FEUDAL ANTECEDENTS
IN ANGLO-SAXON
ENGLAND

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1973

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1974

Submitted to the Faculty of the
Graduate College of the
Oklahoma State University
in partial fulfillment of
the requirements for
the Degree of
DOCTOR OF PHILOSOPHY
December, 1980

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FEUDAL ANTECEDENTS
IN ANGLO-SAXON
ENGLAND

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PREFACE

This study is primarily a search for feudal characteristics in Anglo-Saxon England. It attempts to contribute answers to a much larger question concerning the continuity of English institutions from the Anglo-Saxon period through the Norman Conquest and into the Anglo-Norman period. Three significant problems hinder a study of this nature. First, the scholarship contributed on the subject during the last four hundred years frequently has been inconsistent, for it has not been aimed so much at discovering fact as at furthering the political philosophies of those who were doing the writing. Second, there are numerous and various definitions of feudalism. Third, documents of any kind--literature, wills, charters, etc.--dating from the Anglo-Saxon period are scarce, and frequently those that do exist are fragmentary or corrupt because they have been poorly reproduced or poorly translated by copiers. To attempt to overcome some of these problems, this study has reviewed the last four hundred years of scholarship, including especially a review of those writings which defined feudalism, to discover and eliminate inconsistencies and to formulate a definition of feudalism in terms upon which most medievalists can agree. That definition has then been used as a basis for considering Anglo-Saxon literature and other documents to find out if feudal antecedents did exist in Anglo-Saxon England.

I appreciate the efforts and guidance of Dr. John Paul Bischoff, my major adviser on the historical issues involved in this dissertation, and Dr. Janemarie Luecke, my major adviser on those issues concerning the literature. I am grateful also for the assistance and encouragement of the other members of my committee, Dr. Thomas L. Warren, English, and Dr. Neil Hackett, history.

More than gratitude for assistance, however, I express love and devotion, which could never be commensurate with that they expressed toward me by tolerating me through this interminable experience, to Betty, Robert and Martin, my wife and sons. I also thank Betty for editing every word of this manuscript, then typing the final draft.

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CHAPTER I

ANGLO-SAXON FEUDALISM: ASSESSMENTS

For nearly four centuries historians and students of the medieval period in England (primarily the years 1066-1350) have been perplexed by the problem of the effects of the Norman Conquest in 1066 on the development of English institutions. During the seventeenth century, supporters of the English Parliament against the alleged tyranny of the Stuart kings traced precedent for the existence of the parliament and its autonomy from monarchal control to the public assemblies established by the Germanic tribes who conquered Rome. The supporters of the Stuart kings, on the other hand, sought to establish precedent for absolute control by the monarch in the Conquest of 1066. They held that the Conquest created an historical cataclysm, thus only from the Conquest could the evolution of English institutions be traced. The conflict between the supporters of Parliament and the supporters of the Stuarts was finally resolved by civil war. The essential question of the evolution of English institutions, that is, the effect of the Norman Conquest on English institutions, remained a matter of controversy.

During the eighteenth century the central issue began to take on more definite forms and sides formed according to whether the historian thought the Romans or the Germans had had the greatest influence on England. The Germanists attempted to promote the idea of the continuous evolution of history from the German occupation of England during the fifth century A.D. Rather than concentrating on political evolution, they stressed intellectual, social and economic evolution. The opposing group in the conflict, the Romanists, believed that any evolution within any of these areas must be traced back to the ancient Greeks and Romans. Both groups, however, agreed that the Norman Conquest, in contrast to the Roman or the Germanic conquest of England, was relatively unimportant. Thus, throughout the eighteenth and nineteenth centuries the theory of historical continuity before the Norman Conquest was the prevalent theory. And, until the late nineteenth century the Germanists were in rather strong control of scholarly agreement.[1]

In the 1890's, however, the problem was given a new focus when John Horace Round in a series of articles and a book on the subject of the Norman Conquest introduced apparently undeniable proof that the Norman Conquest created an historical cataclysm in England.[2] Round declared that William the Conqueror established an entirely new military system, thus a completely new political system in England. The controversy became thereafter a scholarly battle between the Germanists and those who believed that English institutions could be traced only to the Norman Conquest. During the twentieth century the Germanists have been struggling to recoup scholarly ground lost when Round's articles began to appear and were fortified by a series of twentieth century scholars of merit, including F. M. Stenton, David Douglas and Carl Stephenson.[3]

More than just a question of historical continuity, however, the problem of discovering the effects of the Norman Conquest on English institutions involves the question of and an understanding of the characteristics of feudalism. Normandy was feudal at the time of the Conquest and following the Conquest England became a feudal state. In fact, thirteenth century England exemplified "ideal" feudalism. But to insist upon a theory of historical cataclysm is to state that following the Norman Conquest the Normans introduced changes into the English system for which there were no pre-Conquest precedents. On the other hand, to state the theory of historical continuity is to say that England was feudal or becoming feudal before the Conquest. To make either statement is to presuppose an understanding of feudalism.

Feudalism is, however, a much misunderstood term which solicits frequent and various efforts to define and characterize it. For example, the term feodal was introduced into the English language in the seventeenth century.

Feudalism itself became a part of the English vocabulary in the eighteenth century. Yet the periods of history which the term is used to describe had completely elapsed even before feodal was translated into English usage. Hence, those who have attempted to define the term have had first to try to identify the institutions of feudal states during the period those states were supposedly feudal, and then to say that these institutions were necessary for feudalism. Such initial difficulties create various interpretations and definitions of the term feudalism.

Feudalism is associated by some with control of a society by a strong monarchy, chaos, and subjugation of the lower classes. Also, feudal often is considered a term to be applied only to the political structure of a country. As frequently, however, it is used to describe both the political and economic structures of a nation, or to characterize only an economic structure. The study of feudalism, therefore, can be divided into two studies: the study of economic institutions and the study of political institutions. Generally when such a distiction is made, economic institutions are disregarded through the contention that they are not unique to feudal society. For example, the bondage of a weaker man to a stronger man existed in the Roman Empire which was not feudal, levels of society exist in republics and democracies as well as in feudal society, and even tenant farming, considered an essential part of feudalism, can be found in modern United States society. When scholars limit the discussion of feudalism to political institutions, however, they still do not agree on the characteristics of those institutions.

The question of the effects of the Norman Conquest on English institutions becomes, therefore, two questions: What is feudalism? and, Are there feudal antecedents suggested in the literature and laws of Anglo-Saxon England? If feudal antecedents are discovered, there is evidence to support the theory of historical continuity. If no evidence is found, there is support for the theory of historical cataclysm caused by the Norman Conquest. Either conclusion will have to be susceptible to modification since understanding of the medieval period in England comes slowly because of the lack of written documents from the period and because of the difficulties involved in translating and interpreting those that do exist.

Any endeavor to shed more light on the question of historical continuity requires a three step process. The first step is to discover exactly what common understanding exists among those who previously have studied the problem. Those common elements, whether they are characteristics of pre-Norman England or characteristics of feudalism, should be accepted unless new evidence contradicts them, for they are based on three centuries of research into the subject. The second step is to define feudalism once again. Because of the plethora of existing definitions of the term, none can receive the support it needs to eliminate confusion. In addition, the new definition must take into account previous definitions so that it will have the merit to be considered the best definition rather than just one more to add to the many already existing. The third step is to analyze the literature and the laws of the pre-Norman period in England to see if the conditions established in the revised definition are exemplified in that period.

The purpose of the present work is to apply the three step process to a study of the impact of the Norman Conquest on English institutions. The work should achieve three objectives regardless of its conclusion on the extent of pre-Norman feudalism. First, it should establish a statement of current progress in deciding the question of the extent of change in English institutions caused by the Norman Conquest. Second, it should provide a definition not only of feudalism but of other terms generally associated with feudalism which can be used by future students of the medieval period in England. And third, in those areas not definitely concluded, new approaches to the study of feudalism and, ultimately, to the study of the Norman Conquest on English institutions should be opened for pursuit by future scholars.

The history of criticism about feudalism dates to the seventeenth century. Although the ramifications of the studies then included the character of feudalism, that is, of Norman society and the effects of the Norman Conquest on English social, political and economic institutions, those seventeenth century writers were primarily interested in gaining historical precedent for either supporting the absolute authority of the Stuart kings or subjecting that authority to parliamentary censure. There were, however, two important results of the seventeenth century controversy. One was the introduction from Latin into English of the word feodal to describe the relationship between lords and vassals in Norman England and the coining of the term "feudal society" to describe the structure of Anglo-Norman society.[4]

The second important result of the controversy was the development of a dichotomy of thought about English feudalism which saw no degree of reconciliation until the late nineteenth century and which still exists on the question of Norman effects on English institutions. One of the sides in the controversy stressed that the Norman Conquest caused an historical cataclysm in England and the other stressed that there was continuity between pre-Conquest and post-Conquest institutions.[5]

In the nineteenth century, "the Romantic movement with its emphasis on historical continuity and organic national development drove the theory of historical cataclysm into temporary eclipse."[6] The English historian who had the greatest influence on the predominance of the evolutionary theory was Sir Francis Palgrave. In his massive work, Rise and Progress of the English Commonwealth, he maintained that the Roman occupation of England was of fundamental importance to English history, and, compared to that occupation, neither the later Danish nor Norman occupation was significant.[7] Palgrave's work was paralleled by the continental romanticists and became the thesis of scholarly agreement even among the Germanists and Romanists.

The evolutionary theory, however, was not to survive the scrutiny of later nineteenth century historians. For beginning with his article, "The Introduction of Knight Service into England,"[8] in 1893, and culminating with his book, Feudal England,[9] first published in 1895, John Horace Round insisted that the Norman Conquest had revolutionary effects on English history. And although his theory has been somewhat modified in this century, it is still accepted as essentially the prevailing theory. Because Round's thesis is still the accepted thesis and because he and his contemporaries, especially Frederic Maitland, introduced the first writings on the period surrounding the Norman Conquest which were based on a close examination of documents dating from that period, a more detailed analysis of his conclusions and the conclusions of subsequent scholarship is necessary. Close examination of these works can reveal points of comparison between pre- and post-Conquest England and define those points which characterized the two periods in English history.

In "Introduction of Knight Service into England," Round maintained that there was no continuity between the Anglo-Saxon thane and the Anglo-Norman knight. He insisted that "between the accepted view and the view which I advance, no compromise is possible."[10] To support his contention, he approached the problem from several different perspectives.

First, Round attacked the accepted view by endeavoring to show that it was "mainly grounded on the negative evidence of Domesday, which evidence will not bear the construction that has been placed upon it,"[11] that "the recognized leaders of existing opinion on the subject cannot agree among themselves in giving us a clear answer when we ask them what determined the amount of 'service' due from a Norman tenant-in-chief, or, in other words, how that 'service' was developed in unbroken continuity from Anglo-Saxon obligations."[12]

Second, he claimed that "even assuming that the amount of 'service' bore a fixed proportion . . . to the extent of possession presents the difficulty that the owner of *x* units of possession would be compelled for the discharge of his military obligations to enfeoff *x* knights, assigning a 'unit' to each," causing, for example, "the luckless baron [to] see the entire value of his estate swallowed up in the discharge of its obligations."[13] Round further offered the observation that if Henry I was the first to take a regular account of knights' fees and he "found the land with a settled liability of providing one knight for every five hides, and must, yet, have reduced that liability of his own accord . . . thus, contrary to all his principles, ultroneously [he must have] deprived himself of the 'service' he was entitled to claim."[14] By this reasoning, Round opposed the five hide principle for determining the amount of land from which one knight was due, pointing out that such obligations would cause the lord to lose all of his profits in fulfilling his obligations to the king. For example, if a lord had 50 hides, he would need to supply ten knights by the five hide principle. But if it took five hides for each knight to support himself, what would be left for the lord to rent out to support himself?

Round next maintained that feudalism was introduced abruptly into England but that there was a gradual process of sub-infeudation during the Norman period. He justified the seeming contradiction, i.e. that feudalism can exist without sub-infeudation, one of the principal elements of feudalism, by stating that the misunderstanding exists in a consideration of the "middleman," the tenant-in-chief, of the feudal system. "The 'military service' bargain was a bargain between the crown and the tenant-in-chief, not between the crown and the under-tenants. If follows from this that so long as the 'baron' (or 'tenant-in-chief') discharged his *servitium debitum* (debt of service) to the crown, the king had no right to look beyond the 'baron' who was himself and alone responsible for the discharge of this service."[15]

Round then turned his attention to a discussion of quotas, that is, the amount of service due from the tenants-in-chief and the methods through which these quotas were established. Finding the closest connection between the service owed in Norman England and in Normandy to be the Norman *constabularia* of ten knights, Round insisted that the obligation of the Anglo-Norman tenant-in-chief was "not determined by his holding, but was fixed in relation to, and expressed in terms of, the *constabularia* of ten knights, the unit of the feudal host, . . . consequently . . . his military service was in no way derived or developed from that of the Anglo-Saxons, but was arbitrarily fixed by the king, from whom he received his fief, irrespectively both of its size and of all pre-existent arrangements."[16]

From his discussion of quotas he turned to a discussion of whether the five hide unit was the fixed amount of land which constituted a knight's fee in Norman and Anglo-Norman feudalism. Finding that the five hide unit was not a consistent measurement of landholding for determination of a knight's fee in post-Conquest England, Round concluded that "no fixed number of hides constituted a knight's fee. Instead, the knight's fee, held by an under-tenant, consisted normally of an estate worth £20 a year, and was not based on the 'five hides' of the Anglo-Saxon system."[17]

Round's discussion in Feudal England was not limited to a discussion of the knight's fee or the military reorganization caused by the Norman Conquest. He considered both the economic and social aspects of the upheaval; yet, it is not his but his successors' analyses regarding these two areas of change which demand lengthy consideration. In Round's successors' discussions, the central question remained the extent of change caused in the military institutions by the Conquest, but any such discussions include consideration of social and economic change.

F. M. Stenton was the most prolific twentieth century supporter of Round's thesis. In his studies of The First Century of English Feudalism, 1066-1166[18] and Anglo-Saxon England,[19] which culminated in a reiteration of the thesis that Anglo-Saxon England could not in strict definition of the term be called feudal, Stenton added support to Round's thesis. Stenton studied charters, wills, Domesday

Book and other documents of the immediate pre- and post-Conquest periods, especially as they concerned lords and vassals, honors and fees, and the responsibilities of vassals to their lords. He concluded that "knighthood in pre-conquest England had few representatives beyond the garrisons of the castles built by the Confessor's French dependents, and the English antipathy to these men had deep foundations."[20] On the relationship between lord and vassal he concluded that "the relationship between lord and man was as common in pre-Conquest England as anywhere in France. But in England, this relationship was only one element in a social order based essentially on hereditary status, and in France, it had become the basis of a new type of society organized specifically for war." In addition, he believed that after "due emphasis has been laid on the signs of social change in pre-Conquest England--the leases granted by great ecclesiastics to thegns or cnights, the increasing dependence of freemen on lords, even the appearance of a new military element in Cnut's housecarles--the essential difference between English and Norman society remains as wide as ever."[21]

Following these summary statements, Stenton concluded his discussion of Anglo-Norman feudalism with a statement which has been accepted completely by all subsequent followers of his thesis and argued against by all who favor an evolutionary thesis. That conclusion is as follows:

"It is turning a useful term into a mere abstraction to apply the adjective 'feudal' to a society which had never adopted the private fortress nor developed the art of fighting on horseback, which had no real conception of the specialization of service, and allowed innumerable landowners of position to go with their land to whatever lords they would."[22]

Subsequent supporters of Round's thesis of historical cataclysm frequently used Stenton's conclusions as the starting point for their discussions. For example, Carl Stephenson suggested that "in Saxon England we . . . discover the manorial system, a dependent peasantry, a military aristocracy, grants of immunity, benefices, and various forms of commendation, including one that resembled vassalage. Yet, for lack of the fief, we discover no feudal tenure."[23] Stephenson concluded that "the revolutionary factor was the Carolingian development of heavy-armed cavalry."[24] Supporters of Round's thesis were already beginning to modify it, for Stephenson's objection to antecedent feudalism in pre-Conquest England rested solely on military forms.

David C. Douglas, also a supporter of the cataclysmic thesis, believed that "the social reorganization of England after the Norman Conquest involved the establishment of a class of warriors whose position was dependent upon their possession of a particular form of military equipment and upon their ability to use it; the central figure of Anglo-Norman society was the mounted knight."[25] Douglas therefore believed that the thane of Anglo-Saxon England and the mounted knight of Anglo-Norman England differed markedly. He continued his discussion of the differences between pre- and post-Conquest warriors as follows: "By the beginning of the twelfth century [the thane's place] in England had been taken by men who underwent apprenticeship in mounted warfare as a condition of their status, who performed military service by contract in return for the estates they held, and who were distinguished from their fellows not by reason of their noble birth but because of their proficiency in arms."[26] Yet even in his insistence on Round's thesis, Douglas entered a point which weakened Round's theory that initially William was only interested in getting service from his middlemen, his tenants-in-chief, and left it to those middlemen as to how they fulfilled their obligations. Douglas, quoting a charter of enfeoffment of lands belonging to Abbot Baldwin of Bury St. Edmunds, noted how interesting it was to "observe how the king is taking a shrewd and directing part in all departments of the process."[27]

The most recent supporter of Round's thesis was R. A. Brown, who also characterized or defined feudalism according to four fundamentals. To Brown, the knight, vassalic commendation, the fief, and the castle were all essential elements of feudalism. Proceeding from a brief discussion of the vocabulary, that is, references to each of the four fundamentals from their first appearances in the English language, he noted that vocabulary was a problem of great importance in the study of feudal origins in England. Working from the Norman period backward through the Anglo-Saxon period, he found no references prior to the Conquest to any of the terms associated with feudalism and therefore concluded that feudalism did not exist in England prior to the Conquest.[28]

Brown's four fundamentals of feudalism are almost the same as Stenton's four essentials. Yet Brown does contradict Stenton on one very important point. Where Stenton included specialization of service as an essential, Brown stated that specialization of service could not have occured until late in the Norman period in England, and that it was not a mark of feudalism. He noted that "by an over-insistence . . . upon the definition of service as itself a mark of feudalism, Stenton lays himself open to the charge, duly made for example by Miss Hollings (though the point as usual had first been made by Maitland) that 'if a close definition of services is essential to feudalism, the establishment of feudalism in England can hardly be dated much earlier than the reign of Henry II.'"[29]

The preceding discussion has been concerned with only those post-seventeenth century scholars who believed that the Norman Conquest created a break in England's historical development. That discussion has revealed that even among those who support the thesis of discontinuity there is disagreement about which elements of feudalism--knights, castles, fees, commendation--were continuous and which were not. But it has also revealed that any theory of continuity, to gain support, must show that the antecedents of all four elements were at least possible in Anglo-Saxon England. To show that these elements may have existed in Anglo-Saxon England has been the task of those who support the thesis of historical continuity, whether they have been of Romanist or Germanist persuasion, as well as the task of those who have been interested exclusively in the problem of the effects of the Norman Conquest on English society.

One of the first significant opponents of Round's thesis of cataclysm was his contemporary, Frederic William Maitland. In fact, the book which presented greatest opposition to Round was ready for print before *Feudal England*, but Maitland delayed it until after *Feudal England* was published because he "knew that Mr. Round was on the eve of giving the world his *Feudal England*, and that thereby [Round] would teach [Maitland] and others many new lessons about the scheme and meaning of *Domesday Book*."[30]

Maitland began his study with an analysis of the social classes in England as they were represented in the

Domesday Book. From this study he concluded that there were five classes of men who occupied the soil: *villani*, *cotarii*, *servi*, *liberi homines* and *sochemanni*. From his study of each of these classes of men he determined that free landholders in pre-Conquest England could indeed go with their land to whatever lords they wished. However, taking the land from one lord to another did not mean always taking the rights of the first lord associated with the land. For example, a landholder could commend himself to another lord, but the first lord kept either geld rights or sake and soke, i.e. rights of taxation and jurisdictional rights. In addition, several instances in *Domesday Book* suggested that this right of withdrawal was not universal in pre-Conquest England. Thus, in these cases "the bond between [lord and thane] is regarded as something rather than commendation--there is commendation and something more . . . in one way and another the commendation is considered as capable of binding the land."[31]

Further in his discussion of the man and his land rights in pre-Conquest England, Maitland found several instances recorded where a man commended himself to a lord, frequently the Church, then received the land back by a "bargain which imposes upon him the payment of rent or the performance of some specified services." This lease or *laen* may have been for life or for lives. And in this there was "something different from mere commendation. We see here the *feuda oblata* or *beneficia oblata* which foreign jurists have contrasted with *feuda* or *beneficia data*."[32] (*Feuda* and *beneficia oblata* suggest a legal or moral obligation created by the grant. *Feuda* and *beneficia data* suggest that the grant is more a "giving away" and that the grantee may still have the legal right of alienation of that granted to him.) Thus, the *feuda* or *beneficia oblata* is the stronger bond and the one which is created in feudalism. Land is granted in return for specific obligations in that case. Therefore, these passages show both more support for the relationship between commendation and the land and at least a partial answer to Stenton's argument that there was no specialization of service in pre-Conquest England for the man commended to a lord.

Maitland left his discussion of social structures to discuss feudal military organization. Prior to that discussion, however, he offered the following summary of what he believed the Normans saw upon their arrival in England: "[They saw *a*] feudal ladder with no less than five rungs. They saw that the thegns owed 'service' to their lords. They saw the heriot; they sometimes called it a relief . . . They saw that many a free man could not give or sell his land without his lord's consent. They saw that great and powerful men could not give or sell their land without the King's consent."[33]

The fifth rung of the ladder was military tenure. Maitland first discussed this rung in relationship to the five hide unit. He emphasized, as did Round, that every knight in pre-Conquest England did not come from five hides. Yet he used Round's idea of the middleman, the tenant-in-chief, to support his five hide contention. Maitland contended that the hundred was the unit with which the king was concerned. When a lord of the king was a lord of a hundred and of its court, the king regarded him as personally liable for the whole contingent that was due from the hundred. "In this way a system [was] evolved which for many practical purposes [was] indistinguishable from the system of knights' fees, and all this without any help from the definitely feudal idea that military service is the return which the tenant makes to the lord for the gift of land that the lord has made to the tenant."[34]

Following Maitland's attempts to comprehend all of pre- and post-Conquest English society, most of the supporters of the evolutionary theory have been satisfied to pursue only one small point in the debate. And most of their arguments have been against the view accepted in the twentieth century that the Conquest created an historical break of revolutionary proportions with the Anglo-Saxon period.

For example, in a 1948 article, "East Anglian Commendation,"[35] Barbara Dodwell concerned herself primarily with the problem of whether commendation was bound in the land in East Anglia prior to the Conquest. She concluded that commendation was indeed bound to the land in certain areas of England and that the tie was permanent. Although Dodwell listed several land grants as they were registered in *Domesday Book* and other charters, her most impressive evidence for her conclusion came from the *Holme Cartulary*. Therein is a copy of a writ of Earl Ralf by which he granted for the use of the abbey of Holme the land and *manredan* of a certain man of Walsham. Manredan (also spelled mannraedan) was the English equivalent of the Latin *commendatio*. Dodwell, extending her discussion from thaneland to sokeland cited several entries in *Little Domesday* to conclude that commendation was clearly allied to the land. And, as Maitland had found before, she stated that "commendation alone was but a slender personal bond, but when found in conjunction with other ties, as it is in the Northern Danelaw and East Anglia (and as it is with the lesser peasantry generally) it had become territorialized, and was, as Maitland put it, inherent in the land. The bond then was permanent, but was not essentially personal, for it bound the land and the holder only by reason of his tenancy."[36]

Marjorie Hollings has, to date, probably one of the most persuasive arguments for continuity between pre- and post-Conquest England. In "The Survival of the Five Hide

Unit in the Western Midlands,"[37] she included an impressive list of small holdings which were registered in the _Red Book of Worcester_ to show that one knight's service was due from every five hide holding. Her evidence presents only one problem: all of her citations are about Worcester and what may have been true for Worcester may not have been true for all of pre-Conquest England. Extending her discussion from the question of five hide holdings into a discussion about the subject of quotas, Hollings concluded that "however the quota may have been decided, it was not strictly in accordance with the hidage . . . and was regarded as having been settled once for all before the death of St. Wulfstan in 1095."[38] From the same area of Worcester, Hollings provided evidence that the thane's duty to the fyrd was clearly based on territorial rather than personal obligation. Thus her evidence and that of Dodwell show that the tie between land and commendation was at least active in East Anglia and Worcester.

The last part of Hollings' discussion centered around what she referred to as the "old enfeoffment." She believed that there is evidence to conclude, first, that the "old enfeoffment was characterized by diversity of custom," but in Worcester "tenure by the old enfeoffment was preeminently _illa tenura ubi quinque hide faciunt militem_ (that tenure where five hides make one knight). Secondly, the term of knights' service in time of war was two months, not merely the forty days required by Norman custom and later adopted into English usage. Thirdly, the service from a fraction of a fee might be discharged by a money payment. Lastly, military duties might be combined with other services such as 'riding' or the building and repair of fortifications and bridges."[39] So Hollings, while not completely disqualifying Round's theory about the five hide unit, did provide convincing evidence that there was a connection between service and the five hide unit. Additionally, she noted that there was limited service, all of which was not necessarily military, and that in some instances scutage (a fee paid in lieu of actual service) payment was an acceptable alternative to actual service in Anglo-Saxon England.

Round's thesis, as it was modified by Stenton, regarding the difference in military tactics, equipment and training between the English warriors and the post-Conquest warriors has also received some convincing challenges. In "English Warfare in 1066,"[40] Richard Glover revealed from an analysis of the Bayeaux Tapestry that there was no significant difference in weapons and equipment between the English warrior and the Norman warrior. "The weapons and equipment of the armoured men on the two sides are almost precisely the same--the knee-length birnie, the helm with nosepiece, the spear that is occasionally couched under the horseman's arm, but far more often thrown overhand, whether wielded by Norman on horseback or Saxon on foot, the two-edged cutting sword and the long pointed shield are common to both sides."[41] His conclusions from this are significant in the link between the Norman chevaler and the English cniht. He concluded, for example, that the horseman of the tapestry was "a far cry from the fully developed cavalry of feudalism;"[42] moreover, Harold had a heavy contingent of horse soldiers, his heavy-armed housecarles who were over and above the national militia "a body of permanent, specialized professional soldiers--with an immense reputation at home and abroad."[43] Thus, the well-trained soldier was apparently as evident in England as in Normandy.

J. O. Prestwich attempted to narrow the gap which still existed in equating the Anglo-Saxon fighting man with the Norman knight.[44] From a consideration of Norman documents which contained lists of the amounts of money the Normans spent on war and the military, he revealed that the feudal knight was really an insignificant factor in the warfare conducted during the period in which England was ruled by the Normans. The burden of warfare during that time rested on paid mercenaries. Prestwich's evidence that Harold's housecarles were also well-trained mercenaries revealed yet another connection between the soldiers of Normandy and those of pre-Conquest England. In addition, his evidence indicates that the tactics employed by the two countries' soldiers were probably more similar than either Stenton or Round allowed.

Next to Hollings' evidence for a continuation from pre- to post-Conquest England of the five hides as a unit of assessment for the knight's fee, the most evidence for direct continuity between English and Norman institutions in England has come from Eric John. In one chapter of Land Tenure in Early England,[45] John followed Hollings' lead in attacking Round's theory of knight service. He used the Worcester evidence to claim the survival of the five hide unit and showed that the tenures granted by the Anglo-Saxon bishops of Worcester for periods of three lives were still in effect long after the Conquest, although by 1086 knights were supposed to have held these tenures in return for military service. He also maintained that the assessment of quotas both before and after the Conquest was based on the five hide unit. Briefly, he contended that there was not only no upheaval caused by the Norman Conquest, but, indeed, there was a continuation of pre-Conquest practices.

Thus, many of the theories advanced initially by Round and supported by Stenton and others have received some damaging challenges. Most of these challenges have appeared in the study of the introduction of the Norman military, so refuting the theory that the Normans introduced an entirely new military system into England appears to be the essential problem in disproving the theory of discontinuity. However, even this central point has been the subject of compromise, for C. Warren Hollister has introduced a third theory into the controversy. His theory "accepts Round's view on the introduction of knight service, but challenges his conclusion that the effects of the Norman Conquest on English military institutions were cataclysmic."[46] His theory, too, is significant in the discussion of English feudalism for it was also based on lengthy considerations of both the literature on the effects of the Norman Conquest on English institutions and the primary sources of the period.

In his first significant article on the question of Norman effects on English institutions, "The Significance of Scutage Rates in Eleventh- and Twelfth-Century England," Hollister proposed that in the century following the Norman Conquest, scutage rates were normally calculated on the basis of the prevailing daily wages of knights multiplied by the customary term of wartime military service.[47] He also showed that this same process of calculating scutage rates existed in pre-Conquest England. In addition, he drew a connection between the services of the fyrd and the feudal host by showing that William the Conqueror changed the yearly duty period of his knights from forty days to two months to correspond with the customary term of fyrd service. Thus, "this system of military commutation strengthens the theory of continuity between the pre-conquest and post-conquest military organizations . . . [and] the Anglo-Saxon fyrd itself continued to play a vital role in the warfare of post-conquest England."[48] Hollings had already drawn these conclusions, so Hollister merely buttressed them by approaching the problem of continuity from a different perspective, that of scutage rates.

Hollister provided more evidence for continuity in "The Annual Term of Military Service in Medieval England."[49] Here he showed that evidence dating from the eleventh century alluded to a Norman annual wartime castle-guard obligation of forty days.[50] The pre-Conquest English army owed two months' service, but this service was due only in times of war. Anglo-Norman knights were expected to serve two months in time of war and forty days in time of peace.[51] He went on to show that it was not until nearly a century after the Conquest that the customary forty days of Norman feudal service took root in England. "In this respect, at least, the military transformation which has long been associated with the Norman Conquest was far from revolutionary."[52]

In "The Five-Hide Unit and the Old English Military Obligation," Hollister systematically proved that the military obligation in pre-Conquest England was based on a five hide unit. Quoting Domesday Book as his principal source, he domonstrated that "Exeter served as five hides of land in military expeditions by land or sea, and that Barnstable, Lindford, and Totnes together served as Exeter did, [and that] five hides was a standard unit of military assessment in Devonshire as well as Wiltshire and Bershire."[53] Extending his study to the north of England he noted that if a ceorl prospered so that he could perform the royal service on five hides of land, he was to be entitled to a thane's wergeld. He adds that "the royal service referred to here is primarily military, for the document continues that if the ceorl does not possess five hides he cannot attain the thegn's wergeld even if he owns a helmet, a coat of mail, and a gold-plated sword."[54] When considered together these five hide references demonstrate that the five hide rule was nearly comprehensive in all England before the Conquest as the rule of assessment for military service. Not only the individual man but the cities also were assessed by the same standard. Yet this system did differ from the Norman system because the Norman system was based on individual fees which were heterogeneous in hidage and the Anglo-Saxon system made the land rather than the owner of the land the measure of the numbers of soldiers owed.

In his last significant article on the subject of the impact of the Norman Conquest on English institutions, "The Norman Conquest and the Genesis of English Feudalism," Hollister stated his third theory.[55] Preceding that conclusion, however, he included a lengthy review of the major theses of both sides of the argument from which he systematically built a case for his own theory. He first attacked the five hide unit, concluding that there was no direct continuity between pre- and post-Conquest England: "The evidence for a standard five-hide military unit throughout pre-conquest England is very stong; the evidence for completely heterogeneous knight fees in post-conquest England is overwhelming."[56] (This argument appears in some ways to be contradictory to that which he had stressed in "The Five Hide Unit and the Old English Military Obligation.") Turning from five hide units to quotas he stated that direct continuity was difficult to maintain, so the theory of direct continuity between the English thane and the Norman knight remained unproven. However, he agreed that sub-infeudation did proceed slowly in post-Conquest England and that the new feudal army of the Normans was profoundly influenced by the practices of the Anglo-Saxons. Citing Glover's article on "English Warfare in 1066," he identified similarities between tactics of English warriors and Norman knights at the time of the Conquest and described the Anglo-Saxon army as differing fundamentally from the Normans because the Saxon army had a well-trained, well-equipped, select infantry. Following the Norman Conquest, the infantry remained the most effective fighting force in England until after the reign of King Stephen

(1135-1154). Hence, it was shaped to the pattern of the Old English fyrd. Further comparison showed that "in time of war Anglo-Norman knights were customarily expected to serve at their own expense not for a period of forty days a year as was the custom in Normandy, but for two months" as was the Old English custom.[57] Also, the custom of scutage, so typical of twelfth-century feudalism, could be traced to certain pre-Conquest English towns. In lieu of fulfilling military quotas some towns paid to the crown enough money to hire mercenaries as substitutes for the quota they owed. Further examples of continuity included "the reservation of feudal allegiance on the part of the Anglo-Norman kings, which seems to have an Old English rather than a Norman genesis."[58] In addition, following the Conquest the English army used infantry tactics primarily; the infantry was buttressed by the Norman kings' having their mounted troops dismount during battles or by the hiring of mercenary troops. Hollister concluded, therefore that "one can accept neither the . . . theory . . . that the Anglo-Saxon army evolved into the feudal host, nor the newer interpretation . . . that the post-Conquest military organization constituted a sudden and radical break with the past," for in Norman England the fyrd continued to exist and alongside it were the new feudal host and the mercenaries.[59]

This discussion of the literature reveals that there are three primary schools of thought concerning the question of the significance of the Norman Conquest on English institutions. Each school of thought is also, by implication, a theory about the nature and origins of English feudalism. The first school of thought, propounded by John Horace Round and his followers in the twentieth century, especially F. M. Stenton, David C. Douglas, Carl Stephenson and R. A. Brown, stresses that the Conquest created an historical break with the Anglo-Saxon period. The primary points of support for their theory include the following: 1) There was no connection between the heavy-armed cavalryman (the chevaler) of the Norman period and the Anglo-Saxon cnight. 2) Because of the difference in the types of warriors used by the English and the Normans there was obviously a marked difference in military tactics, including the use of the castle as the fortified defensive center by the Normans. 3) There was no connection between vassalic commendation and feudal commendation because feudal commendation required a tie to the land--a knight was given a certain amount of land in return for specific military service. Vassalic commendation was not a territorial bond and duties were not military or specific. 4) There was no fief in pre-Conquest England because the fief was introduced when the armed cavalry was introduced. Use of cavalry followed the introduction of the horse into warfare and the Normans introduced the horse for use in war into England. 5) The pre-Conquest thane's right to go with his land to whatever lord he wished was contrary to the permanent bond of the post-Conquest knight to one lord.

The second major theory, propounded by Frederic Maitland, Eric John, Marjorie Hollings and others, disputes many of the claims voiced by proponents of the historical cataclysm theory and makes the following points: 1) There was no marked difference between the equipment, tactics and training of the pre-Conquest and post-Conquest warrior at the time of the Conquest. 2) The Norman _chevaler_, the cavalryman, was an insignificant factor in the military until late in the twelfth century. 3) Commendation was a territorial tie in many parts of England preceding the Conquest and that tie was, in many cases, permanent because it was bound up in the land. 4) Assessment of quotas of service from particular tenants-in-chief existing prior to the Conquest was like the assessment after the Conquest. 5) The assessments were based on the five hide unit, at least for the tenant-in-chief's purposes of fulfilling his military obligations to the king. 6) The tenant-in-chief was the same middleman in the feudal structure before and after the Conquest. Thus, according to this second theory, there were similarities in relationships between men, in territorial obligations of service, in military equipment and tactics, in methods of assessing quotas and assigning knights' duties between pre- and post-Conquest England. There were even fortified defensive centers, the burgs, in pre-Conquest England, although they were not always structurally similar to post-Conquest castles.

The third theory, that of C. Warren Hollister, proposes the following: 1) No marked difference existed between the English fyrd and the Norman knights in equipment or tactics until late in the twelfth century. The mounted knight was therefore insignificant in the history of warfare, much of which was conducted by the infantrymen and hired mercenaries. 2) There was some relationship between the five hide assessment in both pre- and post-Conquest England; however, in England before the Conquest the land itself held the obligation whereas in post-Conquest England the knight had the military obligation in respect of a certain holding of land. 3) Quotas of knight service were established before the Conquest. 4) Post-Conquest military obligation was extended from the Norman's practice of having their knights serve forty days at their own expense to the Old English fyrd custom of having knights serve sixty days during wartime. 5) Norman effects were not cataclysmic on military institutions, but neither were they evolutionary because the pre-Conquest and post-Conquest infantrymen co-existed following the Conquest.

The bulk of scholarly evidence, rather than actually determining the effects of the Norman Conquest on English institutions has created new questions about the subject. Now, rather than being just a question of the effects of the Conquest, it is a problem of defining and characterizing feudalism. Since there is not even agreement about what constitutes feudalism, defining the term must be the first priority in attacking the other questions concerning the effects of the Conquest on English institutions. Following a redefinition of the term feudalism the literature and the laws of Anglo-Saxon England can be analyzed for evidence upholding or denying the existence of feudal antecedents.

NOTES

[1] See Samuel Kliger, *The Goths in England* (Cambridge, Mass., 1952) for a thorough discussion of the politics of the seventeenth century, the conflict between the Romanists and Germanists, and the introduction of the question of continuity from pre- to post-Conquest England.

[2] John Horace Round, "The Introduction of Knight Service into England," *English History Review*, 6 (July-Oct. 1891), 417-43 & 624-45, 7 (Jan. 1892), 11-24; *Feudal England* (London, 1895); "Oxford Council of December 1197," *English History Review*, 7 (April 1892), 301-06; "Military Tenure before the Conquest," *English History Review*, 12 (July 1897), 492-94; and "Burton Abbey Surveys," *English History Review*, 20 (April 1905), 275-89.

[3] F. M. Stenton, *The First Century of English Feudalism, 1066-1166* (Oxford, 1929) and *Anglo-Saxon England* (Oxford, 1947); David C. Douglas, "The Norman Conquest and English Feudalism," *Economic History Review*, 9 (May 1939), 128-143; and Carl Stephenson, "Feudalism and Its Antecedents in England," *American Historical Review*, 48 (1943), 245-65; "Commendation and Related Problems in Domesday," *English History Review*, 59 (Sept. 1944), 289-310; and "Anglo Saxon Borough," *English History Review*, 45 (April 1930), 177-207. For an introductory sketch of feudalism see Stephenson, *Medieval Feudalism* (Ithaca, N.Y., 1956).

[4] The *Oxford English Dictionary* cites as the first reference to feudal terminology in English: "1614 Selden *Titles Hon*. 188 'neither did the Provinces make them otherwise than Personal. For they were not annext to them as Feudall.'"

[5] C. Warren Hollister, "The Norman Conquest and the Genesis of English Feudalism," *American Historical Review*, 66 (April-July 1961), 642.

[6] Hollister, "The Norman Conquest and English Feudalism," 642.

[7] *Rise and Progress of the English Commonwealth*, (London, 1832). See also Palgrave's *History of Normandy and England*, 4 vols. (London, 1851-64). (I am indebted to Hollister, "The Norman Conquest and English Feudalism," 642, for these references.)

[8] Round, "Introduction of Service," English History Review, 6 (July-Oct. 1891), 417-43 & 624-45; 7 (Jan. 1892), 11-24.

[9] Round, Feudal England.

[10] Round, "Introduction of Service," in Feudal England, p. 261. (Further citations from the three part article, "The Introduction of Knight Service into England," refer to its inclusion as a whole in Feudal England.)

[11] Round, Feudal England, p. 231.

[12] Round, Feudal England, p. 231.

[13] Round, Feudal England, p. 234.

[14] Round, Feudal England, p. 235.

[15] Round, Feudal England, p. 248.

[16] Round, Feudal England, p. 261.

[17] Round, Feudal England, p. 295.

[18] Stenton, First Century. See especially pp. 127-31 where Stenton clearly defines his opposition to calling Anglo-Saxon England feudal.

[19] Stenton, Anglo-Saxon England.

[20] Stenton, First Century, p. 214.

[21] Stenton, First Century, p. 215.

[22] Stenton, First Century, p. 215.

[23] Stephenson, "Feudalism and Its Antecedents in England," 258-59.

[24] Stephenson, "Feudalism and its Antecedents in England," 259.

[25] Douglas, "The Norman Conquest and English Feudalism," 132.

[26] Douglas, "The Norman Conquest and English Feudalism," 132-33.

[27] David C. Douglas, "A Charter of Enfeoffment under William the Conqueror," English History Review, 42 (April

1927), 247. Douglas notes the source of the charter as follows: MS. Ff. ii33, fo. 47b (Cambridge University Library) collated with Add. Ms. 14847, fo. 17 (British Museum).

[28] R. A. Brown, Origins of English Feudalism (New York, 1973), p. 17. For a comprehensive study of feudal vocabulary in France see K. J. Hollyman, Le Developpement du Vocabulaire Feodal en France Pendant le Haut Moyen Age (etude semantique) (1957). For other works which support the cataclysmic thesis see George Burke Adams, "Anglo-Saxon Feudalism," American Historical Review, 7 (Oct. 1901); Helena M. Chew, The English Ecclesiastical Tenants-in-Chief and Knight Service (London, 1932) and "Ecclesiastical Tenants-in-Chief and Writs of Military Summons," English History Review, 41 (April 1926), 161-69; R. R. Darlington, "Last Phase of Anglo-Saxon History," History, 22 (June 1937-March, 1938), 2-13 ; Sidney Painter, The Rise of the Monarchies (Ithaca, New York, 1951) and Studies in the History of English Feudal Barony (Baltimore, 1943); and J. E. A. Jolliffe, Constitutional History of Medieval England (New York, 1937) and "Northumbrian Institutions," English History Review, 41 (January 1926) 7-42.

[29] Brown, Origins of English Feudalism, p. 72; Frederic Maitland, Domesday Book and Beyond (Cambridge, 1897), p. 361; and Marjorie Hollings, "The Survival of the Five Hide Unit in the Western Midlands," English History Review, 63 (1948), 472-73.

[30] Maitland, p. v.

[31] Maitland, p. 73.

[32] Maitland, p. 75.

[33] Maitland, p. 155.

[34] Maitland, pp. 157-58.

[35] "East Anglian Commendation," English History Review, 63 (July 1948), 289-306.

[36] Dodwell, 306.

[37] Hollings, 453-87.

[38] Hollings, 463.

[39] Hollings, 482.

[40] "English Warfare in 1066," English History Review, 67 (Jan. 1952), 1-18.

[41] Glover, 3.

[42] Glover, 15.

[43] Glover, 15.

[44] "War and Finance in the Anglo-Norman State," *Transactions of the Royal Historical Society*, 5th ser., 4 (1954), 19-43.

[45] *Land Tenure in Early England* (Welwyn Garden City, Herts., 1960), pp. 127-39.

[46] Hollister, "The Norman Conquest and English Feudalism," 663.

[47] "The Significance of Scutage Rates in Eleventh- and Twelfth-Century England," *English History Review*, 75 (1960), 579.

[48] Hollister, "The Significance of Scutage Rates," 587-88.

[49] "The Annual Term of Military Service in Medieval England," *Medievalia et Humanistica* (1960), pp. 40-47.

[50] Hollister, "The Annual Term of Military Service," p. 47.

[51] Hollister, "The Annual Term of Military Service," p. 43.

[52] Hollister, "The Annual Term of Military Service," P. 47.

[53] "The Five-Hide Unit and the Old English Military Obligation," *Speculum*, 36 (1961), 64.

[54] Hollister, "The Five-Hide Unit," 65.

[55] "The Norman Conquest and the Genesis of English Feudalism," *American Historical Review*, 66 (April-July 1961), 641-663.

[56] Hollister, "The Norman Conquest and English Feudalism," 657.

[57] Hollister, "The Norman Conquest and English Feudalism," 658.

[58] Hollister, "The Norman Conquest and English Feudalism," 663.

[59] Hollister, "The Norman Conquest and English Feudalism," 663.

CHAPTER II

A DEFINITION OF FEUDALISM

Feudalism, according to F. M. Stenton, is "only a term invented for the historian's convenience, and every historian inevitably uses it in accordance with his own interpretation of the recorded course of social development."[1] The coining of new words to name new concepts or philosophies is a necessary and understandable activity. Yet in the case of feudalism the coining of the word creates problems, for feudal society, at least in England, was dead before the terminology used to comprehend that society was developed. Feudalism as a predominant English societal structure ended before the seventeenth century, yet not until 1639, in the writings of Henry Spelman, was the word feudal translated into English usage. Adam Smith first introduced the term feudal system in 1776 and feudalism did not appear until the early nineteenth century.[2]

While appropriate terminology was developing, the feudal era in England was just becoming a matter of scholarly interest. Hence, feudal terminology was applied to concepts not yet fully understood. The term feudal was applied to the period in England following the Norman Conquest and to Norman France (as well as what was then

Anjou and the Ile de France) and was used to comprehend a variety of other concepts about which there was little understanding, for example, *fief*, *knight* and *castle*. Ultimately, because of their misunderstanding of so many associated concepts, historians created a plethora of definitions for *feudal* and *feudalism*. For example, some viewed feudalism as an economic structure which involved all levels and functions of society.[3] Others defined it only in a political sense, as a system by which government was tightly organized to control the state.[4] Others believed that feudalism entailed only an aristocratic superstructure comprised of the king and a social and military elite who defined social patterns and controlled economic and jurisdictional rights.[5] For these later historians the elite consisted of heavily-armed, well-trained cavalrymen to whom the king had granted land in return for military service, and in this case *feudalism* is defined strictly in a military sense. Still other historians considered *medieval* and *feudal* as synonyms or applied the adjective *feudal* to any period of social disorder and extreme governmental control of a state.[6] Chaos and subjugation of lower classes were characteristics associated with feudalism by those historians linking the term to social disorder.

Any attempt to study feudal institutions or to study a society to determine if it was feudal is obviously hindered by the confusion resulting from the number and variety of definitions of feudalism. Therefore, the first step in such an endeavor must be to redefine the term. Current definitions are mostly based on analysis of the periods generally considered feudal, so any attempt to reveal a comprehensive meaning of the term cannot preclude a similar analysis. Further, any attempt to arrive at the meaning of the term without an account of current understanding would result in the futile exercise of adding still another definition to the already confusing list. It seems preferable to either accept an extant definition or offer a new one to supersede previous efforts. Therefore, feudalism will be defined in this chapter through a process of presenting and analyzing the most frequent denotations and connotations of the term. The analysis will include a comparison of current usage to determine common elements or areas of general agreement. Following this process of limitation, those points remaining will be discussed separately to discover their relative importance. Then a new definition of feudalism derived from the analysis and including substantiated points accepted by other scholars will be presented. This resulting definition of the term and the procedure used to develop it should produce both a comprehensive and a comprehensible definition of feudalism as a guide to study of the Anglo-Saxon period in England.

Two of the most comprehensive definitions of feudalism are those of Marc Bloch and F. L. Ganshof.[7] Both of these historians were primarily concerned with the development of feudalism in the area contained within the modern boundaries of France and parts of Germany. Both traced the French development of feudalism from the Merovingian through the Carolingian periods, ultimately to the beginning of the fourteenth century, comparing or tracing roots of feudal institutions to the Romans when necessary. Both also divided feudalism into two ages, each with distinguishing characteristics. The first age of feudalism, according to Bloch and Ganshof, occurred during the Merovingian and Carolingian empires and was characterized by internal disorder, invasions from without the empire, widespread use of a process called homage by which one man bound himself to another and a general break-up of the state. The second age of feudalism, during the tenth through the thirteenth centuries, was characterized by the growth of a specialized military class, loss of freedom by the peasantry, greater use of grants of land to bind one man to another and a rising military and social elite. This second period, according to Bloch and Ganshof, represented the age of classical feudalism.

Marc Bloch offered the following specific characterization of feudalism:

> A subject peasantry; widespread use of the service tenement (i.e., the fief) instead of a

> salary, which was out of the question; the supremacy of a class of specialized warriors; ties of obedience and protection which bind man to man and, within the warrior class, assume the distinctive form called vassalage; fragmentation of authority--leading inevitably to disorder; and, in the midst of all this, the survival of other forms of association, family and state, of which the latter during the second feudal age was to acquire renewed strength.[8]

F. L. Ganshof offered two definitions of feudalism. In the first, more general, explanation he appeared to agree on many points with Bloch. He, too, saw a subject peasantry and the supremacy of specialized warriors. He stated that feudalism was "a development pushed to extremes of the element of personal dependence in society, with a specialized military class occupying the higher levels in the social scale."[9] Although within his definition he did not include specifically the widespread use of the service tenement, he did see "an extreme subdivision of the rights of real property; a graded system of rights over land created by this subdivision and corresponding in broad outline to the grades of personal dependence."[10] Whereas Bloch saw a fragmentation of authority which led to disorder, Ganshof saw "a dispersal of political authority amongst a hierarchy of persons who exercise in their own interests powers normally attributed to the state and which are often, in fact, derived from its break-up."[11] There appears, then, in the consideration of dispersal of political authority to be a difference in opinion about the relationship between the dispersal of that authority and the break up of society. In addition, whereas Ganshof saw a hierarchical structure to society, Bloch believed society was "unequal" rather than hierarchical.[12]

In general, Ganshof and Bloch appear to agree that feudalism was characterized by:

1) An element of personal dependence,

2) The supremacy of a class of specialized warriors, and,

3) A division or fragmentation of authority.

Within the element of personal dependence, however, Bloch narrowed his meaning by separating the ties of obedience and protection within the warrior class into "a distinctive form called vassalage."

Ganshof also offered a second definition of feudalism, one which is more restrictive and more technical, perhaps a definition to be used in a legal sense. In this connotation Ganshof saw

> . . . a body of institutions creating and regulating the obligations of obedience and service--mainly military service--on the part of a free man (the vassal) towards another free man (the lord), and the obligations of protection and maintenance on the part of the lord with regard to his vassal. The obligation of maintenance had usually as one of its effects the grant by the lord to his vassal of a unit of real property known as the fief.[13]

Bloch, then, saw a dichotomy of the processes of feudalism but a relationship between the two parts which required that both be included in a comprehensive definition of the concept. In both segments, there were ties of obedience and protection both within and without the military class. The ties within the military class assumed a "distinctive form called vassalage."

Ganshof also saw two separate processes at work, one regulating the everyday life of the people, a feudalism that existed in fact if not in law, and the other concerning primarily an aristocratic arrangement, a feudalism which existed both in fact and in law. The first, more general, process involved primarily social and economic structure, thus was concerned with the lower class. The other, that which Ganshof called the legal feudalism, was concerned only with the aristocracy--a military elite. Within the definitions of feudalism provided by Ganshof and Bloch, then, are military and economic elements which need to be considered further.

Concern with economic aspects of feudalism predated both Ganshof's and Bloch's considerations of the subject.[14] Yet more recent definitions either ignore this element or state that economic considerations are not truly a part of feudalism. For example, F. M. Stenton noted several economic conditions in Anglo-Saxon England which could be considered feudal, but he claimed that they were not. Although he did not specifically state that economic feudalism did not exist, his case against Anglo-Saxon feudalism was based strictly on political or military conditions.[15]

In The First Century of English Feudalism, contending that Anglo-Saxon England was not feudal, Stenton stated that there may have existed in England a relationship between lord and man which, in feudal terms, formed the basis of a type of society organized specifically for war. In addition, there may have been leases of land granted by ecclesiastics to thanes and knights. Indeed, there was an increasing dependence of free men on lords and even the appearance of a new military element, that of Cnut's housecarles.[16] All of these elements which Stenton saw in Anglo-Saxon society, both Bloch and Ganshof contended were elements of feudalism.[17] Stenton, however, did not consider these essential aspects of feudalism, denying the existence of Anglo-Saxon feudalism on the grounds that pre-Norman England "had never adopted the private fortress nor developed the art of fighting on horseback, . . . had no real conception of the specialization of service, and allowed innumerable landowners of position to go with their lands to whatever lords they would."[18]

For Stenton, feudalism must be defined according to the following four fundamental characteristics:

1) The private fortress, i.e., the castle;
2) A cavalry;
3) Specialization of service, primarily military; and,
4) Permanent ties between landholders and their lords.

In these four elements are only two parts of the definitions of Ganshof and Bloch, those concerning the existence of a warrior class and the ties of obedience and service of one man to another in return for a grant of land. These aspects Stenton refined and modified so that they are much more restricted, and in doing so he created a totally military connotation of the term feudalism.

R. A. Brown, in the most recent lengthy discussion of feudalism, devoted much of his book Origins of English Feudalism[19] to defining the term. In the final analysis he, too, settled upon four fundamentals: vassalic commendation, the knight, the fief and the castle. He saw feudal society as

> . . . dominated by a secular ruling class of knights, at one and the same time forming both a social and a military elite, bound to each other, in a hierarchy culminating in the prince, by vassalic commendation, and holding their lands (or most of them, or that part of them which gives the holders their particular status) by knight service as fiefs. Such a society is also distinguished by that peculiar type (amongst others) of fortification which we, and they, call the castle, combining the two roles of personal residence and fortress both private and public.[20]

In other words, Brown determined, as did Stenton, that feudalism entailed the following:

1) The private fortress which was also a personal residence,

2) A cavalry (for Brown, knights were well-trained, heavily-armed cavalrymen),

3) The fief, and

4) Vassalic commendation (Stenton's ties between

lords and landholders were Brown's vassalic commendation.)

However, Brown's four essentials do differ from Stenton's in one important detail: Brown believed that limited and specific service could not have been a major characteristic of feudalism until the reign of Henry II. He concluded that "by an over-insistence, therefore, upon the definition of service as itself a mark of feudalism, Stenton lays himself open to the charge, duly made for example by Miss Hollings (though the point as usual had first been made by Maitland) that 'if a close definition of services is essential to feudalism, the establishment of feudalism in England can hardly be dated much earlier than the reign of Henry II.'"[21]

Neither Stenton nor Brown denied the existence of those elements which Bloch and Ganshof attributed to feudalism--a subject peasantry, extreme divisions of society, and ties of personal dependence. Nor did they deny the relationship between a break-up of society and feudalism. But they both denied the importance of these elements. Ties of personal dependence were considered by both but only when they were a step in the process of creating vassalic commendation. For Stenton and Brown, a subject peasantry could exist without feudalism as could the break-up of society, divisions of society and ties of personal dependence. The essential elements of feudalism to them, essential because they were peculiar to feudal society, were those four elements: vassalic commendation; the use of the fief to bind a vassal to his lord; an elite social and military band of well-armed, well-trained cavalrymen ; and the existence of the private fortress.

The process of limiting, and thereby making much more technical, the definition of feudalism occurred in the efforts of Brown and Stenton. However, C. Warren Hollister, perhaps in trying to take a middle road among the various definitions, identified primarily with Stenton and Brown but left open the possibility of accepting Bloch's and Ganshof's conclusions. For example, Hollister implied agreement with the "majority of scholars in the field" by defining feudalism as a term "to signify an institution based on the holding of a fief, usually a unit of land, in return for a stipulated honorable service, normally military, with a relationship of homage and fealty between the grantee (vassal) and the grantor (lord)."[22]

Hollister agreed with Stenton and Brown that feudalism was military. He agreed that it involved one man binding himself freely to another. He also included the holding of a fief in return for service. He saw reason to qualify his definition, however, for he said that the fief was only "usually" a unit of land and the stipulated service was "normally" military. Brown chided him for this, saying that these "cautious qualifications" could be dropped from his definition. Yet Brown had qualified his own definition, for in describing the features of feudal society he had said that they existed "over and above all other features more or less characteristic, and may vary, more or less, according to time and place."[23]

It is those other features "more or less characteristic, and which may vary, more or less" that have prevented precision in the definition of feudalism; to achieve precision, the term must be defined by those characteristics which were peculiar to it and did not vary. Carl Stephenson attempted a more precise, non-varying focus in his definition. He tried to take into account the efforts of those who preceded him and to anticipate some of those who followed him by defining feudalism as referring to a purely political structure. Thus, for Stephenson, feudalism included a system of government in peacetime as well as in wartime. Brown, Stenton and Hollister did not concern themselves with feudalism as a peacetime governmental structure. They all considered the institution peculiar to those societies organized specifically for war. Stephenson believed that feudalism is the "peculiar association of vassalage with fief-holding that was developed in the Carolingian Empire and thence spread to other parts of Europe. In so far as the association was effected for governmental purposes, feudalism was essentially political."[24] According to his view, the agrarian arrangements predominant during the feudal era were not themselves feudal for they could exist in any country without leading to the feudalization of that state. And, to Stephenson, feudalism was not any sort of anarchical force.

From a consideration of these various conceptions of the meaning of feudalism, two points appear obvious. First, until there is absolute proof that feudalism concerned only an aristocratic, military class of society, economic aspects of the whole of society during the feudal era must be considered in any investigation of feudalism. Thus, perhaps the study should be divided into two studies, one of economic feudalism, the other of military and political feudalism. Such a division would allow for concentrated analysis of each area and the opportunity to abandon study of either, if it is found to be appropriate, without creating undue confusion and need for explanation. Second, the explications of the terms used in the discussions of political and military feudalism, i.e., commendation, fief, knight and castle, still create enough qualifications among those who use them in their analyses that each term needs further consideration before it can be used in another definition of feudalism. Therefore, before presenting any new definition of the term, a reconsideration of some of the recurring components will be undertaken.

Commendation, one of the major terms denoting an element of feudalism, refers generally to the protective relationship existing between a lord (a man of greater economic or military strength) and a vassal (a man of lesser economic or military strength). The relationship was not new to the feudal period. Tacitus recorded in his *Germania* that within the German bands of the first century A.D. there were relationships between chieftans or princes and their followers based upon ties of personal obedience, maintenance and protection.[25] The relationship in commendation consisted of a weak man pledging himself to defend and aid his lord. In return the lord promised the man protection and maintenance. The lord provided his followers with economic maintenance, frequently housed them in his own house and shared the spoils of war with them. The relationship as it was recorded concerned primarily a warlike people and therefore it is the military relationship which is most often considered. There is, however, no evidence that commendation could not have existed in any economic relationship; that is, to deny the same sort of relationships on a solely agrarian basis would be to assume without supporting evidence.

During the Roman period a similar arrangement, known as a patron-client relationship, existed between stronger and weaker men. During the Merovingian period in France a free man placed himself under the protection and at the service of another free man in a similar relationship. Contemporaries called such men *ingenui in obsequio*, free men in dependence. During the same period, men who placed themselves directly under the protection and at the service of the king were called *antrustiones*. The relationship itself was known as the *trustis*. The *antrustiones* were said to be *in obsequio regis*. As the Latin terminology became influenced by the Germanic languages the terms changed. For example, the men *in obsequio regis* came to be known as *gasindi*.

The term *gasindi* actually referred to a relationship which implied a state of servitude, so during the reign of Charlemagne, *gasindus* was superseded by the terms *vassus* and *puer*. *Vassus* had the longer and more influential history among the new terms, for it is still the term which refers to a man who is commended to another man. In the second half of the ninth century, however, the relationship between lord and vassal came to be known almost entirely in a military context, so the term *miles*, which means soldier, began to be used to show the military emphasis in the relationship. Even so, throughout the feudal period *vassal*, *miles*, and *homo* were all used to refer to the man who had commended himself to another.[26]

The act of commendation was not a bond to be taken lightly. From the very first it was a legal act established by legal formulas.[27] Among the warrior classes, the person commending himself to another did so by placing his hands together in the form used in the western world for prayer and placing his hands between those of the lord.

This process of placing the man's hands between his lord's hands was called *immixtio manuum*. In this manner he did *homage*, became the man of the lord, delivering himself into the protection of the lord and binding himself to perform the duties the lord requested of him. Among the lower classes the acts involved in the pledging of homage varied, as did the degree of servitude into which a man pledged himself. For example, R. W. Southern notes the case of a free man named William who pledged himself and his descendants into perpetual servitude to the Church. As part of the ceremony, William "put the bell-rope [of the Church] round his neck and placed four pennies from his own head on the altar of St. Martin in recognition of serfdom, and so offered himself to almighty God."[28]

During the later eighth and ninth centuries the act of commendation was extended to include an oath of fealty. In addition to commending himself to the lord in the process described above, the man was also required to touch sacred relics while promising faithfulness to his new lord. The bond on a secular level was now not only legal but also had religious overtones which, in most cases, assured the lord of the submissiveness of his new vassal.

The specific duties of commended men were not stated within any of the surviving formulas concerned with homage and fealty. The duties, however, might have been economic, military or judicial in nature. Nor have there been acceptable conclusions about the importance of commendation to the feudalism of the classic period (tenth to thirteenth centuries), especially in England. Frederick Maitland, from his study of the Domesday Book concluded that commendation was the slightest bond that there was between lord and man. To support this contention he quoted two passages from Domesday Book: "Two free men, of whom Aelfuin had not even the commendation," and "Of these men, Harold had not even the commendation."[29] F. M. Stenton agreed that commendation was not a permanent bond, for he discovered that in England many landowners of position were allowed to go with their land to whatever lords they wished.[30]

However, the passages in Domesday are so ambiguous that others have believed that they stress instead the permanence of the tie of commendation. For example, John Horace Round, although a statement to the contrary would have provided additional support for his thesis that the Norman Conquest had cataclysmic effects on English institutions, concluded that wherever Domesday Book gave a man the freedom of giving, selling or receding his land, it must be understood that the alienation was without the lord's permission. In addition, where the lord had judiciary rights, the rights of sake and soke (the rights to seek a court hearing or justice in the courts), those rights were over the men, not the land.[31] Thus, according to Carl Stephenson, the "true meaning of the passages [in Domesday which appear to give men freedom to go with their land to whatever lords they choose] is freedom of alienation, not freedom of commendation," and "the Domesday evidence . . . fails to support the belief that commendation in Saxon England was a slight and fragile bond, which could be made and unmade by a lord's man at will but which could somehow become inherent in land." So, "the peasant could not change his lord after 1066, and in this respect the Norman Conquest brought no innovation, merely 'the legal expression of long established facts.'"[32] Barbara Dodwell, also basing her support on several entries from Domesday, concluded that Maitland was right in seeing commendation as a slender bond when it was personal, but when it became territorial as it did in the Northern Danelaw and East Anglia and among most of the peasantry, it became a strong, permanent bond inherent in the land.[33]

The evidence, then, is slight for the strength of the tie of commendation in Anglo-Saxon England. Yet there are patches of evidence scattered through various documents which show that it was stronger than the accepted theory allows. For example, King Edward, who was unhappy "that what he had formerly commanded was more indifferently observed than it should be," wrote the oath of fealty into law:

> Þus man sceal swerigean hylðað as. On ðone Drihten ðes ðæs halidom is halig, ic wylle beon N. hold and getrywe

> and eal lufian ðæt he lufað and eal ascunian þæt he ascunað, æfter Godesriht and æfter woroldgeryonum, and næfre willes ne gewealdes ne, wordes ne weorces owiht don þæs him ladre bið, wið ðam ðe he me healde, swa ic earnian wille, and eal þæt læste þæt uncer formael wæs, ða ic to him gebeah and his willan geceas.[34]

In addition, Alfred's laws also stated two penalties for leaving a lord: "Gif hwa fare unaliefed fram his hlaforde oððe on oðre scire hine bestele and hine mon geahsige, fare þær he ær wæs and geselle his hlaforde lx scill."[35] This law was not specific about who the "anyone" was, yet following laws do specify who it was not. For example, Alfred's laws stated that

> Gyf gesiðcund mon fare, þonne mot he habban his gerefan mid him and his smið and his cildfestran. Se ðe hæfð xx hida, se sceal læcnan xii hida gesettes landes, þonne he faran wille. Se ðe hæfð x hida se sceal tæcnan vi hida gesettes landes. Se ðe hæfð x hida þreora hida, tæcne oþres healfes.[36]

Thus, commendation and fealty appear to have been very strong elements of feudalism in Normandy prior to the Conquest and they appear to have been very strong in Anglo-Saxon England as well. Perhaps gesithcund men (landholders of the warrior class) were allowed to leave their lords, but no one else was, and when gesithcund men left their lords they paid heavily for it.

The act of commending oneself to a lord was the first step, according to scholarly consensus, toward a feudal arrangement. The second step, the accepted view stipulates, was that the lord had to give the new follower a grant of land in return for which the follower owed the lord a specific amount of military service. This granting of the fief created vassalic commendation. Since the fief and the knight are so closely related, the traditional thesis states that without the fief there is no knight, the two must be considered together.[37]

The original purpose of the fief was to provide maintenance for a lord's follower. Since the lord was obligated to maintain his vassal as part of his duties, to fulfill this obligation the lord had two choices. He could either provide support directly or he could provide the means for his vassals to support themselves. Very early, then, the element of investiture became a part of the lord-thane relationship.

Investiture was the granting of land or of office to a vassal. When a vassal was granted an office, for example, jurisdictional rights over certain parts of the kingdom, that office was called an honor. When the vassal was granted land, the land was known as a benefice. Both benefices and honors might be granted gratuitously, that is, the knights might not owe any service for them. Very early in the relationship of commendation, a lord's grant of land was also called a precarium. This term later came to be used interchangeably with the term benefice. Still later, because of the varying connotations of the two words they once again became separated in meaning.

> As the precaria, which embodied elements borrowed from the law of letting and hiring, gradually assumed the form of a fairly specific contract, this name tended to be reserved for grants which involved

> the payment of rent. On the other hand, the term 'benefit' . . . was applied by preference to temporary grants, made in return for service to persons attached to seignorial households and especially to vassals.[38]

In the process of translation from Latin into French, *benefice* came to be replaced by the French word, *fief*, and the term *fief* became synonymous with land grants. The origin of the term, however, and a study of its meaning reveal that it was not always used just to mean a grant of land. *Fief* apparently evolved from the Frankish *fehu-od*. "The first element of this, parallel to the Gothic *faihu*, 'herd,' meant 'cattle' (cf. Germ *Vieh*, Latin *pecus*), the movable worth par excellence of early peoples. The second element *od* appears to have meant 'goods,' so that the combination would imply 'a movable object of value.'"[39]

Fief, when it meant *beneficium*, was a grant of land or other honor in return for service of any honorable kind. And sometimes, when confusion of terms caused the word *fief* to substitute for *honor*, the grant might have been completely gratuitous. But because lords frequently granted land to their vassals, by the ninth century the grant of land was expected in return for service. And by the thirteenth century, according to Ganshof, a contract of vassalage which did not include the grant of a fief (land) created an obligation which lacked a cause and which was consequently null and void.[40]

Fief, therefore, according to its etymology cannot be defined strictly as a grant of land in return for military service. Perhaps in references since the thirteenth century it is safe to assume it was a land grant; in references prior to that time it remains simply an assumption which has not been proven. Prior to the thirteenth century, fief might have referred to any kind of valuable movable goods. In addition, the service owed for the granting of the fief might have been military service (auxilium), but it also might have been service in an advisory capacity (consilium).

The knight, the recipient of the fief, has frequently been defined as a well-trained, well-armed cavalryman. He helped form, in Bloch's terminology, a "class of specialized warriors."[41] In literature of the later Middle Ages, for example Sir Gawain and the Green Knight from England and Chanson de Roland from France, the knight was associated with chivalry, grandeur and glamour. Yet these men were not always accorded such respect and exalted social standing. During the period "972 to 1204 nobility had only two roots: property, by which a man entered into a set of relationships determining his place in society; and knighthood, by which he assumed responsibilities and privileges denied to those outside the ranks of the fraternity!"[42] So the knight was powerful politically and economically from the beginning, but did not begin to gain social acceptance until the middle of the twelfth century. It is not just coincidence that also until the middle of the twelfth century knighthood had been a completely secular function, but after that time began to take on religious trappings as well. Such churchmen as John of Salisbury, who claimed that a knight's duties were "to protect the church, to attack infidelity, to reverence the priesthood, to protect the poor, to keep the peace, to shed one's blood and, if necessary, to lay down one's life for one's brethren," Gregory VII, who referred to knights as _militia sancti Petri_, and St. Bernard, who gave those fighting men the task of reestablishing christianity in the Holy Land, finally gave knights "staid and responsible respectability."[43] Until the middle of the twelfth century, then, the knight was regarded as a rather disreputable, although powerful, soldier.

The knight as a specialized cavalryman originated in Gaul during the eighth century as the Frankish response to Saracen horse soldiers. The term _knight_, however, did not appear until the eleventh century, by which time two forms of homage had appeared. One was an hereditary homage of an almost servile nature. The other relationship was not servile, nor was it hereditary, for when either the lord or the commended man died, the commendation was broken. Because of the freedom of choice involved in this latter relationship, it began to take on the character of an honor reserved only for those of social distinction.

In the evolutionary process this higher form of homage came to be recognized as homage for military purposes, and as a return for either grants of land or honorable office. It is that highly evolved relationship which many modern scholars have tried to distinguish by the term "vassalic commendation."

Following the appearance of military homage in the eleventh century, those who were commended for military service only were not expected to maintain themselves by actual work on the land. Those men had learned that they needed all their time to engage in preparation for war. Hence, the land they were granted they granted again to others who were bound to them by commendation. Because the men who were granted fiefs in return for military service performed only services connected with the military, their grants were known as military fees. The men who were granted the fees were known as *miles*, soldiers. In the process of assimilation of language between the Latin and the French, those *miles* who were cavalrymen came to be known as *knights*.

Thus, the granting of a fief created a knight and in late medieval literature the knight provided the character for heroes, although he did not start as a character to be emulated. However, for this study the question is, what was the importance of the knight and his fief to feudalism? The knight was the well-armed, well-trained soldier--in

Normandy a cavalryman, in England a foot soldier. In France before the Conquest the knight functioned as a soldier, fulfilling that occupation which he was created to fulfill. Perhaps the knight even played a significant role in the Battle of Hastings, although that point has been debated.[44] Beyond that time, between 1066 and near the end of the twelfth century, however, he did not appear as a significant factor in English warfare--not, at least, as a mounted soldier because "[i]n every major engagement the bulk of the Anglo-Norman feudal host fought as infantry."[45] In fact, the castle, that very fundamental element of feudalism according to Brown and Stenton, made the knight as cavalryman obsolete, for castles had to be attacked by infantry. In addition, from pre-Conquest times throughout the feudal period, most wars were fought by mercenaries hired by a payment called scutage, which the knights gave to the crown in lieu of performing military service.[46] With this development, the knight was more important in his role as an administrator of shires and an advisor to the king than he was as a warrior, and his fief was important for the revenue it brought to him and to the king.

The castle, on the other hand, must be considered a central element in feudalism. Castles not only provided defensive positions capable of withstanding attack, they also provided in many cases personal residences for lords as well as judicial and administrative centers for the surrounding area. Southern stated, concerning the role of the castle, that those "inexpugnable fortresses solved at once the problem of defence and of government--they made loyalty easy."[47]

R. A. Brown offered the following more specific description:

> If one enquires what it is that distinguishes the castle from other types of fortification both earlier and later, and wherein lies its uniqueness and its feudality, the answer lies in its definition; for the castle is a fortified residence, uniquely combining the dual role, and moreover it is the private, as opposed to public, and the residential fortress of a lord, who may or may not be the King or Prince.[48]

Notably, the architecture and construction of the castle is left out of the preceding definitions, as it is from others. If the definitions had included a requirement for specific kinds of architecture or construction materials, there would be little question of the existence of castles in Anglo-Saxon England. For advanced stone structures did not exist there at that time. Even in the twelfth century, castles in England were not architecturally advanced, according to W. L. Warren.

> The most common type of castellum in the early years of the twelfth century was a stronghold of earthworks and stout timber. A deep ditch was dug, and the earth thrown up into a mound, roughly conical, but with a flat top, known as a motte. Linked to the motte and surrounded by a ditch and rampart was a level enclosure known as the bailey. The perimeter was further defended with a stockade of stout timber. On the mound was erected a timber tower, also surrounded by a

> stockade. The mound served as a redoubt if the outer defences were breached. In the bailey were erected timber buildings to provide accommodation for the garrison, storerooms, and stabling. The tower on the mound may have been a simple scaffolding to support a look-out; but usually, and particularly if the lord used the castle as a residence, a tower-house of several stories would be constructed.[49]

These very simple structures Warren describes were not found in England prior to the Conquest.

If a definition of castle stipulates that a place must be both a personal residence and a private fortification, it becomes less acceptable. Warren's description of the first motte-and-bailey castles of England fits more nearly the early-American type of fort which was built not only to garrison troops but also to provide protection for the surrounding settlers. Furthermore, his qualification, "particularly if the lord used the castle as a residence, a tower-house of several stories would be constructed," indicates that all castles were not private residences.

The description of castle building by the Normans in The Anglo-Saxon Chronicle also indicates that castles were not always built as private residences. The Anglo-Norman structures were, foremost, strategically located centers not only for defense but also for offensive maneuvers. For example, in 1066 following the Conquest of England, William the Conqueror left England to return to Normandy and, as recounted in the Chronicle, "Bishop Odo and Earl

William were left behind here [in England], and they built castles far and wide throughout the land, oppressing the unhappy people, and things went ever from bad to worse."[50] Also in 1066, when William was informed that the people in the north of England would oppose him if he went there, "he marched to Nottingham and built a castle there, and so on to York, and there built two castles, and also in Lincoln, and in many other places in that part of the country."[51]

Various other references in the Chronicle to castles that were hastily built during periods of war (and other scattered references to castles) also indicate that castles were not always personal residences and defensive centers. In 1096, when William discovered he had to stop a Welsh invasion, he returned to England and "quickly thereafter had castles built along the marches."[52] In 1101, when Henry was fighting Robert of Belleme, he "went and besieged the castle at Arundel, but when he could not take it quickly he had castles built before it and garrisoned them with his men."[53]

Castles, therefore, can be defined without regard to architecture as strategically located fortresses, some of which were built purely as temporary offensive and defensive positions during war. Some castles were built as private residences for lords and became as well their centers of judicial and economic control over their holdings. Since, however, a lord was responsible for protecting his vassals, some castles were also designed to provide public defensive positions, i.e., places of safety not only for the lord and his household and troops, but also for those other followers whom he was obligated to protect.

The preceding definition of castles does not diminish their importance to feudalism. The castle was a necessary ingredient of a society which was controlled by strong lords who needed both symbols of their power and places which provided safe areas in which to conduct judicial and economic affairs, as well as defensive positions in which to protect their followers. The castle, however, whether one accepts Brown's definition or the preceding revised definition, did help to make the knight as a mounted soldier obsolete in England, for castles were seized by foot soldiers who attacked by siege, complete with cumbersome, slow-moving equipment, not by mounted troops who could attack quickly, fight a hand-to-hand battle and, if necessary, withdraw as quickly as they had come.

From the preceding discussion of various definitions of feudalism and the elements commonly attributed to that institution, one point stands out clearly: feudalism must be defined in two parts, economic and military.

Economic feudalism was characterized by ties of homage and fealty between two men, and marked by the obligations of protection and maintenance. On the one hand, the lord was required to protect his vassal and to maintain him. In return, the vassal provided certain economic services for his lord. These services might include giving the lord part of the produce of his land, working on the lord's land a certain number of days per week or a certain number of weeks per year, or just providing a night's lodging or food for the lord. Other service performed might have included providing domestic service for the lord, or, it might have included forming part of the lord's jury or performing some other function within the lord's judiciary. Initially, both men were free to enter and leave the arrangement at will. During the ninth and following centuries, however, the weaker man lost more and more of his right to leave the lord and the relationship took on the appearance of servitude, creating the subject peasantry. This economic feudalism was primarily limited to the relationship between the upper and lower social classes. The limitation of social classes involved in economic feudalism was created because there were actually three levels of society involved generally in the feudal scale. The king was the highest feudal lord. To strong and powerful followers he granted land in return for their services. These followers of the king further divided and granted the land to lower social classes, and it was these lower social classes who were involved with the agrarian aspects of the economy, thus those who were subjects of the economic elements of feudalism.

Military feudalism can be distinguished from economic feudalism in that, although there were still the ties of homage and fealty which bound one man to another, the service of the commended man was associated with the military. This did not mean, however, that the commended man actually performed military service. Instead, he might have provided, at his own expense, others to perform his service. Or he might have paid a tax called scutage in lieu of performing military service. This nobleman, who functioned either directly or indirectly in a military capacity, formed the political, economic and social elite of the feudal structure.

To summarize, then, military feudalism is characterized by the holding of a fief, which might or might not be land, honorable office or other valuable goods, in return for service, which was frequently military but might also be administrative or advisory. Yet the military service might not be performed by the person who held the land or the office; it might be performed by one of that lord's vassals. In addition, the lord who owed military service in return for his fief might pay scutage taxes in lieu of performing military service. During the classic age of feudalism this payment of scutage became the norm and most battles were fought by mercenaries hired by the king and paid for from scutage taxes. The ties of homage and fealty which united one man to another were permanent and by the classic age of feudalism were becoming hereditary.

Commentaries on feudal society generally agree that feudalism was characterized by the following elements:

1) The king ultimately held all land not granted with full rights of alienation to others;

2) Certain men bound themselves to the king through homage and fealty;

3) The king granted his men certain amounts of land as temporary holdings;

4) In return for land, the king's men owed him military service;

5) The king's men who were granted land could further divide their land among their followers in return for military service;

6) The ties between greater and lesser men were permanent;

7) The well-armed, well-trained, mounted knight formed the social, political and military elite of feudal society; and

8) The castle, which is defined as a personal residence and private fortress of a lord, was a mainstay of feudalism.

Elements of feudalism included by some who follow the accepted view that feudalism was a Norman innovation in England but refuted by others who also generally follow that view include the following:

1) Knights' fees were granted in increments of five hides; that is, every five hides of a fief owed one knight;

2) In return for the fief, the fief-holders owed specific and limited military service; and

3) Feudalism was a military/political structure which could exist in any economic situation.

These last three elements frequently attributed to feudalism cannot be included as part of a consensus definition because of the disagreement among scholars about their validity. For example, Marjorie Hollings said that Anglo-Saxon England, like Normandy, used the five hide unit as a measure of service. Every five hides owed one knight.[54] On the other hand, C. W. Hollister said that Normandy used the five hide unit uniformly as the amount of land needed to supply one knight, whereas Anglo-Saxon England did not use it uniformly.[55] However, John Horace Round had already shown convincing evidence that the five hide unit had nothing to do with the service owed in either Normandy or England before or after the Conquest.[56]

Similarly, R. A. Brown, with the aid of F. W. Maitland and Marjorie Hollings, proved that limited and specific service could not have become a part of feudalism until the reign of Henry II.[57] Limited and specific service must, therefore, be deleted as an essential element of feudalism, for feudalism must ultimately be defined by those elements which characterized it throughout its existence.

Nor can feudalism be interpreted as a totally military or political institution. Marc Bloch and F. L. Ganshof did much to negate such a restricted definition of feudalism when they included the subjugated peasantry as one feudal element.[58] There is also evidence for economic feudalism inherent in the very insistence upon a military elite as part of feudalism. For, if feudalism was indeed characterized by well-armed, well-trained, mounted knights who were given land for their subsistence in order that they might spend their time in training for war, there had to be economic conditions which allowed them to use that time in training. That is, someone had to cultivate the land and provide the lords with harvests of their fields. Additionally, the idea behind the granting of the fief was economic. The fief was granted so that men could maintain themselves and not have to be fed and sheltered by their lords.

Of the other eight elements of feudalism generally agreed upon by those who follow the accepted view that feudalism was a Norman innovation, as well as by those who contradict that view, four are acceptable in a universal application. The king did ultimately hold all land which was not held in full ownership by someone else. This privilege of holding included the king's ultimate right to confiscate land under certain conditions. For example, the breaking of certain laws by landholders could be punished by forfeiture of land, called escheat. Also, certain men did bind themselves to the king through oaths of homage and fealty, and frequently he granted them temporary landholdings. When land was involved as a condition of the relationship between the king (or, for that matter, any other lord) and his man, the relationship was permanent, at least in the sense that laws were designed to dissuade a man from leaving his lord.

However, the other four items usually accepted as feudal elements must be discarded by a truly comprehensive definition. Bloch and Ganshof convincingly showed that duties of landholders in some cases included work on a lord's farm and other economic or advisory aid to the lord, as well as aid in judiciary or administrative proceedings and other general counsel.[59] Furthermore, many landholdings were granted as honors owing no kind of service.

Until the Crusades, well-armed, well-trained, mounted knights did not appear as any kind of elite group exhibiting the courage and wit attributed to them in much medieval literature. Until then, they were considered only as very powerful subjugators of the peasantry. Also, knights did not comprise an extremely effective fighting force during the feudal period. Mercenaries did most of the fighting for Anglo-Norman kings and other lords until the end of the twelfth century.[60]

Castles cannot be given the limited definition of personal residences and private fortifications offered by proponents of feudalism as Norman innovation. Certainly, some were personal residences and they did provide defensive positions. However, to say that they were all private creates very definite problems in trying to discover defensive fortifications used by the public, much of which was under the protection of strong lords. The problem arises in trying to explain how a lord could provide protection for his followers other than through opening his own gates for their defense, in effect making the private fortification a public defensive structure. Also, as The Anglo-Saxon Chronicle indicates in several places, many castles were hastily built, strategically located structures designed for offensive rather than defensive use.[61] As such, they were neither private residences nor private fortresses. So, the definition of castles as it is particularly given by R. A. Brown, the private residence and defensive fortification of a lord, cannot be accepted as the only possible interpretation, a problem which will be explored more thoroughly, in reference to Anglo-Saxon literature, in the following chapter.

After eliminating elements which are in dispute, feudalism can be defined as a political, military, social and economic societal structure. In feudal society, the king ultimately held authority over all land not held in full ownership by someone else. Some men bound themselves directly to the king through oaths of homage and fealty. These men were frequently granted temporary landholdings, but not always. Sometimes they were granted political or economic favors or offices, sometimes they were granted nothing at all and frequently land grants became hereditary. In return for the grants of land, some might owe military duty whereas others were only to perform administrative or judiciary duties, or only serve as counsel to the king. When a grant of land was involved, the commendation was considered binding on the man commended to the king. Within the process called sub-infeudation, relationships between the king and his men and the characteristics of those relationships were also to be found between other lords and their commended men.

Perhaps as feudal society in Gaul developed, certain elements generally considered feudal were present. As the institution was transferred to England it was modified and changed as part of the natural flux of society, as well as part of the efforts of William and his followers to provide smooth and controlled transitional government in England. But feudalism must be defined by those elements which were part of it as long as the societies which it encompassed existed. The elements in the definition of feudalism presented here are representative of those elements which were part of it in Gaul, when feudalism began, as well as part of the feudal period as it neared its end in England. Each of the general elements included can be analyzed singly and each deserves that analysis. But in discerning the feudal antecedents in Anglo-Saxon England, it is well to discuss them in most inclusive terms, for it is not possible to approach a study of pre-Norman England with the idea that mature and obvious elements of feudalism, such as existed in thirteenth century England, will be found. Nor is it possible to expect to find an obvious comparison between pre-Norman England and Merovingian and Carolingian Gaul. It is enough to hope to find the delineated elements suggested within existing documents--charters, wills, laws, histories, and literature--and to find enough evidence in a study of the historical evolution of the country to believe that certain elements of feudalism, for example, homage and fealty or the castle, must have existed there before the Norman Conquest.

The purpose of the following chapters is to review some of the literature dating from the pre-Norman period in England, to analyze some of the laws of that period and when necessary to include charters, wills and other documents to reveal aspects of Anglo-Saxon society which were possibly and, in many cases, probably anticipatory of feudalism.

NOTES

[1] *First Century of English Feudalism, 1066-1166* (Oxford, 1929), p. 214.

[2] *Oxford English Dictionary* (1933; rpt. 1961).

[3] Marc Bloch, *Feudal Society*, trans. L.A. Manyon (London, 1961); F. L. Ganshof, *Feudalism*, 2nd English ed. (New York, 1961); and F. W. Maitland, *Domesday Book and Beyond* (Cambridge, 1921).

[4] See, for example, Carl Stephenson, *Medieval Feudalism* (Ithaca, New York, 1942).

[5] Stenton, *First Century*; and R. A. Brown, *Origins of English Feudalism* (New York, 1973).

[6] This attitude was especially prevalent among the eighteenth century historians who considered feudalism. For a discussion of the historians and their ideas see the review of literature included by Carl Stephenson in "The Origin and Significance of Feudalism," *American Historical Review*, 46 (1941), 788-812.

[7] Bloch, pp. 443-46; and Ganshof, pp. xix-xx.

[8] Bloch, p. 446.

[9] Ganshof, p. xix.

[10] Ganshof, p. xix.

[11] Ganshof, p. xix.

[12] Bloch, p. 443.

[13] Ganshof, p. xx.

[14] See, for example, Maitland, *Domesday Book*; J. H. Round, *Feudal England* (London, 1895); and Paul Vinogradoff, *The Growth of the Manor* (London, 1904).

[15] Stenton, p. 214.

[16] Stenton, pp. 214-15.

[17] This is one of the intriguing problems in working with the subject of feudalism. Although Stenton, Bloch and Ganshof recognized these pre-feudal elements in Anglo-Saxon society, none of them believed that England was feudal prior to the Norman Conquest.

[18] Stenton, p. 215.

[19] Brown, *Origins*.

[20] Brown, p. 32.

[21] Brown, p. 72. Maitland, *Domesday Book*, p. 361: "As to the services to be rendered [i.e., in Oswald's Memorandum], if we compare them with those of which Alanville and Bracton speak, they will seem both miscellaneous and indefinite; perhaps we ought to say that they are all the more feudal on that account." Brown quotes Marjorie Hollings, "The Survival of the Five Hide Unit in the Western Midlands," *English History Review*, 63 (1948), 72-3.

[22] "The Norman Conquest and the Genesis of English Feudalism," *American Historical Review*, 66 pt. 2 (April-July, 1961), 643.

[23] Brown, p. 32.

[24] Stephenson, *Medieval Feudalism*, p. 14.

[25] Tacitus, *Germania*, in *Agricola*, *Germany*, *Dialogue on Orators*, trans. Herbert W. Benario (New York, 1967), pp. 37-65.

[26] Ganshof, pp. 4-5, 20-21.

[27] Ganshof, p. 6.

[28] *The Making of the Middle Ages* (London, 1967), p. 99.

[29] Maitland, p. 68. "cf. D.B. ii. 187b: 'Ex his non habuit Ailwinus suus Antecessor etiam commendationem.' And the second cf. D.B. ii. 287: 'De his hominibus . . . non habuit Haroldus etiam commendationem.'"

[30] Stenton, p. 215. See also Paul Vinogradoff, *English Society in the Eleventh Century* (Oxford, 1908), p. 347: "The lawyers of William the Conqueror started from the principle that mere personal commendation did not amount to a dependence of land, and that a tenant who could go with his land where he pleased was not part and parcel of the manor in which he paid his dues to a lord;" and William

John Corvett, in Cambridge Medieval History, v (1929), p. 513: "In particular they [the new French landlords] were hostile to the system of commendation under which some of the cultivating classes had been free to select and change their lords. As a result commendation was entirely swept away, and the men in every manor, whatsoever their social status, became bound to their lords by an hereditary tie."

[31] Stephenson, "Commendation and Related Problems in Domesday," English History Review, 59 (September 1944), 292.

[32] Stephenson, "Commendation and Related Problems," 294, 301 and 310.

[33] "East Anglian Commendation," English History Review, 63 (July 1948), 306.

[34] Bishop William Stubbs, Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First, 9th ed., rev. H. W. C. Davis (Oxford, 1921), pp. 73-4. Stubbs's translation is as follows: "Thus shall a man swear fealty oaths. By the Lord before whom this relic is holy, I will be to N. faithful and true, and love all that he loves, and shun all that he shuns, according to God's law, and according to secular custom; and never, willingly or intentionally, by word or by work, do aught of what is loathful to him; on condition that he keep me as I am willing to deserve, and all that fulfill that our agreement was, when I to him submitted and chose his will."

[35] Alfred, Cap. 39, trans. Stubbs, p. 68: "If anyone go from his lord without leave, or steal himself away into another shire, and he be discovered, let him go where he was before, and pay to his lord ix shillings."

[36] Alfred, Cap. 63, trans. Stubbs, p. 69: "If a 'gesithcund' man leave his holding, he may take with him his reeve, his smith and his children's nurse. If he has xx hides he may show xii hides sown when he desires to depart; if he has x hides, he must show vi hides sown; if he has three, let him show one and a half."

[37] See Brown, p. 24, for example, who summarizes scholarly consensus as follows: "The knight is of the very essence of feudalism, more fundamental than the fief, which, after all, was devised for his support."

[38] Bloch, p. 164.

[39] Bloch, p. 108.

[40] Ganshof, pp. 111-12.

[41] Bloch, p. 446.

[42] Southern, p. 111.

[43] Southern, pp. 110-15.

[44] See, for example, Richard Glover, "English Warfare in 1066," English History Review, 67 (January 1952), 12-13.

[45] Hollister, "Norman Conquest," 655.

[46] Hollister, "The Significance of Scutage Rates in Eleventh- and Twelfth-Century England," English History Review, 75 (1960), 577-88. See also Glover, "English Warfare in 1066," for a discussion of the knight during the Battle of Hastings. Also see J. O. Prestwich, "War and Finance in the Anglo-Norman State," Transactions of the Royal Historical Society, 5th ser., 4 (1954) 19-43, for a discussion of the importance of mercenaries in Anglo-Norman wars.

[47] Southern, p. 86.

[48] Brown, p. 30.

[49] Henry II (Los Angeles, 1973), n. pag.

[50] Trans. G. N. Garmonsway (New York, 1965), p. 200.

[51] Anglo-Saxon Chronicle, p. 202.

[52] Anglo-Saxon Chronicle, p. 233.

[53] Anglo-Saxon Chronicle, p. 237.

[54] Hollings, 485.

[55] Hollister, "Norman Conquest," 657.

[56] Round, p. 234.

[57] Brown, p. 74.

[58] Bloch, p. 446; and Ganshof, p. xix.

[59] Bloch, p. 446; and Ganshof, pp. 111-12.

[60] Prestwich, 24-30.

[61] Anglo-Saxon Chronicle, pp. 200, 202.

CHAPTER III

FEUDAL ANTECEDENTS IN ANGLO-SAXON LITERATURE

H. M. Chadwick claimed many years ago that for investigations into the history of the earliest English period "our best guidance is clearly to be found among native poems and traditions."[1] The statement is true, but this approach to history also creates many problems for the historian. Much of the literature of the period is difficult to date accurately and its origin difficult to discover. For example, the extant version of Beowulf may date from as late as the end of the ninth century or as early as the beginning of the seventh century. The influences of that two hundred years, along with the influences that may have altered the Beowulf legend while it was still an oral story, might have significantly changed it. The legend, in fact, might not be as representative of the society which it purports to describe as one would wish it to be.

In addition, literature by its very nature, including Anglo-Saxon literature, assumes a contemporary audience, one thoroughly familiar with contemporary laws and customs. In fact, perhaps more knowledge on the part of the Anglo-Saxon audience was assumed than on the part of later audiences, for the poetry was composed primarily for oral rendering and as important as content was reliance on formulaic structure and images which captured and kept the attention of the audience.[2]

Furthermore, Anglo-Saxon literature has not had a safe and comfortable history. Not only have many works been rewritten and corrected by people other than the original copiers, but words and lines are missing from several. Frequently, those lacunae occur in places where material essential to understanding ought to occur. One need look only at "The Ruin" to see the extent to which lacunae can hamper understanding. What remains of the fragments is also frequently difficult to understand because reading Old English is enough like reading a foreign language that some of the same difficulties in translation occur.

Perhaps one or more of the difficulties involved in analysis of Anglo-Saxon literature have made modern historians who are concerned with the effect of the Norman Conquest on Anglo-Saxon institutions reluctant to explore the literature as carefully as it should be explored. Additionally, the question is primarily an historical one studied by historians who have been more inclined to gather evidence from texts other than literary works. In the laws, charters, wills and other documents regulating life lie the legal cornerstones of a society, although custom might differ from written law.

That is not to say, however, that literature has been ignored in discussions by historians, for it has not; yet, it has never been considered the primary source of information on the subject of Anglo-Saxon feudal institutions. Although Maitland, Round, Stenton, Douglas and Hollister each mention the literature in passing, none relies much on study of it. Even Eric John, who in agreeing with Chadwick's view that a study of the literature is imperative to the understanding of any period of history stated that "[w]e cannot get the feel, the smell, of a past society, better than through its literature,"[3] donated less than four pages in Land Tenure in Early England to a study of the literature, and those pages included reference to only Widsith, Beowulf and The Battle of Maldon.

The following, therefore, is intended to show what the body of Anglo-Saxon literature suggests about the question of feudal antecedents in Anglo-Saxon England. The key word in the discussion will be "suggests" for literature seldom, and Anglo-Saxon literature is no exception, fully develops or explains the culture about which it was written; it is interpretation rather than description of that society. The discussion, moreover, will take some liberties with the definition of literature, for included in the discussion will be The Anglo-Saxon Chronicle as well as the poetry and prose of the period. The decision to include histories among the literature is not as arbitrary as it might initially appear to be. They are included as literature because such inclusion aids in limiting the division of evidence to be considered in this chapter and the following one. For example, including histories in literature makes it possible to distinctly separate the evidence into catagories: literature (including histories) in this chapter, and laws (including charters and wills) in the next chapter. Furthermore, Beowulf and The Anglo-Saxon Chronicle will be the focal pieces in the discussion of literature because they reveal more about the elements of feudalism than do any of the other Anglo-Saxon works.

Several major problems confront either the advocate or the opponent of the existence of feudal antecedents in Anglo-Saxon England. There are many questions, for example, concerning the relationship between lords and their thanes, including the king and his thanes, some of whom might be lords of others. One question concerns the strength and permanence of the relationship. An attendant question is the part gift-giving, specifically the granting of land, played in the relationship. Another question attendant to the lord-thane relationship is a determination of the obligations of lords to their thanes and thanes to their lords. Frederic Maitland argued for three kinds of bonds between lords and thanes in Anglo-Saxon England: a personal bond, a tenurial bond and a jurisdictional bond.

From his consideration of the bonds he concluded that "[c]ommendation seems put before us as the slightest bond that there can be between lord and man."[4] Carl Stephenson, in "Commendation and Related Problems in Domesday Book," strongly disagreed with this theory of a weak personal bond. He divided the personal relationship into "two main aspects: the honourable bond between the *hlaford* and his military retainer (*gesith* or *thane*) and the very different bond between him and his more humble follower (*folgere*), his peasant or household servant."[5] He concluded that "[i]n either case the man's commendation . . . could by no means be rescinded at his pleasure. Beginning in the seventh century, royal dooms imposed heavy penalties on those who deserted their lords without leave and carefully defined the conditions under which such leave might be obtained. A drastic law of treason, betrayal of one's lord, was promulgated by Alfred and his successors."[6]

Barbara Dodwell, in "East Anglian Commendation," took issue with parts of all the theories preceding hers. Drawing, as the title suggests, almost exclusively from East Anglian evidence, she concluded that

> [c]ommendation alone was but a slender personal bond, but when it is found in conjunction with other ties, as it is in the Northern Danelaw and East Anglia (and as it is with the lesser peasantry generally) it had become territorialized, and was, as Maitland put it, inherent in the land. The bond then was permanent, but was not essentially personal, for it bound the land and the holder only by reason of his tenancy.[7]

More recently, R. Allen Brown entered the controversy over the ties between men in Anglo-Saxon England. He contended that "[w]e . . . find in Old English society the 'hold-oath' whereby a man promises to be faithful to his lord, shunning what he shuns and loving what he loves, and this appears to be the equivalent of the continental oath of fealty, significantly the oldest, least specific and least important element in Frankish commendation."[8]

The argument concerning the strength and permanence of the Anglo-Saxon bond thus divides clearly into two areas: 1) the granting of land, called a fief, (tenurial bond) in return for specific obligations, primarily military, according to F. M. Stenton, created a strong (feudal) bond, and 2) absence of land and the specific military obligations involved in the granting of land created a weak bond (simple commendation).

The following discussion will include a commentary on the nature of the obligations in feudal society, a reemphasis of the strength of the bond of fealty in Anglo-Saxon society, and an exploration of the relationship among lords, thanes and land and obligations in Anglo-Saxon society. It will show that if Anglo-Saxon England was not fully feudal preceding the Conquest, it was evolving toward feudalism.

Concerning the nature of the obligations thanes owed to their lords in return for their fiefs, there is some disagreement even among those who believe that feudalism was a Norman innovation in England. For although F. M. Stenton and R. Allen Brown believed that feudalism entailed specific grants of land in return for specific amounts of military service, F. L. Ganshof clearly delineated the other kinds of duties for which the thane was responsible in a feudal relationship. There were two kinds of obligations, according to Ganshof.[9] The first type of service was _auxilium_, which included military service and, if it is conceded that Stenton and Brown were correct, it meant service as a well-trained, well-armed, mounted knight. In general practice, however, the service might have been the supplying of a military contingency, riding with a lord in order to assure his safety, guarding the lord's castle or perhaps holding the thane's own castle open to the use of the lord. Other, non-military, obligations might have included administration of the manor or work in the lord's household, carrying of messages, or providing escorts. The limitations of specific military duty for a specific number of days did not become part of the feudal arrangement until the end of the eleventh century.

The other specifically feudal obligation owed to the lord in return for land was _consilium_. Consilium meant that the vassal owed his lord assistance by giving advice, and hence suggested the added obligation that the vassal must appear whenever the lord summoned him. Further, it could include sitting in the lord's court, judging cases which came before that court.[10]

Therefore, at least according to Ganshof, even those duties generally called *trimoda necessitas* (castle guard, bridge building, fortification repair) could be considered feudal obligations, if all the elements of the feudal relationship existed. Furthermore, the generally imposed feudal limitation of a grant of land in return for specific amounts and kinds of military service by a well-armed, well-trained, mounted knight must be seen as only one of many possible feudal relationships.

Regardless of the obligation, in the Anglo-Saxon lord-thane relationship one of the most important considerations must be its strength and permanence. There is ample evidence in the literature of the seriousness with which an Anglo-Saxon thane took his part in the relationship. The lone survivor in *Beowulf*, deprived of the comitatus community, lord, hearth-companions and fellow soldiers, gave all treasures back to the earth and mourned until death took him.[11] The Wanderer, too, felt his exile as catastrophe because he was without friends, kinsmen and, first of all, his lord:

> Þonne beoð þy hefigran   heortan benne,
> sare æfter swæsne.   Sorg bið geniwad,
> þonne maga gemynd   mod geondhweorfeð;
> greteð gliwstafum,   georne geondsceawað
> secga geseldan.   Swimmað eft on weg.
> (ll. 49-53)[12]

The lone survivor and the wanderer show how complete the exile, the separation from life, love and companionship were without a lord and without companions. Yet neither passage indicates that the reason for the strength of the relationship is other than a strictly personal bond.

Passages from other Anglo-Saxon works do show, however, that the relationship between lords and thanes was not always only personal. Within the very first lines of Beowulf the narrator tells that:

> Swa sceal [geong g]uma   gode gewyrcean,
> fromum feohgiftum   on fæder [bea]rme,
> þæt hine on ylde   eft gewunigen
> wilgesiþas,   þonne wig cume,
> leode gelæsten;
>
> (ll. 20-24)[13]

Shortly thereafter, the narrator relates that Hrothgar would build his great meadhall:

> ond þær on innan   eall gedælan
> geongum ond ealdum,   swylc him god sealde,
> buton folcscare   ond feorum gumena.
> (ll. 71-73)[14]

When Beowulf returned home from fighting Grendel and Grendel's mother, Hygelac gave him an ancient heirloom, a sword and 7,000 hides of land:

> Het ða eorla hleo   in gefetian,
> heaðorof cyning,   Hreðles lafe
> golde gegyrede;   næs mid Geatum ða
> sincmaðþum selra   on sweordes had;
> þæt he on Biowulfes   bearm alegde
> ond him gesealde   seofan þusendo,
> bold ond bregostol.   Him wæs bam samod
> on ðam leodscipe   lond gecynde,
> eard, eðelrigt,   oðrum swiðor
> side rice   þam ðær selra wæs.
> (ll. 2190-99)[15]

The splendid bestowals of Hrothgar to his followers, therefore, must include rings, horses and other treasures. Yet he must have also given land, for he shared out all "except common land" and the narrator told explicitly that the purpose of giving gifts was to insure that "his retainers would serve him when war came ." Even more clearly shown is the relationship between the land, the permanence of the bond and the duty of the grantee in the last passage quoted above (ll. 2190-99). Beowulf had returned from killing two of the fiercest monsters in Daneland; he was a warrior whom Hygelac would want to assure himself of having on his side during war. Furthermore, Hygelac insured the safety of his people following his death, for he gave Beowulf sufficient land to make him powerful enough to be the king upon Hygelac's death. In fact, following Hygelac's death in the battle with the Frisians, Hygd offered Beowulf the Geatish kingdom, for she did not believe her son had the strength to hold the kingdom. But Beowulf refused it and continued to support Heardred, Hygelac's son, until Heardred was killed by Onela:

> þær him Hygd gebead   hord ond rice,
> beagas ond bregostol,   bearne ne truwode
> þæt he wið ælfylcum   eþelstolas
> healdan cuðe,   ða wæs Hygelac dead.
> No ðy ær feasceafte   findan meahton
> æt ðam æðelinge   ænige ðinga,
> þæt he Heardrede   hlaford wære
> oððe þone cynedom   ciosan wolde;
> hwæðre he him on folce   freondlarum heold,

estum mid are, oððæt he yldra wearð,
Wedergeatum weold.
(ll. 2369-79)[16]

Beowulf's refusal, in the above passage, to accept the kingdom illustrates the strength and permanence of his adherence to the bond created by the grants from Hygelac, even extending to Hygelac's descendants.

Hygelac's generosity might also be attributed to the fact that, although Beowulf had left Geatland as a brash young warrior in whom most of the counselors had little confidence, he had returned home a thane of Hrothgar. Upon Beowulf's killing Grendel, Hrothgar had presented him, in addition to jewels and other treasures, a thane's heriot: "segen gyldenne / sigores to leane; / hroden hildecumbor, / helm ond byrnan, / mære maðþumsweord," (ll. 1021-23) and:

eahta mearas
fætedhleore on flet teon,
in under eoderas. Þara anum stod
sadol searwum fah, since gewurþad;
(ll. 1035-38)[17]

According to some of the Anglo-Saxon laws, these gifts are almost exactly the possessions needed in Anglo-Saxon England to be an earl.

For example, Canute's laws set forth the earl's heriot as:

> eight horses, four saddled and four unsaddled, and four helmets and four coats of mail, and eight spears and as many shields, and four swords and 200 mancuses of gold. And after that, a king's thegn's, of those who are nearest to him; four horses, two saddled and two unsaddled, and two swords and four spears and as many shields, and a

> helmet and a coat of mail and fifty mancuses of gold. And of the medial thegn a horse and his trappings and his arms.[18]

So Hrothgar's gifts to Beowulf made Beowulf a thane of high standing. Hygelac, then, in order to retain the primary allegiance of Beowulf, had to give him a gift which would raise the thane's status even higher. Hygelac accordingly gave Beowulf the lands and other gifts to make him an earl, a person, incidentally, equal in status to Hygelac himself.

Beowulf himself indicated that the gifts Hygelac gave him were gifts for which he owed military service to Hygelac, for as he considered his impending fight with the dragon he told his followers:

> Ic him þa maðmas, þe he me sealde,
> geald æt guðe, swa me gifeðe wæs,
> leohtan sweorde; he me lond forgeaf,
> eard, eðelwyn. Næs him ænig þearf
> þæt he to Gifðum oððe to Gardenum
> oððe in Swiorice secean þurfe
> wyrsan wigfrecan, weorðe gecypan.
> (ll. 2490-96)[19]

Not only did Beowulf fight out of respect for the land which had been granted him, but also to prevent Hygelac from having to pay mercenaries to do his fighting for him. The question arises here whether Hygelac might have paid the mercenaries only from his own private treasury or if the funds would have come from something akin to scutage, a payment knights from the eleventh century on gave to the king in lieu of military service. The amount of the scutage usually was the amount of money it took to pay for the service of one knight for forty days in Norman England and sixty days in Anglo-Saxon England.

When Beowulf became king of Geatland, he also recognized the importance of maintaining troops by being generous with his gifts. Wiglaf, in recounting the splendid gift-giving of Beowulf, told that Beowulf gave his followers land, recognizing the possibility of multiple allegiance among his thanes and the need to remain liege lord to some of them. Wiglaf also said that he entered the battle between Beowulf and the dragon because he:

> geseah his mondryhten
> under heregriman hat þrowian.
> Gemunde ða ða are þe he him ær forgeaf,
> wicstede weligne Wægmundinga,
> folcrihta gehwylc, swa his fæder ahte.
> Ne mihte ða forhabban;
>
> (ll. 2604-09)[20]

Following the battle, Wiglaf told those who had been afraid to fight the dragon:

> "Ic ðæt mæl geman, þær we medu þegun,
> þonne we geheton ussum hlaforde
> in biorsele, ðe us ðas beagas geaf,
> þæt we him ða guðgetawa gyldan woldon
> gif him þyslicu þearf gelumpe,
> helmas ond heard sweord, Đe he usic on herge geceas
> to ðyssum siðfate sylfes willum,
> onmunde usic mærða, ond me þas maðmas geaf,
> þe he usic garwigend gode tealde,
> hwate helmberend, þeah ðe hlaford us
> þis ellenweorc ana aðohte
> to gefremmanne, folces hyrde,
> for ðam he manna mæst mærða gefremede,
> dæda dollicra."
>
> (ll. 2633-46)[21]

From passages similar to the above, it is possible to conclude that warriors fought only for bestowals of arms and jewels. Yet, Wiglaf stated specifically that the men were chosen for the battle before those particular gifts were given. "He thought us war-worthy / and gave these gifts . . ." before the battle but after the warriors had been chosen to accompany Beowulf to fight the dragon. Since he gave the same gifts to Wiglaf, although Wiglaf had already been granted a homestead, he could have given the jewels to his chosen followers even though they already had landholdings.

Regardless of the possibility of landholdings among the followers of Beowulf, indications are quite clear that both Beowulf and Wiglaf fought for the lands which had been granted to them by their lords. And accepting the theory that other soldiers were secured for battle through the land which they held may help to explain more clearly the distinctions made throughout *Beowulf* between *geoguths* and *duguths*.

The generally accepted distinction between the two terms is that *geoguth* refers to a young warrior not yet experienced in battle, and *duguth* refers to an old and experienced warrior. *Beowulf* does much to support this distinction between the two kinds of warriors. *Geoguth* appears either singularly or as a compound word nine times in the epic; each appearance strongly suggests a reference to a young warrior. *Duguth* appears in various forms sixteen times, and in many instances suggests the old and tried retainer. The term gesith appears eight times in Beowulf and in every case it translates into "followers." It never appears either as a complement to or in opposition to either duguth or geoguth. However, H. R. Loyn, in his article, "Gesiths and Thegns in Anglo-Saxon England from the Seventh to the Tenth Century," established a more specific designation of the differences between gesiths and thanes, and in doing so shed much light on the Anglo-Saxon social hierarchy and the places within that hierarchy of geoguths, duguths, gesiths and thanes.

Loyn showed that between 700-750 A.D., gesith appeared as a term for nobles in two special senses: "1) That of the tried retainer, the fully-fledged warrior, the probadi ac robusti, the duguth as compared with geoguth, or possibly the thegn. 2) That of the estate-holder, the warrior who had been rewarded with a grant of land." In addition, Loyn claimed that in the years 750-900 A.D. "gesith was replaced by thegn in current use, but survived in poetry." Between 900-950 A.D., gesith was used as it had been in the early eighth century, in the senses of an old retainer and of the holder of an estate. The latter meaning, the holder of an estate, was maintained into the tenth century.[22] Therefore, the various appearances of the word duguth in Beowulf, as opposed to the word geoguth, indicate that the duguth were not only the older and tried retainers but also the landholders.

Further extension of the relationship between *gesiths* and land holdings also explains why Beowulf was referred to as *eorl* following the grants of land by Hygelac. When Beowulf left Geatland to fight Grendel, he was seen by the Geatish as a brash young man of noble lineage who would never accomplish anything, perhaps a *geoguth*:

> Hean wæs lange,
> swa hyne Geata bearn godne ne tealdon,
> ne hyne on medobence micles wyrðne
> [drih]ten Wedera gedon wolde;
> swyðe [wen]don þæt he sleac wære,
> æðeling unfrom,
>
> (ll. 2183-89)[23]

But following Beowulf's defeat of Grendel, he was a proven warrior ("the tested warrior,") a *duguth*, and Hrothgar gave him the armor and the horses necessary for Beowulf to improve his position to that of a thane. Following his return to Geatland, Beowulf received 7,000 hides of land from Hygelac and became an earl. That it was Hygelac's gift that made Beowulf an earl, although not stated in the narrative, is clear if reference is made to the requirements for becoming an earl as related in *The Anglo-Saxon Chronicle*.

When Beowulf was given the 7,000 hides of land, Hygelac obviously knew that this was much more land than one person needed to support only himself as a warrior. Thus, the inference is that Beowulf received not actual ownership of land, but control over it and the people who resided on it. He had jurisdictional rights and the right to farm, that is, the right to have those tenant farmers work on his demesne land and pay him rents. It is certain that he was given the right to establish his own following, for just as both Hrothgar and Hygelac had their own halls and gift-seats, Beowulf was given his by Hygelac ("bold and bregostol"). The tone of the passage suggests that the only difference at that time between Hygelac and Beowulf was that Hygelac was higher in rank (". . . oðrum swiðor / side rice / þam ðær selra wæs. [ll. 2198-99]). Yet Beowulf still owed military duty to Hygelac, since he stated that he paid Hygelac at battle ("geald æt guðe") for those gifts. Thus, the relationship between lord and tenant-in-chief was established, with Beowulf owning rights to the land and owing military duty to Hygelac because of his privileges as a landholder.

The granting of land for control by the grantee while under obligation to the grantor is also revealed in several passages in The Anglo-Saxon Chronicle. For example, in the Laud Chronicle, under the year 1007, the entry states, "In this year also was Eadric appointed ealdorman in Mercia."[24] Later entries show some of the obligations and hazards incurred by having been appointed to an earldom. In 1015, this same "ealdorman Eadric won over forty ships from their allegiance to the king, and then did homage to Cnut. In the following year Eadric performed his military duty to Cnut by following him into Mercia to fight with him."[25] In 1017, Cnut succeeded to the whole realm of England, "and divided it into four parts, himself retaining Wessex, and giving East Anglia to Thurkil, Mercia to Eadric, and Northumbria to Eric." Four years later (1021), Cnut outlawed the "earl Thurkil and took away the land, the earldom formerly given to him."[26]

Therefore, from the passages in *Beowulf* and *The Anglo-Saxon Chronicles* the indications are that, as Loyn said, the *eorl* was a landholder, a nobleman; the noble position was one granted to a *thegn*, a *duguth*, one who had proven himself as a warrior and who was a landholder. When Beowulf was granted 7,000 hides of land by Hygelac, he was at the same time granted an earldom and for this earldom he had the responsibility of supplying warriors and fighting himself at the king's need.

Regarding the concept of tenant-in-chief, as Beowulf's position has been established, J. H. Round initially said, and others have agreed, that King William was interested first in the allegiance of his immediate followers and not until Salisbury did he show interest in the direct allegiance of all of his followers. F. L. Ganshof stated the position as follows: "The thegn who received from the king a grant of land received it in full ownership and not on conditional tenure, so that such a holding was quite different from the continental fief." In addition, he stated that "in order to diminish the danger of subvassals being employed by tenants-in-chief against the

Crown, William the Conqueror imposed on all free men occupying a tenement an oath of fealty or allegiance to the king. . . . The idea behind these oaths was subsequently influenced by the conception of liegancy [and] in the reign of Henry I, the ordinary oath of vassalage."[27] In effect, what occurred with liegancy was that all vassals ultimately owed allegiance to the king. In addition, liegancy created a hierarchy of allegiance to the king, or in the case that a person owed allegiance to more than one lord, the man's first lord was the liege lord.

The dialogue between Beowulf and Hygelac upon Beowulf's return from fighting Grendel also contradicts the accepted view that in Anglo-Saxon England there was no conception of liegancy and that the recipient of land "received it in full ownership and not on conditional tenure." When Beowulf returned to his homeland he gave to Hygelac the treasures Hrothgar had given to him:

" . . . ac he me [maðma]s geaf,
sunu Healfdenes,   on [min]ne sylfes dom;
ða ic ðe, beorncyning,   bringan wylle,
estum geywan.   Gen is eall æt ðe
lissa gelong;   ic lyt hafo
heafodmaga   nefne, Hygelac, ðec."[28]
(ll. 2146-51)

Chief kinsman is here a translation of *heafodmaga*; no other translation except head or chief kinsman appears possible. *Bosworth-Toller* defines *heafod-maeg* as "m. A near relation."[29] Yet that same dictionary lists fifty-five other compounds with the word *heafod* and in every instance the word heafod is defined as head, chief, capital or principal, except in those cases where the reference is to a part of the head. (For example, heafod woþ is defined as "the voice.") In addition, Beowulf referred to his relationship with Hygelac only one other time in the narrative. In that instance, he hailed Hrothgar on their first meeting by saying: "Ic eom Higelaces / maeg ond mago-þegn." ("I am Hygelac's kinsman and retainer.") Bosworth-Toller defines magu-þegn as "m. A thane, vassal, follower, retainer, warrior, servant." Thus, there is no doubt that Beowulf referred to Hygelac as his kinsman, but not as an ordinary kinsman, as Beowulf's heafodmaga, his head kinsman, his lord.

Since Hygelac was his lord and Beowulf returned with gifts to indicate his loyalty to Hygelac, the sense of the passage appears clear. Beowulf was away fighting for another lord; he was given gifts sufficient to earn him the status of thane and taken into the comitatus of Hrothgar. Wealthow even asked him to watch over her children; hence, there is a definite lord-thane relationship involved between Hrothgar and Beowulf. By returning and giving his gifts to Hygelac, Beowulf indicated that he recognized that he owed first allegiance to Hygelac. To emphasize that point, he stated that Hygelac was his head kinsman, his liege lord.

Wiglaf reinforced this idea of liegancy when he entered the battle with the dragon to protect Beowulf, for he entered the battle because he remembered all the honors Beowulf had given him and that he owed Beowulf his efforts in battle in return for those honors.[30]

Further support for the concept of liegancy being active during the Anglo-Saxon period comes from _The Anglo-Saxon Chronicle_. In 1048, when King Edward wanted Earl Godwine to come to assembly to answer charges of conspiracy against the king, "[t]he king required the allegiance of all the thanes who had formerly been the earl's and they surrendered to him their lordship over them."[31] Either Godwine had a group of thanes totally unfamiliar with the bonds placed on them by the oath of fealty or King Edward was successful in having them align themselves with him because the king ultimately had direct allegiance of his earl's thanes already and they therefore were following established custom. In either case, Edward exercised a prerogative which scholarly opinion says was not exercised in England until William demanded the allegiance of all the thanes in England at Salisbury forty years later.

Concerning the theory, as stated by Ganshof, that "the thegn who received from the king a grant of land, received it in full ownership and not on conditional tenure," although the evidence from Anglo-Saxon literature is somewhat sparse, there are indications in both "The Battle of Maldon" and _The Anglo-Saxon Chronicle_ that earls did indeed receive their land on conditional tenure and with specific obligations in respect to that landholding. Throughout The Anglo-Saxon Chronicle there are passages which show the giving of earldoms. In 885, for example, "King Alfred entrusted the city London to ealdorman Aethelred to rule."[32] In 1007, "Eadric was appointed ealdorman in Mercia."[33] In 1016, following Cnut's successful invasion of the north of England he "appointed Eric as his earl in Northumbria."[34] In 1017, "Cnut succeeded to the whole realm of England, and divided it into four parts, himself retaining Wessex, and giving East Anglia to Thurkil, Mercia to Eadric, and Northumbria to Eric."[35] In 1048, "Odda was appointed earl over Devon, and over Somerset, and over Dorset, and over Cornwall; and Aelfgar, earl Leofric's son, was given the earldom which Harold had had."[36]

The obligations of these earls were also spelled out clearly in the Chronicle. As early as 837, the military nature of earldom was established. In that year, "ealdorman Wulfheard fought at Southampton against thirty-three ships' companies and made great slaughter there and won the victory; and the same year Wulfheard passed away. And ealdorman Aethelhelm fought against the Danes at Portland with the men of Dorset."[37] In 851, "ealdorman Ceorl with the men of Devon fought against the heathen at 'wicgeanbeorg,' and there made great slaughter and won the victory."[38] In 1052, when Godwine and Earl Swein and Earl Harold began to assemble forces to fight Eustace, King Edward's brother-in-law, King Edward sent to earldoms for troops: "He sent then for earl Leofric and north for earl Siward and asked for troops from them . . . then they sent north over all their earldoms and had great levies summoned to the assistance of their lord, and earl Ralph did likewise throughout his earldom."[39] These levies collected may well have been the Anglo-Saxon fyrd; nevertheless, because the earls were responsible for gathering levies in their earldoms and fighting at the head of these levies, the point is clear that earls' duties included a military obligation to the king and that obligation was because of their landholdings, their earldoms.

The summarizing statement about the various obligations in pre-Norman English society comes from The Battle of Maldon.[40] From the lowliest peasant (Dunner: 'Ne mæg na wandian se þe wrecan þenceð / frean on folce, ne for feore murnan." [ll. 258-59]) to the oldest knight among them, (Byrtwold: "Hige sceal þe heardra, / heorte þe cenre, / mod sceal þe mare, þe ure mægen lytlað. / Her lið ure ealdor eall forheawen, / god on greate. / A mæg gornian / se ðe nu fram þis wigplegan wendan þenceð. / Ic eom frod feores. Fram ic ne wille, / ac ic me be healfe minum hlaforde, / be swa leofan men licgan þence." [ll. 312-19]) the followers of Byrtnoth lay down their lives in fulfillment of the pledge they had given their lord. And Byrthnoth had been fighting for his lord, to whom he had given his pledge in turn.

The earldoms which imposed these obligations were not given in perpetual or full ownership, contrary to Ganshof's contention. According to the Chronicle, in 750, "Cuthred, king of Wessex, fought against Aethehun, the presumptuous ealdorman," and took his earldom from him.[41] Again, in 1002, "ealdorman Leofsige slew Aefric, the king's high-reeve; and the king banished him from the realm."[42] Nor were earls alone subject to having their lands returned to the king. Any time an earl or any other landholder did something considered treasonous by the king (and any violation of the king's law was considered treason) the land of the felon escheated to (reverted to the possession of) the king. Under Aethelred (978-1016), for example, anyone who deserted an army led by the king was subject to loss of property: "And gif hwa of fyrde butan leafe gewende þe cyning sylf on sy, plihte his are."[43] But desertion was not the only grounds for losing property: "And gif morþ wyrhtan oþþe mansworan oþþe æbære manslagan to þam geþristian þæt hy on þæs cyninges neaweste gewunian, ær þam þe hy habban bote agunnen for Gode and for worolde, þonne plihton hy heora are and eallon heora æhten, butan hit friþbenan syndan."[44] Furthermore, anyone who plotted against the king's life would also lose his property as well as his life, indicating that although land was granted on conditional tenure, it could be inherited in at least some cases: "and gif hwa ymbe cyninges feorh syrwe, sy he his feores scyldig and ealles þæs þe he age, gif hit him ongesoþod weoxde; . . .[45]

Although the Anglo-Saxon earl and thane had military duties, as shown above, neither the earl's nor the thane's duty was limited to military service; references in The Anglo-Saxon Chronicle reveal that both nobles and clerics had administrative and advisory functions in addition to their military or religious activities. As early as 656, for instance, King Wulfhere of Penda "bade send throughout his kingdom for all his thanes, for the archbishop, for bishops, for his earls, and for those who loved God, that they should come to him" because he wished for them to approve a gift of land he was making. And, in consecrating the gift, Wulfhere said, "I, King Wulfhere, in conjunction with these kings and earls, leaders of the army and thanes, the witnesses of benefaction, do confirm it."[46] Further, in 852, "Ceolred, abbot of Medeshamstede, and the monks leased to Wulfred the estate at Sempringham on condition that on his decease the said estate should revert to the monastery. . . . Parties to the transaction were King Burhred, archbishop Ceolred and bishop Ealthun, and bishop Beohtred, and abbot Wihtred, and abbot Werheard, ealdorman Ethelbeard, ealdorman Hunberht, and many others."[47]

The above references from Beowulf, The Anglo-Saxon Chronicle and The Battle of Maldon indicate, therefore, that liegancy, the practice of one thane having many lords but owing highest allegiance to one particular lord, usually the king, was prevalent in Anglo-Saxon society. In addition, earls were appointed to rule specific areas of land in return for supplying the king with a military contingent and fighting with that contingent when the king beckoned (auxilium), and for acting as advisor to the king and witness to his legal documents (consilium). Furthermore, the earldoms were not given in perpetual tenure or full ownership; an earl (or any landholder) could be executed or banished and his property forfeited for failure to perform his duties toward the king or for becoming presumptuous enough to fight the king for power. The landholder could also lose (have escheated) his property for such lesser crimes as conspiring or committing murder, perjuring himself or breaking any other laws of the king.

For many of the proponents of feudalism as a post-Norman invasion institution proof of liegancy and military obligation in respect to land holdings are not sufficient evidence for the existence of pre-Norman feudalism. For these scholars, an added requisite of feudalism is the existence of the castle. Some of the discussion of the castle concerns the architecture; however, most appears to hinge on a definition which includes architecture as only a minor concern. For example, F. M. Stenton, stating his four qualifications for making the term feudal concrete, said that one of the conditions of feudalism is the existence of the private fortress.[48] R. A. Brown defined the castle as a "fortified residence of a lord."[49] He believed that, although there may have been some architectural similarities between pre- and post-Conquest fortifications, those before the Conquest were not built as defensive fortifications; that is, they were not designed to withstand full scale enemy attacks or as defensive centers available to all tenants on the lord's land. Brown did, however, admit that the evidence he used to support his thesis is primarily negative and that finding the facts about the first existence of castles is hindered by "the shifting sands of vocabulary."

Vocabulary does indeed create problems in searching for the beginnings of castles in pre-Norman England. Yet references in The Anglo-Saxon Chronicle and in the literature suggest strongly that all castles were not private fortresses, that the Anglo-Saxons did have defensive structures built just to withstand attack and that, ultimately, the definitions of castle used by those who oppose the existence of pre-Conquest feudalism are perhaps much too restricted to be acceptable. In fact, the evidence presented below shows that there were pre-Conquest as well as post-Conquest structures which were both private fortresses and defensive centers. Further, the evidence shows that some structures in both pre-Norman and Norman England were designed exclusively as defensive or offensive centers and not used as private residences. Thus, those who follow Brown's very restricted concept of the castle are, in fact, too limited in their viewpoint.

There is much evidence that the gift-halls of the lords, as they were termed in *Beowulf*, were defensive fortifications designed to withstand attack as well as being the private residences of the lords who owned them. For example, the word *bold*, which is translated in J. R. Clark Hall's *A Concise Anglo-Saxon Dictionary* as "house, dwelling-place, mansion, hall, castle,"[50] and in *Bosworth-Toller* as "I. a building, dwelling, house; *aedificium*, *domicilium*, domus," and "II. a superior house, hall, castle, palace, temple; *aula*, *palatium*, *aedes*," occurs six times in *Beowulf*. In each instance, the word refers to a fortified place or to a place which was exceptional in its splendour, and in each instance it was the hall of the resident lord. Referring to the damage Grendel had done to Heorot, the *Beowulf* narrator said that, "Wæs þæt beorhte bold / tobrocen swiðe, / eal inneweard / irenbendum fæst, / heorras tohlidene," (ll. 997-99).[51] Although there are some poetic differences in the way this passage is translated by those who work with it, all are essentially in agreement that the hall was reinforced with iron strappings to make it a defensive center. Howell D. Chickering, Jr., translates the passage as "that shining building had been badly damaged despite iron strapping inside and out, its hinges sprung open."[52]

Burton Raffel translates the passage: "But that glorious / Building was bent and broken, its iron / Hinges cracked and sprung from their corners / All around the hall."[53] Reference to the reinforced iron strappings and iron hinges suggests strongly that the building was built, or at least reinforced later, for use as a defensive center as well as a gift hall.

References to the term *burh* are more prevalent than to *bold* throughout Anglo-Saxon literature, and *burh*, even more than *bold*, suggests a fortified place. Clark Hall defines *burh* as a "[d]welling or dwellings within a fortified enclosure, fort, castle," and *borough* as "a walled town." *Bosworth-Toller* gives *burh* two primary definitions: "I. the original signification was *arx*, *castellum*, *mons*, a *castle* for defence. It might consist of a castle alone; but as people lived together for defence and support, hence a *fortified place*, *fortress*, *castle*, *palace*, *walled town*, *dwelling surrounded by a wall* or *rampart of earth*," and "II. a fortress or castle being necessary for the protection of those dwelling together in cities or towns,--*a city*, *town*, *burh*, *borough*." The scholars who work primarily with the Anglo-Saxon language, therefore, view *castle*, *fort/fortress* and *burh* as synonymous.

The idea that *burh* refers to a fortified defensive center as well as a personal residence is supported by its frequent reference in Anglo-Saxon literature. In

Beowulf, burh is used six times as a single reference, in addition to appearing as a compound word once each with -loca, -stede, and -wela. Although these references are used in a variety of ways (e.g., burh-locan as a castle enclosure, burh-stede as a castle court and burh-welan as the wealth of a castle),[54] it is unfortunate that none of them clearly suggests that the burh might be a fortified residence or a regional stronghold. In each instance the use could be city. When all the references are taken together, though, they describe a castle, a place which in wartime could be "proof against any but a determined enemy equipped with siege engines and in time of peace . . . a secure place where a lord might store his valuables, and . . . a symbol of his authority to overawe his tenants. It commonly served, too, as the administrative centre of an estate."[55] For example, the entire fortress is the burh; the fortified enclosure is the burh-loca; the yards, and perhaps the lord's building or house as well, is the burh-stede; and, because it was the home of the lord, the financial and administrative center of the richest and most powerful man in the area, what is contained or symbolized within the enclosure is the burh-wela, the wealth of the citadel.

Additional support for burh as a private residence and fortified place comes from The Battle of Maldon. In that long poem fragment, the narrator explains that Offa was slain but not before he had fulfilled the promise made to his lord that they would ride back to the burh unhurt together or lie dead from wounds. "He [Offa] hæfde ðeah geforþod þæt he his frean gehet, / swa he beotode ær wið his beahgifan, / þæt hi sceoldon begen on burh ridan / hale to hame oððe on here crincgan," (ll. 289-93).[56] E. V. Gordon explains the reference to *burh* as probably referring to Maldon "which was a burh in the technical sense of a fortified place. When 'burh' is considered in conjunction with 'hame,' which appears in the following line it suggests that the burh was Byrthnoth's chief residence."[57] Thus, in *Maldon* the word *burh*, although as a single reference is quite tenuous, when considered with the various preceding references appears strongly to suggest not only a personal residence but also a fortified defensive center.

The Anglo-Saxon Chronicle also uses the word *burg* or *burh* to refer to a fortified place instead of just a city. In fact, the term appears to be used to show a difference from *tun*, which refers also to a town or borough, but not one which is fortified as a defensive center,[58] and from *byrig*, which is also used to refer to a town. For example, *Bosworth-Toller* defines *byrig* as "[a] city," and *tun* as "I. an enclosed piece of ground, a yard, a court . . . II. . . . the enclosed land surrounding a single dwelling . . . III. referring to the towns of Roman Britain . . . IV. in a general sense, 'a habitation of men' . . . V. where the word is used to translate Latin forms, or refers to places not in England, (1) 'the residence or estate of a single person, an estate, farm.'" The fortified places, or burhs, appear to have been reinforced as defensive centers and were not only the simple armaments which Brown insisted was the characteristic which separated _burh_ from _castle_.

There are several references to battles in the _Chronicle_ which were fought at burhs. For example, in 530 "Cerdic and Cynric obtained possession of the Isle of Wight, and slew many men at Wihtgarasburh."[59] Wihtgarasburh was named after its ruler Wihthar. In 547 "Ida . . . succeeded to the kingdom of the Isle of Wight . He built Bamburgh which was first enclosed by a stockade and thereafter by a rampart." In 552 "Cynric fought against the Britons at the place called Searoburh," and in 556 "Cynric and Ceawlin fought against the Britons at Beramburh."[60] Significantly, the _Chronicle_ adds parenthetically after Beramburh, "(Barbury Castle)." In the year 910 "Aethelflaed built the fortress at Brumesburh."[61] So, the appearances of the word in conjunction with the names of people and with battle sites suggest that the burhs were the fortified residences and defensive centers of the persons for whom the burhs were named, as well as defensive centers for that person's retainers. Also, apparently Norman castles were frequently built on sites of Anglo-Saxon fortresses, since Beramburh afforded the site for Barbury Castle.

As previously noted, many historians have insisted that a burh was just a city, not the "fortified personal residence as well as the defensive center" for the inhabitants of an area. They either have overlooked or have simply failed to explore early references to burh in the Chronicle. Exceptions to this general rule include Petit-Dutaillis and Lefebvre who said that during the time of Alfred (871-899) every town took on a military character.[62] Until then, according to these historians, the word burh denoted not a town but a fortified house belonging to a king or a magnate. Maitland reinforced these conclusions by stating that burhs as the residences of lords did not always appear in densely populated areas and that the palisade or entrenchment around a great man's house was also called a burh. "The Englishman's house is his castle, or, to use an older term, his 'burh', the king's borough is the king's house, for his housepeace prevails in its streets."[63]

The point is that there was apparently a change in terminology, perhaps to accommodate some structural changes, but terminology is actually the only difference between castles and forts/fortresses. Again, Bosworth-Toller reinforces the idea that the primary differences in castles and burhs or forts/fortresses are terminology. That lexicon defines castle as " a town, village, 'castle'; villa, oppidum, castellum," just as it defined burh as "city, town, burgh, borough."[64] The words apparently could have been used interchangeably had the word castle been in the Anglo-Saxon vocabulary before the Norman invasion. Only the word burh was available to describe a fortified residence and defensive center, though, as evidenced by the Bosworth-Toller notation that the earliest use of the word castle in England was in 1069.

Since many fortresses were built in burhs or were burhs, there is no argument for the castle as something entirely distinct in Norman England from the burh in Anglo-Saxon England.[65] The burhs were not only strategically located for commercial activity but were also strategically located for defense. The burh not only held the defensive center for the neighboring population but were also the residences of the lords.

Although those who oppose the theory that pre-Norman England was feudal in any sense of the word have gathered some evidence to support their positions, scrutiny of their support inevitably reveals that much too little attention has been paid to the literature of the period. Perhaps there is justification for that approach since it requires work across traditional disciplines, and since, indeed, very little of the Anglo-Saxon literature does suggest anything conclusive either for or against pre-Norman English feudalism. However, primary reference to Beowulf and to The Anglo-Saxon Chronicle does provide some interesting evidence for feudal precedent. For example, the relationships between lords and their retainers, whether they were kings and earls, or earls and their thanes, were frequently solidified because a grant of land was involved. There were perhaps some architectural differences between castles and forts and burhs; yet, the theory that Norman castles differed from Anglo-SAxon burhs because the castles were fortified defensive centers not only cannot be sustained because all castles were not fortified defensive centers, but also because burhs probably were called burhs for just that reason, because they were both residences and defensive centers. There was also a precedent for liegancy established in Anglo-Saxon England, perhaps going back to the time of the composition of _Beowulf_, but at least dating to the reign of King Edward. And there were divisions of the Anglo-Saxon warrior society which appear to have been very similar to those divisions Round said were created initially by King William, the king who had both housecarles and landed earls as well as earls who had both duties of _consilium_ and _auxilium_. In addition, there were obvious references to land leases for the term of one life and clear indications that land given by a lord also could have been taken back by him.

The information presented in this chapter is by no means definitive. But the purpose of the chapter was not to state emphatically that there was Anglo-Saxon feudalism. It has only tried to show that close scrutiny of the literature, including the history, of the Anglo-Saxon period in England provides enough suggestion of Anglo-Saxon feudalism to warrant further study. Such study might at least show that William did not even militarily create an historical cataclysm when he set up his Norman government in England. It should probably also reveal that Anglo-Saxon England was much more aware of and influenced by the continental world than many historians have been willing to concede heretofore. Such study should probably begin with the laws, including the charters, wills and other documents of recorded history in early England, the subject of the following chapter.

NOTES

[1] _Origins of the English Nation_, p. 144, quoted in Eric John, _Land Tenure in Early England_ (Herts, England, 1964), p. 54, n. 1.

[2] For a discussion of the Anglo-Saxon audience see Dorothy Whitelock, _The Audience of Beowulf_ (Oxford, 1958.)

[3] _Land Tenure_, pp. 53-57.

[4] _Domesday Book and Beyond_ (Cambridge, 1921), pp. 67-68.

[5] _English History Review_, 59 (September 1944), 291.

[6] Stephenson, 291.

[7] _English History Review_, 63 (July 1948), 306.

[8] _Origins of English Feudalism_ (New York, 1973), p. 43.

[9] _Feudalism_ (New York, 1961), pp. 88-90.

[10] Ganshof, _Feudalism_, pp. 92-93.

[11] _Beowulf and Judith_, ed. Elliott Van Kirk Dobbie, vol. IV of _The Anglo-Saxon Poetic Records_ (New York, 1953), p. 70. Unless otherwise noted all following references to _Beowulf_ will be to this edition, and all references to Anglo-Saxon poetry will be to _The Anglo-Saxon Poetic Records_, henceforth abbreviated ASPR.

[12] _The Exeter Book_, ed. George Philip Krapp and Elliott Van Kirk Dobbie, vol. III of ASPR (1936), p. 135. Unless otherwise noted all translations from Anglo-Saxon are mine.

>   and heavy in heart
> I long for my lord   alone and unloved.
> Sometimes it seems   I may see my kin
> and greet them gladly,   give them welcome.
> The best of friends   they fade away.

[13] _Beowulf_, p. 3.

> a young man ought   in his father's household
> treasure up the future   by his goods and goodness,

by splendid bestowals,	so that later in life
his chosen men	stand by him in turn,
his retainers serve him	when war comes.

[14] *Beowulf*, p. 5.

and therein	he would share out
among young and old	all God had given him,
except common land	and the lives of men.

[15] *Beowulf*, p. 68. (Translation except ll. 2190-93.)

He [Hygelac] laid that blade	on Beowulf's lap
and gave him lands,	seven thousand hides,
a hall, and gift-throne.	Both of them together
had inherited land	within that nation
the native right	to hold the homeland,
but the higher in rank	ruled the kingdom.

[16] *Beowulf*, pp. 73-74.

There Hygd offered him	treasures and kingdom
rings and gift-stool;	Her son she did not believe
against the foreigners	could hold
their native land	now that Hygelac was dead.
Nor might the wretched ones	convince
the noble one	by any means
that he was	Heardred's lord.
He would not over the people	with friendly wisdom
hold royal power	rule the Geats
until he [Heardred]	grew older.

[17] *Beowulf*, p. 32.

a golden banner	sign of victory,
adorned battle banner,	a helmet and mail-coat,
a richly jeweled sword.	

and

eight mares	with golden trappings
reaching the floor.	The first had a saddle
cunningly wrought,	studded with gems.

[18] Bishop William Stubbs, *Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First*, 9th ed., rev. H. W. C. Davis (Oxford, 1921), pp. 87-88.

[19] *Beowulf*, p. 77.

I earned these treasures that Hygelac gave me,
paid him with battle as fate allowed me,
with glittering sword; he had given me land,
my native home. He had no need
to go to Gifthas, to Swedes or Spear-Danes
for some worse fighter to buy with gifts.

[20] *Beowulf*, pp. 80-81.

saw his liege-lord
tortured by the heat behind his battle mask.
He remembered the honors that he gave him before,
the rich homestead of the Waegmunding clan,
the shares of common-land that his father had held,
and he could not hold back.

[21] *Beowulf*, pp. 81-82.

I recall the time, when taking the mead
in the great hall, we promised our chief
who gave us these rings, these very armlets,
that we would repay him for these war-helmets,
tempered edges, if he ever needed us.
For that he chose us from all his forces,
chose as he pleased his men for this journey.
He thought us war-worthy --and gave these gifts--
because he believed we would be spearmen
good in battle eager in helmets.

[22] *English History Review*, 70 (October 1955), 530-31.

[23] *Beowulf*, pp. 67-68.

Yet his youth had been miserable,
when he long seemed sluggish to the Geatish court;
they thought him no good; he got little honor,
no gifts on the mead-bench from the lord of the Weders.
They all were convinced he was slow, or lazy,
a coward of a noble.

[24] Trans. G. N. Garmonsway (New York, 1953), p. 138. Subsequent references to the *Chronicle* are to the Garmonsway translation.

[25] *Anglo-Saxon Chronicle*, pp. 146-47.

[26] *Anglo-Saxon Chronicle*, p. 155.

[27] Ganshof, *Feudalism*, p. 165.

[28] *Beowulf*, p. 66.

he gave me treasures
Healfdane's son, for my glory,
which I wish, lord, to bring to you,
to show my good will. All my joys
still depend on you: I have few relatives
and no chief kinsman except you, Hygelac.

[29] Bosworth-Toller, *Anglo-Saxon Dictionary* (London, n.d., rpt. 1973). Subsequent references to this source are indicated as *Bosworth-Toller*.

[30] See n. 20 above.

[31] *Anglo-Saxon Chronicle*, p. 174, n. 25.

[32] *Anglo-Saxon Chronicle*, p. 81.

[33] *Anglo-Saxon Chronicle*, p. 138.

[34] *Anglo-Saxon Chronicle*, p. 148.

[35] *Anglo-Saxon Chronicle*, p. 155.

[36] *Anglo-Saxon Chronicle*, p. 177.

[37] *Anglo-Saxon Chronicle*, p. 63.

[38] *Anglo-Saxon Chronicle*, p. 65.

[39] *Anglo-Saxon Chronicle*, p. 175.

[40] E. V. Gordon, ed. (New York, 1966), pp. 57-61.

No one may flinch if he thinks to avenge / the lord of the people, nor mourn from afar.

and

Thoughts shall be harder, hearts the keener,
Spirit shall be more, as our kinsmen grow fewer.
Here lies our lord, all forhewn,
Good man on the ground. He may mourn it
He who now from this battlefield thinks to flee.
I am very old. I will not go from here,
But I by the side of my lord,
Lie there by that beloved one.

[41] Anglo-Saxon Chronicle, p. 47.

[42] Anglo-Saxon Chronicle, p. 134.

[43] The Laws of the Earliest Kings of England from Edmund to Henry I., ed. and trans. A. J. Robertson (Cambridge, 1925), pp. 102-03.

> And if anyone deserts an army which is under the personal command of the king, it shall be at the risk of losing his property.

[44] Robertson, pp. 102-03.

> And if those who secretly compass death, or perjurers, or proved homicides presume so far as to remain anywhere near the king before they have undertaken to make amends both towards church and state, they shall be in danger of losing their (landed) property and all their personal possessions, unless they are supplicants for protection.

[45] Robertson, pp. 102-03.

> And if anyone plots against the king's life, he shall forfeit his life, and all that he possesses, if it is proved against him; . . .

[46] Anglo-Saxon Chronicle, p. 35.

[47] Anglo-Saxon Chronicle, p. 65.

[48] First Century of English Feudalism (Oxford, 1929), p. 215.

[49] Origins, p. 72.

[50] J. R. Clark Hall, A Concise Anglo-Saxon Dictionary, 4th ed., supl. Herbert D. Meritt (Cambridge, 1960, rpt. 1975). All references to Clark Hall are to this edition.

[51] Beowulf, p. 32.

[52] Beowulf (New York, 1977), pp. 105-07.

[53] Beowulf (New York, 1963), p. 54.

[54] Beowulf, pp. 59, 70, 95.

[55] W. L. Warren, Henry II (Los Angeles, 1973), n. pag.

[56] Gordon, pp. 59-60.

He had not forgotten what he promised his lord
what he had vowed before to his ringgiver
that they both should ride back together
unhurt to that home or lie fallen in battle.

[57] Gordon, p. 60, n.

[58] *Anglo-Saxon Chronicle*, "Definition of Some Technical Terms," Appendix B, p. 274.

[59] *Anglo-Saxon Chronicle*, p. 16.

[60] *Anglo-Saxon Chronicle*, p. 17.

[61] *Anglo-Saxon Chronicle*, p. 94.

[62] Ch. Petit-Dutaillis and G. Lefebvre, *Studies and Notes, Supplementary to Stubbs's Constitutional History Down to the Great Charter*, I (Manchester, 1908), 77.

[63] Maitland, pp. 183-85. See also Peter Hunter Blair, *An Introduction to Anglo-Saxon England* (Cambridge, 1962), p. 277.

[64] See p. 111 above for the complete definition of *burh* given in *Bosworth-Toller* and by Clark Hall.

[65] For further relationships between fortresses and *burhs* see the following references from the *Chronicle*: Year 909, "and this year Aethelflaed built the fortress at Bremesburh," p. 95; "In the year [913] Aethelfled fortified Tamworth and Stafford. After Martinmas this year king Edward had the northern fortress at Hertford built, between the Maran and the Beane and the Lea. Then afterwards, the summer after, between Rogation days and midsummer, king Edward went with part of his forces to Maldon in Essex, and encamped there whilst the earthwork at Witham was being built and stockaded: and a good number of people who had earlier been under Danish domination submitted to him. Another part of his forces built the fortress at Hertford on the southern bank of the Lea," p. 97; and, "in this year [924] before midsummer, king Edward went to Nottingham with his levies, and had a fortress built on the south side of the river, opposite to the other, and made a bridge over the Trent to connect the two forts. From thence he went to Bakewell in the Peak of Derbyshire, and had a fortress built in the neighbourhood and garrisoned," p. 104. One of Brown's major objections to calling Anglo-Saxon fortresses "castles" was that they were not built for strategic defense. The preceding passages show clearly that the fortresses were indeed built exactly for that reason. In addition, Brown

said that the Anglo-Saxon fortresses were not built to withstand actual assault from an army. If these fortresses were built in strategically located areas for the purpose of defense, it appears somewhat difficult for one to deny that they were built to withstand full scale attack.

CHAPTER IV

FEUDAL ANTECEDENTS IN THE LAWS AND WILLS OF ANGLO-SAXON ENGLAND

The literature of Anglo-Saxon England presents the medievalist with some substantive support for the thesis that many institutions heretofore considered Norman innovations in England were, in fact, anticipated in that nation prior to the Conquest. There is, for example, much evidence that the lord-thane relationship in Anglo-Saxon England was much more binding than the currently accepted view admits, and that the bond was strengthened primarily because of a grant of land or other gifts. There is also much support in the literature for the concept of liegancy, for divisions of Anglo-Saxon warrior society similar to those divisions under William the Conqueror, and for the existence of fortified defensive centers which were also personal residences of lords, i.e., the castle. Moreover, the literature strongly supports contentions made in the two definitive works on feudalism--Bloch's Feudal Society and Ganshof's Feudalism--that grants of land made under feudal contract were not always made in return for military service. The service owed was frequently advisory and generally administrative.[1]

Of the four elements considered essential to feudalism by those who espouse the cataclysmic thesis, therefore, (castles; limited and specific duty in return for land; well-armed, well-trained, mounted knights; permanent bonds between lords and their followers), the existence in pre-Norman England of only one element--the well-trained, well-armed, mounted knight--was not supported in the literature.

The literature, however, did show some similarities between the thane and the knight which must be reiterated before any further study can be accomplished. Concerning the social level of thanes, for example, the literature showed that they were in a social class whose members functioned primarily as advisors, warriors and administrators. The thanes in Beowulf, The Wanderer, and The Seafarer were referred to in only these three roles. Beowulf, for example, initially had the duties of a warrior, but following his defeat of Grendel and his return home, he was given the rank of earl and seven thousand hides of land.[2] He was thenceforth an administrator, the earl of a shire. Aeschere was Hrothgar's favorite thane and his best advisor. Byrthnoth, in The Battle of Maldon, was the earl of a shire who led his men to fight the Danes because his king had sent him to stop the invaders.[3] These duties of the Anglo-Saxon thanes were the same as those of the Norman knights.

These similarities do not by themselves provide more than a degree of tenuous support for the hypothesis that the Anglo-Saxon thane and the Norman knight were analogous. Thus, the purpose of this chapter is to strengthen the evidence gathered through reference to the literature. Primarily focusing upon the Anglo-Saxon law which reveals the qualifications of thanehood, the study will also consider Anglo-Saxon wills to show similarities among the duties of thanes and knights and also among the ways they received and maintained their estates. The chapter will also show similarities between the social positions of thanes and kinghts.

The laws of Anglo-Saxon England state clearly the qualifications for thanehood. They do not, however, state the privileges accompanying thanehood; nor do they say exactly how one who wanted to become a thane fulfilled the necessary requirements.

According to "Of People's Ranks and Law" (c. 1029-60), the amelioration of a man's position from *ceorl* to thane was based on accumulation of land or success in business. For example, ". . . gif ceorl geþeah, þæt he hæfde fullice fif hida agenes landes, cirican and kycenan, bellhus and burhgeat, setl and sundernote on cynges healle, þonne wæs he þanon forð þegenrihtes weorðe." Or, " . . . if a merchant throve, so that he fared thrice over the wide sea by his own means, then was he thenceforth of thegnright worthy."[4]

Several areas of these requirements for thanehood are very important in the question of whether feudalism existed in Anglo-Saxon England. For example, the ceorl was required to have five hides of land of his own to become a thane, but there is no statement that the five hides were required for military purposes, i.e., that it was the smallest amount of land needed to finance the gathering of arms and other accoutrements of war. Previous analyses of the five hide unit and its relationship to the Anglo-Saxon warrior provide little help in resolving the question.

John Horace Round conceded that there might have been some relationship between the duties of a thane to his lord during wartime and the amount of land the thane held; yet, he did not believe that there was a formula for service of one knight per each five hides. Instead, he believed that the king was interested in the tenant-in-chief only, and that the duties of the tenants-in-chief, regardless of the size of their holdings, were to see that a certain number of knights were supplied for the king's forces.[5] Marjorie Hollings stated that there was a definite relationship in Normandy between the amount of land held and the number of knights owed, that the same relationship existed in Anglo-Saxon England and that the five hide unit was the amount of land responsible for supplying one knight.[6] C. Warren Hollister compromised the two points of view by stating that the five hide rule was homogeneous in Normandy but heterogeneous in Anglo-Saxon England. He also concluded that the obligation in England was imposed upon the land, whereas in Normandy the obligation was imposed upon the knight in respect to his landholdings.[7]

It is not necessary to agree or disagree with any one of the three theories to see that the king felt that a man must have the economic and, perhaps, social benefits of a minimum landholding of five hides in order to be commended to his attention. There is a definite relationship between the five hide holding and thanehood. Since the thane is the fighter in Anglo-Saxon society, the five hide unit becomes especially important in a study of the Saxon warrior society. Perhaps the exact importance is best seen by looking at the other requirements imposed on those who gained thanehood.

Spiritual leadership on the local level during the Anglo-Saxon period was provided by local clerics who were completely supported by the people of the area which they served. Payment of their support was the responsibility of the lord of the manor on which the church was established. From the law concerning thanehood, then, the five hide unit must have been the smallest unit capable of providing for a cleric (" . . . five hides of his own land, church and kitchen, . . . "). Also, if the clerics were to be assured of support there had to be someone in a position to ascertain that everyone whose duty it was contributed to that support. Lack of support by either the lord or the people was punished heavily, as revealed by the following law: "Ðæt synd þonne ærest, þæt Godes cirican syn ælces rihtes wyrðe. And man agife ælce teoðunga to ðam ealdum mynstrum þe seo hyrnes tohyrð; and þæt sy þonne swa gelæst, ægðer ge of þegnes inland ge of neatlande, swa hit seo sulh gegange."[8] Aethelred, too, was adamant about the support of the church. According to his law, "And wite Cristenra manna gehwilc, þæt he his Drihtene his teoðunge, a swa seo sulh þome teoðan æcer gega, rihtlice gelæste be Godes miltse and be þam fullan wite þe Eadgar cyningc gelagode."[9] Those penalties, too, were well defined. "Ðæt is: Gif hwa teoðunge rihtlice gelæstan nelle, þonne fare to ðæs cyninges gerefa and ðæs mynstres mæssepreost--oþþe ðas landrican and ðæs biscopes gerefa--and niman unþances þone teoðan dael to þam mynstre þe hit to gebirige, and taecan him to ðam nigoþan daele, and todaele man ða eahta daelas on twa, and of se landhlaford to healfum, to healfum se biscop, si hit cyninges man, sy hit þegnes."[10] The lord of the manor, the man with the five hides of land, on which stood a local church, was required to act on the king's and the bishop's behalf to insure that the church was supported by the tenants on his land. If either he or his tenants failed to support the church they were heavily fined. Thus, the owner of the five hides was a judicial and fiscal administrator on his own behalf and for the bishop and the king.

Concerning the requirements of the bell-house and the burh-gate, there is much controversy, especially concerning the burh-gate. The bell-house was apparently part of the church since it was only defined in relationship to its contexts and those usually with churches. It was probably the location of the bell which chimed for service as well as for town meetings and other gatherings to which the local lord might summon his tenants, particularly folk- or shire-moots. The burh-gate, alternatively, is difficult to define specifically. R. A. Brown stated that "burh-geat implied a symbolic and lordly function, as Maitland thought, 'the dispensation of justice.'"[11] Yet even he was compelled to say that all of the definitions of the word that one finds say that burh-gate refers to a "fortification, fortified place."[12] Admitting that there was little evidence to support his contention, Brown rested his case on the lack of evidence and the reference to the ceorl's obligation to have some kind of enclosure for his cattle: "A ceorl's premises shall be fenced both winter and summer. If they are not enclosed, and a beast belonging to his neighbors strays in through the opening he has left, he shall have no claim on that beast but shall drive it out and suffer the damage."[13]

Brown's contention appears weak for several reasons. First, there was obviously much difference between the holdings of a ceorl and a thane. The provisions for becoming a thane were clear about those differences, one of which was that the thane had to have a burh-gate, not necessarily a hedge. There could have been little reason for the importance of including the burh-gate within the necessary holdings of the ceorl who wanted to become a thane if it represented no more than a hedge. In addition, Brown himself admitted that "in the Old English laws the word burh in this sense appears to be confined to the upper classes."[14] This class distinction that Brown noted and the mention of the burh-gate as one of the requirements of thanehood together explain the differences made between burh and edor as the two words appear in the laws of Alfred. According to those laws, the fine for breaking into fortified premises of the king was 120 shillings, while the fine for breaking through a commoner's fence was only five shillings. "Cyninges burhbryce bið cxx scill., ærcebiscepes hundnigontig scill., oðres biscepes and ealdormannes lx scill., twelfhyndes monnes xxx scill., syxhyndes monnes xv scill.; ceorles edorbryce v scill."[15] In Old English, "fortified premises" was written as burhbryce, whereas "commoner's fence" was written as edorbryce.

The Anglo-Saxon lords (earls or thanes who held commendation from others) were responsible for providing some kind of defensive position for their followers in case of attack. Throughout the Anglo-Saxon period there was need of fortification against attack, if not from internal feuding then from external attack. Early English history is a listing of battles between kings of the rival small kingdoms within England, and during the eighth through the tenth centuries, there was almost one continuous battle against the Danes. Since most of the early battles in England were fought at burhs, the indication is that the burhs provided the centers of defense.

The *trimoda necessitas*, moreover, indicates that some kind of fortified centers existed in Anglo-Saxon England. Surely, the repair of fortifications included in the *trimoda necessitas* was not the repair of hedges. The laws of Aethelstan state clearly that they were fortifications. "Ond we cweðeþ ðæt ælc burh sy gebet xiiii nigt ofer gongdagas."[16] The interpretation that the burh was a walled defensive center or fortress is further supported by the uses of *burh* identified in Anglo-Saxon dictionaries. *Bosworth-Toller*, for example, indicates that *burh* was used in reference to towns, but only those with fortifications. For *burh*, *Bosworth-Toller* gives first: "The original signification was *arx*, *castellum*, *mons*, a *castle* for defence. It might consist of a castle alone; but as people lived together for defence and support, hence a *fortified place*, fortress, castle, palace, walled town, dwelling surrounded by a wall or rampart of earth." Second, *Bosworth-Toller* gives: "a fortress or castle being necessary for protection of those dwelling together in cities or towns,--a city, town, burh, borough."[17]

Burh is identified in the lexicon as both a private castle and as a fortification identified with a city. Any confusion surrounding the meaning of the word appears to be because burh is identified with city. Yet that identification is easy to understand for two reasons. First people would settle in areas surrounding commercial and judicial seats, as well as near places for protection, and cities would grow up around these economic and defensive positions. A lord's tenants also lived on his lands surrounding or very near to his manor and his residence also provided their center of economic, judicial and defensive activity. Second, Lincoln, one of the five Danish burhs, was originally a Roman fortress, as were York, Gloucester, Chester and many other towns associated with the Anglo-Saxon period, and all of these had extensive wall systems.[18]

Although neither the extent of the fortifications of the burhs nor their complexity of construction can be ascertained, there is no way logically to conclude other than to say that fortified centers did exist in Anglo-Saxon England and that one of the requirements of thanehood was for a ceorl to provide himself with one of those defensive centers, which was also his personal residence, referred to in the laws as a burh-gate.

The references to "seat and special duty" are no less ambiguous than those to bell-house and burh-gate. According to Bishop Stubbs, the witangemot was comprised of "principes, the sapientes, the comites and counsellors or royalty, the bishops, the ealdormen, and the king's thegns."[19] Although the composition of the witangemot as described here does not indicate that "seat and special duty" refers specifically to membership in that body, it does show the varieties of people who were counsellors to the king. They were princes of smaller realms within the kingdom, wisemen, clergy, shire officials and military men. The "seat and special duty" must have referred to something more substantive than sharing the conviviality of hall; probably the reference meant that the person was to be available at the king's call to witness legal documents, to give advice about government, or to provide any number of other administrative, advisory or military duties.

The exact nature of "special duty" is not, however, necessarily relevant to a discussion of feudalism. What is important, if one agrees with Stenton, is that it was "special duty," for Stenton insisted that one of the most important elements of feudalism is that knights have "limited and specific duty." That it be limited and specific is even more important than that it be military. Yet even R. A. Brown, who was an avid supporter of the theory that the Normans introduced feudalism into England declared that "by an over-insistence upon the definition of service as itself a mark of feudalism, Stenton lays himself open to the charge, duly made for example by Miss Hollings (though the point as usual had first been made by Maitland) that if a clear definition of services is essential to feudalism, the establishment of feudalism in England can hardly be dated much earlier than the reign of Henry II."[20]

The qualifications for thanehood also distinctly indicate that there were at least two degrees of thanes. Immediately following the enumeration of qualifications for *ceorls* to become thanes were qualifications for those thanes who wished to gain greater prestige with their king. "And gif þegen geþeah, þæt he þenode cynge and his radstefne rad on his hirede, gif se þonne hæfde þegen, þe him filigde, þe to cinges utware fif hida hæfde, and on cinges sele hlaforde þenode and thriwa mid his ærende gefore to cinge, se moste syððan mid his foraðe his hlaford aspelian æt mistlicon neodan and his onspæce geræcan mid rihte, swa hwær swa he sceolde."[21] There were, then, according to this passage, thanes who were not also lords and thanes who were also lords of other thanes.

Much discussion about how the household thane (Canute's *housecarle*) differs from the feudal knight centers on the contention that the thane was supported in the household of the king whereas the knight was given land to support himself. The preceding passage from "Of People's

Ranks and Law" indicates that the thane, who, it must be remembered, had a seat and special duty in the king's hall and rode with the king's household, also had land of his own. Perhaps there were exclusively household thanes, but they did not comprise the entirety of the lord's "household" forces. If so, the household thanes indeed would have been "housecarles," but the thanes who controlled their own land suggest instead the feudal knight. There is, therefore, reason to believe that perhaps too much emphasis has been put upon the word "household" in referring to the housecarles, or housecarles has been a misnomer in being used for both those thanes housed by the king and those who had land of their own.

The same passage from "Of People's Ranks and Law" also indicates that some thanes were lords of other thanes, for to be able to represent his lord at various times the thane needed to have a thane who followed him, who also had to have met the minimum requirements for thanehood, including possession of five hides. There was before the Norman Conquest, therefore, at least a threefold hierarchy centering in the king, and this hierarchy was based on the five hide unit. To become a thane, the _ceorl_ had to have five hides, and to represent the king "at various needs," he also needed to have a thane under him, "one who to the king's _utware_ five hides had."

There are two implications here: One, that the five hide unit was thought to be the smallest unit capable of producing a thane; and two, that the king accumulated a following by direct control of only the top level of thanes, perhaps suggesting something akin to Round's thesis that the king was interested in only the tenants-in-chief and left the accumulation of other knights to those tenants-in-chief.

Besides the amount of land held by an Anglo-Saxon thane, the duties attendant to holding that land, in addition to military and administrative responsibilities, are also revealing. A lord's holding was divided into two parts, that part which held the lord's personal residence and his own land (the inware or inland) and that part which he rented or let to tenants (utware or outland). The duties of the tenants of utware included paying rent to the lord, both in money and in part of the produce from the utware; working on the manor farm and helping the lord with administration of justice for the manor. There were other possible demands from utware tenancy, however, one of which was to help support the local church. According to the laws of Edgar (959-962), "These, then are first: That God's churches be entitled to every right; and that every tithe rendered to the old minster to which the district belongs; and that be then paid, both from a thegn's onland and from geneat [utland], so as the plough traverses it."[22]

Paul Vinogradoff discussed the divisions of land in a manner similar to those divisions indicated in Edgar's laws. The *wara* was divided into *inland* and *utland*. As he described it, "Inland by itself means directly the inner land--the central farm which is freed of taxation. In some cases the term 'inland' was applied to those very leased or detached plots of the lord's land which were not included in the demesne."[23] It should be noted particularly that inland was originally exempt from taxation. But that "privileged part of the estate, the 'inland,' was burdened in another way; as the particular endowment of the upper class it had to bear the primary responsibility for the work of government, the professional military organization and the spiritual care of the Church."[24]

If Vinogradoff's conclusion was correct, then surely there was little difference between the Anglo-Saxon and Anglo-Norman responsibilities; Henry I (1100-1135) allowed his knights, who held lands by military service, exemption from payments and labor services. "The lands which they [knights] hold in demesne [Anglo-Saxon *inland*] shall be free from all payments and from all labour services, so that, as the result of being freed from so great a burden, they may equip themselves fittingly with horses and arms in order to be prepared and ready for service to me and for the defence of my realm."[25]

Round also connected *wara* with defense, but in the sense of taxes rather than soldiers. He said that "in Domesday, [wara] represents the Old English word for 'defence,' in the sense of assesment, the 'defendit se' formula of the great Survey leading even to the phrase of 'Defensio x. acrartum,' for assessment to Danegeld, which is found in the first volume of Fines published by the Pipe-Roll Society."[26] As a word prefixed with neither in- nor ut-, wara may imply taxes, as Round suggested. Problems with the implications of the word arise, however, when the wara is divided into in- or ut-ware.

That there was a distinction in the duties incumbent on inland and utland is not questionable. And that those duties involved assessment in both cases, as Round stated, is also unquestionable. Throughout the Anglo-Saxon geld rolls are statements of hidage of land within shires as well as statements of what that hidage had paid and what it owed for taxation. For example, just within the Northamptonshire geld rolls are such statements as the following: "Þis is into Werdunes hundret þæt is an hundret hida swa hit was on Eadwardes dege kynges ana þerof is gewered xviii hide buton are geard and xl hide inland and I and xl hide weste and I gearde."[27] All the hundreds within Northamptonshire have the same kinds of divisions. Three kinds of land are distinguished for the tax rolls: the taxable land, the waste land, and the demesne land. (Demesne here refers to the lord's personal residence and farm, not to land let out to tenants.) Neither demesne land nor waste land was subject to taxes. Although Henry I did not invoke Anglo-Saxon precedent to give this regulation the sanctity of custom, the indication is that his exemption of his lords from payment of taxes on demesne land did have precedent established in Anglo-Saxon England. Apparently Henry I adopted the practice for the same reasons the Anglo-Saxons had adopted it. That is, the demesne land was charged with other responsibilities for which the lords needed consideration on their taxes, and if the foregone taxes were for military assessment, that consideration was for performing military service.

Clark Hall and *Bosworth-Toller* support the contention that *utware* (utland) refers to land from which military duty was sought. The word *utware*, according to Hall, means "foreign defence,"[28] while *Bosworth-Toller* defines the term as "defense away from home." In providing entries from *Domesday Book* to support his contention that *utware* refers to taxable land, to assessment, Round also added support to the definition of utware as "foreign defense." In the passage, "Hec terra sita est Bedfordshire, set geldum et servitium reddit in Hontedunscyre," *geldum* refers to taxation. *Servitium*, however, refers to military service.[29] F. L. Ganshof demonstrated convincingly that duties of thanes, of knights, were divided into two kinds, *auxilium* and *servitium*. *Auxilium* referred to non-military duties such as working on the lord's farm, witnessing his legal transactions, helping with jurisdictional and other administrative duties of the manor. Servitium, on the other hand, referred to military service owed the lord.[30] Therefore, the 'geldum et servitium" of the passage Round quoted means geld or taxes and military service, the "foreign defense" owed by utware.

Two conclusions can be made about utware. First, it was the tenant land outside the demesne land (the inware) of a lord's holdings. The tenants on the utware owed taxes to the king (probably paid through the lord of the manor), service on their lord's land, support of the church and any other non-military obligations that the lord might prescribe. Second, the suggestions are that utware also owed military service. Because of the ambiguity of the obligations and because of the statements in "Of People's Ranks and Law" that the thane needed to have a subordinate thane who "to the king's utware five hides had," it is possible to conclude that both taxation and servitium could have been due from utware, but that certain grants of utware might be made strictly in return for a thane's riding with his lord when that lord rode to foreign defense of the king. That is, he would hold himself ready to go with his lord in lieu of other obligations generally owed by utware. This helps to explain why Earl Byrthnoth, for example, would lead his troops against the Danes without the presence of the king. In addition, it helps to show that all *utware* tenants were not thanes. For *utware* to fulfill all the obligations imposed upon it, many *utware* tenants necessarily had to be people occupied exclusively with economic matters such as farming and maintenance of the lord's demesne. They, of course, would not have been obligated for military service in any form.

A thane's estate, then, consisted of demesne land, or *inware*, which was assessed military or other specific service to the king in lieu of taxes; and taxable land, or *utware*, which was usually assessed taxes for foreign defense but under certain circumstances, such as when held by a thane subordinate to another thane, or tenant-in-chief, was also assessed military service or other duties. Two very important points are notable here. First, a process analogous to sub-infeudation was occuring in Anglo-Saxon England; and second, the thanes, who in many instances were directly responsible for supplying money to the king to support his armies, were primarily responsible for military and other special services, while the *ceorls* and other *utware* tenants supplied the money to the king's treasury through their lords, and services, including military service, directly to their personal lords.

The fact that merchants could also become thanes if they "throve, so that [they] fared thrice over the wide sea by [their] own means,"[31] also suggests that the rank of thane was given to secure a source of money for the king, in many instances. Certainly there were Anglo-Saxon naval forces, for the laws of Aethelred made frequent reference to the provisioning of those naval forces. For example, Aethelred declared that one way public security was to be maintained was by diligence in the repair of fortifications and bridges. "And burhbota and bricbota aginne man georne on æghwilcon ende and fyrdunga eac and scipfyrdunga ealswa, a þonne neod sy, swa swa man geræde for genænelicre neode."[32] Aethelred was especially concerned that the ships be war-ready during the spring and summer months when invasion from the sea was most likely, for he followed the previously noted chapter with one stating the advisability of having warships ready for action after Easter each year. "And wærlic bið þæt man æghwilce geare sona æfter eastron fyrdscipa gearwige."[33] Yet there is no evidence to support a contention that the merchants' qualifications for thanehood were indicative of either a direct obligation to serve in the king's navy because of their seafaring expertise or an indirect obligation to provide men or materials for the king's navy. Emphasis on the merchant's qualifications must therefore remain on the monetary aid he could supply to the king, suggesting that obligations of thanes were not restricted to personal military service but could also be fulfilled by financial service.

Not only do Anglo-Saxon laws provide the qualifications for thanehood, they also provide a description, through a statement of warriors' heriots,[34] of the several levels or degrees of thanes that existed in Anglo-Saxon society. Canute stated clearly that heriots were to be fixed in accordance with the rank of the person for whom they were paid: "And beon þa herigeata swa fefundene swa bit mæðlic sy."[35] The various heriots are then delineated, along with the ranks of those who paid them, in Canute's laws.

The earl's heriot, for example, was denoted as "þærto byrie, þæt syndon eahta hors, IIII gesadelode and IIII unsadolede, and IIII helmas and IIII byrnan and VIII spera and swa fela scylda and IIII swyrd and twa hund mancus goldes."[36] Below the earls in wealth were the king's thanes, who paid almost half as much as the earls paid in military supplies, but only one-fourth the amount of money the earls paid. "And syððan kincges ðægnes heregeata þe him nyxste sundon--IIII hors, II gesadelode and twa ungesadelode, and II swyrd and IIII spera and ealswa feola scylda and helm and byrnan and fiftig mancus goldes."[37] Next in importance to the king's thane was the ordinary thane. Referred to as "oþres þeines," these men were of significantly lower economic position than either the king's thanes or the earls. For the ordinary thane, the heriot was "hors and his gerædan and his wepna oþþe his healsfang on Westsæxan, and on Myrcen II pund, and on Eastengle II pund."[38] This particular thane's heriot of weapons, enough only for himself, indicates that he would not have been the lord of other thanes, whereas the heriots of the king's thane and

and of the earl suggest that they would have a troop of followers.

There are several particularly important points to note about the heriots of the thanes as they are enumerated in Canute's laws. First, heriots referred initially to the arms that a lord would give to a new follower. Although the giving of heriots of arms may have been discontinued by the time statements of heriots were enumerated in the laws, surely because the heriot of arms included enough for more than one warrior, it was at least symbolic of an earl's or thane's ability to supply more than one warrior with arms for the king's service. Second, the enumerated heriots are those of English thanes only, although the chapters are those of a Danish king of England. The heriots of Danish thanes are also delineated in the chapters of Canute's laws and are significantly less in every instance than those of their English counterparts. Canute stated that the heriot of the Danish king's thane was as follows: "And kincges þegnes heregeata inne mid Denum þe his socne hæbbe--IIII pund," and "gyf he to þam kyncge furþor cyþþe--II hors, an gesadelod and oþer ungesadolod, an swyrd and II spera and twegen scyldas and fiftig mancus goldes."[39]

The exact reason for the discrepancies between the heriots of English and Danish thanes is not clear. Yet the discrepancy between the heriots is significant, for perhaps it shows that Canute was trying to gradually integrate Danish thanes into established military and economic positions held in England by Saxon thanes. If so, he was preparing the way for the kind of integration which William the Conqueror had to accomplish when he put Norman knights into positions established and held by their Saxon predecessors.

Among Danish thanes there was an important distinction made between the thanes who had socne and the thanes who stood in a more intimate relationship to the king. That some thanes had socne suggests a decentralization of government by the dispensing among the thanes of power previously held by the king. Socne was, in a legal sense, a reference to the right to levy fines. This particular right previously always had been reserved for the king in the laws. Also, the obligations of these particular thanes to the king were apparently completely monetary, for their heriots consisted of money only (£ 4). On the other hand, those thanes who were more closely allied with the king were obligated for both financial and military service, for their heriots consisted of arms as well as money. Because some thanes had powers which were originally reserved for the king, there is evidence that Canute's reign witnessed a decentralization of power. That process of decentralization was apparently still occurring when William the Conqueror invaded England and established a strong central government once again.

Perhaps the confusion of Danish and English thanes has prevented an accurate comparison of pre-Norman thanes and Norman knights. That confusion, however, can be reduced by comparing the heriots of men under William the Conqueror and the heriots of thanes in Anglo-Saxon England --whether Danish or English--before the Conquest. A comparison of those heriots shows, for example, a close resemblance between the Anglo-Saxon earl and the Norman earl. The heriot of the Saxon earl was eight horses (four saddled and four unsaddled), four helmets, four byrnies, four swords, eight spears, eight shields and two hundred mancuses of gold. The statement of the Norman earl's heriot was as follows: "De relief a cunte ki al rei afert: VIII chevals, enfrenez e enseelez [les IIII], e IIII haubercs e IIII haumes e IIII escuz e IIII lances e IIII espees. Les autres [IIII]: II chaceurs e II palefreis a freins e a chevestres."[40] Thus, the earls of the two periods were essentially the same in social and economic position, for the only real difference between the heriots was the two hundred mancuses of gold which the Anglo-Saxon earl was required to pay. Notable also is the fact that of the eight horses the Norman *cunte* was required to pay in heriot, the only indication that they might have been used as cavalry horses is that there were also four of the various other gear of war required. In further comparison, the heriots of the Saxon earls and the Norman earls both fell to their kings upon the death of the earl. Also, both had monetary and military supplies components to their heriots, allowing the conclusion that both Norman and Saxon earls were obligated for both financial and military duty.

There are also definite similarities between the king's thanes of Canute's laws and the barons named in the Conqueror's English laws. In the Saxon laws, the heriot of a king's thane was enumerated as four horses (two saddled and two unsaddled), four helmets, four byrnies, four spears, four shields, two swords and fifty mancuses of gold. Under William, "De relief a barun: IIII chevals, les II enfrenez e enseelez, e II haubercs e II haumes e II escuz e II espees e II lances. E les autres II chevals: unchaceur e un palefrie a freins e a chevestres."[41] The heriot of the baron was the same in number of horses, half the amount of the other accoutrements of war, and lacked the money assessment of the Saxon king's thane. This difference in the heriot is not, however, as significant as are the similarities in the natures of the heriots. If anything, perhaps the differences show that there was a greater dependence upon the Anglo-Saxon thane than upon the Norman warrior for both actual military service and financial assistance.

Further, there is a great similarity between the ordinary thane of the Anglo-Saxon period and the vavassours under William. Whereas the heriot of the "other thanes" in Anglo-Saxon England was a horse and its trappings and his weapons of his healsfang in Wessex and two pounds in Mercia or East Anglia, under William, "De relief a vavassur a sun lige seinur: deit estre quite par le cheval sun pere tel cun il out le jur de sa mort, e par sun haune e par sun escu e par sun hauberc e par sa lance e par s'espee."[42] Although the weapons which the Anglo-Saxon thane had to provide were not itemized, there is every reason to believe that they were the same kinds of weapons and other war gear that were enumerated in the king's thane's and the earl's heriots. Since the Anglo-Saxon law reads, "his wepna," one can see that what was meant was one of each part of the war paraphernalia, the personal arms only of a particular thane. Thus the heriot of the lesser Saxon thane was exactly the same as the Norman vavassour's heriot. Because each furnished only enough arms for himself, the Saxon ordinary thane and the vavassour could not have been expected to be lords of other thanes. In addition, both nobles of this level were responsible only for military service, for their heriots did not include a monetary contribution.

The heriot of the vavassour was to be given to his liege lord, but there was no designated recipient of the heriot of the Saxon "other thane." It should be remembered that the qualifications for thanehood outlined in

"Of People's Ranks and Law" mention two degrees of thanes. The first was the thane who had increased his social position from that of a ceorl. He had five hides of his own land, church and kitchen, bell-house and burh-gate, seat and special duty in the king's hall. The second, higher level of thane mentioned had, in addition to the other required possessions, a thane of his own, one who had five hides for the king's utware. Considering all the other similarities between the thanes, as well as the similarities between the barons, it is logical to conclude that the vavassour and the Saxon thane who had just improved himself from a ceorl are basically the same characters, but from different cultures and therefore with different names. An Anglo-Saxon ceorl improved his position to that of a thane--in the laws he was referred to as an ordinary thane--and he was then analogous to the Norman vavassour.

Following the same progression, the ordinary thane of the Anglo-Saxon period improved his position until he had a thane of his own and could with his foreoath represent his lord. This meant that the thane had improved his position to the point that he had become a king's thane. To become someone's thane in Anglo-Saxon England required that at least the oath of homage be given, and perhaps fealty as well, though there is no proof of the pledging of fealty to a lord in Anglo-Saxon documents. The person was a king's thane because he had acquired the necessary position, including having a thane of his own, to swear his allegiance directly to the king. Two vital points are suggested by the thanehood process outlined above. First, Saxon kings built their armies by requiring the oath of allegiance only from earls and king's thanes. Through these followers the king then could control all levels of thanes. When, for example, a king's thane was called to fight for his lord, that thane brought with him ordinary thanes pledged to fight for him. Thus, the king controlled directly the earls and the king's thanes and through them controlled all degrees of the warrior class. Second, the higher level of Saxon thanes (king's thanes) did have their own thanes and in many other ways were equitable with the Norman barons. Since the vavassours of Norman England paid heriots to their lords, it is logical that the Saxon ordinary thanes paid their heriots to their lords, the king's thanes. If so, something akin to the concept of liegancy existed in Saxon England. Since there is no contrary evidence in the literature or the documents, and considering that there is at least a suggestion of liegancy in Beowulf, there appears to be no reason why the concept of liegancy as an Anglo-Saxon institution cannot be posed as hypothesis for further study.

Again comparing elements of Anglo-Saxon society and elements of Norman society, there is one further result which merits comment. In the laws of Canute, there was, following the enumeration of the heriots of thanes, a designation of the heriots of a Danish *læsse maga*. Although A. J. Robertson suggested that *læsse maga* meant the same as *medemra ðegna*, the designation of heriot appears to contradict that hypothesis. Instead, the designation of heriot suggests that the *læsse maga* was similar to the Norman man who was just one step below the lowest thane. "And se the læsse habbe and læsse maga sy--II pund."[43] William's law stated his man's heriot in the following way: "E s'il fust desparaille qu'il n'oust cheval ne armes, fust quite par c sol."[44] The places of their appearance in the laws tend to suggest that the Saxon referred to as *læsse maga* was a *ceorl* of sufficient wealth to pay a £2 heriot and that the Norman referred to was equivalent to that *ceorl*. The two men--the Saxon *ceorl* and the Norman of comparable place in society--appear to be those who could be of financial aid to the king but did not, because of no landholding or insufficient landholding, have the means to acquire the necessary paraphernalia to become noblemen of even the lowest rank. That paraphernalia, of course, consisted of a warrior's accoutrement. If this is true, then, to be a thane--although all thanes were not required to perform military duty--a *ceorl* first had to have the military gear or the funds to procure that gear.

From a comparison of the heriots of the earls and thanes of Anglo-Saxon England with the heriots of the earls, barons and vavassours of Norman England, it is apparent that the two warrior societies were divided into the same kinds of ranks both economically and militarily. Thus, there were many more similarities between the two societies than have been allowed by previous theses. Although there are no extant laws dating from King Edward's rule in England (1042-1066), it is easy to see a continuation of Canute's laws through 1066, since William's laws so closely resembled those of Canute (Edward's predecessor) in so many areas. It is believable that William did try to maintain the laws as they were in Edward's time as he said he would in the preface to his laws. "Cez sunt les leis e les custumes que li reis Will. grantad al pople de Engleterr apres le cunquest de la terre, iceles meimes que li reis Edward sun cusin tint devant lui."[45]

The evidence gained from the enumeration of the heriot is supported by and further adds support to the conclusion made many years ago by H. G. Richardson and G. O. Sayles. From a study of Canute's laws (II Canute, 71 ff.), they concluded the following:

> We learn that the upper classes of pre-Conquest society were composed of men who when they succeeded to their father's lands were expected, and were rich enough, to pay a heriot (or relief) of armour and arms, war-horses and substantial sums in gold. And it may be said in passing that while many words have been wasted on the distinction between Anglo-Saxon and Norman tenures, the institutions of heriots plainly implies heritable estates, just as the nature

> of these heriots implies military service. Nor do the men of the twelfth century, when they studied Cnut's laws, imagine that these were concerned with a different form of society and different tenures from the society and tenures of their own day.[46]

As has been demonstrated, the laws of both periods support the similarities between the warrior classes of Anglo-Saxon and Norman England. In addition, evidence found in wills of Anglo-Saxon England also support those similarities. The wills are especially important in that they not only support the military nature of heriots, but they also reveal the hereditary nature of tenancy.

Within the wills, for instance, one sees that the emphasis of the heriot was placed on military and economic power. Ealdorman Aethelmaer's will exemplifies the military aspect of the heriot. Aethelmaer willed to his lord essentially the heriot which the laws stated was the heriot of an earl: ". . . And ic becweðe minum cynehlaforde to heregeatuwum IIII beogus on ðrym hund mancesum goldes and IIII sweord and VIII hors, feower gerædode and IIII ungerædode and IIII helmas and IIII byrnan and VIII speru and VIII scyldas . . ."[47] Ealdorman Aethelmaer's heriot was completely military, which suggests that his duties to his lord were primarily military or that the estates he did own were estates which he had accumulated other than through loan from his lord. Had he had land in temporary possession from the king surely he would have mentioned that fact, since most other wills did.

On the other hand, Bishop Theodred, although a clergyman rather than a layman, apparently did have estates held in temporary possession from his lord, for his will included a statement of the heriot to be paid to the king which consisted of arms and land:

> And ic almesne underfongen hæbbe and me sie rithlike for to bidden þat is þan erst þat he an his louerd his heregete. þat is þanne tua hund marcas arede goldes and tua cuppes siluerene, and four hors so ic best habbe, and to suerde so ic best habbe, and foure schelda, and foure spere, and þat lond þat ic habbe at Dukeswrthe, and þat lond þat ic habbe at Illyntone. And þat lond þat ic habbe at Earnningtone.[48]

The payment of three estates as well as the military heriot shows that the clergy was not freed at this time from possible military duty. In addition, it shows either that Theodred was in temporary possession of certain tracts of land from his lord--the time of that possession being apparently for only one lifetime--and that he had no rights to pass these estates on to anyone else when he died, or it shows that the king had already established the feudal principle that he was ultimately the owner of all lands in the kingdom and that he could require relief payments to be made in land. Either conclusion reveals an element of feudalism present in pre-Norman England.

The will of Brihtric and Aelfwith indicates even more clearly the feudal principle of relief as a condition of inheritance. The will of Brihtric and Aelfswith reads in part:

> Ær est his kynehlaforde ænne beah, on hundeahtotigan

> mancusan goldes: and an handsecs, on ealsun miclan, and feower hors, twa gerædede, and twa sweord gefetelsode, and twegan hafocas and all his heador hundas; and ðære hlæfdian, ænne beah on ðrittigan mancysan goldes: and ænne stedan, to forespræce, þæt se cwyde standan moste . . . [49]

Norman relief consisted of several specific obligations of a knight to his king. One of those obligations was the payment of a fine for the right to dispose of real or personal property as he wished. All payments of heriots suggest the relief, but the payment to the Queen of an armlet worth thirty mancuses of gold and one stallion in Brihtric's and Aelfswith's will is a specific statement of the existence of feudal relief in Anglo-Saxon England, for the payment was made to her so that she would use her influence with the king to allow the will to stand.

The wills cited provide additional evidence that the upper classes in pre-Norman England held estates valued both for military and economic aid to the king. They show through the emphasis on military supplies as heriots that these upper classes were especially important to the king as warriors--even the clerics who held estates of the king were still responsible to provide men for war--but because some heriots consisted of estates, they also show that they were important to the king as administrators and as sources of income. Further, the wills show the temporary nature of estate holding. In fact, exactly what the wills show can be summarized by Norman Cantor's statement of conditions of tenure in feudal law: "The recipient had only seisin or possessory use of the land and could claim no ius in re, absolute property rights to it. This meant not only that the land returned to the king's hands on felonious violation of the feudal contract, and also 'escheated' or reverted to the royal overlord if the grantee's family died out, but also that the fief returned specific benefits to the king."[50] However, they also show that the temporary landholdings were not universal, for upon payment of relief an Anglo-Saxon could dispose of his holdings as he wished. And surely those estates which were allowed to pass on to one's descendents eventually became permanent estates.

The nature of tenure for those of rank less than thane also helps explain a connection in Anglo-Saxon society between temporary and permanent landholdings. Whereas those of the rank of thane and above had to pay a relief to inherit land from their father's estates, those of lower echelons of society could apparently become permanent landholders by homesteading the land which their lords gave them. Alfred indicated this possibility by the following statement:

> We wonder not that one should work in timber-felling and in carrying and building, for a man hopes that if he has built a cottage on laenland of his lord, with his lord's help, he may be allowed to lie there awhile, and hunt and fowl and fish, and occupy the laenland as he likes, until through his lord's grace he may perhaps some day obtain bookland and permanent inheritance.[51]

Thus the cottagers, the men about whom Alfred was speaking, could under some conditions eventually have their temporary holdings turned into permanent holdings. Nor were these hereditary tenures limited to Alfred's reign, for Aethelred included a chapter in his laws protecting the heritability of those estates: "And se the sitte uncwydd and uncrafod on his are on life, þæt non mannon his yrfenuman ne spec æfter his dæge.[52]

The support for both heritable and temporary tenures in Anglo-Saxon England is particularly significant in comparison with the discussion of tenure under William the Conqueror. In the "London Charter" William said "and ic wylle þæt ælc cyld beo his fæder yrnfnume æfter his fæder dæge."[53] In "The Ten Articles of William I," the king said "Hoc quoque praecipio et volo, ut omnes habeant et teneant legem Eadwardi regis in terris et in ombibus rebus. . . ."[54] Further, in "Willelmi Articuli Retractate," William stated not only the heritability of tenures but also further comparisons between the heriots of his people and those of the Anglo-Saxons:

> Statuimus eciam et firmiter praecipimus, ut omnes comites et barones at milites et servientes et universi liberi homines tocius regni nostri praedicti habeant et teneant se semper bene armis et in equis, ut decet et oportet, et quod sint semper prompti et bene parati adservicium suum integrum nobis explendum et peragendum, cum semper opus adfuerit, secundem quod nobis devent de feodis et de tenementis suis de iure facere, et sicut illis statuimus per commune consilium tocius regni nostri praedicti, et illis dedimus et concessimus in feodis iure hereditario. Hoc praeceptum non sit violatum ullo mode super forisfacturam nostram plenam.[55]

Because the law stated that the arms and horses were to be kept in case the king called on these Norman English nobles and because the heriots of these nobles and those of the Anglo-Saxon warrior class were so similar, it can be stated confidently that the Anglo-Saxon warrior society had the heriots for the same reasons, to keep them available to the call of the king whether that call was for military or monetary aid.

The preceding law was especially important, for not only did it include a statement of the hereditary rights to land, it stated these rights as those belonging to all levels of a free society. In feudal society, the knights, those of the warrior element, were supposed to have held fiefs on condition of service to their lords. Yet here is a specific statement that the lands were held in hereditary tenure. When, in fact, hereditary tenure was temporarily suspended by William II, it was ammunition for the chronicler of the year 1100 to show the evils associated with William II's reign. Following William II's death, the chronicler commented as follows: "He oppressed the Church of God; and in his days when the head of a bishopric or an abbacy died, he either sold them all for money, or kept them within his grasp and let them for rent, for he claimed to be the heir of every man, cleric or lay."[56] Henry II, undoubtedly aware of the animosity toward William II because of those kinds of actions and statements, reinstituted hereditary tenure in return for payment of relief, as had been the custom prior to the reign of William II.

Several significant conclusions about the nature of Anglo-Saxon thanehood, the nature of Anglo-Saxon tenures and the similarities between those thanes and tenures and the knights and tenures of Norman England can be reached from the preceding review of laws, charters and wills. First, thanes were the upper echelon of Anglo-Saxon society, maintaining their positions through military and economic service. Second, there was a definite relationship between the five hide holding and the economic or military power needed to become a thane. Third, there were unmistakable similarities in social position and military or economic value to the king between Anglo-Saxon thanes and Norman knights. Fourth, the Anglo-Saxon king controlled his thanes' allegiance by directly securing the oath of homage (and perhaps fealty) from higher level thanes and through them controlled the other degrees of thanes. Fifth, the Anglo-Saxon king controlled economic productivity and social stability while controlling his most powerful landholders by allowing lower echelon men working on estates to achieve permanent rights over their lands while the passing of land to descendants of powerful landholders was allowed only in return for a substantial relief. This also made permanent landholding among the powerful men something achieved only over the period of more than one generation. Although there may have been significant changes in some English institutions following the Norman Conquest, then, there were also significant similarities in social, political and economic institutions between that period of English history and the period immediately preceding it. Enough similarities exist, in fact, that it is safe--even wise--to reject the notion that the Norman Conquest caused abrupt, immediate changes in English institutions, and, by extension, to reject the hypothesis that the Normans superimposed an entirely new social structure upon the structure existing in pre-Norman England. In fact, the Norman knights assumed the positions and responsibilities left vacant following the conquest of their English counterparts, the Anglo-Saxon thanes.

NOTES

[1] Marc Bloch, Feudal Society (London, 1961), pp. 188-89; and F. L. Ganshof, Feudalism, 2nd English ed. (New York, 1961), pp. 9-10.

[2] Beowulf and Judith, ed. Elliott Van Kirk Dobbie, vol. IV of ASPR (1953), p. 68.

[3] The Anglo-Saxon Minor Poems, ed. Elliott Van Kirk Dobbie, vol. VI of ASPR (1942), pp. 7-16.

[4] Bishop William Stubbs, Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First, 9th ed., rev. H. W. C. Davis (Oxford, 1921), pp. 88-89.

And if a ceorl throve, so that he had fully five hides of his own land, church and kitchen, bell-house and burh-gate, seat and special duty in the king's hall, then was he thenceforth of thegn-right worthy (Stubbs's translation). No Old English was provided for the statement of merchant's qualifications for thanehood.

All translations in this chapter will be those of the author or editor of the text from which the original quotation was taken, unless otherwise noted.

[5] Feudal England (London, 1895), p. 248.

[6] "The Survival of the Five Hide Unit in the Western Midlands," English History Review, 63 (1948), esp. pp. 485-87.

[7] "The Norman Conquest and the Genesis of English Feudalism," American Historical Review, 66: 2 (April-July 1961), 641-43. See esp. p. 651.

[8] "II Edgar, 1," ed. and trans. A. J. Robertson, The Laws of the Kings of England from Edmund to Henry I (Cambridge, 1925), p. 20.

This is the first provision, that God's churches shall be entitled to all their prerogatives. And all tithes shall be paid to the old churches to which obedience is due; and payment shall be made both from the thegn's demesne land and the land held by his tenants--all that is under the plough, (p. 21).

[9] "VIII Aethelred, 7," Robertson, *Laws*, p. 120.

And every Christian man, on order to obtain the mercy of God, shall see to it that he duly renders his tithes to his lord, namely, in every case, the produce of every tenth acre traversed by the plough, or else he shall incur the full penalty which King Edgar instituted by law, (p. 121).

[10] "VIII Aethelred, 8," Robertson, *Laws*, p. 120.

Namely: if anyone refuses to make due rendering of his tithes, the king's reeve and the priest of the church--or the reeve of the lord of the manor and the bishop's reeve--shall go to him and, without his consent, shall take the tenth part for the church to which it belongs, and the next tenth shall be allotted to him, and the eight [remaining] parts shall be divided in two, and the lord of the manor shall take half and the bishop half, whether the man be under the lordship of the king or of a thegn, (p. 121).

[11] *Origins of English Feudalism* (New York, 1973), p. 81.

[12] Brown, p. 82.

[13] Cap. 40, *English Historical Documents*; and F. L. Attenborough, *The Laws of the Earliest English Kings* (Cambridge, 1922), Doc. 54, pp. 48-49. Cf. Brown, p. 82.

[14] Brown, p. 82.

[15] Cap. 40, Attenborough, p. 82.

The fine for breaking into the fortified premises of the king shall be 120 shillings; into those of an archbishop, 90 shillings; into those of another bishop or of an ealdorman, 60 shillings; into those of a man whose wergeld is 1200 shillings, 30 shillings; into those of a man whose wergeld is 60 shillings, 15 shillings, (p. 83).

Ine's laws make the first clear distinction between *edorbryce* and *burhbryce*. "Cap. 45. Burhbryce mon sceal betan cxx scill. kyninges and biscepes, þær his rice bið; ealdormonnes lxxx scill.; cyninges ðegnes lx scill.; gesiðcundes monnes land habbendes xxxv [scill.]; and bi ðon ansacan." Translation: "120 shillings compensation shall be paid for breaking into the fortified premises of the king or [those of] a bishop within his sphere of jurisdiction; [for breaking into those] of an *ealdorman* 80 shillings; into those of a king's thegn 60 shillings; into those of a nobleman who holds land, 35 shillings. The accusation may be denied by oaths corresponding to these amounts," (pp. 50-51). Attenborough notes that "it would seem that the residences of the higher classes were usually surrounded by some kind of stockade. Stones or earth can hardly have been used; otherwise such residences would frequently be traceable now," (n. 45, p. 190).

[16] "II Aethelstan, 13," Attenborough, p. 134.

And we declare that every fortress shall be repaired by a fortnight after Rogation days, (p. 135).

[17] Anglo-Saxon Dictionary (London, n.d., rpt. 1973). All references to this source are indicated as Bosworth-Toller.

[18] Written communication received from John Paul Bischoff, 5 September 1980.

[19] Stubbs, p. 11.

[20] Brown, p. 72.

[21] Stubbs, p. 88.

And if a thegn throve, so that he served the king, and on his summons rode among household; if he then had a thegn who him followed, who to the king's 'utware' five hides had, and in the king's hall served his lord, and thrice with his errand went to the king, he might thenceforth with his 'foreoath' his lord represent at various needs, and his plaint lawfully conduct, wheresoever he ought.

[22] Stubbs, p. 82. No Old English was given for this passage.

[23] The Growth of the Manor (London, 1904), p. 225.

[24] Vinogradoff, p. 227.

[25] "The Coronation Charter of Henry I, 11," Robertson, Laws, p. 281. The complete original passage translates as follows: "Militibus, qui per loricas terras suas defendunt, terras dominicarum carrucarum suarum quietas ab omnibus gildis et omni opere proprio dono meo concedo, ut, sicut tam magno [gravanine] alleviati sunt, ita equis et armis se bene instruant, ut opti et parati sint ad servitium meum et ad defensionem regni mei," (p. 280).

[26] Feudal England, p. 117.

[27] A. J. Robertson, ed. and trans., Anglo-Saxon Charters (Cambridge, 1956), p. 230.

> To Warden Hundred belong 100 hides, as was the case in King Edward's time, and of these 18 hides less one yardland have paid geld and 40 hides are in demesne and 41 hides and 1 yardland are waste, (p. 231).

[28] J. R. Clark Hall, A Concise Anglo-Saxon Dictionary, 4th ed., supl. Herbert D. Meritt (Cambridge, 1960, rpt. 1975). All references to "Clark Hall" are to this edition of this work.

[29] Feudal England, p. 116.

[30] Feudalism, pp. 88-90.

[31] Stubbs, p. 89.

[32] "VI Aethelred, 32.3," Robertson, Laws, p. 100.

> . . . the repairing of fortifications and of bridges shall be diligently undertaken on every side, and also the provision of military and naval forces, whenever the occasion demands, as may be ordered for our common need, (p. 101).

[33] Cap. 33, Robertson, Laws, p. 100.

> And it is a wise precaution to have warships made ready every year soon after Easter, (p. 101).

[34] Heriot initially referred to the arms a lord would give a newly commended follower. Originally they were the arms for only one man. When the follower died, the heriot would revert to the lord. However, heriots eventually became the payments a follower would give his lord to get the lord's permission to dispose of his holdings as he wished, thus the relief. By the time heriots were used as relief they included arms for more than one man, land, money or some combination of the three.

[35] "II Canute, 71," Robertson, Laws, p. 208.

> Heriots shall be fixed with due regard to the rank of the person for whom they are paid, (p. 209).

[36] "II Canute, 71a," Robertson, Laws, p. 208.

> The heriot of an eorl, as is fitting, shall be eight

horses, four saddled and four unsaddled, and four helmets and four byrnies and eight spears and as many shields and four swords and 200 mancuses of gold, (p. 209).

[37] "II Canute, 71.1," Robertson, Laws, p. 210.

And further, the heriots of king's thanes who stand in immediate relation to him shall be four horses, two saddled and two unsaddled, and two swords and four spears and as many shields and helmets and byrnies and 50 mancuses of gold, (p. 211).

[38] "II Canute, 71.2," Robertson, Laws, p. 210. The complete chapter translates as follows: "And the heriot of ordinary thegns shall be a horse and its trappings and his weapons or his healsfang in Wessex, and in Mercia £2, and in East Anglia £2," (p. 211).

[39] "II Canute, 71,3 and 71.4," Robertson, Laws, p. 210.

And among the Danes the heriot of a king's thegn who possesses rights of jurisdiction shall be £4," and "And if he stands in a more intimate relationship to the king, it shall be two horses, one saddled and the other unsaddled, and one sword and two spears and two shields and 50 mancuses of gold," (p. 211).

[40] "The (So-Called) Laws of William I, 20," Robertson, Laws, p. 262.

The heriot of an earl, which falls to the King, is 8 horses--4 of them bridled and saddled--4 coats of mail, 4 helmets, 4 shields, 4 lances and 4 swords. Of the other 4 horses, 2 shall be hunters and 2 riding horses with bridles and halters, (p. 263).

The laws of William the Conqueror, which Bryce Lyon dates to the early twelfth-century and J. E. A. Jolliffe dates to as early as 1090, are "so-called" because they were not, as the dates here indicate, compiled during the reign of William I. Also, according to Jolliffe, they are "mostly excerpted from the law of Alfred and from Cnut's second code." Jolliffe continues his discussion of William's laws with statements that add substantive support to the thesis espoused in this chapter: "In substance, William's intention was to grant the law of the Confessor to the English and to make the Normans immune from it only where it might bear upon them unfairly. Contemporaries were, indeed, hardly conscious that the regime had changed with the ruler, and habitually confused the incidents of Norman custom with their nearest English analogies." See Jolliffe, The Constitutional History of

Medieval England, 4th ed. (New York, 1961), pp. 175-76; and Lyon, A Constitutional and Legal History of Medieval England (New York, 1960), p. 110.

[41] "(So-Called) Laws, 20.1," Robertson, Laws, p. 262.

> The heriot of a baron is 4 horses--2 bridled and saddled--2 coats of mail, 2 helmets, 2 shields, 2 swords and 2 lances. And of the other two horses, 1 shall be a hunter and 1 a riding horse with bridles and halters, (p. 263).

[42] "(So-Called) Laws, 20.2," Robertson, Laws, p. 262.

> The heriot of a thegn of lower rank to his liege lord shall be discharged by [delivering up] his father's horse, as it was on the day of his death, his helmet, his shield, his coat of mail, his lance and his sword, (p. 263).

[43] "II Canute, 71.5," Robertson, Laws, p. 210.

> And for the man who is inferior in wealth and position the heriot shall be £2, (p. 211).

[44] "(So-Called) Laws, 20.2a," Robertson, Laws, p. 262.

> And if he was without equipment, having neither horse nor arms, it hsall be discharged by the payment of 100 shillings, (p. 263).

[45] "(So-Called) Laws," Robertson, Laws, p. 252.

> These are the laws and the rights which King William assured to the people of England after he had obtained possession of the land. They are the same as King Edward his cousin observed before him, (p. 253).

[46] The Governance of Mediaeval England from the Conquest to Magna Carta (Edinburh, 1963), p. 59.

[47] Dorothy Whitelock, ed. and trans., Anglo-Saxon Wills (Cambridge, 1930), p. 26.

> . . . And I bequethe to my royal lord as my heriot four armlets of three hundred mancuses of gold, and four swords and eight horses, four with trappings and four without, and four helmets and four coats of mail and eight spears and eight shields, (p. 27).

[48] Whitelock, p. 2.

> First, he grants his lord his heriot, namely, two

hundred marks of red gold, and two silver cups and four horses, the best that I have, and two swords, the best that I have and four shields and four spears; and the estate which I have at Duxford and the estate which I have at Illington, and the estate which I have at Arrington, (p. 3).

[49] Whitelock, p. 26.

First, to his royal lord an armlet of eighty mancuses of gold and a short sword of the same value, and four horses, two with harness, and two swords with sheaths, and two hawks and all his staghounds. And to the Queen an armlet of thirty mancuses of gold, and a stallion, for her advocacy that the will might stand, (p. 27).

[50] The English: A History of Politics and Society to 1760 (New York, 1967), p. 92.

[51] George Macaulay Trevelyan, History of England, I (Garden City, N.Y., 1952), pp. 123-24. Neither source of the passage nor Old English were given by Trevelyan.

[52] "III Aethelred, 14," Robertson, Laws, p. 70.

And if a man dwells on his property free from claims and charges during his lifetime, no one shall bring an action against his heirs after his death, (p. 71).

[53] 3, Robertson, Laws, p. 230.

And it is my will that every child shall be his father's heir after his father's death, (p. 231).

[54] 7, Robertson, Laws, p. 240.

I likewise enjoin and desire that all men shall keep and observe the law of King Edward relating to the tenure of estates and all [other] matters, . . . (p. 241).

[55] 8, Robertson, Laws, p. 246.

We decree likewise and firmly enjoin, that all earls, barons, knights, tenants by serjeanty and all free men throughout the whole of our realm aforesaid shall always keep themselves well supplied with arms and horses, as is fitting and right, and that they shall always be ready and well prepared to perform and fulfill the whole of their service to us, whenever the need shall arise, in accordance with their legal duty to us, by virtue of their fiefs and holdings, and in accordance with what we have ordained for them, with the general approval of our whole realm aforesaid, and have granted and conceded to them [to be held] as fiefs by hereditary right. This decree shall not be violated in any way, under pain of incurring the full fine for insubordination to us, (p. 247).

[56] *The Anglo-Saxon Chronicle*, trans. G. N. Garmonsway (New York, 1953), p. 235.

CHAPTER V

FEUDAL ANTECEDENTS IN ANGLO-SAXON CULTURE

The preceding chapters of this text have followed a standard pattern among historical studies of the consequences of the Norman Conquest on Anglo-Saxon England. Chapters one through four limit and define the elements of feudalism, then generally discuss the literature and laws as each might indicate pre-Norman feudal elements. At this point, however, the strands of tangible evidence have not been woven into a whole fabric, i.e., a conclusion about the extent of pre-Norman feudalism in England. Before providing that conclusion, one other important point needs brief discussion, a point frequently neglected by scholars interested primarily in historical questions about the medieval period. That point is the readiness of the Anglo-Saxon people to accept the institutions connected with feudalism. The purpose of this chapter is to offer evidence that the temper of the social environment in pre-Norman England, if not feudal, certainly had prepared the people for a transition into a feudal society.

Gauging that preparedness goes beyond the limits of identifying whether castles; well-armed, well-trained, mounted knights; limited and specific military duty in return for land; or permanent bonds between lords and thanes existed. Yet it includes these elements. The ability to gauge the readiness of the people to accept feudal institutions must come from analysis of the laws and the literature as they support each other.

There is no doubt, for example, that there was a very highly organized comitatus, based on the lord-thane relationship, in Anglo-Saxon society, whether or not it was based on land granting and holding. Beowulf, as was revealed in Chapter 3,[1] illustrates clearly that relationship--the mutual duties of the lord and the thane, and the mutual rewards. That relationship was based partly on a need to be accepted by other people, almost a need to be obedient. Without kin a man was without law. His lawfulness was determined by his ability to express his membership in the folc. For example, the lone survivor in Beowulf missed the splendour of the hall but he missed equally the ties of kinship and the leader he had lost. There was no reason for him to live without the association with others of his kind:

> Guðdeað fornam,
> feorhbealo frecne, fyra gehwylcne
> leod minra, þara ðe þis lif ofgeaf,
> gesawon seledream. [Ic] nah hwa sweord wege
> oððe fe[ormie] fæted wæge,
> dryncfæt deore;
>
> (ll. 2249-54)[2]

The Wanderer and the Seafarer, too, knew not only the joys of the hall but the need to be with the company, to have family. The Wanderer, for example, was in total exile because he had no kin to speak for him and he discovered that it was very difficult to find a lord who would accept him:

> Ic hean þonan
> wod wintercearig ofer waþema gebind
> sohte sele dreorig sinces bryttan,
> hwær ic feor oþþe neah findan meahte
> þone þe in meoduhealle min mine wisse,
> oþþe mec freondleasne frefran wolde,
> weman mid wynnum.
>
> (ll. 23-29)[3]

The Seafarer, too, experienced as intensely this exile because he no longer had a lord. In fact, the Seafarer mourned the entire lordly society he once had known. The Seafarer, wandering the "iscealdne sæ" (ice-cold sea), was there because he was "winemægum bidroren" (deprived of friends); he mourned the passing of the days when he was with lords and there was great joy and feasting among warriors:

> Dagas sind gewitene,
> ealle onmedlan eorþan rices;
> næron nu cyningas ne caseras
> ne goldgiefan swylce iu wæron,
> þonne hi mæst mid him mærþa gefremedon
> ond on dryhtlicestum dome lifdon.
> (ll. 80-85)[4]

The laws demonstrate the extent of that need to be part of a group and the permeation of that idea throughout Anglo-Saxon society. The records of the judicial system are filled with examples of how medieval Englishmen were attached and bonded to others. As early as Edgar's rule

(959-975), every man had to have a "surety," someone who could and would speak in his defense. "Be borgum and finde him ælc man þæt he borh habbe; and gif hwa þonne woh wirce and utaberste abere se borh þæt he beran scolde."[5]

Under Aethelstan (925-940) it was not enough that each man had someone to act as his surety. Each group of ten men needed a chief to direct them in their legal and business affairs. Aethelstan's laws describing frankpledge read as follows:

> Þæt we tellan a x menn togædere (and se yldesta bewiste þa nigene to ælcum þara gelaste þara þe we ealle gecwædon) and syððan þa hyndena heora to gædere, and ænne hyndenman, þe þa x men mynige to ure ealre gemæne þearfe; and hig xi healdan þære hyndene feoh and witan, hwæt hig forsyllan, þonne man gildan sceole, and hwæt hig eft nimam, gif us feoh arise æt urum gemænum spræce; and witon eac, þæt ælc gelast forðcume þara þe we ealle gecweden habbað to ure ealra þearfe, be xxx wæninga oððа be anum hryðere, þæt eall gelæst sy, þæt we on urum gerædnessum gecweden habbað and on ure forespæce stænt.[6]

By 1066, having the tie of kinship or the tie of surety was the only way a man could be considered an honest or trustworthy citizen. Those without lords had to find lords or kinsmen to act as surety for them, or be considered outlaws. The laws of Aethelstan also stated the needs for lords:

> Ond we cwædon be þam hlafordleasan mannum, ðe mon nan ryht æt begytan ne mæg, þat mon beode ðære mægðe, ðæt hi hine to folcryhte gehamette and him hlaford finden on folcgemote; and gif hi hine ðonne begytan nyllen oððe ne mægen to þam and agan, ðonne beo he syþþan flyma, and hine lecge for ðeof se ðe hine tocume. Ond se ðe hine ofer ðæt feormige, for gylde hine be his were oþþe he hine be ðam ladige.[7]

This particular law does much to explain the extent to which the Wanderer, the Seafarer and the Lone Survivor missed and needed those kin who were dead. None of these men could be trusted because they had no lords to speak for them.

The extent to which the concept of lordship, and the difficulty of surviving without being attached to a lord, permeated Anglo-Saxon society also helps explain why so many Anglo-Saxons were willing to die with their lords rather than live without them, and why some would perform deeds for their lords which they otherwise, in good conscience, would not do. Regardless of the reasons for the bond between Byrthnoth and his followers at Maldon, the followers were willing, and knew it was their duty, to die with their lord. Lofson, one of Byrthnoth's followers expressed it well:

> "Ic þæt gehate,   þæt ic heonon nelle
> fleon fotes trym,   ac wille furðer gan,
> wrecan on gewinne   minne winedrihten.
> Ne þurfon me embe Sturmere   stedefæste hælæð
> wordum ætwitan,   nu min wine gecranc,
> þæt ic hlafordleas   ham siðie,
> wende fram wige,   ac me sceal wæpen himan,
> ord and iren."
>
> (ll. 246-53)[8]

Similarly, in *Waldere*, Hagena and Waldere had been friends and hostages together in the court of Attila. Following their escape, Gunther, Hagena's lord, attacked Waldere. Hagena refused to fight against Waldere until Waldere defeated all of Gunther's other men, but then he had to fight because he could not allow his lord

Gunther to be further shamed in battle. Also, Hagena was forced to act as his lord commanded him or be guilty of treason against his lord.[9]

Perhaps most expressive of all examples concerning the strength of the ties between lord and man is one not mentioned in other studies. When Beowulf waited for Grendel in Heorot, his followers waited with him. When Grendel appeared, he attacked and ate one of those followers:

> Ne þæt se aglæca   yldan þohte,
> ac he gefeng hraðe   forman siðe
> slæpende rinc,   slat unwearnum,
> bat banlocan,   blod edrum dranc,
> synsnædum swealh;   sona hæfde
> unlyfigendes   eal gefeormod,
> fet and folma.
>
> (ll. 739-45)[10]

Immediately after Grendel attacked that man, he attacked Beowulf and was killed. Nothing else was ever said of the man who was first killed. The significant point is that the man was there because he was Beowulf's friend and follower. He died for his loyalty, but that was expected of him and the narrator of the epic needed to say nothing else. Beowulf did not mourn him as Hrothgar mourned the death of Aeschere. Instead, Beowulf killed Grendel, as he should have, for he knew that "selre bið æghwæm / þæt he his freond wrece, / þonne he fela murne." (ll. 1384-85)[11]

Anglo-Saxon poetry establishes the same kinds of lord-follower relationships between the heavenly Lord and His earthly followers as those which existed between earthly lords and their followers. The difference between secular and religious relationships, if there was a difference, was that in sacred literature emphasis was placed upon choosing a good lord, whether he was a secular Christian lord or the true heavenly Lord. To choose a good lord was to assure oneself of eternal life; to choose a bad lord was to suffer defeat on earth followed by eternal damnation. In *Christ and Satan*, for example, the followers of Satan realized too late that they had not chosen wisely when they chose him as their lord. In hell, following their defeat by Christ, they told Satan:

> þu us gelærdæst   ðurh lyge ðinne
> þæt we helende   heran ne scealdon.
> Đuhte þe anym   þæt ðu ahtest alles gewald
> heofnes and eorþan,   wære halig god,
> scypend seofa.   Nu earttu sceaðana sum
> in fyrlocan   feste gebunden.
> Wendes ðu ðurh wuldor   ðæt ðu woruld ahtest,
> alra onwald,   and we englas mid ðec.
> Atol is þin onsean!   Habbað we alle swa
> for ðinum leasungum   lyðre gefered.
> Segdest us to soðe   þæt ðin sunu wære
> meotod moncynnes.   Hafustu nu mare susel.
> (ll. 53-64)[12]

Similarly, in *Judith*, Holofernes's men discovered that he was the earthly embodiment of Satan and that because he oppressed God's people he was an evil leader. Instead of fulfilling his obligation as a lord to protect his men, he prepared them for their deaths by getting them senselessly drunk and defenseless against Judith's people:

> Swa se inwidda   ofer ealne dæg
> dryhtguman sine   drencte mid wine,

swiðmod sinces brytta,   oð ðæt hie on swiman lagon,
oferdrencte his duguðe
 ealle,   swylce hie wæron deaðe geslegene,
agotene goda gehwylces.   Swa het se gumena [e]aldor
fylgan fletsittendum,   oð þæt fira bearnum
nea [l]æhte niht seo þystre.

(ll. 28-34)[13]

After his men were intoxicated, Holofernes abandoned them to pursue his desire for Judith. Too drunk to defend himself against Judith, he was killed and his men, without a leader, were left to die at the hands of Judith's followers:

"Her lið sweorde geheawen,
beheafdod healde[nd] ure."   Hi þa hreowigmode
wurpon hyra wæpe[n] ofdune,   gewitan him werigferhðe
on fleam sceacon.

(ll. 288-91)[14]

On the other hand, having chosen the true Lord and having followed Him obediently gave Judith the strength to defeat Holofernes. Unlike Holofernes, Judith's Lord did not abandon His people in their time of distress; instead, He provided the protection which a lord was obligated to provide his followers:

Heo [Judith] ðær ða gearwe fu[n]de
mundbyr[d] æt ðam mæran
 þeodne   þa heo ahte mæste þearfe
hyldo þæs hehstan Deman,   þæt he hie wið þæs hehstan
 brogan
gefriðode, frymða Waldend.   Hyre ðæs Fæder on roderum
torhtmod tiðe gefremede,   þa heo ahte trumne geleafan
a to ðam Ælmigtigan.

(ll. 2-7)[15]

So the lord-thane relationship existed in the secular, warlike elements of Anglo-Saxon society, in the relationships of men and their God, and in the spiritual realm, i.e., between the angels and God. In addition, choosing an earthly leader was tantamount, in many cases, to making a decision about a heavenly leader.

However, the lord-thane relationships were not only limited to the more heroic elements of society, either religious or secular. Nor were the bonds between people limited to lord-thane relationships. Many people of little wealth and no social distinction were willing to put themselves into a position of complete economic and social servitude, if they believed they could thereby assure themselves of earthly or heavenly security. For earthly security, people placed themselves under a secular lord, but for heavenly security people gave themselves and their possessions to the Church. Through these gifts, from people on all social and economic levels, the Church amassed enormous wealth in property and other valuables, as well as a tremendous following of servants and tenants for its lands. Therefore, throughout all Anglo-Saxon social and economic strata, the desire to belong to a group, the need to have a lord, either through personal choice or in response to the laws of the rulers, manifested itself.

What kind of situation created this pervasive structure which required obedience to a lord? The kings helped perpetuate the structure through written law. The laws, however, only codified customary practices which had been instituted to provide order and security in earlier societies. Through codification, the laws were a symbol of order necessary in an era of constant conflict and change.

The strict ties between and among the various elements of society were an attempt to create order and security in a period of uncertainty and insecurity and any threat to negate those attempts caused severe consequences. Why, for example, was Grendel's attack on Heorot so horrible? Because he killed Hrothgar's men, certainly, but also because he was attempting to destroy the established system. Heorot, until Grendel attacked, was a symbol of both economic and political security. Inside that hall, Hrothgar " . . . se þe his wordes geweald / wide hæfde. / . . . beot ne aleh, / beagas dælde, / sinc æt symle," (ll. 79-81). (He who controlled everything with his word did not break his word but dealt out rings and treasures at feasts.)[16] Thus, there was always "dream gehyrde / hludne in healle," (happy laughter heard loud in the hall).[17] Therein " . . . ða drihtguman / dreamum lifdon / eadiglice . . . ," (brave warriors lived, happily, prosperously).[18] Grendel, therefore, was a destroyer of security and prosperity and so was analogous to Satan who tried to destroy God's order in heaven, as well as the monstrous enemies who were constantly trying to destroy the order and security within the English kingdoms. For this reason, even more than because he killed men, Grendel had to be destroyed.

The differences, of course, between the consequences of Grendel's attempts to destroy the established order and the consequences of Satan's attempts are substantial. Whereas Beowulf killed Grendel, God banished Satan from Heaven into hell. Satan, himself, best described his motivation for attempting to destroy the heavenly order and the consequences of his attempt:

"Ic wæs iu in heofnum   halig ængel
dryhtene deore;   hefde me dream mid gode,
micelne for meotode,   and ðeos menego swa some.
Þa ic in mode   minum hogade
þæt ic wolde to werpan   wuldres leoman,
bearn helendes,   agan me burga gewald
eall to æhte   and ðeos earme heap
þe ic hebbe to helle   ham geledde.
We ne þæt tacen sutol   þa ic a seald wes on wærgðu,
niðer under nessas   in ðone neowlan grund.
Nu ic eow hebbe to hæftum   ham gefærde,
alle of earde.   Nis her eadiges tir,
wloncra winsele,   ne worulde dream,
ne ængla ðreat,   ne we up heofon
agan moten.   Is ðes atola ham
fyre onæled;   ic eom fah wið god.
(ll. 81-96)[19]

This commentary by Satan helps to explain three essential features of the relationships among earthly people and of the relationship the people were supposed to have with God, an understanding of which is essential to understanding Anglo-Saxon society and its relationship to Anglo-Norman society. First, Satan indicated that he sought to overthrow the true Lord because of pride (hogade). Certainly, the most warlike elements of Anglo-Saxon society were very proud. The aim of a good life was to gain the praise and appreciation of men, and to have that fame last beyond death. Yet on a religious level these men also believed that they achieved their fame because of the grace of God. On this level, the Church taught that all things happened in the presence of God and that self-abnegation was essential to gaining favor in God's eyes. Hence, there existed a conflict between pride and self-abnegation in Anglo-Saxon society.

Second, the attempt by Satan upset the essential order established by a lord-thane relationship. In secular language, here was a "presumptuous" earl attempting to overthrow the lord to whom he had promised fealty. Thus, when Satan rebelled he was committing an act of treason and, although he was not killed for his rebellion, his holdings in heaven were escheated and he was banished into hell. Satan himself had become a lord, but in doing so he had lost the security and joy he had known when he was a thane to the Lord in heaven.

Third, Satan's statement that he was "fah wiþ god" is reminiscent of Aethelstan's law that every man must have a lord, must be under surety, else he would be considered a flyma. Satan had lost his lord by trying to overthrow him and he was then without a homeland and without someone to speak for him; he was, then, a flyma.

An examination of the assimilative nature of Anglo-Saxon culture allows even further understanding of the attempt to impose order upon the disorder which the literature and laws reflects. The early Anglo-Saxon state was a pagan state, the rulers descended from gods. The peoples' only claim to immortality was their recognition by their peers. And always they were subject to the whims of inexorable fate. This particular culture, however, lasted in England for less than 200 years before it was compelled to assimilate Christianity into its traditions and beliefs, (if one dates the invasion by the Angles, Saxons and Jutes at 449 A.D. and the arrival of Augustine at 597 A.D.).

Into the awareness of a people who saw fame as the only hope of immortality, and existence on earth as extremely precarious, came a new promise of life after death. And while the new promise was similar to the old way of life in requiring every man's loyalty to a lord, it differed in that it obligated the Anglo-Saxon to obedience to a new lord, and also instituted new kinds of obligations. Whereas the people had been living in the presence of other mortals only, after the advent of Christianity they were taught that they were always in the presence of God. While Christianity brought new reasons for optimism, it also created new reasons for fear.

The difficulties presented in assimilating these new ideas into the existing culture appear throughout the literature. Beowulf, so expressive of so many themes in

Anglo-Saxon culture, shows this process of assimilation throughout. But perhaps even more expressive of the assimilation of pagan and Christian cultures are the poems of Cynewulf. Cynewulf signed many of his poems by working runic letters, writing of the pagan culture associated closely with magic, into the poems. And those unsigned poems usually attributed to Cynewulf bear the same marks of juxtaposed cultures. For example, "The Phoenix," a poem long characterized as symbolic of the resurrection of Christ, was originally a pagan poem, the phoenix symbolizing the cult of the rising sun or the idea of reincarnation, which was current in pagan society.

To say that Norman feudalism created cataclysmic changes in England, therefore, is to forget the preparation of the people for the feudal environment. Feudalism represented in its ideal state a strict societal order. The Anglo-Saxons had been trying, through both law and custom, to establish order during centuries of chaos and conflict. Feudalism brought a strong lord-follower relationship, a relationship which the lord considered permanent unless he wished to change it, and in which the thanes realized the tenuousness of their positions were they to displease their lords or try to disrupt the existing order. This sort of relationship the Anglo-Saxons had already seen in their laws, and those who were fortunate enough had already heard about in their literature. Feudalism represented a society run by a strong, warrior class, those who represented military and economic power. The Anglo-Saxons were used to that as well. The members of the warrior class and the possessors of economic power ruled; the other members of society obeyed and worked to support themselves and their leaders. The Anglo-Saxons had become accustomed to submission to the Church as religious leader as well as to the lord as political leader. The Norman Conquest did not, then, change the essential relationships between people or between people and their institutions in England, nor the reasons for those relationships. At most, the feudalism of the Normans established an order which had been eluding Anglo-Saxons for centuries.

NOTES

[1] See above, pp. 90-95, 98-99, 101-03.

[2] *Beowulf and Judith*, ed. Elliott Van Kirk Dobbie, vol. IV of ASPR (1953), p. 70.

Death in battle
terrible life-loss,   took everyone
all of my people,   those who gave up this life
who knew hall-joy.   Now I have no one
who might carry the sword,   polish the cup.

This and all other translations of the literature, unless otherwise noted, will be mine. Translators of the laws will be noted as they occur.

[3] "The Wanderer," in *The Exeter Book*, ed. George Philip Krapp and Elliott Van Kirk Dobbie, vol. III of ASPR (1936), p. 134. The following translation by Burton Raffel, *Poems from the Old English* (Lincoln, Neb., 1960), p. 59, best catches the spirit of this passage. (Raffel's translation does not coincide exactly with the original Old English.)

So I, lost and homeless,
Forced to flee the darkness that fell
On the earth and my lord.
Leaving everything,
Weary with winter I wandered out
On the frozen waves, hoping to find
A place, a people, a lord to replace
My lost ones. No one knew me, now,
No one offered comfort, allowed
Me feasting or joy. How cruel a journey
I've travelled, sharing my bread with sorrow
Alone, an exile in every land.

[4] "The Seafarer," in *The Exeter Book*, p. 145.

The days are all gone,
when kingdoms of earth   were glorious.
There are no longer lords,   kings,
gift-givers,   as there once were

when glorious things
among them were accomplished
and they lived in lordly splendour.

[5] Ed. and trans. A. J. Robertson, *The Laws of the Kings of England from Edmund to Henry I* (Cambridge, 1925), p. 26.

> And every man shall see that he has a surety, and this surety shall bring and keep him to the performance of every law and duty. And if anyone does wrong and escapes, his surety shall incur what the other should have incurred, (p. 27).

See also, "Edgar, Cap. 3," "Ðæt þonne his þæt ic wille, þæt ælc man sy under borge ge binnan burgum ge buton burgum," which Robertson translates as: "My will is, further, that every man be under surety, whether he live within a borough or in the country," (pp. 32,33).

[6] "Cap. iii," ed. Bishop William Stubbs, *Select Charters and other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First*, 9th ed., rev. H. W. C. Davis (Oxford, 1921) p. 76. Stubbs translates:

> That we count always x. men together, and the chief should direct the nine in each of those duties which we have all ordained; and [count] afterwards their 'hyndens' together, and one 'hynden man' who shall admonish the x. for our common benefit; and let these xi. hold the money of the 'hynden', and decide what they shall disburse when aught is to pay, and what they shall receive, if money should arise to us at our common suit; and let them also see that every contribution be forthcoming which we have all ordained for our common benefit, after the rate of xxx pence or one ox; so that all be fulfilled which we have ordained in our ordinances and which stands in our agreement.

[7] "Conc. Greatanlea," Stubbs, p. 74. Stubbs translates as follows:

> And we have ordained, respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the flok-mote; and if they then will not or cannot produce him at the term, then be he thenceforth a *flyma*, and let him slay him for a thief who can come at him; and whoever after that shall harbour him, let him pay for him according to his *wer*, or by it clear himself.

[8] "The Battle of Maldon," in *The Anglo-Saxon Minor Poems*, ed. Krapp and Dobbie, vol. VI of ASPR (1942), pp. 13-14.

I swear that   I will not from here
flee a foot's pace   but will go farther
avenging my lord   in battle.
Nor need me the Sturmere   steadfast warriors
taunt with words,   that with my lord dead,
I lordless   fled home,
turned from battle,   until a weapon seizes me,
a point of iron.

[9] Stanley B. Greenfield, *A Critical History of Old English Literature* (New York, 1965), p. 93.

[10] *Beowulf*, p. 24.

Nor did that monster   think to delay
but quickly seized   in the first moment
a sleeping warrior,   greedily ripped him apart,
broke through the bone locks,   drank his blood,
swallowed huge morsels;   immediately he had
the unliving one   all devoured,
feet and hands.

[11] *Beowulf*, p. 43.

[12] *Christ and Satan*, ed. Robert E. Finnegan (Waterloo, Ontario, 1977), p. 70.

You taught us   through your lies
that we the ruler   should not obey.
You thought that   you alone possessed all power
of heaven and of earth,   were the holy god,
the creator himself.   Now are you one of the wretches
in firelocks   fast bound.
You thought through glory   that you would possess
power over all,   and we angels with you.
Horrible is your visage!   So we have all
for your lies   fared miserably.
You said to us as truth   that you were the son,
the lord of mankind.   May you have greater pain.

[13] *Judith*, ed. B. J. Timmer (London, 1961), pp. 18-19.

And the wicked one   over all the day
commanded his men   drink the wine,

haughty giver of rings,	until they lay swimming
all his old retainers drenched	until they lay as dead,
deprived each of good.	So the lord of men commanded
to serve the warriors	the boys of men
until the light turned to darkness.	

[14] *Judith*, pp. 31-32.

	"Here lies hewed by a sword
beheaded, our lord."	They then, sorrowful,
threw down their weapons,	wearily cast them down
and hastily fled.	

[15] *Judith*, p. 17.

	She then readily obtained
protection from the illustrious Lord	when she had greatest need
favor from the highest Lord,	so that when she had greatest terror
the glorious Lord protected her.	To her this the Father in heaven
glorious, granted	for she possessed a firm faith
always for the Almighty One.	

[16] *Beowulf*, p. 5.

[17] *Beowulf*, p. 5.

[18] *Beowulf*, p. 6.

[19] *Christ and Satan*, p. 71.

I was formerly in heaven	a holy angel
dear to the lord;	I had joy with God
rejoicing before the Ruler,	and this troop likewise.
Then I in my heart	thought
that I would overthrow	the radiance of glory,
the child of the savior,	possess for myself control of cities
all to own	and this miserable troop
which I have to hell	led home.
Remember that clear sign	when I was given over to torment,

under the cliffs	in that deep ground.
Now I have into chains	led you home
all under earth.	There is here no glory of the blessed one
banquet hall of the proud	nor joys of the world,
nor troops of angels,	nor heaven above
might we possess.	This terrible home is
burning with fire;	I am outlawed against God.

[20] L. N. Neinhauser, "The Legend of the Phoenix," The Catholic Educational Review, 19 (1921), 129-41.

CHAPTER VI

CONCLUSION

The purpose of this study has been to gauge the effect of the Norman Conquest on English institutions by identifying elements of feudalism existing in England prior to the Conquest. That comprehensive purpose has been divided into four objectives, each of which has been attained within the preceding chapters. The first objective was to review the scholarship concerning the development of feudalism in Englnad, for any study of the extent of the Norman Conquest on English institutions must as well be a study of feudalism. The second objective was to review extant definitions of the term *feudalism* in the scholarship to determine if those studies provided any reason for redefining the term. A new definition of *feudalism* as it appeared in England was provided, retaining only those elements of the current definitions which were generally agreed upon by other researchers and which could be supported by primary evidence. The third objective was to review Anglo-Saxon literature, including the histories, to see if any elements contained the revised definition of feudalism existed in pre-Norman England. The fourth objective was to analyze the laws of the

Anglo-Saxon period to see if any elements of feudalism existed within those documents. In addition, the social environment of pre-Norman England was examined for evidence of preparation for transition into a pure feudal society.

As early chapters indicated, one of the reasons for the confusion surrounding feudalism is that, until the twentieth century, the subject was frequently studied by scholars who had preconceived notions of what feudalism entailed and who, therefore, always cited evidence which supported those judgments. The problem of the origin of English feudalism was seen by those scholars principally in political and anthropological terms. It was only one small part of the larger query involving the origin and development of mankind. Was the nineteenth century in England, for example, the result of an unbroken evolutionary process dating beyond the invasion of the Normans, beyond the invasion of the Danes, beyond even the invasion of the Germanic tribes and the Roman occupation? Or was England in an evolutionary stage dating only from one of those occupations?

Because of the work of highly respected scholars, including Bishop William Stubbs and Frederic Maitland, the Germanist view of history, which endorsed the continuity of English institutions since the Angles, Saxons and Jutes and their Germanic ancestors, was the most accepted thesis during the nineteenth century. The Germanist theory did not retain its prominence, however, into the twentieth century. Shortly after Maitland's publication of his work lending support to the Germanists, John Horace Round published Feudal England. Using a compilation of articles he had previously published on the subject and new studies based on thorough analysis of Domesday Book, Round introduced a new theory about the evolution of English institutions. That hypothesis, which stated that the Normans, following the Conquest, introduced abruptly, immediately--Round's word was cataclysmic--entirely new political and social institutions into England, became the accepted view and remains the thesis most accepted by medievalists.

Yet Round's cataclysmic theory has not had a comfortable existence during the twentieth century. Although it has been supported by many notable medievalists--for example, F. M. Stenton, David C. Douglas and Carl Stephenson--it has also received considerably damaging attacks from such scholars as Marjorie Hollings and Eric John. And even those who supported Round's essential thesis that the Normans introduced feudalism into England were not entirely supportive of his view that the change was cataclysmic.

In rejecting or accepting Round's thesis, twentieth century scholars have created many ambiguities and contradictions about feudalism which substantially alter the complexion of the subject. Feudalism, for example, was once thought to be characterized by disorder and chaos, but this conception is false, or at least deceptive. Norman England, that period which is cited to exemplify ideal feudalism, was a period of great order. One of William the Conqueror's first successes in England was to establish firm control over all the powerful men who might have opposed him. He centralized the government in the hands of the feudal lords as he had centralized the state in Normandy preceding his conquest of England. "Normandy on the eve of the battle of Hastings was a well-organized feudal state whose duke controlled his great vassals to a degree unmatched elsewhere in France."[1]

Moreover, the previously held notion that the well-armed, well-trained, mounted knight played a significant role in feudalism, providing not only the majority of men for the king's armies but also shaping the social standards of the country, is without support. The majority of William the Conqueror's Norman army and the armies of subsequent Norman kings of England were comprised of mercenaries. If the knights provided any support for the armies, it was primarily by paying scutage. The knights who fought with the king were household knights.

Nor were the knights the social elite of the feudal era. Significantly, William the Conqueror instituted games for the knights (the equivalent of modern war games) to give these knights a time and place to fight, thereby preventing constant feuds among them. In addition, the knights were to the populace the symbols of power which controlled them economically by the burdens of taxation and personal service. Only because of the Crusades did knighthood gain a respectable reputation, since during that period Church leaders began to refer to knights as soldiers in God's army and influenced them to embark on the Crusades against the infidels. After the middle of the twelfth century, then, knighthood began to gain the degree of honor which is so much written about in such exaggerated terms in medieval literature of fourteenth century England.[2] It is to the writings of the late medieval period that the modern notion of the knight can be traced.

Another long-held misconception regarding feudalism is the assumption that one person granted another a certain amount of land in return for military service of a specific and limited nature. Marc Bloch and F. L. Ganshof, whose works on feudalism are considered definitive studies in the field, showed that in both continental feudal societies and in England, feudal kings gave honors (fiefs and benefactions) to their knights not only in return for military service but also in return for service in advisory and administrative capacities. Moreover, many knights were given fiefs without any conditions of service attached to them, and fiefs were not necessarily always land. The gift of any type of movable goods was a fief.[3]

Current scholarship should have created a definition of feudalism, therefore, which excludes the elements noted above. This, however, has not been the case. In fact, current scholarship accepts a definition of feudalism which considers four elements essential to the existence of that institution: the private fortress (castle); well-armed, well-trained, mounted knights; limited and specific service by knights in return for land; and permanent bonds between a lord and his thane. The relationship to feudalism of each one of these elements needs much more scholarly attention.

The idea that castles are exclusively Norman innovations in England, for example, needs considerable rethinking. R. A. Brown argued the most convincing case against the existence of castles in pre-Norman England. First, he said, "save for the few exceptional instances, . . . we simply do not hear of castles, nor meet the word, in pre-Conquest England, in the chronicles or in the laws, in the writs or in the charters." Second, against burh referring to an Anglo-Saxon type of castle, Brown said, "Though in the Old English laws the word 'burh' . . . appears to be confined to the upper classes, the peasant had his equivalent in his homestead; both were enclosed, both were protected at law, but neither was fortified, and the offence against them which the legislators had in mind was what we should call housebreaking or trespass, not military assault by armed forces."[4]

Brown's statements, as was revealed in preceding chapters of this text, are accurate to a certain extent. For exanple, the word castle apparently does not occur in English documents or literature dating before the middle of the eleventh century. There is also truth to the statement that burhs were limited to the upper classes. However, to deny the existence of the structure (castle) in England because the word naming it as it existed in France did not appear in the Anglo-Saxon language is misleading. Nor can there be much accuracy to the statement that the primary concern of the Anglo-Saxon laws was trespass when the laws were explicit in making distinctions between trespassing the commoner's fence (the edor) and breaking the lord's burh. Certainly not all of the people in Anglo-Saxon England had fortifications, and certainly burhs were used for the common defense--a shelter for all of the people in an area--but the lords of manors did have fortified defensive centers which also served as their personal residences, the place in which court was held, as well as other meetings, and the location where taxes were collected--i.e., an administrative, judicial, and defensive center.

Much of the confusion between burh and castle has been created because burh was used in Anglo-Saxon documents to refer to cities. Yet the cities grew up around fortified centers, as they had to for protection, so the term should be understandable in both contexts. In reality, burh was used, particularly after the reign of Alfred (871-899), to distinguish a fortified, defensive center from other towns, called tuns, indicating that the Anglo-Saxons themselves began to distinguish places for protection from those without protection. More specifically, tun was used for "homestead, farmstead and its buildings; village, enclosed land with dwellings upon it; town, cluster of houses usually with no fortification around." Burh, on the other hand, was used to mean a "fortified place," a place "fortified either with stockade, or stone wall; fort, fortress, or strong point fortified and manned for the defense of a district; a county, or other important town, borough, or city, which was a trading center and place of defence."[5] A number of references in The Anglo-Saxon Chronicle exemplify the preceding definitions and attest to the fact that burhs were fortified defensive centers, in the same sense that castles were, long before the time of Alfred.[6]

There probably were significant architectural differences between Anglo-Saxon burhs and Norman castles. The ring-works, those fortifications consisting of earthwork and a timber castle, with no moat but a ditch and palisade, were the fortifications in England until the Normans introduced the motte-and-bailey castle and later refined it with stone. But regardless of the architecture of these places, the burhs in England provided not only personal residences for lords, but were also strategically located, for purposes of administration, defense and offense, throughout England, and therefore must be considered the Anglo-Saxon equivalent of the Norman castle.

When men in Anglo-Saxon England met with their lords, they were meeting with men who exercised almost total and permanent control over them. That is, the bonds between men in Anglo-Saxon society were not nearly as flexible as some medievalists have tried to establish. The complexity of the argument precludes a restatement of interpretation presented in the preceding chapters without reference to arguments by other scholars, for the point has elicited some interesting conclusions from advocates on both sides of the question of the extent of Norman influence on English institutions. For example, although F. W. Maitland supported the evolutionary thesis, he concluded that the tie between men in Anglo-Saxon England was "slender and personal."[7] Carl Stephenson, a supporter of Round's thesis against evolution, argued, however, that Domesday Book "fails to support the belief that commendation in Saxon England was a slight and fragile bond, which could be made and unmade by a lord's man at will, but which could somehow become inherent in the land."[8] And Barbara Dodwell concluded that " . . . commendation alone was but a slender personal bond, but when it is found in conjunction with other ties, as it is in the Northern Danelaw and East Anglia (and as it is with the lesser peasantry generally) it had become territorialized, and was, as Maitland put it, inherent in the land. The bond then was permanent, but was not essentially personal, for it bound the land and the holder only by reason of his tenancy."[9]

The literature and the laws of the period support Dodwell's and Stephenson's conclusion that the bonds in Anglo-Saxon England were, for the most part, permanent. The literature, for example, shows that the bonds between men, although they may as well have been personal, were essentially based on the giving of material possessions, the giving of which not only strengthened the bond between men, but also obligated the receiver of the gifts to perform certain duties for the giver of the gifts. The narrator of Beowulf knew that a lord gained followers in war by granting "fromum feohgiftum" (splendid bestowals). Hrothgar gained his followers by sharing out "swylc him God sealde, / buton folcscare / ond feorum gumena," (ll. 72-73); and Hygelac gave Beowulf " . . . seofan þusendo, / bold and bregostol," (ll. 2195-96: lands, seven thousand hides, / hall, and gift-throne).[10] Also, the warriors knew their duties to their lords because of those treasures. Beowulf told his followers that there was no reason for Hygelac to find mercenaries to fight for him. Beowulf would fight all battles because of the gifts and honors Hygelac had given him.[11] Wiglaf, too, fought the dragon because he "[g]emunde ða ða are / þe he him ær forgeaf, / wicstede weligne / Wægmundinga, / folcrihta gehwylc, / swa his fæder ahte."[12]

The laws of the Anglo-Saxon period show, moreover, that the bonds of society were not limited to the warrior class nor restricted to the literature, and that they were, for the most part, permanent. Ine's laws (c. 690) stated that if a man left his lord he not only had to return to that lord but he also suffered a fine for having left: "Gif hwa fare unaliefed fram his hlaforde oððe on oðre scire hine bestele and hine mon geahsige, fare þær he ær wæs and geselle his hlaforde lx scill."[13] There is no indication of the classes of society Ine meant this law to affect. Yet it is interesting to note specific exemptions for *gesithcund* men, for under Ine *gesithcund* men could leave their holdings if they left a substantial part of that holding in cultivation. Although the law did not specify whether the *gesithcund* man could leave his lord as well as his holding or just change holdings, if it did mean that he could change lords, it was as well stating that he could not transfer his holding of land to a new lord. "Gif gesiðcund mon fare, þonne mot he habban his gerefan mid him and his smið and his cildfestran. Se ðe hæfð xx hida, se sceal tæcnan xii hida gesettes landes, þonne he faran wille. Se ðe hæfð x hida se sceal tæcnan vi hida gesettes landes. Se ðe hæbbe þreora hida, tæcne oþres healfes."[14] Therefore, the laws bound many men permanently to their lords and greatly dissuaded others from leaving, for those who could change lords left their landholdings behind. In addition, those who could change holdings, the gesithcund men, were of the warrior class and this class had privileges not given to those on a lower economic and social scale.

On the other hand, a person could lose his landholding to his lord without much difficulty. Deor, for example, lost his landholding when his lord found a more suitable scop:

> Ahte ic fela wintra folgað tilne,
> holdne hlaford, oþþæt Heorrenda nu,
> leoðcræftig monn londryht geþah,
> þæt me eorla hleo ær gesealde.
> (ll. 38-41)[15]

Deor's loss of land to his lord could be considered a result of the whims of that lord, but the laws of Anglo-Saxon England are full of examples of conditions under which a person's land was returned (escheated) to his lord or, for more substantial reasons such as treason, to the king himself. For example, in Ine's time, anyone who hid a thief was fined, but if an earl hid the thief he also lost his shire: "Se ðe ðeof gefehð, oððe him mon gefongenne agifð, and he hinne þonne alæte, oððe þa ðiefðe gedierne, forgielde þone þeof his were. Gif he ealdormon sie, ðolie his scire, buton him kyning arian wille."[16] Comparable penalties were imposed on those who failed to attend the fyrd: "Gif gesiðcund mon landagende forsitte fierd, geselle cxx scill. and ðolie his landes; unlandagende lx scill.; cierlisc xxx scill to fierdwite."[17]

However, the greatest penalties were suffered by those who were involved in treasonous acts against their lords or their king. There was little defense against loss of life and escheat of land in those situations, at least by the time of Alfred: "Gif hwa ymb cyninges feorh sierwe, ðurh hine oððe ðurh wreccena feormunge oððe his manna, sie he his feores scyldig and ealles þæs ðe he age. . . . Se ðe ymb his hlafordes fiorh sierwe, sie he wið ðone his feores scyldig and ealles ðæs ðe he age."[18]

The Anglo-Saxon Chronicle confirms this loss of land by presumptuous earls who failed to act loyally to the king. In 750, "Cuthred, King of Wessex, fought against Aethehun, the presumptuous ealdorman" and took his earldom from him. Again, in 1002, "ealdorman Leofsige slew Aefric, the king's high-reeve; and the king banished him from the realm."[19]

Both the literature and the laws, therefore, show that land was given to thanes in return for service to a lord, and that service was frequently military. If the obligations incumbent upon the thane were not fulfilled, then the laws protected the lord's right to take the land back from the thane. In addition, the bonds between men were effectively permanent, for although some men could leave their holdings, the conditions under which they were allowed to leave were sufficiently severe to dissuade their leaving.

The relationships between the Anglo-Saxon thane and the Norman knight have been a little more difficult to discover in the literature and laws. There are no examples of fighting on horseback actually occurring before the Battle of Hastings in 1066, and although Richard Glover, from an analysis of the Bayeux Tapestry's pictorial of the battle, concluded that the Anglo-Saxon and Norman armies were similarly equipped, there is no further evidence to suggest that Anglo-Saxons were horsemen.[20] It is reasonable to conclude, however, from the literature and the laws that Anglo-Saxon thanes were in so many other ways analogous to Norman knights that the newer warriors fitted smoothly into the social and military positions established in England by the thanes.

The literature which portrays elements of the secular and heroic society--e.g., Beowulf, The Wanderer, The Seafarer--presents those men in the comitatus only in terms of their functions as warriors or as advisors to their lords. Aeschere, for example, was Hrothgar's most trusted advisor, and Beowulf accepted an administrative and advisory role when he received seven thousand hides of land from Hygelac. In these instances, lack of evidence of warriors acting in any other capacities--e.g., as farmers or merchants--lends support, tenuous though it may be because it is negative, to the thesis that they acted only as warriors, advisors and administrators.

More tangible support for the Anglo-Saxon thane as warrior and administrator is revealed in the laws and in the charters. The laws, for example, according to the discussion in Chapter 4, show that a person had to gain certain economic independence before he could be considered for thanehood. A ceorl had to gain "fully five hides of his own land, church and kitchen, bell-house and burh-gate, seat and special duty in the king's hall" before he could be considered worthy to be a thane. In addition, before the thane could represent the king he needed to have a thane under him "who to the king's *utware* five hides had."[21] Since *utware* was land which provided not only economic support for the thane (who was also a lord because he had a thane pledged to him), but also military support both in person and in taxes, then those thanes of higher rank provided thanes for the king's armies (military service), monies to support that army and also advisory support, for they had the right to represent the king with their foreoaths.

The heriots of thanes also provide evidence that these men held a distinctive place in Anglo-Saxon society. The laws, for example, indicate that heriots were "fixed with due regard to the rank of the person for whom they [were] paid"[22] and that the higher thanes, when they succeeded to their father's lands, "were expected, and were rich enough, to pay a heriot (or relief) of armour and arms, warhorses and substantial sums in gold."[23] During the reign of

Canute, for instance, the heriot of an earl was "eahta hors, IIII gesadolede and IIII unsadolede, and IIII helmas and IIII byrnan and VIII spera and swa fela scylda and IIII swyrd and twa hund mancus goldes," while the heriot of the lowest ranking thane consisted of "hors and his gerædan and his wepna oððe his healsfang on Westsæxan, and on Myrcen II pund, and Eastengle II pund."[24] Thus, the thanes had a prominent place in Anglo-Saxon society and their lords relied upon them for both military and monetary support.

Anglo-Saxon wills also support the thesis that thanes held an important place in Anglo-Saxon society. Where the laws denoted the heriots of various degrees of thanes, the wills showed that those heriots were actually paid, and that the people who paid them held administrative functions in Anglo-Saxon society. Ealdorman Aethelmaer, for example, bequethed his lord as heriot "IIII beogus on ðrym hund manceasum goldes and IIII sweord and VIII hors, feower gerædode and IIII ungerædode, and IIII helmas and IIII byrnan and VIII speru and VIII scyldas."[25] Bishop Theodred bequeathed his lord "twa hund marcas arede goldas and twa cuppes silverene, and four hors so ic best habbe, and to swerde so ic best habbe, and foure schelda, and foure spere, and þat land þat ic habbe at Dukewrthe, and þat land þat ic habbe at Illyntone, and þat lond þat ic habbe at Earmming tone."[26] Without doubt, part of the gifts given to their lords by these men was relief, considering the statements of relief payments made in other Anglo-Saxon wills.

Brihtric, for example, stated explicitly that he was giving jewels to the queen so that she would intercede with the king to allow his will to stand.[27]

The laws and the wills of Anglo-Saxon England, therefore, show that thanes held a distinctive place in Anglo-Saxon society. They held land and wealth; some had thanes of their own and because of the military nature of their heriots they undoubtedly were obligated to some kind of military duty, whether that duty was personal service, service by providing other thanes, service by providing sources of revenue to hire warriors for the king's army or a combination of all three. And, significantly, the greater thanes held "special duty" in the king's hall. Furthermore, they were required to pay relief to allow their possessions to pass to their heirs. Thus, the significant differences between the Anglo-Saxon thane and the Norman knight were probably that the thane was not a mounted warrior and that he did not spend his time in specialized training for war. These elements of knighthood are not, however, as significant as the fact that the positions held by Anglo-Saxon thanes were so similar to those later held by Norman knights that following the Conquest the Norman knights had positions already established for them in English society into which they stepped without having to superimpose themselves onto the existing structures or having to disrupt the existing divisions of society to create a niche for themselves.

It is possible, as some scholars have done, to find all arguments for pre-Conqeust feudalism tenuous because they lack specific and definite support from the Anglo-Saxon laws, literature and other documents. Surely, the documents from the Anglo-Saxon period are vague in many cases about many areas of English life during the period. As Norman Cantor said, English laws were "in no way systematic or comprehensive or based on abstract political and moral synthesis. The Anglo-Saxon law was fundamentally oral and customary and the only laws written down were those that refer to difficult points at issue or situations that are unusual."[28] And because the literature is an interpretation of society, it cannot be responsible for explaining in detail the laws and customs of that society.

In spite of the difficulties associated with this type of study, the present text has demonstrated its objectives. It has demonstrated that feudal society was both a political and economic societal structure embodying the ideas of highly centralized government with ultimate power in the hands of the king. This centralization was created by the king granting land, offices or other honors to earls and thanes of various degrees, in return for services in either military or advisory capacities or both. The king's power was then extended by these thanes further granting land to their followers for both economic and military reasons.

The preceding chapters, furthermore, have demonstrated that Anglo-Saxon society anticipated each of the elements in the revised definition of feudalism, as well as some elements traditionally associated with Norman feudalism. In the literature, especially, but also in the laws there is evidence of a highly centralized government led by military elements of society who were supported by tenants and other non-military people. There is also indication of special duty and description of penalties for failure to perform service, regardless of a man's rank, notably the loss of land by those specific, landowning classes and fines for members of lower classes. There are in the laws divisions of society as evidenced by rigorous conditions of thanehood based on five hide holdings. And, finally, there are descriptions of strategically located defensive fortifications which were also the lord's manors and thus the centers of law, commerce and community defense.

Perhaps William the Conqueror did make some changes in the government in England. Perhaps he did introduce warriors who were cavalry as well as infantry. But, as evidenced in this study, he did not dramatically change English institutions, for they had anticipated Norman institutions long before his arrival. Still, the question surrounding the Norman Conquest's impact on English institutions has much room for further study. Although this text has briefly dealt with the vocabulary associated with feudalism, there is still much need for a scholar with a thorough foundation in Anglo-Saxon, French and Latin to do comparative studies of various words to find other similarities between Anglo-Saxon and Norman feudal institutions. In addition, a much more comprehensive review of the scholarship concerning the subject needs to be made, for much of the early work on feudalism in Anglo-Saxon England did not result from close analysis of the documents relating to the period in question, but has left impressions and misconceptions of feudalism which are currently held as fact. And these studies will undoubtedly elicit new studies, for the question of the consequences of the Norman Conquest on English institutions and the attendant study of feudalism has by no means reached resolution.

NOTES

[1] C. Warren Hollister, The Making of England: 55 B.C. to 1399 (Boston, 1966), p. 81.

[2] R. W. Southern, The Making of the Middle Ages (London, 1967), pp. 54 ff.

[3] Marc Bloch, Feudal Society (London, 1961); and F. L. Ganshof, Feudalism, 2nd English ed. (New York, 1961). For a discussion of fief as movable goods, see Bloch, p. 108.

[4] Origins of English Feudalism (London, 1973), pp. 73 and 82.

[5] Appendix B., "Definition of Some Technical Terms," G. N. Garmonsway, trans., The Anglo-Saxon Chronicle (New York, 1953), pp. 274-75.

[6] Anglo-Saxon Chronicle, pp. 17 and 94.

[7] Domesday Book and Beyond (Cambridge, 1921), pp. 67-75.

[8] "Commendation and Related Problems in Domesday," English History Review, 59 (September 1944), 301.

[9] "East Anglian Commendation," English History Review, 63 (July 1948), 306.

[10] Beowulf and Judith, ed. Elliott Van Kirk Dobbie, vol. IV of ASPR (1953), pp. 3,5,68.

[11] Beowulf, p. 77.

[12] Beowulf, pp. 80-81. For translation see above, p. 121, n. 20.

[13] "Cap. 39," ed. Bishop William Stubbs, Select Charters and Other Illustrations from the Earliest Times to the Reign of Edward the First, 9th ed., rev. H. W. C. Davis (Oxford, 1921), p. 68.

> If anyone go from his lord without leave, or steal himself away into another shire, and he be discovered, let him go where he was before, and pay to his lord lx.

shillings.

Translations of the laws and other documents are those of the editor unless otherwise noted. Translations of the literature are mine unless otherwise noted.

[14]"Cap. 63," Stubbs, p. 69.

If a "gesithcund" man leave his holding, he may take with him his reeve, his smith and his children's nurse. If he has xx hides he must show xii hides sown when he desires to depart; if he has x hides, he must show vi hides sown; if he has three, let him show one and a half.

[15]"Deor," in The Exeter Book, ed. George Philip Krapp and Elliott Van Kirk Dobbie, vol. III of ASPR (1936), p. 179.

I possessed many winters glorious service
to my good lord, until Heorrend now,
a song-crafty man, won landright.
That which to me the glorious lord formerly gave.

[16]"Cap. 36," Stubbs, p. 68.

Let him who takes a thief or to whom one is given, and he then lets him go, or conceals the theft pay for the thief with his 'wer.' If he be an ealdorman, let him forfeit his shire, unless the king is willing to be merciful to him.

[17]"Ine, Cap. 51," Stubbs, p. 68.

If a "gesithcund" man owning land neglect the "fyrd," let him pay cxx shillings and forfeit his land; one not owning land lx shillings; a ceorlish man, xxx shillings as "fyrdwite."

[18]"Cap. 4," Stubbs, p. 70.

If anyone plot against the king's life, of himself, or by harbouring exiles, or of his men; let him be liable in his life and in all that he has. . . . He who plots against his lord's life, let him be liable in his life to him, and in all that he has. . . .

[19]Anglo-Saxon Chronicle, p. 134.

[20]"English Warfare in 1066," English History Review, 67 (June 1952), 1-18.

[21] "Of People's Ranks and Laws," Stubbs, p. 88.

[22] "II Canute, 71," ed. and trans. A. J. Robertson, The Laws of the Kings of England from Edmund to Henry I (Cambridge, 1925), p. 209.

[23] H. G. Richardson and G. O. Sayles, The Governance of Medieval England (Edinburgh, 1963), p. 124.

[24] "II Canute, 71a, b," Robertson, pp. 208 and 210.

> Cap. 71a: The heriot of an earl, as is fitting, shall be eight horses, four saddled and four unsaddled, and four helmets and four byrnies and eight spears and as many shields and four swords and 200 mancuses of gold, (p. 209).
>
> Cap. 71b: And the heriot of ordinary thegns shall be a horse and its trappings and his weapons or his healsfang in Wessex, and in Mercia £2 , and in East Anglia £2 , (p. 211).

[25] Anglo-Saxon Wills, ed. Dorothy Whitelock (Cambridge, 1930), p. 26.

> . . . And I bequeathe to my royal lord as my heriot four armlets of three hundred mancuses of gold, and four swords and eight horses, four with trappings and four without, and four helmets and four coats of mail and eight spears and eight shields, (p. 27).

[26] Whitelock, p. 2.

> First, he grants his lord his heriot, namely, two hundred marks of red gold, and two silver cups and four horses, the best that I have, and two swords, the best that I have, and four shields and four spears: and the estate which I have at Duxford, and the estate which I have at Illington, and the estate which I have at Arrington, (p. 3).

[27] Whitelock, p. 26.

> First, to his royal lord an armlet of eighty mancuses of gold and a short sword of the same value, and four horses, two with harness, and two swords with sheaths, and two hawks and all his staghounds. And to the queen an armlet of thirty mancuses of gold, and a stallion, for her advocacy that the will might stand," (p. 27).

[28] The English: A History of Politics and Society to 1760 (New York, 1967), p. 31.

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2

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