

THE PLEBS PRODUCTION AND POLITICS

V

THE FEUDAL STATE

This article is the fifth of a series written by Walton Newbold for the PLEBS, the earlier instalments of which appeared in the June, July, Sept. and Nov. issues of last year. Its object is to show "the striking confirmation of the Materialistic Conception of History" which the author found in the course of studying "the nature and origins of British political institutions."

IN the last article we endeavoured to make clear the connection between arable cultivation and the accompanying property forms and local institutions prevailing in that stage of economic development. We had to deal with the secular institution of the manor and its ecclesiastical counterpart, the parish. Having concerned ourselves with these units of territorial administration, we must now proceed to examine the growth and structure of the contemporary State and discover, at the same time, what was the place of the Church in national life.

When the English settlers came to this country, and for some time afterwards, they were organised by tribes. For such information as we have about them we are mainly indebted to a vague and little understood record known as "the tribal hidage," which is supposed to have been compiled for Edwin of Northumbria as a basis of assessment for the imposition of a tax. Bede also gives certain particulars concerning the hidage or number of households in England in his days.

As we have already observed, the social unit was the family household occupying a *hide* of land. The unit of territorial administration was the township or *tything*, approximating to a formal ten hides. The next multiple was the *hundred* of ten times ten hides. This hundred was, at first, a social and military arrangement of families, but with the transition from Kinship to territorial polity it became an assessment not only of men for the host, but of tax-contributing tenements. The hundred had its *moot*, at the head whereof was the *ealdorman*, the head man of one hundred warriors of the host. This *ealdorman* was hereditary head of his own family, and the more or less freely chosen head of the other families in *tything* and hundred.

The turmoil of the Saxon Kingdoms and the long drawn-out anarchy of the northern lordships of Britain, which were eventually consolidated into the loose-hung and chaotic realm of Scotland, were occasioned by the inter-play of the forces of Kinship and the authority of the territorial state which was its historical heir.

Through the eighth and ninth centuries the kings of Wessex were striving, with varying degree of skill and of success, to weld a group of lordships into a territorial unity under a firmly established monarchy. King Ina in his famous *Dooms* or Laws first shows us an *ealdorman* under the guise of *scir-man* or shire-man. Alfred was the king who systematically set himself to cut up (*sciram*—to cut) his realm into administrative areas known as shires.

The shire, with its reeve or *sheriff* representing the king and sitting cheek by jowl with the *ealdorman* in the shire-moot, shows political society firmly rooted in the English land. Alfred deliberately depressed the status and authority of the folk-moot. He and his successors meanwhile strengthened and made a permanent court of the *Witenagemot* or Moot of the Wise, the

Council of Magnates whom a strong king selected from his entourage to advise him and whom a weak king found resolute to enforce their will upon him.

Alfred the Great is known to every product of our educational system. He is the first of the national heroes. He won his title more by his anti-popular and despotic bias than by ought else. Educated at Rome and surrounded by clerics, he was profoundly affected by the sanctions of the Church and the centralising influences of the Imperial Law with their bias against all things popular and pagan, and in favour of all that made for the absolute supremacy (under God) of the sovereign.

The Church of Rome, a church whose institutions and ideas reflected an economy and a society which had experienced centuries of private property and political organisation, a church whose doctrines and ritual epitomise the mental reactions of ages and of continents, played an enormous part in the dismantling of Kinship society and the upbuilding of the territorial state. It contributed an idea concerning centralisation and a sanction for external authority which sapped at the very roots of popular custom and brought an enduring protection to over-lordship. There was no escape from him who could bind not only on earth, but in Heaven.

The Roman Church could not for many centuries enforce celibacy upon the parish priests and the secular clergy in general. It could not isolate its pastors from their Kith and Kin, divide them from their families and attach them to the mythical bride, the Church. It could not make of these a close corporation. For fully six centuries the territorial lord, the manorial lord, kept the Church at arm's length in the ecclesiastical counterpart of his earthly lordship, until gradually the monastic orders, the ecclesiastical courts and the royal authority succeeded in setting up an independent patron in the parish.

But all the time the Church of Rome was served by monks who were loyal only to the discipline of their orders, and whose houses were garrisons of the Universal Church. The Roman monastic orders were composed of men having no kin but Christ. Kings, as well as the Church, desired that monastic orders should have no loyalties entangling them with feudal factions.

The approach of the year 1000 A.D. witnessed a reformation within the Church and the institution of the sterner discipline of the Cluniac Order, the manumission of slaves and the foundation of many monasteries, some forty of which were established in the reign of Edgar. The kings, about this time, assumed imperial titles. Ethelred was declared to be "Christ's vice-gerent among Christian people." Knut's subjects were bidden "that above all things, they should ever love and worship one God, and unanimously observe one Christianity, and love King Canute with strict fidelity."

By the close of the 10th century the institution of kingship in England had attained permanency and recognition from the congeries of thegns, who exercised lordship in the manors throughout the southern part of the island.

Twice a year, at Christmas and Easter, there came together to counsel the king, the Witenagemot, comprising not only the favoured thegns of his retinue, but also the ealdormen of the shires and the abbots and bishops of the Church. This body, in its capacity of grand council of the realm, and in succession to the popular assemblies of an earlier time, had the right of appeal in juridical cases, of sanctioning the imposition of extraordinary measures of taxation, such as Danegeld and "the power of recommending, assenting to, and

guaranteeing grants of land, and of permitting the conversion of folk-land into book-land."

During and between the occasional sessions of this council, there was, with the development of kingship and the authority of the central government ramifying through the shire-courts, need of a bureau of secretaries and a corps of accountants in the king's household. In addition to the high-steward or mayor of the palace, who acted as glorified bailiff or regent in the king's absence, developing into the Justiciar of the early Norman monarchy, and the Chamberlain who took charge of the royal bed and bath and looked after the Wardrobe (wherein the monarch kept—as close to his bed as possible—his robes, his jewels and his treasure) there was his father confessor who, acting as his private secretary, developed into his Chancellor—i.e., the man behind the screen. These functionaries became heads of departments as the State expanded.

At first, the king supported himself and his household by contributions, mainly in kind, from (i) the royal manors, (ii) the Crown lands, (iii) the public lands which were rapidly being absorbed into or treated as Crown property. In the troublous times of the Danish Wars, the Witan granted him a *geld* or tax imposed upon land, which was to be used in the defence of the realm and was not to be collected save to meet the specific charge of encountering or buying off the Danes. As a matter of fact, the king calculated the necessities of defence on a liberal basis and succeeded in making Danegeld into a permanent source of revenue. In addition, he had a part of the moneys levied as fines in the shire-courts.

In the reign of Edgar we learn of royal decrees for the fixing of uniform weights and measures and of the regulation of coinage throughout the realm—all evidence of foreign trade and of the interchange of commodities between manor and manor. The Danish invasion and the establishment of a Danish dynasty at Westminster brought England in general and London in particular into touch with Northern Europe, so that about 1000 A.D. we find a shipmen's guild in London and learn that three voyages across the North Sea in his own ship made a merchant thegn-worthy.

Until incipient commerce brought money into the realm, providing an economic as well as an arbitrary political link between the manors of which the realm was made up, the king must have found it well-nigh impossible to weld together his dominions, save for war, and extremely difficult to collect his revenues and to accumulate a hoard. England before the Conquest produced little of exchange-value. Every manor was practically self-contained, and even the arms and armour of war were simple articles of local origin. Leather, horns, skins, and, maybe, herring would be among the few commodities of commerce. In an economy such as this, no wonder that the king could keep his money in a closet off his bed-chamber!

But by the 11th century, the Wardrobe became inadequate, and, instead of carrying his money around with him, the king deposited a strong box in the keep of Winchester Castle and appointed a Treasurer with a staff of clerks to assist him. Now, the main Crown officers consisted of:—Justiciar, Chamberlain, Treasurer and Chancellor. After the Norman Conquest, these officers of state become more clearly visible, and in place of the Witenagemot we have the Great Council of the Realm, or *Curia Regis*, meeting once or twice a year under the presidency of the king or his regent, the Justiciar. In the 11th and 12th centuries there was no recognised theory of government

defining the relations between the King's Ministers and the King's Council. Practice precedes theory, if not in philosophy, at any rate in history.

William the Norman maintained the laws and customs of King Edward the Confessor substantially intact; contrary to the notions of school-book history made no wholesale confiscations; continued the Anglo-Saxon *fyrð* or *levy en masse* as a counterpoise to the feudal army of his Norman retainers; and made all the great earldoms and baronies into *fiefs* of the Crown. He re-imposed the Danegeld, not as a war measure, but as a convenient source of permanent revenue, a land-tax calculated on the basis of cultivated plough-lands; and to make the collection sure he ordered the compilation of "a rent-book of valuation of all the land in the Kingdom," with particulars of the tenures and rents due from these in the time of King Edward the Confessor. The record was kept in the Treasury at Winchester and became known as Domesday Book—the book of the "dooms" of tenures and rents by which the officers of the Crown could calculate and check their revenues.

With this as a basis on which to estimate the taxable resources of the realm, the king was able to augment his income from the "casualties" of feudal law, viz., fines in the Courts, fines on succession to estates, and "aids" due to the superior. The Domesday Survey enabled the king to levy contributions on his fifteen hundred tenants-in-chief almost as effectively as they laid contributions on their own tenantry. But whilst they could take toll of their tenantry in labour-service and in kind, their superior found it well-nigh impossible to take his tribute in these forms. The king needed to take his exactions in their monetary equivalent and to estimate them in the same universal medium.

The Norman kings maintained and strengthened the power of the sheriffs in the county courts, making these local deputies of the sovereign the intermediaries through whom rents and taxes were remitted to the Court of Exchequer en route to the Treasury. This Court of Exchequer was a department established by Henry I at Westminster, to which the sheriffs came twice a year to render account and to pay in their moneys to the royal officers. In this Court were two departments, the Exchequer of Receipt and the Exchequer of Account. The Court took its name from the figured cloth on which the clerks worked out their accounts.

The next step forward in administration was for the king to send the Barons of the Exchequer on circuit to the shire courts to supervise the administration of justice, to make close inquiry into the customs and to ferret out means whereby the royal revenues might be depleted or augmented. Stubbs throws an interesting beam of light across the material foundations of our political institutions when he remarks:—

So intimate is the connection of judicature with finance under the Norman kings, that we scarcely need the comments of the historians to guide us to the conclusion that it was mainly for the sake of the profits that justice was administered at all. . . . The value of justice depended in his (Henry I) eyes very much on the amount of treasure with which it supplied him. (*Constitutional History of England*, Vol. I, p. 418.)

The Barons of the Exchequer presiding in the shire courts provided "the link between the old and new organisations of the country by which that concentration of local machinery was produced, out of which the representative system arose."

So we see the beginning of that wonderful and mysterious High Court of

Parliament, with its legislative and its judicial functions grounded in that most material question of exacting and contributing the monetary equivalent of the rents and services due from the tenant in chief to his sovereign lord the king. We see the ancient and venerable constitution of this realm of England being built as a system for exacting tribute from tenants who in turn exacted tribute from other tenants who pushed the plough across the acre-strips of the prevailing manorial economy.

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(To be continued.)