Feudalism: a brief history of the idea

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Definitions.

In everyday speech, "feudal" can mean "aristocratic" (in contrast to democratic), "sumptuous," "reactionary," "hierarchic" (as opposed to egalitarian), "primitive," "medieval," or simply "despotic"or "oppressive" when speaking about political, social, or economic regimes. Since the nineteenth century it has been used this way, most often as a term of opprobrium, in English, German, and the Romance languages. "Feudalism," meaning either a period or a regime dominated by lords, or domination by people who possess financial or social power and prestige, is a relatively late arrival. It first appeared in French in 1823, Italian in 1827, English in 1839 and only late in the nineteenth century in German. What it refers to, however, already appeared as "la féodalité" in the Comte de Boulainvillier's *Histoire des anciens Parlements de France* (1737; English translation: An Historical Account of the Antient (sic) Parliaments of France or States-General of the Kingdom, 1739). The expression was translated as "feodal government" in the English version and popularized as both "feudal government" and "the feudal system" in Adam Smith's *Wealth of Nations* (1776).

As a term of art used by historians, the adjective "feudal" and the noun "feudalism" may mean many things, most of them variants on one or more of three basic conceptions. 1) The legal rules, rights, and obligations that governed the holding of fiefs (*feuda* in medieval Latin), especially in the Middle Ages. This was the only meaning of "feudal" in any language before the eighteenth century. In the eighteenth and nineteenth centuries this definition was extended to encompass the nature of government at the time when fiefs were a prominent form of landholding, in particular one in which those who held fiefs exercised powers of jurisdiction and constraint either by their own customary right or by grant or usurpation from the king or emperor. Often in this definition such

grants and usurpations are referred to as "the privatization of public powers." 2) A social economy in which landed lords dominated a subject peasantry from whom they demanded rents, labor services, and various other dues, and over whom they exercised justice. This was essentially the meaning given to the term by Adam Smith. 3) A form of socio-political organization dominated by a military class or Estate, who were connected to each other by ties of lordship and honorable subordination ("vassalage") and who in turn dominated a subject peasantry. Lordship gave protection and defense, vassalage required service, especially service in arms. This personal relationship inseparably involved a tenurial relationship as well, the vassal holding land of his lord. Feudal domination therefore took shape within an economy where the primary source of wealth was land and its products. It was supported by a complex of religious ideas promoted by a hierarchical Church that was integrated into the structure of lordship..

These three conceptions are clearly related. Modern historians may insist that one or another or some combination is the "true" or "correct" definition or may discuss one while recognizing that alternative definitions exist. German historians in the later nineteenth century invented separate terms for these different concepts, "Lehnswesen" for the first, "Feudalismus" for the second and third. British and American historians may refer to the first as "feudalism" and the second as "manorialism," while the third may be called "feudal society."

Already at the beginning of the twentieth century the English legal historian F. W. Maitland argued that "feudalism is an unfortunate word" that had been given an "impossible task." And since the 1960s, a number of historians, particularly in the U.S. and in England, have argued that the confusion caused by these different meanings is reason enough to ban the term from professional

use. A more complex objection to the use of the term in any of its meanings has come from the difficulty historians have in reconciling the historical assumptions that lie behind all conceptions of feudalism with what they find in their detailed research into medieval social, political, and economic relationships. There has also been a shift in the academic discipline providing the tools to study medieval society. Almost all nineteenth and early-twentieth century students of the subject came to it from training in the law, Roman Law on the Continent and the Common Law in England; their accounts were shaped by legal categories. In the second half of the twentieth century, especially in the United States, anthropology has increasingly influenced the conceptual framework of medievalists and therefore the way in which they read the sources. In this light they have found many legal-institutional concepts wanting, among them the concept "feudalism."

History of the concept.

The eighteenth century

All the definitions of feudalism were born in the ideological conflicts of the Enlightenment and the French Revolution and the revolutionary politics that swept out of France across Europe in the nineteenth century. They have been shaped by the ideologies of economic liberalism, political egalitarianism, democracy, and socialism, particularly the Marxist variety. They have also been shaped by nineteenth century philosophies of history that were created in the same ideological environment. Since the eighteenth century the invidious meanings of "feudal" in popular, polemical usage and the attempts by historians to give the term a technical, professional meaning have never been far apart.

On 4 August 1789 the French revolutionary National Assembly abolished the "feudal regime"

(*régime féodal*). A jurist who was asked to explain to an Assembly committee what exactly the act had abolished replied that it included not only rights belonging to or derived from fiefs properly speaking, but also "all rights commonly in the hands of lords...that is lordly rents, crop-sharing (*champart*), labor services (*corvées*), monopolies (*banalités*), dues that represent former servitude, and so forth.... And for the same reason all rights of justice... for rights of justice follow the fief and there is no fief without rights of justice."

In abolishing these lordly rights, especially those of justice, the Assembly took the final logical step in a program that royal jurists had been promoting since the late sixteenth century — to establish that all rights of justice and command belonged to the State (*res publica*), embodied in the king, and were exercised by royal commission or grant. If that were so, then all claims on the wealth or work of others, if they were not freely contracted, were likewise public powers held of the king. Once "the people," represented in the Assembly, came to embody the State, they could reclaim what had once been alienated.

During the eighteenth century, the two components of the "feudal regime," lordly rights over dependent tenants and lordly rights to positions of authority, had been defended by appeals to history. This is hardly surprising, for landlords pressed for funds were increasingly hiring specialists, called "feudists," to examine their ancient muniments and discover dues and rights long forgotten. Two diametrically opposed versions of the historical record emerged. One, represented notably by the abbé Dubos in his *Histoire critique de l'établissement de la monarchie française dans les Gaules* (1734; Critical History of the Establishment of the French Monarchy in Gaul), argued that the original Frankish kings were appointed by the Roman emperors and had appointed the nobility to

its positions and commissioned them to exercise their powers. Against him, Boulainvilliers and Montesquieu in his *De l'esprit des lois* (1748; The Spirit of the Laws) argued, on the contrary, that the Frankish kings and nobility with their followers had come as conquerors. The nobility, whose eminence was recognized both by grants of fiefs and participation in the assemblies that these authors believed were the precursors of the Estates, had from the beginning exercised justice over their subordinates. As they constructed their historical narratives, Boulainvilliers and Montesquieu stopped at many of the way-stations that would continue to be the standard monuments of the history of feudalism in twentieth-century textbooks: the Germanic war bands described by Tacitus, the early Frankish *antrustiones* (royal followers), Carolingian oaths of fidelity, the capitulary of Quierzy, and many others.

By 1789, the debate over the historical origin of noble rights had also been transformed by a dramatic change in the concept of liberty. For Boulainvilliers and Montesquieu, liberty meant the rights that distinguished one person or group from others, the meaning it had had since the Middle Ages. "Liberty" for them was what the modern world calls "privilege." It was in this sense that Charles Forman declared his translation of Boulainvilliers into English to be "for the instruction of ... British lovers of liberty." For the revolutionaries of 1789, in contrast, "féodalité" was the antithesis of "liberté,"which could only be realized by equality before the law. The only distinctions the law could legitimately recognize were differences in property, excluding all those rights of exaction and justice that aristocrats had claimed as their property. Property was the realm of "private" activity. Justice, taxation, and all powers of command were "public."

When combined with the earlier historical narratives, this revolutionary redefinition of liberty

bequeathed two fundamental themes to all nineteenth- and twentieth-century historical accounts of "feudalism." First, feudalism involved the devolution of "public" power into "private" hands, a process that happened when the emperor or king granted such powers to his followers, or when the followers usurped them, or when the State, embodied in royal power, broke up. The historical problem became to discover exactly when and how this devolution occurred and how the "feudal state" was held together. Second, in the feudal regime all rents and obligations that were not freely contracted, whether in money, in kind, or in labor services, were the product of the political, social and military domination of the strong over the weak, of lords over peasants. Again the historical problem was to discover how and when this developed.

The nineteenth and twentieth centuries

It was in nineteenth-century Germany that these two themes diverged, each eventually becoming the domain of an academic discipline as well as a polemical model.

After the Napoleonic Wars, aristocratic privileges and princely governments were partially restored in the lands of the old Holy Roman Empire. At the same time, national unity was more than ever the fervent desire of many intellectuals. Legal and constitutional historians in the developing universities sought to reconcile the two, the status quo and the desire for unity, by making "feudal government," *Lehnswesen*, the fundamental character of the old Germanic state. By defining it in what they called a narrow technical sense as the law of fiefs (and inventing a new name for it), and at the same time universalizing it into a constitutional form, they sought to cleanse feudalism of its polemical, revolutionary embarrassments. The narratives they developed were essentially variations on Montesquieu's, though debating whether the original German nations were unitary states of ruler

and subjects (Georg Waitz, "Lehnswesen," 1861), or already "feudalized," as earlier historians had claimed, and, if they were unitary, how and why the system of fiefs developed with its fragmentation of state power. They resolved the old debate between the "Romanist" origin of noble powers and the "Germanic" by making the "institutional" side of feudalism Roman and the personal Germanic. Whatever the differences among historians, all were convinced that the "feudal state" was an organized hierarchy of fiefs and powers, from the king down to the most minor lord. The "feudal pyramid" was born. Thus they gave the German princes historical legitimacy while still asserting the existence of a "German constitution." William Stubbs adopted the German definition of "Lehnswesen" for feudalism in his *Constitutional History of England* (1874), asserting that William the Conqueror brought feudalism "full blown" from France. It has remained the technical meaning of feudalism in British historiography ever since.

Meanwhile, philosophers of history and political polemicists of all tendencies, but most notably Karl Marx, sought to place feudalism among the stages in the historical development of human society. For Marx, the critical questions to ask in defining each stage were: who owns the means of production? And what are the class relations to those means of production? In the stage of feudalism, landlords are the owners and they use political and military force to extract surpluses from their peasant subjects. This conception of feudalism was the required view in the Soviet world. Since the Second World War it has also had a large following among western European historians. Non-Marxist or semi-Marxist "stage narratives" of the origins of feudalism have also proliferated, combining the story of the subjection of the peasantry to political and military force with various aspects of the other legal feudal narrative (J.-P. Poly and E. Bournazel, *La mutation féodale*; 1980,

The Feudal Transformation; and T. N. Bisson, "The 'Feudal Revolution'," 1994).

Problems with all conceptions of feudalism have come from the discovery that before the thirteenth century fiefs had an insignificant place in aristocratic landholding; that, other than in England, peasants owed few if any labor services and in some places owned some of their land and held the rest by rental contracts; that the conception of serfdom varied widely from place to place and changed radically over time; that the relations among landholding, lordship, and fidelity likewise varied widely in space and time. Historians have questioned whether and in what ways one can speak of law and legal institutions in Europe before the revival of Roman Law in the twelfth century. They have also questioned whether one can speak in any meaningful way of an early-medieval state. This and much else has led some historians to argue that the concept no longer has a place in historical discourse.

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