously prescribed circumstances, the lord had no power to refuse investiture to the natural heir, provided the latter did homage beforehand. The triumph of heritability in this sense was the triumph of social forces over an obsolescent right. In order to understand the reasons for this it is essential to form an idea of the attitude of the parties concerned. We shall confine our enquiry to the simplest case: that in which the vassal left only one son.

Even in the absence of any grant of an estate, the bond of fealty tended to unite not so much two individuals as two families, one of them pledged to exercise authority, the other to submit to it. Could it have been otherwise in a society in which the ties of kinship were so strong? Throughout the Middle Ages great sentimental value was attached to the expression 'natural lord'—meaning lord by birth. But as soon as enfeoffment took place the claim of the son to succeed his father in the vassal relationship became almost irresistible. To refuse homage, or not to have it accepted, was not only to lose the fief but to lose a considerable part, perhaps even the whole, of the paternal inheritance as well. The loss must have seemed even harder when it was a *fief de reprise*, that is to say when it represented in reality an old family allod. Stipendiary tenure, by attaching the vassal relationship to the soil, inevitably attached it to the family group.

The lord had Jess freedom of action. It was of the greatest importance to him that the 'forsworn' vassal should be punished and that the fief, if the obligations failed to be discharged, should be available for a better servant. His interest, in short, led him to insist strongly on the principle of

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revocability. On the other hand, he was not necessarily opposed to hereditary succession. For above everything he needed men, and where better could he recruit them than among the descendants of those who had already served him? Furthermore, in refusing the father's fief to the son he not only ran the risk of discouraging new commendations; he was in danger—and this was an even more serious matter—of alarming his other vassals, understandably apprehensive as to the treatment in store for their own descendants. In the words of the monk Richer, who wrote in the reign of Hugh Capet, to rob the child was to drive all 'good men' to despair. But the lord who was temporarily dispossessed of a part of his patrimony might also desire urgently to resume possession of the estate and the castle as well as the political authority exercised by the vassal; even when he decided on a new enfeoffment, he might prefer another commended man, considered to be more reliable or more useful than the heir of the previous vassal. Finally, the churches, guardians of a theoretically inalienable fortune, were particularly disinclined to recognize the permanent character of enfeoffments to which, in most cases, they had originally agreed only with reluctance.

The complex interplay of these different factors never appeared more clearly than under the first Carolingians. From that time 'benefits' were frequently transmitted to descendants. A case in point was the estate of Folembray, which was a royal 'benefit' as well as a *precaria* of the Church of Rheims; from the reign of Charlemagne to that of Charles the Bald it was handed down through four successive generations.<sup>1</sup> Even the consideration due to the vassal while alive, by a curious roundabout process, sometimes helped to make a fief hereditary. Suppose, says Archbishop Hincmar, that a vassal, enfeebled by age or sickness, becomes incapable of carrying out his duties. If he is able to substitute a son for this purpose, the lord will not be allowed to dispossess him.<sup>2</sup> It was no great step to recognize in advance this heir's right to succeed to a position whose responsibilities he had assumed during the lifetime of the holder. Already, indeed, it was deemed a very cruel act to deprive an orphan of his father's 'benefit', even if he were too young to perform his military duties. In a case of this sort we find Louis the Pious allowing himself to be moved by a mother's prayers, and the abbot of Ferrières, Servatus Lupus, appealing to the kind-heartedness of a bishop. That in strict law, however, the 'benefit' was purely a life grant was not yet disputed. In 843 a certain Adalard gave to the monastery of Saint-Gall extensive estates of which a part had been distributed to vassals. The latter, having passed under the domination of the Church, were to retain their 'benefits' for life, as were their sons after

<sup>1</sup> E.Lesne, *Histoire de la propriété ecclésiastique en France*, Lille, 1910–36, II, 2, pp. 251–2.

<sup>2</sup> *Pro ecclesiae libertatum defensione*, in Migne, P.L., CXXV, col. 1050.

them should they be willing to serve. After this the abbot was free to dispose of the estates as he would: evidently it would have been considered contrary to recognized practice to tie his hands indefinitely.<sup>1</sup> Moreover Adalard may have been interested only in the children whom he knew personally. Homage, still close to its source, engendered only narrowly personal feelings.

On this first basis of convenience and expediency true heritability gradually established itself in that troubled period, prolific in innovations, which opened with the disintegration of the Carolingian Empire. The course of evolution everywhere tended in this direction. But the problem did not present itself in the same terms for every type of fief. One category must be treated separately—those fiefs which later the feudists called *fiefs de dignité*—that is, fiefs created from public offices delegated by the king.

From the time of the early Carolingians, as we have seen, the king bound to himself by the ties of vassalage those to whom he entrusted the chief responsibilities of government and, particularly, the great territorial commands—counties, marches or duchies. But these functions, which retained the old Latin name of ‘honours’, were at that time carefully distinguished from ‘benefits’. They differed from them, among other things, by one particularly striking feature: they were not granted for life. Their occupants could always be removed from office even without any fault on their part and sometimes in their own interest. For a change of post might be a promotion—as it was in the case of the petty count from the banks of the Elbe who, in 817, was placed at the head of the important march of Friuli. ‘Honours’, ‘benefits’—in enumerating the favours which the sovereign has bestowed on one or other of his vassals, the texts of the first half of the ninth century never fail to list them under these two headings.

Nevertheless, since economic conditions precluded cash remuneration, an office was its own salary. The count not only took a third of the fines in his own area; he received (among others) certain estates belonging to the fisc, which were specially set aside for his maintenance. Even the authority exercised over the inhabitants—apart from the opportunity it too often furnished for illegal gain—was bound to appear, in itself, a legitimate source of profit, in that age when true wealth consisted in being the master. In more senses than one, therefore, the grant of a county was one of the finest gifts with which it was possible to reward a vassal. That the beneficiary was thereby made judge and chieftain did not differentiate him at all—except in the relative extent of his authority—from many holders of ordinary ‘benefits’; for the latter carried with them, for the most part, the exercise of seigniorial rights. There remained the factor of revocability. As the crown, from Louis the Pious onwards, became progressively weaker, this principle—the safeguard of the central authority—became in practice more and more

<sup>1</sup> M.G.H., *EE.*, V, p. 290, no. 20; Loup de Ferrrières, ed. Levillain, II, no. 122; Wartmann, *Urkundenbuch der Abtei Sankt-Gallen*, II, no. 386.

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difficult to apply. For the counts, reverting to the practices which had characterized the aristocracy in the decline of the Merovingian dynasty, strove with growing success to transform themselves into territorial potentates, firmly rooted in the soil. Had not Charles the Bald, in 867, tried in vain to snatch the county of Bourges from a rebellious vassal? There was thenceforth no obstacle to an assimilation for which the way had in fact been prepared by undeniable similarities. In the heyday of the Carolingian Empire it had begun to be customary to treat as 'honours' all 'benefits' of the royal vassals, whose rôle in the state so closely resembled that of officials properly so called. The word finally became merely a synonym of fief, though in certain countries at least, such as Norman England, there was a tendency to restrict its use to the largest fiefs, which enjoyed a substantial measure of administrative autonomy. By a parallel development the estates allocated to the remuneration of an office, and then—by a much more serious deviation—the office itself, came to be described as a 'benefit' or 'fief'. In Germany, where the traditions of Carolingian policy preserved an exceptional vitality, the bishop and chronicler Thietmar, faithful to the first of these two rôles, distinguishes very clearly, about the year 1015, the county of Merseburg from the 'benefit' attached to that county. But current speech had long ceased to trouble itself with these subtleties: what it described as a 'benefit' or fief was actually the office in its entirety, the indivisible source of power and wealth. As early as 881, the *Annals of Fulda* recorded that Charles the Fat in that year gave to Hugh, his relative, 'in order to ensure his fealty, divers counties in benefit'.

Now those whom ecclesiastical writers were fond of calling the new 'satraps' of the provinces might derive from royal delegation the essential basis of the powers which they meant henceforward to use to their own profit. But in order to hold a district firmly they needed also to acquire new estates here and there; to build castles at the junctions of roads; to constitute themselves interested protectors of the principal churches; and above all, to provide themselves with local vassals. This was a long and difficult task which required the patient work of generations occupying the same estates in succession. In short, the movement towards heritability arose naturally out of the needs of territorial power. It would therefore be a grave error to regard it simply as an effect of the assimilation of honours to fiefs. It was as indispensable to the Anglo-Saxon 'earls', whose vast commands were never regarded as feudal tenements, and to the *gastaldi* of the Lombard principalities, who were not vassals, as it was to the French counts. But in the states originating from the Frankish Empire, the duchies, marches, and counties early ranked as feudal grants, and the history of their transformation into family properties was in consequence inextricably bound up with that of the growth of hereditary fiefs in general; though it always had the appearance of a special case. Not only was the rhythm of

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evolution everywhere different for ordinary fiefs and for *fiefs de dignité*, but when we pass from one state to another, we find that the contrast assumes a different character.

### 2 THE EVOLUTION OF INHERITANCE: THE CASE OF FRANCE

In western France and in Burgundy, as a result of the early weakening of the crown, the 'benefits' formed out of public offices were among the first to become hereditary. Nothing is more instructive, in this respect, than the arrangements made by Charles the Bald in 877, in the famous *placitum of Quierzy*. On the eve of his departure for Italy he was concerned to provide for the government of the kingdom in his absence. What was to be done if a count should happen to die while he was away? First of all, the king must be informed, for he reserved for himself the right to make any permanent appointment. To his son Louis, whom he left as regent, he accorded only the power to designate provisional administrators. In this general form the measure reflected the spirit of jealous authority of which the rest of the capitulary provides so many proofs. Nevertheless, that it was also inspired at least as much by the desire to humour the family ambitions of the magnates is proved by the specific mention of two particular eventualities. The count might die leaving a son who had gone with the army to Italy. By refusing the regent power to fill the vacant office, Charles intended above all to assure his comrades in arms that their loyalty would not deprive them of the hope of succeeding to a long-coveted office. Another possibility was that the count might die leaving the infant son in France. In that case, until such time as the royal decision was known, the county was to be administered in the name of this child by his father's officials. The edict goes no farther than this. Clearly, it seemed preferable, in a law, not to expatiate at length on the principle of hereditary devolution. This reticence, on the other hand, is no longer found in the proclamation which the emperor made his chancellor read to the assembly. There he promised unequivocally to hand over to the son—whether he had gone to fight in Italy or was still a minor—the honours that had belonged to his father. To be sure, these were emergency measures, dictated by the necessities of an ambitious policy. They did not expressly bind the future. But still less did they break with the past. They gave official recognition, for a certain period, to what was already a customary privilege.

Moreover, we have merely to follow—wherever possible—the chief families of counts down the generations in order to perceive the trend towards hereditary succession. Let us consider, for example, the ancestors of the third dynasty of French kings. In 864, Charles the Bald could still take away from Robert the Strong his Neustrian honours in order to employ him elsewhere. The deprivation was not lasting, however, for when Robert fell at Brissarthe in 866, he was once more in command of the region

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between the Seine and the Loire. But, although he left two sons—both very young, it is true—neither of them inherited his counties, which the king granted to another magnate. It was not till the death of this intruder in 886 that the elder son, Odo, was able to recover Anjou, Touraine, and possibly the county of Blois. Thenceforward, these territories remained part of the family patrimony—at least till the day when the Robertians were driven out of them by their own officials, transformed in their turn into hereditary potentates. In the sequence of counts, all of the same descent, who from about 885 till the extinction of the line in 1136 succeeded each other at Poitiers, there was only one break. It was, moreover, a very short one (from 890 to 902) and was caused by a minority, rendered more serious by a suspicion of illegitimacy. It is typical, too, that this dispossession, decreed by the king, should ultimately benefit—in defiance of his orders—one who, as the son of an earlier count, could also claim hereditary rights. Centuries later, a Charles V and even a Joseph II held Flanders only because, by marriage after marriage, there had come down to them a little of the blood of that Baldwin Iron Arm who, in the year 862, had so boldly abducted the daughter of the king of the Franks. All this, as we see, takes us back to the same period: beyond question the decisive stage was reached towards the second half of the ninth century.

What happened, however, in the case of ordinary fiefs? The arrangements of Quierzy applied expressly not only to the counties, but also to the 'benefits' held by royal vassals, which were also 'honours' of a sort. But edict and proclamation did not stop there. Charles required that the benefit of the rules by which he was committed in favour of his vassals should in turn be extended by the latter to their own men. It was an order dictated once again, it would seem, by the exigencies of the Italian expedition: it was advisable to offer a sop to the mass of the troops, consisting of the vassals of vassals, as well as to a few great chiefs. Yet we encounter something here that goes deeper than a mere measure of expediency. In a society in which so many individuals were at one and the same time commended men and masters, there was a reluctance to admit that if one of them, as a vassal, had secured some advantage for himself he could, as a lord, refuse it to those who were bound to his person by a similar form of dependence. From the old Carolingian capitulary to the Great Charter, the classic foundation of English 'liberties', this sort of equality in privilege, descending smoothly from top to bottom of the scale, was to remain one of the most fertile sources of feudal custom.

The influence of this idea and still more the very strong sense of what may be called family reversion—the feeling that the services rendered by the father created a right for his descendants—governed public opinion; and, in a civilization which had neither written codes nor organized jurisprudence, public opinion came very near to being identical with law. It found a faithful echo in the French epic. Not that the picture drawn by



the poets can be accepted without some retouching. The historical framework which tradition imposed on them led them to state the problem only in connection with the great royal fiefs. Furthermore, since they gave the leading rôles to the first Carolingian emperors, they represented them, not without justification, as much more powerful than the kings of the eleventh and twelfth centuries; still strong enough in fact to be able to dispose freely of the honours of the realm, even at the expense of the natural heirs. Of this the Capetian monarchy had become quite incapable, so that the testimony of the poets on that subject has no value save as a reconstruction—and a fairly accurate one—of an age by then long past. What is really of their time, on the other hand, is the judgment—meant no doubt to apply to all types of fiefs—which they pass on these practices. They do not hold them to be exactly contrary to law; but they consider them morally reprehensible: in the epics these acts lead to disaster, as if by divine justice. A double spoliation of this sort is at the root of the unheard-of misfortunes which fill the *geste* of Raoul de Cambrai. The good master is he who keeps in mind that maxim which one of the *chansons* numbers among Charlemagne's lessons to his successor: Take care not to deprive the orphan child of his fief.<sup>1</sup>

But how many lords were—or had to be—good masters? To write the history of feudal inheritance would involve compiling statistics, period by period, of the fiefs which were inherited and those which were not—a task which, in view of the meagreness of the source material, can never be performed. Undoubtedly the solution in each particular case depended for a long time on the balance of forces. The churches, which were weaker than the lay magnates and often badly administered, appear for the most part to have been yielding to the pressure of their vassals from the beginning of the tenth century. In the great lay principalities, on the other hand, we gain an impression of a remarkable instability of practice, persisting till about the middle of the following century. We can follow the history of an Angevin fief—that of Saint-Saturnin—under the counts Fulk Nerra and Geoffrey Martel (987–1060).<sup>2</sup> The count resumes possession of it, not only at the first sign of a breach of fealty, but even when the departure of the vassal for a neighbouring province seems likely to interfere with the performance of his services. There is no sign that the count considers himself in any way obliged to respect family rights. Among the five holders who succeeded each other during a period of some fifty years, two only—two brothers—appear to have been blood relations; and even between them a stranger interposed. Although two knights are deemed worthy of keeping Saint-Saturnin for life, after their death the estate passed out of their succession. There is admittedly no positive evidence that they left sons.

<sup>1</sup> *Le Couronnement de Louis*, ed. E.Langlois, v. 83.

<sup>2</sup> Métais, *Cartulaire de l'abbaye cardinale de 'La Trinite' de Vendôme*, I, Nos. LXVI and LXVII.

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But, even assuming the absence of any male posterity in both cases, nothing could be more significant than the silence preserved on this point by the very detailed record to which we owe our information. This document was designed to establish the title of the monks of Vendôme, who eventually succeeded to the estate. If it neglects to cite the extinction of various lines in justification of the successive transfers of which the abbey was to reap the ultimate benefit, the reason obviously is that the dispossession of an heir did not at that time seem in any way unlawful.

Such lack of stability was nevertheless, from that time on, abnormal. In Anjou itself the foundation of the principal feudal dynasties dated from about the year 1000. Furthermore, in Normandy the fief must have been generally regarded as transmissible to heirs by the year 1066, when it was exported to England, for its hereditary character was virtually never disputed in that country. In the tenth century, on the rare occasions when a lord agreed to recognize the hereditary devolution of a fief, he would have this concession set down specifically in the deed of grant. From the middle of the twelfth century the situation was reversed; the only stipulations which were henceforth considered necessary were those which, by a rare but always permissible exception, restricted the enjoyment of the fief to the lifetime of the first beneficiary. The presumption was now in favour of hereditary succession. In France, as in England at this period, the word fief by itself meant a heritable estate and when, for example, ecclesiastical communities declared that this term must not be used to describe the services of their officials, as had been the earlier fashion, their sole intention in so doing was to repudiate any obligation to accept the services of the son after those of the father. As early as the Carolingian age custom favoured the claims of descendants, and this tendency was reinforced by the existence of numerous *fiefs de reprise*, which had acquired an almost inevitably patrimonial character from the very circumstances of their origin. Under the later Carolingians and the early Capetians, the investiture of the son in succession to the father had already become an almost universal practice. During the second feudal age, which was everywhere marked by a sort of legal awakening, it became law.

### 3 THE EVOLUTION OF INHERITANCE I IN THE EMPIRE

The conflict of social forces underlying the evolution of the fief is nowhere to be seen more clearly than in northern Italy. Let us consider the society of the Lombard kingdom in its feudal gradations. At the summit was the king who after 951, except for brief intermissions, was at the same time king of Germany and (when he had been crowned by the pope) emperor; immediately below him were his tenants-in-chief, great ecclesiastical or lay nobles; lower still was the modest crowd of these nobles' vassals, who were in consequence sub-vassals of the crown and for this reason commonly

called 'vavasours'. At the beginning of the eleventh century a serious quarrel arose between the two last-named groups. The vavasours claimed the right to treat their fiefs as family property, but the tenants-in-chief insisted on the life character of the grant and its constant revocability. In 1035, these conflicts at last gave rise to an actual class war. Leagued together by oath, the vavasours of Milan and the surrounding territory inflicted a resounding defeat on the army of the great nobles. The news of these troubles brought the King-Emperor Conrad II from distant Germany. Breaking with the policy of his Ottonian predecessors, who had before all else respected the inalienability of ecclesiastical property, he took the side of the vassals of lesser rank and, since Italy was still the country of laws—it had, he said, a 'hunger for legislation'—he proceeded to settle the law in favour of such vassals by a formal legislative decree dated 28th May 1037. He laid it down that thenceforward all 'benefits' of which the lord was a lay tenant-in-chief, a bishop, an abbot, or an abbess, were to be regarded as hereditary by the son, the grandson, or the brother of the vassal; and the same rule was to apply to the sub-fiefs formed from such 'benefits'. No mention was made of enfeoffments accepted by allodial proprietors. Conrad clearly conceived of himself as legislating less in his capacity as sovereign than as head of the feudal hierarchy, but he none the less affected the immense majority of the small and medium-sized knights' fees. Though certain special motives may have influenced his attitude—notably the personal enmity he felt towards the principal adversary of the vavasours, Archbishop Aribert of Milan—he certainly seems to have looked beyond his momentary interests and rancours. Against the great feudatories, always a danger to monarchies, he sought a kind of alliance with their own followers. The proof of this is that in Germany, where the weapon of legislation was not available to him, he tried to attain the same end by other means—probably by influencing the jurisprudence of the royal court in the desired direction. There also, according to his chaplain, he 'won the hearts of the knights by not allowing the benefits granted to the fathers to be taken away from their descendants'.

This intervention of the imperial monarchy in favour of the hereditary principle was a stage in a process of evolution which was already more than half complete. As early as the beginning of the eleventh century, there was in Germany a growing number of private agreements which recognized the rights of descendants over particular fiefs. In 1069 Duke Godfrey of Lorraine still believed that he could dispose freely of the 'stipendiary tenements' of his knights in order to give them to a church, but the 'murmurs' of the wronged vassals were so loud that after his death his successor was obliged to change this form of gift for another.<sup>1</sup> In law-making Italy, in Germany ruled by relatively powerful kings, and in France, without statute laws and in practice almost without a king, parallel

<sup>1</sup> *Cantatorium S. Huberti*, in *M.G.H.*, SS., VII, pp. 581–2.

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developments proclaimed the influence of forces deeper than political interests. This at least was true so far as ordinary fiefs were concerned. It is in what happened to *the fiefs de dignité* that we must look for the distinctive character imparted to the history of German and Italian feudalism by a central authority more powerful than elsewhere.

Since these fiefs were held directly of the Empire the law of Conrad II was, by definition, irrelevant to them. But the common prejudice in favour of the rights of kinsmen existed here also, and did not fail of its effect. From the ninth century onward it was only in exceptional cases that the sovereign could bring himself to disregard a tradition so worthy of respect. If he did so nevertheless, public opinion (of which the chroniclers bring us the echo) cried out against such arbitrary action. However, when it was a question either of rewarding a good servant or of excluding a young child or a man who was considered unreliable, this serious step was often taken—even if the heir thus wronged had to be compensated by the grant of some other similar office. For counties, in particular, seldom changed hands save within a fairly restricted group of families and the career of count was, in a sense, hereditary long before the individual counties became so themselves. The greatest territorial commands, marches and duchies, were also those which remained subject longest to these acts of authority. Twice, in the tenth century, the duchy of Bavaria failed to pass to the son of the previous holder; the same thing happened in 935 to the march of Misnia (Meissen) and in 1075 to that of Lusatia (Lausitz). By one of those archaisms which were so common in medieval Germany, the practice regarding the principal honours of the Empire remained, till the end of the eleventh century, much what it had been in France under Charles the Bald.

After that date a change took place. In the course of the century the movement had been rapidly gathering strength. We possess a grant of a county with hereditary rights made by Conrad II himself. His grandson Henry IV and his great-grandson Henry V accorded the same privilege to the duchies of Carinthia and Swabia and to the county of Holland. In the twelfth century the principle was no longer disputed. In the Empire, as elsewhere, the rights of the lord, even if he were the king, had had to give way, little by little, before those of the vassal dynasties.

### 4 THE TRANSFORMATIONS OF THE FIEF AS REFLECTED IN ITS LAW OF SUCCESSION

The case of an only son, qualified to succeed immediately, served to provide a convenient starting point for our analysis, but the reality was often less simple. As soon as opinion began to recognize the rights of kinship, it was faced with a variety of family situations, each of which raised problems of its own. A brief survey of the solutions which various societies found for

these difficulties will contribute to a realistic understanding of the metamorphoses of the fief and of the tie of vassalage.

The son or, where there was no son, the grandson seemed the natural successor of the father or grandfather in those services which in the lifetime of the one or the other he would often have helped to perform. A brother or a cousin, on the other hand, had usually already made his career elsewhere. This is why the recognition of collateral succession affords, in the simplest terms, a true measure of the extent to which the old 'benefit' was being transformed into a patrimony.<sup>1</sup> Opposition was strong, especially in Germany. In 1196, the Emperor Henry VI, who was trying to obtain the consent of his nobles to another kind of heritability—that of the German crown—could still offer them, in return for this splendid gift, official recognition of collateral succession to fiefs; but the project came to naught. With the exception of specific provisions inserted in the original grant, or special 'customs', like that which in the thirteenth century governed the fiefs of imperial *ministeriales*, German lords in the Middle Ages were never obliged to grant investiture to heirs other than descendants, though this did not in fact prevent them from conceding the favour fairly frequently. Elsewhere, it seemed logical to draw a distinction: the fief was transmissible in all directions within the posterity of the first beneficiary, but not outside those limits. Such was the solution devised by Lombard law. From the twelfth century onwards, the same principle was adopted, in France and England, in the charters of a considerable number of newly-created fiefs; though here it represented a deviation from the common law. For in the kingdoms of the West the movement towards the hereditary principle had been sufficiently strong to work in favour of almost the whole group of relatives. One reservation continued in those countries to recall the fact that feudal custom had developed in relation to the idea of service. For a long time there was a reluctance to admit that a dead vassal might be succeeded by his father. In England this never was admitted. In particular it would have seemed absurd that a military tenement should pass from a young man to an old one.

Nothing appeared more contrary to the nature of the fief than to allow it to be inherited by women. Not that the Middle Ages had ever deemed them incapable of exercising authority. No one was disturbed by the spectacle of the great lady presiding over the baronial court when her husband was away. But women were held incapable of bearing arms. It is symptomatic that in Normandy towards the end of the twelfth century, where custom already allowed the hereditary succession of daughters, the rule should have been deliberately abrogated by Richard Cœur-de-Lion as

<sup>1</sup> Brothers, however, were at an early date the subject of special privileges (see the Law of Conrad II), which sometimes, in conformity with the prejudice of certain popular rights in favour of the elder generation, went so far as to give them the advantage over sons. Cf. M. Garaud in *Bullet. Soc. Antiquaires Quest.*, 1921.

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soon as the relentless war with the Capetian king broke out. Those legal systems which endeavoured most jealously to preserve the original character of the institution—the juridical doctrine of Lombard Italy, the customaries of Latin Syria, the jurisdiction of the German royal court—always in theory withheld from the heiress what they accorded to the heir. That Henry VI, as a concession to his great vassals, should have offered to remove this disability, along with that which affected collateral inheritance, proves how tenacious the rule still was in Germany. It also tells us a great deal about baronial aspirations. The concession which the Hohenstaufen monarch offered to his vassals was one which the founders of the Latin Empire of Constantinople were a little later to demand of their future sovereign.

In fact, even where the exclusion of women continued in theory, it was soon subject in practice to many exceptions. Apart from the fact that the lord always had the right to disregard it, the principle might be overridden by particular customs or expressly waived by the deed of grant itself. This was the case in 1156 with the duchy of Austria. In France and in Norman England it had been decided long before this time to accord to daughters (in default of sons) and sometimes even to ordinary female relatives (if there were no male relatives of equal degree) the same rights over fiefs as over other forms of property. For it was very quickly appreciated that if a woman was incapable of carrying out the services of the fief, her husband could do so in her stead. By a characteristic parallelism, the earliest examples of such deviation from the primitive rules of vassalage, for the benefit of the daughter or son-in-law, all relate to those great French principalities which were also the first to acquire heritability in the ordinary sense, and which, moreover, no longer to any extent involved personal services. As husband of the daughter of the ‘principal count of Burgundy’, the Robertian Otto owed to this union, as early as 956, the possession of the Burgundian counties, which formed the main basis of his future ducal title. In this way—and especially because the succession rights of descendants in the female line had been admitted at almost the same time as those of immediate heiresses—feudal families of every rank found themselves in a position to embark on a policy of marriage alliances.

The presence of an heir who was a minor undoubtedly presented the most delicate of the problems which feudal custom had to resolve from the outset. It was no wonder that the poets always preferred to look at the great debate about heritability from this angle. How illogical to hand over a military tenement to a child! Yet how cruel to dispossess the little fellow! A solution for this dilemma had been evolved as long ago as the ninth century. The minor was recognized as heir; but until such time as he should be in a position to perform his duties as a vassal a temporary administrator held the fief in his behalf, did homage, and carried out the services. It would be incorrect to call this man a guardian; for as *baillistre*, who thus

assumed the responsibilities of the fief, he also pocketed its revenues, without any other obligation towards the minor than to provide for his maintenance. Although the creation of this sort of temporary vassal struck a serious blow at the very nature of the tie of vassalage, which was conceived of as a bond which endured till death, it reconciled the needs of vassal service so well with family feeling that it was very widely adopted wherever the system of fiefs that originated in the Frankish Empire prevailed. Italy alone, where there was little inclination to multiply exceptional arrangements in favour of feudal interests, preferred to retain the system of simple guardianship.

Nevertheless a curious deviation soon appeared. It seemed the most natural procedure to choose a member of the family to take the place of the child as the head of the fief. This, to all appearance, was the general rule at first, and in many regions it remained so to the end. Although the lord himself also had duties towards the orphan, duties which proceeded from the oath of fealty but lately taken by the dead man, the idea that during the minority he might himself seek to replace his own vassal at the expense of the relatives would originally have been regarded as absurd; what he needed was a man, not an estate. But theories were very soon contradicted by actual practice. It is significant that one of the earliest examples of the supplanting—at least the attempted supplanting—of a kinsman by the lord as *baillistre*, should have brought face to face the king of France, Louis IV, and the young heir to one of the great ‘honours’ of the realm—Normandy. To exercise authority in person at Bayeux or Rouen was undoubtedly more satisfactory than to rely on the uncertain aid of a regent for the duchy. The introduction in various countries of the system of seignorial wardship marks the moment when the value of the fief as a property to be exploited seemed generally to exceed that of the services which could be expected from it.

Nowhere did the practice take root more firmly than in Normandy and England where the system of vassalage was organized in every way to the advantage of the feudal superior. The English barons suffered from it when the lord was the king. They benefited from it, on the other hand, when they were able to exercise this right in regard to their dependants; so much so that, having in 1100 secured a return to the system of family wardship, they were unable or unwilling to prevent this concession from becoming a dead letter. In England, moreover, the original significance of the institution was soon so far lost sight of that the lords—the king in particular—regularly ceded or sold the wardship of the child along with the administration of his fiefs. At the court of the Plantagenets a gift of this nature was one of the most coveted of rewards. As a matter of fact, however desirable it might be to be able, by virtue of so honourable a duty, to garrison the castles, collect the dues, hunt in the forests or empty the fish-ponds, the estates in such cases were not the most important part of the gift. The

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person of the heir or heiress was worth even more: for in the guardian lord or his representative was vested, as we shall see, the responsibility for arranging the marriage of his ward; and from this right also he did not fail to derive financial profit.

In theory the fief must be indivisible; so much was clear. If a public office were involved, the superior authority, by allowing it to be divided, would run the risk at once of weakening the executive power exercised in its name and of making control more difficult. If it were an ordinary knight's fee, its dismemberment would create confusion over the performance of services, which were very difficult to apportion satisfactorily between the different copartners. Furthermore, the original grant having been so calculated as to provide for the pay of a single vassal with his followers, there was a danger that if it were broken up the fragments would not suffice to maintain the new holders, with the result that they would be ill-armed or perhaps forced to seek their fortunes elsewhere. It was therefore important that the tenement, having become hereditary, should at any rate pass to a single heir. But on this point the requirements of the feudal organization came into conflict with the ordinary rules of the law of succession, which in the greater part of Europe favoured the equality of heirs of the same degree. Under the influence of opposing forces this grave legal problem was resolved in different ways according to the place and the time.

An initial difficulty presented itself: between candidates related to the deceased in equal degree, between his sons, for example, what criterion would determine the choice of heir? Centuries of feudal law and dynastic law have accustomed us to accord a certain prior right to primogeniture as such. In reality it is no more 'natural' than so many other myths on which our society rests today—the majority fiction, for example, which makes the will of the greatest number the lawful interpreter even of that of their opponents. In the Middle Ages primogeniture, even in royal houses, was not accepted without much opposition. In certain country districts, customs persisting from time immemorial did indeed favour one of the sons at the expense of the others, but what happened in the case of a fief? The primitive usage seems to have recognized the lord's right to grant it to the son whom he considered best fitted to hold it. This was still the rule in Catalonia about 1060. Sometimes also the father himself named his successor for the lord's approval, after having during his lifetime more or less associated this chosen son with himself in the duties of the fief. Or yet again, where the system of joint heirship prevailed, a collective investiture would take place.

Nowhere did these archaic practices persist more stubbornly than in Germany, where they continued till well into the twelfth century. Concurrently, in Saxony at least, another usage prevailed which revealed the depth of family feeling: the sons themselves decided which of them was



to succeed to the inheritance. Naturally it might happen, indeed it often did happen, that the choice would fall on the eldest whatever the method adopted. But German law was reluctant to concede binding force to this preference. It was, as a poet said, an 'outlandish' custom, an 'alien trick',<sup>1</sup> Had not the emperor himself, Frederick Barbarossa, in 1169, arranged for the crown to pass to a younger son? Now the absence of any clearly established principle of discrimination between heirs made it singularly difficult in practice to maintain the indivisibility of the fief. Moreover, within the Empire the influence of the old social groups, traditionally opposed to inequalities between men of the same kin, was not so effectively counterbalanced as in other countries by the feudal policy of kings or princes. Since the kings and territorial chiefs of Germany had been left by the Carolingian state with a system which had long served as an adequate basis for their authority, they were less dependent than the rulers of France on the services of their vassals, and they naturally devoted less attention to the system of fiefs. The kings, in particular, concerned themselves almost exclusively—as did Frederick Barbarossa in 1158—with prohibiting the dismemberment of the 'counties, margravates and duchies'. Nevertheless, at this date, the fragmentation of the counties at least had already begun. In 1255, a ducal title, that of Bavaria, was for the first time divided, along with the territory itself. As to ordinary fiefs, the law of 1158 had been obliged to recognize that the partitioning of these was legal. *Landrecht*, in short, had finally triumphed over *Lehnrecht*. The reaction did not come till much later—towards the end of the Middle Ages in fact, and under the pressure of different forces. In the great principalities it was the princes themselves who, by appropriate succession laws, strove to prevent the disintegration of the power they had acquired at the cost of so much effort. As regards fiefs in general, one of the means adopted was the introduction of primogeniture, by the roundabout route of entail. Thus dynastic anxieties and class interests accomplished, rather late in the day, what the feudal law could not.

In the greater part of France the course of evolution was very different. The kings did not feel impelled to forbid the breaking up of the great principalities that had been formed by the agglomeration of several counties, except where they could use these concentrations of power in the defence of the country. But before long the provincial chiefs had become adversaries rather than servants of the crown. Individual counties were rarely divided; but the aggregations were carved up to give each of the sons his share of the inheritance, with the result that in each generation they were in danger of disintegration. The princely houses were not slow to recognize the threat and—in some places sooner than in others—applied the remedy of primogeniture. In the twelfth century it was almost everywhere established.

<sup>1</sup> Wolfram von Eschenbach, *Parzival*, I, verses 4–5.

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As in Germany, but at a considerably earlier date, the great principalities of former days reverted to indivisibility, though as states of a new type rather than as fiefs.

As for the fiefs of lesser importance, the interests of vassal service (to which much more regard was paid on this favourite soil of feudalism) had at an early date, after a little uncertainty, brought them under the precise and clear rule of primogeniture. Nevertheless, as the former tenement was transformed into a patrimonial property, it seemed harder to exclude the younger brothers from the succession. Only a few exceptional customs, like that of the Caux district, preserved the principle in all its rigour to the end. Elsewhere it was admitted that the eldest son, who was under a moral obligation not to leave his brothers without support, could and indeed must make some provision for them from their father's estate. Thus there developed in many provinces the system generally known as 'parage'. The eldest brother alone did homage to the lord and in consequence alone assumed responsibility for the services due from the fief. The younger brothers held their portions from him and sometimes, as in the Ile-de-France, they did homage to him in their turn. Sometimes, as in Normandy and Anjou, the strength of the family bond seemed to make any other form of tie, within this group of relatives, superfluous. This view at least prevailed for some time; but after the principal fief and the subordinate fiefs had descended through several generations, the degrees of relationship between the successors of the original co-heirs became eventually so distant that it appeared unwise to rely solely on the solidarity of kinship.

This system, in spite of everything, by no means obviated all the disadvantages of partition. That is why in England, where it had first been introduced after the Conquest, it was abandoned towards the middle of the twelfth century in favour of strict primogeniture. Even in Normandy the dukes, who succeeded in turning feudal obligations to such good account in the recruitment of their armies, had never admitted the system of 'parage' save when the succession involved several knights' fees which could be distributed separately among the heirs. If there was only one fief it passed undivided to the eldest. But so strict a delimitation of the unit of service was only possible under the influence of a territorial authority of exceptional strength and organizing capacity. In the rest of France customary theory might seek to exclude at least the greater fiefs, usually described as baronies, from the process of dismemberment; in practice, the heirs almost invariably divided the whole inheritance between them, without distinguishing between its various components. The only thing that preserved some measure of the former indivisibility was the homage done to the eldest son and his descendants in order of primogeniture. In the end this safeguard, too, disappeared, in conditions which throw a vivid light on the later transformations of feudalism.

Hereditary succession, before it became a right, had long been

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regarded as a favour. It therefore seemed only proper that the new vassal should show his gratitude to the lord by a gift; there is evidence of this practice as early as the ninth century. And in this society, which was essentially based on custom, every voluntary gift, if it became at all habitual, was eventually transformed into an obligation. The practice in this case the more easily acquired the force of law because precedents were not far to seek. From what must have been a very early period, no one could enter into possession of a peasant holding, burdened with rents and services owed to the lord, without having first of all obtained from the latter an investiture, which was not, as a rule, accorded for nothing. Now, in spite of the fact that the military fief was a tenement of a very special type, it none the less became embodied in the intricate system of real property rights characteristic of the medieval world. 'Relief, *rachat*, sometimes *mainmorte*—in parts of France the words used were the same, whether the succession tax fell on the property of a vassal, of a villein, or even of a serf.

Feudal relief proper was nevertheless distinguished by the methods of paying it. Like the majority of similar taxes, till the thirteenth century it was generally paid, at least partly, in kind. But whereas the heir of the peasant would hand over, for example, a head of cattle, the heir of the military vassal would be obliged to offer a war 'harness', that is to say either a horse or arms, or both together. In this way, quite naturally, the lord would adapt his requirements to the form of the services with which the land was burdened.<sup>1</sup> Sometimes only the harness was required of the newly-invested vassal, and even this liability could be compounded, by mutual agreement, for an equivalent sum of money. Sometimes, in addition to the charger or farm-horse (*roncin*) a money payment was exacted. Where the other methods of payment had fallen into disuse, settlement might even be made entirely in money. In the details of these practices there was, in short, an almost infinite variety, since the effect of custom had been to crystallize by region, by vassal group, or even fief by fief, usages that had often originated in an entirely fortuitous way. Fundamental divergences alone have value as symptoms.

Germany, at a very early date, restricted the obligation of relief almost exclusively to the less important fiefs held by seignorial officials, who were often of servile origin. This was no doubt one of the symptoms of the hierarchical arrangement of classes and holdings so characteristic of the

<sup>1</sup> Certain historians explain this exaction by the practice whereby originally the lords themselves furnished the equipment for their vassals; the harness thus provided, it is maintained, had to be returned after the vassal's death. But from the moment when the son in his turn was accepted as a vassal, what was the good of such restitution? The interpretation suggested here has the advantage of taking account of the evident resemblance between feudal relief and other similar taxes; for example, the rights of entry into certain crafts, also payable to the lord in the form of objects connected with the craft in question.

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social structure of medieval Germany. It was destined to have important repercussions. When, towards the thirteenth century, as a result of the decay of vassal services, it had become practically impossible for the German lord to obtain fighting-men from the fief, he could no longer obtain anything at all from it. This was a serious situation, especially from the point of view of the princely states, since naturally the majority of fiefs and the richest ones were held from the princes and kings.

The kingdoms of the West, on the other hand, passed through an intermediate stage in which the fief, reduced to insignificance as a source of services, remained a lucrative source of profits, thanks primarily to the system of reliefs which was here in very general use. The kings of England in the twelfth century derived enormous sums from it. In France, it was by virtue of this practice that Philip Augustus obtained the cession of the stronghold of Gien, which gave him control of a crossing over the Loire. So far as the majority of petty fiefs were concerned, the lords generally came to interest themselves only in these succession taxes. In the fourteenth century, it was at length officially admitted in the Paris region that the exaction of a farm-horse exonerated the vassal from any personal obligation other than the purely negative one of doing no injury to his lord. Nevertheless, as fiefs became increasingly part and parcel of patrimonies, the heirs grew more and more impatient of a situation in which they could only obtain the investiture they had come to regard as a right by opening their purses. Though they were unable to get rid of the burden, altogether, they did at length succeed in reducing it substantially. In certain 'customs' it was retained only for collaterals, whose hereditary title was less apparent. Above all, in conformity with a movement which developed from the twelfth century onwards in all classes of society, there was a tendency to substitute a fixed scale of tariffs for variable payments, the amount of which was arbitrarily fixed in each case or decided after difficult negotiations. The next step was taken when—following a practice common in France—the value of the annual revenue brought in by the estate was adopted as the norm; such a basis of evaluation was uninfluenced by monetary fluctuations. Where, on the contrary, the rates were fixed once and for all in terms of cash—the most celebrated example of this is provided by England's Great Charter—the tax was eventually subjected to that progressive devaluation which, from the twelfth century to modern times, inevitably affected all payments that were permanently fixed.

Meanwhile, however, the attention paid to these contingent rights had drastically modified the terms of the succession problem. The institution of 'parage', while it safeguarded the services due from the fief, reduced the profits from relief, which it restricted to changes of ownership in the senior branch—the only one directly bound to the lord of the original fief. This failure to reap financial benefit was not resented so long as services were more important than anything else, but it became intolerable after their

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value had declined. The first law affecting the feudal system to be promulgated by a Capetian king—a law demanded by the barons of France and obtained apparently without difficulty, in 1209, from a sovereign who was himself the greatest feudal lord in the kingdom—had as its specific object the abolition of ‘parage’. There was no question of prohibiting partition, which had definitely become part of accepted usage. But henceforth the portions were to be held directly from the original lord. In point of fact the ‘establishment’ of Philip Augustus does not appear to have been very faithfully observed. Once more the old traditions of family custom were in conflict with feudal principles proper; having brought about the dismemberment of the fief, they were working now to prevent the effects of that fragmentation from impairing the solidarities of kinship. We know that parage was slow to disappear. Nevertheless, the changed attitude of the French nobility clearly marks the moment when, in France, the fief, which had once been the pay of the armed retainer, sank to the status of a tenement characterized chiefly by the payment of rent.<sup>1</sup>

### 5 FEALTY FOR SALE

Under the first Carolingians the idea that the vassal could alienate the fief at will would have seemed doubly absurd; for the property did not belong to him, and it was only entrusted to him in return for strictly personal services. Nevertheless, as the effects of the originally precarious nature of the grant ceased to be felt, the vassals, either from need of money or out of generosity, were increasingly inclined to dispose freely of what they came to regard as their own property. In this they were encouraged by the Church which, during the Middle Ages, assisted in every way in the breakdown of the old seigniorial or customary impediments which had obstructed individual possession. If the many lords whose sole wealth consisted of their fiefs had been prevented from taking something from their patrimony for the benefit of God and his saints, alms-giving would have become impossible, the fire of Hell which it extinguished ‘like water’ would have burned unquenchably, and the religious communities would have been in danger of dying of inanition. The truth is that the alienation of the fief assumed two very different aspects according to the nature of the case.

Sometimes only a fraction of the property was alienated. The traditional obligations, which had formerly rested on the whole of it, were now concentrated, as it were, on the portion which remained in the hands of the vassal. Leaving aside the possibility, increasingly remote, of a confiscation or an escheat, the lord therefore lost nothing of material value.

<sup>1</sup> In England in 1290 the same considerations brought about (by the Statute of *Quia Emptores*) the prohibition of the practice of selling fiefs in the form of subinfeudation. The purchaser was thereafter obliged to hold the estate directly from the lord of the vendor.

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He might nevertheless be afraid that the fief, thus diminished, would be insufficient to support a dependant capable of carrying out his duties; thus partial alienation, together with such practices as the exemption from rents of the inhabitants of the estate, came under the heading of what French law called 'abridgment' of the fief, that is to say diminution of its value. Towards alienation, as towards abridgment in general, the attitude of the 'customs' differed. Some in the end allowed it, subject to restrictions. Others persisted in requiring the approval of the immediate lord, and sometimes even of the whole hierarchy of superior lords. Naturally this consent was as a rule purchased and, because it was a source of lucrative exactions, there was a tendency to think of it more and more as something which could not be refused. Once more, the eagerness for gain ran counter to the requirements of feudal service.

Alienation of the whole fief was still more opposed to the spirit of vassalage. Not that there was any risk, in that case either, that the obligations would thus be extinguished, since they went with the fief; it was only that they devolved upon a different person. This was carrying to the limit the paradox which already resulted from the practice of hereditary transmission. For how could one expect of an unknown person, whose sole title to the vassalage of which he thus assumed the duties consisted in the possession of a full purse at the right moment, that innate loyalty which (with a little optimism) one could hope to receive from successive generations of the same lineage? It is true that the risk was removed if the consent of the lord was required; and this it was, for a long time. To put it more precisely, the lord first of all had the fief restored to him; then, if he so desired, he reinvested the new tenant with it, after having received his homage. In almost every case, it goes without saying, a preliminary agreement allowed the seller or donor to defer the surrender of the property until he had obtained the lord's approval of his successor. In this form the practice of alienation was almost as old as the institution of the fief or 'benefit' itself. As in the case of hereditary succession, the crucial change occurred when the lord lost; first in the eyes of feudal society, then in those of the law, the right to refuse the new investiture.

It would be a mistake to imagine an unbroken course of degeneration. In the anarchy of the tenth and eleventh centuries the rights of the lords of fiefs had often lapsed. Their revival in the following centuries was due partly to the progress of legal logic and partly to the pressure of certain governments desirous of establishing a well-ordered system of feudal relationships—like that prevailing in Plantagenet England, for example. On one point indeed this reinforcement of the ancient principle was almost universal. It was admitted in the thirteenth century much more generally and unreservedly than in the past that the lord could absolutely prohibit the transfer of a fief to a church. The very success of the clergy's struggle to disentangle itself from feudal society appeared to justify more than ever a

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rule which was founded on the incapacity of clerics for military service. Kings and princes insisted on its being observed, since they saw in it both a safeguard against formidable monopolies and a means of fiscal extortion.

With this exception, the principle of the lord's consent soon became subject to the usual process of deterioration; it ended simply as the legalization of a tax on change of tenancy. Another resource, it is true, was generally open to the lord: to retain the fief himself in the course of transfer, while compensating the purchaser. Thus the weakening of the lord's supremacy expressed itself through precisely the same institution as the decay of the family—a parallelism all the more striking in that where the *retrait lignager* did not exist, as in England, the *retrait féodal* was also absent. Moreover nothing shows more clearly than this last privilege accorded to the lords how firmly the fief was now rooted in the patrimony of the vassal, since a lord had henceforth to pay the same price as any other purchaser in order to recover what was legally his own property. In practice, from the twelfth century at least, fiefs were sold or granted almost without restriction. Fealty had become an object of trade. The result was not to make it stronger.

## XV THE MAN OF SEVERAL MASTERS

### 1 THE PLURALITY OF HOMAGE

‘A samurai does not have two masters.’ This old Japanese maxim, which as late as 1912 was invoked by Marshal Nogi to justify his refusal to survive his emperor, expresses the ineluctable law of any system of personal allegiance, strictly conceived. This was, beyond doubt, the rule of Frankish vassalage at the outset. Although not expressly formulated in the Carolingian capitularies, probably because it seemed self-evident, it is taken for granted in all their provisions. The commended man could change his lord, if the person to whom he had first sworn fealty agreed to release him from his oath. To pledge himself to a second master while remaining the man of the first was strictly forbidden. Regularly, in the partitions of the Empire, the necessary measures were taken to prevent any overlapping of vassal engagements, and the memory of this original strictness was preserved for a long time. About 1160, a monk of Reichenau, having set down in writing the rule regarding military service as required by the emperors of his time for their Roman expeditions, conceived the idea of falsely placing this text under the venerable name of Charlemagne. ‘If by chance,’ he says, in terms which no doubt he believed to be in conformity with the spirit of ancient custom, ‘it happens that the same knight is bound to several lords, by reason of different “benefits”, a thing which is not pleasing to God...’<sup>1</sup>

But by this time it had long been usual for members of the knightly class to be the vassals at one and the same time of two masters or even more. The oldest example which has so far been brought to light belongs to the year 895 and comes from Tours.<sup>2</sup> Everywhere cases multiply in the following centuries—so much so that in the eleventh a Bavarian poet, and towards the end of the twelfth a Lombard jurist, treat this situation as perfectly normal.

<sup>1</sup> M.G.H., *Constitutiones*, I, no. 447, c. 5.

<sup>2</sup> H.Mitteis (*Lehnrecht und Staatsgewalt*, Weimar, 1933, p. 103) and W.Kienast (*Historische Zeitschrift*, CXLI, 1929–30) point to what they believe to be earlier examples. But the only one which really appears to represent a double fealty relates to the division of authority at Rome between pope and emperor—a dualism of sovereignty, not of fealty. The charter of Saint-Gall, which neither Professor Ganshof nor Professor Mitteis has been able to find, and which in fact bears the number 440 in the *Urkundenbuch*, refers to a grant of land charged with rent.



The number of these successive acts of homage was sometimes very great. In the last years of the thirteenth century, one German baron became in this way the enfeoffed vassal of twenty different lords; another of forty-three.<sup>1</sup>

Such a multiplicity of vassal engagements was the very negation of that dedication of the whole being to the service of a freely chosen chief which the contract of vassalage had originally implied. The most thoughtful contemporaries were as well aware of this as we are. From time to time a jurist, a chronicler, and even a king like St. Louis, would sadly recall to the vassals the saying of Christ: 'No man can serve two masters.' Towards the end of the eleventh century a good canonist, Bishop Ivo of Chartres, judged it necessary to release a knight from his oath of fealty—to all appearance an engagement of vassalage—to William the Conqueror; for, the prelate said, 'such engagements are contrary to those which this man has previously contracted towards his lawful lords by right of birth, from whom he has already received his hereditary benefits'. The surprising thing is that this striking deviation should manifest itself so soon and so widely.

Historians are inclined to lay the blame for it on the practice, which grew up at an early date, of paying vassals for their services by the grant of fiefs. There can indeed be no doubt that the prospect of obtaining a fine and well-stocked manor induced many a warrior to do homage to more than one lord. In the reign of Hugh Capet, a direct vassal of the king refused to go to the aid of a certain count until the latter had also formally accepted him as his man. The reason, he says, is that 'it is not customary among the Franks for a man to fight otherwise than in the presence or on the orders of his lord'. The sentiment was excellent; the reality was less so. For we learn that a village of the Île-de-France was the price of this new fealty.<sup>2</sup> It nevertheless remains to be explained why the lords so readily accepted, and even sometimes solicited, these halves, thirds or quarters of a man's loyalty, and also how the vassals were able, without scandal, to make so many contradictory promises. Perhaps we ought to seek the explanation, not in the institution of the military tenement as such, but rather in the process of evolution which transformed what was formerly a personal grant into a patrimonial property and an article of commerce. Certainly it is difficult to believe that a knight, who, after swearing fealty to one master, found himself as a result of inheritance or purchase in possession of a fief dependent on a different lord, would ordinarily refuse to enter into a new contract of vassalage and thereby renounce this providential accession of property. Let us not jump to hasty conclusions, however. Double homage was not the sequel, in point of time, to heritability; the earliest examples of it seem, on the contrary, to have been almost exactly contemporaneous

<sup>1</sup> *Ruodlieb*, ed. F.Seller, I, v. 3; E.Mayer, *Mittelalterliche Verfassungsgeschichte: deutsche und französische Geschichte vom 9. bis zum 14. Jahrhundert*, Leipzig, 1899, II, 2, 3; W.Lippert, *Die deutschen Lehnbücher*, Leipzig, 1903, p. 2.

<sup>2</sup> *Vita Burchardi*, ed. de la Roncière, p. 19; cf. p. xvii.

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with the hereditary principle when it was still only an occasional practice. Nor was it, logically, the necessary consequence. Japan, which never knew multiple fealties except as a rare abuse, had its hereditary and even its alienable fiefs. But as each vassal held them of a single lord, their transmission from generation to generation had the result of implanting in a line of dependants a permanent attachment to a line of chiefs. As to the alienation of fiefs, it was allowed only within the group of vassals dependent upon a common master. In the medieval West the second of these very simple rules was frequently imposed on dependants of lower status—the tenants of rural manors. It could conceivably have become the guardian principle of vassalage, but no one seems to have thought of it.

In point of fact, though destined to become incontestably one of the principal solvents of vassal society, the profusion of acts of homage done by one man to several lords had itself been at first only one symptom among others of the almost congenital weakness which—for reasons we shall have to examine—beset a relationship which was nevertheless held to be extremely binding. The diversity of ties was embarrassing at any time. In moments of crisis the problems it engendered became so urgent that both the theory and the practice of feudalism were obliged to look for a solution. When two of his lords were at war with each other, where did the duty of the good vassal lie? To stand aside would simply have meant committing a double ‘felony’. It was therefore necessary to choose. But how? A whole body of casuistry developed, which was not confined to the works of the jurists but was also expressed, in the form of carefully balanced stipulations, in the charters which—as written documents came into use again—generally accompanied the oaths of fealty. Opinion seems to have fluctuated between three principal criteria. First, the acts of homage might be classified in order of date, the oldest one taking precedence over the most recent; often, in the very formula by which the vassal acknowledged himself to be the man of a new lord, the vassal expressly reserved the fealty promised to an earlier master. Another criterion which was adopted in some places throws a curious light on the circumstances under which many protestations of loyalty were made. The lord most deserving of respect, it was argued, was the one who had given the richest fief. Already in 895 the count of Le Mans, when the canons of Saint-Martin begged him to bring one of his vassals to order, had replied that this person was ‘much more’ the vassal of the count-abbot Robert, ‘since he held of the latter a more important benefit’, and such was the rule followed, even at the end of the eleventh century, by the court of the count of Catalonia, in the case of conflicting acts of homage.<sup>1</sup> Finally attention might be directed to the other side of the question, and the cause of the conflict itself be taken into account. Towards

<sup>1</sup> F.L.Ganshof, ‘Depuis quand a-t-on pu en France être vassal de plusieurs seigneurs?’ in *Mélanges Paul Fournier*, 1929; *Us. Barc.*, c. 25.

a lord who had taken up arms in his own defence, the obligation seemed more compelling than towards one who was merely going to the help of kinsmen.

None of these solutions, however, resolved the problem. That a vassal should have to fight his lord was already bad enough; even more intolerable was the prospect of his using for that purpose the resources of the fiefs which had been entrusted to him for quite another. One way of getting round the difficulty was to authorize the lord to confiscate provisionally—till peace was made—the estates with which he had not long before invested the vassal, now for the moment guilty of a technical breach of his oath. Or else the more paradoxical situation was envisaged in which a vassal, finding his two lords at war with each other and being constrained to serve in person the one with the strongest claim on his fealty, would be required to levy—on the estates held from the other antagonist—troops composed principally of his own vassals, in order to place them at the disposal of this second master. Thus, by a sort of extension of the original abuse, the man with two chiefs ran the risk, in his turn, of encountering his own subjects on the field of battle.

Yet despite these subtleties, which were complicated even more by frequent efforts to reconcile the various systems, the vassal was in practice usually left to make his own decision, often after prolonged bargaining. When, in 1184, war broke out between the counts of Hainault and Flanders, the lord of Avesnes, a vassal of both nobles, first of all obtained from the court of Hainault a judgment which learnedly defined his obligations. He then proceeded to throw all his forces on the Flemish side. Did fealty so unstable still deserve the name?

## 2 HEYDAY AND DECLINE OF LIEGE HOMAGE

Nevertheless, in this society, where neither the state nor even the family provided an adequate bond of unity, the need to attach the subordinates firmly to the chief was so acute that, since ordinary homage had notoriously failed in its purpose, an attempt was made to raise above it a sort of super-homage. This was known as 'liege' homage.

In spite of some phonetic difficulties, which are a common feature of the history of legal terms in the Middle Ages—probably because, being at once learned and popular, they passed perpetually from one level of speech to another—there is hardly any room for doubt that this famous adjective *lige* was derived from a Frankish word, of which the corresponding term in modern German is *ledig*, free, pure. The Rhenish scribes who in the thirteenth century translated *homme lige* by *ledichman* were already conscious of the parallelism. But however complicated this problem of origins may be—and it is of secondary importance, after all—the actual meaning of the epithet, as employed in medieval French, was in no wise

obscure. The notaries of the Rhineland were also right in translating it—this time into Latin—by *absolutus*. And ‘absolute’ would be the nearest translation today. Of the ‘residence’ at their churches required of certain clerics it was said that it must be ‘personal and liege’. More often the term was used to describe the exercise of a right. At the market of Auxerre the ‘weight’, a monopoly of the count, was ‘liege of the count’. A widow, freed by death from the legal control of a husband, extended over her own property her ‘liege widowhood’. In Hainault the demesne exploited directly by the lord constituted, in contrast with the tenements, his ‘liege lands’. Two monasteries of the Île-de-France, let us say, divide up between them a manor which has hitherto remained intact. Each share passes into the ‘liegeance’ (*ligesse*) of the house which will henceforth be its sole owner. Similar expressions were used when this exclusive authority was exercised, not over things, but over men. The abbot of Morigny, having no canonical superior other than his archbishop, declared himself ‘liege of My Lord of Sens’. In many regions, the serf, bound to his master by the strictest ties of all, was called his ‘liegeman’ (the Germans occasionally used *ledig* in the same context).<sup>1</sup> Very naturally, when it was desired to single out from among the acts of homage done by the same vassal to several lords one which carried a fealty ranking above all other engagements, it became customary to speak of ‘liege homage’, ‘liege lords’ and also—with that admirable indifference to ambiguity which we have already encountered—‘liegemen’, the latter being in this case vassals and not serfs.

The development began with engagements which still lacked any specific terminology. The lord receiving the homage of a vassal merely made him swear to observe the fealty thus contracted in preference to all other obligations. But, with the exception of a few regions where the vocabulary of ‘liegeance’ penetrated only later, this phase of anonymous growth lost to sight in the obscurity of ages when even the most sacred undertakings were not set down in writing. For throughout a vast area the emergence of the word ‘liege’, like the relationship it described, followed very closely on the general growth of multiple fealties. The rise in the number of acts of homage described as ‘liege’ may be traced (according to the surviving texts) in Anjou from about 1046, in the Namur region only a little later, and, from the second half of the century, in Normandy, Picardy, and the county of Burgundy. Liegeance was already sufficiently widespread in 1095 to attract the attention of the Council of Clermont. At about the same time it had appeared under another name, in the county of Barcelona; instead of ‘liegeman’, the Catalans said—in pure Romanic *soliu* (‘solid man’). By the end of the twelfth century the practice had almost reached the limits of its

<sup>1</sup> For the references, see the works cited in the bibliography. To these should be added: for the two monasteries, Arch. Nat. LL 1450 A, fol. 68, ro and vo (1200–1209); for Morigny, Bibl. Nat. lat. 5648, fol. 110 ro (1224, Dec.); for the serfs, Marc Bloch. *Rois et serfs*, 1920, p. 23 n. 2.

expansion—at least in so far as the word *liege* corresponded to a living reality. Later on, its original meaning became, as we shall see, greatly attenuated and it came to be used in the chancelleries almost as a matter of convention. If we confine ourselves to documents earlier than about 1250, the map—indefinite as its outlines remain in the absence of systematic information—nevertheless offers fairly clear indications. Gaul between Meuse and Loire, Burgundy, and Catalonia—a sort of highly feudalized colonial march—together constituted the true homeland of the new type of feudal relationship. Thence it emigrated to the countries of imported feudalism: England, Norman Italy, and Syria. Around its original home, the practice spread southwards as far as Languedoc, though rather sporadically, it seems; and north-eastwards as far as the Rhine valley. Neither trans-Rhenish Germany, nor northern Italy, where the Lombard *Book of Fiefs* adhered to the system of classification by dates, ever knew it in its full strength. This second wave of vassalage—a reinforcing wave, we might say—sprang from the same countries as the first. But it did not carry so far.

‘However many lords a man may acknowledge,’ says an Anglo-Norman customary of about 1115, ‘it is to the one whose liegeman he is that his chief duty lies.’ And it goes on to say: ‘A man must observe fealty to all his lords, saving always his fealty to the earlier lord. But his strongest fealty is owed to that lord whose liegeman he is.’ Similarly in Catalonia the ‘Usages’ of the count’s court ordain: ‘The lord of a liegeman (*home soliu*) is entitled to his aid against all and sundry; no man may use it against him.’<sup>1</sup> Liege homage therefore takes precedence of all other acts of homage, irrespective of dates. It is really in a class by itself. In every way this ‘pure’ bond renewed the original human tie in all its completeness. A vassal is killed, let us say. Among all his lords, it is the ‘liege lord’ who collects the blood-money, if any has to be paid. Or it may be a question, as in the reign of Philip Augustus, of raising the ‘tenth’ for the crusade. In that case each lord takes the share due from the fiefs held of him; but the liege lord takes the tax on movable property, which the Middle Ages always regarded as peculiarly personal. In the intelligent analysis of vassal relationships given by the canonist William Durand shortly after the death of St. Louis, emphasis is placed, with good reason, on the ‘mainly personal’ character of liege homage. It would be impossible to express better the return to the living source of Frankish commendation.

But precisely because liege homage was merely the resurrection of the primitive form of homage, it was bound in its turn to be affected by the same causes of decline. It became subject to them all the more easily because nothing but a fragile oral or written agreement distinguished it from ordinary homage whose ceremonies it reproduced without modification—as though, after the ninth century, the power of inventing a new symbolism

<sup>1</sup> *Leges Henrici*, 43, 6, and 82, 5; 55, 2 and 3; *Us. Barc.*, c. 36.

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had suddenly been lost. Many liegemen, at an early date, had received investiture of estates, positions of authority, and castles. It would have been impossible for a lord to withhold this reward or these recognized instruments of power from the followers on whose fealty he proposed mainly to depend. The introduction of the fief was therefore followed, in that case also, by the usual consequences. The subordinate was separated from his chief; obligations were detached from the person and laid on the estate instead—to the extent that the term ‘liege fief began to be employed; and, finally, liegeance became hereditary and, what was worse, an article of commerce. The practice of doing homage to several lords, the true scourge of vassalage, in its turn exercised its baneful influence. Yet it was to combat this evil that liegeance had been brought into being. As early as the last years of the eleventh century, however, the ‘Usages’ of Barcelona made provision for a disturbing exception. ‘No one’, they declare, ‘may become the *soliu* of more than one lord, save with the consent of him to whom he first did homage of this sort.’ A century later, this development had occurred almost everywhere. It was henceforth a common thing for one man to acknowledge two or more liege lords. These engagements continued to take precedence over all others, yet it remained necessary to discriminate between different liege engagements and to grade the obligations by means of the same deplorably inaccurate tests which had already been used to decide between ordinary acts of homage. This was so in theory at least. In practice it meant that the door was again open to ‘felony’ (the breach of feudal obligations), which might indeed in some circumstances be almost necessary. The result, in short, had been merely to create two degrees of vassalage.

Moreover, it was not very long before this hierarchical arrangement itself took on the appearance of an empty archaism. For liege homage tended very quickly to become the normal name for every kind of homage. Two degrees of attachment between lord and vassal had been devised—one stronger, the other weaker. What lord was sufficiently modest to be content with the second? About 1260, of forty-eight vassals of the count of Forez, in the Roannais, four at the most did ordinary homage.<sup>1</sup> As an exceptional practice, the engagement might perhaps have retained some effectiveness; once it had become a commonplace affair it meant very little. Nothing was more significant than the case of the Capetians. In persuading the greatest nobles of the realm to acknowledge themselves their liegemen, what else were they doing but obtaining from these territorial chiefs, whose situation was incompatible with the complete devotion of the armed retainer, a facile acquiescence in a formula that was hopelessly unreal? It was a revival—on the higher plane of ‘liegeance’—of the illusion of the Carolingians, who believed that they could ensure the loyalty of their officials by homage alone.

<sup>1</sup> *Chartes du Forez*, no. 467.

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In two states where feudalism was an importation, however, the Anglo-Norman kingdom after the Conquest, and the kingdom of Jerusalem, the course of evolution was diverted by the influence of better-organized monarchies. Deeming that 'liege' fealty alone—that is to say, the fealty that came before all others—was what they were entitled to, the kings endeavoured first of all, and not unsuccessfully, to secure for themselves the monopoly of this type of homage. But they had no intention of limiting their authority to their own vassals. Any subject of theirs, even if he did not hold his land directly from the crown, owed them obedience. Gradually, therefore, it became customary in these countries to reserve the term 'liegeance' for the fealty to the king, often confirmed by oath, which was demanded of the whole body of free men whatever their place in the feudal hierarchy. Thus the concept of this 'absolute' bond retained something of its original value only where it had been detached from the system of vassal ceremonies and identified with the subject's special act of submission to the Crown; in this way it contributed to the consolidation of power within the framework of the State. But as a means of revitalizing the old personal bond, which had fallen into irremediable decay, it was obviously ineffective.

## XVI VASSAL AND LORD

### 1 AID AND PROTECTION

'TO serve' or (as it was sometimes put) 'to aid', and 'to protect'—it was in these very simple terms that the oldest texts summed up the mutual obligations of the armed retainer and his lord. Never was the bond felt to be stronger than in the period when its effects were thus stated in the vaguest and, consequently, the most comprehensive fashion. When we define something, do we not always impose limitations on it? It was inevitable, never theless, that the need to define the legal consequences of the contract of homage should be felt with increasing urgency, especially in so far as they affected the obligations of the subordinate. Once vassalage had emerged from the humble sphere of domestic loyalty, what vassal thenceforth would have regarded it as compatible with his dignity if it had been frankly stated, as in early times, that he was compelled 'to serve the lord in all manner of tasks which may be required of him'?<sup>1</sup> Furthermore, could the lord continue to expect to have always at his beck and call persons who thenceforward—since they were for the most part settled on fiefs—lived at a distance from their master?

In the gradual work of definition professional jurists played only a belated and, on the whole, insignificant part. It is true that, as early as about 1020, Bishop Fulbert of Chartres, whose study of the canon law had trained him in the methods of legal reflection, attempted an analysis of homage and its effects. But interesting though it was as a symptom of the penetration of jurisprudence into a sphere which had hitherto been alien to it, this endeavour scarcely succeeded in rising above the level of a rather barren scholastic exercise. The decisive influence, here as elsewhere, was that of custom, formed by precedents and progressively crystallized by the legal practice of courts attended by many vassals. More and more frequently, the practice was adopted of having these stipulations, which but a short while before had been purely traditional, included in the agreement itself. The oath of fealty, since it could be expanded at will, formed a better vehicle for the details of these conditions than the few words that accompanied the act of homage. Thus a detailed contract, carefully drawn up, replaced

<sup>1</sup> *M.G.H., EE.*, V., p. 127, no. 34.



an unqualified submission. As a further precaution, which clearly testifies to the weakening of the tie, the vassal as a rule no longer promised merely to render aid to his lord. He was now required in addition to undertake not to injure him. In Flanders, from the beginning of the twelfth century, these negative clauses had assumed sufficient importance to give rise to a separate oath of 'security' which was sworn after fealty and apparently authorized the lord, in the event of the vassal's failure to observe it, to distrain on certain specified pledges. It goes without saying, however, that for a long time it was the positive obligations which continued to hold first place.

The primary duty was, by definition, military service. The 'man of mouth and hands' was bound, first and foremost, to serve in person, on horseback and with full equipment. Nevertheless he rarely appeared alone. Apart from the fact that his own vassals, if he had any, would naturally gather under his banner and share his privileges and his prestige, custom sometimes required him to be attended by at least one or two squires. On the other hand there were as a rule no foot-soldiers in his contingent. Their rôle in battle was considered so unimportant and the difficulty of feeding fairly large bodies of men was so great that the leader of the feudal host contented himself with the peasant infantry furnished by his own estates or those of the churches of which he had officially constituted himself the protector. Frequently the vassal was also required to garrison the lord's castle, either during hostilities only, or—for a fortress could not remain unguarded—at any time, in rotation with his fellow-vassals. If he had a fortified house of his own, he was obliged to throw it open to his lord.

Gradually differences in rank and power, the development of inevitably divergent traditions, special agreements, and even abuses transformed into rights introduced innumerable variations into these obligations. This, in the long run, almost invariably tended to lighten them.

A serious problem arose from the hierarchical organization of vassalage. Since the vassal was at once subject and master, he would often have vassals of his own. The duty which required him to render aid to his lord to the utmost of his ability might be thought to oblige him to join the lord's army, together with the entire body of his dependants. Custom, however, at an early date authorized him to bring with him only a stated number of followers; the figure was fixed once and for all, and might be much less than the number he employed in his own wars. Take the case, towards the end of the eleventh century, of the bishop of Bayeux. More than a hundred knights owed him military service, but he was bound to provide only twenty of them for the duke of Normandy, his immediate lord. Moreover, if the duke demanded the help of the prelate in the name of the king of France (of whom Normandy was held as a fief) the number was reduced to ten. This fining down of the military obligation towards the summit, which the Plantagenet kings of England in the twelfth century tried without much

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success to arrest, was undoubtedly one of the principal causes of the final failure of vassalage as a means of defence or conquest in the hands of governments.<sup>1</sup>

It was the chief desire of vassals both great and small not to be held to an indefinite period of military service. But neither the traditions of the Carolingian state nor the earliest usages of vassalage offered direct precedents for limiting its duration. Both the subject and the household warrior remained under arms as long as their presence seemed necessary to king or chief. The old Germanic customs, on the other hand, had widely employed a sort of standard period fixed at forty days or, as they said earlier, forty nights. This not only regulated many forms of procedure; Frankish military legislation itself had adopted forty days as the period of rest to which the levies were entitled between two mobilizations. This traditional period, which came naturally to mind, provided from the end of the eleventh century the normal standard for the obligation imposed on the vassals; on the expiration of forty days they were free to return home, usually for the rest of the year. It is true that they fairly frequently remained with the army, and certain 'customs' even sought to make this prolongation of the period of service compulsory, though only on condition that the lord bore the expense and paid wages to the vassal. The fief, once the stipend of the armed 'satellite', had so far ceased to fulfil its original purpose that it was necessary to supplement it by other remuneration.

It was not only for war that the lord summoned his vassals. In peacetime, they constituted his 'court', which he convoked in solemn session at more or less regular intervals, coinciding as a rule with the principal liturgical feasts. It was by turns a court of law, a council which the master was required by the political conceptions of the time to consult on all serious matters, and a ceremonial parade of rank and power. Could a chief have a more striking manifestation of his prestige or a more delightful way of reminding himself of it than to appear in public surrounded by a multitude of dependants, some of whom were themselves men of high rank, and to get them to perform publicly those gestures of deference—by acting as squire, cup-bearer or steward—to which an age susceptible to visible things attached great symbolic value?

The splendour of these courts, 'full, marvellous and great', has been naively exaggerated by the epic poems, in which they are frequent backgrounds to the action. While the glories of the ceremonial gatherings graced by the presence of crowned kings were greatly magnified, the poets even added gratuitous splendours to the modest courts convoked by barons

<sup>1</sup> C.H.Haskins, *Norman Institutions*, 1918, p. 15; Round, *Family Origins*, 1930, p. 208; H.M.Chew, *The English Ecclesiastical Tenants-in-Chief and Knight-Service*, Oxford, 1932; Gleason, *An Ecclesiastical Barony of the Middle Ages*, 1936; H.Navel, *L'Enquête de 1133*, 1935, p. 71.

of medium or lesser rank. Nevertheless, we know from the most reliable sources that much legal business was dealt with in these assemblies; that the most brilliant of them were marked by much ceremonial display and attracted—in addition to those who normally attended—a mixed crowd of adventurers, mountebanks and even pick-pockets; and that the lord was required by usage as well as by his acknowledged interest, to distribute to his men on these occasions those gifts of horses, arms, and vestments which were at once the guarantee of their fealty and the symbol of their subordination. We know, moreover, that the presence of the vassals—each, as the abbot of Saint-Riquier prescribed, ‘carefully arrayed in accordance with his rank’—was always expressly required. According to the *Usages of Barcelona*, the count; when he holds court, must ‘render justice...give help to the oppressed...announce mealtimes with trumpets so that nobles and others of lesser rank may participate; he must distribute cloaks to his chief vassals; make arrangements for the expedition which will harry the lands of Spain; and create new knights’. At a lower level of the social hierarchy, a petty knight of Picardy, acknowledging himself in 1210 the liegeman of the vidame of Amiens, promised him, in the same breath, military aid for a period of six months and ‘to come, when I am required to do so, to the feast given by the said vidame, staying there, with my wife, at my own expense, for eight days’.<sup>1</sup>

This last example (together with many others) shows how court service, like military service, was gradually regulated and limited—though it is true that the attitude of the vassals towards the two obligations was not altogether the same. Military service was an obligation and little else, but attendance at court carried with it many advantages: gifts from one’s lord, a groaning board and a share in the exercise of authority. The vassals were, therefore, much less eager to be relieved of court service than of military service. Till the end of the feudal era these assemblies compensated in some measure for the separation of lord and vassal resulting from the grant of a fief; they helped to maintain the personal contact without which a human tie can scarcely exist.

The vassal was bound by his fealty to ‘render aid’ to his lord in all things, and it was taken for granted that this meant placing his sword and his counsel at his lord’s disposal. But there came a time when he was expected to make his purse available as well. No institution reveals better than this financial obligation the deep-seated unity of the system of dependence on which feudal society was built. Whoever owed obedience was obliged to give financial help to his chief or master in case of need: the serf, the so-called ‘free’ tenant of a manor, the subject of a king, and finally the vassal. The very terms applied to the contributions which the lord was thus authorized to demand from his men were, at least in French feudal

<sup>1</sup> Hariulf, *Chronique*, III, 3, ed. Lot, p. 97.; *Us. Barc.*, c. CXXIV.; Du Cange, *Dissertations sur l’hist. de Saint Louis*, V, ed. Henschel, VII, p. 23.

law, identical regardless of who paid them. People spoke simply of 'aid'; or again of *taille* (tallage), a vivid expression which was derived from the verb *tailler*, meaning literally to take from someone a part of his substance and, consequently, to tax him.<sup>1</sup> Naturally, in spite of this similarity of principle, the history of the obligation followed very different lines in different social groups. For the moment we are concerned only with the 'aid' or *taille* payable by vassals.

In its primitive form this tax appears simply as an occasional and more or less voluntary gift. In Germany and Lombardy it seems never to have passed beyond this stage; a significant passage of the *Sachsenspiegel* shows the vassal still 'bringing gifts to his lord'. In these countries the bond of vassalage was not strong enough to enable the lord who wanted additional help after the primary service had been duly performed, to demand it of right. It was otherwise in France. There, towards the end of the eleventh century or the beginning of the twelfth, conditions favoured the development of the *taille* as a feudal exaction. This was the moment when it was becoming more widespread in the form applied to the poor and when, altogether, the increasing circulation of money was tending to make the needs of the chiefs more urgent and the means of the taxpayers less limited. Custom was making the payments compulsory; but, by way of compensation, it also specified the occasions when they could be demanded. Thus in 1111 an Angevin fief was already subject to the 'four standard *tallies*': for the lord's ransom, if he were taken prisoner; for the knighting of his eldest son; for the marriage of his eldest daughter; and to enable the lord himself to make a purchase of land.<sup>2</sup> The last case was too arbitrary in its application and it quickly disappeared from most of the customs. The first three, on the other hand, were recognized almost everywhere. Others were sometimes added—the 'aid' for the crusade, in particular, or that which the lord levied when his superiors demanded one from him. Thus the money element, which we have already noted as present in the case of relief, gradually insinuated itself among the old relationships based on fealty and service.

It was to enter by yet another channel. Inevitably it happened from time to time that the obligation of military service was not carried out. The lord thereupon claimed a fine or compensation; occasionally the vassal offered it in advance. This was called 'service', in conformity with the linguistic convention whereby the payment of compensation was frequently given the name of the obligation which it extinguished; in France it was sometimes

<sup>1</sup> In England, however, these terms were eventually assigned to different social levels. 'Aid' was reserved for vassals and 'tallage' for the more humble classes of dependants.

<sup>2</sup> First cartulary of Saint-Serge (Marchegay's restoration). Arch. Maine-et-Loire, H., fol. 293. Naturally, the occasions were different on ecclesiastical fiefs; on those held of the bishop of Bayeux, for example, they were the bishop's journey to Rome, repairs to the cathedral, a fire at the bishop's palace (Gleason, *An Ecclesiastical Barony*, p. 50).

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known as *taille de l'ost*. These dispensations for a cash payment were not in fact widely practised except in the case of two categories of fiefs: those which had fallen into the hands of religious communities, who were unable to bear arms; and those held directly of the great monarchies, which were adept at turning to their own financial profit the inadequacies of the system of vassal recruitment. For the majority of feudal tenements, the duty of military service from the thirteenth century onward merely became less and less exacting, without any tax being imposed in its place. Even the pecuniary aids frequently fell into desuetude in the end. The fief had ceased to procure good servants: neither did it long remain a fruitful source of revenue.

Custom in most cases did not require of the lord any verbal or written agreement corresponding to the oath of the vassal. Such pledges on the lord's part appeared only at a later date and always remained exceptional. There was no opportunity, therefore, to define the obligations of the chief in as much detail as those of the subordinate. A duty of protection, moreover, did not lend itself so well as services to such precise definition. The vassal was to be defended by his lord 'towards and against all men who may live and die'; first and foremost in his person, but also in his property and more especially in his fiefs. Furthermore he expected from this protector—who had become, as we shall see, a judge—good and speedy justice. In addition, there were the imponderable but nevertheless precious advantages which accrued, rightly or wrongly, from the patronage of a powerful man in a highly anarchic society. All these advantages were prized; nevertheless in the long run the vassal's obligations outweighed the benefits he received. As remuneration for service, the fief had originally redressed the balance, but when by reason of its transformation into a patrimonial property its original function was lost sight of, the inequality of the obligations seemed all the more flagrant, and those who suffered from it were all the more anxious to limit their burden.

### 2 VASSALAGE AS A SUBSTITUTE FOR THE KINSHIP TIE

Nevertheless, were we to concern ourselves only with this debit and credit balance we should gain but an emasculated impression of the essential nature of the tie of vassalage. The relationships of personal dependence had made their entry into history as a sort of substitute for, or complement to, the solidarity of the family, which had ceased to be fully effective. In the eyes of tenth-century Anglo-Saxon law, the lordless man is an outlaw unless his relatives are prepared to assume responsibility for him.<sup>1</sup> In relation to the lord, the vassal long remained a sort of supplementary relative, his duties as well as his rights being the same as those of relatives by blood. If an incendiary, declares Frederick Barbarossa in one of his peace ordinances,

<sup>1</sup> Cf. above, p. 182.

shall have sought asylum in a castle, the master of the fortress shall be compelled, if he does not wish to be regarded as an accomplice, to hand over the fugitive, 'provided, however, that the latter be not his lord, his vassal or his kinsman'. And it was no accident that the oldest Norman customary, in treating of the murder of a vassal by his lord or of a lord by his vassal, grouped these crimes indiscriminately in the same chapter with the most atrocious homicides committed within the family group. This quasi-family character of vassalage was responsible for several enduring features, in the legal rules as well as in the habits of feudal society.

The primary duty of the kinsman was vengeance. The same was true of the man who had done homage or received it. Was not the Latin *ultor*—avenger—simply translated, in an ancient German gloss, by the Old High German word *mundporo*, patron?<sup>1</sup> This equality of function between the kinship group and the tie of vassalage, which began in the blood-feud, continued to manifest itself in the courts of law. No one, declares a twelfth-century English customary, if he has not himself been present at the crime, may bring an accusation in a case of murder, unless he is a kinsman of the dead man, his lord, or his vassal. The obligation was equally binding on the lord in relation to his vassal and on the vassal in relation to his lord. A difference of degree was nevertheless noticeable, very much in conformity with the spirit of this relationship of subordination. If we are to believe the poem of *Beowulf*, the companions of the slain chieftain in ancient Germania were entitled to a share of the *wergild*. It was no longer so in Norman England. The lord shared in the compensation paid for the murder of the vassal; of that which was due for the murder of the lord the vassal received nothing. The loss of a servant was paid for; that of a master was not.

Only in rare instances was the knight's son brought up in his father's house. Custom decreed—and was obeyed so long as feudal *mores* retained some vitality—that his father entrust him, while still a child, to his lord or one of his lords. In the household of this chief the boy, while performing the duties of a page, received instruction in the arts of hunting and of war, and later in courtly manners. An historical example of this tradition was the young Arnulf of Guines in the household of Count Philip of Flanders; in legend, there was little Garnier of Nanteuil, who served Charlemagne so well:

When to the woods the king repairs, the child goes too;  
Sometimes his bow he bears, sometimes his stirrup holds.  
If wildfowl lure the king, Garnier is by his side.  
Oft on his wrist the hawk or keen-eyed falcon sits.  
And when to rest the king retires, Garnier is there,  
Beguiling him with song and old heroic lays.

In other medieval European societies similar practices prevailed, and there

<sup>1</sup> Steinmeyer and Sievers, *Althochdeutsche Glossen*, I, p. 268, 23.

also they served to reinforce, through the agency of the young, ties which the physical separation of lord and vassal constantly threatened to stretch to breaking point. But the system of 'fosterage' practised in Ireland seems to have been used above all to strengthen the link between the child and the maternal clan, and occasionally to establish the pedagogic prestige of a body of learned priests. Among the Scandinavians, it was the dependant's duty to bring up his master's children. So much was this the case that, when Harald of Norway wished to demonstrate to the world at large the overlordship which he claimed over King Aethelstan of England, he found no better means to this end, the Saga tells us, than to have his son set down unexpectedly on the knees of this involuntary foster-father. The feudal world reversed the obligation, and the vassal's son was brought up by the lord. The ties of respect and gratitude thus created were held to be very strong. All his life the little boy of earlier days remembered that he had been the *nourri* of the lord—the word, with what it stood for, dates in Gaul from the Frankish period and still recurs in the pages of Commines.<sup>1</sup> Doubtless, in this case as in others, the facts were often at variance with the rules of honour. Nevertheless, this practice certainly served a purpose; for, while placing a precious hostage in the lord's hands, it enabled each generation of vassals to enjoy anew something of that participation in the overlord's intimate domestic life whence early vassalage had derived its deepest human value.

In a society where the individual was so little his own master, marriage (which, as we know already, was bound up with a great variety of interests) was very far from being considered an act of personal choice. The decision was first and foremost a matter for the father. 'He wishes to see his son take a wife while he is still alive; he therefore buys for him the daughter of a nobleman'—that is how the *old Poem of St. Alexis* puts it, with no beating about the bush. The relatives intervened in these matters, sometimes in association with the father, but especially when he was no longer alive. So too did the lord, when the orphan was the son of a vassal; and the vassals also occasionally had a say when the marriage of their lord was at issue. In this latter case, it is true, the rule never amounted to more than a mere formality; on all important matters the baron was bound to consult his men and hence in this. On the other side, the lord's rights in regard to the personal affairs of his vassal were much more clearly defined. The tradition went back to the remotest origins of vassalage. 'If a private warrior (*bucellarius*) leaves only a daughter,' declares a Visigothic law of the fifth century, 'she shall remain under the control of the master, who will find her a husband of the same social status. If, however, she herself shall choose a husband, against the wishes of the master, she shall be obliged to restore

<sup>1</sup> Flooard, *Hist. Remensis eccl.*, III, 26 in M.G.H., SS., XIII, p. 540; cf. already *Actus pontificum Cenomannensium*, pp. 134 and 135 (616: 'nutritura'); Commines, VI, 6 (ed. Mandrot, II, p. 50).

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to the latter all the gifts which her father has received from him'.<sup>1</sup> The heritability of fiefs, already present in this text in a rudimentary form, furnished the lords with one more reason, and a very cogent one, for keeping a close eye on marriages which, when the estate had passed to the distaff side, resulted in their acquiring a vassal who did not belong to the original line. Their control over marriages became absolute, however, only in France and Lotharingia, the true homelands of the system of vassalage, and in the countries of imported feudalism. It is true that families of knightly rank were not the only ones which had to submit to such interference in their personal affairs; for many others were subjected, through various ties, to an authority of seignorial character, and kings, in their capacity as sovereign, sometimes considered that they were entitled to dispose of the hands of their female subjects. But as applied to vassals—as sometimes to serfs, who also were personal dependants—a practice which was regarded as an abuse of power when applied to other types of sub-ordinates was almost universally held to be lawful. 'We will not marry widows and daughters against their will,' Philip Augustus promises the people of Falaise and Caen, 'unless they hold of us, in whole or in part, a *fief de haubert*'—that is to say, a military fief characterized by service with coat of mail.<sup>2</sup>

The ideal procedure was that the lord should come to an agreement with the kinsfolk. Such collaboration was provided for in the thirteenth century, for example, by an Orleans 'custom', and the arrangement is given prominence in a curious charter of Henry I of England.<sup>3</sup> When the lord was strong, however, he could overrule all opposition. In Plantagenet England this institution, derived from the principles of guardianship, degenerated in the end into blatant commercialism. Kings and barons—kings especially—vied with each other in giving or selling the hands of orphan sons or daughters. Sometimes, threatened with the prospect of an unwelcome husband, a widow would pay in hard cash for permission to refuse him. Despite the progressive loosening of the tie, it is clear that vassalage did not always avoid the other danger which threatens almost every system of personal protection—that of degenerating into a device for the exploitation of the weak by the strong.

### 3 RECIPROCITY AND BREACH OF ENGAGEMENTS

The contract of vassalage bound together two men who were, by definition, on different social levels. Nothing shows this more strikingly than one of

<sup>1</sup> *Codex Euricianus*, c. 310. The vassal mentioned by the synod of Compiègne of 757, whose marriages were arranged by his two successive masters, is—in conformity with the original meaning of the word vassal—a mere slave, and we are not concerned with such cases here.

<sup>2</sup> *Ordonnances*, XII, p. 275.

<sup>3</sup> *Ét. de Saint Louis*, I, c. 67; F.M.Stenton, *The First Century of English Feudalism* (1066–1166), 1932, pp. 33–34.



the provisions of the old Norman law. Both the lord who has killed his vassal and the vassal who has killed his lord are punished by death, but only the crime against the chief involves the dishonourable penalty of hanging.<sup>1</sup> Yet, whatever the inequalities between the obligations of the respective parties, those obligations were none the less mutual: the obedience of the vassal was conditional upon the scrupulous fulfilment of his engagements by the lord. This reciprocity in unequal obligations, which was emphasized by Fulbert of Chartres as early as the eleventh century and which was very strongly felt to the end, was the really distinctive feature of European vassalage. This characteristic distinguished it not only from ancient slavery but also, and very profoundly, from the forms of free dependence known to other civilizations, like that of Japan, and even to certain societies bordering on the feudal zone proper. The very ceremonies perfectly express the contrast. The 'prostration' of the Russian 'men of service' and the kissing of hands practised by the warriors of Castile contrast with the French form of homage which, by the gesture of hands closing upon hands and by the kiss on the mouth, made the lord no mere master with the sole function of receiving whatever was due to him, but a partner in a genuine contract. 'As much', writes Beaumanoir, 'as the vassal owes his lord of fealty and loyalty by reason of his homage, so much the lord owes his vassal.'

The solemn act which had created the contract seemed so binding that even in face of the worst breaches its final rupture seemed to demand a sort of cancellation ceremony. Such at least was the practice in the old Frankish regions. In Lotharingia and northern France, a ceremony of breach of homage took shape, in which perhaps was revived the memory of the gestures used by the Salian Frank, in times gone by, to renounce his kindred. The procedure was adopted occasionally by the lord, but more often by the vassal. Declaring his intention to cast away from him (*rejeter*) the 'felon' partner, with a violent gesture he hurled to the ground a twig—sometimes breaking it beforehand—or a thread from his cloak. But, in order that the ceremony should seem as decisive as the one whose effects it was to destroy, it was necessary that it should follow the pattern of homage by bringing the two individuals face to face. This proceeding was not without its dangers. Consequently, in preference to the gesture of throwing down the 'straw' (which before reaching the stage at which a usage becomes a rule fell into disuse) the practice developed of making a simple 'defiance' (*défi*)—in the etymological sense of the word, that is to say a renunciation of faith—by letters or by herald. The less scrupulous, who were not the least numerous, naturally began hostilities without any preliminary declaration.

But in the great majority of cases the personal tie had its counterpart in a real property tie. So once the vassalage was broken, what happened to

<sup>1</sup> *Très ancien Coutumier*, XXXV, 5.

the fief? When the fault lay with the vassal, there was no difficulty: the property reverted to the injured lord. This was what was called the *commise*, confiscation, of the fief. The 'disinheritance' of Duke Henry the Lion by Frederick Barbarossa and that of John Lackland by Philip Augustus are the most celebrated examples of this procedure. When the responsibility for the breach appeared to be the lord's the problem was more delicate. The fief, as the remuneration for services which were no longer to be rendered, would lose its *raison d'être*. Yet it would be unfair that an innocent man should be thus dispossessed. The hierarchical arrangement of fealties permitted escape from this quandary. The rights of the unworthy lord passed to his own lord—just as if a chain should be re-united after the removal of a broken link. It is true that when the fief had been held directly of the king, the highest link, this solution was not feasible. But it seems to have been admitted that in relation to the king no renunciation of homage could be lasting. Italy alone steered a separate course. There, the vassal who had suffered from a seignorial felony merely had his fief changed into an allodial property—a feature symptomatic (among many others) of the weakness of the more strictly feudal conceptions south of the Alps.

Carolingian legislation had defined the felonies which were held to justify the abandonment of the lord by the vassal, and its principles were never quite forgotten. In the poem of *Raoul de Cambrai*, the 'foster-child' Bernier, despite many grounds for hatred, repudiates Raoul only when struck by him. Now the Carolingian capitulary had said: 'No one shall quit his lord after having received a shilling's worth from him...unless this lord has beaten him with a stick.' A little later this motive for the breach was invoked by a court romance, in the course of a curious discussion of feudal casuistry; it was still expressly retained in the thirteenth century by various French customaries, and at the beginning of the following century by the *Parlement* of the first Valois king.<sup>1</sup> Nevertheless, even the soundest of the legal rules of former days survived, in feudal times, only as parts of an indeterminate tradition. The arbitrary conduct which resulted from this transformation of a legal code into a vague collection of moral laws could have been combated by the influence of courts capable of establishing a standard of judicial practice and giving it authority. Indeed, certain tribunals were in theory available for such cases. There was in the first place the lord's court, composed in reality of the vassals themselves, who were considered the natural judges of law-suits between the lord, their master, and his man, their peer; next, at the level above, there was the court of the chief of more exalted rank to whom the lord in his turn had done homage. Also certain 'customs', committed to writing at an early date like those of Bigorre,

<sup>1</sup> *Le Roman de Thèbes*, ed. L. Constans, I, v. 8041 *et seq.*—Arch. Nat. XIA, 6, fol. 185; cf. Olivier-Martin, *Histoire de la coutume de la prévôté et vicomté de Paris*, 1922–30, I, p. 257, n. 7.

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endeavoured to outline a procedure to which the vassal must conform before his 'departure' should be lawful.<sup>1</sup> But the great weakness of feudalism was precisely its inability to construct a really coherent and efficient judicial system. In practice, the individual who sustained what he considered or professed to consider an infringement of his rights would decide to break his engagement and the issue of the struggle would depend on the relative strength of the parties. It was as though a marriage were to be terminated by divorce, without the petitioner's case having been proved and without there being a judge to pronounce the decree.

<sup>1</sup> J.Fourgous and G.de Bezin, *Les Fors de Bigorre*, Bagnères, 1901 (*Travaux sur l'histoire du droit méridional*, fasc. 1), c. 6.

## XVII THE PARADOX OF VASSALAGE

### 1 THE CONTRADICTIONS OF THE EVIDENCE

BEYOND the numerous particular problems raised by the history of European vassalage there is one great human problem which dominates them all. What was it in the actions and the hearts of men that constituted the real strength of vassalage as a social cement? The first impression conveyed by the documents is of a strange contradiction, which must be squarely faced.

No protracted study of the texts is necessary in order to cull from them an eloquent anthology in praise of vassalage. First of all, it is extolled as the most cherished of bonds. A common synonym for 'vassal' was 'friend' (*ami*), and commoner still was the old word *dru* (probably of Celtic origin) which had almost the same meaning, but with a more definite suggestion of choice; for if it was sometimes applied to amorous relationships, it seems never (unlike *ami*) to have been extended to those of the family. Moreover, it was a term common to the Gallo-Roman and the German languages. 'In the last hour', said the bishops of Gaul to Lewis the German in 858, 'there will be neither wife nor son to aid thee; nor companionship of *drus* and vassals to bring thee succour.' Needless to say, as affection flows upward from the vassal to the lord, so it descends from the lord to the vassal. 'Girart', says a character in the French epic, 'became the liege-man of Charlemagne, from whom he then received friendship and a lord's protection.' 'Mere fiction!' those historians who only accept the testimony of dry documents will perhaps exclaim. But this is not the final word. 'I am the lord of this estate,' a landowner of Anjou is reported by the monks of Saint-Serge to have said: 'for Geoffrey' (who was in possession of it) 'had it from me as a fief, in friendship.' And how can we ignore the evidence of the following lines from *Doon de Mayence* which express with such frank simplicity that true union of hearts in which life is inconceivable for one without the other?

*Se me sire est ochis, je voeil estre tués,  
Et se il est pendu, avec li me pendés;  
Se il est ars en feu, je voeil estre bruslés,*

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*Et se il est noié, avec li me getés.*

If my dear lord is slain, his fate I'll share.

If he is hanged, then hang me by his side.

If to the stake he goes, with him I'll burn;

And if he's drowned, then let me drown with him.<sup>1</sup>

It was a bond which called for an unfaltering devotion and for the sake of which a vassal was required, in the words of the *Chanson de Roland*, to endure 'both heat and cold'. 'I will love what thou lovest: I will hate what thou hatest,' so ran the Anglo-Saxon oath of commendation. For the continent we have other texts: 'Thy friends will be my friends, thy enemies my enemies.' The first and obvious duty of the good vassal is to know how to die for his chief, sword in hand—a fate to be envied above all others, for it is that of a martyr and it leads to Paradise. Is this what the poets say? Undoubtedly: but it is also what the Church says. A knight, provoked by threats, had killed his lord. 'Thou shouldst have accepted death for his sake,' declared a bishop, speaking in the name of the council of Limoges in 1031; 'thy fidelity would have made thee a martyr of God.'<sup>2</sup>

Finally, it was a bond of such a nature that to disregard it was the most terrible of sins. When the peoples of England had received the faith of Christ, wrote King Alfred, of their Christian charity they fixed scales of compensation for most offences 'save that of treason against one's lord, not daring to extend this mercy to such a crime...no more than Christ had accorded it to him who gave him over to death'. After an interval of more than two centuries, in an England already feudalized on the continental model, the principle is reaffirmed in the law-book known as the *Laws of Henry I*: 'No redemption for the man who has killed his lord; let him perish by the most atrocious tortures.' The story was told in Hainault that a knight, having killed in a fight the young count of Flanders, his liege lord, had gone to seek absolution of the pope—like the Tannhäuser of legend. The pope ordered that his hands be cut off. But because his hands did not tremble, the pope remitted the punishment; though on condition of bewailing his sin in a monastery for the rest of his life. 'He is my lord,' was the reply of the sire d'Ibelin in the thirteenth century to those who suggested that he should assassinate the Emperor, who had become his worst enemy; 'whatever he may do, I shall keep my faith to him.'<sup>3</sup>

This bond was felt to be so strong that the idea of it dominated all other human ties—even those which were older and which might have appeared more worthy of respect. Thus vassalage came to permeate family

<sup>1</sup> *Girart de Roussillon*, trans. P.Meyer, p. 100 (ed. Foerster, *Romanische Studien*, V, v. 3054); first cartulary of Saint-Serge, Marchegay's restoration, Arch. Maine-et-Loire, H., fol. 88; *Doon de Mayence*, ed. Guessard, p. 276.

<sup>2</sup> For example, *Girart de Roussillon*, trans. P.Meyer, p. 83; *Garin le Lorrain*, ed. P. Paris, II, p. 88. For the council, see Migne, *P.L.*, CXLII, col. 1400.

<sup>3</sup> Alfred in F.Liebermann, *Die Gesetze der Angelsachsen*, I, p. 47 (49, 7); *Leges Henrici*, 75, 1.; Gislebert de Mons, ed. Pertz, p. 30; Philip of Novara, ed. Kohler, p.20.

relation-ships. 'In law-suits brought by parents against sons or by sons against parents, the parents shall be treated for purposes of the judgment as if they were the lords and the sons their men, bound to them by the rite of homage.' Such was the decision of the court of the count of Barcelona. When the Provençal poets invented courtly love, the devotion of the vassal to his lord was the model on which they based their conception of the fealty of the perfect lover. This fitted the fact that the lover was often of lower social rank than the lady of his dreams. The assimilation was carried so far that by a strange turn of speech, the name or surname of the beloved was apt to be assigned to the masculine gender, as is appropriate to the name of a chief. *Bel Senhor*, 'my beautiful lord'—one of the ladies to whom Bertrand de Born pledged his fickle heart is known to us only by this pseudonym. Occasionally a knight would have engraved on his shield the clasped hands of his Dulcinea with his own between them. Moreover, does not the memory of this symbolism, so typically feudal in its tenderness—a symbolism which doubtless owed its resuscitation in the early days of the romantic revival to antiquarian interests—still survive in our own day in the rules of politeness which, in French, enjoin a virtually one-sided use of the sadly-faded word *hommages*? Even religious symbolism took on these borrowed tints. To give oneself to the Devil was to become his vassal; the scenes of men surrendering themselves to the Evil One rank—along with the lovers' seals—among the best representations of the act of homage which we possess.<sup>1</sup> For the Anglo-Saxon Cynewulf, the angels are the 'thegns' of God; for Bishop Eberhard of Bamberg, Christ is the vassal of the Father. But beyond doubt the most eloquent testimony to the universal prevalence of the spirit of vassalage is to be found in the transformations of religious ritual itself. The ancient attitude of prayer, with hands outstretched, was replaced by the gesture of the joined hands, borrowed from 'commendation', and this became throughout Catholic Christendom the characteristic praying posture.<sup>2</sup> Before God, the good Christian in his inmost soul saw himself as a vassal bending the knee before his lord.

It was nevertheless inevitable that the vassal's obligation should from time to time come into conflict with other obligations—those of the subject, for example, or of the kinsman. In the event, it almost invariably triumphed over these rivals; not only in practice, but also in the eyes of the law. When Hugh Capet retook Melun in 991, the viscount, who had defended the fortress against him, was hanged together with his wife, and this was certainly not so much because he had rebelled against his king as because he had at the same time committed the atrocious crime of breaking his fealty to the count, his immediate lord, who was in the royal camp. On the other hand, Hugh's own followers demanded that he should pardon the

<sup>1</sup> Cf. Plates III and IV.

<sup>2</sup> *The Christ of Cynewulf*, ed. A.S.Cook, v. 457; Migne, P.L., CXCIII, cols. 523 and 524; L.Gougaud, *Dévotions et pratiques du moyen âge*, 1925, p. 20 *et seq.*

knights who had defended the castle. As vassals of the viscount, had they by taking part in his revolt done otherwise than display their 'Virtue', as the chronicler puts it—meaning their loyalty to their feudal obligations, which took precedence over their loyalty to the state?<sup>1</sup> The very ties of kinship, which were certainly regarded as more sacred than those of public law, yielded place to the obligations of personal dependence. 'It is permissible', declare the laws of Alfred, in England, 'to take up arms in defence of a kinsman wrongfully attacked; but not against one's lord—that we do not allow.' The Anglo-Saxon Chronicle in a famous passage brings before us the members of a family embroiled with each other as a result of the vendetta of the two different lords between whom their obedience is divided. They accept their unhappy situation: 'No relative is dearer to us than our lord,' they declare. This is a grave utterance; it finds an echo, well on in the twelfth century and in (of all places) Italy with its respect for public law, in the *Book of Fiefs*: 'Vassals must help their lord against everyone—against their brothers, against their sons, against their fathers.'<sup>2</sup>

At this point, however, an Anglo-Norman law-book issues a sharp reminder: 'Against the commands of God and the Catholic faith no order is valid.' Such was the opinion of the clergy. Knightly opinion demanded a more unqualified surrender. 'Raoul, my lord, may be a greater criminal than Judas; he is, nevertheless, my lord'—on this theme the chansons composed innumerable variations, and it sometimes found an echo in legal agreements as well. 'If the abbot has any suit in the king's court,' says an English charter of enfeoffment, 'the vassal shall support him, save against the king himself.' Let us disregard the final qualification: it was symptomatic of the exceptional respect which a monarchy created by conquest was able to command. Only the first part of the clause, in its cynical candour, has a general significance; clearly the obligation of fealty was too overriding for it to be permissible to ask oneself which of the parties had the better case. Moreover, why be so scrupulous? 'It matters little if my lord is in the wrong,' thinks Renaud of Montauban; 'he will bear the blame'. He who surrenders himself completely *ipso facto* relieves himself of personal responsibility.<sup>3</sup>

In this summary it has been necessary to cite pieces of evidence of different kinds and from different periods, and some readers may doubt whether this evidence taken from old texts, legal literature, and poetry reflects the actualities of the case. To set these misgivings at rest it will suffice to appeal finally to Joinville, a dispassionate observer, if ever there

<sup>1</sup> Richer, IV, 78. For other examples (up to the thirteenth century), see Jolliffe, *The Constitutional History of Medieval England*, p. 164.

<sup>2</sup> Alfred, XLII, 6; *Two of the Saxon Chronicles*, ed. Plummer, vol. I, 48–9 (755); Karl Lehmann, *Das Langobardische Lehnrecht (Handschriften, Textentwicklung, ältester Text und Vulgattext nebst den capitula extraordinaria)*, *Vulgata*, II, 28, 4, Göttingen, 1896.

<sup>3</sup> *Leges Henrici*, 55, 3.; *Raoul de Cambrai*, V. 1381.; *Chron. mon. de Abingdon* (R.S.), II, p. 133 (1100–35).; *Renaud de Montauban*, ed. Michelant, p. 373, v. 16.

## THE PARADOX OF VASSALAGE

was one, who wrote in the reign of Philip the Fair. I have already quoted the passage. One contingent particularly distinguished itself in battle. Could it have been otherwise? That contingent consisted almost entirely of warriors who were either kinsmen or liegemen of the leader.

Now let us look at the reverse of the medal. The very epics which set such great store by the 'virtue' of the vassal are nothing but one long recital of the wars launched by vassals against their lords. Occasionally the poet adopts a censorious attitude; more often he indulges in a rather charming casuistry. What he knows beyond question is that it is from these revolts that daily life received its tragic colouring. Yet in this respect the *chansons* were little more than a pale reflection of reality. Struggles of the great feudatories against the kings; rebellions against the former by their own vassals; derelictions of feudal duty; the weakness of vassal armies, incapable from the earliest times of halting invaders—these features are to be read on every page of the history of feudalism. A charter of the end of the eleventh century shows us the monks of Saint-Martin-des-Champs concerned to determine what is to happen to a rent levied on a mill, in the event of its being pillaged during a war waged by the two petty lords to whom the sum is due. This situation is expressed in the following words: 'in the event of their making war on their lords or other men'.<sup>1</sup> Thus, of all the occasions for going to war, the first that came to mind was to take up arms against one's lord. Towards these so-called crimes life was very much more indulgent than fiction. Legend recounts that Herbert de Vermandois, who so vilely betrayed Charles the Simple, his lord and king, perished by hanging—the death of Judas; but history informs us that he died the most natural of deaths in his old age.

It was, of course, inevitable that there should be bad vassals as well as good ones; and also that many of them should oscillate between loyalty and faithlessness according to the interests or the mood of the moment. In face of so much seemingly contradictory evidence, is it not enough to repeat the words of the poet of the *Couronnement de Louis*?

*Là tous jurèrent le serment.  
Tel le jura, qui le tint bravement;  
Tel aussi, qui ne le tint point du tout.*

There, all did swear a solemn oath;  
And some there were who kept that bond,  
And some who kept it not at all.

There is certainly much in that. Deeply attached to tradition, but of violent manners and unstable temperament, the men of the feudal ages were in every way much more disposed to show formal respect for rules than to

<sup>1</sup> J. Depoin, *Recueil de Chartes et documents de Saint-Martin-des-Champs*, I, no. 47, and *Liber Testamentorum S. Martini*, no. XVIII.



obey them consistently in practice. We have already noted such contradictions in connection with the ties of kinship. Nevertheless it is fairly clear that in this case the root of the inconsistency must be sought elsewhere—in the institution of vassalage itself, in its changes and variations.

## 2 LEGAL TIES AND HUMAN CONTACT

About early vassalage, based on the group of armed followers gathered round the chief, there was a sort of cosy domestic flavour, which was expressed in its very vocabulary. The master was ‘the old man’ (*senior, herr*) or the giver of loaves (lord); the men were his companions (*gasindi*), his boys (*vassi*, thegns, knights), his bread-eaters (*buccellarii, hlafoetan*). Fealty, in short, was based at that time on personal contact and subjection shaded off into comradeship.

In, the course of time, however, this bond, which was originally restricted to the household, was greatly extended. This was partly because there was a continued desire on the part of the master to retain the loyalty of those who, after living for a time in his house, departed to fend for themselves, often on estates which he had given them. But the chief reason was that, in face of the growing anarchy, the great men, and still more the kings, hoped to find in this extremely strong tie, or in the imitation of it, a remedy for failing loyalties while, conversely, many persons whose existence was threatened saw in it the means of obtaining a protector. Anyone above a certain social rank who wished, or was bound, to serve was treated as a companion-in-arms.

But it was futile to attempt to impose in this way a quasi-domestic loyalty on persons who no longer shared either the board or the fortunes of the chief, persons whose interests frequently ran counter to his and who sometimes even, far from having been enriched by his gifts, had been obliged to surrender their own patrimony to him, in order to take it back burdened with new obligations. Eventually this fealty, so much sought after, became completely meaningless, and the dependence of one man upon another was soon no more than the concomitant of the dependence of one estate upon another.

Inheritance itself, instead of cementing the solidarity of two families, tended only to loosen the tie, since it was concerned above all with territorial interests: the heir did homage only for the purpose of keeping the fief. The problem arose in the case of the humble fiefs of artisans as well as honourable and knightly ones. It seems to have been resolved, in both cases, in much the same way. The son of the painter or the carpenter succeeded to his father’s property only if he had also inherited his craft.<sup>1</sup> Similarly the son of the knight received investiture only if he undertook to

<sup>1</sup> See, for example, the reference to a painter’s fief in B.de Broussillon, *Cartulaire de l’abbaye de Saint Aubin d’Angers*, II, no. CCCCVIII.

continue his father's services. But the skill of a qualified craftsman was a much more dependable factor than the devotion of a warrior, which might be easier to promise than to fulfil. By a very significant ruling an ordinance of 1291, in enumerating the grounds of objection which might be raised against the judges of the French royal court, holds that a vassal of one of the litigants may be suspected of partiality only if he holds a life fief. So feeble at that time did the hereditary bond appear!<sup>1</sup>

The sense of free choice was so far lost that it was no uncommon thing for a vassal to alienate the duties of vassalage along with the fief, and for the lord to give or sell the loyalty of his men along with his fields, his woods, and his castles. It is true that the fief could not, in theory, be transferred without the lord's permission. It is true that the vassals, for their part, were likely to claim that they could not be handed over without their own consent: official recognition of the right was, indeed, one of the favours granted in 1037 by the Emperor Conrad to the vavasours of Italy. Practice, however, soon overthrew these feeble impediments. Except in Germany—virtually preserved from this abuse, as we shall see, by an exceptionally strong sense of rank and status—the commercialization of feudal relations had, in addition, the absurd result that often a powerful individual was induced to become the man 'of mouth and hands' of someone much weaker than himself. Are we to believe that the great count who had acquired a fief in the *mouvance* of a petty lord ever took very seriously the rite of submission which an empty custom still required him to perform? Finally, despite the attempt to salvage the institution by means of liegeance, the plurality of vassal engagements—itsself a consequence of the weakening of the bond—ended by depriving it of any possibility of working effectively. From a comrade-in-arms whose devotion was sustained by constant gifts and personal contact, the vassal had degenerated into a sort of leaseholder, not over-eager to pay his rent of services and obedience. One restraining influence remained—the respect for the vassal's oath—and it was not without effect. But when the promptings of self-interest or passion were insistent this abstract impediment too often gave way.

Such at least was the case where vassalage lost its primitive character. There had been many stages in this process. It would be a mistake to regard as typical of vassal sentiment the often disturbed relations of the great or medial barons with the kings or territorial princes who were their lords. It is true that chronicles and *chansons de geste* seem to invite us to do so. For the resounding breaches of faith committed by these magnates attracted the attention of writers of history as well as of fiction; they were dramas played out in the foreground of the political stage. What do they prove, however, except that in thinking to attach their principal officials to themselves by a tie borrowed from quite a different sphere the Carolingians and their imitators had made a serious blunder?

<sup>1</sup> C.V.Langlois, *Textes relatifs à l'histoire du Partement*, no. CXL, c. 5 bis.

Lower down in the social scale, the texts afford a glimpse of groups much more closely ranged round chiefs who were better known to their vassals and better served. There were in the first place those landless knights, those 'bachelors' of the *mesnie*—in other words, the household (*maisonnée*)—whose condition for long centuries throughout the West continued to reproduce in its every feature the life of the early vassals.<sup>1</sup> The French epic did not misrepresent the position. Its great rebels—an Ogier, a Girart, a Renaud—are mighty feudatories. But what if it is a question of portraying a good vassal? There is Bernier in *Raoul de Cambrai*; Bernier, faithful despite the unjust war carried on against his family by his lord, faithful still after having seen his mother perish in the conflagration started by this 'Judas' and who, even when an atrocious insult has at last decided him to forsake the most deplorable of masters, seems never to know—any more than does the poet—whether he did right or wrong in committing this breach of fealty; Bernier, a simple squire, whose loyalty to his lord is reinforced by the memory, not of an estate received, but of a horse and clothing freely bestowed. These loyal servants were also recruited from among the more numerous body of modest vavasours whose petty fiefs were often grouped in the neighbourhood of the castle where they performed in rotation their tour of garrison duty. This group consisted of men too poor, as a rule, to hold their lands by virtue of more than one act of homage, or at least of more than one act of liege homage;<sup>2</sup> too weak not to attach a high value to the protection which alone could enable them to fulfil their duties. Since they were little involved in the great affairs of the time they were ready to focus both their interests and their feelings on the lord who summoned them regularly to his court, supplemented the scanty revenues of their fields or tenements with welcome gifts, received their sons as 'nurslings', and, finally, led them forth to joyous and profitable war.

Such were the circles in which, in spite of inevitable outbursts of resentment, the fealty of the vassal long survived in all its freshness, and in which also, when the old rites were finally outmoded, it was replaced, as we shall see, by other forms of personal dependence. To have been founded originally on affectionate comradeship at home and in arms; then, having forsaken the domestic circle, to have preserved something of its human value only where the degree of personal separation was least—this was the destiny of European vassalage and in this lies the explanation of its apparent paradoxes.

<sup>1</sup> To the French examples may be added, e.g., F.Chalandon, *Histoire de la domination normande en Italie*, II, p. 565; C.G.Homeyer, *System des Lehnrechts der sächsischen Rechtsbücher in Sachsenspiegel*, ed. Homeyer, II, 2, p. 273; W.Kienast, *Die deutschen Fürsten im Dienste der Westmächte bis zum Tode Philipps des Schönen von Frankreich*, II, p. 44.

<sup>2</sup> The point has not perhaps received sufficient attention: the French ordinance of 1188, on the 'tenth' for the crusade, which brings to mind these petty vassals, takes it for granted that they have a single liege lord.

**PART V**  
**Ties of Dependence among the**  
**Lower Orders of Society**



## XVIII THE MANOR

### 1 THE LORD'S ESTATE

THE relatively high social circles of which military homage was a characteristic feature were not the only ones where 'men' of other men were to be found. But at the lower level relationships of dependence found their natural setting in an arrangement which was much older than vassalage and which was for a long time to survive it. This was the manor (*seigneurie*). Neither the origins of the manorial régime nor its rôle in the economy fall within the scope of the present work: we are here concerned solely with its place in feudal society.

Whereas the authority deriving from vassal homage became a source of profit only belatedly and by an undoubted deviation from its original form, in the manor the economic aspect was of primary importance. There, from the beginning, the object—if not the exclusive, at least the principal object—of the powers enjoyed by the chief was to provide him with revenues by securing for him a portion of the produce of the soil. A manor was therefore first and foremost an estate (*terre*)—there was hardly any other word for it in spoken French—but an estate inhabited by the lord's subjects. As a rule the area thus delimited was in its turn divided into two closely interdependent parts. On the one hand there was the 'demesne', known also to historians as the 'reserve', all the produce of which was taken directly by the lord; on the other there were the tenements (*tenures*), small or medium-sized peasant holdings, which, in varying numbers, were grouped round the lord's 'court'. The superior real property right which the lord claimed over the cottage, the arable, and the meadow of the villein was expressed by his demand for a new investiture (rarely granted free of charge) every time they changed hands; by the right to appropriate them in case of default of heirs or by lawful confiscation; finally and above all, by the right to impose taxes and demand services. The latter consisted for the most part in agricultural labour services performed on the demesne. Thus, at least at the beginning of the feudal era, when these compulsory labour services were particularly heavy, the tenements not only added their contribution in produce or money to the revenues of the fields directly

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exploited by the master; they were in addition a source of man-power in the absence of which those fields must have lain fallow.

Needless to say, all manors were not of the same size. The largest, in the regions of nucleated settlements, covered the whole of the village territory. From the ninth century onward, however, this was probably not the most usual case; and in spite of some examples of successful concentration here and there it became in the course of time increasingly rare throughout Europe. No doubt this was a result of partitions amongst heirs; but it was also a result of the creation of fiefs. In order to pay his vassals for their services more than one chief had to parcel out his estates. Moreover, since it happened fairly often that—whether by gift or sale or as a result of one of those acts of territorial subjection, of which the mechanism will be described later—a powerful individual asserted his authority over a number of fairly widely-dispersed peasant farms, there were many manors which spread their tentacles over the lands of several villages at once, without coinciding exactly with any. In the twelfth century, manor and village were seldom any longer coterminous, except in the zones of recently cleared land where manors and villages had been founded together on virgin territory. The majority of peasants belonged therefore at one and the same time to two groups constantly out of step with each other; one of them composed of subjects of the same master, the other of members of the same village community. For the cultivators whose houses stood side by side and whose holdings were interspersed were perforce united—although they might be subject to different lords—by all manner of bonds of common interest, and indeed by submission to common agricultural practices.

This dualism was eventually to bring about a serious weakening of the lord's authority. As for the regions where families of patriarchal type lived either independently or two or three together in tiny hamlets, the manor there comprised as a rule a larger or smaller number of these little establishments; and this dispersion must have meant an appreciably looser structure.

### 2 THE EXTENSION OF THE MANORIAL SYSTEM

How extensive was the manorial regime? And if it is true that small islands of independence always existed, what was the proportion of these to the manors at different times and places? These are extremely difficult problems. For only the manors kept archives (those of the Church at least did so), and fields without lords are fields without a history. If an independent field by chance figures in the texts, it is only at the moment of its disappearance, so to speak—at the moment when a written document records its final absorption in the complex of manorial rights. Therefore the more lasting the independence of such lands, the more irremediable our ignorance of them is likely to be. In order to clear up a little of this obscurity, we ought at least to distinguish carefully two forms of subjection:

that which affected a man in his person, and that which affected him only as the holder of a certain piece of land. Undoubtedly, the two forms were closely related; so much so that one of them frequently involved the other. In the lower classes, however—in contrast with the world of vassalage and the fief—they were far from identical. Let us begin with dependence on the land or through the land, leaving for the next chapter the discussion of personal conditions.

In the countries where Roman institutions, themselves superimposed on ancient Italic or Celtic traditions, had left a deep impress on rural society, the manor had already under the early Carolingians assumed a very definite shape. For all that, it is not difficult to find evidence in the *villae* of Frankish Gaul or Italy of the various elements from which they had been formed. Among the tenements or—to employ the name given to the most important of them, which were characterized by their indivisibility—the *mansi*, a certain number were described as ‘servile’. This epithet, like the heavier and more arbitrary obligations to which they were subjected, recalled the time when the masters had created them by allotting to their slaves, whom they were transforming into farmers, vast portions of their former *latifundia*, which had ceased to be profitable under direct exploitation. This process of parcelling out estates, having also attracted free cultivators, had given rise simultaneously to other types of grant destined to be placed in the general category of ‘free’ tenements, which term recalled the condition of personal freedom enjoyed by their original tenants. But among the very considerable number of tenements so described the majority were of very different origin. Far from originating in grants made in the process of whittling down a great estate, they had always been peasant farms, as old as agriculture itself. The rents and compulsory services with which they were burdened had been originally only the mark of the subordination of the occupants to a village chief, or the head of a tribe or clan, or a patron—masters who had been gradually transformed into lords in the true sense. Finally—just as in Mexico in recent times groups of peasant proprietors were to be found side by side with the *haciendas*—there still subsisted a substantial number of genuine rural allods, exempt from seignorial rule.

As for the truly Germanic regions—of which the purest type was unquestionably the Saxon plain between Rhine and Elbe—in these areas also many slaves, freedmen, and doubtless even free farmers were established on the estates of the powerful, in return for rents and services. But among the peasant body the distinction between manorial dependants and allodialists was much less clearly drawn because only the first indications of the manorial system itself had so far appeared. The stage had still hardly been passed in which a chief of a village or part of a village was in process of becoming a lord; the gifts he traditionally received—as Tacitus bears witness in the case of the German chiefs—were only beginning to be transmuted imperceptibly into rents.



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Now, during the first feudal age, the evolution of the two sections of the Frankish empire followed the same course. There was a uniform tendency towards increasing manorialization. A more or less complete fusion of different kinds of tenure; the acquisition of new powers by the manors; above all the transference of many allods to the control of a powerful individual—this happened everywhere or almost everywhere. Furthermore, where at the outset the only relationships of territorial dependence that existed were still somewhat loose and unstable, these were gradually regularized, giving rise to genuine manors. Let us not imagine that these developments were uniformly spontaneous. They were subject to the play of particular influences, favoured by the circumstances of immigration or conquest. This was seen in Germany where, in the south, from before the Carolingian age, and then, during that period, in Saxony itself, the bishops, the abbots, and the other great men who had come from the Frankish kingdom helped to spread the social habits of their country among a native aristocracy ready to imitate them. It was seen still more clearly in England. So long as Anglo-Saxon or Scandinavian traditions predominated there, the network of territorial dependence remained singularly tangled and unstable; the demesne and the tenements were but imperfectly linked together. It was not till after 1066, under the brutal compulsion of foreign masters, that a manorial regime of exceptional rigour made its appearance.

In this triumphant progress of the manor the abuse of force had nowhere been a negligible factor. With good reason the official texts of the Carolingian period were already deploring the oppression of the 'poor' by the 'powerful'. The latter, as a rule, had little desire to deprive men of their land; for the soil without labour to till it was of little value. What they wanted was to assert their authority over the small cultivators along with their fields.

In the achievement of this object many of them found a valuable weapon in the administrative structure of the Frankish state. Whoever still enjoyed complete freedom from any seignorial authority was, in theory, directly dependent on the king; which meant, in practice, on his officials. The count or his representatives conducted these people to the king's army, presided over the courts which tried them, and levied on them such public taxes as remained—all this, of course, in the king's name. But was the distinction clearly appreciated by those who were subject to these obligations? At all events, it is certain that the royal officials were not slow to exact taxes or labour services, for their own benefit, from the free subjects thus committed to their care. This, admittedly, was done under the honourable name of a voluntary gift or service. But soon, as one capitulary declares, the abuse became 'custom'.<sup>1</sup> In Germany, where the old Carolingian edifice took a long time to disintegrate, at least the new rights sprung from this usurpation remained, in a considerable number of cases, linked to the office; and the

<sup>1</sup> *Cap.*, I, no. 132, c. 5.

count exercised them, as such, over men whose property had not been annexed to his manorial estates. Elsewhere, as a result of the dividing-up of the count's authority—amongst the heirs of the first holder of the office, or the count's subordinates or vassals—the former allodialist, henceforth subject to rents and labour services, ended by being merged completely in the mass of manorial subjects and his fields became tenements.

Moreover, it was not necessary to hold an office in order to exercise legitimately a portion of the public authority. By the operation of the Frankish 'immunity', which will be studied later, the majority of ecclesiastical lords and a great number of lay potentates had acquired by delegation a fraction at least of the judicial powers of the State as well as the right to collect for their own profit certain of its revenues. This, of course, applied only to the estates which were already dependent on them or were to become so in the future. The immunity strengthened the lord's authority; it did not—at least in theory—create it. But these manors were only rarely all in one piece. Small allodial estates were often to be found in their midst, and to make contact with these became extremely inconvenient for the royal officials. Sometimes, it appears, the judicial and fiscal rights over them were abandoned to the holder of the immunity by the express decision of the sovereign. Much more often and much more quickly, the allods succumbed of their own accord to this inevitable attraction.

Finally, and this was not the least frequent case, downright violence was employed. About the beginning of the eleventh century, there was in Lorraine a widow living on her allodial estate. Since the death of her husband had left her without a protector, the agents of a neighbouring lord attempted to extort from her the payment of a quit-rent, as a sign of the dependent character of the estate. The attempt in this case failed because the woman placed herself under the protection of the monks.<sup>1</sup> How many similar claims, with no better foundation in law, were more successful! *Domesday Book*, which offers us two successive cross-sections, as it were, of English agrarian history, one immediately before the Norman Conquest, the other eight to ten years later, shows how during the inter-vening period many little independent estates had been unceremoniously 'attached' to the adjacent manors. A German or French *Domesday Book* of the tenth century, if there were one, would certainly record many plain 'attachments' of this sort.

Nevertheless manors expanded by another method, too, which, in appearance at least, was much less open to criticism—namely, by virtue of contracts. This was perhaps the most common method. The petty allodialist surrendered his land—sometimes, as we shall see, together with his person—to take it back subsequently in the form of a tenement, just like the knight who converted his allod into a fief, and with the same ostensible purpose

<sup>1</sup> A.Lesort, *Chroniques et chartes...de Saint-Mihiel*, no. 33.

of securing a protector. These agreements were invariably represented as being entirely voluntary. Were they so, in fact, everywhere and at all times? The adjective could be employed only with strong reservations. There were undoubtedly many ways of imposing one's protection on someone weaker than oneself; one would only need to begin by dunning him. Add to this the fact that the first agreement was not always respected. When the people of Wolen, in Alemannia, took a local landowner as their protector they promised him only a quit-rent; but soon, by assimilation to other tenants of the same powerful man, they were forced to perform labour services and denied the use of the neighbouring forest except on payment of rents.<sup>1</sup> Once get a finger trapped in the machine and your whole body may be drawn into it. Let us not imagine, however, that the situation of the lordless man appeared uniformly enviable. The peasant of Forez who, as late as 1280, transformed his allod into a villein tenement on condition of being henceforth 'protected, defended and warranted' (*garde, défendu et garanti*) by the Hospitallers of Montbrison, his new lords, 'as are the other dependants of that house', doubtless thought he was doing something to his advantage.<sup>2</sup> And yet this was a less troubled period than the first feudal age. Sometimes a whole village submitted itself in this way to a powerful man. It was an especially frequent occurrence in Germany, where, at the beginning of the evolution, there were still a large number of rural communities enjoying complete freedom from seignorial authority. In France and in Italy where, from the ninth century, the lord's power was much more developed, deeds of conveyance assumed as a rule an individual character. They were no less numerous on that account. About the year 900, as many as fourteen free men had burdened their own property with labour services in this way, in favour of an abbey at Brescia.<sup>3</sup>

Indeed, the most flagrant brutalities as well as the most genuinely spontaneous contracts proclaimed the influence of the same fundamental cause, namely, the weakness of the independent peasants. Let us not attempt to explain it as the result of economic adversity. That would be to forget that the expansion of the manorial regime was not confined to the country districts: even in a good many of the cities, few of which had known anything of the kind in Roman times, the system of the tenement, with its normal obligations, was introduced on the same lines as in the ancient rural *villa*. What is more, such an explanation would assume a contrast between farming methods in large and small landholdings respectively; a contrast which may hold good of other societies, but certainly not of this one. For the manor was first and foremost an agglomeration of small dependent farms; and on becoming a tenant the allodialist, though assuming new obligations, in no way changed his farming methods. He sought or

<sup>1</sup> *Acta Murensia*, in *Quellen zur Schweizer Geschichte*, III, 2, p. 68, c. 22.

<sup>2</sup> *Chartes du Forez antérieures au XIVe siècle*, no. 500 (t. IV).

<sup>3</sup> *Monumenta Historiae Patriae*, XIII, col. 711.

submitted to a master only on account of the inadequacy of the other social arrangements—the kinship groups or the authority of the State. The case of the men of Wolen is significant. Victims of the most flagrant tyranny, they tried to make their complaint to the king, but finding themselves in the midst of a great court in full session they failed, with their rustic speech, even to make themselves understood. It is true that the lack of an effective government was partly due to the sluggishness of trade and monetary circulation. It is also true that the same factors, by depriving the cultivators of any reserve of cash, helped to undermine their capacity for resistance. But it was only in such indirect ways as this that economic conditions contributed to the social crisis of the peasantry. In the humble drama of rural life we recognize an aspect of the same development which, at a higher social level, impelled so many men to submit themselves to the ties of vassalage.

Moreover, in this connection it is enough to refer to the diversity of examples with which Europe presents us. The Middle Ages knew one extensively manorialized, but not feudalized, society—Sardinia. It is not surprising that, in this land long isolated from the great currents which swept the continent, an ancient system of rural chiefdoms, regularized during the Roman period, could be maintained without the power of the local aristocracies assuming the specific form of Frankish commendation. On the other hand, there were no countries without manors which were not at the same time countries without vassalage, as witness most of the Celtic societies of the British Isles; the Scandinavian peninsula; and finally, in Germania itself, the low-lying regions along the shores of the North Sea—Dithmarschen, beyond the estuary of the Elbe, and Frisia, from the Elbe to the Zuiderzee. This applies to the last-named country till the fourteenth or fifteenth century, when certain dynasties of ‘chiefs’—the word is an of free peasants. Strong in the possession of landed wealth accumulated exact translation of the Frisian *hoveling*—raised themselves above the mass from generation to generation, in the armed bands which they maintained and by their seizure of certain judicial functions, these petty village tyrants succeeded late in the day in creating for themselves what was really a manorial system in embryo. The fact was that at this time the old framework of Frisian society, based essentially on the ties of kinship, was beginning to crack. In the period when feudal institutions were at their height, these non-feudal societies on the fringes of the West were certainly not unfamiliar with the dependence of the small farmer (whether slave, freed-man or free man) upon a richer man than himself, or the devotion of the companion to the prince or the leader of the war-band. But they had nothing which recalled the vast, hierarchically-organized system of peasant subjection and military vassalage to which we give the name of feudalism.

Shall we attribute the sole responsibility for this to the absence of any enduring Frankish influence—seeing that in Frisia itself the administrative

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organization which the Carolingians had for a time imposed collapsed at an early date? This factor is undoubtedly important; but it chiefly applies to the inability of companionship to transform itself into vassalage. The dominant facts went beyond questions of influence. Where every free man remained a warrior, liable to be constantly called to service and distinguished from the pick of the fighting-men by nothing essential in his equipment, the peasant had no difficulty in avoiding subjection to the manorial regime, while the groups of armed retainers failed to develop into a clearly specialized knightly class with a legal structure of its own. Where men of all ranks were able to rely for support on other forms of strength and solidarity than personal protection—kindred groups especially among the Frisians, the people of Dithmarschen and the Celts, kindred groups again among the Scandinavians, but also institutions of public law of the type common to the Germanic peoples—neither the relationships of dependence peculiar to territorial lordship, nor vassalage and the fief invaded the whole of social life.

Furthermore, just as was the case with the feudal system proper, the manorial regime was destined to reach a state of perfection only in the countries where it had been imported bag and baggage. In the England of the Norman kings there were no peasant allods any more than there were knightly ones. On the continent the peasant allod was much harder to eliminate. It is true that in France between the Meuse and the Loire, and in Burgundy, it had become extremely rare in the twelfth and thirteenth centuries; over wide areas it seems to have disappeared altogether. But there were peasant allods, in varying but always appreciable numbers, in south-western France, in certain provinces of central France like Forez, in Tuscany, and above all in Germany, where Saxony was their favourite soil. These were the very regions where, by a striking parallelism, the allodial estates of the nobility survived—agglomerations of tenements, demesnes and political authority owing homage to no one. The manor was something much older than the institutions truly characteristic of the first feudal age. But its progress during this period, like its partial setbacks, is explained—everything points to this conclusion—by the same causes which contributed to, or militated against, the success of vassalage and the fief.

### 3 LORD AND TENANTS

Apart from contracts of individual subjection—and these were generally imprecise in their terms and quickly forgotten—the relations of the lord with the tenants were regulated only by 'the custom of the manor'. So true was this that in France the ordinary name for rents was simply 'customs' and that of the person who owed them 'customary man'. From the first appearance of a rudimentary form of manorial system—as far back as the Roman Empire, for example, or Anglo-Saxon England—it was this peculiar

tradition which really defined each manor, as a human group, by distinguishing it from its neighbours. The precedents which thus governed the life of the community were themselves necessarily of a communal kind. That a tax has ceased to be paid by a particular holding almost since time immemorial makes no difference, says in effect a judgment of the Parlement of Paris in the reign of St. Louis; if the other holdings have paid it regularly all this time, it is compulsory also for the one which has so long evaded it.<sup>1</sup> This at least was the opinion of the jurists. Actual practice must often have been more elastic. In theory, everyone was required to observe these ancestral rules—the master as well as the dependants; but this professed respect for what had been done before was characteristically deceptive. For although they were linked together through the ages by a supposedly unchanging custom nothing was less like the manor of the ninth century than the manor of the thirteenth.

The responsibility for this state of things cannot be ascribed to the defects of oral transmission. In the time of the Carolingians, many lords, after inquiry, had had the customs of their estates set down in writing, in the form of those detailed descriptions which were later called ‘surveys’ (*censiers*) or ‘terriers’. But the pressure of local social conditions was stronger than respect for the past.

Through the innumerable conflicts of daily life legal memory was unceasingly stocked with new precedents. Above all, a custom could only be really binding where there was an impartial and effective judicial authority to enforce it. In the ninth century, in the Frankish state, the royal courts came to assume this rôle; and if the only decisions of these courts which are known to us are invariably unfavourable to the tenants the reason is perhaps simply that the ecclesiastical archives were not greatly concerned to preserve the others. Subsequently, the appropriation of judicial authority by the lords ruled out the possibility of recourse to the royal courts. The most scrupulous of lords did not hesitate to defy tradition when it interfered with their own interests or with those entrusted to them. Thus we find Abbot Suger, in his memoirs, congratulating himself on having been able to force the peasants of one of his estates to replace the quit-rent in money, which within living memory they had always paid, by a rent proportional to the harvest, from which more profit could be expected.<sup>2</sup> Almost the only forces that were now capable of counterbalancing (often very effectively, it is true) the abuses of power by the masters were the peasantry’s remarkable capacity for passive resistance and, on the negative side, the inefficient management of the manors.

Nothing varied more from manor to manor according to locality, nothing exhibited more diversity, than the burdens of tenancy in the first feudal

<sup>1</sup> *Olim.*, I, p. 661, no. III.

<sup>2</sup> Suger, *De Rebus*, ed. Lecoy de la Marche, c.X., p. 167.

age. On certain days, the tenant brings the lord's steward perhaps a few small silver coins or, more often, sheaves of corn harvested on his fields, chickens from his farmyard, cakes of wax from his beehives or from the swarms of the neighbouring forest. At other times, he works on the arable or the meadows of the demesne. Or else we find him carting casks of wine or sacks of corn on behalf of the master to distant residences. His is the labour which repairs the walls or moats of the castle. If the master has guests the peasant strips his own bed to provide the necessary extra bed-clothes. When the hunting season comes round, he feeds the pack. If war breaks out he does duty as foot-soldier or orderly, under the leadership of the reeve of the village. The detailed study of these obligations belongs primarily to the study of the manor as an economic Enterprise' and source of revenue. We shall confine ourselves here to stressing the facts of the evolution which most profoundly affected the human tie proper.

The dependence of the peasant farms on a common master was expressed by the payment of a sort of land rent. In this respect the work of the first feudal age was above all one of simplification. A fairly large number of dues which were paid separately in the Frankish period ended by being combined in a single quit-rent; and this in France, when it was paid in money, was generally known by the name *cens*. Now, among the earliest taxes, there were some which the manorial administrations had originally, in theory, levied only on behalf of the State. (An example is the purveyance formerly due to the royal army, or the payment which was substituted for it.) Their embodiment in an obligation which benefited only the lord and was conceived of as the expression of his superior rights over the soil attests with a peculiar clarity the preponderance acquired by the local power of the little chief of a group, at the expense of any higher social bond.

The problem of inheritance, one of the most delicate which the institution of the military fief had set, had almost no place in the history of rural tenements—at least during the feudal era. Almost universally, the peasants succeeded each other from generation to generation on the same fields. Occasionally, as will be explained later, collaterals were excluded when the tenant was of servile status; but the right of descendants was always respected, provided that they had not already deserted the family circle. The rules of succession were fixed by the old regional usages, without any interference from the lords, save for their efforts, at certain periods and in certain districts, to ensure the indivisibility of the property, which was considered necessary for the accurate levying of taxes. What is more, the hereditary succession of tenants seemed so much a matter of course that as a rule the texts, taking the principle as already established, did not trouble to mention it, except incidentally. Doubtless one reason for this was that with the majority of peasant farms, before the village chief-doms transformed themselves into lordships, hereditary succession had been the

immemorial custom; and it had gradually been extended to the holdings more recently carved out of the demesne. Moreover it was not in the interest of the lords to break with this practice. At this period, when land was more plentiful than men, when moreover economic conditions precluded the exploitation of excessively large demesnes with the help of hired labour or workers maintained in the lord's household, it was better for the lord instead of keeping all the plots of land in his own hands to have permanently at his disposal the labour and resources of dependants who were in a position to maintain themselves.

Of all the new 'exactions' imposed on the tenants, the most characteristic were the monopolies of many different kinds which the lord arrogated to himself at their expense. Sometimes he reserved for himself the right to sell wine or beer at certain times of year. Sometimes he claimed the sole right to provide, in return for payment, the services of bull or boar for stud purposes, or again to supply the horses which, in certain regions of southern France, were used to tread out the corn on the threshing-floor. More often he forced the peasants to grind their corn at his mill, to bake their bread in his oven, to make their wine in his wine-press. The very name of these exactions was significant. They were normally called *banalités*. Unknown in the Frankish period, their sole foundation was the lord's acknowledged power to give orders, signified by the old Germanic word *ban*. This was a power obviously inseparable from any authority exercised by a chief and therefore in itself, as a part of the lord's authority of great antiquity; in the hands of petty local potentates, however, it had been greatly reinforced by their rôle as judges. The distribution of these *banalités*, by area, is no less instructive. France, where the weakening of governmental authority and the usurpation of judicial rights had been carried farthest, was their favourite soil. Yet even there they were chiefly exercised by those of the lords who held the highest form of judicial rights, known as *haute justice*. In Germany, where they did not extend to such a large number of activities, they seem frequently to have been retained by the direct heirs of the counts, those judges *par excellence* of the Frankish state. In England, they were introduced only by the Norman Conquest, and even then incompletely. Evidently the less effective the competition from the other *ban*—that of the king or his representatives—the more pervasive and profitable was the lord's authority.

The parish church was dependent almost everywhere on the local lord, or if there were several in the same parish, on one of them. Usually the church would have been built not long before by one of his predecessors on the demesne. But that condition was not necessary in order to justify an appropriation of this kind; for the idea prevailed at that time that the place of public worship belonged to the worshippers. Where, as in Frisia, the manor did not exist, the church belonged to the village community itself; in the rest of Europe the peasant group, having no legal existence, could be



represented only by its chief or one of its chiefs. This right of ownership, as it was called before the Gregorian reform, or of 'patronage', as it was later more modestly labelled, consisted primarily in the power to nominate or 'present' the priest in charge. But the lords also claimed to derive from it the right to take for their own benefit a part at least of the parish revenues. Of the latter the fees, though not negligible, scarcely amounted to a large sum. Tithe brought in much more. After having long been considered a purely moral duty, the payment of tithe had been rigorously imposed on all the faithful—in the Frankish state by the first Carolingians and in Britain, about the same time, by the Anglo-Saxon kings, their imitators. It was, in theory, a tax of one-tenth, collected in kind and levied on all forms of income, without exception. Actually it came very soon to be applied almost exclusively to agricultural produce. The appropriation of tithe by the lords was by no means complete. England was to a large extent free from this abuse owing to the tardy development there of the manorial system. Even on the continent the parish priest frequently, and the bishop occasionally, retained a certain proportion. Moreover, the religious revival born of the Gregorian reform quickly brought about the 'restitution' to the clergy (which in practice meant to the monasteries in most cases) of many tithes—together with a still greater number of churches—which had earlier fallen into lay hands. Nevertheless, the appropriation of this revenue of spiritual origin by eminently temporal masters, in the first feudal age, had been one of the most striking as well as one of the most profitable achievements of a power which certainly appeared to repudiate the right of anyone else to demand anything from its subjects.

The pecuniary aid or tallage (*taille*) required of the rural tenants arose, like the tallage of vassals and at about the same time, out of the general duty incumbent on every subordinate to give succour to his chief. Like the vassals' tallage it tended at first to masquerade as a gift, and this fiction was till the end commemorated in some of the names which it bore: in France, *demande* or *queste*, in Germany *Bede*, which means prayer. But it was also called, more frankly, *toulte* from the verb *tolir*. 'to take'. Its history, though it began at a later date, was not unlike that of the manorial monopolies. It was very widespread in France, and it was imported into England by the Norman conquerors; but in Germany it remained the privilege of a smaller number of lords—those who exercised the higher judicial powers, which were less divided up in that country than in France. (In the feudal era the most powerful individual was always the judge.) No more than the tallage of the vassals did the tallage of the peasants escape the regularizing influence of custom, though the results were perceptibly different. Since the peasant taxpayers were not as a rule strong enough to secure a strict definition of their obligations, the tax, which had at first been exceptional, was levied at more and more frequent intervals as the circulation of money increased. This process, moreover, was marked by

great variations from manor to manor. In the Île-de-France, about the year 1200, estates where tallage was collected annually or even biennially adjoined others where it was collected only at irregular intervals. The law almost everywhere was uncertain. This newest of manorial burdens was not only too recent to be incorporated easily in the fabric of 'good customs'; the irregularity with which it was collected and, even where its recurrence had been regularized, the uncertainty of the sum exacted on each occasion caused it to retain an arbitrary character. In Church circles, 'worthy people', as a Parisian text says, questioned the legality of tallage, and it was particularly hateful to the peasants whom it frequently drove to active revolt. Half-crystallized in an age of monetary scarcity, the tradition of the manor did not lend itself easily to the needs of a new economy.

Thus the tenant at the end of the twelfth century paid tithe, tallage and the multifarious dues of the *banalités*—all exactions which, even in the countries where the manor had been in existence longest, his ancestor of the eighth century, for example, had not known. Unquestionably compulsory payments had become heavier, though not without—in certain regions, at least—some compensating reduction of compulsory labour services.

For—by a sort of prolongation of the process of dismemberment from which the Roman *latifundium* had formerly suffered—the lords in a great part of Europe began to parcel out vast portions of their demesnes. Sometimes they distributed them piecemeal to their old tenants; sometimes they carved them up into new tenements; occasionally they even formed them into little vassal fiefs, soon in their turn to be broken up into peasant holdings. Provoked mainly by economic causes which it is impossible for us to examine here, the movement seems to have started as early as the tenth and eleventh centuries in France and Lotharingia, as well as in Italy; it had reached trans-Rhenish Germany a little later and—more slowly still and not without some capricious regressions—England, where the manorial system itself was of more recent origin. Now a decline in the size of the demesne meant also, of necessity, abolition or reduction of compulsory labour services. Where the tenant under Charlemagne owed several days a week, in the France of Philip Augustus or St. Louis he no longer worked in the fields or meadows of the demesne more than a few days a year. The development of new 'exactions' not only varied from country to country, according to the extent to which the right to issue orders had been taken over; it operated also in direct ratio to the lord's abandonment of personal exploitation of the estate. Having both more time and more land, the peasant could pay more. And the master, naturally, sought to recover on one side what he lost on the other. If in France the mill had not been the monopoly of the lord, how could it have continued to function once the supply of corn from the demesne had ceased? Nevertheless, by ceasing to exact labour from his subjects throughout the year, by transforming them

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into producers, heavily taxed certainly, but economically autonomous, by himself becoming a landed proprietor pure and simple, the lord, where this evolution was fully accomplished, inevitably allowed some small relaxation of the bond of human domination. Like the history of the fief, the history of the peasant holding was, in the long run, that of the transition from a social structure founded on service to a system of land rent.

## XIX

### SERVITUDE AND FREEDOM

#### 1 THE STARTING POINT: PERSONAL STATUS IN THE FRANKISH PERIOD

IMAGINE the problem confronting a man in the early ninth century, trying to determine the differences in legal status among a group of assorted human beings in, say, the Frankish state. He might be a high official of the Palace on a mission in the provinces, a bishop counting his flock, a lord taking a census of his subjects. There is nothing fanciful in the situation; we know of more than one actual attempt of this kind, and the impression conveyed is that there was much hesitation and disagreement. In the same region, at more or less the same date, we almost never find two manorial surveys (*censiers*) employing the same criteria. Evidently, to contemporaries the structure of the society in which they lived did not possess clear-cut contours. The fact was that very different systems of classification cut across each other. Some, borrowing their terminology indifferently from Roman or from Germanic traditions—traditions that were themselves in conflict—were now very imperfectly adapted to the present; others tried their best to express the reality but did it clumsily.

One fundamental and very simple contrast prevailed; on one side were free men, on the other slaves (in Latin *servi*). If we allow for the way in which the harshness of theory was mitigated by whatever still survived of the humanitarian legislation of the Roman emperors, by the spirit of Christianity, and by the inevitable compromises of everyday life, the *servus* remained, in law, the chattel of the master, who had the unrestricted disposal of his person, his labour, and his property. In consequence, having no legal personality of his own, he appeared as an alien being, outside the ranks of the community. He was not summoned to the royal host. He did not sit in the judicial assemblies, could not bring an action there in his own right, and was not justiciable by them unless, having committed a grave offence against a third party, he found himself handed over by his master to the justice of the State. That *the populus Francorum* was composed only of free men, independently of any ethnic distinction, is proved by the fact that the national name and the legal status came in the end to be synonymous. *Libre* or *franc*—the two words became interchangeable.

On closer examination, however, this apparently sharp antithesis gives a very inaccurate picture of the real diversity of conditions. Among the slaves themselves—and they were relatively few in number—their diverse ways of life had led to profound differences. A certain number of them, employed partly in the lower forms of domestic service, partly in agricultural labour, were maintained in the master's house or on his farms. These continued to be regarded as human cattle, officially classified as movable property. The tenant-slave, on the other hand, had his own dwelling; he subsisted on the produce of his own labour; nothing prevented him from selling for his own benefit the surplus of his harvest, if there chanced to be any; he was no longer directly dependent on his master for support and the latter seldom interfered with him. Undoubtedly he remained subject to terribly heavy burdens imposed by the possessor of the domanial 'court'. But at least the burdens were limited; sometimes in law, invariably in fact. Certain surveys, indeed, may tell us that a man 'must serve at all times when he shall be ordered to do so'; in practice, the acknowledged interest of the master induced him to leave each small peasant the workdays necessary to cultivate his holding—otherwise the very substance of the revenues would have disappeared. Leading a life very like that of the 'free' tenants, with whose families they often inter-married, the 'domiciled' *servi* were drawing near to them through an all-important feature of their legal status. The royal courts recognized that even the serf's duties were fixed by the custom of the manor—a stability absolutely contrary to the very conception of slavery, of which the arbitrary authority of the master was an essential element. Finally, certain slaves figured, as we know, in the bodies of armed retainers who surrounded the great. The prestige of arms, the confidence they inspired, in short (to borrow the words of one capitulary) 'the honour of vassalage' ensured for them in society a rank and possibilities of influence so far outweighing any social stigma attaching to their condition that the kings thought it advisable, as an exceptional measure, to require of them that oath of fealty which in theory was taken only by the true 'Franks'.

As regards the free men, the confusion seemed even greater. Distinctions of wealth, which were considerable, did not fail to be reflected in distinctions of law. The person, however well-bora he might be, who could not be summoned to the army because he was too poor to equip himself, or simply because he could not afford to come—should he still be regarded as a true member of the Frankish people? He was, at most, as one capitulary declares, only a 'free man of the second order'; another capitulary, more brutal in its frankness, contrasts 'the poor' with the 'free'.<sup>1</sup> Above all, the majority of those who were in theory free men, besides being subjects of the king, were also dependants of this or that particular chief, and it was the almost infinite gradations of this subordination which mainly determined the condition of the individual in each case.

<sup>1</sup> *Cap.*, I, no. 162, c. 3, no. 50, c. 2.

The tenants of the manors, when they were not of servile status, generally appeared, in the official Latin documents, under the name of *coloni*. Many of them, in the parts of the Frankish state which had formerly been Roman, were in fact undoubtedly descended from ancestors who had been subject to the laws of the colonate. But bondage to the soil, which had formerly been the essential characteristic of this status, had almost fallen into desuetude. Several centuries before, under the Later Empire, the idea had been conceived of binding practically every man to his hereditary task as well as to his share of taxation—the soldier to the army, the artisan to his craft, the decurion to the municipal senate, and the farmer to his land, which he was not to quit and from which the owner could not remove him; and the power of a government ruling over vast areas had at that time almost brought about the realization of this dream. The barbarian kingdoms, on the contrary, did not possess—any more than did the majority of the medieval states which succeeded them—the strength to pursue the runaway peasant or prevent a new master from receiving him. Moreover, the decay of the land tax in the hands of inexpert governments had removed almost all incentive to such efforts. It is significant that in the ninth century we find many *coloni* established on servile tenements (tenements, that is to say, which had formerly been allotted to slaves), and many slaves on ‘free’ tenements, originally assigned to *coloni*. This lack of accord between the status of the man and the status of the land—of which the specific obligations continued to recall the past—not only increased the confusion of classes; it showed to what an extent the rule of perpetual succession on the same tract of land had ceased to be observed.

Furthermore, the abstract concept in Roman law which made the *colonus* (a free man by personal status) ‘the slave of the estate on which he was born’, in short the dependant not of an individual but of a thing, became meaningless in an age too realistic not to reduce all social relationships to an exchange of obedience and protection between beings of flesh and blood. Whereas an imperial edict had said ‘the *colonus* must be returned to the estate whence, he came’, the manual of Roman law compiled at the beginning of the sixth century for the needs of the Visigothic state was already decreeing ‘that he be returned to his master’.<sup>1</sup> There can be no doubt that the *colonus* of the ninth century remained, like his distant predecessor, a free man in the eyes of the law. He took the oath of fealty to the sovereign. He occasionally attended the judicial assemblies. Nevertheless he had only very rare and very indirect contacts with the governmental authorities. If he went to the royal army, it was under the banner of the chief from whom he held his tenement. If he had to go to court, the effect of the immunities and, still more, of the usages which those privileges as a rule merely confirmed, was to impose this lord on him once again as his normal judge. Increasingly, in short, his place in society was defined by his

<sup>1</sup> *Lex Romana Visigothorum*, ed. Haemel, *Cod. Theod.*, V, 10, 1, and *Interpretatio*.

subjection to another man, a subjection so strict, indeed, that it was a matter of course to regulate his family status by forbidding him to marry outside the manor. His union with a fully free woman was treated as an 'unequal marriage'; the canon law sought to refuse him entry into holy orders, while the secular law inflicted on him corporal punishments formerly reserved for slaves; finally, when his lord released him from his burdens, this act was often called enfranchisement. Not without reason, in contrast with so many terms from the vocabulary of legal Latin, the word *colonus* in the end bequeathed no derivatives to the Gallo-Romanic tongues. The survival of other words which also described status was naturally subject to many distortions of meaning; but the fact that they survived at all bears witness to the feeling, or the illusion, of continuity. From the Carolingian age the *colonus*, on the other hand, began to be merged in the uniform crowd of manorial dependants, whom the charters lumped together under the name of *mancipia* (formerly the synonym, in classical Latin, for slaves) and the vernacular under the still vaguer designation of 'men' of the master. While very close to the class of 'domiciled' slaves in one respect he was, in another, virtually identified (to such a degree that there is sometimes no difference in the names employed) with those clients properly so-called who were not fighting-men.

For, as we know, the practice of commendation was not confined to the upper classes. Many free men of modest rank sought a protector, without on that account being prepared to become his slaves. As they handed over their land to him, to take it back subsequently as a tenement, a relationship of a more personal character was formed between the two individuals, which for a long time remained ill-defined. Gradually it acquired a more precise character by borrowing some features from another form of dependence, which was very widespread and for that reason predestined, as it were, to serve as a model for all ties of subjection of the humbler sort. This was the status of freedman *cum obsequio*, 'owing obedience'.

In the countries which made up the Frankish state, innumerable enfranchisements of slaves had taken place since the later centuries of the Roman Empire. In the time of the Carolingians, many others had been granted every year. From the masters' point of view there was everything to be said for this policy. The transformations of the economy favoured the dissolution of the great teams which but a little while before had served to cultivate the now sub-divided *latifundia*. Just as men recognized that in future this wealth would have to be based on the exaction of rents and services rather than on the direct exploitation of vast estates, so the desire for power, in its turn, found in the protection extended over free men—members of the people—a much more effective instrument than the possession of human cattle with no legal rights of their own. Finally, concern for their own salvation, especially acute as death drew near, disposed people

to pay heed to the voice of the Church which, if it was not opposed to slavery as such, none the less made the liberation of the Christian slave an act of especial piety. Moreover the attainment of freedom had been at all times, at Rome as well as in Germania, a normal culmination in the lives of many slaves; and in the barbarian kingdoms it seems probable that the process had been gradually accelerated.

But it would seem that the masters only showed themselves so generous because they were far from being obliged to surrender everything. Nothing is more intricate, at the first approach, than the legal system of enfranchisement in the Frankish state of the ninth century. The traditions of the Roman world on the one hand, and a variety of Germanic laws on the other, furnished a multitude of different ways of carrying out the act of enfranchisement and fixed the status of those who benefited by it in a bewildering variety of terms. To mention only practical effects, however; they all agreed in offering the choice between two main types of procedure. Sometimes the freedman was no longer subject to any private authority save that of those whose support he might later seek of his own free will. Sometimes, on the contrary, he remained liable, in his new status, to certain duties of submission, either towards his former master or towards a new one—a church, for example—to whom that master agreed to surrender him. Since these obligations were generally regarded as transmissible from generation to generation, their effect was to create a true hereditary clientage. The first type of ‘manumission’—to employ the language of the time—was rare; the second (*cum obsequio*) was very frequent, since it alone corresponded to prevailing needs. The ‘manu-mitter’ might agree to give up a slave, but he was determined to keep a dependant. The ‘manumitted’ one himself, being afraid to live without a protector, thus found there and then the desired protection. The contract of this subordination was considered so binding that the Church, which preferred full independence for its priests, was reluctant to grant ordination to these new free men who, in spite of their name, remained subject to what it regarded as too rigorous a bondage. Usually the freedman was at the same time the tenant of his patron, either because he had been ‘domiciled’ (*chasé*) by him before getting rid of the servile stigma, or because the grant of freedom was accompanied by a gift of land. Furthermore, it frequently happened that the subjection was emphasized by obligations of a more personal nature. In some cases the lord took a part of the heritage at each death. Still more often, a poll-tax was imposed which fell on the freedman from year to year, and on each of his descendants after him. While providing a regular revenue of which the total amount was not negligible, this ‘chevage’, thanks to the frequent intervals at which it was levied, obviated any risk that through the ill will of the subordinate or the negligence of the superior the bond



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should fall into oblivion. The model for this bond had been furnished by certain methods of Germanic enfranchisement. It was soon imitated in almost all the manumissions which entailed 'obedience'.

Succession tax and chevage: these two tokens of subjection were destined to have a long career in the societies of the Middle Ages. The second at least had at an early date ceased to be restricted to the small group of people freed from slavery. As is shown in specific terms in certain deeds of manumission, the few pennies or cakes of wax offered every year were considered to represent the price of the protection extended over his former slave by the master who had now become the patron. Now the freedmen were not the only men described as free who willy-nilly had placed themselves under the *maimbour* of a powerful individual. As early as the ninth century chevage, spreading everywhere, appeared as the specific 'sign' of a whole group of relationships of personal dependence which—regardless of all the caprices of terminology—had as their common characteristics a rigorous subjection on the subordinate's part, and on that of the protector a virtually uninhibited authority, productive of lucrative revenues. Thus amidst the persisting confusion of relationships between man and man there began to emerge a few firm features around which the institutions of the succeeding age were gradually to crystallize.

### 2 FRENCH SERFDOM

In France proper and in Burgundy, a series of converging influences during the feudal age resulted in a virtual sweeping away of the old social nomenclature. Written laws were forgotten. Of the surveys of the Frankish period a certain number had perished and others, as a result both of changes in the vocabulary and of the confusion into which the arrangement of many of the estates had been thrown, could now be consulted only with difficulty. Finally, the lords and the judges were generally too ignorant to be encumbered with legal memories. Nevertheless, in the new classification of social ranks which was worked out at that time an important part was once more assigned to a concept familiar to the minds of men since time immemorial—the contrast between freedom and servitude. But this was at the cost of a profound change of meaning.

Is it surprising that the old implications of the contrast should have ceased to make sense? For in France there were almost no remaining slaves properly so called. Soon there would be none at all. The kind of life lived by the tenant-slaves had nothing in common with slavery. As for the little groups of slaves who had lived and been fed in the household of the master, the gaps constantly made in their ranks by death and enfranchisement were irremediable. Religious sentiment forbade the enslavement of Christian prisoners of war. True, there remained the slave trade, supplied by raids into the lands of the heathen. But its main currents either did not reach

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north-western Europe or else—no doubt because sufficiently wealthy buyers were not to be found there—merely passed through it on the way to Moslem Spain or the East. What is more, the weakening of the State deprived of any concrete meaning the ancient distinction between the free man, a subject in full right, and the slave, a being outside the scope of public institutions. Yet people did not lose the habit of thinking of society as composed partly of the free and partly of the unfree; they preserved for these latter their old Latin name of *servi*, which became *serfs* in French. It was the line of cleavage between the two groups that was imperceptibly changed.

To have a lord seemed in no way inconsistent with freedom. Who was without one? But the notion arose that freedom was lost when free choice could not be exercised at least once in a lifetime. In other words, every hereditary tie was regarded as being marked by a servile character. The inescapable bond that claimed the child 'while still in its mother's womb' had been one of the greatest hardships of traditional slavery. The feeling of this almost physical compulsion is expressed to perfection in the phrase *homme de corps*, forged by common speech as a synonym for serf. The vassal whose homage was not inherited was, as we have seen, essentially 'free'. On the other hand, almost inevitably the label of a common servitude came to be applied both to the small number of descendants of tenant slaves and to the much more numerous crowd of dependants—heirs of freedmen or humble commended men—whose ancestors had engaged not only their own persons but their posterity as well. The same was true, by a significant assimilation, in the case of bastards, strangers or 'foreigners', and sometimes Jews. Deprived of all natural support in the family or the people, they had been automatically entrusted by the old rules to the protection of the prince or of the chief of the place where they resided; the feudal era made them serfs, subject as such to the lord of the estate on which they lived, or at least to him who possessed the superior powers of justice in that place. In the Carolingian age a growing number of clients had paid chevage, though on condition of keeping or receiving the status of free men. For the slave had a master who could take everything from him; not a defender to whom payment was due for the protection given. Gradually, nevertheless, this obligation of chevage, once considered perfectly honourable, came to be associated with baseness, and eventually to be counted by the courts among the characteristic features of serfdom. It continued to be exacted from the same families as in the past and for reasons fundamentally the same; all that had changed was the place allotted, in the current classification, to the bond of which this tax seemed to be the symbol.

Almost imperceptible to contemporaries, like all natural changes in the meanings of words, this great revolution in the index of social values had been heralded by a lax use of the vocabulary of servitude, which from the late Frankish period began to fluctuate between the old acceptations and

the new. These fumbblings went on for a long time; the terms employed varied from region to region and with the clerks whose duty it was to draw up the charters. In several provinces certain groups, descended from slaves earlier set free on condition of 'obedience', retained till the beginning of the twelfth century, as a mark of their origin, their special designation of *culverts*, derived from the Latin *collibertus*, 'freedman'. In disregard of the manumission granted earlier, they were considered henceforth as being unfree in the new sense of the word. But they were regarded as forming a class superior to the ordinary 'serfs'. Other families here and there, despite a *de facto* assimilation to all the obligations characteristic of servile status, long continued to be known as 'commended persons' or *gens d'avouerie* (which may be freely translated as 'protected people'). What was the procedure when a man placed both himself and his posterity in dependence on a master, to whom—among other obligations—he promised chevage? Sometimes the deed was expressly described as one of voluntary entry into servitude. Sometimes, on the contrary, a clause safeguarding his freedom was inserted in it, as in the ancient Frankish formula of commendation. Or else the document was so drafted as to avoid any compromising expressions. Nevertheless, when the records cover several centuries, like those of the abbey of Saint-Pierre at Ghent, it is easy to see, with the passage of time, the evolution of a more and more purely servile phraseology.

But however numerous these deeds of voluntary submission may have been—and it is surprising how many have survived considering the paucity of our documents in general—it goes without saying that they were not the only factor contributing to the growth of serfdom. Without any special agreements, the majority of manorial subjects, whether recent or of long standing, slid gradually, through the agency of prescription, of violence, and of the changes that had come about in legal opinion, into this condition, of which the name was old but the criteria more or less new. In the village of Thiais in the Parisis, at the beginning of the ninth century, out of 146 heads of families there were only 11 slaves, as against 130 *coloni*; in addition, there were 19 'protected' persons paying chevage. In the reign of St. Louis, almost the entire population consisted of persons whose status was described as servile.

To the end there existed individuals and even whole communities not susceptible of any exact classification. The peasants of Rosny-sous-Bois—were they or were they not serfs of Sainte-Geneviève? Were the people of Lagny serfs of their abbey? These problems occupied the attention of popes and kings from the time of Louis VII to that of Philip III. Subject for generations to chevage and to several other 'customs' which were generally held to be inconsistent with freedom, the members of several burgher communities of northern France in the thirteenth century refused nevertheless to allow themselves to be treated as serfs. Uncertainties and

anomalies, however, did not alter essential facts. From the first half of the twelfth century, at the latest—the *colliberti* having by then ceased to exist as a class and their name having become purely a synonym for serf—a single category of humble personal dependants was constituted, bound to a master by their birth and therefore marked by the servile ‘taint’.

But the question at issue was by no means merely one of words: certain disabilities which were traditionally held to be inseparable from servitude almost inevitably attached to these unfree men whose bondage was of an essentially new type, though its novelty was not very clearly appreciated. Such disabilities were the refusal of admission to holy orders, the loss of the right to bear witness against free men (though this was accorded by special privileges to the royal serfs and to those of a few churches), and in a general way, a very painful note of inferiority and contempt. Furthermore, a genuine status was evolved, defined by a whole set of specific obligations. Though infinitely varied in their details according to the customs of the group, they were at one in their broad lines, which were everywhere almost alike—a contrast incessantly repeated in this society at once divided and fundamentally one. First, there was chevage (head-tax). Then there was the ban upon marriage with a person not of the same status or a dependant of the same lord—except with special permission, which was expensive. Finally, there was a sort of inheritance tax. In Picardy and Flanders, this *mainmorte* normally took the form of a regular succession tax; on the death of each tenant the lord exacted either a small sum of money or, more frequently, the best piece of furniture or the best head of cattle. Elsewhere *mainmorte* rested on the recognition of the family community: if the deceased left sons (sometimes it might be brothers) who had shared his hearth, the lord received nothing; in the contrary case, he took everything.

Now, heavy as these obligations might seem, they were, in one sense, at the opposite pole from slavery, since they were based on the assumption that the person liable to them possessed a genuine patrimony. As a tenant the serf had exactly the same duties and the same rights as anyone else; his possession of his holding was no longer precarious, and his labour, once rents and services had been paid, was his own. No longer should we picture him as a *colonus* ‘bound to the soil’. Of course the lords sought to retain their peasants. What was the estate worth without labour to work it? But it was difficult to prevent desertions because, on the one hand, the fragmentation of authority was more than ever inimical to any effective police control and, on the other, the great abundance of virgin soil made it useless to threaten with confiscation a fugitive who was almost always certain of finding a new place for himself elsewhere. Moreover, what the masters tried with varying success to prevent was the abandonment of the holding itself; the particular status of the cultivator mattered little. In cases where two persons made an agreement that neither would receive the

subjects of the other, no distinction was drawn as a rule between servile and free among those whose migrations it was thus agreed to prevent.

It was moreover by no means necessary that the soil should have followed the same path to subjection as the man. Nothing, in theory, prevented the serf from keeping in his own possession even allodial lands free from any territorial supremacy. As a matter of fact it was generally admitted in any such case—we find examples of this even in the thirteenth century—that while remaining exempt from the obligations characteristic of the villein holding, the land nevertheless could not be alienated without the authorization of the lord who disposed of the person of the serf—a condition which, in practice, somewhat impaired its allodial character. Much more frequently it happened that the serf, possessing only tenements, did not hold them, or held only some of them, from the lord to whom he was bound by the ties peculiar to his status; and it might even happen that while the serf of one master he lived on the estate of another. Did the men of the feudal age ever feel revulsion at this tangled network of powers? ‘I give to the church of St. Peter of Cluny this farm, with these appurtenances’—meaning ‘I surrender the eminent right over the soil’—‘except the villein who cultivates it, his wife, his sons and his daughters, for they do not belong to me’—so ran a Burgundian charter of about the end of the eleventh century.<sup>1</sup> From the first this dualism had been inherent in the situation of certain dependants and the movement of population gradually made it less exceptional. Naturally, it was bound to raise delicate problems of partition and more than one master ended by losing his right over a tenement or a man. On one point, however—and a very significant one—the tie between man and man was almost unanimously accorded a sort of primacy. It was considered that the serf who committed a crime, at least a crime involving a ‘judgment of blood’, ought not to have any other judge than the lord of his body—regardless both of the lord’s normal judicial powers and the domicile of the accused. In short, bondage to the soil was in no sense characteristic of the serf; his distinguishing feature, on the contrary, was that he was so strictly dependent on another human being that wherever he went this tie followed him and clung to his descendants.

Thus, just as the serfs for the most part were not the descendants of ancient slaves, so their status did not represent merely a more or less improved version of the ancient slavery or colonate of Rome. Under old names, with features borrowed from different periods, the institution reflected the needs and the collective ideas of the society that had witnessed its formation. Undoubtedly the lot of the serf was very hard. Behind the bare texts, we must envisage a crude and primitive world with its moments of tragedy. A genealogy of a family of serfs, prepared in eleventh-century Anjou for the purpose of a trial, ends with this item: ‘Nive, who had his throat cut by Vial, his lord.’ The lord was apt to lay claim, even in defiance

<sup>1</sup> A. Bernard and A. Bruel, *Rec. des diaries de...Cluny*, IV. no. 3024.

of custom, to the exercise of an arbitrary authority: 'he is mine from the soles of his feet to the crown of his head,' an abbot of Vézelay said of one of his serfs. More than one *homme de corps* tried by trickery or by flight to escape the yoke. Doubtless, however, there is some truth in the remark of the monk of Arras who portrays the serfs of his abbey as being no less eager to advertise the bond, as soon as a pressing danger prompted them to look for a protector, than they were to repudiate it when life was peaceful.<sup>1</sup> Protection, oppression—between these two poles every system of clientage almost inevitably oscillates; and it was as one of the principal elements in a system of this sort that serfdom was originally constituted.

But not all the peasants had passed into servitude—even when their land itself had fallen into subjection or had remained in that state. Among the tenants of the manors the existence, side by side with the serfs, of groups expressly described as 'free' is attested by an uninterrupted succession of texts throughout the feudal era.

Above all, let us not conceive of the free peasants as mere farmers, maintaining with the supreme master of the soil only the cold relationships of debtor and creditor. Steeped in a social atmosphere in which every relationship of inferior and superior took on a directly human colour, these people were not only obliged to render to the lord the multifarious rents or services with which the house and field were burdened; they owed him in addition aid and obedience. And they counted on his protection. The solidarity thus established was so strong that the lord had the right to an indemnity if his 'free' dependant was wounded; and, reciprocally, in the event of a vendetta, or even of simply reprisals directed against him, it was thought legitimate to take measures against the whole group of his subjects without distinction of status. The relationship seemed sufficiently worthy of respect, moreover, to take precedence over what might have been thought duties of a higher order. They were not serfs, those burghers of a new town owned jointly by Louis VI and the sire de Montfort, who were authorized by their charter to preserve neutrality in case of war between their two lords, in spite of the fact that one of these was at the same time their king.<sup>2</sup> Nevertheless, this tie, tenacious as it was, remained strictly fortuitous. Consider moreover the terms employed. *Vilain* (villein), that is to say, inhabitant of the manor, in Latin *villa*; *hôte*; *manant*; *couchant et levant*—these terms, which suggested simply the idea of residence, applied to all tenants as such, even if they were serfs. But the 'free' tenant had no other name since he was an 'inhabitant' pure and simple. If he sold, gave away, or abandoned his land to go and live elsewhere, nothing any longer tied him to the lord from whom this plot was held. That is why this *vilain*, this

<sup>1</sup> Bibl. de Tours, MS. 2041, fly-leaf; *Historiens de France*, XII, p. 340; *Cartulaire de Saint-Vaast*, p. 177.

<sup>2</sup> Coutumes de Montchauvet' (granted originally about 1101–1137) in *Mém. Soc. archéolog. Rambouillet*, XXI, 1910, p. 301; Cf. also *Ordonn.*, XI, p. 286 (Saint-Germain-des-Bois).

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*manant* was regarded as endowed with freedom and—making allowance here and there for a period of growth and uncertainty—as exempt, in consequence, from those restrictions on matrimonial and succession rights which, in the case of the *homme de corps*, marked the rigorous subjection of the family as well as the individual.

What a lot one could learn from a map of peasant freedom and servitude! Unfortunately, only some rough approximations are possible. We know already the reasons why Normandy would show as a large blank space on this imaginary sketch. Other areas equally free from serfdom would appear here and there, though they would be less extensive and more difficult to explain—as, for example, Forez. In the rest of the country, we should see a vast majority of serfs; but side by side with them a sprinkling, as it were, of free villeins, in groups of greatly varying density. Sometimes we see them closely intermixed with the servile population, house to house, on the same manor. Sometimes, on the contrary, there are villages which seem to have almost entirely escaped servitude. Even if we were better informed as to the operation of the causes which in one place precipitated a family into hereditary subjection and elsewhere kept another from making the same descent, some situations would always defy analysis. Conflicts of forces infinitely difficult to weigh, and sometimes pure chance, were decisive, perhaps after a series of fluctuations, and the very persistence of these chaotic conditions constitutes perhaps the most instructive phenomenon of all. In a perfect feudal regime, just as all land would have been held in fee or in villeinage, so every man would have been either vassal or serf. But it is well that the facts are there to remind us that a society is not a geometrical figure.

### 3 THE CASE OF GERMANY

Were we to make a complete study of the European manor in the feudal age we should now have to move to the south of France, where we should point to the existence (concurrently with personal serfdom) of a sort of territorial serfdom, which passed from the land to the man and attached him to it—an institution which is the more mysterious because its emergence is extremely difficult to date. Then it would be necessary to depict the development in Italy of a conception of servitude closely akin to that created by French law, but apparently less widespread and more blurred in outline. Finally, Spain would offer the sort of contrast we should expect: on the one hand, Catalonia with its French type of serfdom; on the other, the lands of the reconquest, Asturias, Leon, Castile—regions where, as in the whole peninsula, slavery persisted by reason of the flow of prisoners from the holy war, but where, among the native population, the relationships of personal dependence were not particularly exacting at this social level (any more than at the higher ones) and almost free from servile taint. However,

rather than attempt a review of this kind, which would be too long and beset with too many uncertainties, it will be better to concentrate on the particularly instructive examples of Germany and England.

Only in a very artificial sense can the rural areas of Germany be treated as a unity. The study of the regions of colonization to the east of the Elbe scarcely comes within our period. But in the very heart of the old Germany, Swabia, Bavaria, Franconia, and the left bank of the Rhine, where the manorial system was relatively old and deep-rooted, presented an immense contrast with Saxony, which by the number of its free peasants—free both as to their lands and as to their persons—seemed to represent a transitional stage from that of Frisia, which had no manorial system and consequently no serfs. If, however, we concentrate on fundamentals, certain genuinely national characteristics emerge clearly.

As in France and by a similar process, a wide dissemination of the relationships of hereditary submission occurred. The deeds of voluntary surrender are as numerous in the German cartularies as in those of France. As in France, the condition of these dependants of recent origin tended to be assimilated to that of the old subjects of manors, and the model of the status thus developed borrowed many features from the type of subordination represented by enfranchisement ‘with obedience’—a filiation which the language here underlined with a particularly neat stroke. The name of *Laten*, whose etymology evokes the idea of liberation, had but lately stood in German law for a legally well-defined class which (together with some foreign residents and, occasionally, the members of conquered populations) comprised the freedmen still bound to their old masters by the ties of a sort of clientage. In northern Germany in the twelfth century there were included under the name of *Laten* large groups of dependants, among whom the sons of slaves recently transformed into clients were certainly no more than a minority. Chevage, succession taxes—most frequently in the form of a piece of movable property collected in each generation—had become burdens characteristic of personal subordination; and so too had the prohibition of marriage outside the manor (*formariage*). Finally, as in France, by a distortion of the original meaning of the notions of freedom and non-freedom, there was a tendency henceforth to attach the stigma of servitude to every heritable tie. On the estates of the Alsatian abbey of Marmoutier, the free and servile tenements of the ninth century were in the twelfth reduced to a single category, which was described as servile. In spite of their name, the *Laten* of the feudal era—just like their brothers across the frontier, the French *culverts*—generally ceased to be regarded as free men. So much was this the case that paradoxically enough the lord, if he renounced his rights over them, was said to set free these ex-freedmen. On the other hand, ‘freedom’ was universally attributed to the *Landsassen* (‘people settled on the land’), known also—by a further analogy with French conditions—as ‘guests’ (*Gäste*). These men were true *manants*,



free from all ties other than the obligations arising from residence.

Nevertheless, various distinctively German conditions interfered with this development. In France, so profound a transformation of the original conceptions of freedom had been made possible only by the atrophy of the State, especially in the sphere of justice. But in Germany and especially in the north, during the whole of the feudal era, public tribunals (*placita*) of the early type subsisted in places, in competition with the seignorial courts. Is it surprising then that the idea should more or less obscurely have survived that those men were free—and those alone—who sat in these public courts and were subject to their jurisdiction? Where peasant allods were numerous as in Saxony, another cause of complications arose. For between the allodialist and the tenant, even when both were equally free from any personal and hereditary bond, no one could fail to perceive a difference of social level. The freedom of the allodialist, since it also extended to the land, seemed more complete. He alone therefore had the right—at least when his allod was of a certain size—to take part in the tribunal as judge or, in the old Frankish terminology, as *échevin* (*scabinus*); he was ‘the free man eligible to serve as *échevin*’ (*Schöffenbarfrei*).

Finally, there were economic factors. In feudal Germany slavery proper, without being as negligible as in France—for the proximity of the Slav was a perpetual incitement to raids which helped to maintain the slave trade—nevertheless did not play a very important part. On the other hand the former *servi*, resident on the demesne, had not been transformed into tenants so generally as in France, since the demesnes themselves in many cases remained extensive. Most of the *servi* had indeed been ‘domiciled’ (*casati*) after a fashion, but only to the extent of receiving insignificant bits of land. Subject to daily labour services these *Tageschalken*—they were in fact compulsory day-labourers, a species completely unknown in France—lived in a state of profound subjection which it would have been impossible not to regard as servile to the last degree.

Certain historians, having forgotten that a social classification exists, in the last analysis, only by virtue of the ideas which men form of it—and that these are not necessarily free of inconsistencies—have gone to the length of introducing forcibly into the law of persons as it functioned in feudal Germany a clarity and a uniformity which were altogether alien to it. The jurists of the Middle Ages had shown them the way, and with no better results. We must recognize the fact that the systems presented to us by the great authors of customaries, like Eike von Repgow in his *Sachsenspiegel*, are not only somewhat disjointed in themselves, but in addition agree but poorly with the language of the charters. There is nothing comparable here with the relative simplicity of French serfdom. In practice the hereditary dependants within each manor hardly ever formed a single class, subject to uniform obligations. Moreover, from manor to manor, the lines of demarcation between the groups and their designations varied

greatly. One of the most common criteria was furnished by chevage, which still retained a little of its former value as a symbol of a protection that was not dishonourable. Those liable to forced day labour—people so poor that it was frequently necessary to dispense them even from the payment of succession taxes—naturally did not pay chevage. But it was also absent from the traditional mass of obligations—very heavy ones all the same—which weighed on a whole section of the servile tenants. Thus, the families distinguished by liability to this tax, with its suggestions of a once voluntary submission—although often themselves, on account of the hereditary nature of the bond, considered as ‘unfree’—were generally held to be of a higher rank than the rest of those so described. Elsewhere the descendants of the former clients continued to be designated by the old word *Muntmen*, derived from the Germanic term *Munt*, a word which from the earliest times had signified the authority exercised by a protector. In a Romance-speaking country they would have been called commended men. But while in the French countryside the commended peasants of the twelfth century (who were very few) retained only an empty name as a reminder of their origin, having in fact been merged with the servile class, many among their German fellows had managed to preserve their existence, and sometimes even their fundamental freedom, as members of a special class. The prohibition of intermarriage, or at least the lowering of status which, in law, any union with a person of lower rank involved, helped to maintain firm barriers between these different strata of the subject population.

Perhaps in the long run the most original feature of German manorial evolution was its failure to synchronize with developments elsewhere. With its indivisible tenements, frequently arranged in several legal categories, and the numerous layers in which it endeavoured to classify status, the German manor, about the year 1200, remained on the whole closely akin to the Carolingian type—much more so, certainly, than the French manor of the same period—though it was destined to depart from it more and more during the next two centuries. In particular, the fusion of the hereditary dependants under a common legal heading began towards the end of the thirteenth century—two or three hundred years later, that is, than in France. In Germany also the new terminology proceeded by means of borrowings from a vocabulary which smacked of slavery. The term *homo proprius* (*homme propre*) or, as they said in German, *eigen*, used at first mainly to describe the unfree persons maintained as farm-hands on the demesne, was extended gradually to many tenants, however weak their hereditary tie with the master. Next it became customary to complete the phrase by the addition of another word, which emphasized the personal nature of the bond. By a curious parallelism with one of the most widely-disseminated of the names of the French serf, people said henceforth more and more frequently: *homme propre de son corps*, *eigen von dem lipe*, *leibeigen*. Naturally, between this late *Leibeigenschaft*, the study of which does not

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fall within the feudal era, and the French serfdom of the twelfth century, there were many contrasts due to differences of period and environment. It is none the less true that here once again we appear to be confronted with that singular quality of archaism, which through almost the entire feudal era seems the distinctive mark of German society.

### 4 ENGLAND: THE VICISSITUDES OF VILLEINAGE

Though something like two centuries divide them, the state of the peasant classes in England about the middle of the eleventh century irresistibly reminds one of the picture presented by the old Carolingian surveys. It is true that there was a less solid organization of the territorial manor, but the system of personal dependence was quite as complicated. This confusion, to which they were not accustomed, proved very troublesome to many of the continental clerks entrusted by William the Conqueror with the task of making a cadastral survey of his new kingdom. Their terminology, borrowed as a rule from western France, was not really suited to express the facts. A few general features, nevertheless, stand out clearly. There are genuine slaves (*theow*), of whom some are 'domiciled' (*casati*); there are tenants who, though charged with rent and services, are regarded as free. There are 'commended' persons, subject to a protector who is not necessarily identical with the lord from whom they hold their tenements, if they have any. Sometimes this subordination of man to man is still sufficiently loose to be broken at the will of the inferior. Sometimes it is on the contrary indissoluble and hereditary. Finally, there are genuine peasant allodialists—though they are not so described. Moreover, two other criteria coexisted with the foregoing ones, without necessarily overlapping with them. One was derived from the varying extent of the holdings; the other from submission to one or other of the manorial courts that were coming into being.

The Norman Conquest, which brought about an almost complete change in the ownership of manors, upset these arrangements and simplified them. It is true that many traces of former conditions survived—particularly in the North, where we have seen how the peasant warriors raised problems for jurists accustomed to quite different social classifications. On the whole, however, a century or so after Hastings the situation had become very like that prevailing in France. As distinct from the tenants who were dependent on a lord merely because they held their houses and their fields from him, there was constituted a class of bondmen, i.e. 'bound men', 'men by birth' (*nativi, niefs*), personal and hereditary subjects who were regarded as thereby debarred from 'freedom'. They were subject to obligations and incapacities whose pattern scarcely ever varied and with which we are already familiar—the prohibitions against entry into orders and against *formariage*; the exaction of the best article of movable property at every

death; and the tax called chevage (though this last, following a usage to which Germany offers a parallel on certain points, was as a rule levied only if the individual dwelt outside his master's estate). Add to these an exaction conducing in a curious way to the maintenance of good morals and whose equivalent—so fundamentally uniform was this feudal society—was to be found in distant Catalonia: the serf's daughter guilty of unchastity paid a fine to her lord. Much more numerous than the slaves of former days, these unfree persons resembled them neither by the sort of life they lived, nor by the law which governed them. A significant feature was that in the event of one of them being murdered their families, unlike those of the *theow* of the Anglo-Saxon period, were entitled to a share of the *wergild* along with the lord. The solidarity of the family was non-existent for the slave; it was never so for the serf of a later day.

On one point, however, there was a really profound contrast with France. The English lord was much more successful than his continental neighbour in retaining his serfs and even his ordinary tenants on his estate. One reason for this was that in this remarkably centralized country the royal authority was sufficiently strong to have the runaway *niefs* tracked down and to punish those who had harboured them. Another was that within the manor itself the lord had at his disposal, for the purpose of maintaining a grip on his subjects, an institution whose antecedents were undoubtedly Anglo-Saxon, but which the early Normans, in their concern for efficient police arrangements, had regularized and developed. It was called 'frankpledge', which means suretyship—mutual suretyship, that is—of free men. Its object was to establish a vast social network for the purpose of repressing crime. By this plan, the population throughout almost the whole of England was divided into groups often. Each 'tithing' was responsible, as a group, for the appearance of its members in court. At fixed intervals its head had to present the guilty or the suspect to the representative of the crown, who at the same time made sure that everyone was a member of a tithing. Originally all free men were supposed to be included in this system, the only exceptions being the upper classes, the servants or men-at-arms maintained in the household (for whom their chief served as natural warrantor), and lastly the clergy. Then an important and very rapid change took place; and the only people who remained subject to frankpledge were the dependants of manors, irrespective of their status. Hence the very name of the institution came to be misleading, since many of the dependants were no longer considered free—a paradoxical but typical example of those changes of meaning which we have noticed already on many occasions. Moreover, the right to hold a judicial inspection of this kind ('view of frankpledge', it was called), since there were not enough officials to exercise it, was increasingly entrusted to the lords themselves, or at least to a considerable number of them. In their hands it was destined to be a powerful instrument of coercion.

But the Conquest, which had so greatly strengthened the manorial structure, had also favoured the establishment of an exceptionally strong monarchy. A kind of boundary agreement concluded between the two powers explains the final transformation which the classification of social groups and even the very notion of freedom underwent in medieval England. From the middle of the twelfth century, under the influence of the Norman and then of the Angevin dynasty, the judicial powers of the crown had developed to an extraordinary degree. But this unusually rapid growth had to be paid for. Obligated to accept limitations which, later on, states like France, which were slower in their development, did not find it so difficult to overstep, the judges of the Plantagenets, after some hesitations, abandoned the attempt to intervene between the lord of the manor and his men. It was not that the latter were deprived of all access to the royal courts, for only the cases which concerned their relations with their lord were reserved exclusively for hearing by the latter or his court. The cases thus defined, however, affected these humble folk in their most vital interests, such as the burden of their liabilities and the possession or transmission of their holdings. Moreover, the number of persons involved was considerable: it included, along with the bondmen, the majority of the ordinary tenants who were usually described—by a borrowing from the French—as *villeins* (*vilains*). Thus a new dividing-line whose practical importance was evident to all was drawn through English society. On the one hand, there were the true subjects of the king to whom was extended, at all times, the protection of his courts; on the other, there was the mass of the peasantry, largely abandoned to the jurisdiction of the lord of the manor.

Now the idea had probably never altogether disappeared that to be free was first and foremost to have the right to be tried in the public courts: the slave was subject to correction only by his master. The jurists therefore made the subtle distinction that in relation to his lord, but to him alone (since against third parties recourse to the ordinary tribunals was not prohibited), the villein was an unfree person. Common opinion and even the courts themselves took a broader and simpler view. From the thirteenth century, the two words 'villein' and 'serf, which were formerly, as in France, almost antithetic, were normally regarded as synonymous—an assimilation fraught with serious consequences, since it was not confined to language, which in reality merely expressed current social conceptions. Villeinage itself was henceforth considered hereditary; and, though among villeins a certain stamp of inferiority continued as a rule to segregate the descendants of the old bondmen (who apparently were always less numerous than the French serfs), there was a growing tendency—favoured by the omnipotence of the manorial courts—to subject all the members of the new servile class to the obligations and the social stigma which had formerly rested on the 'bound men' alone.

Nevertheless, to define the villein as the man who in his relations with

his lord was subject to the jurisdiction of that lord alone and then (as the status of the man and the soil more and more frequently ceased to coincide, owing to the instability of landed wealth) to define tenure in villeinage as that form of tenure which was unprotected by the royal courts—this was no doubt a definition of the characteristics of a class of men and of a species of landed property, but it left open the question of what these categories did or did not include. For it was still necessary to find a means of deciding which persons or which lands were to be subjected to this disability, whence all the Test proceeded. No one would have dreamed of ranging under the contemptuous headings of villein and villein tenure all the individuals who had a lord or all the landed property dependent on a lord. It was not even enough to exclude knights' fees and those who held them. Among the possessors of the villein tenements included in a manor there were many persons of too high a rank, and even many peasants whose freedom was too long and too well attested, for it to be possible to lump them all together arbitrarily in one servile mass. Jurisprudence therefore had recourse to a criterion provided, in this case also, by the heritage of ideas or prejudices deeply rooted in the mind of the community. The slave had owed all his labour to his master; consequently, for a man to owe much of his time to a lord seemed a serious curtailment of freedom—especially when the tasks thus exacted belonged to an order of manual toil considered somewhat degrading and described throughout Europe by the significant name of 'servile' labour. Tenure in villeinage was therefore that which was charged with heavy agricultural labour services—heavy at times to the point of being virtually at the discretion of the lord—together with other services regarded as not particularly honourable; and the men who in the thirteenth century happened to hold these lands formed the main body of the villein class. In particular cases, the distinction was often capricious; from some regions villeinage was almost absent. But the principle prevailed all the same.

The concrete problem which the coexistence of a precociously developed royal justice and a powerful landed aristocracy presented for the lawyers of the Plantagenet rulers was, like the facts themselves, specifically English; so too was the distinction of classes—a distinction destined to have important and revolutionary consequences in later times beyond our period. On the other hand, the conceptions evolved by juridical opinion to develop the new idea of servitude belonged to the common heritage of feudal Europe. That the villein—even the free villein—ought not to have any other judge than his lord was still maintained by a French jurist of the court of St. Louis, and we know to what an extent the equation of freedom with the right to public justice remained an active principle in Germany. The opinion that the obligation to perform certain services regarded as dishonourable or too rigorous was a badge of serfdom added fuel to certain village feuds in the Île-de-France about the year 1200, although such a criterion was

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contrary to strict law and was opposed by the courts.<sup>1</sup> But the evolution of the French state, slow, insidious, and sure, prevented the establishment of a sharp dividing line between the judicial powers of the king and those of the lords. As for the idea of dishonourable forms of work, if it played its part in the delimitation of the noble class in France, it never succeeded there in supplanting the old criteria of servitude, since nothing occurred to necessitate a new classification of status. Thus the case of England shows with unusual clarity how in the midst of what was in many respects a homogeneous civilization certain creative ideas, taking shape under the influence of a given environment, could result in the creation of a completely original legal system, while elsewhere surrounding conditions kept those ideas in a more or less permanently embryonic state. In this way English feudalism has something of the value of an object-lesson in social organization.

<sup>1</sup> *Le Conseil de Pierre de Fontaines*, ed. A.J.Marnier, 1886, XXI, 8. p. 225; Marc Bloch, 'Les transformations du servage' in *Mélanges d'histoire du moyen âge offerts à M.F.Lot*, 1925, p. 55 *et seq.*

## XX

# TOWARDS NEW FORMS OF MANORIALISM

### 1 THE STABILIZATION OF OBLIGATIONS

THE profound changes which from the twelfth century onwards began to transform the relations of subject and lord were to extend over several centuries. It will suffice to indicate here how the institution of the manor emerged from feudalism.

After the Carolingian surveys had fallen into disuse, as being no longer practicable, and increasingly difficult to interpret, there was a danger that the internal life of the manors, even of the largest and least ill-administered, would henceforth be regulated only by purely oral rules. There was indeed nothing to prevent the drawing up of statements of property and of rights better adapted to the conditions of the time. This is, in fact, what was done by certain churches in regions like Lorraine where the Carolingian tradition had remained particularly vigorous; the practice of compiling these inventories was never lost. At an early date, nevertheless, attention was directed to another type of document which, in concentrating on questions of human relations rather than on the description of the land, seemed to correspond more exactly to the needs of a time when the manor had become above all a community subject to a lord. This was a charter defining the customs peculiar to such and such an estate. Granted in theory by the lord, little local constitutions of this sort were yet as a rule the outcome of preliminary negotiations with the subjects, and such an agreement seemed all the more necessary because the text did not usually confine itself to recording ancient practice but frequently modified it on certain points. An example of this was the charter by which, as early as 967, the abbot of St. Arnulf of Metz lightened the services of the men of Morville-sur-Nied; another, pointing in the opposite direction, was the 'pact' whose somewhat harsh terms the monks of Bèze in Burgundy, about 1100, imposed on the inhabitants of a village destroyed by fire, before they would sanction its rebuilding.<sup>1</sup> But till the beginning of the twelfth century these documents remained very rare.

<sup>1</sup> C.E.Perrin, *Recherches sur la seigneurie rurale en Lorraine d'après les plus anciens censiers*, p. 225 et seq; *Chronique de l'abbaye de Saint-Bénigne...* ed. E.Bougaud and J.Garnier, pp. 396-7 (1088-1119).



From that date onwards, however, various causes helped to multiply them. Among the lords, a new taste for legal clarity put a premium on written documents; even among the poor, as a result of the progress of education, more value was attached to them than hitherto. Not that many of them could read; but no doubt the reason why so many illiterate rural communities found it worth while to demand charters and preserve them was the presence in their immediate neighbourhood of clergy, merchants, and jurists who were prepared to interpret these documents for them.

Above all, changes in social life prompted the stabilization of obligations and their progressive alleviation. In practically the whole of Europe, a great movement of land clearance was proceeding. He who wished to attract pioneers to his estate was obliged to promise them favourable conditions; the least they could demand was the assurance in advance that they would not be subject to the arbitrary authority of the lord. In the surrounding districts the example thus given soon had to be followed by the lords of the older villages, if they did not wish to see their subjects yield to the attraction of land less heavily burdened. It was certainly no accident that the two constitutions of customary rights and obligations which were to serve as models for so many similar texts—namely the charters of Beaumont-en-Argonne and of Lorris, near the Forest of Orleans (one of which was granted to a settlement of recent foundation, and the other, by contrast, to a very old establishment)—had the common feature that, since they both originated on the verge of great woodland areas, they were first promulgated amidst the sound of the assarters' axes. No less significant is the fact that in Lorraine the name *villeneuve* was applied to every place which had received a charter, however old it might be. The example of the urban communities had a similar effect. Though they also were subject to the manorial regime, many of them had been successful as early as the end of the eleventh century in securing substantial advantages which had been recorded in writing. The story of their triumphs encouraged the peasant masses, and the attraction which the privileged towns might exercise gave the masters cause for concern. In the end, the growth of economic exchange inclined the lords to wish for certain modifications in the distribution of obligations and by causing some cash to flow even into the coffers of the peasants opened up new possibilities for the latter. Less poor and consequently less helpless and resigned, they could either buy what would not have been given to them or take it by force; for by no means all seigniorial concessions were given free of charge or voluntarily. Thus the number of these little village codes everywhere increased. They were called in France charters of 'customs' or of 'franchises'. Sometimes the two words were linked together. The second, without necessarily signifying the abolition of serfdom, suggested the mitigations now introduced into the traditional practices.

The charter of customs was a very general institution in the Europe of

later feudal times and the period that followed. We come across a great many examples of it throughout the kingdom of France, in Lotharingia and the kingdom of Arles, in Rhenish Germany, in practically the whole of Italy, including the Norman kingdom, and lastly through the length and breadth of the Iberian peninsula. It is true that the *poblaciones* or the *fueros* of Spain and the Italian *statuti* differed in nature as well as in name from the French charters, while these, in their turn, were by no means all cast in the same mould. There were also great differences between one country or province and another, in the number of charters granted; and others no less pronounced in the chronology of the movement. The oldest *poblaciones* of Spain, which were contemporaneous with the efforts of the Christians to repopulate the conquered territories, go back to the tenth century. On the middle Rhine the first charters of villages, imitated apparently from models further west, date from not much earlier than the year 1300.

Nevertheless, despite the extent of these divergences the problems they raise are trifling compared with that set by the presence on the map of rural 'franchises' of two enormous blanks—England on the one hand, trans-Rhenish Germany on the other. In both cases, a fairly large number of communities received charters from their lords, but these were almost exclusively towns. No doubt in almost every medieval town, with the exception of the great commercial centres, a rural element survived: the community had its communal pastures, individual inhabitants had their fields, which the poorest cultivated themselves. The majority of the German or English places with charters were simple 'burgs' rather than towns in the modern sense. It is none the less true that what in every case determined the grant of such favours was the existence of a market, a merchant class, and an artisan class, whereas in other countries the movement had affected ordinary villages.

In the case of England, the absence of charters of rural customs can probably be explained by the strength of the manorial structure and its evolution in a direction entirely favourable to the arbitrary authority of the lord. For written record, the lords had their surveys and the rolls recording the judgments of their courts: they would hardly have felt the need for further codification of usages whose very instability enabled them to render the possession of tenements progressively more precarious. Furthermore, since land clearance in England appears to have been relatively limited while the lords for their part possessed very effective means of retaining their subjects, one of the causes which on the continent had most powerfully conduced to the concessions was not operative here.

The case of Germany was very different. The charter of customs was exceptional there simply because another method of fixing obligations was preferred—the *Weistum* which Professor Perrin has ingeniously proposed to call in French *rapport de droits*, 'statement of rights'. In the German manors it had continued to be the practice to summon the dependants to

periodic assemblies, relics of the judicial *placita* of the Carolingians. This provided a convenient opportunity for the lord to read out the traditional rules by which they were governed and to which they seemed to acknowledge their submission by their very attendance at this proclamation. This sort of inquest on customs, which was constantly repeated, closely resembled in principle those on which the surveys of former times had been based. Texts were thus established, to which additions were made from time to time. Germany beyond the Rhine was the true home of the *Weistum*; on the left bank and extending even into French-speaking territory there was a zone of transition where it was to be found side by side with the charter of customs. More detailed as a rule than the latter, it was on the other hand more susceptible of modification. But the fundamental result in both cases was the same. Though there were everywhere many villages without *Weistum* or charter, and though neither of these methods of fixing obligations, where it did exist, had any inordinate power to preserve the *status quo*, it was in fact this tendency towards an increasing stabilization of relations between masters and subjects which opened a new phase in the history of the European manor. 'No quit-rent must be levied unless it is in writing'—this phrase from a Roussillon charter proclaims an attitude and a legal structure remote from the ethos of the first feudal age.<sup>1</sup>

## 2 THE TRANSFORMATION OF HUMAN RELATIONSHIPS

The stabilization of obligations was accompanied by certain drastic modifications in the internal structure of the manor. There was a general reduction of compulsory labour services; sometimes they were replaced by money payments, which were also occasionally substituted for rents in kind; finally there was a progressive elimination of those parts of the system of obligations which had remained uncertain and fortuitous. These changes were henceforth inscribed on every page of the cartularies. Tallage, in particular, which until lately had been 'arbitrary', was in France very widely 'regularized', that is to say transformed into a tax of which both the amount and the periodicity were fixed. In the same way, the right of purveyance (*fournitures*) exercised by the lord on the occasion of visits—necessarily of varying duration—was often commuted for a lump sum. In spite of many variations, regional or local, it was clear that the subject was tending more and more to be transformed into a taxpayer whose assessment varied little from year to year.

Meanwhile the form of dependence in which the subordination of man to man had found its most complete expression either disappeared or changed its character. From the thirteenth century onwards, repeated enfranchisements which sometimes applied to whole villages considerably

<sup>1</sup> Charter of Codalet in Conflent, 1142, in B. Alart, *Privilèges et titres relatifs aux franchises...de Roussillon*, I, p. 40.

reduced the number of French and Italian serfs. Other groups slipped into freedom through mere desuetude. Moreover, where serfdom survived in France it progressively deviated from the old form of personal bondage (*hommage de corps*). It was conceived of less as a personal tie and more as an inferiority of class which by a sort of contagion could pass from the soil to the man. There would henceforth be servile tenements, the possession of which made a man a serf, and the abandonment of which sometimes set him free. In more than one province, the body of specific obligations itself was broken up. New criteria appeared. Formerly innumerable tenants had been tallageable at will; but some serfs, while remaining serfs, had got their obligations placed on a contractual basis. Henceforth, to pay at the will of the lord established at least a presumption of serfdom. Such changes were almost universal. Was English villeinage, in spite of its highly original characteristics, anything other than a definition of status by uncertainty of obligations (compulsory labour services here being taken as the standard) and of obligations essentially attaching to a piece of land? Formerly, in the days when as yet the only unfree persons were the bondmen, the 'bond of the man' had been regarded as a mark of servitude; in future, this stigma attached to a man in his capacity as a *manant*, a villein. And the villein *par excellence* was he who was subject to irregular services and 'did not know in the evening what he would have to do the next morning'. In Germany, where the class of *Leibeigene* was not unified till very late, the evolution was slower; it none the less in the end followed much the same course.

The manor in itself has no claim to a place among the institutions which we call feudal. It had coexisted (as it did again later on) with a stronger State, with less numerous and less solid relationships of clientage, and with a much freer circulation of money. Nevertheless, in the new conditions of life which arose from approximately the ninth century onwards, this ancient method of social organization was destined not only to extend its grip over a much larger proportion of the population, but also to consolidate to a remarkable degree its own internal structure. Like the family it was profoundly influenced by surrounding conditions. In the days when vassalage was developing, or when it was in its prime, the manor was first and foremost a community of dependants who were by turns protected, commanded, and oppressed by their lord to whom many of them were bound by a sort of hereditary link, unconnected with possession of the soil or place of abode. When the relationships truly characteristic of feudalism fell into decay the manor lived on, but with different characteristics; it became more territorial, more purely economic.

Thus feudalism, a type of social organization marked by a special quality in human relationships, expressed itself not only in the creation of new institutions; it imparted its own colouring to what it received from the past, as if passing it through a prism, and transmitted it to succeeding ages.



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