

1 Feudal Institutions— A Modern Description

The following account describes the institutions and practices that were characteristic of medieval feudalism.

FROM *Mediaeval Feudalism* BY CARL STEPHENSON

BY EXAMINING various customs of the Carolingian period we have necessarily concerned ourselves with the development of the institutions called feudal. Before we proceed further, it might be well to summarize the problem of that development through a series of questions and suggested answers.

What was the origin of vassalage? Since under the Carolingians, as in the later period, vassalage was an honorable relationship between members of the warrior class, to derive it from the Romans seems quite impossible. In spite of all the Latin words that came to be adopted by the Franks in Gaul, mediaeval vassalage remained essentially a barbarian custom, strikingly akin to that described by Tacitus as the *comitatus*. Originally this custom was shared by various Germanic peoples, notably the Anglo-Saxons. The peculiarity of Frankish vassalage resulted, in the main, from the governmental policy of the Carolingian kings.

What was the Carolingian policy with regard to vassalage? The Merovingian kingdom had been at most a pseudo-Roman sham. By the end of the seventh century it had utterly disintegrated. The Carolingian kingdom was a new unit created by the military genius of Charles Martel, Pepin, and Charlemagne. To preserve and strengthen their authority, these rulers depended less on their theoretical sovereignty than on the fidelity of their personal retainers, now styled vassals. So the key positions in the army, as well as the more important offices in church and state, came to be held by royal vassals. Eventually the rule was adopted that every great official, if not already a royal vassal, had to become one. The Carolingian policy, as will be

seen in the following pages, utterly failed; yet it established legal precedents that were observed for many centuries.

What was the origin of the fief? In Frankish times, as later, *beneficium* remained a vague term. Various kinds of persons were said to hold benefices, and in return for various kinds of service or rent. Since the benefice of a vassal was held on condition of military service, we may call it a military benefice. At first there was no technical Latin word for such a benefice, though in the Romance vernacular it became known as a *feos* or *fief*. This name, Latinized as *feodum* or *feudum*, ultimately came into official use and so provided the root for our adjective "feudal" (French *féodal*). Whether or not the military benefice existed before the eighth century is still disputed. In any case, it was the Carolingians who made that form of tenure into a common Frankish institution, and the best explanation of their policy is the one presented by Heinrich Brunner. According to his famous thesis, the old Frankish army had been largely made up of infantry—of ordinary freemen who provided their own weapons and served without pay. In the eighth century, as the experience of warfare proved the insufficiency of the traditional system, the Carolingians anxiously sought to enlarge their force of expert cavalry. And to do so they developed what we know as feudal tenure by associating vassalage with benefice-holding.

What was the nature of the fief? In its essence, we may say, a military benefice or fief was the special remuneration paid to a vassal for the rendering of special service. If the rulers had been able to hire mounted troops for cash, recourse to feudal tenure would have been unnecessary; for the Carolingian fief was primarily a unit of agrarian income. To call a fief a piece of land is inaccurate. What value would bare acres have for a professional warrior who considered the work of agriculture degrading? Being the possession of a gentleman, the fief included organized manors, worked by the native peasantry according to a customary routine of labor. Nor was this all. To hold a fief was also to enjoy the important privilege that the Carolingians knew as immunity. Within his own territory the royal vassal, like the clerical immunists of an earlier time, administered justice, collected fines and local taxes, raised military forces, and exacted services for the upkeep of roads, bridges, and fortifications. To some extent, therefore, he was a public official, a member of the hierarchy whose upper ranks included dukes, marquises, counts, and the greater ecclesiastics. As all these magnates came to be royal vassals, their offices, together with the attached estates, naturally appeared to be their fiefs. And as royal vassals passed on bits of their own privilege to subvassals, feudal tenure became inseparable from the exercise of political authority.

What, then, was the original feudalism? In this connection we can do no better than quote a shrewd observation by Ferdinand Lot: "It has become accepted usage to speak of 'feudalism,' rather than of 'vassalage,' from that point in history when, with rare exceptions, there were actually no vassals without fiefs." By "feudalism," in other words, we properly refer to the

peculiar association of vassalage with fief-holding that was developed in the Carolingian Empire and thence spread to other parts of Europe.

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In actual practice we know that, even before the close of the ninth century, it was customary for fiefs to pass from father to son; and that, within another hundred years or so, a fief was regularly described as hereditary. For reasons stated above, however, such inheritance is found to have been merely the renewal of a feudal contract, to which each of the parties, the lord and the vassal, had to give personal assent. When a vassal died, his fief reverted to the lord and really ceased to be a fief at all until another vassal had been invested with it. In case the vassal had no heir, the reversion was called escheat, and the lord was free to keep the dead man's estate or to regrant it to whomsoever he pleased. In case the vassal had an heir, the lord was legally obliged to accept him as the new holder. Yet even then a regrant was necessary through formal investiture; and in recognition of this fact the heir very commonly paid the lord a sum of money called relief.

Another striking peculiarity of feudal tenure was primogeniture, the rule that a fief should pass intact to the eldest son. No such form of inheritance was known either to Roman or to Germanic law, and allodial property continued to be shared by the children of a deceased owner. The fact that a fief was legally indivisible seems to prove that it was considered a public office rather than a piece of land. This was obviously true in the case of a duchy or county. But it was no less true, at least originally, in the case of an ordinary fief, where the income from agrarian estates combined with a territorial immunity provided remuneration for the service, military and political, of a vassal. It was greatly to the interest of a princely donor that responsibility for the needed service should be concentrated. To allow a fief to be indefinitely partitioned would nullify its value—would, in fact, contravene the very purpose of its establishment. On the other hand, the recipient of a fief might well be permitted to assign parts of it to his own vassals, for their default would remain his liability. Primogeniture thus came to be adopted as a very practical regulation for the continuance of feudal tenure, and with the latter spread widely throughout mediaeval Europe. The only significant modification of the rule for the benefit of younger children was the custom called parage. Under it a fief could be divided among a number of co-heirs if one of them rendered homage for all of it and so in a way guaranteed its integrity.

To introduce the subject of feudal inheritance it has been necessary to re-emphasize the fact that vassalage was always personal. A related fact also had important consequences—that vassalage was properly restricted to fighting-men. When a vassal died leaving an infant son as heir, the lord commonly enjoyed the right of wardship. That is to say, he took the fief into his own hands and, enjoying its revenue, supported the heir until such time as

the latter attained majority. Then the youth, having been knighted and declared of age, performed homage to the lord and from him received investiture. This procedure logically solved the problem of a minority. But suppose the holder of a fief had only a daughter. If a girl could not be a vassal, how could she be recognized as an heiress? The answer, of course, was provided by the institution of marriage: a husband could render the necessary homage and acquire legal possession of the fief. Such a marriage required the lord's consent even during the lifetime of the girl's father. When he was dead, the lord as guardian took complete charge of the matter and, very generally, awarded the lady's hand to the noble suitor who bid the highest. True, the relatives of a young heir or heiress often objected to the lord's pretensions, and he was sometimes compelled to recognize one of them as guardian—on condition, however, that the latter became the lord's vassal for the duration of the minority.

Thus, by a series of legal devices, it was arranged that a fief should pass from one mature man to another; for the holder was normally required to perform military service. Although detailed records of the service actually rendered date only from the later Middle Ages, we may be sure that the principles then set forth were much older. Since at least the ninth century vassalage had implied a personal obligation to fight for the lord as a heavy-armed cavalryman, or knight. But, in addition, a royal vassal who had received a valuable fief was expected to bring with him a mounted troop of his own vassals, and the same requirement would apply to most men who held of a duke, a count, or some other magnate. It was in this way that the army of every feudal prince was regularly made up. At first, apparently, the size of each vassal's contingent and the length of his service were not precisely determined in advance. By the twelfth century, however, such determination had become usual in the better-organized states, especially those controlled by the Normans. According to the perfected scheme, the vassal took with him into the field enough knights to complete whatever quota was charged against his fief, but he was obliged to furnish the service at his own cost for no more than forty days once in the year.

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That heavy expense was entailed by military service of this kind is apparent from the fact that it involved the finding, not only of trained men, but also of very superior horses, costly equipment, numerous servants, and enough food to supply the whole troop throughout the campaign. And the vassal's responsibility was by no means restricted to military service. On certain occasions he was required to pay his lord a contribution called *aid*. The northern French custom, taken by the Normans to England, specified three such occasions: the knighting of the lord's eldest son, the marriage of the lord's eldest daughter, and ransom of the lord when captured. In many regions, however, an *aid* could be exacted for the knighting of any son or the

marriage of any daughter, and sometimes, as well, for a crusade, a journey to the royal court, or some other extraordinary undertaking. The vassal, furthermore, owed his lord hospitality. That is to say, whenever the lord came for a visit, the vassal was expected to provide free entertainment. And since every great lord was constantly moving about with a small army of mounted attendants, one could not afford to be too generous a host. As a consequence, the vassal's obligation in this respect often came to be strictly defined and was sometimes commuted into a money payment.

Every vassal, finally, was responsible for the important service called *suit* to court. When summoned to attend his lord, the vassal had to go in person and at his own expense. The reasons for the service were as varied as the meanings of the word "court." The occasion might be largely ceremonial, as in the case of a festival or the celebration of a wedding. Perhaps the lord wished to consult his men with regard to a war or a treaty. Very frequently they were asked to approve some act of government or to take part in a trial. For example, if the lord needed military service or financial aid beyond what was specifically owed by his vassals, his only recourse was to ask them for a voluntary grant. He had no right to tax or assess them arbitrarily, for his authority in such matters was determined by feudal contract. Nor did he have a discretionary power of legislation. Law was the unwritten custom of the country. To change or even to define it was the function, not of the lord, but of his court. It was the vassals themselves who declared the law under which they lived; and when one of them was accused of a misdeed, he was entitled to the judgment of his peers, i.e., his fellow vassals.

2 Origins of Feudalism

Feudalism grew up in a society ravaged by incessant internal warfare and by frequent invasions from beyond the borders of Christendom. These conditions are illustrated in the following extracts from ninth-century sources.

FROM *Annals of Fulda*

841

THE THREE BROTHERS [*Lothaire, Louis, and Charles, grandsons of Charlemagne—B. T.*] met in Auxerre, near Fontenay. They could not agree to divide the Empire because Lothaire, who wished to be sole monarch, was opposed to it. So they agreed that the case should be decided by the power of the sword and so proved by the judgment of God. On the twenty-fifth of June a great battle was fought between them, and the blood shed on both sides was so great that the present age remembers no such carnage among the Frankish people before. On the same day Lothaire began a retreat to his city of Aix-la-Chapelle. Louis and Charles seized his camp and collected and buried the bodies of their slain. They then parted; Charles remained in the West and Louis went in the month of August to the royal town Salz.

Lothaire again collected his forces from all sides. He went to Mayence and ordered the Saxons, with his little son Lothaire, to meet him at Speyer. He himself crossed the Rhine, intending to pursue his brother Louis to the confines of the outlying nations. He returned to Worms, unsuccessful. He celebrated there the marriage of his daughter, and then marched toward Gaul to subdue Charles. He spent the whole winter in fruitless effort and strife and then returned to Aix. On the twenty-fifth of December a comet appeared in the sign of Aquarius.

Annals of Fulda, 841 in *Readings in European History*, I (1904), 156-7, translated by J. H. Robinson.

FROM *Annals of Xanten*

845

TWICE IN THE CANTON OF WORMS there was an earthquake; the first in the night following Palm Sunday, the second in the holy night of Christ's Resurrection. In the same year the heathen broke in upon the Christians at many points, but more than twelve thousand of them were killed by the Frisians. Another party of invaders devastated Gaul; of these more than six hundred men perished. Yet owing to his indolence Charles agreed to give them many thousand pounds of gold and silver if they would leave Gaul, and this they did. Nevertheless the cloisters of most of the saints were destroyed and many of the Christians were led away captive.

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846

According to their custom the Northmen plundered Eastern and Western Frisia and burned the town of Dordrecht, with two other villages, before the eyes of Lothaire, who was then in the castle of Nimwegen, but could not punish the crime. The Northmen, with their boats filled with immense booty, including both men and goods, returned to their own country.

In the same year Louis sent an expedition from Saxony against the Wends across the Elbe. He personally, however, went with his army against the Bohemians, whom we called Beu-winitha, but with great risk. . . . Charles advanced against the Britons, but accomplished nothing.

At this same time, as no one can mention or hear without great sadness, the mother of all churches, the basilica of the apostle Peter, was taken and plundered by the Moors, or Saracens, who had already occupied the region of Beneventum. The Saracens, moreover, slaughtered all the Christians whom they found outside the walls of Rome, either within or without this church. They also carried men and women away prisoners. They tore down, among many others, the altar of the blessed Peter, and their crimes from day to day bring sorrow to Christians. Pope Sergius departed life this year.

847

After the death of Sergius no mention of the apostolic see has come in any way to our ears. Rabanus [Maurus], master and abbot of Fulda, was solemnly chosen archbishop as the successor of Bishop Otger, who had died.

Annals of Xanten, 845-854 in Readings in European History, I (1904), 158-62, translated by J. H. Robinson.

Moreover the Northmen here and there plundered the Christians and engaged in a battle with the counts Sigir and Liuthar. They continued up the Rhine as far as Dordrecht, and nine miles farther to Meginhard, when they turned back, having taken their booty.

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849

While King Louis was ill his army of Bavaria took its way against the Bohemians. Many of these were killed and the remainder withdrew, much humiliated, into their own country. The heathen from the North wrought havoc in Christendom as usual and grew greater in strength; but it is revolting to say more of this matter.

850

On January 1st of that season, in the octave of the Lord, towards evening, a great deal of thunder was heard and a mighty flash of lightning seen; and an overflow of water afflicted the human race during this winter. In the following summer an all too great heat of the sun burned the earth. Leo, pope of the apostolic see, an extraordinary man, built a fortification round the church of St. Peter the apostle. The Moors, however, devastated here and there the coast towns in Italy. The Norman Rorik, brother of the above-mentioned younger Heriold, who earlier had fled dishonored from Lothaire, again took Dordrecht and did much evil treacherously to the Christians. In the same year so great a peace existed between the two brothers—Emperor Lothaire and King Louis—that they spent many days together in Osning [Westphalia] and there hunted, so that many were astonished thereat; and they went each his way in peace.

851

The bodies of certain saints were sent from Rome to Saxony,—that of Alexander, one of seven brethren, and those of Romanus and Emerentiana. In the same year the very noble empress, Irmingard by name, wife of the emperor Lothaire, departed this world. The Normans inflicted much harm in Frisia and about the Rhine. A mighty army of them collected by the river Elbe against the Saxons, and some of the Saxon towns were besieged, others burned, and most terribly did they oppress the Christians. A meeting of our kings took place on the Maas.

852

The steel of the heathen glistened; excessive heat; a famine followed. There was not fodder enough for the animals. The pasturage for the swine was more than sufficient.

853

A great famine in Saxony so that many were forced to live on horse meat.

854

The Normans, in addition to the very many evils which they were everywhere inflicting upon the Christians, burned the church of St. Martin, bishop of Tours, where his body rests.

The various elements that were combined in feudalism—personal loyalty, vassalage, fief-holding—all existed separately before the ninth century. As early as the first century A.D. Tacitus described the loyalty of Teutonic warriors to their chiefs.

FROM *Germania* BY TACITUS

THEY UNDERTAKE no business whatever either of a public or a private character save they be armed. But it is not customary for any one to assume arms until the tribe has recognized his competence to use them. Then in a full assembly some one of the chiefs or the father or relatives of the youth invest him with the shield and spear. This has the same meaning as the assumption of the toga by Roman boys; it is their first honor. Before this he was only a member of a household, hereafter he is a member of the tribe. Distinguished rank or the great services of their parents secure even for mere striplings the claim to be ranked as chiefs. They attach themselves to certain more experienced chiefs of approved merit; nor are they ashamed to be looked upon as belonging to their followings. There are grades even within the train of followers assigned by the judgment of its leader. There is great rivalry among these companions as to who shall rank first with the chief, and among the chiefs as to who shall have the most and the bravest followers. It is an honor and a source of strength always to be surrounded by a great band of chosen youths, for they are an ornament in peace, a defence in war. It brings reputation and glory to a leader not only in his own tribe but also among the neighboring peoples if his following is superior in numbers and courage; for he is courted by embassies and honored by gifts, and often his very fame decides the issue of wars.

Tacitus, *Germania* (American Philological Association Monograph No. 5, 1935), pp. 289-91, translated by R. P. Robinson. Reprinted by permission of the American Philological Association.

When they go into battle it is a disgrace for the chief to be outdone in deeds of valor and for the following not to match the courage of their chief; furthermore for any of the followers to have survived his chief and come unharmed out of a battle is life-long infamy and reproach. It is in accordance with their most sacred oath of allegiance to defend and protect him and to ascribe their bravest deeds to his renown. The chief fights for victory; the men of his following, for their chief. If the tribe to which they belong sinks into the lethargy of long peace and quiet, many of the noble youths voluntarily seek other tribes that are still carrying on war, because a quiet life is irksome to the Germans, and they gain renown more readily in the midst of perils, while a large following is not to be provided for except by violence and war. For they look to the liberality of their chief for their war-horse and their deadly and victorious spear; the feasts and entertainments, however, furnished them on a homely but liberal scale, fall to their lot as mere pay. The means for this bounty are acquired through war and plunder. Nor could you persuade them to till the soil and await the yearly produce so easily as you could induce them to stir up an enemy and earn glorious wounds. Nay even they think it tame and stupid to acquire by their sweat what they can purchase by their blood.

From the seventh century onward we have written formulas that show how a man commended himself to a lord. The following examples are from England and France respectively.

Feudal Oaths

THUS SHALL ONE TAKE the oath of fidelity:

By the Lord before whom this sanctuary is holy, I will to N. be true and faithful, and love all which he loves and shun all which he shuns, according to the laws of God and the order of the world. Nor will I ever with will or action, through word or deed, do anything which is displeasing to him, on condition that he will hold to me as I shall deserve it, and that he will perform everything as it was in our agreement when I submitted myself to him and chose his will.

* * *

It is right that those who offer to us unbroken fidelity should be protected by our aid. And since *such and such* a faithful one of ours, by the favor of God, coming here in our palace with his arms, has seen fit to swear trust and fidelity to us in our hand, therefore we decree and command by the present precept that for the future *such and such* above mentioned be counted with the number of the antrustions. And if anyone perchance should presume to kill him, let him know that he will be judged guilty of his wergild of 600 shillings.

The first recorded example of the great noble accepting a status of "vassalage" dates from 757.

FROM *Frankish Royal Annals*

KING PEPIN held his court at Compiègne with the Franks. Tassilo, Duke of the Bavarians, came there and commended himself in vassalage by hand. He swore many, indeed innumerable oaths, laying his hand on relics of saints and promising to be faithful to King Pepin and his sons, the aforementioned lords Charles and Carloman, as by law a vassal should be toward his lords, sincerely and with devotion.

From about the same period we have documents granting lands as precaria or beneficia, forms of land-holding that anticipated the later feudal tenure. The following document of 743, issued in France, required a church to lend out part of its lands for the support of royal warriors.

Capitulary of Lestinnes, 743

BECAUSE OF THE THREATS OF WAR and the attacks of certain tribes on our borders, we have determined, with the consent of God and by

F. Kurze, ed., *Annales Regni Francorum* (1895), p. 14, translated by Brian Tierney.

A Source Book for Mediaeval History (1905), p. 357, translated by O. J. Thatcher and E. H. McNeal.

the advice of our clergy and people, to appropriate for a time part of the ecclesiastical property for the support of our army. The lands are to be held as *precaria* for a fixed rent; one solidus, or twelve denarii, shall be paid annually to the church or monastery for each *casata* [farm]. When the holder dies the whole possession shall return to the church. If, however, the exigency of the time makes it necessary, the prince may require the *precarium* to be renewed and given out again. Care shall be taken, however, that the churches and monasteries do not incur suffering or poverty through the granting of *precaria*. If the poverty of the church makes it necessary, the whole possession shall be restored to the church.

Sometimes royal grants conferred immunity from the jurisdiction of the king's local officers as in the following example.

Grant of Immunity

THOSE WHO FROM THEIR EARLY YOUTH have served us or our parents faithfully are justly rewarded by the gifts of our munificence. Know therefore that we have granted to that illustrious man (name), with greatest good will, the villa called (name), situated in the county of (name), with all its possessions and extent, in full as it was formerly held by him or by our treasury. Therefore by the present charter which we command to be observed forever, we decree that the said (name) shall possess the villa of (name), as has been said, in its entirety, with lands, houses, buildings, inhabitants, slaves, woods, pastures, meadows, streams, mills, and all its appurtenances and belongings, and with all the subjects of the royal treasury who dwell on the lands, and he shall hold it forever with full immunity from the entrance of any public official for the purpose of exacting the royal portion of the fines from cases arising there; to the extent finally that he shall have, hold, and possess it in full ownership, no one having the right to expect its transfer, and with the right of leaving it to his successors or to anyone whom he desires, and to do with it whatever else he wishes.

A Source Book for Mediaeval History (1905), pp. 352-3, translated by O. J. Thatcher and E. H. McNeal.

3 Lords and Vassals

Vassals acquired fiefs in various ways. The manner in which the Duchy of Normandy was established in 911 illustrates the endemic violence of the period. The following account was written about a century after the events it describes.

FROM *The Customs and Acts of the First Dukes of Normandy*

THE FRANKS, not having the strength to resist the pagans and seeing all France brought to nothing, came to the king and said unanimously, "Why do you not aid the kingdom which you are bound by your scepter to care for and rule? Why is peace not made by negotiation since we cannot achieve it either by giving battle or by defensive fortifications? Royal honor and power is cast down; the insolence of the pagans is raised up. The land of France is almost a desert for its people are dying by famine or by the sword or are taken captive. Care for the kingdom, if not by arms then by taking counsel". . .

Immediately Charles, having consulted with them, sent François, Archbishop of Rouen, to Rollo, Duke of the Pagans. Coming to him he began to speak with mild words. "Most exalted and distinguished of dukes, will you quarrel with the Franks as long as you live? Will you always wage war on them? What will become of you when you are seized by death? Whose creature are you? Do you think you are God? Are you not a man formed from filth? Are you not dust and ashes and food for worms? Remember what you are and will be and by whose judgment you will be condemned. You will experience Hell I think, and no longer injure anyone by your wars. If you are willing to become a Christian you will be able to enjoy peace in the present and the future and to dwell in this world with great riches. Charles, a long-suffering king, persuaded by the counsel of his men, is

De Moribus et Actis Primorum Normanniae Ducum, Mémoires de la Société des Antiquaires de Normandie, 3e Série, III (1858), 165-9, translated by Brian Tierney.

willing to give you this coastal province that you and Halstigno have grievously ravaged. He will also give you his daughter, Gisela, for a wife in order that peace and concord and a firm, stable and continuous friendship may endure for all time between you and him . . .”

At the agreed time Charles and Rollo came together at the place that had been decided on. . . . Looking on Rollo, the invader of France, the Franks said to one another, “This duke who has fought such battles against the warriors of this realm is a man of great power and great courage and prowess and good counsel and of great energy too.” Then, persuaded by the words of the Franks, Rollo put his hands between the hands of the king, a thing which his father and grandfather and great-grandfather had never done; and so the king gave his daughter Gisela in marriage to the duke and conferred on him the agreed lands from the River Epte to the sea as his property in hereditary right, together with all Brittany from which he could live.

Rollo was not willing to kiss the foot of the king. The bishops said, “Anyone who receives such a gift ought to be eager to kiss the king’s foot.” He replied, “I have never bent my knees at anyone’s knees, nor will I kiss anyone’s foot.” But, urged by the entreaties of the Franks, he commanded one of his warriors to kiss the foot of the king. The warrior promptly seized the king’s foot, carried it to his mouth and kissed it standing up while the king was thrown flat on his back. At that there was a great outburst of laughter and great excitement among the people. Nevertheless King Charles, Duke Robert, the counts and nobles, the bishops and abbots swore by the Catholic faith and by their lives, limbs and the honor of the whole kingdom to the noble Rollo that he should hold and possess the land described above and pass it on to his heirs.

A more conventional ceremony, which took place in Flanders in 1127, is described in the next document.

FROM *Chronicle of the Death of Charles the Good*

BY GALBERT OF BRUGES

THROUGH THE WHOLE REMAINING PART of the day those who had been previously enfeoffed by the most pious count Charles, did homage

University of Pennsylvania Translations and Reprints, IV, No. 3 (1897), 18, translated by E. P. Cheyney.

to the count, taking up now again their fiefs and offices and whatever they had before rightfully and legitimately obtained. On Thursday the seventh of April, homages were again made to the count being completed in the following order of faith and security.

First they did their homage thus, the count asked if he was willing to become completely his man, and the other replied, "I am willing"; and with clasped hands, surrounded by the hands of the count, they were bound together by a kiss. Secondly, he who had done homage gave his fealty to the representative of the count in these words, "I promise on my faith that I will in future be faithful to count William, and will observe my homage to him completely against all persons in good faith and without deceit," and thirdly, he took his oath to this upon the relics of the saints. Afterward, with a little rod which the count held in his hand, he gave investitures to all who by this agreement had given their security and homage and accompanying oath.

The following record of the grant of a fief in France (1200) illustrates some of the complexities that could arise when a vassal held land from several lords.

Grant of Fief, 1200

I, THIEBAULT, count palatine of Troyes, make known to those present and to come that I have given in fee to Jocelyn d'Avalon and his heirs the manor which is called Gillencourt, which is of the castellanerie of La Ferte sur Aube; and whatever the same Jocelyn shall be able to acquire in the same manor I have granted to him and his heirs in augmentation of that fief. I have granted, moreover, to him that in no free manor of mine will I retain men who are of this gift. The same Jocelyn, moreover, on account of this has become my liege man, saving however, his allegiance to Gerard d'Arcy, and to the lord duke of Burgundy, and to Peter, count of Auxerre. Done at Chouaude, by my own witness, in the year of the Incarnation of our Lord 1200 in the month of January. Given by the hand of Walter, my chancellor; note of Milo.

University of Pennsylvania Translations and Reprints, IV, No. 3 (1897), 15, translated by E. P. Cheyney.

The next group of documents explain in more detail the obligations of a vassal to his lord. The first extract refers to financial "aids."

FROM *Le Grand Coutumier de Normandie*

NEXT IT IS PROPER to see the chief aids of Normandy, which are called chief because they should be paid to the chief lords.

In Normandy there are three chief aids. One is to make the oldest son of his lord a knight; the second, to marry his oldest daughter; the third to ransom the body of his lord from prison when he is taken in the Duke's war.

In 1270 King Louis IX of France defined the military service due from his vassals.

Definition of Knight Service BY LOUIS IX

THE BARON AND ALL VASSALS of the king are bound to appear before him when he shall summon them, and to serve him at their own expense for forty days and forty nights, with as many knights as each one owes; and he is able to exact from them these services when he wishes and when he has need of them. And if the king wishes to keep them more than forty days at their own expense, they are not bound to remain if they do not wish it. And if the king wishes to keep them at his expense for the defence of the realm, they are bound to remain. And if the king wishes to lead them outside of the kingdom, they need not go unless they wish to, for they have already served their forty days and forty nights.

University of Pennsylvania Translations and Reprints, IV, No. 3 (1897), 28, translated by E. P. Cheyney.

University of Pennsylvania Translations and Reprints, IV, No. 3 (1897), 30, translated by E. P. Cheyney.

The followings extracts from the Exchequer Rolls of the medieval English government refer to feudal "reliefs."

FROM *English Exchequer Rolls*

WALTER HAIT renders an account of 5 marks of silver for the relief of the land of his father.

Walter Brito renders an account of £66, 13s. and 4d. for the relief of his land.

Richard of Estre renders an account of £15 for his relief for 3 knights' fees which he holds from the honor of Mortain.

Walter Fitz Thomas, of Newington, owes 28s. 4d. for having the fourth part of one knight's fee which had been seized into the hand of the king for default of relief.

John of Venetia renders an account of 300 marks for the fine of his land and for the relief of the land which was his father's and he does homage to the king against all mortals.

Ralph, son and heir of Ralph of Sullega renders an account of £100 for his relief for the lands which were Ralph his father's which he held from the king *in capite*.

John de Balliol owes £150 for the relief of 30 knights' fees which Hugh de Balliol his father held from the king *in capite*, that is 100s. for each fee.

Peter de Bruce renders an account of £100 for his relief for the barony which was of Peter his father.

The Exchequer Rolls also illustrate how the rights of wardship and marriage were exercised in a feudal society.

ROHEISA DE DOURA renders account of £450 to have half of all the lands which belonged to Richard de Lucy, her grandfather, and which the brother of the same Roheisa had afterward as well in England as in Normandy, and for license to marry where she wishes so long as she does not marry herself to any of the enemies of the king.

Alice, countess of Warwick, renders account of £1000 and 10 palfreys to be allowed to remain a widow as long as she pleases, and not to be forced to marry by the king. And if perchance she should wish to marry, she shall not marry except with the assent and on the grant of the king, where the king

shall be satisfied; and to have the custody of her sons whom she has from the earl of Warwick her late husband.

Hawisa, who was wife of William Fitz Robert renders account of 130 marks and 4 palfreys that she may have peace from Peter of Borough to whom the king has given permission to marry her; and that she may not be compelled to marry.

Geoffrey de Mandeville owes 20,000 marks to have as his wife Isabella, countess of Gloucester, with all the lands and tenements and fiefs which fall to her.

Thomas de Colville renders an account of 100 marks for having the custody of the sons of Roger Torpel and their land until they come of age.

William, bishop of Ely, owes 220 marks for having the custody of Stephen de Beauchamp with his inheritance and for marrying him where he wishes.

William of St. Mary's church, renders an account of 500 marks for having the custody of the heir of Robert Young, son of Robert Fitzharding, with all his inheritance and all its appurtenances and franchises; that is to say with the services of knights and gifts of churches and marriages of women, and to be allowed to marry him to whatever one of his relatives he wishes; and that all his land is to revert to him freely when he comes of age.

Bartholomew de Muleton renders an account of 100 marks for having the custody of the land and the heiress of Lambert of Ibtuft, and for marrying the wife of the same Lambert to whomsoever he wishes where she shall not be disparaged and that he may be able to confer her (the heiress) upon whom he wishes.

The forfeiture of a fief for failure to render military service is described in the following extract.

FROM *English Hundred Rolls*

IT IS PRESENTED by the jurors above named that the manor of Chinnore along with the hamlet of Sydenham was held of old, from the time of the Conquest, from the lord king of England, by a certain man who was named Walter de Vernon, as one knight's fee; and because the said Walter de Vernon refused to perform his due service from the said manor to the lord

king John in the time of the war which sprang up between the lord king John and the king of France, the lord king John with the advice of his council seized that same manor with its appurtenances and removed the said Walter de Vernon, on account of his ingratitude from the possession of the aforesaid manor forever. And the lord king John granted that same manor with its appurtenances for the services that to the same lord king was due from it to Saer de Quincy formerly earl of Winchester, to hold to himself and his heirs *in capite* from the lord king as one knight's fee; and the heirs of the said Saer held the aforesaid manor in succession, and still hold it, except the hamlet of Sydenham, which the abbot of Thame holds as a gift from Roger de Quincy.

4 Feudal Kingship Versus Feudal Chaos

It is generally agreed that feudal government worked differently in different countries and at different times. The following documents illustrate some of the problems and potentialities of feudal kingship. The first one describes the pacification of the royal demesne in France by King Louis VI (1108-1135).

FROM *Life of Louis VI* BY SUGER

GUY TROUSSEL, son of that violent man and troubler of the kingdom, Milo of Montlhéry, came back home from an expedition to the Holy Sepulcher, weakened by the hardships of the long journey and by many trials. He had been moved by exceeding great fear of Corbaran, and had descended from the wall of Antioch and left the army of God beleaguered within, and so he was forsaken by all. Fearing that his only daughter might in consequence be deprived of her heritage, he yielded to the desire and persuasions of Philip, the king, and of Louis, his son, who ardently longed for his castle, and gave his daughter in marriage to Philip, the king's younger son. . . .

When the castle of Montlhéry fell in this wise into their hands, the king and his son rejoiced as if they had plucked a straw from their eyes or had torn down bars by which they had been confined. And, indeed, we have heard the father say to his son Louis, "Go, son Louis, keep that tower with all vigilance, whose ravages have well-nigh made us grow old, and whose wiles and criminal frauds have never let me rest in good peace and quiet."

Indeed, its unfaithfulness made the faithful faithless, the faithless most faithless. It brought together the treacherous from far and near, and no ill was done in the whole kingdom without its support. And since the territory

Suger, *Life of Louis VI* in *Readings in European History*, I (1904), 201-4, translated by J. H. Robinson.

of Paris was commanded on the river Seine by Corbeil, midway by Monthéry, on the right by Châteaufort, there resulted such confusion and chaos in the communications between the men of Paris and of Orleans that neither could go to visit the others without the consent of these faithless men, unless they traveled with a strong guard. But the marriage of which we have spoken tore down the barrier and made travel easy between the two cities. . . .

A king, when he takes the royal power, vows to put down with his strong right arm insolent tyrants whensoever he sees them vex the state with endless wars, rejoice in rapine, oppress the poor, destroy the churches, give themselves over to lawlessness which, and it be not checked, would flame out into ever greater madness; for the evil spirits who instigate them are wont cruelly to strike down those whom they fear to lose, but give free rein to those whom they hope to hold, while they add fuel to the flames which are to devour their victims to all eternity.

Such an utterly abandoned man was Thomas of Marle. While King Louis was busied with many wars, he laid waste the territories of Laon, Rheims, and Amiens, devouring like a raging wolf. He spared not the clergy—fearing not the vengeance of the Church—nor the people for humanity's sake. And the devil aided him, for the success of the foolish does ever lead them to perdition. Slaying all men, spoiling all things, he seized two manors, exceeding rich, from the abbey of the nuns of St. John of Laon. He fortified the two exceeding strong castles, Crécy and Nogent, with a marvelous wall and very high towers, as if they had been his own; and made them like to a den of dragons and a cave of robbers, whence he did waste almost the whole country with fire and pillage; and he had no pity.

The Church of France could no longer bear this great evil; wherefore the clergy, who had met together in a general synod at Beauvais, proceeded to pass sentence of condemnation upon the enemy of the Church's true spouse, Jesus Christ. The venerable Cono, bishop of Praeneste and legate of the holy Roman Church, troubled past endurance by the complaints of churches, of the orphans, of the poor, did smite this ruthless tyrant with the sword of the blessed Peter, which is general anathema. He did also ungird the knightly sword belt from him, though he was absent, and by the judgment of all declared him infamous, a scoundrel, unworthy the name of Christian.

And the king was moved by the complaints of this great council and led an army against him right quickly. He had the clergy, to whom he was ever humbly devoted, in his company, and marched straight against the castle of Crécy. Well fortified was it; yet he took it unprepared because his soldiers smote with an exceeding strong hand; or rather, because the hand of the Lord fought for him. He stormed the strongest tower as if it were the hut of a peasant, and put to confusion the wicked men and piously destroyed the impious. Because they had no pity upon other men, he cut them down without mercy. None could behold the castle tower flaming like the fires of

hell and not exclaim, "The whole universe will fight for him against these madmen."

After he had won this victory, the king, who was ever swift to follow up his advantage, pushed forward toward the other castle, called Nogent. There came to him a man who said: "Oh, my lord king, it should be known to thy Serenity that in that wicked castle dwell exceeding wicked men who are worthy to lie in hell, and there only. Those are they who, when thou didst issue commands to destroy the commune of Laon, did burn with fire not only the city of Laon, but the noble church of the Mother of God, and many others beside. And well-nigh all the noble men of the city suffered martyrdom because they were true to their faith and defended their lord the bishop. And these evil men feared not to raise their hands against thy venerable Bishop Gaudin, the anointed of the Lord, defender of the church, but did him most cruelly to death, and exposed his naked body on the open road for beasts and birds of prey to feed upon; but first they cut off his finger with the pontifical ring. And they have agreed together, persuaded by the wicked Thomas, to attack and hold your tower."

The king was doubly animated by these words, and he attacked the wicked castle, broke open the abominable places of confinement, like prisons of hell, and set free the innocent; the guilty he punished with very heavy punishment. He alone avenged the injuries of many. Athirst for justice, he ordained that whatsoever murderous wretches he came upon should be fastened to a gibbet, and left as common food for the greed of kites, crows, and vultures. And this they deserved who had not feared to raise their hand against the Lord's anointed.

When he had taken these two adulterine castles and given back to the monastery of St. John the domains that had been seized, he returned to the city of Amiens and laid siege to a tower of that city which was held by a certain Adam, a cruel tyrant who was laying waste the churches and all the regions round about. He held the place besieged for hard upon two years, and at last forced those who defended it to give themselves up. When he had taken it he destroyed it utterly, and thus brought peace to the realm. He fulfilled most worthily the duty of a king who beareth not the sword in vain, and he deprived the wicked Thomas and his heirs forever of the lordship over that city.

Western Crusaders spread feudal practices to the eastern Mediterranean. These extracts from the Assizes of Romania deal with the operation of feudal jurisdiction in Greece in the thirteenth century.

FROM *Feudal Institutions as Revealed in the Assizes of Romania* BY P. W. TOPPING

HOW THE PRINCE CANNOT PUNISH ANY
BARON OR VASSAL OF HIS WITHOUT THE
CONSENT OF HIS LIEGEMEN

THE PRINCE CANNOT PUNISH any baron or vassal of his, either in civil or criminal action, nor injure him, nor place a penalty on him, without the counsel and consent of his liegemen or of the major part of them; nor render a decision concerning someone's fief or commission others to decide his actions at law; but he must render a decision through his liegemen. And the said lord or his officials cannot have any jurisdiction; but, in petty actions, like the matter of the vineyard of a fief or [the disposition] of a serf, the lord can entrust the judgment to his liegemen if the parties agree. And the lord cannot by force place any liegeman in any office against his will, nor punish him, nor retain his fief, unless it is with the judgment of his other liegemen.

HOW NO LIEGEMAN CAN BE HELD BY HIS
LORD EXCEPT FOR TWO CAUSES

It has been ordered in the said Usages that no liegeman of the Principality can be detained in person by his lord for any reason except these two, to wit: for the causes of homicide and treason. And it is thus because his fief provides his security.

WHAT SHOULD BE DONE IF A LIEGEMAN COM-
MITS HOMICIDE OR TREASON?

If it should happen that a liegeman has committed homicide or treason, what should be done? To this the answer is, that according to the customs and usages aforesaid the lord cannot punish or detain him unless the homicide or

treason has first been proved and unless the judgment has been made in the case of the said liegeman by the other liegemen of the Principality. The lord can neither detain nor seize nor take his goods except by the judgment of the liegemen of the Principality.

AND IF IT HAPPENS THAT THE LORD HAS
ONE OF HIS VASSALS, THAT IS, A FIEF OF
ONE OF THEM, UNJUSTLY SEIZED, WHAT
SHOULD BE DONE? .

It is further asked, if the lord has the fief of one of his vassals seized unjustly, and this vassal of his has thrice asked for it in one year in the presence of his liegemen (if he can have such), demanding of him that he should return his fief and requesting the judgment of his court, and if the lord does not have the fief returned in full seizin when a year has passed, the homage for this fief passes to the nearest superior lord. And the vassal should first make a request for his fief within forty days, otherwise he shall lose the produce and revenues of that year. This same decision applies to others who have vassals subject to them if these vassals are liegemen. The man of simple homage has no court and can hold none. The liegeman or the man of simple homage shall be able to lodge a complaint before the overlord of his lord for the feudal goods which might have been taken from him unjustly by his lord; and he does this through a procurator appointed to this task.

When a criminal, civil, or feudal action arises between the Prince or another lord and one of his vassals, the Prince or the lord involved in the dispute must delegate one of his liegemen, or one not a liege, in his place. And the lord is required to rise, to give the delegate his baton and to leave the council, in accordance with the custom. And the delegate is to give the counsel of the liegemen of his court as much to the lord as to the party, retaining with him those liegemen who should appear to him most necessary in order to decide the question. And this is understood if the litigant is a liegeman.

* * *

By the Usage and Custom of the Empire of Romania, the Prince cannot place upon his vassals or freemen, or even on their serfs, any tallages or collections on any condition or under any name whatever, or anything, for the utility of the country, without the counsel and consent as well of the liegemen and vassals as of the other freemen. And in this case, those who consent are under obligation, and those who do not consent are under none. But in truth, if he wishes to marry his daughter or ransom himself from his enemies when he has been taken by them, in this case he can levy a collection only on the men of simple homage. Moreover, the lord should take care that

no vassal, baron, or soldier allows straw, poultry, or any other thing to be taken by force from the serfs of his subjects.

* * *

If a liegeman has been injured in his fief or a part thereof by the Prince or by another lord, the said liegeman is bound to request his lord thrice in a year before some of his liegemen that he restore to him that in which he aggrieved him or reinstate him in his fief, demanding the judgment of his court. Moreover, he is not obliged to render service until he has been reinstated in his fief. And, if the lord is not willing to do him full justice, in this case he [the vassal] must summon his peers and together with them summon his lord also. And if the lord is negligent in doing what justice requires, in this case the other lieges who are with him are not bound to serve their lord until the fief in question is reinstated.

The next three readings deal with medieval England. The first one, an extract from the Anglo-Saxon Chronicle, describes a highly successful feudal king, William the Conqueror (1066-1087).

FROM *Anglo-Saxon Chronicle*

IF ANYONE WISHES TO KNOW what sort of a man he was, or what dignity he had or of how many lands he was lord—then we will write of him even as we, who have looked upon him, and once lived at his court, have perceived him to be.

This King William of whom we speak was a very wise man, and very powerful and more worshipful and stronger than any predecessor of his had been. He was gentle to the good men who loved God, and stern beyond all measure to those people who resisted his will. In the same place where God permitted him to conquer England, he set up a famous monastery and appointed monks for it, and endowed it well. In his days the famous church at Canterbury was built, and also many another over all England. Also, this country was very full of monks and they lived their life under the rule of St. Benedict, and Christianity was such in his day that each man who wished

D. C. Douglas and G. Greenaway, *English Historical Documents 1042-1189* (1953), pp. 163-4. Reprinted by permission of Oxford University Press, Inc., and Eyre & Spottiswoode Ltd., London.

followed out whatever concerned his order. Also, he was very dignified: three times every year he wore his crown, as often as he was in England. At Easter he wore it at Winchester, at Whitsuntide at Westminster, and at Christmas at Gloucester, and then there were with him all the powerful men over all England, archbishops and bishops, abbots and earls, thegns and knights. Also, he was a very stern and violent man, so that no one dared do anything contrary to his will. He had earls in his fetters, who acted against his will. He expelled bishops from their sees, and abbots from their abbacies, and put thegns in prison, and finally he did not spare his own brother, who was called Odo; he was a very powerful bishop in Normandy (his cathedral church was at Bayeux)—and was the foremost man next the king, and had an earldom in England. And when the king was in Normandy, then he was master in this country: and he [the king] put *him* in prison. Amongst other things the good security he made in this country is not to be forgotten—so that any honest man could travel over his kingdom without injury with his bosom full of gold: and no one dared strike another, however much wrong he had done him. And if any man had intercourse with a woman against her will, he was forthwith castrated.

He ruled over England, and by his cunning it was so investigated that there was not one hide of land in England that he did not know who owned it, and what it was worth, and then set it down in his record. Wales was in his power, and he built castles there, and he entirely controlled that race. In the same way, he also subdued Scotland to himself, because of his great strength. The land of Normandy was his by natural inheritance, and he ruled over the county called Maine: and if he could have lived two years more, he would have conquered Ireland by his prudence and without any weapons. Certainly in his time people had much oppression and very many injuries:

He had castles built
And poor men hard oppressed.
The king was so very stark
And deprived his underlings of many a mark
Of gold and more hundreds of pounds of silver,
That he took by weight and with great injustice
From his people with little need for such a deed.
Into avarice did he fall
And loved greediness above all,
He made great protection for the game
And imposed laws for the samè.
That who so slew hart or hind
Should be made blind.

He preserved the harts and boars
And loved the stags as much

As if he were their father.

Moreover, for the hare did he decree that they should go free.
Powerful men complained of it and poor men lamented it
But so fierce was he that he cared not for the rancour of them all
But they had to follow out the king's will entirely
If they wished to live or hold their land,
Property or estate, or his favour great,
Alas! woe, that any man so proud should go,
And exalt himself and reckon himself above all men.
May Almighty God show mercy to his soul
And grant unto him forgiveness for his sins.

The Chronicle also provides a picture of an unsuccessful feudal ruler, King Stephen (1135-1154).

WHEN THE TRAITORS UNDERSTOOD that he was a mild man, and gentle and good, and did not exact the full penalties of the law, they perpetrated every enormity. They had done him homage, and sworn oaths, but they kept no pledge; all of them were perjured and their pledges nullified, for every powerful man built his castles and held them against him and they filled the country full of castles. They oppressed the wretched people of the country severely with castle-building. When the castles were built, they filled them with devils and wicked men. Then, both by night and day they took those people that they thought had any goods—men and women—and put them in prison and tortured them with indescribable torture to extort gold and silver—for no martyrs were ever so tortured as they were. They were hung by the thumbs or by the head, and corselets were hung on their feet. Knotted ropes were put round their heads and twisted till they penetrated to the brains. They put them in prisons where there were adders and snakes and toads, and killed them like that. Some they put in a “torture-chamber”—that is in a chest that was short, narrow and shallow, and they put sharp stones in it and pressed the man in it so that he had all his limbs broken. In many of the castles was a “noose-and-trap”—consisting of chains of such a kind that two or three men had enough to do to carry one. It was so made that it was fastened to a beam, and they used to put a sharp iron around the man's throat and his neck, so that he could not in any direction either sit or lie or sleep, but had to carry all that iron. Many thousands they killed by starvation.

I have neither the ability nor the power to tell all the horrors nor all the torments they inflicted upon wretched people in this country: and that lasted the nineteen years while Stephen was king, and it was always going from bad to worse. They levied taxes on the villages every so often, and called it “protection money.” When the wretched people had no more to give, they

robbed and burned all the villages, so that you could easily go a whole day's journey and never find anyone occupying a village, nor land tilled. Then corn was dear, and meat and butter and cheese, because there was none in the country. Wretched people died of starvation; some lived by begging for alms, who had once been rich men; some fled the country.

There had never been till then greater misery in the country, nor had heathens ever done worse than then they did. For contrary to custom, they respected neither church nor churchyard, but took all the property that was inside, and then burnt the church and everything together. Neither did they respect bishops' land nor abbots' nor priests', but robbed monks and clerics, and everyone robbed somebody else if he had the greater power. If two or three men came riding to a village, all the villagers fled, because they expected they would be robbers. The bishops and learned men were always excommunicating them, but they thought nothing of it, because they were all utterly accursed and perjured and doomed to perdition.

Wherever cultivation was done, the ground produced no corn, because the land was all ruined by such doings, and they said openly that Christ and his saints were asleep. Such things, too much for us to describe, we suffered nineteen years for our sins.

The most famous constitutional document that survives from medieval England is Magna Carta—a "treaty of peace" between a feudal king and his barons (1215).

FROM *Magna Carta*

JOHN, BY THE GRACE OF GOD, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou; to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, servants, and all bailiffs and his faithful people greeting. . . .

I. In the first place we have granted to God, and by this our present charter confirmed, for us and our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured; and we will that it thus be observed; which is shown by this, that the freedom of elections, which is considered to be most important and especially necessary to the English church, we, of our pure and spontaneous will, granted, and by our charter confirmed, before the contest between us and our barons had

arisen; and obtained a confirmation of it by the lord Pope Innocent III; which we will observe and which we will shall be observed in good faith by our heirs forever.

We have granted moreover to all free men of our kingdom for us and our heirs forever all the liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

2. If any of our earls or barons, or others holding from us in chief by military service shall have died, and when he has died his heir shall be of full age and owe relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl for the whole barony of an earl a hundred pounds; the heir or heirs of a baron for a whole barony a hundred pounds; the heir or heirs of a knight, for a whole knight's fee, a hundred shillings at most; and who owes less let him give less according to the ancient custom of fiefs.

3. If moreover the heir of any one of such shall be under age, and shall be in wardship, when he comes of age he shall have his inheritance without relief and without a fine.

4. The custodian of the land of such a minor heir shall not take from the land of the heir any except reasonable products, reasonable customary payments, and reasonable services, and this without destruction or waste of men or of property; and if we shall have committed the custody of the land of any such a one to the sheriff or to any other who is to be responsible to us for its proceeds, and that man shall have caused destruction or waste from his custody we will recover damages from him, and the land shall be committed to two legal and discreet men of that fief, who shall be responsible for its proceeds to us or to him to whom we have assigned them; and if we shall have given or sold to any one the custody of any such land, and he has caused destruction or waste there, he shall lose that custody, and it shall be handed over to two legal and discreet men of that fief who shall be in like manner responsible to us as is said above.

5. The custodian moreover, so long as he shall have the custody of the land, must keep up the houses, parks, warrens, fish ponds, mills, and other things pertaining to the land, from the proceeds of the land itself; and he must return to the heir, when he has come to full age, all his land, furnished with ploughs and implements of husbandry according as the time of wainage requires and as the proceeds of the land are able reasonably to sustain.

6. Heirs shall be married without disparity, so nevertheless that before the marriage is contracted, it shall be announced to the relatives by blood of the heir himself.

7. A widow, after the death of her husband, shall have her marriage portion and her inheritance immediately and without obstruction, nor shall she give anything for her dowry or for her marriage portion, or for her inheritance which inheritance her husband and she held on the day of the death of her husband; and she may remain in the house of her husband for forty days after his death, within which time her dowry shall be assigned to her.

8. No widow shall be compelled to marry so long as she prefers to live without a husband, provided she gives security that she will not marry without our consent, if she holds from us, or without the consent of her lord from whom she holds, if she holds from another.

9. Neither we nor our bailiffs will seize any land or rent, for any debt, so long as the chattels of the debtor are sufficient for the payment of the debt; nor shall the pledges of a debtor be distrained so long as the principal debtor himself has enough for the payment of the debt; and if the principal debtor fails in the payment of the debt, not having the wherewithal to pay it, the pledges shall be responsible for the debt; and if they wish, they shall have the lands and the rents of the debtor until they shall have been satisfied for the debt which they have before paid for him, unless the principal debtor shall have shown himself to be quit in that respect towards those pledges.

10. If any one has taken anything from the Jews, by way of a loan, more or less, and dies before that debt is paid, the debt shall not draw interest so long as the heir is under age, from whomsoever he holds; and if that debt falls into our hands, we will take nothing except the chattel contained in the agreement.

11. And if any one dies leaving a debt owing to the Jews, his wife shall have her dowry, and shall pay nothing of that debt; and if there remain minor children of the dead man, necessaries shall be provided for them corresponding to the holding of the dead man; and from the remainder shall be paid the debt, the service of the lords being retained. In the same way debts are to be treated which are owed to others than the Jews.

12. No scutage or aid shall be imposed in our kingdom except by the common council of our kingdom, except for the ransoming of our body, for the making of our oldest son a knight, and for once marrying our oldest daughter, and for these purposes it shall be only a reasonable aid; in the same way it shall be done concerning the aids of the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water. Moreover, we will and grant that all other cities and boroughs and villages and ports shall have all their liberties and free customs.

14. And for holding a common council of the kingdom concerning the assessment of an aid otherwise than in the three cases mentioned above, or concerning the assessment of a scutage we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons by our letters under seal; and besides we shall cause to be summoned generally, by our sheriffs and bailiffs all those who hold from us in chief, for a certain day, that is at the end of forty days at least, and for a certain place; and in all the letters of that summons, we will express the cause of the summons, and when the summons has thus been given the business shall proceed on the appointed day, on the advice of those who shall be present, even if not all of those who were summoned have come.

15. We will not grant to any one, moreover, that he shall take an aid from his free men, except for ransoming his body, for making his oldest son

a knight, and for once marrying his oldest daughter; and for these purposes only a reasonable aid shall be taken.

16. No one shall be compelled to perform any greater service for a knight's fee, or for any other free tenement than is owed from it.

17. The common pleas shall not follow our court, but shall be held in some certain place.

* * *

20. A free man shall not be fined for a small offence, except in proportion to the measure of the offence; and for a great offence he shall be fined in proportion to the magnitude of the offence, saving his freehold; and a merchant in the same way, saving his merchandise; and the villain shall be fined in the same way, saving his wainage, if he shall be at our mercy; and none of the above fines shall be imposed except by the oaths of honest men of the neighborhood.

21. Earls and barons shall only be fined by their peers, and only in proportion to their offence.

* * *

28. No constable or other bailiff of ours shall take anyone's grain or other chattels, without immediately paying for them in money, unless he is able to obtain a postponement at the good-will of the seller.

29. No constable shall require any knight to give money in place of his ward of a castle if he is willing to furnish that ward in his own person or through another honest man, if he himself is not able to do it for a reasonable cause; and if we shall lead or send him into the army he shall be free from ward in proportion to the amount of time by which he has been in the army through us.

30. No sheriff or bailiff of ours or any one else shall take horses or wagons of any free man for carrying purposes except on the permission of that free man.

31. Neither we nor our bailiffs will take the wood of another man for castles, or for anything else which we are doing, except by the permission of him to whom the wood belongs.

32. We will not hold the lands of those convicted of a felony for more than a year and a day, after which the lands shall be returned to the lords of the fiefs.

* * *

39. No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor

send upon him, except by the legal judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we deny, or delay right or justice.

41. All merchants shall be safe and secure in going out from England and coming into England and in remaining and going through England, as well by land as by water, for buying and selling, free from all evil tolls, by the ancient and rightful customs, except in time of war, and if they are of a land at war with us; and if such are found in our land at the beginning of war, they shall be attached without injury to their bodies or goods, until it shall be known from us or from our principal justiciar in what way the merchants of our land are treated who shall be then found in the country which is at war with us; and if ours are safe there, the others shall be safe in our land.

42. It is allowed henceforth to anyone to go out from our kingdom, and to return, safely and securely, by land and by water, saving their fidelity to us, except in time of war for some short time, for the common good of the kingdom; excepting persons imprisoned and outlawed according to the law of the realm, and people of a land at war with us, and merchants, of whom it shall be done as is before said.

43. If anyone holds from any escheat, as from the honor of Wallingford, or Nottingham, or Boulogne, or Lancaster, or from other escheats which are in our hands and are baronies, and he dies, his heir shall not give any other relief, nor do to us any other service than he would do to the baron, if that barony was in the hands of the baron; and we will hold it in the same way as the baron held it.

* * *

54. No one shall be seized nor imprisoned on the appeal of a woman concerning the death of anyone except her husband.

55. All fines which have been imposed unjustly and against the law of the land, and all penalties imposed unjustly and against the law of the land are altogether excused, or will be on the judgment of the twenty-five barons of whom mention is made below in connection with the security of the peace, or on the judgment of the majority of them, along with the aforesaid Stephen, archbishop of Canterbury, if he is able to be present, and others whom he may wish to call for this purpose along with him. And if he should not be able to be present, nevertheless the business shall go on without him, provided that if any one or more of the aforesaid twenty-five barons are in a similar suit they should be removed as far as this particular judgment goes, and others who shall be chosen and put upon oath, by the remainder of the twenty-five shall be substituted for them for this purpose.

* * *

60. Moreover, all those customs and franchises mentioned above which we have conceded in our kingdom, and which are to be fulfilled, as far as pertains to us, in respect to our men; all men of our kingdom as well clergy as laymen, shall observe as far as pertains to them, in respect to their men.

61. Since, moreover, for the sake of God, and for the improvement of our kingdom, and for the better quieting of the hostility sprung up lately between us and our barons, we have made all these concessions; wishing them to enjoy these in a complete and firm stability forever, we make and concede to them the security described below; that is to say, that they shall elect twenty-five barons of the kingdom, whom they will, who ought with all their power to observe, hold, and cause to be observed, the peace and liberties which we have conceded to them, and by this our present charter confirmed to them; in this manner, that if we or our justiciar, or our bailiffs, or any one of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security; and the wrong shall have been shown to four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be corrected without delay. And if we shall not have corrected the transgression or, if we shall be out of the kingdom, if our justiciar shall not have corrected it within a period of forty days, counting from the time in which it has been shown to us or to our justiciar, if we are out of the kingdom; the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and let these twenty-five barons with the whole community of the country distress and injure us in every way they can; that is to say by the seizure of our castles, lands, possessions, and in such other ways as they can until it shall have been corrected according to their judgment, saving our person and that of our queen, and those of our children; and when the correction has been made, let them devote themselves to us as they did before. And let whoever in the country wishes take an oath that in all the above-mentioned measures he will obey the orders of the aforesaid twenty-five barons, and that he will injure us as far as he is able with them, and we give permission to swear publicly and freely to each one who wishes to swear, and no one will we ever forbid to swear. All those, moreover, in the country who of themselves and their own will are unwilling to take an oath to the twenty-five barons as to distressing and injuring us along with them, we will compel to take the oath by our mandate, as before said. And if any one of the twenty-five barons shall have died or departed from the land or shall in any other way be prevented from taking the above-mentioned action, let the remainder of the aforesaid twenty-five barons choose another in his place, according to their judgment, who shall take an oath in the same way as the others. In all those things, moreover, which are committed to those five and twenty barons to carry out, if perhaps the twenty-five are present, and some disagreement arises among them about something, or if any of them when they have been summoned are not

willing or are not able to be present, let that be considered valid and firm which the greater part of those who are present arrange or command, just as if the whole twenty-five had agreed in this; and let the aforesaid twenty-five swear that they will observe faithfully all the things which are said above, and with all their ability cause them to be observed. And we will obtain nothing from anyone, either by ourselves or by another by which any of these concessions and liberties shall be revoked or diminished; and if any such thing shall have been obtained, let it be invalid and void, and we will never use it by ourselves or by another.

5 Feudalism as a System of Government

The following readings present the views of three modern scholars on feudalism as a political system. J. Calmette saw feudalism as essentially a disintegrative force.

FROM *The Feudal World* BY J. CALMETTE

THE FEUDAL PRINCIPLE

TWO FUNDAMENTAL IDEAS served as the bases of ancient society—the State and property. The feudal principle attacked these two ideas and so to speak disintegrated them. Properly speaking there was neither State nor property in feudalism. How could these two ideas which seem fundamental and solid have been dissolved? To explain it is to explain the emergence of feudalism.

DISSOLUTION OF PROPERTY

Property was undermined first. At the outset the early Middle Ages knew hardly any form of wealth except land, and land belonged chiefly to the great proprietors. These latter could not cultivate it themselves. Moreover, agricultural work could not be carried out, either by slave labor as in former times—slavery being condemned by the morals of the age—nor by paid workers as nowadays—the circulation of currency being insufficient to maintain a class of wage earners. Hence the problem was resolved by making grants of land by means of contracts. The land to be cultivated was partitioned into lots among tenants of divers conditions who, whatever their name or quality, were charged with labor services and rents while, for their part, they enjoyed a right to the use of the land. Words like *precarium*, *emphyteusis*, etc., refer merely to contractual variants of this system of grants. In the final reckoning,

J. Calmette, *Le Monde Féodal* (1937), pp. 165–75. Translated by Brian Tierney by permission of Presses Universitaires de France, Paris.

their common characteristic was that they were permanent and hereditary. . . . When possession was dissociated definitively from ownership the latter diminished to no more than an external right, purely and simply a capacity to exact certain services. Briefly, the right of property, being converted into a kind of eminent domain, had practically ceased to exist.

DISSOLUTION OF THE STATE

The State was eclipsed in the same way. On the morrow of the invasions it was personified in a barbarian king who fused together prerogatives of state and his own personal rights. A man governed, not an impersonal entity. This man bound other men to himself by personal oaths. The idea of personal loyalty dissolved the substance of the State just as the permanent and hereditary right of tenure dissolved property. The bond of dependence of man on man—that ancient custom that gave rise to the “clientage” of ancient law—acquired unprecedented importance from the fact of the invasions. Around the barbarian chief are his “companions,” bound by oath and paid by booty, a band that forms an instrument of war and conquest. Now it is from his intimate circle derived from this band that the Frankish king usually draws his counts. Soon these, like the king, attach to themselves by oath men whom they intend to make use of or wish to dominate. It is “vassalage” which is taking root. If the word does not appear until the eighth century its rapid success manifests the force of the concept which it expresses.

LORDSHIP

Vassalage becomes combined with the granting of land. For, like the worker, the administrator cannot be paid in money in a society where currency is scarce and does not circulate. Hence the administrator, like the worker, is paid by a form of usufruct. In other words the king, who is the greatest of landlords, pays his agents in the same way that the landlord pays his peasants; he gives them the use of part of his domain. This right of use is at the same time payment for and conditional on the performing of formerly public service. This grant in exchange for service, above all military service on horseback, is called a “benefice” or “honor.” Vassalage and benefice combined engender the fief. The fief, properly speaking, is a benefice that a vassal holds of his lord.

The lord or seigneur [senior—the oldest, the most exalted in dignity] receives the oath of the vassal and gives him the property whose revenues provide remuneration for the services implied by the oath. Thus, there is created between lord and vassal a contract. This is the feudal contract. But the services owed by virtue of this contract include those which formerly the subject was bound to render to the state from the very fact of his birth. A private right is thus substituted for a public right. Evidently the

generalization of such a system impoverishes the State, which is no more than an idea or transcendental concept, deprived of concrete reality—just what has happened to property itself.

APPROPRIATION OF PUBLIC FUNCTIONS

However serious this transformation became the Carolingian regime would have continued as a semblance of a State if its functionaries had continued to obey it. But, on the contrary, they ceased little by little to be under the king's control and adopted the habit of exercising their powers, no longer on behalf of the State, but in their own name. The public function was absorbed into the lordship. The decline did not take place all at once but came about through insensible transitions. The kings did not react against it because they saw lordship as a means of administering. Moreover the struggles of prince against prince put loyalty on the auction block. The counts sell their support to the king. This support is paid for in benefices and the kingship is so thoroughly stripped of its lands that the descendants of Charlemagne will leave to their successors, the Capetians, a domain reduced almost to nothing. Each count, each holder of an immunity, in a word each lord, lives independently and this is the time when, to quote Quicherat, France—one might say all the West—"bristled with castles". . .

FEUDAL PROTECTION

The success of this system would have been incomprehensible if it had not answered to a need. The need was for protection. Feudalism established itself because at a critical time it offered protection. We have already seen that insecurity worked in its favor. It was above all the Viking invasions—and to a lesser degree the Saracen and Magyar invasions—which brought about the victory of feudal principles in the ninth century. Faced with the peril of invasions in various localities, the central government proved incapable of finding any effective remedy. The royal failure betrayed the people, and local resistance was organized around the lord. The fortified castle was the center of resistance. Life was concentrated in the circle of the lord because the seignury was a living cell, one in which the individual found relative security. . . .

PRIVATE WAR

The feudal nobility appears most of all as a military caste. The lord remains above all a soldier. Not all conflicts of law or fact are ended by means of a judgment of a feudal court. In case of discord there is war between lord and lord. Not only a clash of interests or personalities, but often sheer love of battle provokes these quarrels, which custom regulates, and which, once the gauntlet has been thrown down and accepted, unleash between two sei-

gneries all the horrors of steel, fire and blood. The Church, as a civilizing force, tried in vain to limit the evil. The Truce of God, the Peace of God, were palliatives of perceptible effect but insufficient and precarious in application. One might say that private war, the scourge of the feudal centuries, replaced the invasions against which men had sought to protect themselves by placing themselves under the protection of lords.

R. W. Southern saw the feudal principality as a constructive achievement.

FROM *The Making of the Middle Ages*

BY R. W. SOUTHERN

POLITICALLY, THE GREAT QUESTION in the tenth century, outside Germany, was how far the disintegration of authority would go. The immediate cause of the disintegration was lack of loyalty, and with lack of loyalty to persons went a decay and confusion of the ideas for which the persons stood. It was a time when claims of allegiance and duty, however well founded in law or in history, counted for nothing when they went beyond the bounds of effective personal power. It was easy for the Count of Anjou to throw off his obligations to the King of France. Would it prove equally possible for the lord of Loches or of any of the castles of the Loire to throw off the authority of the Count of Anjou? How far would the process go? The answer depended partly on the range of those small bodies of armoured, mounted soldiers who were growing up round the strong points of government. Partly it depended on the extent of the sacrifices people would be prepared to make for peace and security. It was no accident that after the confusion of the tenth century the strongest governmental units appeared where there was least in the way of marsh, mountain or forest to separate one community from another—in the open plains where the competition for power was most intense, and where the need for organization was consequently most keenly felt. But even in the most favourable geographical conditions, man's technical equipment was so primitive that this helplessness before Nature—which added to his misery in one way—saved him from the misery of organized tyranny. There was a mercifully large gap between the will to rule and the power to do so, and it may be that bad

roads and an intractable soil contributed more to the fashioning of familiar liberties than any other factor at this time.

Perhaps more simply than anywhere else in Europe, the shaping of a new political order may be seen in the valley of the river Loire. There was here so clean a sweep of ancient institutions, title deeds and boundaries, that the emergence of new forms of loyalty and authority was facilitated. Elsewhere the same processes are to be observed, men have the same objects in view, but they work towards them less directly and less swiftly. We shall observe the ambitions, and the restraints imposed on the wills, of some of the most powerful personalities of their time, in studying the emergence of one of the strongest new political units of the eleventh century in the Loire valley.

THE COUNTY OF ANJOU¹

The history of this county from the late tenth to the mid-twelfth century provides a rich portrait gallery of the makers of a medieval "state." Like other families, the counts took a great interest in their past; they were proud of it, and in the course of years they left a large collection of documents, which illuminate their history. Towards the end of the eleventh century, there was a historically minded Count, Fulk Rechin, who set himself to record the traditions of the family and his own recollections of his predecessors. Looking back from the eminence which the family had attained in his time, he could dimly perceive the origins of their good fortune in the career of an ancestor two hundred years earlier. Nothing was clearly reported about this ancestor except that his name was Ingelgarius, nor was much known about his descendants for nearly another hundred years; but the later panegyrist of the family were able to fill this gap by proclaiming that Ingelgarius was descended from an ancient Romano-British family of high rank. No amount of research or invention could discover how the family had lived in the intervening period since the fall of Rome, but it was concluded that "the matter is unimportant for we often read that senators have lived on the land and emperors have been snatched from the plough." This classical background was a twelfth-century addition to the history of the family—it reveals the romantic prejudices of that period—but in essentials the historians of the family were right. They saw that the effective origins of the family were to be sought in the later years of the ninth century—a time when, as one of them remarked, "the men in established positions relied on the merits of their ancestors and not on their own," and allowed themselves to be elbowed out of the way by new men pushing their way to the front by superior energy and military effectiveness.

¹ For what follows, see L. Halphen, *Le Comté d'Anjou au XI Siècle* (Paris, 1906), J. Chartrou, *L'Anjou de 1109-1151* (Paris, 1928), and J. Boussard, *Le Comté d'Anjou sous Henri Plantagenêt et ses fils (1151-1204)* (Bibliothèque de l'école des Hautes Études, CLXXI, Paris, 1938). The chronicle sources are published in *Chroniques des Comtes d'Anjou et des seigneurs d'Amboise*, ed. L. Halphen and R. Poupardin (Collection des Textes pour servir à l'étude d'histoire, 1913).

The family of Ingelgarius were among these new men. War made them conspicuous, grants of land established their position, marriage consolidated it, and the acquisition of ancient titles of honour cloaked their usurpations. Ingelgarius gained the first foothold in the valley of the Loire, but it was his son Fulk the Red—with a name and physical characteristic which kept reappearing in his descendants—who made the family a power to be reckoned with in the neighbourhood: marriage added to his possessions, force held them together, and the comital rights (for what they were worth), which had previously been shared, were now acquired outright. Two more generations, covering the period from 941 to 987, gave the family a place in legend and in general repute, establishing them in a subtle way in men's minds as well as in their physical experience. The time of Fulk the Good (941 to c. 960) was looked back to as a period of growth, though it was not a time of territorial expansion: it was now that the unnatural fertility of the soil—the fruit of long years of depopulation—was discovered, and prodigious crops rewarded the labours of new settlers. The prize of the Loire valley, the capital city of Tours, still lay outside the range of the count's authority, but the family had great claims to the gratitude of the church in that city. It was said that Ingelgarius had restored to it by force of arms the relics of its patron saint, thus starting the family tradition of goodwill towards the church of Tours. Fulk's reputation in this respect was of a more scholarly kind. It was reported that he delighted to take part in the choir services with the canons and that he was the author of a famous rebuke to a king who ridiculed his clerical tastes. The story is exceedingly improbable, but it illustrates the way in which the family was adding to itself fame of a more than military kind. Fulk's son, Geoffrey Greymantle, who was Count from about 960 to 987, added to this legendary reputation: he was one of the select band of tenth-century heroes whose names were handed down to form part of the stock-in-trade of twelfth-century poetic memory. He was pictured as the standard bearer of Charlemagne in the *Song of Roland*, and in his own right he was the hero of various stories, in which his prowess and counsel saved the kingdom from its enemies.²

By 987 the family was ready to emerge from its legendary and epic age on to the stage of history. At this moment there appeared one of those powerful figures, who combined all the qualities and ferocity of his race and consolidated the achievements of the last four generations: Fulk Nerra, the Black, Count of Anjou from 987 to 1040. We cannot do better than look at him through the eyes of his grandson, Count Fulk Rechin. This is what he records of Fulk Nerra:

- 1 He built thirteen castles, which he can name, and many more besides.
- 2 He won two pitched battles, against his neighbours to East and West.
- 3 He built two abbeys, one at Angers and the other near Loches, the great outpost of his power in the South East.

² For the place of Geoffrey Greymantle in epic tradition, see F. Lot, *Geoffroi Grisegonelle dans l'Épopée* in Romania, 1890, XIX, 377-93, and *Traditions sur Geoffroi Grisegonelle et sur Helgaud de Montreuil* in Romania, 1920, XLVI, 376-81.

4 He went twice to Jerusalem (this is an understatement: it is almost certain that he went three times); and he died on his way home during his last journey.

Each one of these items, properly considered, stamps him as a man of note: taken together they convey a vivid impression of a pioneer in the art of feudal government. In the first place, the castles: they were the guarantee of the stability of the régime. Fulk was a pioneer in the building of stone keeps, and one formidable example of his handiwork still survives at Langeais. The inexpugnable fortresses solved at once the problem of defence and of government—they made loyalty easy. The battles were more speculative—brilliant gambles based on the solid capital of defensive positions. It was a time when he who committed himself to open battle, committed his fortune to the winds. But the reward of successful enterprise was great, as befitted the uncertainty of the outcome; and the battle of Conquereuil in 992 against the Count of Brittany was one of the foundations of Angevin greatness.

We pass to the expressions of Fulk Nerra's religious zeal. He and his contemporary Duke of Normandy were the greatest of the pilgrims who set on foot the movement to Jerusalem. In them the alternation of headlong violence with abrupt acts of remorse and atonement, which characterises the early feudal age, has its full play. Perhaps more than in anything else, the nature of the man is revealed in the documents which recount his religious benefactions. They breathe a vigorous and autocratic spirit, unencumbered by any feeling after intangible things, yet accessible to a sense of guilt and stirred by a sense of littleness before the miraculous disturbances of nature. These documents deal with stark facts:

I give them (says Fulk's charter to Beaulieu) the blood, the thieves and all evil deeds, of whatsoever kind they are (that is to say, jurisdiction over, and the profits arising from the punishment of, murderers, thieves and other criminals), between the rivulet *de Concere* and the oak of St. Hilary, and between the vegetable garden and the elm on which men are hanged. And wheresoever, on my land, the abbot does battle for anything, if his champion is beaten, he shall go free and pay no fine to my reeve or any official.³

So far as Fulk speaks to us at all, he speaks to us in words like these. Yet, when all is said, we are very far from understanding a man like Fulk Nerra. It is only occasionally that we are allowed to see behind the façade of ruthlessness and activity to the not overconfident humanity which guided arm and hand. It takes some extraordinary event to reveal these men in their more domestic moods. They must often have sat with their wives at the upper windows of their newly built castles, but it is not until a meteor falls into the garden below that we have a picture of Fulk's formidable son Geoffrey Martel and his wife Agnes (the mother of the Empress) racing

³ L. Halphen, *Le Comté d'Anjou au XI Siècle*, pp. 351-2.

down to the spot where it fell and vowing to found an abbey dedicated to the Holy Trinity, in memory of the three glowing fragments which had flashed before their awestruck eyes. It was in the face of the miraculous that they became most human. When the Duke of Aquitaine heard that a rain of blood had fallen in his duchy, he did not reflect that he was hostile to the royal pretensions—he humbly wrote and asked the king if he had any learned men who could explain the event. And their answers were such as to make any man pause in a career of wrong-doing.⁴ But, on the whole, the secular leaders of the early eleventh century must be judged by what they did, and not by what they thought or intended. Judged by this standard Fulk Nerra is the founder of the greatness of the County of Anjou.

His life-time brings us to an age of serious, expansive wars waged by well-organized and strongly fortified territorial lords. The confused warfare, haphazard battles and obscure acts of force of the first hundred years of the family's history had turned scattered and precarious rights into a complex, but geographically compact and militarily impregnable association, dependent on the Count. The process was directed by an instinctive feeling for strategic advantage, which perhaps lends to the history of these years an appearance of consistency greater than in fact it possessed. The methods were not refined, but they were practised with a consistency of purpose which inspires a certain respect. The swallowing of an important strong point might be preceded by many years of steady encroachment. It was necessary, first, to get established at some point within the territory to be threatened—an operation carried out by a careful marriage, a purchase which the documents represent as a gift, or an act of force or fraud. Then a castle was built as a base of operations. After that, watchfulness: a minority, the chance offered by the enemy's engagement elsewhere, or a lucky battle, might complete the circle. The town of Tours, for instance, was not swallowed until 1044, but in a sense the whole history of the family was a preparation for this event: the good relations with the church of the city seem to go back to the founder of the dynasty; the encircling of the town by a ring of castles at Langeais, Montbazou, Montrichard and Montboyau had been begun by Fulk Nerra fifty years before the final victory. How much was design and how much a kind of inspired opportunism it would be useless to enquire. Once started, the process went on as relentlessly as the operations of the Stock Exchange.

But by the middle of the eleventh century, easy progress by these familiar methods was no longer possible. The weak had been made dependent, the strongholds of intruding neighbours had been taken and, by the same token, distant claims of the Counts outside their own territory had been abandoned. To the west stood Brittany, to the east Blois, to the north—across the still debatable land of Maine—Normandy, to the south Poitou. They

⁴ These letters were preserved among the correspondence of Fulbert of Chartres and they are printed in P. L. vol. 141, 239-40 and 935-8.

faced each other as equals. Although the armed peace was often broken, the chief interest of the next hundred and fifty years lies in the emergence of stable political institutions and the elaboration of a new system of law. The swashbuckling days were over, and the régimes which had emerged began to clothe themselves in habits of respectability. Up to this point, St. Augustine's dictum that secular governments are nothing but large-scale robbery seemed to be abundantly justified by the facts: but slowly something more complex, more sensitive to the positive merits of organized society, seemed to be required. Government became something more than a system of exactions from a conquered countryside, and there developed a routine for the peaceful exploitation of resources and for the administering of justice. For this, an expert and literate staff was needed, in addition to the menials and military leaders who had satisfied the requirements of a more primitive age. Government by means of the written word returned after a long silence. Until the time of Fulk Rechin, the Count seems not to have felt the need for having someone at hand who could write his letters. All the known comital documents were written by an outsider. It was quite natural that this should be so. The most frequent occasion for writing a document was to make a record of some act of generosity, by which the Count had endowed a religious house: it was the beneficiary who was interested in making the record, and to him fell the labour of making it. If on the other hand, as might sometimes happen, the Count wished to correspond with the Pope or the King of France, he called in some notable scholar for the occasion to write his letters for him. But slowly his needs outgrew this primitive expedient. The necessity for transmitting orders and preserving information became more pressing, and by the end of the eleventh century the Count was not only sealing or witnessing documents which had been written for him by those with whom he was in casual contact; he had men about him who could conduct his correspondence and were eager to manage his affairs. It is an important moment in history, not peculiar to Anjou but common to the governments of northwestern Europe. The continuity of government was re-established. The work required trained men, and the presence of trained men—by a process with which we are familiar—made more work for more trained men.

The rise of the great schools of Northern France and Norman England coincided with and forwarded this movement in government. Slowly the ruling households of Europe, at all levels from the Papal Court to the household of a minor baron, were penetrated by men calling themselves "Masters," men who had studied in the Schools—or as we should say university men. The flow of university men into the Civil Service and into technical positions from the 1870's to our own day is not more significant of the new part played by government in daily affairs, than the similar flow of "Masters" into official positions which began in the early twelfth century and, by the end of our period, had transformed the operations and outlook of secular government. The revolutions in thought which transformed the

mainly monastic learning of the eleventh century on the one hand, and the mainly clerical education of the early nineteenth century on the other, had, both of them, wide repercussions in the sphere of government. The "Masters" of the twelfth century brought to government a training, a method and a breadth of vision which had been unknown in the previous century: they were only the instruments of government, but they were finer instruments than had been known before.

J. R. Strayer considered that feudalism provided a workable basis of government for the newly emerging European states.

FROM *Feudalism in Western Europe*

BY J. R. STRAYER

WE COULD HARDLY EXPECT these early feudal governments to be well organized and efficient—they were improvised to meet a desperate situation and they bore all the signs of hasty construction. But they did have two great advantages which made them capable of further development. In the first place, feudalism forced men who had privileges to assume responsibility. In the late Roman Empire, the Frankish kingdom, and the Carolingian monarchy wealthy landlords had assisted the central government as little as possible while using their position and influence to gain special advantages for themselves. Now they had to carry the whole load; if they shirked they lost everything. In the second place, feudalism simplified the structure of government to a point where it corresponded to existing social and economic conditions. For centuries rulers had been striving to preserve something of the Roman political system, at the very least to maintain their authority over relatively large areas through a hierarchy of appointed officials. These efforts had met little response from the great majority of people; large-scale government had given them few benefits and had forced them to carry heavy burdens. Always there had been a dangerous discrepancy between the wide interests of the rulers and the narrow, local interests of the ruled. Feudalism relieved this strain; it worked at a level which was comprehensible to the ordinary man and it made only minimum demands on him. It is probably true that early feudal governments did less than they should,

but this was better than doing more than was wanted. When the abler feudal lords began to improve their governments they had the support of their people who realized that new institutions were needed. The active demand for more and better government in the twelfth century offers a sharp contrast to the apathy with which the people of Western Europe watched the disintegration of the Roman and the Carolingian Empires.

Feudalism, in short, made a fairly clean sweep of obsolete institutions and replaced them with a rudimentary government which could be used as a basis for a fresh start. Early feudal government was informal and flexible. Contrary to common opinion, it was at first little bound by tradition. It is true that it followed local custom, but there were few written records, and oral tradition was neither very accurate nor very stable. Custom changed rapidly when circumstances changed; innovations were quickly accepted if they seemed to promise greater security. Important decisions were made by the lord and his vassals, meeting in informal councils which followed no strict rules of procedure. It was easy for an energetic lord to make experiments in government; for example, there was constant tinkering with the procedure of feudal courts in the eleventh and twelfth centuries in order to find better methods of proof. Temporary committees could be set up to do specific jobs; if they did their work well they might become permanent and form the nucleus of a department of government. It is true that many useful ideas came from the clergy, rather than from lay vassals, but if feudal governments had not been adaptable they could not have profited from the learning and skill of the clergy.

Feudalism produced its best results only in regions where it became the dominant form of government. France, for example, developed her first adequate governments in the feudal principalities of the north, Flanders, Normandy, Anjou and the king's own lordship of the Ile de France. The first great increase in the power of the French king came from enforcing his rights as feudal superior against his vassals. Many institutions of the French monarchy of the thirteenth century had already been tested in the feudal states of the late twelfth century; others grew out of the king's feudal court. By allowing newly annexed provinces to keep the laws and institutions developed in the feudal period, the king of France was able to unite the country with a minimum of ill-will. France later paid a high price for this provincial particularism, but the existence of local governments which could operate with little supervision immensely simplified the first stages of unification.

England in many ways was more like a single French province than the congeries of provinces which made up the kingdom of France. In fact, the first kings after the Conquest sometimes spoke of the kingdom as their "honor" or fief, just as a feudal lord might speak of his holding. As this example shows, England was thoroughly feudalized after the Conquest. While Anglo-Saxon law remained officially in force it became archaic and inapplicable; the law which grew into the common law of England was the

law applied in the king's feudal court. The chief departments of the English government likewise grew out of this court. And when the combination of able kings and efficient institutions made the monarchy too strong, it was checked by the barons in the name of the feudal principles expressed in Magna Carta. Thus feudalism helped England to strike a happy balance between government which was too weak and government which was too strong.

The story was quite different in countries in which older political institutions prevented feudalism from reaching full development. Feudalism grew only slowly in Germany; it never included all fighting men or all lands. The German kings did not use feudalism as the chief support of their government; instead they relied on institutions inherited from the Carolingian period. This meant that the ruler acted as if local lords were still his officials and as if local courts were still under his control. In case of opposition, he turned to bishops and abbots for financial and military aid, instead of calling on his vassals. There was just enough vitality in this system to enable the king to interfere sporadically in political decisions all over Germany, and to prevent the growth of strong, feudal principalities. But while the German kings of the eleventh and twelfth centuries showed remarkable skill in using the old precedents, they failed to develop new institutions and ideas. Royal government became weaker, and Germany more disunited in every succeeding century. The most important provincial rulers, the dukes, were also unable to create effective governments. The kings were jealous of their power, and succeeded in destroying, or weakening, all the great duchies. The kings, however, were unable to profit from their success, because of their own lack of adequate institutions. Power eventually passed to rulers of the smaller principalities, not always by feudal arrangements, and only after the monarchy had been further weakened by a long conflict with the papacy. Thus the German kings of the later Middle Ages were unable to imitate the king of France, who had united his country, through the use of his position as feudal superior. Germany remained disunited, and, on the whole, badly governed, throughout the rest of the Middle Ages and the early modern period.

Italy also suffered from competition among different types of government. The German emperor was traditionally king of (north) Italy. He could not govern this region effectively but he did intervene often enough to prevent the growth of large, native principalities. The Italian towns had never become depopulated, like those of the North, and the great economic revival of the late eleventh century made them wealthy and powerful. They were too strong to be fully controlled by any outside ruler, whether king or feudal lord, and too weak (at least in the early Middle Ages) to annex the rural districts outside their walls. The situation was further complicated by the existence of the papacy at Rome. The popes were usually on bad terms with the German emperors and wanted to rule directly a large part of central Italy. In defending themselves and their policies they encouraged the towns'

claims to independence and opposed all efforts to unite the peninsula. Thus, while there was feudalism in Italy, it never had a clear field and was unable to develop as it did in France or England. Italy became more and more disunited; by the end of the Middle Ages the city-state, ruled by a "tyrant," was the dominant form of government in the peninsula. There was no justification for this type of government in medieval political theory, and this may be one reason why the Italians turned with such eagerness to the writings of the classical period. In any case, the Italian political system was a failure, and Italy was controlled by foreign states from the middle of the sixteenth to the middle of the nineteenth century.

There are certainly other factors, besides feudalism, which enabled France and England to set the pattern for political organization in Europe, and other weaknesses, besides the absence of fully developed feudalism, which condemned Germany and Italy to political sterility. At the same time, the basic institutions of France and England in the thirteenth century, which grew out of feudal customs, proved adaptable to changed conditions, while the basic institutions of Italy and Germany, which were largely non-feudal, had less vitality. Western feudalism was far from being an efficient form of government, but its very imperfections encouraged the experiments which kept it from being a stagnant form of government. It was far from being a just form of government, but the emphasis on personal relationships made it a source of persistent loyalties. And it was the flexibility of their institutions and the loyalty of their subjects which enabled the kings of the West to create the first modern states.