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Elma A. Drosso

The Fall and Rise of Labour Dues: The 13th Century
Manor in the Shadow of the King

Simon Fraser University

Ph.D.

1985

Michael Lebowitz

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THE FALL AND RISE OF LABOUR DUES;
THE THIRTEENTH-CENTURY ENGLISH MANOR IN THE SHADOW OF THE KING

by

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B.A., American University in Cairo, 1974
M.A., Simon Fraser University, 1976

A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
in the Department
of
Economics

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SIMON FRASER UNIVERSITY
April 1985

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The Fall and Rise of Labour Dues: The 13th Century Manor in the Shadow of the King

Author:

Elma A. Drosso

April 9, 1985

ABSTRACT

A problem that has engaged the attention of economic historians is the English thirteenth-century reversion to labour dues. Explanation of what appears to have been a temporary reversal or aberration in the supposedly natural tendency for labour to become 'freer' with the spread of markets and a money economy is a matter of controversy among some theorists.

The research reported in this dissertation addresses this question and has the following facets:

i. It examines the major theories and data bases and presents a sharper delineation of the nature, extent and limitations of the reversion that occurred in England.

ii. It examines the situation in other countries which could be regarded as close to thirteenth-century England in 'comparative history' terms. In particular, it seeks to establish whether the explanations offered for the phenomenon in England can account for developments in France, Germany, and other countries.

The contribution which I hope this research has made to the understanding of this question is the following:

a. a tighter focus on the problem as an aid to further analysis, as mentioned under i) above.
b. When carefully examined, existing theories do not adequately explain the absence of an English-type movement in other countries - thus leaving us with unanswered questions.

c. This dissertation advances the hypothesis that a way to approach these questions is to take into consideration a factor that has been neglected in these theories. This factor is the difference in the political and fiscal ties existing between Crown and lords in England as contrasted with the other countries. Chapter VII advances the detailed arguments showing how consideration of this factor sheds light on the thirteenth-century turn of events observed on English manors.
ACKNOWLEDGEMENTS

The debt I owe Professor M. Lebowitz and Professor C. Reed goes much beyond the recognition that they steered me and kept me on the right course throughout the process of writing the dissertation. Without their gentle prodding and overall support the task undertaken would have been very lonely. I also wish to thank Professor J. Knetsch for serving on the committee. As for my friend R. Bharath, he knows best how much his concern and sense of humour have sustained me, during this last year. It was also my good fortune to have, first Trish Glanfield, then Dorothy Smith type the dissertation. Rather different in style, both have been most helpful and convivial co-workers.
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INTRODUCTION

The notion that the concepts of "manorialism" and "feudalism" should be understood as denoting two distinct institutions is not new. Marc Bloch put it forth in several of his writings. More recently, Guy Fourquin discussed this notion and its implications in Lordship and Feudalism in the Middle Ages. At the heart of this discussion is the nature of the interaction between the two institutions; neither Bloch nor Fourquin ever intimated that, in being distinct, feudalism and manorialism were also without connections. As pointed out by Fourquin, Bloch did conclude in Feudal Society: "Lordship in itself has no title to a place in the succession of institutions which we call feudal." But this statement is to be interpreted as indicative only of the fact that the institution of manorialism preceded and survived feudalism. Bloch undoubtedly believed that an understanding of feudalism at work requires an analysis of

1 See, for instance, Feudal Society tr. by L.A. Manyon (Chicago, 1964); also, "European Feudalism" and "the Rise of Dependent Cultivation and Seigniorial Institutions" in Mélanges Historiques, Tome I (Paris, 1963).


3 In Fourquin's Lordship and ... the quote is on p.14. In Bloch's Feudal Society the statement is to be found in vol I, p. 279; the wording there is slightly different because of variations in translation.

4 This is hinted at in Fourquin, Lordship... pp. 13-14. Also, consider Bloch's statement in Feudal Society vol. II, p. 442: "Though an essential element in feudal society, the manor was in itself an older institution, and was destined to last much longer."
the manor as its main source of income—hence, his statement that "the seigniory, or manor, was the fundamental unit of the feudal regime." Feudalized societies, he stressed, invariably rested on some form of manorial organization though there were certainly instances of manorialized societies devoid of the feudal nexus.

If necessary for feudalism, and yet not constitutive of it, can manorialism be studied in isolation? I consider this to be the more delicate and the more contentious question as opposed to the question of whether feudalism can be understood without reference to manorialism. Pourquin's view is that, "[O]ne might consider the question of lordship without saying much about feudal institutions, but the opposite would be far more difficult [emphasis added]." Should we subscribe to this view? To recognize, as Bloch did, that manorialism was always "profoundly influenced by surrounding conditions" brings to mind the possibility that a consideration of the feudal variable could help us understand the evolution of the manor—in other words, that a closer look at political and fiscal arrangements, at the level of the ruling class, could partly explain the relationship between lord and manorial dependants:

5 Bloch, "European Feudalism" in Melanges... Tome I, p. 182.
7 Pourquin, Lordship... p. 3.
I propose to weigh the importance of the feudal variable on manorial relationships by studying the question of the apparent reversion to labour dues in thirteenth-century England. In terms of what variables has this seeming retrogression been explained? Do the different arguments presented incorporate the feudal variable? To what extent, or in what sense, would a consideration of changes and variations in feudal relationships further our understanding of this specific phenomenon? Such are the questions underlying this thesis which will focus on the form of manorial extractions in twelfth- and thirteenth-century England. Having said this, I should add that the issue of the form of the payments extracted on the manor is bound to involve the interrelated issues of changes in demesne cultivation and in the size of the payments. Conceptually, however, these issues should be regarded as distinct. Moreover, woven into some of the arguments about the forms of the payments extracted are perceptions concerning changes in the degree and in the quality of the freedom enjoyed by manorial dependants. To separate the different threads in arguments that implicate ideas about freedom as well as conjectures as regards income redistribution effects is difficult but will be attempted whenever possible.

As for the temporal framework of the research undertaken, I would like to specify that, while focusing on a thirteenth-century English phenomenon, the thesis will include discussions bearing on the eleventh and on the twelfth centuries. Much of the speculation about the thirteenth century is part of broader models seeking to explain the English chronology of labour dues
from around the tenth to the fourteenth century; and the logic of several of the arguments about the thirteenth century is closely integrated with explanations involving earlier periods.

**THE METHOD OF COMPARATIVE ANALYSIS**

My inquiry will extend beyond England. Expounded by M. Bloch, the method of comparative analysis lends itself well, I believe, to my investigation. Intending neither to dwell on, nor to extoll, the virtues of this method I wish, nevertheless, to indicate why I consider it a suitable approach to the questions posed above. To begin with, it can help us establish whether the reversion to labour dues - if indeed a reversion there was - was unique to England; or whether it was part of a movement encompassing the global European medieval economy. In the latter case, the search for purely local causes would prove futile. Furthermore, comparative analysis is a way of testing the various hypotheses attempting to explain the presumed reversion to labour dues; the test would consist in trying to discover contradictory evidence in comparable economies. This raises the questions of what constitutes a society comparable to the thirteenth-century English economy, and what kind of evidence is both available and reliable.

In trying to provide guidelines for the process of comparison, M. Bloch suggested as a possible route "to compare ... societies that are contemporary, that live close to one another, and that go back if not to one common origin, at any rate to

---

several." Reformulating Bloch's thought, M. Sewell describes the suggested approach as an attempt at achieving as nearly as possible "the experimental condition of all other factors being equal." But he also points out that similarity is not inherent in "temporal and spatial proximity." According to Sewell, whether close or afar, societies displaying similarities, or connections, can be usefully compared as long as "some explanatory problem is being addressed."

Given the problem at hand, it is appropriate to put in juxtaposition to England a number of countries (or rather regions within countries) known to have been heavily manorialized, regions with moist and heavy soils, with open fields and with some form of communal agriculture, regions that were, to a greater or lesser extent, feudalized in their political organization. Parts of medieval France, Germany, Northern Italy and the Low Countries appear to have shared these characteristics and, in principle at least, fit into the framework of a comparative analysis whose object is to put the apparent English reversion to labour dues in better perspective. The discussions to come will draw upon information concerning developments in each of these countries, with France being in the limelight - a

12 ibid.
13 ibid., p. 214.
choice that was dictated by the sources available to me. This brings up the question of the nature of the data handled: the thesis is based exclusively on secondary sources. As a result, the distinction between facts and theory (a distinction that is often hard to draw) will appear to rest, at times, on rather fragile grounds. But the diversity of the texts consulted will somewhat ensure that I handle the evidence presented with caution.

Broadly, the thesis consists of four parts. I begin with an examination of the various theories about the hypothesized reversion to labour dues and then proceed with an overview of some relevant data on England, France, Germany, Italy and the Low Countries. Thereupon, I address the question of how the reviewed theories stand in light of the data gathered and, in the concluding part of the thesis, I undertake an analysis in terms of the so-called "feudal variable".

My concluding analysis, in fact, the whole effort undertaken in the dissertation - can be integrated into a perspective focusing on the structure of property rights. From this perspective (as outlined by Douglass North) the manorial lord could be viewed as a ruler-landlord who, in his attempts at extracting maximum economic rents, was subject to two constraints: (1) a competitive constraint emanating from the threat posed by alternative rulers - that is, potential rivals and (2) a transaction cost constraint. Changes in either one of these constraints

would lead to different rent-extracting arrangements -- different in size and/or in form. Worded somewhat differently, the lord's behaviour can be analyzed holding constant a given set of property rights. The presupposition here would be a form of economic organization in which claims to income are, if not fully specified, at least taken for granted. And, in this case, changes affecting negotiation costs (as a part of transaction costs) could explain changes in the form of the rent-extracting arrangements observed on the manor: chapters II and VI of the dissertation outline and assess arguments about thirteenth-century England which employ this logic. The conclusion reached in the dissertation is that these arguments do not stand up against the Continental data available.

A different category of explanations accounting for the evolution of manorial arrangements begins by relaxing the assumption of a given set of well specified property rights and a given competitive constraint. This leaves the door open to two kinds of hypothesis. In response to the onset of diminishing returns and the consequent rise in land values in the thirteenth century, the lord could have acted so as to affect the allocation of rights between himself and his dependants, thereby affecting the form and the size of his rent extractions. This hypothesis is embedded in the very last argument reviewed in chapter II. Alternatively, maximum rent extraction might have required the lord to invest in specifying his right as against those of his rivals. This second hypothesis is at the core of the dissertation. More specifically, the argument is that the
role of labour obligations on thirteenth-century English manors can be understood precisely through an analysis in terms of the distribution of rights between rulers. Summed up, the idea put forth is that a shifting competitive constraint affected both the size and form of manorial extractions. It is in this sense that I consider feudalism essential for an understanding of the manor: together, chapters III, IV, V and, in particular, the concluding chapter of the dissertation substantiate this hypothesis by drawing on relevant comparative data.
CHAPTER I

A PRELIMINARY DISCUSSION OF

POSTAN'S CHRONOLOGY OF LABOUR SERVICES

Before examining the hypotheses about the thirteenth-century English manorial situation, I should explain why, in the introduction, I repeatedly qualified the reversion to labour dues by referring to it as a "presumed" reversion, an "apparent" reversion, or a "seeming" retrogression. In other words, whence this uncertainty? The question is crucial since, at issue, are the basic data around which the thesis revolves. The answer lies in the evolution of M. Postan's thoughts on the subject; the man whose 1937 article launched the concept of an interrupted trend in the English chronology of labour dues is the very source of this uncertainty. M. Postan seems to have travelled away from a rather straightforward view of thirteenth-century developments, expressed in his seminal "The Chronology of Labour Services" towards a more complex formulation of what he believes to have occurred in thirteenth-century England. To describe (as background information to the discussion of the relevant theories) the changes that took place on the English manor proves to be quite an involved task; Postan's facts, on which most of the theories draw, are ambiguous. In general, I would say that an analysis conducted solely in terms of Postan's early work would

likely be flawed. What this work achieved was to cast doubts on the notions that servile labour obligations would fade irreversibly in the face of growing markets and a money economy, and that a 'freer peasantry' was a natural concomitant of the spread of markets. The Eastern European experience with serfdom confirmed these doubts. Now what follows from Postan's later versions of events are doubts regarding the extent to which the reimposition of labour dues actually resulted in their extensive use on demesne lands.2

In a mostly descriptive paper (first published in 1937, then revised yet not substantially altered in 1968), Postan concluded that

"the typical sequence [in England] is from labour services to partial or complete commutation, and then back again to partial or complete return of labour services. To say that the sequence was typical is also to insist on the fact that it was not universal ... exceptions there were ... but numerous as they may be they do not obscure the general trend, which no statistical test, however simple, will fail to exhibit."3

Earlier in this paper, Postan had linked labour dues to demesne cultivation by specifying: "of the two elements in the equation - demesne and villeinage - the demesne was bound to exercise the stronger influence upon the evolution of labour dues. When the demand of the demesnes declined [in the 12th century], the lords could dispense with some of the services previously required ..."

2 Demesne lands were the arable lands whose output was entirely the lord's.

mutatis mutandis, when and where the demand grew [in the 13th century], the lord would be inclined not only to exact the services in full but also to impose additional obligations." Thus formulated, Postan's ideas about the sequence of events are self-explanatory. A return to demesne cultivation is supposed to have been accompanied by, and to have determined, the revival of labour dues - labour dues to be used precisely for the purpose of demesne cultivation.

Some of these ideas are reiterated in Postan's The Medieval Economy and Society but the concerns of this work tend to be more theoretical. They include, for instance, a consideration of the reasons behind both the retrenchment and the resumption of direct cultivation. Also, the work contains what I consider to be an important variation in Postan's discussion of the return to labour dues. When describing how the general movement of commutation came to an end and how labour services were once again being exacted in full, Postan suggests that not all of the services were "necessarily taken in kind." In some instances "a proportion of labour services were sold from year to year." Generally then, The Medieval Economy and Society conveys the impression of a looser connection between the resumption of

4 ibid., pp. 92-3.


6 ibid., see chapter 6 and, in particular, pp. 105-111.

7 ibid. p. 168.

8 ibid.
direct cultivation and the use of the labour of unfree tenants.

More confusion stems from Postan's thoughts on the subject as he put them forth in a conference in 1955. He then noted the following:

When Marc Bloch made his plans to come to England in 1939 to work together with us on the contrast between English and French agrarian institutions, both he and I were absolutely certain that there was a contrast; that whereas in France and West Germany labour services and the domanial economy had almost completely disappeared by the beginning of the 13th century, in England they were still intact. Now it is this contrast that we have now begun to have doubts about. It so happens that the monastic estates for which we have the best evidence contrast most with the estates abroad, but episcopal estates and two or three secular estates about which we know more, now, and even the closer analysis of some monastic estates, suggest that over a greater part of England, possibly in the great majority of estates, labour services did not play an important part in the 13th century.\(^9\)

What is one to conclude from the above remarks? Can they be integrated with Postan's earlier and later accounts of the evolution of the English manor? It would appear that Postan finds himself to be on firmer grounds when asserting a resumption of direct demesne cultivation in thirteenth-century England than when positing a reversion to labour services. And in fact, scattered in the literature today are statements suggesting that the movement back to the use of labour dues was limited both in scope and time (much more limited than was initially

believed). Postan's "The Chronology of Labour Services" was thus probably misleading although perhaps not entirely so. It could still be that labour dues prevailed in thirteenth-century England but perhaps in a different sense, or through a different connection - a connection other than a possibly weak association with demesne cultivation!

Are there other problems with Postan's chronology of labour services? Was there indeed a movement away from the direct cultivation of demesne lands in the twelfth century? And were demesne lands parcellled out as well as farmed out? There could have been a movement to farm out demesne lands, even whole manors, inclusive of the required labour services. Only the case of peasant holdings carved out of demesne lands would necessarily entail a reduction in labour services.

The overall picture emerging out of Postan (as well as out of some other contemporary sources) is as follows: the wholesale farming of manors to middlemen, for a fixed rental of money and food or money alone, went back to the eleventh century and prevailed in the twelfth century. What was more specific to the twelfth century was that new holdings were being created out of the demesne and thus passed into the hands of villagers. Servile holdings were commuted to money rents and labour services were released. Whether the transactions involved in the

release of labour services constituted just sales of work or whether they were considered, from the start, to be of a more permanent nature (i.e., whether they were akin to permanent commutation) appears to be unclear. Finally, there is evidence of short-term leases, even of annual leases, on demesne lands. Where long-term leases had been agreed upon, entry fines often acted as a substitute to periodic renegotiation. In sum, assuming these observations to be accurate, there existed more flexibility than one might be inclined to associate with the farming out of manors and of demesnes.

Postan's portrayal of the twelfth century has had a sharp critic in A.R. Bridbury who disputes the extent to which labour dues were attenuated in the twelfth century and who suggests thereby that the concept of a thirteenth-century revival of labour dues is delusory. Neither does Bridbury believe that demesne lands were frequently parcelled out to villagers (an occurrence entailing the commutation of labour dues), nor does


12 In Rural Economy and Country Life in the Medieval West, on p. 210, Duby suggests that the lord did not abandon altogether his right to summon his tenants for the performance of the obligations from which they were being released.


16 Bridbury, "The Farming Out of Manors".
he consider the evidence of farming out of whole manors and of whole demesnes to constitute "evidence of hard times." In his words, "there was never any question of a recovery in the thirteenth century from the dissolution of the manor's most important relationships in the twelfth, because there was never any question of the dissolution of these relationships in the twelfth century."

In general, Bridbury calls in question the effects of political instability on "the economic foundations of society" (such instability having led, in his interpretation of Postan, to the contraction of demesnes and to the disintegration of manors); in fact, he seems to question the belief that the twelfth century was especially "tumultuous and distracted." Bridbury also defends the view that 'farming out' was an efficient method of manorial organization. He thus argues that "the manor itself ... was not necessarily rendered more productive as a result of the switch from farming out to direct management." As for his attempt at undermining the evidence in Postan that points to the shrinking of demesne lands and to the commutation of labour dues, Bridbury goes over Postan's list of estates from which he

17 Ibid., p. 505.
18 Ibid., p. 513.
19 Ibid., p. 504.
20 Ibid.
21 Ibid., p. 518-519. I also believe Bridbury to be of the opinion that there are no reasons to expect the distribution of the yields between farmer and lord to have been more detrimental to the latter than had a reeve been in charge.
tries to extract contrary evidence. Is he successful? Reading Postan's retort suggests that he is not, and that, on the whole, he missed the mark. Some of Postan's points are that Bridbury distorted his thoughts by exaggerating them and that his contrary observations apply at most to 6 or 7% of Postan's sample of estates.

Of interest is how Bridbury challenges the presumption of extensive commutation with a rhetorical question: how can we reconcile the hypothesis of commutation with the attempts of twelfth-century lawyers to define the servility of villeins precisely in terms of labour services? He forcefully underlines what he sees as the dilemma facing legal historians who have subscribed to Postan's sequence and he mentions A.L. Poole in this connection. However, the definition of servility could have been in terms of a past obligation to perform labour dues. Furthermore, in Poole's Obligations of Society in the XIII and XIV Centuries, the argument is not that labour services constituted a standard test of villeinage throughout the twelfth century. The tests of villeinage became clearer only in the thirteenth century, and even then "the proof of villeinage was a very intricate matter ... one in which there was often much room

23 ibid., see footnote 1 on p. 523.
25 ibid.
26 see thesis below on p. (66)
for doubts. Note also that, whereas Postan places the movement away from direct cultivation mostly during Stephen's reign (1135-1154), Poole places the lawyers' endeavours to define servile status in the latter part of the twelfth century. Commutation in the mid-twelfth century could well have been followed by a turnabout later in the century. I fail to see the dilemma perplexing Bridbury.

Were Bridbury's contribution to convince us, it would seem to close the door to any further inquiry into the broad issue of a specifically English chronology of labour as it has been conceived thus far. In view of this, a possible response would be to disregard Bridbury's contribution altogether and to proceed on the basis of the existing consensus; that is, that thirteenth-century England witnessed some reversion to labour dues - a reversion whose nature would have to be specified. Alternatively, assuming Bridbury to have been correct in his belief that labour services contracted very little in the twelfth century, an interesting question would be whether labour services assumed a new significance in the thirteenth century; and if so, then in what connection or for what purpose? In this sense, Bridbury's contribution need not detract, I think, from an inquiry into the further role of labour services in the thirteenth century.

A digression on the question of commutation and freedom

The question of how the commutation of labour dues might have affected the freedom of manorial dependants is rather complex. Thus, in commenting on a model of manorialism that will be extensively reviewed in the thesis (the North-Thomas model), A.J. Fields guards against the assumption that "increased freedom necessarily goes hand in hand with an improvement in the standard of living of peasants." Having noted this, Fields suggests further that "commutation ... increases the choice set of peasants." This is true, ceteris paribus. Yet to the extent that commutation could lead to a reduction in the wealth (or in the security of tenure) of manorial dependants, it could also put new restrictions on their choice set - in other words, on their freedom, if freedom is to be understood indeed in terms of possible choices. How to assess the net effect of commutation in this hypothetical but plausible situation is unclear. Alternatively, freedom could be defined in terms of legal rights such as the right to marry at will, to bequeath one's inheritance at will, etc. However, the acquisition of these rights was not inherent in the commutation of labour dues. Note that the dependants' wealth function would also play a role here, since these rights were bought and sold. Briefly then, if freedom is viewed in terms of the concept of a choice set, and if


29 Ibid.
the question concerns the immediate effects of commutation on
the dependants' range of choices, then commutation in relation
to freedom can be a thorny subject. On the other hand, if seen
as part of "the movement of the progressive society ... from
status to contract"\textsuperscript{30} then it becomes only natural to regard the
commutation of labour dues as ultimately liberating.

CHAPTER II  
THE REVERSION TO LABOUR DUES THEORIZED

Although the focus of this chapter is on the presumed reversion to labour dues, the discussion will inevitably branch off into an examination of the possible reasons behind the expansion and the contraction of direct demesne cultivation since, in several of the arguments considered below, this issue overlaps with the labour dues issue. In part, my task will be to indicate where a connection between the two might have been too readily assumed. Underlying the organization of the chapter is a rather specific question with which the reader should be acquainted: to what extent do the arguments reviewed address themselves to the issue of a reversion to labour dues in use on demesne lands? This question should serve as a guiding thread through arguments that are both lengthy and convoluted at times.

To complete the material covered in the first chapter, the discussion opens with Postan's reflections on the twelfth and thirteenth centuries. Appended to this is a quick summing up of two explanations of direct demesne cultivation in the thirteenth century that bear upon Postan. Subsequently, the sequence of arguments examined proceeds from arguments in terms of labour dues in use on demesne lands to arguments that reveal other connections, and that are, therefore, more consistent with current doubts as to the significance of labour dues in use on thirteenth-century demesnes.
M. POSTAN ON THE EBBS AND FLOWS OF DEMESNE CULTIVATION AND, MORE PERIPHERALLY, ON LABOUR DUES

In *The Medieval Economy and Society*, M. Postan's explanations of the evolution of the manor tend to concentrate on the reasons behind the disengagement from, and the resumption of, the direct cultivation of the demesne rather than on the reasons behind the commutation and the resumption of labour dues. The latter reasons are touched upon but mostly as they relate to changes in the management of the demesne lands in the twelfth and thirteenth centuries.

In trying to explain the twelfth-century trend towards rent, Postan looks at a number of possible causes. The first such cause he describes as managerial: as the lords' estates grew, supervision became increasingly costly. The solution to this problem of supervision consisted either in farming out the demesne lands in their entirety, or in carving them and renting them as peasant tenancies. Postan also considers the possibility that the classical manorial structure (based on demesne and labour dues) was eroded through piecemeal, unpremeditated concessions by the lords. The problem with either of these causes is that they would not fit easily into a more global explanation attempting to account for both the twelfth- and the thirteenth-century changes. It would be difficult for Postan to explain

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2 ibid., p. 105.
3 ibid., p. 106.
the thirteenth-century resumption of direct demesne cultivation in terms of these very same reasons unless he chose to argue, for instance, that the lords altered their course of action upon realizing how far their concessions had gone. An interesting sideline: it has been argued that to invoke managerial difficulties (or declining profitability) in order to explain the lords' decision to lease demesne lands implies that, in farming the demesne, the prospective lessees would (and were known to) be more efficient than the lords. Only then would it "clearly pay both parties to negotiate a lease and thereby to share the gains of specialization." In the opinion of the proponents of this argument, this condition was probably met in the twelfth century when "specialization of the landholding and the managerial classes was expanding with the growth of market." However, the explanation "breaks down in the thirteenth century when, in spite of a growing market, the landlords resume their role as estate managers." Note that a twelfth-century interpretation of events in terms of changing relative efficiency would have to rest on the assumption of wealth-maximizing lords. Note, also, that it hypothesizes growing and well-functioning markets in the twelfth century - an assumption that is at odds with Postan's


5 *ibid*.

6 *ibid*.
portrayal of this century.7 Finally, the leasing of demesne lands does not necessarily indicate the commutation of labour dues since a lord could elect to lease the demesne lands with the requisite labour dues. In other words, managerial difficulties related to the size of the demesne do not constitute, unambiguously, an explanation for the process of labour dues commutation. As far as this process was concerned, the relevant questions are: was the demesne contracting? Postan suggests that it was indeed contracting. Did it become particularly costly to enforce labour dues in the twelfth century? If it did, then why the higher enforcement costs?

This brings us to the third argument provided by Postan— an argument that covers both the twelfth and the thirteenth centuries. The argument is again in terms of the changing profitability of direct demesne cultivation; its stress is on political circumstances and on movements in prices and costs of production as determinants of this profitability; chaotic political circumstances and adverse movements in costs of production 'caused' the lords to abandon direct demesne cultivation and to commute labour dues. That the lords were acting under pressure (i.e., defensively) seems to be very much a part of this argument. Upon reading Postan, one definitely gets the impression that the twelfth-century manorial economy was, from the point of view of the lords, very troubled: "prices and costs moved so as to reduce the profits of exploitation ... law and order so dete-

7 See p. 21 of the thesis.
riorated as to impede the exercise of the lord's authority over his agents and tenants. In Postan's words, "farming was often the choice of a lesser evil: the substitution of waste by farmers for the peculations of lords' bailiffs." (However, an inconsistency with regard to this picture of the twelfth century occurs in Postan's work when he contrasts the twelfth century with the fourteenth century. He then states that, "[w]hereas in the earlier period [the twelfth century] the landlord's dilemma - to let or cultivate - was how to choose between alternative roads to still higher profits, the same dilemma in the fourteenth and fifteenth centuries was how best to escape from threatening losses [emphasis added].") In short, for Postan, the twelfth century was characterized by low agricultural prices, high costs of production, civil war, poorly functioning markets, and uncertain and fluctuating revenues for the lords. Moreover, "so unenforceable was the landlords' authority over some of their estates that there was apparently little to prevent some villein tenants from taking the law into their hands or else inducing the lords to commute their labour services."

8 Postan, The Medieval ..., 106.
9 ibid., p. 110.
10 ibid., pp. 116-117.
11 ibid., p. 109.
12 ibid., p. 167
Symmetrical arguments, in Postan, explain the thirteenth-century course of events; supposedly, the direct cultivation of the demesne became "easier and more profitable"\(^{13}\); law and order were restored and agricultural prices rose while money wages remained stable. But, why were not farming contracts simply renegotiated to reflect the rising profits? Postan's discussion fails to provide us with insights into this question. Besides, his inference of rising farm profitability could be criticized.\(^{14}\) In any case within Postan's framework of analysis, were labour dues obviously preferred to wage labour and thus reinstated on a large scale? As I indicated in "Some Preliminary Thoughts on Postan's Chronology of Labour Services" Postan's position is not simple in this respect. Yes, he says, the process of commutation did come to a halt in the thirteenth century. Yes, "[w]here labour services still survived, such services as were due were exacted in full. [But] not all of them were necessarily taken in kind ... [some] were 'sold' from year to year ... Here and there we find them [the lords] even trying to raise labour services, either in order to procure additional supplies of labour or as an indirect means of raising rents."\(^{15}\)

\(^{13}\) ibid., p. 111.

\(^{14}\) C. Reed, "The Profits of Cultivation in England During The Later Middle Ages," *Agricultural History* (October, 1976), Vol. 50, pp. 645-9. If transposed into the thirteenth-century, the argumentation behind C. Reed's assessment of farm profitability in late medieval England would predict neither increasing accounting profits nor increasing economic profits, on the basis of the available price data.

\(^{15}\) ibid., p. 168.
Overall, Postan's statements suggest a shift in income distribution in favour of the lords— a shift due to changes in the land/labour ratio as well as in the surrounding political environment. But I fail to see in *The Medieval Economy and Society* an explanation for (or the assertion of) a widespread return to the use of labour dues.

**MORE ON THE ABANDONMENT AND THE RESUMPTION OF DIRECT DEMESNE CULTIVATION**

In the question of the abandonment and resumption of direct demesne cultivation, two additional analyses have been attempted—one of which could coexist with Postan's rising profitability argument for the thirteenth century while the other differs in its explanation of the twelfth-century lord's behaviour.16 My review of these analyses will be brief since neither pretends to offer original insights into the labour dues' issue.

**E. Miller and the medieval lords' mentality**

E. Miller questions the notion that the twelfth century witnessed unusually anarchical times.17 He, himself, associates the twelfth century with thriving markets due to urban growth, an abundant labour supply, and new and accessible outlets for agricultural produce.18 Hence, that the lords chose fixed and predictable revenues over more speculative endeavours was not, according to him, a reflection of the potential profitability of

17 Miller, "England in ...", p. 5
18 ibid., pp. 6-7.
such enterprises. Rather, it reflected "the non-economic mentality"\textsuperscript{19} of the lords whose goal was simply "sufficiency": to satisfy a certain level of consumption without upsetting the traditional manorial framework of which fixed farms were very much a part.\textsuperscript{20}

As the twelfth century waned, numerous factors combined to occasion a change in the attitude of the lords, driving them to become more "efficiency-minded." Amongst these factors, Miller includes the large debts contracted by several manorial lords (ecclesiastics and others), the rise in prices, new consumption patterns, and a much diminished opportunity for lateral expansion.\textsuperscript{21} Given these changes, the disadvantages of relying on a system that contributed to the spread of hereditary leases, that allowed lessees to seize a growing share of the inflationary profits, and that provided few effective checks on the depredations of the lessees, could no longer escape notice.

C. Reed and T. Anderson: an argument within the North and Thomas transactions cost approach to manorialism

\textsuperscript{19} ibid., p. 3.

\textsuperscript{20} ibid.: Miller notes that since fixed cash farms were introduced when unused resources were still abundant and when manorial lords were in the process of "consolidating their hold over the land of England" (p. 8), they had not entailed initially fixed total revenues; in this situation, "the expansion of their resources as a whole might compensate [the lords] for the fact that their return from any part of them was fixed" (p. 8).

\textsuperscript{21} ibid., pp. 8-13.
C. Reed and T. Anderson develop an approach to the thirteenth-century resumption of direct demesne cultivation that does not require observable evidence on changes in farm profits; nor does it assume changes in the lords' mentality. It is consistent with the assumption of wealth-maximizing lords. It is also consistent with the possibility of (yet does not necessarily hinge on) rising profits in the thirteenth century and, in this sense, could be integrated with Postan's arguments. This approach is essentially an outgrowth of the North and Thomas analysis of manorialism that will be reviewed shortly. Some of the hazier arguments appearing in the North and Thomas article are delineated more rigorously in terms of the theory of contracts.

Reed and Anderson view the customs of the manor as terms of a contract between lords and tenants - terms regarding, in the case under consideration, the distribution of the income deriving from the cultivation of the demesne lands and the conditions under which these lands were supposed to be used by the lessees. If, as Reed and Anderson put it, "the prime condition for the stability of any contract through time is that the terms of the contract continue to reflect the economic value of the goods or service transacted through that contract", wherein lay, in the late twelfth century, the sources of disequilibrium between this

22 Reed and Anderson, "An Economic ...", p. 137.
23 ibid., p. 135.
24 ibid., p. 136.
economic value and the contracted payment? While the cash farms were being eroded by inflation, land values (in particular the value of demesne lands) were increasing because of diminishing returns to labour. The equilibrium between the economic value of demesne lands and the twelfth-century contracted payments could, in principle, be restored in different ways. A once-and-for-all renegotiation of the contract (an upward revision of the level of rents) would have sufficed if there were no expectations of further increases in prices and/or increases in land values; otherwise, periodic renegotiations of 'the contract' would have been required and were, presumably, anticipated by the lords. But, according to Reed and Anderson, frequent renegotiations - whether of rents in money or in kind - would have run "counter to century-old practices... [and] would have been contested in the manorial courts." Thus, they reach the conclusion that the cheapest way for the lords to capture the increase in the economic value of their demesne lands was to resume direct demesne cultivation when leases came due.

THE NORTH AND THOMAS FRAMEWORK OF ANALYSIS

In an article entitled "The Rise and Fall of the Manorial System: A Theoretical Model", D. North and R. Thomas provide

25 ibid.

26 Note that upon coming across evidence that demesne lands were, in fact, leased on a short-term basis, Reed has recently moved away from this analysis.

us with an explanation of the chronology of labour services - that is, an explanation of the evolution of what they consider to have been the typical form of payments extracted by the lords of classical manors. Their vision of the classical manor is based on Postan's evidence. Even though they intimate that their approach could be generalized to Western Europe,28 we should bear in mind that, in effect, their arguments are about the English situation as it was reconstructed by Postan. Immediately, the question arises: which Postan? The answer is: the early Postan. Hence, the North and Thomas explanation could encounter problems on several fronts. It could be found lacking in terms of its own logical coherence or in terms of how well it captures Postan's evidence. As it is built on this evidence it would be much weakened, or might even disintegrate, were the evidence itself vulnerable or misconstrued. And finally, if shown to be inconsistent with broader Western European developments, it would certainly lose some of its force.

A point of clarification regarding "The Rise and Fall of the Manorial System: A Theoretical Model": the article presents us with more than conjectures as to what might have determined the form of the payments exacted by manorial lords for it also contains the ingredients of an analysis of what might have determined the size of these payments. Furthermore, embedded in all of the arguments is a specific notion that constitutes the article's basic analytical tool; it is the notion that the relation-

28 ibid., p. 782.
ship between manorial lord and dependent cultivators can be grasped as a bilateral and contractual arrangement. In my immediate discussion of the article, considerations pertaining to the size of the payments extracted and to the adequacy of the contractual approach will not be foremost. The discussion will revolve mostly around the one issue of the determination of the forms of payments. Yet, recently North has admitted his earlier description of manorialism as an institution based on contracts to be problematic; he sees it as more vulnerable to criticism than his arguments regarding the changing forms of payments extracted by the lord. But are the North and Thomas arguments about the chronology of labour dues then logically independent of their portrayal of the structure of manorialism which, in North's apologetic words, "looked too much like an equal trade

29 ibid., p. 778. I would like to bring to the reader's attention several remarks made by North and Thomas - remarks which, when taken together, summarize their concept of manorialism (a term which, of their own accord, they use interchangeably with feudalism). They state that "an essential part of a contract is that it cannot be unilaterally changed by either party" (footnote 4, p. 778), that "Collusion between lords could and sometimes did limit competition and, as a result, make exploitation possible. But by its nature such collusion tended to be unstable ... A central coercive authority was necessary for sustained exploitation" (footnote 15, p. 778), that "serfdom in Western Europe was essentially not an exploitative arrangement where lords 'owned' labor as in North America, or as it developed in Eastern Europe" (p. 778), that "the West European serf ... was in fact ... generally protected from arbitrary changes in the terms of the contract by the lord as a consequence of the customs of the manor" (pp. 778-779), that in Eastern Europe "the serf's status was in effect changed to that of a de facto slave" (p. 779), and, finally, that the differences between the Eastern European case and the Western European case lay in the fact that the political power of the Western European state was very limited, that its decentralized political structure
of protection and justice for payments in service and in kind."?31 Here, I would like to point out that their explanation of commutation for the fourteenth and fifteenth centuries (a matter with which I shall not concern myself in the thesis) presupposes their concept (or vision) of a 'decentralized' manorialism. To argue (as they do) that the then occurring changes in factor proportions should have effectively enhanced the manorial dependants' bargaining power assumes lords who did not collude to any significant extent - lords lacking the means through which some cohesive pressure on manorial dependants could have been applied. It is precisely this assumption of insignificant (or unstable) collusion amongst lords and of an inexistent (or ineffective) central authority that underlies the North and Thomas concept of manorialism and that provides the justification of their contractual approach. The above mentioned example would suggest that the North and Thomas concept of a 'contractual manorialism' is a necessary ingredient of at least one of their arguments about the evolution of labour dues. 32 How damaging to each one of these arguments a reassessment of their concept of manorialism would be is not, however, a question I propose to settle, here. Instead, I wish to proceed now with a

"thwarted effective collusion by the lord ... and made possible a rudimentary labour market" (p. 779).

30 North, Structure and Change in Economic History, p. 130.

31 ibid.

32 See A.J. Fields, "The Problem with Neoclassical ..." for a discussion of what Fields describes as North and Thomas' "two complementary theories of why the lot of surviving peasants improved after the Black Death" (p. 181).
description of these arguments as they build up to the question of the thirteenth-century reversion to labour dues.

The structure of the North and Thomas argument about the thirteenth-century revival of labour dues forces us to look into their fundamental hypothesis of why "the classic manor [that is, the English tenth and eleventh century manor] maintained a contractual relationship which mainly took the form of labour obligations." It also forces us to consider why this basic "contractual" arrangement (as they refer to it) gave way to fixed rent arrangements in the twelfth century. So, within the framework of their analysis in terms of transaction costs (negotiation costs and enforcement costs), the first step would be to answer the question of why labour dues were initially preferred to alternative forms of payments. Why did not the manorial lord relinquish instead all of the land to his dependants in return for fixed payments in kind or a share payment? Why did not the lord himself cultivate all of the land by paying hired labour wages in kind? Very broadly, the North and Thomas answer is that, up until the twelfth century, the poorly developed state of markets meant that the labour dues arrangement was by far the cheapest to negotiate. The other possible arrangements enjoyed relatively lower enforcement costs but not sufficiently low to compensate for higher negotiation costs. The absence of markets meant relatively high negotiation costs for these arrangements because of difficulties of valuation: how would the two parties

33 North and Thomas, "The Rise ...", p. 788.
involved (the lord and his dependants) agree on the composition of the output entering their respective consumption bundle? Presumably, the bargaining process would be very expensive. Furthermore, the difficulties entailed by this kind of bargaining would be accentuated by large natural variations in manorial production which would require "the negotiation of acceptable substitutes for the specified goods [and] there was also the problem of negotiating the quality of the goods to be transferred." As for the absence of markets (or their rudimentary state), North and Thomas attribute it to a very sparse population and to chaotic conditions in the countryside. Finally, within this general perspective, the customs of the manor are supposed to have had a dual function. We are told that they helped reduce shirking costs, and thus enforcement costs, by specifying the rules of organization and the penalties for deviations. We are also told that they curbed each lord's power of arbitrary action - the ultimate check on this power being that lords vied for each other's dependants.

About the twelfth century: the level of market activities increased significantly so that, after a certain point, "the traditional labor arrangement no longer enjoyed a relative


35 which limited thus potential gains from trade

36 North, Structure ..., p. 129; North and Thomas, "The Rise ..., p. 790.
advantage in terms of transaction costs."37 And, population
growth explains the rise of markets; the argument is that it
increased potential gains from trade which, in turn, acted as an
incentive for the lords to find ways of safeguarding trading
activities and to lower the costs of trading.38

Having thus 'established' the decreasing attractiveness of
labour dues contracts over the twelfth century, North and Thomas
describe the most common arrangement that superseded them.
Labour dues were commuted for a fixed money payment and much of
the demesne was leased for fixed money rent payment. Given the
North and Thomas perspective, the commutation payments could be
viewed as the payments in exchange of the lord's provision of
public goods, the rents as the payments for the use of his
demesne land. One problem with this analysis is that it would
be leaving the status of the dependants' customary holdings in
the dark. How exactly North and Thomas view these holdings is
ambiguous. Are they assuming that the lord had rights over
these lands only by virtue of his "protection" of them, in which
case the commutation payments (and prior to this, the labour
obligations) should be regarded as payments in exchange of this
one governmental service? Or, is the implication that all of
the manorial lands were considered to be the lord's and that,

37 North and Thomas, "The Rise ...", p. 793. In North and Thom-
as' words "the use of a market economy - when considered in
the context of the preceding analysis - is sufficient to
explain the eventual disappearance of the essential element
of the manorial system: the sharing of inputs in the form of
labour dues" (p. 794).

38 ibid., p. 792.
consequently, the dependants owed him a rent for occupying some of his lands? In the latter case, the commutation payments would have to be regarded as consisting of payments for the use of the lord's land as well as for his protection. In their discussion of the twelfth century, North and Thomas seem to impute to the lord rights over his dependants' lands as such.\textsuperscript{39} However, within the confines of their own logical framework of analysis, their thirteenth-century arguments fail to explore the ramifications of the distinction between demesne lands and dependants' lands.\textsuperscript{40}

Still in the context of the twelfth century, North and Thomas try to explain why fixed money payments were, on balance, advantageous to the lord. Given stable prices over the greater part of the twelfth century, the lord had no reasons to fear the devaluation of fixed money incomes. Moreover, speculating on what the combined effect of fixed money payments and diminishing returns\textsuperscript{41} would mean in terms of the relative values of labour and land, North and Thomas argue the following: diminishing returns were gradually reducing the value of labour; in that regard at least, fixed commutation payments were advantageous to the lord. However, the value of the customary holdings was rising. How did the lord capture the increase in this value?

\textsuperscript{39} ibid., p. 795.

\textsuperscript{40} See C. Reed, "Towards a Transactions Cost ...".

\textsuperscript{41} North and Thomas fail to indicate why they believe aggregate diminishing returns to have been operative in the twelfth century.
Given fixed commutation payments, in North and Thomas' words, the lord "gained as the real value of the peasants' labour services declined, in effect collecting part of the rise in value of the peasants' land." On the other hand, to capture the increase in the value of the demesne lands, the lord could, and apparently did, circumvent fixed rents through entry fines—a procedure that was sanctioned by the custom of the manor.

Note that this analysis of the twelfth century does not really make out a case against the use of wage labour. In other words, North and Thomas offer an explanation of why the commutation of labour dues took place, but they do not explain why direct demesne cultivation was also abandoned.

As the twelfth century waned, the lord had to adjust to a new situation of rapidly rising prices; the adjustment was to be made within the bounds of custom. Herein lies the crux of the North and Thomas explanation of both the revival of labour dues and the resumption of direct demesne cultivation. Somehow diminishing returns, inflation and the constraints set by custom made the return to labour dues the most affordable solution to the lord. The value of the obligation to labour on the lord's land continued to decrease in the thirteenth century. At the same time, the fixed commutation payments were being eroded by

142 ibid., p. 295.

43 ibid.; It is not clear whether entry fines were payments exacted from tenant upon their being admitted to customary holdings as well as to demesne lands or whether the term is reserved for the payment associated with admission to customary holdings.
inflation so that the lord could no longer count on "collecting part of the rise in value of the peasants' land." With regard to the demesne lands, the entry fines were becoming less adequate in making up for the fixed rents. On fixed crop- or sharecropping arrangements as a solution to these problems, North and Thomas comment that such arrangements which "would have dealt with the problem of inflation .. would not only have proved costly or impossible to adopt within the traditional environment but would also have required costly periodic renegotiations to adapt to the changing land-labor ratio." In sum, the thirteenth century lord is described as having confronted two problems: how to deal with inflation and how to respond to the changing land-labor ratio. It turns out that whichever way one looks at the North and Thomas arguments (and there is more than one way to interpret these arguments) their implication is that the effects of inflation were more severe than the effects of diminishing returns. This last point requires further elucidation.

One interpretation of the arguments would have the lords revert to the direct cultivation of their demesne lands when entry fines ceased to compensate them adequately for the fixity in the rents they collected. But why did the lords resort to

44 ibid., p. 795.
45 ibid., p. 796.
46 For a detailed exposition of the possible interpretations, see C. Reed, "Towards a Transactions Cost ...."
47 North and Thomas, "The Rise ....", p. 797.
labour dues as opposed to wage labour to cultivate their newly reclaimed demesne lands? In a crucial footnote on p. 797, North and Thomas argue that, from the observation that the lord chose labour dues, we can only infer that inflation had raised the money wage rate above the level of the fixed commutation payments! In other words, the severity of inflation is supposed to have outweighed in its effects the decline in the marginal physical product of labour caused by diminishing returns. 48

A more direct explanation of the reversion to labour dues would be the following: when the erosion of the fixed commutation payments (through inflation) started to outweigh the gradual decline in the real value of labour (through diminishing returns) the lord decided to reassert his rights over labour dues. Here again, inflation acts as the determining variable. Note how North and Thomas also suggest that, having re-asserted his rights over labour dues, the lord was in a position to specify the labour obligations in details and "in the process the extent of these burdens was generally increased to correspond to the reduced real value of labour." 49

What we have then with this version of the North and Thomas arguments is an overall hypothesis that strongly identifies classical manorialism with the performance of labour dues, that introduces the lord as a decision-maker whose decisions were

48 ibid.
49 ibid., p. 797. North and Thomas acknowledge this information to be drawn from Postan (see their footnote 20, on p. 797).
bound ultimately by competing manors, that suggests that the customs of the manor were incompatible with short-term contracts, that brings price movements into focus, and that sidesteps the whole issue of freedom. As for their thirteenth-century arguments, they could be interpreted in somewhat different fashions. They could be seen as hinting at a return to direct demesne cultivation which (given severe inflation) would lead to the revival of labour dues for use on demesne lands. Alternatively, their model could be seen as predicting, much more directly, a reversion to labour dues independently of demesne cultivation. In the latter case, the actual performance of these labour dues would not be intrinsic to the argument, since labour dues could be reinstated and then resold. Having said this, I should add that North and Thomas stop short of hinting at the possibility of labour dues requested but not put to use. A reading of their article suggests that what they set out to explain was a reversion to labour dues in use on demesne lands and that their acceptance of Postan's 1937 sequence is unqualified.

**Another Model in Terms of Transaction Costs: S. Fenoalteaa's**

A rather meticulous critic of the North and Thomas arguments on points of method, of substance and of facts, S. Fenoalteea

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50 Their notion of a 'contractual manorialism' stems from this vision. This notion really precludes the consideration of how interaction with a central political power might have affected manorial organization since its premise is that manorialism in its classical form entailed a decentralized structure of political coercion.

51 Stefano Fenoalteea, "The Rise and Fall of a Theoretical Model:..."
has advanced separate hypotheses regarding changes in agricultural organization in medieval England. As they appear in "Authority, Efficiency and Agricultural Organization ...", these hypotheses are essentially threefold. Fenoaltea has an explanation of direct demesne cultivation (for the eleventh and for the thirteenth centuries); he presents us with a rather general argument to account for the use of labour dues. He also answers the specific question of why English lords reinstated labour obligations in the thirteenth century.

According to Fenoaltea, both direct demesne cultivation and the use of labour dues could be linked to advantages deriving from "the exercise of authority over the labor force." In his words: "The benefits of that authority could be found in production itself - most plausibly, I believe, if the employer imposed

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The Manorial System", Journal of Economic History 35 (1975), pp. 386-409. On points of method: Fenoaltea criticizes North and Thomas for relying, for instance, on custom (i.e., on institutional constraints) as an exogenous variable; on points of substance, he dismisses their concept of contractual manorialism, argues that justice and protection were not public goods and suggests that a mafia-type model would more aptly describe the lord's activities than a contractual approach. On points of facts, he challenges the North and Thomas assumption of insignificant market activities for the tenth and eleventh centuries while also reversing their ranking of the negotiation and enforcement costs associated with alternative possible arrangements, on their own grounds (that is, assuming no or little market activities). For a criticism of Fenoaltea, see C. Reed, "Towards a Transactions Costs ...".

52 S. Fenoaltea, "Authority, Efficiency, and Agricultural Organization in Medieval England and Beyond: A Hypothesis", Journal of Economic History 35, pp. 693-718. As revealed by the title of the article, Fenoaltea's discussion is presented as having implications that extend beyond the English medieval manor.
a different, and superior, technique; or they could be beyond 'mere' production - most plausibly to my mind, if those in power valued the impact of servile role-playing on the *forma mentis* of the labouring poor."\(^5^4\) While the first hypothesis stresses the productivity gains associated with the lord's direct supervision of the labour process, the second weighs the part of 'non-economic considerations' in the lord's choices and, within this perspective, long-run stability and the reproduction of existing relations of dependence could conceivably be at the expense of efficiency.

Now, for a more detailed exposition of how these two hypotheses combine to explain the prevalence of direct demesne cultivation and labour dues in the early Middle Ages: first, why direct demesne cultivation? Because of differences in crop types (the lord, we are told, consumed a superior and a more delicate kind of grain) and also because of differences in the quality of the soil (we are told that the demesne lands consisted probably of inferior quality soils), special knowledge for the cultivation of the demesne lands was required. Manorial dependants did not possess, nor did they easily acquire, this knowledge - hence, the need to supervise them.\(^5^5\) By themselves, these arguments do not provide us with insights into the specific issue of the use of labour dues and they raise two further questions. The first obvious question is why would the lord

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53 ibid. p. 695.

54 ibid., p. 698.

55 ibid., pp. 702-704.
choose to keep, as demesne lands, the poorer soils? According to Fenoaltea, because he knew that the maximization of the total output of manorial lands (i.e., of both demesne and non-demesne lands) could be achieved only if some special knowledge — that he, the lord, had — was applied to the poorer soils.\textsuperscript{56} Fenoaltea's 'evidence' for presuming that the worst lands were, indeed, allocated to the lord is that demesne lands were often a recent assart.\textsuperscript{57} But were recent assarts really more difficult to work, and less fertile, than older lands? On the basis of his readings of Postan, C. Reed indicates that this may not have been the case; on the contrary, "soil exhaustion on older land often resulted in its becoming less fertile than new assart".\textsuperscript{58} In any case, Fenoaltea has to explain why manorial dependants failed to master the techniques which they implemented on the lord's lands. His answer is that their work on the demesne lands was sporadic: their exposure to these techniques was "never systematic or prolonged enough".\textsuperscript{59}

Such are then the arguments 'explaining' direct demesne cultivation in the tenth and eleventh centuries. In regard to the lord's use of labour dues, during this same period, Fenoaltea advances his second hypothesis involving the connections between the explicit (the visible) exercise of power over men and the

\textsuperscript{56} ibid. (See footnote 29 on p. 704.)
\textsuperscript{57} Fenoaltea, "Authority ...", p. 705.
\textsuperscript{58} C. Reed, "Towards A ...", p. 20.
\textsuperscript{59} Fenoaltea, "Authority ...", p. 705
stabilization of a social hierarchy in times of political anarchy. The lord's choice of labour dues (as opposed to wage labour) is presented as some kind of investment in the stability of social hierarchy ... By employing the peasants as dependent labor one keeps them acting and perhaps thinking as subordinates; by exercising authority one makes one's own power manifest. When the status quo is codified and enforced by the jus of the state, such display of power serves little ulterior purpose; but where the rule of law is absent or weak, or when it tends to deny prerogatives that exist de facto, power is inseparable from the appearance of power, and authority from the visible submission to others ... [as for the alternative of paying hired labour a wage, it] would tend to undercut the status-differentiation achieved on the job, since it smacks of bilateral exchange and thus of egalitarianism.\(^6\)

In questioning the notion that labour dues were used primarily to demarcate social roles and to reinforce a group's subjection to another, C. Reed wonders why other symbolic rites and usages were not used instead - a possibility acknowledged by Penoaltea in a footnote.\(^6\) Symbolic rites (or payments), as an alternative means of stabilizing the social hierarchy, would appear all the more attractive since they would have been probably less costly than the enforcement of labour dues. Nevertheless, Penoaltea is skeptical about this alternative. Not altogether convincing, his rationale is that, at the time, the lords did not perceive this as an alternative.\(^6\)

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60 Penoaltea, ibid. p. 719.

61 Reed, "Towards A ...", p. 21; Penoaltea, "Authority ...", footnote 69, p. 717.
From the production point of view, supervision of the labour force was becoming superfluous in the twelfth century—a century characterized by economic growth which, according to Fenoaltea, was mainly the consequence of a decrease in violence. More of the superior quality grains were being produced; generally, manorial dependants were becoming better farmers and this prompted the lords to lease their demesne lands. But how does Fenoaltea's second hypothesis fit into this account? I would think that, by entailing greater stability, pacification also reduced the importance of using labour dues as a means of maintaining the status quo.

With the thirteenth century came new incentives for the lords to resume control of their demesne lands. Increasingly severe diminishing returns gave rise to a spurt in innovation: more prone to introducing new techniques than their dependants, the lords took charge of the demesne once again. As for the revival of labour dues, unlike North and Thomas, Fenoaltea distinguishes between labour obligations (the fact that a villein was to provide his lord with a certain amount of labour time every week)

62 Fenoaltea, "Authority ...", ibid.
63 ibid., p. 706.
64 ibid., pp. 706-707.
65 ibid., p. 716. I am, however, unclear as to whether Fenoaltea views the twelfth-century as essentially peaceful or anarchical since he also mentions that "in the anarchy and civil war of the twelfth century ... the desire to keep one's peasants serving may well account for the failure of labour services to contract more thoroughly than they did." (p. 716). I am also confused as to whether his two broad hypotheses are to be regarded as competing or as complementary.
and **labour services** (the fulfilment of this obligation by the villein in person, as opposed to a situation in which he, the villein, could hire a substitute to fulfil the obligation). And his conclusion is that "whether labor obligations were commuted or not, labour services largely disappeared, and the demesne came to be worked almost exclusively by wage-earning labor."

In other words, either directly or indirectly (i.e., through his villeins' policy of hiring substitutes) the lord came to depend on wage labour. This places Fenoaltea's argument at some distance from the North and Thomas perspective. And yet a 'North and Thomas twist' to his analysis of the thirteenth century comes to notice in a footnote in which Fenoaltea links, quite explicitly, the renewed interest in labour obligations to inflation: "inflation could make labor-time more valuable than its customary money equivalent, and the lord would have reason to claim it if only to sell it for more than the traditional sum. ... the lord might ... wish to increase labor obligations, rather than money rents, as a way of hedging against inflation and possible labour shortages". Inflation would seem to be at the core of Fenoaltea's explanation of the thirteenth-century reversion to labour dues.

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66 ibid., p. 708.
67 ibid., footnote 44 on p. 709.
68 ibid.
To conclude, in his distinction between labour services and labour obligations, and in his stress on differing as well as changing technical abilities, Fenoaltea departs from the North and Thomas framework of analysis. On the other hand, his specific answer regarding the thirteenth-century reversion to labour dues (which clearly takes up only a small part of his discussion) is singularly close to North and Thomas. His own hypotheses* raise the following comparative questions: Can one explain the early abandonment of direct demesne cultivation in other parts of Western Europe by arguing conclusively that the manorial lords lost their relative advantage in agricultural expertise? Was there, indeed, less anarchy in other parts of Western Europe to warrant the abandonment of labour dues? Or will we have to fall back on the notion that, in medieval Europe, the ruling classes exhibited different fields of perception as to what the possible means of reinforcing servility consisted in? Were attempts at resuming direct demesne cultivation

69 In what I believe to be his most recent article ("Slavery and Supervision in Comparative Perspective: A Model" published in The Journal of Economic History, September 1984), Fenoaltea extends his first model of direct supervision of the labour force to account for the fact that productivity levels in 'effort-intensive activities' (as opposed to 'care-intensive' activities) are, in his view, a positive function of the level of pain or of the amount of anxiety experienced by the labour force. His expanded model would predict that, in societies with abundant labour supplies, the threat of dismissal would enhance a labourer's productivity so long as he is engaged in effort-intensive activities and this could well outweigh the high supervision costs usually associated with direct supervision of the labour force. To the extent that this argument applies to thirteenth-century demesne cultivation in England it is about the direct supervision of wage labour; it does not (nor is meant to, I think) provide us with new insights into the labour dues issues.
associated with innovation? And why does not Fenoaltea discuss,
as an alternative policy open to the lord, the leasing of the
demesne to an agricultural expert in times which necessitated
innovation? Finally, in advancing the hypothesis of labour dues
as an investment in the stability of the feudal-medieval hier-
archy, Fenoaltea's argument is certainly more conducive to a
discussion of the coercive nature of manorialism than the North
and Thomas framework of analysis is. His hypothesis raises,
however, the larger issue of the various ways in which feudal-
manorial society reproduced itself at the level of mentalities -
of how it maintained its tripartite hierarchy. 70

THE ROLE OF INFLATION IN P.D.A. HARVEY

In an article that examines various consequences of the late
twelfth-century inflation in England, P.D.A. Harvey71 attrib-
utes unambiguously the resumption of direct demesne cultiva-
tion, as well as the return to labour dues, to this specific
phenomenon; he also believes the rise in prices to have been
restricted to England.72 In his discussion, he distinguishes
between the two issues involved: the choice between direct
demesne cultivation versus leasing, and the choice between the
use of labour dues versus the use of wage labour. Noteworthy is

70 G. Duby explores this in Feudal Society Imagined (Chicago, 1980).
71 P.D.A. Harvey, "The English Inflation of 1180-1220", Peasant, 
57-84.
72 ibid., p. 80. The relative mildness of the price increases 
experienced in other parts of Europe is not really an estab-
lished fact.
the caution exercised by Harvey as regards the question of a reversion to labour dues. To this I will come back, but let me first survey the arguments about the resumption of demesne cultivation.

The more interesting question tackled here is why would lords resume demesne cultivation, given that flexible and short-term arrangements were an option? Harvey clearly recognizes that such arrangements coexisted with long-term leases. The cost to the lords is obvious enough: the real value of their lease payments was declining. (Harvey makes no mention of the North and Thomas compensating entry fines, here.) What is less obvious is why short-term leases would be viewed as equally disadvantageous. Harvey's argument is in terms of the rise in prices and the costs of negotiating agreements to determine new levels of rents: the short-term fluctuations inherent in manorial agrarian production (e.g., years of good harvests or bad harvests etc.) coupled with a long-term trend of increasing prices made the negotiation of short-term leases particularly expensive, suggesting that the additional variable of rising prices compounded the uncertainties of the contracting parties. More specifi-

73 ibid., p. 59.
74 ibid., pp. 60-61.
75 Note that such leases were widespread. In fact, Harvey suggests that the majority of manors may have been farmed under flexible arrangements; see p. 61. Note also Harvey's discussion of the depredations carried out by the lessees. He stresses (on p. 62) that this problem cannot explain the abandonment of short-term leases since these depredations had been a longstanding and common occurrence.
Harvey's statement is that "once rising prices had introduced a measure of long-term change into the local economy, making the established farms palpably unrealistic, it was very difficult to discover what new levels of rent would be fair to landlord and lessee alike." The theory behind these assertions is never spelt out, nor are its implications transparent.

To the extent that the lords reverted to the use of labour dues in the thirteenth century, they did so, according to Harvey, because of inflationary pressures that are supposed to have raised agricultural wages far above the level of the customarily fixed commutation payments. (Note that this same argument was presented by North and Thomas and Fenoaltea.) Unlike Postan, Harvey believes that "agricultural wages rose in this period in very much the same proportion as agricultural prices." Also, and as a side remark, Harvey does not linger much over the possibility that labour dues were re-instituted above their former customary level. (Postan himself has softened his position on this issue.)

In what sense then, does Harvey show caution in his factual treatment of the reversion to labour dues? He acknowledges that the movement towards commutation was stopped or slowed down, that "there may even have been a general return to labour servi-

76 ibid.
77 ibid., pp. 72-75.
78 ibid., p. 73; see also footnote 66 on p. 73.
79 ibid., see footnote 65 on p. 72.
ces, as Professor Postan suggested in 1937."80 Yet he adds, in a footnote: "it is likely ... that the restoration of labour services was much less widespread than is there suggested. The question is a complicated one that badly needs further investigation and re-assessment."81 This is a rather important qualification.

Summing up Harvey's thoughts on direct demesne cultivation and the use of labour dues in the thirteenth century, the return to direct demesne cultivation is attributed to the effects of inflation on negotiation costs; similarly, the use of labour dues on demesne lands (however limited this use) is linked to inflation via its effects on wages, assuming fixed commutation payments. Why specifically the commutation payments were fixed while rents were flexible is not clear.

On an altogether different note, Harvey concludes his article with a general discussion of the long-term advantages that the lords might have derived from retaining, or from reverting to, labour dues. As one of the standard legal tests of thirteenth-century villeinage, labour dues helped lords assert the villeinage of their dependants. And although a dependant who was declared a villein remained, in practice, sheltered by manorial custom, "this was only by the grace of the lord of the manor, who now had the unquestionable right to override the custom in almost every detail if he chose."82 The powers of the lords over

80 ibid., p. 75.
81 ibid., footnote 72 on p. 75.
the lands, goods and persons of their villeins were thus strengthened and extended: potentially, at least, the thirteenth-century lord had greater powers than his twelfth-century predecessor. Harvey explains the decline in villein status as "the landlord's response to a situation where manorial custom combined with the decreasing value of money was endangering their income from their tenants." The lords' attempts at adjusting their incomes resulted in disputes with their tenants over the bounds of manorial custom; this brought about the new definition of villeinage in which labour dues would be implicated. But why did the lords continue to adhere to custom, as Harvey intimates? Why did not they break away with custom once they acquired, legally, the upper hand? More precisely, why would they go through the costly process of establishing the villeinage of their dependants unless it was to improve significantly their economic position which implied acting in defiance of custom? An answer would be that they perhaps miscalculated the resistance they would encounter in trying to exercise their newly-acquired powers. Still, supposedly prompted by inflation, a thirteenth-century villeinage meant to circumvent manorial custom, and yet also respectful of it, is not a particularly persuasive argument! To be retained, however, is the focus on labour dues as these were intertwined with a definition of unfreedom that might have served purposes quite distinct from

82 ibid., p. 76.
83 Harvey concurs here with R. Hilton's analyses.
84 ibid., p. 74
providing the lord with manpower to use on demesne lands. This focus is evident in the two analyses that remain to be considered.

**R. HILTON ON THE REVERSION TO LABOUR DUES**

A difficulty in dealing with R. Hilton's analyses is that they extend far beyond the somewhat narrow questions of why labour dues as opposed to wage labour and why direct demesne cultivation as opposed to leasing. They, in fact, extend beyond what are conventionally perceived to be the economic questions. Hilton's general inquiry into medieval agrarian society deals with issues as broad as the implication of manorial unfreedom, the basic structure of manorial feudalism, and the "overall" determining role of social relationships in the evolution of this system. By the "role of social relationships", he is referring to the mode (the various forms of legitimation) and to the size of the income transfers effected by the medieval ruling elite. His analyses do not at all preclude considerations pertaining to demographic, monetary or market forces but they do highlight coercion and resistance in the relationships between

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85 The performance of labour dues was only one such implication. Hilton does not see labour dues as substantive of unfreedom (indicative of unfreedom perhaps but not substantive of it.)

86 I am not suggesting that the above mentioned economic historians ignored this and similar issues. North and Thomas, for instance, certainly applied themselves to the task of defining manorialism and feudalism. However, I do think that Hilton is more engaged by these issues.

87 R. Hilton, "A Crisis of Feudalism", *Past and Present*, no. 80 ( ) footnote 4, p. 3. The article is part of the symposium on Brenner's "Agrarian Class Structure ..."
rulers and ruled.

Two kinds of arguments can be discerned in Hilton's discussions of thirteenth-century labour dues since he addresses both the issue of labour dues in use on demesne lands and the issue of labour dues as a test of unfreedom. On the use of labour dues on demesne lands: Hilton's analysis is cursory and somewhat incomplete. His explanation (as extracted from The Decline of Serfdom) hints at a profitability argument à la Postan to account for the resumption of direct demesne cultivation; and it intimates that the exacted labour dues might not always have been fully used. Note that the resumption of direct demesne cultivation is described by Hilton, in a Postan-like fashion, as a counter-attack launched by lords who, under duress, had resorted to the policy of leasing (lords divided amongst themselves and in need of "easily realisable cash revenues").

On labour dues as a test of unfreedom, (a rather important test, according to Hilton): in an argument evocative of Harvey's (but also much stronger), Hilton highlights thirteenth-century villeinage as a particular form of legitimation of income transfers - that is, as an institution that allowed lords to subject their manorial dependants to heavier exactions. Within this perspective, questions pertaining to services actually performed

89 ibid., p. 19; see also pp. 31-2.
90 ibid., p. 18.
91 In his article, Harvey does indeed refer us to Hilton.
fade in relation to the larger issue of the increasing financial pressures exerted by the lords. The discussion which evolves out of this perspective is rather important in terms of the whole project of my thesis but presently, a closer look at this discussion would be overreaching the limits of this chapter. Nevertheless, a reversion to labour dues motivated by reasons other than their immediate use is emerging as perhaps the more interesting connection to explore.

C. REED ON THE SYMBOLIC VALUE OF LABOUR DUES IN YET ANOTHER TRANSACTIONS COST MODEL

In taking up the notion of villeinage for purposes of income transfers, C. Reed inquires into (1) what might have prompted the lords to effect these transfers and (2) into why villeinage (and, by association, labour dues as one of its tests) constituted the medium through which the lords chose to extract more income from their dependants. The starting point of Reed's argument is an omission in the North and Thomas explanation of the thirteenth century: how was the lord "to capture the increasing value of the serf's customary holdings given the relative fixity of labour dues and commutation payments [emphasis added]?" Since short-term leases took care of the rising value of demesne lands, this must have been, according to Reed, the crucial and most difficult problem confronting the thirteenth-century lord. In Reed's argument, the lord's answer to this problem lay in the exercise of his rights of lordship - that is, in the exaction of a range of payments (of "unassessed cus-

that were not (or whose size was not) as firmly entrenched in custom as commutation payments and labour dues. These payments could be levied only on villeins which would explain the lord's concern with establishing the villeinage of his dependants and with labour dues as a possible test of villeinage.

Clearly, Reed does not consider labour dues as an end in themselves. Of symbolic significance, they are supposed to have been "valued strictly as a means of legally establishing serf status (or of stopping the serf from establishing free status) and thereby lowering the cost to the lord of extracting additional income from his peasants". Whether labour dues had to be actually performed is not a question that Reed tackles explicitly. And, as he recognizes, his whole argument raises the issue of why this cumbersome (expensive) solution was devised as opposed to the cheaper alternative of renegotiating 'customary rents', if indeed the size of the payment was to increase? First, Reed points out that, in resisting the renegotiation of customary rents, the dependants may have believed that they could evade altogether paying larger amounts to their lord. In another hypothesis on the behaviour of manorial dependants, Reed suggests that the alternative of higher seigneurial payments (as against renegotiated customary rents) may

93 ibid; Reed's examples of these payments include marchet (payment on the marriage of a daughter or son), tallage, etc.
94 ibid., p. 15.
95 ibid., p. 16.
have yielded them very specific benefits - benefits that might "have more than compensated for the higher transactions costs involved in making the payments." The benefit Reed is referring to is security of tenure. If customary rents were associated with security of tenure, manorial dependants might have deemed that any change in customary terms of tenure would perhaps result in their loss of security over their tenure - a fearsome prospect in an age of severe diminishing returns.

In conclusion, Reed's explanation stands as quite detached from the demesne cultivation issue. Unlike most of the arguments reviewed above, it does not depend on the existence or the severity of inflationary pressures in the thirteenth century. What is not really elucidated by Reed is why labour dues proved to be "a prime test of villeinage." A more complete version of his argument would have to explain the particular appeal of labour dues as such a test, if their performance was unimportant.

SUMMARY

The question of why lords resumed direct demesne cultivation has elicited several answers. Innovation, changes in mentality, rising profitability in the context of relative price movements and more stable political conditions, inflation coupled with customary constraints on demesne leasing and the cost of inflation as reflected in contract negotiations (Harvey's variant)

96 Reed, "Towards a Transactions ...", p. 16.
97 ibid., p. 15.
have all been advanced as likely causes of this resumption. As for the question of why lords went back to *labour dues in use*, a recurring and nearly unanimous explanation seems to be that thirteenth-century *money wages* were driven above the *commutation payments*. However, as was pointed out above, the phenomenon of a reversion to *labour dues in use* has also been questioned - at least, in terms of its magnitude. This makes the analytical attempts at assessing the *economic implications* of *labour dues* as a test of *villeinage*, and therefore of the institution itself, all the more important. The next chapter in the thesis will seek to bring into focus precisely some of the 'facts' pertaining to thirteenth-century *villeinage* and to the role of *labour dues* therein.
CHAPTER III

THIRTEENTH-CENTURY ENGLISH VILLEINAGE:

TESTS AND LEGAL IMPLICATIONS

How extensively labour dues were used on demesne lands in either the twelfth or the thirteenth century are controversial questions; much less so is the existence of a connection between labour dues - irrespective of performance - and a concept of unfreedom that was formalized in thirteenth-century England. There is ample evidence that thirteenth-century England did witness the development of a new (a legal) concept of unfreedom in which labour dues were involved. This chapter will give reasons for the special role of labour dues in the thirteenth century without reference to their deployment on the demesne. At issue here is the use of labour dues for a particular purpose, that is, for the demarcation of unfreedom and of property rights adjudication. To reiterate a thought expressed earlier in the thesis, an inquiry into these developments should not stand (or fall) on whether labour dues were little (or much) in use in the twelfth century. To the extent that labour dues were intertwined with the introduction of a new legal category that may have entailed a set of new or of better specified manorial constraints, I consider it essential to look more closely at this category. To determine the chronology and the spread of the various tests of thirteenth-century villeinage (of which labour

1 See my previous discussion of Bridbury in "Some Preliminary Thoughts ..." pp. 14-16.
dues were one) is among the objectives of the coming discussion which will have to deal thus with questions pertaining to the definition of villein status and of villein tenure.

ON THE DEFINITION OF PERSONAL FREEDOM

The issue of personal freedom (of free status) arose in England when Henry II's legal reforms allowed a number of subjects, who held no land directly from the king, to take whatever litigation fell under the heading of royal pleas before justices of the royal court. This, according to legal historians like A.L. Poole and P. Hyams, confronted royal courts with a problem: what groups to welcome and what pleas to hear? Whether the king did not wish to, did not dare to, or could not interfere with manorial jurisdiction is not so much the issue now as in the decision ultimately reached: royal courts would deal with the wrongs of freemen and the cases related to free tenants. Those deemed to be unfree (or, to be holding in villein tenure) were left under the jurisdiction of their lord for all cases concerning their relations with him ("such as the burden of their liabilities and the possession or transmission of their holding"). The definition of freedom became the focus of attention.

It appears that up until late in the twelfth century there were few rules to guide the judge and the jury in their deci-

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3 Bloch *Feudal Society* p. 272.
sions as to who was or who was not free. The rules and the procedures were established mostly in the course of the thirteenth century just as seignorial litigants were abandoning status litigation to sue instead in tenure; status litigation was proving to be both expensive and risky. According to P. Vinogradoff, the only conclusive proof against liberty was "absolute proof that the kinsfolk of the person claimed were villeins by descent." And Hyams points to the practical difficulties facing a claimant in status litigation. The claimant had to transport the alleged villein's relatives before the justices, to watch lest they decide to flee, and to make sure that they would not suddenly claim to be free - all of which could have meant a loss of their labour services for several days. Furthermore, the whole procedure (the so-called procedure of suit of kin) was, he argues, anachronistic in an age when legal status, though hereditary in theory, "could be and was, changed in men's lifetimes," so that families often found in court "that they now

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4 Poole, Obligations of Society in the XII and XIII Centuries, p. 20.

5 Hymas King, Lords and Peasants p. 182.

6 P. Vinogradoff, Villainage in England, Essays on English Medieval History (New York, 1967), p. 219. Vinogradoff is also of the opinion that the procedure on questions of status "was decidedly favourable to liberty" (p. 219) and that this was the case largely because of the political structure of feudalism in which a lord's authority was meant to be, and to remain, territorial and was kept in check by the countervailing power of neighbouring lords (pp. 85-6).

7 Hyams, King, Lords and Peasants, p. 175.

8 ibid., p. 177.
differed in status from families within whom they habitually intermarried in the past." In fact, by the mid-thirteenth century, there were attempts at circumventing the problem posed by mixed marriages by making status depend "on the land where the child was born, more properly on whether he was within a lord's potestas at birth." As for the cases involving freemen holding unfree (villein) tenures, by the end of the thirteenth century, free status did not allow these men to recover their land by the possessory assizes. In general then, the question of status came to be gradually dominated by the question of tenure. But, why was legal status ever made into an issue? It has been suggested that the distinction between tenure and status stemmed from the English jurists' inclination to borrow Roman concepts of law - some of which would prove to be incompatible with the English medieval scene. 

Worth noting is how legal conceptions of personal unfreedom evolved throughout the twelfth and the thirteenth centuries. Whereas villeinage was first thought of as a public, a hereditary, a permanent condition (Glanvill's ideas) the emphasis

9 ibid.
10 ibid., p. 176.
shifted later to freedom and unfreedom as things that could be owned and thus bought and sold (the Bractonian view). Villeinage, in this view, was a relationship between two people only: manumission freed a villein in relation to his lord, reinstating him in a world where he had never given up his freedom in relation to others. Such an idea called for modifications in the procedure of suit of kin – modifications that were attempted but were not altogether successful. Incidentally, the idea that to be a lord's chattel did not necessarily imply servitude in other relationships (i.e., the idea of relative villeinage) created several problems. For instance, could a villein be sued upon a contract by a third party, given that his lord could seize all his lands and belongings? On the basis of relative villeinage, the villein could sue but could not, strictly speaking, be sued. In the end, theories of personal unfreedom were really too convoluted to be of great practical importance and indeed the extents and surveys of the manorial economy were not very careful in distinguishing the personally free from the personally unfree which suggests that what mattered in the manorial economy was, in fact, tenure.

Now, I am uncertain as to whether tests of villeinage like nserchet, tallage at will, the duty to serve as a reeve, or labour dues were part of the evidence produced in suits of kin,

14 Hyams, King, Lords and Peasants p. 90 and p. 120.


16 ibid., pp. 414-5.
whether these tests evolved as an alternative to suits of kin or whether they were mainly associated with suits of tenure (thus colouring, indirectly, the status of men who held in villein tenure for a long enough time). What do the texts consulted reveal? In each of Vinogradoff, Maitland and Pollock, and A.L. Poole the discussion of procedures regarding status focuses on suit of kin as a method of proof.17 Hyam's chapter on the proof of villein status revolves around the method of suit of kin and includes no mention of merchet, tallage, the liability to serve as a reeve or, for that matter, the liability to perform labour dues.18 However, in discussing tenure, Maitland and Pollock remark that "any service which stamps the tenant as an unfree man, stamps his tenure as unfree ... (merchet was) certainly regarded as ... a mark, though not a conclusive mark, of personal unfreedom ... the duty of serving as the lord's reeve whenever the lord pleases, the liability to be tallaged 'high and low', these are also treated as implying personal bondage, and very naturally so."19 As for Vinogradoff, he specifies that merchet was not "an unfailing test of status"20 while concluding "that there can be no question, at least at the close of the


19 Pollock and Maitland The History of English Law, pp. 354-6.

thirteenth century, of treating it as a sure test of personal subjection. '' In Poole, the distinction between personal villeinage and holding in villeinage is very much blurred. And Hyams turns his attention to merchet and tallage at will only in his chapter on villein tenure in which he tells us that "although merchet could not, in theory prove villein status ... its absence convinced eyre justices of a man's free status on one occasion. On tenure, merchet was usually accepted as conclusive, and the well-advised lord would allege that his adversary was a villein who held in villeinage and owed merchet." Tallyage, on the other hand, "was seldom more than good corroborative evidence, and cases of tenure that turned on it alone are rare." Finally, Hilton's "Freedom and Villeinage in England" suggests, I think, that tests like merchet, labour services or reeve services constituted an alternative to proof through unfree kin.

ON THE DEFINITION OF VILLEIN TENURE

Two approaches were used in the attempts at defining villein tenure. Jurists appear to have looked either at specific obligations or at the manner in which these obligations were per-

21 ibid., p. 217.
22 See Poole's "The Peasants" in Obligations of Society in the XII and XIII Centuries, pp. 12-35.
23 Hyams, King, Lords and Peasants, p. 189.
24 ibid., p. 191.
formed; in the latter case 'certain' obligations are supposed to have characterized free tenures, 'uncertain' obligations unfree tenures. Now, there seems to be agreement amongst historians that no conclusive proof of villeinage - i.e., no clearly defined servile obligation (except perhaps for merchet) - was developed prior to the end of the thirteenth century. Are we to infer from this that up until then the judges and the jury ruled by the uncertainty criterion and, if they did, what exactly did this criterion involve?

Pollock and Maitland consider the uncertainty of labour services to have been the best (though not the only) criterion of villein tenure. In their opinion, labour services were uncertain if they consisted of so much labour that custom could not define them without constant reference to the lord's will. More specifically, following this definition, "villein tenure is the tenure of one who owes to his lord in respect of his tenement 'uncertain' labour services or who (by himself or his predecessors) has owed such services in the past or who is subject to distinctly servile burdens [emphasis added]."

A reading of Vinogradoff suggests that, in their decisions, the courts took into consideration a range of liabilities (like merchet, tallage, labour services etc.). When probing into the uncertainty criterion (a test that he finds confusing) Vinogra-


27 Ibid., p. 358.

28 Vinogradoff Villainage in England, p. 82
doff concludes that, in practice, what mattered was the distinction between tenures paying mostly rent and tenures owing mostly labour dues. Was there a link between certainty and money payments, uncertainty and labour dues? According to Vinogradoff, land that paid rent appeared relatively secure since "[h]owever heavy the rent, the land that pays it has become independent in point of husbandry, its dependence appears as a matter of agreement, and not an economic tie." On the other hand, land owing service was "for economic purposes subordinated to the general management of the manor [and thus entailed]... almost of necessity a degree of uncertainty in its tenure." Yet, if in fact, tenures that owed a considerable amount of labour dues were categorized as unfree does not Vinogradoff's account much resemble Pollock and Maitland's? There is a resemblance although Vinogradoff's explanation of 'uncertainty' is in terms of the villein's control over the organization of his tenement while Pollock and Maitland's is in terms of his work conditions on the demesne.

Hyams offers different insights into the issue of uncertainty as this might have been related to the definition of unfree tenures. From his examination of thirteenth-century cases he gathers that uncertainty was never a rule or a test like the merchet test. It is only in trying to resolve hard cases that judges focused on the uncertainty associated with different payments

29 ibid., p. 171.
30 ibid.
and services as a guiding principle. A lord who could show that he had been in a position to manipulate exactions (whether tallage payments, marriage fines, etc.) or to interfere significantly with the performance of services rendered was likely to win the case. But uncertainty as a guiding principle was really a lame solution, Hyams intimates, for it is precisely the amount and the kind of payments that were in dispute - hence, the circular nature of many of the arguments involved in these cases.31

LABOUR DUES AS A TEST OF UNFREE VILLEINAGE

There were several ways in which unfree villeinage was established in the course of the thirteenth century. Labour services, especially those of a demeaning nature (as an example, Hyams cites the carrying of dung32), indicated servility. Yet it is not as though labour dues constituted a foolproof test of villeinage. Tests through labour dues were frequent and probably more widespread than others but perhaps not overwhelmingly so. And, as underlined earlier, the past performance of labour dues (though admittedly much harder to prove) could be as readily invoked as their present performance.

UNFREE VILLEINAGE: PURPOSE AND CONSEQUENCES

Perhaps labour services were not the only test of villeinage but were they - whether to be performed or sold - a likely consequence of unfree status and unfree tenure? More broadly, what were the specific consequences of thirteenth-century unfree vil-

32 ibid., p. 197.
leinage? Did a deterioration in conditions of tenure and an increase in the weight and in the number of personal and tenu-
rial obligations occur in close association with the development of common-law villeinage? Supposing that there was a deteriora-
tion: the arguments as to what caused this deterioration could assume at least three different forms. The emphasis could be on the legal changes as they affected the bargaining power of lords vis-à-vis their dependants; in this sense, the acquisition of extra economic powers by the former would emerge as the key variable. Alternatively, the deterioration could be seen as the result of changes in the economic and the demographic environ-
ment (inflation, diminishing returns, etc.) and villeinage as the vehicle whereby lords tried to adjust their income share to the novel economic situation. Both the possibilities that the lords, themselves, initiated the process of definition of villeinage, or that they merely took advantage of it, would be consistent with this kind of argument. A third and rather different conjecture could be that the deterioration in tenants' conditions (following changes in factor proportions and in the price level) would have been more severe in the absence of cus-
tom: that to be under the yoke of manorial (hence, customary) courts constituted a safeguard against market fluctuations, and that manorial practice was far more lenient than one would gather from evolving legal doctrines and proceedings.33

ally, John Hatcher (whose position this is) argues that, for many tenants, labour services were not new impositions but reimpositions and that "the denial of royal justice was usually not a depression of status but a confirmation of status." More than this, he even goes as far as alluding to an improvement in legal status in the thirteenth century since he discerns "a new and powerful protection ... in the presumption of the law that free status had to be proved." The merit of this approach is to raise the question of whether the alternative of price determination through markets alone would have mitigated, accentuated, or made any difference to the presumed deterioration. Now, as regards the time period relative to which one could talk about a deterioration in thirteenth-century tenants' conditions, Hatcher's position is that it is certainly not with respect to the late eleventh/early twelfth centuries. He considers the tenants' disabilities to have been comparatively lighter in the thirteenth century. On what grounds? Because, when enforced, labour dues were much better defined and, accordingly, less likely to be stretched at the lord's will, and because restrictions on mobility were not in force whereas they had been so in the earlier period. Hatcher would concede, however, that relative to the thirteenth century, there had been a temporary amelioration in tenants' conditions of tenure around the mid-twelfth century.36

34 ibid., p. 35.

35 ibid.
It would be convenient and thus tempting to try to reduce all of the hypotheses about the emergence of common-law villeinage into two categories - that is, those for which heavier exactions was the purpose versus those that associate common-law villeinage with the more innocuous purpose of clarifying and delineating custom. However, such a treatment would oversimplify the hypotheses that have, even within the same broad category, rather different emphases and sometimes divergent implications. To illustrate the point, amongst the hypotheses subscribing to the idea of more oppressive exactions, villeinage has been presented as equipping the lords with the authority to muster the labour force required for the direct cultivation of their demesnes - a version of events which, as indicated in previous chapters, calls for an explanation of why lords would favour labour dues and direct cultivation in addition to evidence that they really did favour them. On the other hand, in Reed's interpretation of events (also focusing on the lords' ability to extract additional income from their tenants), labour dues emerge as of symbolic significance. Similarly, to grasp common law villeinage as a movement towards the clarification of existing relations, could be consistent with several hypotheses. Amongst them is Hyams'; he considers villeinage to have been "an

36 ibid., pp. 26-34.

37 My understanding of the issues involved owes much to Hyams' chapter on the origins of common-law villeinage, especially to pp. 56-8 of this chapter.

38 See the discussion of this interpretation on pp. (48-50) of the thesis.
unintended by-product of the birth of common law" suggesting further "that the unlimited extension of royal jurisdiction was never in question". The king and his advisers belonged to a nobility which assumed that "peasant tenants were primarily their lord's concern"; the decision as to who would have access to royal courts was made by an administration that shared these thoughts. But is it obvious that the extension of royal jurisdiction and, more broadly, of royal powers to subsume manorial dependants was never really in question? (We know that the French king, also one of the landed nobility, started encroaching on manorial jurisdiction as soon as he had the power to do so, towards the end of the thirteenth century: was there a marked change in the nobility's and in royal conceptions in the thirteenth century?) To suppose that there existed conflicts between king and manorial lords raises the possibility that the definition of manorial tenants as unfree tenants in thirteenth-century England (i.e., as tenants barred from royal courts) constituted the lords' reaction to, and defense against, the extension of royal jurisdiction. Now, to argue further that lords might have taken advantage of this retrenchment of the manor unto itself to extract more income from their tenants and to subject them to more severe disabilities is also possible but

40 ibid.
41 ibid., p. 262.
42 This part is elaborated on pp. 185-196 of the thesis.
would imply perhaps that royal protection against seignorial excesses was indeed available to tenants prior to the thirteenth century.\textsuperscript{43}

A PREAMBLE TO THE FORTHCOMING CHAPTERS

The symbolic value of labour dues in formalizing relationships of dependence in thirteenth-century England is evident. I now propose to open the field of inquiry to include manorial developments outside of England, hoping to gain insights (in a roundabout fashion) into the move towards formalizing dependence on English manors and into the implications of this move for models of manorialism a la North and Thomas - that is, models whose analysis involves only (or primarily) two economic agents in the form of the manorial lord and his dependant.

In looking at manorial developments outside of England, I will be seeking information regarding several matters. My interest will bear upon the evolution of labour dues in use on demesne lands and thus also on the evolution of direct demesne cultivation. Throughout this investigation, I will be attentive to any occurrence that might have approached thirteenth-century English villeinage in consequences or aims. Finally, this overview of manorial developments elsewhere should provide me with the means to 'test' - albeit indirectly - the explanatory power of some of the hypotheses about the English thirteenth-century reversion to labour dues.

\textsuperscript{43} A statement on p. 219 of P. Vinogradoff's Villainage in England, Essays in English Medieval History (New York, 1967) indicates that this might have been the case but the point should be investigated further.
CHAPTER IV
A GLANCE AT FRENCH MANORIAL DEVELOPMENTS

French manorial relationships in light both of M. Bloch's work on French rural and medieval history and of contemporary revisions of his thought will form the substance of this chapter. Although several of Bloch's ideas have been questioned,1 Bloch's work can still serve as the starting-point of an investigation into French manorial relationships just as Postan's work has provided the grounds on which the facts pertaining to the English manor have been discussed.2 Here again, the fate of demesne lands, of labour dues and of bondage, will be in focus. How banal powers impinged upon the French manor - a facet of manorial life that was characteristically but not exclusively French - will add a new dimension to the discussion of Western European manorial developments.

1 Note that Bloch viewed his work as a work in process - one in which he would often revise earlier concepts and raise new questions. To focus on any one of his writings to the exclusion of the rest could give a distorted picture of his thought. What would be required is a step by step synthesis of his thought as it evolved - a major undertaking which has been attempted and on which I will draw; see the supplement compiled by Robert Dauvergne, in the 1956 edition of M. Bloch's Les Caracteres Originaux de L'Histoire Rural Francaise (Paris, 1956).

2 In the 1930's, Bloch and Postan exchanged thoughts on the evolution of the medieval manor; see the quote from Postan on p. 10 of the thesis for a confirmation of this.
THE FRENCH SEIGNEURIE THROUGH THE EYES OF M. BLOCH

Direct Demesne Cultivation, Labour Dues and the Evolution of Banal Powers

In sketching, in French Rural History (1931), the evolution of the French seigneurie from the eight and ninth centuries down to the thirteenth century, Bloch described a continual movement towards the attenuation of labour services and the shrinking of the demesne. In his view, this movement characterized France as opposed to England. French Rural History offers, however, no explanation for this contrast. A broader comparative chronology of when the medieval lord ceased to be "the head of a large agrarian and semi-industrial undertaking" to become a rentier landlord appeared in a subsequent article published by Bloch in 1933. The suggested dates were the following: by 1200 the change was supposedly completed in France, roughly around the same period (or possibly earlier) in Italy, somewhat later in Germany, and at least a century later in England.

In Bloch's mind, the dwindling of labour dues was definitely related to the reduction in the size of the demesne: by 1200 agricultural task work had disappeared and day work had been much reduced simply because lords had allowed their demesnes to shrink and continued to do so.

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4 Ibid., p. 100

As for the evolution of justice, *French Rural History* tells us that by 1200 the French lord had a monopoly of justice. Low justice, a territorial jurisdiction over his estate (the hearing of offences and cases relating to tenures), and sometimes even higher jurisdiction were in his hands — all of which reinforced his power to command, that is, his banal power. As a subject of a lord's banal lordship, a tenant could be ordered to perform services, such as to cut wood; also, he would usually be coerced to use his lord's water-mills, bake-houses, wine-presses, brew-houses, bull or boar, and had sometimes to buy his wine from his lord. Similar monopolies were found at the time on English and German manors. However, Bloch notes that,

it was in France that the system reached its apogee; nowhere else did it embrace so many estates or so many of the different economic activities carried on in a single place. There can be no doubt that this was due to the greater authority of the French seigneur, derived from his almost total usurpation of jurisdiction. When the jurists of the 13th century set about providing a theoretical framework for this social order, it was a sound intuition that led them to connect constraints and monopolies with the organization of justice... The right to judge was indeed the surest foundation for the right to command.

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6 Bloch, *French Rural History*, pp. 92-95. Bloch also suggested that the disappearance of manufacturing services was completed by 1200 which according to him was probably too early and too general a disappearance to be accounted for by the expansion of trade.

7 ibid.

8 ibid., pp. 80-81
Accompanying the spread of seigneurial monopolies and banal powers was the diffusion of tallage as an aid in money or in kind. Initially levied at irregular intervals and variable in amount, it became a more generalized and yearly imposition (although still variable in amount) in the course of the twelfth century. The movement to fix tallage started only around 1200.9

Bloch did not draw any relationship between the development of these new exactions and the decline in the size of the demesne in *French Rural History*, but in *Feudal Society* (1940), he made the following statement:

The development of new 'exactions' not only varied from country to country, according to the extent to which the right to issue orders had been taken over; it operated also in direct ratio to the lord's abandonment of personal exploitation of the estate. Having both more time and more land, the peasant could pay more. And the master, naturally, sought to recover on one side what he lost on the other. If in France the mill had not been the monopoly of the lord, how could it have continued to function once the supply of corn from the demesne had ceased?10

The statement could be taken to suggest that a causality relationship of a chronological order was involved. But I am unaware of any evidence presented showing that the decline in the size of demesne lands clearly generated and thus preceded the imposition of a system of new exactions. Furthermore, what exactly the lord lost is unclear. There is no hint, in this text, as to why the lord chose to raise payments through new

9 Ibid., pp. 81-83.

exactions as opposed to adjusting the commutation payments and changing the terms on which demesne lands were leased. One would also like some clarifications as to why the lord would not consider leasing the mill, the wine-press, etc.

A slightly different interpretation of this statement would have the lord parcel out a portion of his demesne (for reasons that would need to be elucidated), thus giving up some labour dues, while simultaneously resorting to new exactions. But, again: why would this latter source of revenue appear more attractive to the lord than the combined commutation payments and rents associated with the leasing of demesne lands? And, given such an interpretation, the implicit assumption would be that there were necessary losses inherent in leasing when compared with direct demesne cultivation - losses that the lord anticipated and tried to recoup immediately (that leasing was a last resource known to the lord to entail inefficiencies). This is in contrast to the first suggested interpretation whose only implication was that, after a while, the terms on which demesne lands were ceded needed to be renegotiated but that renegotiation was expensive - at least more expensive than the option of raising revenue through new exactions. In this first interpretation, the initial efficiency of the system of leasing was not put in question. What is not apparent in Bloch's analysis is whether either the abandonment of direct demesne cultivation or the acquisition of banal powers could have lead to the development of new exactions; or, whether Bloch's hypothesis is that, given the lord's monopoly of justice and thus extensive rights
to command, the abandonment of direct demesne cultivation would lead to new exactions.  

French Serfdom: Personal and Tenurial Implications

What were Bloch's views on twelfth- and thirteenth-century French serfdom? Did he suggest that serfs then formed a minority? a majority of the population of northern and central France? Were certain obligations regarded as specifically servile? According to Bloch, a serf was tied to his lord through a personal and hereditary relationship: he was from his birth, and in fact through it, his lord's homme de corps (his liege man). He normally lived on a tenure, was part of a seigneurie and, hence, had to follow customary rules but "he also had to obey certain rules arising from his personal status. Already a villein he was a villein plus." When discussing twelfth- and

11 In a 1935 note on some of Ch.-E. Perrin's work, Bloch argued that even though the development of banal powers, the extension of relationships of personal dependence (i.e. serfdom), and the decline in the size of the demesne were not absolutely concomitant phenomena, their effects coincided. How is one to interpret this statement? Does he mean that the phenomena were not simultaneous or that their causes were independent of one another? Excerpts from this note are to be found in Dauvergne's supplement to Les Caracteres ..., pp. 87-9.

12 My discussion of Bloch's 'serfdom' will not be restricted to his account in French Rural History (an account to be found on pp. 83-91). The most detailed exposition of Bloch's thought on the subject of serfdom is in an article written in 1933, "Personal Liberty and Servitude in the Middle Ages, Particularly in France. Contribution to a Class Study". This article is in Slavery and Serfdom in the Middle Ages; Selected Essays by M. Bloch tr. by William R. Beer (Berkeley, 1970) pp. 33-91. Another pertinent article is his 1928 "The 'Colliberti': A Study on the Formation of the Servile Class", also published in Slavery and Serfdom ... ; see, in particular, pp. 140-149. Feudal Society contains a concise
thirteenth-century serfdom, Bloch clearly separated status from tenure, emphasizing that the serf's particular relationship to his lord was not mediated at the time through the tenement he occupied. Bloch even asserted that "bondage to the soil was in no sense characteristic of the serf." According to him, servile was one who paid the chevage (a modest symbolic annual head-tax acting as a permanent proof of villeinage), the duty for formariage (a duty paid to obtain the lord's permission to marry someone outside the seigneurie, or to marry a free person) and some kind of inheritance tax. Other disabilities of servile status, he pointed out, were the inability to enter holy orders or to bear witness against free men.

Did something ever prompt a process of strict, legal definition of servile status or were the above characteristics only customarily descriptive of personal dependence? In a rather laconic passage, Bloch mentioned how "in the twelfth and thirteenth centuries the courts [which courts?] established and regularized the laws of servile status" and that they had to determine who was a serf whenever confronted with "cases regard-

section on French serfdom on pp. 260-266 of Vol. I.

13 Bloch, French Rural History, p. 85


15 Bloch, Feudal Society, p. 263; French Rural History, p. 88; "Personal Liberty and Servitude ..." in Slavery and ..., pp. 34-44. Incidentally, according to Bloch, the very existence of these obligations which implied that the serf possessed a genuine patrimony establishes the difference between serfdom and slavery.

16 Bloch, "Personal Liberty ..." in Slavery and ..., p. 35.
ing bodily possession [?] which were very frequent.\(^{17}\) This passage leaves, unfortunately, a lot unsaid.

Observing the spread of the presumed servile characteristics, Bloch concluded that before the era of the great charters of liberty, serfs constituted the majority of the peasant population in almost all of central and northwestern France.\(^{18}\) The one region that seemed to stand apart was Normandy. There, servitude never developed to the same extent and is, in fact, hardly mentioned in documents dating back to the 11th century.\(^{19}\)

Finally, Bloch reckoned that the concept of servile status underwent changes in the late thirteenth and in the fourteenth centuries when the arbitrary taille and some restraints on mobility started to acquire servile connotations. A residence tax payable to the lord by all those who 'depended' on him for aid and protection, the taille was, in its early days, an unpredictable obligation falling on vassals, free tenants, and serfs alike. Over the twelfth century, the lord increasingly tallaged his subjects who soon demanded the regularization of the taille. He responded by charging a substantial fee for the

\(^{17}\) ibid.


\(^{19}\) Bloch, French Rural History, p. 90. Bloch tried to explain the peculiarity of Normandy in terms of the liberalizing influence of the Danes remarking that in Normandy as well as in the north and north-east of England - all areas that had been invaded by the Danes - manorial tenants enjoyed a relatively high degree of freedom; see Feudal Society, Vol. I, p. 49. The absence of servitude in Normandy has been a much noted phenomenon but has not been closely analyzed.
act of registration regularizing it; for most, the taille became a fixed and annual payment. Note that annual subscription to the taille was not tantamount to affranchissement or 'manumission'. However, where serfs were involved, this concession and the abolition of what Bloch deemed to have been specifically servile obligations were often part of the same charter (of the same long process of bargaining between lord and tenants). And, tenants who were not in a position to pay for their manumission were often unable to pay the fee for annual subscription to the taille. In practice then, around 1300, those still subject to the arbitrary taille were usually serfs—hence, the newly acquired servile connotation of the arbitrary taille. If Bloch was correct, any arbitrary imposition would henceforth imply servility.20

From the eleventh to the thirteenth century, documents listing specifically servile obligations never cited restraints on mobility. In fact, many of these documents made a note of serfs who, although living outside the seigneurie, were still expected to make specifically servile payments to the lord whose hommes de corps they were. Of course, to have itinerant serfs was undesirable for a lord since he would have to incur substantial expenses in trying to collect his dues but then Bloch's point is that, until the thirteenth century, there was not much a lord could do to prevent itinerancy. In theory, the obligation of fixed residence could be enforced with the help of a strong sov-

20 See Bloch, "Personal Liberty and ..." in Slavery and ..., pp. 45-48 for the evolution of the taille.
ereign authority that would demand restitution of the fugitive from the lordships or the communities harbouring him. The fragmentation of justice made this impossible in France up until late in the thirteenth century. In the absence of a strong central authority, the lords could and did reach bilateral agreements to ensure that they did not harbour their respective subjects. These agreements applied to serfs as well as to free tenants yet tended to be short-lived. Also, a lord could threaten his subjects with the confiscation of their property (movables included) in case they departed. Again, we find that serfs and free tenants alike were threatened with the confiscation of their holding whenever they elected to reside elsewhere. But what was the lord to do with the confiscated holding? Could he be sure of finding someone who would cultivate it and reside on it as a serf? According to Bloch, as long as men were scarce relative to land, the lord's best policy was to allow his itinerant serf to cultivate it from afar (if at all possible) or to accept a free man as a tenant. Eventually, however, increased population would give substance to the threat of confiscation of holdings which could then be rented on more stringent terms. For example, a lord could shorten the lease to allow for rent increases; or, he could demand freemen to render servile obligations with which they were likely to comply in order to receive (or retain) land. It is in these circumstances that some holdings came to be regarded as specifically servile. In the late thirteenth century, and more so in the fourteenth century, serfdom acquired a new character: "a landed rather than a personal
character, thereby often bringing restraints on residence, still most often transmitted to the man via his tenure, and therefore susceptible to being lost with it."

Bloch's thought summed up

As described by Bloch, from around the eleventh to the fourteenth century, French manorial life evolved away from direct demesne cultivation towards much smaller demesnes, away from a strictly personal form of dependence towards a more tenurial form of servility and also towards newer perceptions of servility - a condition henceforth associated with arbitrary exactions (exactions that had not been the object of any overt bargaining?). Much in use at the height of the period of direct demesne cultivation (subsequent to which they would be steadily reduced), labour dues were never, in Bloch's perspective, the imprint of servility. Moreover, this perspective alludes neither to a reversion to direct demesne cultivation nor to labour services.

THE FRENCH SEIGNEURIE THROUGH MORE CONTEMPORARY EYES

On the evolution of the demesne

Ideally, the evolution of the demesne should be explored in terms of what happened to the size of the demesne, into whose hands it passed (if it was fragmented), and how the lord farmed the lands that remained his. I have found G. Duby's work enlightening in that it does recognize these questions to be distinct as opposed to amalgamating them under the one general

21 ibid., p. 85. The whole discussion of residence constraints is drawn from pp. 48-58 of this article.
heading of 'the decline of the demesne'. Contemporary research intimates that Bloch might have exaggerated the extent of the reduction in the demesne. The position taken, for instance, by Duby in *Rural Economy and Country Life in the Medieval West* is that twelfth-century estates were indeed much smaller than the huge estates of the great Frankish monasteries described in the ninth century polypiques but that the polypiques referred to exceptionally large demesnes; and that we really do not know whether the thirteenth-century demesne was, on average, larger or smaller than in the twelfth century. Further, Duby expresses reservations about hypotheses implying that the lord's arable had been deliberately distributed to tenants in the eleventh and twelfth centuries; in fact, he doubts that 'many landlordis' fields at that period became peasants' fields. It would be more correct to say that the demesne arable was divided by inheritance and 'benefices' into ever smaller units of cultivation. This fragmentation largely resulted from demographic growth, the proliferation of aristocratic clans, and the multiplication of lords. He also stresses that landlords "had not


24 ibid., p. 264.

25 ibid., p. 199. See also F.L. Ganshof and A. Verhulst "Medieval Agrarian Society in its Prime; France, the Low Countries, and Western Germany" in *The Cambridge Economic History of Europe Vol. I: the Agrarian Life of the Middle Ages* ed. by A.M. Postan (Cambridge, 1966), pp. 310-312. Do they suggest that demesne land were more often parcelled out among tenants
divorced themselves at all from direct cultivation. Whether it was retained in the hands of the master or whether it was entrusted to an agent or to a 'farmer', the demesne [which was cultivated increasingly with the help of hired labourers] undoubtedly formed the most productive portion of manorial landownerships. 26

For the thirteenth century, the evidence of parcelled demesne lands is more plentiful. In general, though, the evidence "does not dispel the impression that in the thirteenth century, as in the twelfth, the parcelling out of land affected only a very small portion of the demesne... What one demesne lost here, another would gain there, very frequently by the cultivation of wastelands." 27 Who managed the arable component of the demesne? The lord himself, in the case of small and middle-sized estates, 'farmers' in the case of larger estates. Again, Duby strongly emphasizes that, in the latter case, it is not as though the demesne lands were parcelled out: "they preserved their boundaries, and their constituent parts were kept quite distinct from rent-paying lands". 28 In other words, on the basis of this evi-

than Duby would have us believe? It is not altogether clear.

26 Duby, Rural Economy ..., p. 211. Whereas later in the text, in Duby's discussion of the thirteenth century, the phrase, 'direct cultivation of the demesne' refers quite explicitly to the case of direct management by the lord. (see p. 273), the above quotation is confusing because it suggests an unusual meaning: namely, the preservation of the demesne lands as an intact unit of cultivation. This is not what is commonly understood as direct demesne cultivation. The confusion may be due to problems in translation.

27 ibid., p. 266.

28 ibid., p. 273.
idence, the practice of farm leasing appears to have been as significant - and probably more significant - a phenomenon as the decline in the size of the demesne. A description of what this practice entailed follows below.

In the course of the twelfth and thirteenth centuries there were attempts at reorganizing larger estates: religious houses tried to sell or exchange their more remote properties and fixed-term leases became gradually a feature of manorial organization. Most often it was the demesne that was farmed out, although at the end of the thirteenth century even lands owing quit rent were leased and so were various rights and dues like tithes and other miscellaneous revenues. We do not know the extent to which leases spread in the eleventh and in the early twelfth centuries when they were probably agreed upon verbally. Predictably, lords whose properties were widely dispersed were the first ones to resort to the system of leasing. 29 Usually the whole unit of cultivation was farmed out with equipment, tools, domestic servants, some labour services and sometimes even with cattle, money, or seed. Short-term contracts as opposed to leases for life spread, especially after 1250. Leases were either in return for a share of the harvest or for a fixed rent. In the former case, the share absorbed was often half of the crop (hence, the appellation of metayage). Where the soil was not very fertile the lord was willing to take much less than half or a third of the produce. At first quite widespread, this

29 See Reed and Anderson for an explanation of this tendency.
form of lease was later supplanted in northern France by fixed-rent leases.\(^{30}\)

Two questions that would be worth pursuing within the framework of a discussion on leasing and that are outside the scope of this thesis: who were the farmers willing to manage the demesne lands and why did métayage become firmly implanted only in some regions? The latter question anticipates really much later developments although it does seem that the regional character of métayage manifested itself rather early.

On the evolution of labour dues

Duby confirms Bloch's thesis of a decline in agricultural labour services. His explanation for this decline departs, however, from Bloch's. He certainly does not focus on a decline in the size of the demesne as the principal explanation of the decline in labour services. This, of course, is consistent with his ideas regarding the evolution of the demesne. Labour services were much reduced between the ninth and the twelfth centu-

\(^{30}\) A note on champarty arrangements which are sometimes confused with métayage contracts since they were also based on the division of profits between lords and tenants. On champarty tenures (mostly involving newly assarted plots of land), the lord did not contribute to the cost of tillage. Initially meant to be non-hereditary, these tenures were soon to be treated, however, as customary holdings in perpetuity and thus became subjected to the same manorial rules as rent tenure (i.e., as the censive or tenure en vilainage.) Leases on métayage were rather different in that the métayer had no right to the land he tilled - his relationship to the lord was rather precarious. I would describe it as much more 'contractual'. Métayage arrangements largely preserved a lord's control over his lands since the métayer's duties were very carefully stated. This information is drawn from Duby's *Rural Economy* ..., Fourquin's *Lordship and* ..., and Bourtrouche's *Seigneurie et* ...
ries in part because of the reduction in the area "directly cultivated" by the lord through the loss of some *lots corvees* but also because of the erosion of the *mansus* as a fiscal unit,¹ because technical changes made some labour services redundant in the twelfth century,² and because "the growth of exchange introduced more money into the small dependent cultivations while at the same time it facilitated the recruitment of wage labour"³ - all trends which persisted in the thirteenth century.⁴

**French serfdom in light of more current research**

Bloch's views on serfdom have been definitely called into question, at least for the period preceding the thirteenth century. The outcome of some intricate discussions is that the taxes of chevage, formariage, and mainmorte were *not* as specifically servile as Bloch considered them to be (there were instances, for example, of chevage payable by non-serfs); and that the serfs did not form a majority of the population of the seigneuries. The alternative to Bloch's hypothesis is that this

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¹ To divide labour services between the newly carved portions of the manse was more cumbersome than dividing a cash sum.

² Purely manual labour became less valued because of improvements in ploughing equipment and increases in productivity "whereas the value of labour services with animals was undoubtedly enhanced" (p. 212).

³ ibid., p. 208.

⁴ ibid., pp. 269-273; Boutruche, *Seigneurie et Feodalité* Vol. II, pp. 100-102. That some of these factors might have had a role in the decline of labour services in England is, of course, possible and should be worth investigating in some ulterior research.
population consisted of dependants - a minority of which were serfs who possibly descended from the Carolingian servi. The rest - that is, the non-serfs - were usually referred to as hospites or villani. Unlike the serfs, the hospites (or villani) could break the tie that bound them to the lord through their residence by leaving the seigneurie. Other differences consisted in serfs being under the only jurisdiction of their lord while hospites might depend on the tribunal of several lords (given the fragmentation of justice). And, where hospites were concerned, charters of franchises were the means to obtain the exemption from certain obligations and the alleviation of their charges. For serfs, it was the act of manumission that conveyed similar privileges as well as pronouncing them free.\

On the basis of my readings of these discussions, I conclude that serfdom as denoting a condition of strict, personal and permanent dependence has probably been an overrated concept in analyses of the seigneurie. To understand the latter one should consider rather the obligations accompanying tenancy under a landlord and subjection to the holders of banal powers.\

35 Ch. E. Perrin, "Le Servage on France et en Allemagne". X. International Congress of Historical Sciences, Vol. II (Florence, 1955), pp. 214-221; Fourquin, Lordship and ..., pp. 174-178; Boutruche, Vol. II, pp. 75-79. The first to challenge Bloch's hypotheses was M. Verriest whose work launched the whole re-examination of the question of serfdom.\

36 Theodore Evergates, Feudal Society in the Bailliage of Troyes under the Courts of Champagne 1152-1284 (Baltimore, 1975), p. 188.
Where Bloch has remained unchallenged is in his suggestions that the arbitrary taille, and really any arbitrary exaction, gradually evolved as attributes of a special inferior status, and that this status, and hence its obligations, became intertwined with tenure. Recent research confirms that, in the course of the thirteenth and fourteenth centuries, the manner in which obligations were exacted became a mark of 'servile' status. It also confirms that certain obligations became bound with specific tenements, that a few lords demanded from their potential tenants that they surrender their freedom, and that some tried to restrict the mobility of their bondsmen so that they could impose upon them the taille and the typical charges that went with it. These changes in the relationship between some dependants and their lords have been termed and interpreted as a "revival of servitude" or, a "new serfdom". It appears that they occurred in various parts of post-1250 France: in the north and the north-east of L'Ile-de-France, in parts of the south-west and the south-east, in the east and in central France.

37 Duby, Rural Economy ..., pp. 248-50.
38 ibid., p. 248.
39 Boutruche, Vol. II: p. 79.
40 ibid.
The Revival of Servitude in France: an evolution along the lines of thirteenth-century English villeinage?

The reader will likely be inclined to regard this French version of a 'new serfdom' as the obvious counterpart of English villeinage, assuming that the latter did strengthen the lord's grip over his dependant. In fact, a parallel has been drawn in the literature between the French 'new serfdom' and thirteenth-century English villeinage. But to what extent this parallel contributes to our understanding of the two phenomena is a question that should be posed. What are its most apparent limitations? In France, the changes associated with this new serfdom took place against a specific background - namely, the extension of community franchises to a substantial segment of the population. As Duby remarks "to proclaim the 'freedom' of some country folk was to bring out, by way of contrast, the web of servitude in which the rest was still caught up." Could one equally argue that it was the extension of freedom(s) in England that brought about a contrary movement in the form of a clearer definition of villeinage? Such reasoning would be flawed, I think. Even if one were to suggest that the possibility of freedom lurked behind the process of redefinition of villeinage the

41 Duby, Rural Economy ..., (p. 248).

42 ibid. Duby also considers that a renewed interest in juridical studies had a strong influence over the revival of serfdom and that the proliferation of poorer tenants caused their subjection to the lord to become tighter.

fact remains that, through villeinage, the dependent status of the majority of the English manorial population was either legally and economically depressed or, in any case, confirmed. In France, on the other hand, pockets (?) of unfreedom surfaced amidst a movement that would bring greater certainty to the lives of manorial dependants - a movement materializing in the charters. Now if one were at all bent on analyzing the thirteenth-century redefinition of villeinage as a process that mainly regularized the charges weighing on manorial dependants, one could perhaps argue, on this basis, that the redefinition of villeinage was more akin, in its economic consequences, to the granting of charters than to the so-called "new serfdom"! Thoughts related to this hypothesis will be elaborated in the concluding part of the thesis. Meanwhile, and for this reason, the French charters of liberties should be described somewhat.

Charters of 'liberties'

There is little uniformity in the ways in which the French charters (which originated in newly assarted regions) have been treated in the literature. They are presented as essentially written records of longstanding customs or, alternatively, as having had a much wider impact in that they helped create new conditions in new and older villages. Their effect is described as 'liberating' yet also constricting! In trying to summarize the present state of research on various regions in France, T. Evergates reports that the charters granted the same basic points: freedom of movement, property transfer, and marriage (without tax); the conversion of all taxes into a single, fixed hearth tax; and some
economic privileges ... A uniform method of
analysis of the sources shows that by the
mid-thirteenth century a general checkered pattern of strictly held and of franchised
communities prevailed throughout the king-
dom.**

Contrast this with Duby's assertion that the charters were
extremely expensive for the communities that bought them:

from the economic point of view [the chart-
ers] ... chiefly: resulted in transferring
to the lords who owned territorial monopo-
lies and privileges the larger sums of cash
which the prosperous peasants had succeeded
in saving up ... the liberties did not in
fact abolish the lord's power to levy exac-
tions. They suppressed intermediaries ... 
whose demands and chicaneries were often
less bearable than the master's if only
because as persons they were less respected
... the charters ... did not so much reduce
the fiscal power of the ban as regularize
them, introduce them into custom, and there-
fore legitimize them, and even entrench them
more firmly. So much so that enfranchised
villages did not finally find themselves in
a particularly privileged economic position
compared to the many localities which had
not received charters, but which benefited
from the growing fixity of custom.***

Is there incompatibility between the two statements? Not
really, since Evergates' emphasis is on the fact that the char-
ters ratified the peasants' potential to engage in a number of

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44 Evergates, *Feudal Society in the Bailliage of Troyes* ..., p. 144. In his own analysis of the bailliage - situated in
Champagne - Evergates suggests that "increasing peasant
mobility forced landlords to specify their claims by name; a
stationary peasantry would not have required the descriptions
of their obligations to other lords". [p. 138] And "at the
same time, the court of Champagne developed a policy of tak-
ing advantage of the floating population by enticing migrants
to his forested lands by means of exemption and privileges", [p. 56]

45 Duby, *Rural Economy* ..., p. 244.
activities while Duby's concern seems to be with a more immediate and depressing pecuniary effect. Of course, the question could always be raised as to whether a depressing pecuniary effect would not inevitably influence potential development and thus obliterate the possibilities embedded in the 'freedoms' granted.

On the concept of banal power: its analytic value

The concept of a lordship of the ban is linked to attempts at distinguishing between the different components of a lord's 'bundle of rights' - a distinction intended to shed light on the following kind of question: in what capacity did the lord receive the taille, the mainmorte, ploughing services, or the champart? The idea is that the charges burdening a lord's dependants expressed different aspects of his power over them. Initially the word *bannum* designated the right to judge, to command and to punish wielded by the king and his representatives; eventually it became associated with the lord's own power to do

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46 A note on the absence of similar charters in England. The reasons given are the following: "For written record, the lords had their surveys and the rolls recording the judgments of their courts: they would hardly have felt the need for further codification of usages whose very instability enabled them to render the possession of tenements progressively more precarious. Furthermore, since land clearance in England appears to have been relatively limited while the lords for their part possessed a very effective means of retaining their subjects, one of the causes which on the continent had most powerfully conduced to the concessions was not operative here." [Bloch, Feudal Society, Vol. I, p. 277]. Boutruche is wedded to Bloch's opinion; see Boutrouche, Seigneurie ... Vol. II, p. 142. A different suggestion in Duby's Rural ... is that charters which regularized mainly the banal powers of the lords were out of place in a country - England - in which the sovereign kept for himself the supreme ruling powers, p. 242.
so. By use of his bannum, the lord "imposed on all alike a num-
ber of dues, the justification for which was no longer any prop-
erty-right in land, or any authority over persons by reason of
their legal status, but simply the fact that by legal or illegal
means, he had got into his hands a part of the dismembered
authority of the state." 47 Boutruche calls this 'a political
seigneurie'. 48

The rights and dues deriving from banal power (referred to as
'exactiones' in the documents) spread rapidly in the course of
the eleventh, twelfth, and thirteenth centuries. Amongst them
were the rights to control rural tribunals and to levy dues for
protection of the harvest or for stabling horses, the right to
lodging, a variety of corvees (such as maintenance, carrying and
ploughing corvees), the taille as well as new tolls and commer-
cial privileges. 49 All these rights did not remain vested in the
hands of one single lord. They ended up quite fragmented. A
lord might, for instance, reserve to himself the exercise of
high justice and sell that of low justice, or vice versa.
Another might sell all of his jurisdictional rights yet retain
the land over which he had exercised them. One lord might be in
possession of the monopoly over the mill, while a second enjoyed
similar privileges over the oven - hence, a rather entangled
network of relationships which gave rise to numerous frictions

47 Janshof and Verhulst, "Medieval Agrarian ..." in The Cam-


49 Duby, Rural Economy ..., pp. 224-6.
between the different holders of banal powers.  

(The diffusion of banal prerogatives was to result in the growth of a group of intermediaries who acted as auxiliaries to the lords and who were usually drawn from the ranks of domestic officials. It has been suggested that, in England, domestic officials never rose to the same prominence, in part, because private powers were not as developed there.)

However attractive a proposition, to categorize the various rights claimed by a lord, thus tracing them to different sources of power over men, is bound to involve practical and logical problems. As Vinogradoff said with respect to the English manor - a remark that would apply equally well to the seigneurie: "the constant tendency in practice must have been undoubtedly directed towards mixing up the separate threads of subjection."

For example, at first a territorial tax, tallage became associated with servility; personal subjection with dependence through tenure. Moreover, there was no obvious connection between several of the seigneurial levies and their supposed 'justification'. Consider, here, the seigneurial monopolies: what was their connection to the exercise of particular functions of the state - other than that they were backed by banal prerogatives? Tallage, on the other hand, was supposed to aid

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51 Duby, Rural Economy ..., p. 228.
53 ibid., p. 163.
the rulers overcome some extraordinary circumstances (at least in its early days). As for the threefold classification of a lord's rights (property-rights in land, rights over men by virtue of their legal status, and rights resulting from the exercise of political functions), it could be criticized on the following grounds: what is the basis of a distinction between rights over men because of their status and rights deriving from political sway? The answer is not evident, particularly if one considers that the 'close personal dependants' lapsed into this condition precisely because they sought, from individual lords, services that a central authority no longer offered them. The mere twofold distinction whereby a lord's manorial income is traced back to rights in land (a rent component) and to political attributes (a tax component) might seem more appealing. More appealing yet perhaps less revealing in terms of the evolving relationship between a central authority and manorial lords. This twofold distinction corresponds to the supposition that a much fragmented central authority lay in the manor's background and, under these conditions, it would be quite adequate. On the other hand, if the aim is to integrate into the analysis varying degrees of fragmentation (or of centralization) of this authority then perhaps the recognition of personal dependence as distinct from territorial subjection becomes important. Whereas the mere twofold distinction generally implies the absence of an effective central authority which in turn allows the analysis to treat the manor as a self-contained entity, the threefold distinction could capture, to a greater extent, the effect of
changes (and variations) in the degree of governmental fragmentation and of a lord's possible range of responses thereto.
CHAPTER V
MISCELLANEOUS DATA ON ITALY, GERMANY, AND THE LOW COUNTRIES

I will be significantly briefer in my descriptions of the changes that occurred in northern Italy, Germany and the Low Countries than I have been in my discussion of English and French developments; my intention is to establish, *grosso modo*, the course of events experienced by these regions.

ITALY

In my research on Italy I have used mostly three sources: P. Jones' chapter in *The Cambridge Economic History*, G. Luzzatto's *An Economic History of Italy* and P. Herlihy's "The History of the Rural Seigneurie in Italy, 751-1200". In general, these sources concur with regard to the trends summarizing manorial relationships, as these unfolded from roughly the tenth to the fourteenth century. The following descriptions are all based on this literature, especially on Jones' chapter.¹

On demesne leasing

The history of manorialism, in northern Italy, reveals an early and a strong tendency towards the use of indirect methods of demesne management. This tendency was manifest even in the

Lombard and in the Carolingian periods when direct demesne cultivation was at its peak. From the ninth to the twelfth century, the leasing of demesne lands was a process associated with large and recurring transfers of property. Herlihy suggests that this process occurred in spurts. In any event, by the twelfth century, direct demesne cultivation was definitely on the wane and labour services were few; they consisted mainly of seasonal works, carrying services and seigneurial corvées unrelated to tillage. Where the demesne remained under direct supervision, wage labour was in use. Was direct demesne cultivation replaced by a system of indirect management based on traditional leases or on terminal leases? Broadly, the answer is that up until approximately 1150 traditional leases were the norm after which short-term contracts began to appear in all parts of Italy.

In discussing the early period of demesne disintegration (mainly the tenth and eleventh centuries), Jones points out that the beneficiaries of grants of demesne lands—grants that took the form of perpetual leases and that, in effect, were concealed alienations—were more often knights, lords, merchants and lawyers than small cultivators. He also indicates that these grants were part of a larger movement that encompassed

2 Herlihy, "The History of the Rural Seigneurie in Italy", p. 68.

3 Jones stresses high labour costs as a factor in the abandonment of direct cultivation, implying thus that labour dues were no longer an option. See p. 411 of The Cambridge ..., Vol. I.
whole manors, castles, churches and tithes: This movement led to a substantial change in property relationships: "the great estates of crown, Church and nobility were being broken up and redistributed among a new middle-class of landholders, gente nuova of obscure origin." Hence, while a twelfth-century lord (or a church) could, in principle, raise customary rents indirectly by levying fines in cases of inheritance and alienation and while he could also evict a tenant for arrears of rent, in practice, he was quite constrained. Not only was he hampered by custom, but he also had to reckon with the power of many perpetual tenants who were not simple cultivators. Such tenants tended to be protected by the urban communes - several of which supported a move to have perpetual tenures declared allodial.

New methods of indirect management appeared in the twelfth and thirteenth centuries. Within the traditional framework of perpetual leases, there were successful attempts at changing rents in money into rents in kind. But there is also evidence of rapidly spreading commercial leases - i.e., of short-term grants of land, of livestock, of whole farms and buildings for

4 Jones in *The Cambridge ..., p. 400.*

5 While Jones suggests that the commutation was a defense against devaluation (page 410) Herlihy remarks in footnote 53, on page 68 of "The Rural Seigneurie ....", that it usually involved "a hike in the rent itself out of all proportion to the fall in th value of the coinage ... Because in the bulk of rents set in money the payments were so small, verging on the purely recognitive, I do not think that debasement provided the principle motivation for this wave of commutations and would rather consider the desire greatly to increase rental incomes as the decisive factor."
fixed rents (usually food rents) and for share cropping. Note that some of the share-cropping arrangements bore a strong resemblance to wage contracts. Where the owner advanced most of the working capital, and where the conditions of very short-term tenure were stated in great details, the tenant's share of the crop was not markedly different from a wage.

Who initiated the change towards shorter contracts and how was this change implemented? Did commercial leases apply solely to newly-made grants or did landlords succeed in drawing into the process property that had been ceded previously on customary terms? Town-dwelling landowners as well as the Church were in the forefront in introducing commercial leases on already developed land; on the other hand, grants of unimproved and waste lands continued to be based on the principle of perpetual tenure. A number of peasant holdings were recovered through manumissions and escheats, then re-let for shorter terms and higher rents. Yet, according to Jones, "something more than these unobtrusive changes is needed to explain the rapid transformation visible on many Italian estates of the later Middle Ages" - this "something more" being another massive redistribution of property. Now, how exactly this redistribution took place, and how it facilitated the spread of the new leases is not clearly delineated in Jones' account. What appears to have happened,

6 Share cropping arrangements go back to the ninth century but it is only as of the twelfth century that they acquired importance as short-term leases.

throughout a process that would stretch down to the sixteenth century is that lands were being purchased and holdings consolidated into larger tenements. These were often entrusted to an entrepreneur who would then sub-lease them.

On the relationship between labour dues and servility, prior to the emancipation movement

Servility was either a matter of status and/or of tenure. But, starting in the ninth century, status became of lesser importance to the lord than tenure: regardless of their status, tenants were subjected to manorial jurisdiction and to a number of restraints, ranging from restraints on mobility to restraints on inheritance. Up until the eleventh century, servile tenants, like holders of servile tenements, were under heavier work obligations than the rest of the rural population. Whether this constituted the most telling characteristic of servility is, however, unclear. Would northern Italy witness attempts at reviving obsolete forms of dependence and at re-imposing labour dues? I have come across the mention of such attempts in relation to fourteenth century feudal Tyrol. And in Piedmont some form of servitude associated with the taille and the mainmorte survived up until at least the sixteenth century.9

8 ibid., page 415. Jones stresses that the documentation on the transition from the old to the new system of leasing is poor: "too often records simply show the new system in working order." (p. 415)

9 Jones, The Cambridge ..., pages 406 and 409. A historical note on Tyrol which could prove to be useful: there were parts of Tyrol in which free properties had remained strong and in which feudal organization was relatively weak between the tenth and twelfth centuries. Small free proprietors fell under the realm of royal jurisdiction, had courts formed of their peers and enjoyed the right to carry arms. There was an
The communes as holders of extensive banal powers and the acquisition of freedom(s) by manorial dependants.

A brief portrayal of the twelfth and thirteenth centuries would put the accent on the emergence of the urban communes as holders of extensive banal powers and on their controlling influence over the rural communes which in turn had come to regulate much of village life. As for the conditions of manorial tenants, their dependence on a private lord - whether through their status or through their tenure - was loosening. By 1300 little was left of the various forms of bondage. Charters of franchises and individual manumissions had been granted extensively from the eleventh century onwards.

To what extent did manorial dependants owe their newly acquired freedoms to urban policies and to the urban communes? There is no straightforward answer to this question. It would be rash to assume that the communes were invariably "pro-serf" (or "pro-dependants") and "anti-lords" since, as mentioned earlier, many of the townsmen had their own landed estates and dependants in the countryside. Jones gives the example of some thirteenth-century towns that tried "to prohibit immigration by villani and often other peasants, in order to protect the culti-
vation of estates and the taxable capacity of the countryside...

[but which also] adopted the seemingly opposite policy of peasant emancipation. 11 Now, if the purpose of the urban commune as a corporate entity - as opposed to what might have constituted, at times, particular interests of its individual members - was to extend its taxing powers to the countryside and, hence, to subject the peasants collectively to various impositions, it was bound to dispute the taxing powers possessed by private lordships. And this would often lead the commune to see in the emancipation of the peasants a first step towards its own assumption of these powers. Direct ways of dispossessing the private lordships included purchasing their rights or, waging war against them. But control over a lord could be achieved in a more roundabout manner. By drawing him into debts, the towns sometimes forced him to sell concessions to his dependants. 12

Taken together, both the direct and indirect effects of urban policy were to weaken the connection between political rights and landlordship. 13

11 Jones, The Cambridge ..., page 403.

12 See, for examples of such occurrences, Jones, page 402. A general and brief discussion of the communes is to be found in P. Anderson, Passages from Antiquity to Feudalism (London, 1974), pages 165-167. On page 165, Anderson states that, in Italy, the evolution of feudalism (and I would add also of manorial relationships) was abbreviated and inflected by the survival of classical traditions. The Byzantine reconquest of most of the peninsula from the Lombards in the 6th century had ... helped to preserve these ... Barbarian settlement had anyway been relatively thin. The result was that Italy never lost the municipal urban life which it had possessed in the Roman Empire.

13 Jones makes a stronger statement, namely, that the effect "was
My understanding of the evolution of the German lordship is based on works by G. Von Below, Ch-E. Perrin and F. Lutge. I have also gathered some information from the Cambridge Economic History and from P. Anderson's Passages from Antiquity to Feudalism. The latter work is particularly helpful for its concise description of the feudal (i.e., political) relationships characteristic of medieval Germany.

First of all, I would like to acquaint the reader with some of the terms commonly used to describe German phenomena — terms that are best left untranslated. Analyses of German agrarian conditions are cast in terms of the Grundherrschaft, the Villikationsverfassung and the Gutsherrschaft, the latter term referring to a form of manorial organization that would become characteristic of Germany after centuries landlordship and lordship*, The Cambridge... Vol. I, p. 404. I have diluted this statement on purpose because it suggests, I think, that the separation was final. In fact, there would be a few successful attempts at re-establishing feudal lordships invested with seigneurial rights, in the fifteenth century.


16 I can only think of one adequate as well as literal translation for one of these terms, that is, "landed lordship" for...
characteristic of late medieval Germany east of the Elbe; (Appendix I is a long note on the East German Gutsherrschaft). Broadly, Grundherrschaft is the generic term for a lordship whose starting-point, or pre-requisite, was land. Such a lordship did imply control over the men who occupied the land but this control was somewhat indirect, since it was mediated through a bundle of rights over land. Where personal domination over men was independent of these rights, a different kind of lordship arose and is denoted as Leibherrschaft. Conceptually and historically distinct, the two kinds of lordship were in fact often linked.17

The West German Villikationsverfassung

A specific form of the Grundherrschaft was the Villikationsverfassung based on demesne cultivation and a wide range of activities such as livestock rearing, horticulture and manufacturing, all of which were directly attached to the lord’s house. Was the Villikationsverfassung simply the German variant of the classical estate that we associate with the demesne-tenures dichotomy, the widespread use of labour dues and the predominance of manorial courts? The answer is yes if we recognize that it did not conform as closely to this model as the French seigneurie (or the English manor) in the heyday of labour dues. (Typically found west of the Elbe, the Villikationsverfassung

"Grundherrschaft".

17 Because the Grundherrschaft was normally combined with several other lordships — whether over justice, over tithes, over the "body" (the "Leib") of particular dependants, etc. — we tend to, and yet should not, overlook its specific properties; see Lutge for a statement of this point in Geschichte ..., p. 47 and p. 49.
was nevertheless very rare or quite modified, in some regions like Frisia, Thuringia and Saxoni.\textsuperscript{18}

In its organization, the Villikationsverfassung quite often lacked cohesion.\textsuperscript{19} Instead of being located in a single village, its dependent tenures were scattered in different districts; their connection lay in their mutual subordination to a central court (the Pronhof). Similarly, the demesne lands were often dispersed amongst different villages and, in general, they were not very extensive in comparison with the demesne lands of the tenth or eleventh (?) century French seigneurie. Also, in the obligations owed by tenants, rents usually prevailed over labour dues. And, interspersed with the lands of the Villikationsverfassung were lands that depended on other lords as well as numerous free allods. Ch-E. Perrin notes how this dispersion, together with the survival of a large number of free men, weakened the powers of jurisdiction (or the immunity) possessed by the lords of Villikationsverfassungen; some of the detached tenures would inevitably slip out of their jurisdiction by succumbing either to the jurisdiction of a neighbouring lord or to that of the royal count. Moreover, free men continued to depend on the public tribunal of this count.\textsuperscript{20}

\textsuperscript{18} Sanshof and Verhulst, "Medieval ...", p. 306.

\textsuperscript{19} Perrin, "Le grand domaine ...", p. 122. Perrin draws our attention to the fact that there were some compact estates but that they were much less prevalent. Note that, while revising and extending Von Below's Geschic
tete ..., Perrin relies on information from this work. For a description of the Villikationsverfassun in Von Below, see pp. 45-59.

\textsuperscript{20} Perrin, "Le grand domaine ...", pp. 124-125.
Starting in the twelfth century and over another two- to three-hundred years, the Villikationsverfassung disintegrated: labour dues were abandoned and demesne lands leased. Most pronounced in the north-western part of Germany, this process of dissolution was apparently slower in the South-West where demesne lands were not as readily leased, where labour dues (even though reduced) survived longer and where manorial jurisdiction retained a more extensive reach. Conjectures as to what caused the dissolution of the Villikationsverfassung touch upon a number of factors but do not offer, in my opinion, an integrated explanation. So, for instance, there is the mention of the constant encroachments carried on by estate officials - encroachments that resulted in the diminution of the demesne and that presumably caused the lords to abandon direct cultivation in favour of fixed term leases. Both the lords' attempts at fighting back east German competition for their tenants by lightening their obligations and an increasing demand for money flowing, in part, from the Crusades are believed to have contributed to the commutation of labour dues. Also, high labour costs are supposed to have discouraged the lords from replacing the commuted labour dues with wage labour.

21 Ibid., p. 137; in north-western Germany manorial jurisdiction was becoming increasingly limited to jurisdiction over matters pertaining to land.

22 The latter part of this statement is not a general criticism of the literature on German developments; it is directed only towards my limited readings.

23 These are only some of the more obvious factors discussed by Ganshof and Verhulst in "Medieval ..., pp. 308-319 and by
On the leasing of estates and demesnes

In some regions of North-West Germany, and for a while in the twelfth century, the lord chose to lease his whole estate for a fixed term - sometimes in return for a share of the produce or else for a fixed rent (in money and in kind). Alternatively, it was just the demesne - exclusive though of the labour dues - that was leased to the *villicus*. Here again, the lease was for a fixed term (3, 6, 9, 12 years) and was either for share rents or for fixed rents. It appears that, in relieving some of their tenants from the performance of labour dues, lords would occasionally seize this opportunity to make inroads into the system of customary tenures. So, when "enfranchising their semi-free tenants during the thirteenth and fourteenth centuries; their method was to buy up the reversion of their holdings, and to let them out again, usually after regrouping them into large units, under the name of Lathufen, but this time for a fixed term." And, in other cases, even though the customary tenants remained bonded to their lord, retaining thus hereditary rights over their tenure, the lords eventually managed to impose on them leases for a fixed term! Were there instances of demesne lands

Lutge in *Geschichte ...*, pp. 83-84.

24 In *Geschichte ...*, on p. 85, Lutge describes this as having been an intermediate step. What was likely happening is that the lord was imposing such leases on his estate officials in order to forestall any further usurpations of his rights.


26 Perrin, "Le grand domaine ...", footnote 1 on p. 136. More on this development whose exact dating I do not know right now: "although it was hereditary, the land was held by a
passing directly into the hands of tenants? Yes, especially of the thirteenth century. In most cases, it was common for the lords to retain a portion of the demesne in their hands to be farmed with the help of wage labour and a few remaining labour dues.

On the modes of manorial dependence: real and personal dependence

To picture the variety of forms of dependence typical of the West German manor is complicated because, up until relatively late, its social groups were still referred to in terms of categories originating in the Carolingian period (the categories of liberi, servi, lazzii, homines proprii and censuales). But, by around the thirteenth century, these various groups had combined in a manner that reflected the underlying, two-sided aspect of dependence: a real and a personal aspect. The liberi, the servi and the lazzii were, henceforth, referred to as horigen and the homines proprii and censuales merged as leibeigenen. To be a lord's horige implied holding a tenure on his estate, this was not necessarily the case for the leibeigene. The leibeigenschaft proceeded from the fusion of two categories whose dependence on a common lord had been based initially on rather different premises. In the tenth, in the eleventh and over part of

written, periodically renewable, contract from the landlord, who held the legal right to approve every transfer effected through a marriage contract, inheritance settlement, or sale, and could deny any provisions that threatened to reduce his income." In Lutz K. Berkner "Inheritance, land tenure and peasant family structure: a German regional comparison," Family and Inheritance ed. by Jack Goody, Joan Thirsk and E.P. Thompson (Cambridge, 1976), p.77.

the twelfth century the *hominumes proprii* (likely the descendants of slaves) were directly attached to the lord's house and were used mostly as a source of labour power for the cultivation of demesne lands; they owed their lord daily labour services and received in turn a daily food allowance, a house and perhaps a tiny plot of land; the censuales included free men and women who had given themselves and their children to a lord - often an ecclesiastical lord - on condition that he provides them with protection; also included among the censuales were probably some *hominumes proprii* who had been surrendered by their dominus. The cost of "protection" for the censuales was a head-tax, a marriage tax and an inheritance tax. Perrin surmises that, at the outset, the personal dependence of the *hominumes proprii* had been perceived differently from that of the censuales since, for a while at least, the latter did not owe any labour services.28 And yet, by the thirteenth century, a gradual levelling off of their conditions led to their merging into one single group of leibeigenen (a word that closely resembles, in translation, that of *hominum proprii*).29

The distinction between real and personal dependence may strike one as artificial and inconsequential on the following grounds: first, in decomposing the obligations owed by the "tenant-dependants" - i.e., the lazi, servi and liberi who

28 Perrin, *"Le grand domaine ..."*, p. 131. In fact, according to Perrin, the payment of a head tax by a censuale had, for a while, entailed *ipso facto* the suppression of all services.

29 Perrin, *"Le grand domaine ..."*, p. 131.
would subsequently become horigen - Perrin indicates payments in kind, money and labour dues that were all assessed on the tenure and that varied in accordance with the type of manse occupied. But he also mentions a second type of payment (a servitium) that was attached to the person of the tenant and was a function of his social status. Clearly, this servitium introduced a personal dimension into the real connection whose basis was land possession. Secondly, some of the payments burdening the horigen were analogous to those burdening the leibeigenen; both groups were liable to pay some inheritance and marriage taxes. However, the horigen paid a land tax as opposed to a head tax and, unlike the leibeigenen, they were usually tied to the land. This meant that they could be given away by their lord only in conjunction with their tenures. While the leibeigenen could move more freely, they remained, throughout their lives, their lord's personal dependants and they (that is to say, their person) could be given away by their lord. The third reason for which, I think, real and personal dependence are easily blurred is that these two aspects of lordship increasingly coincided as the lords began allocating their lands to their leibeigenen following the dissolution of the Villikationsverfassung.

30 Perrin, "Le grand domaine ...", p. 127

31 Von Below, Geschichte ..., pp. 86-87. Note that Perrin who himself draws on this part of Von Below's discussion warns us that some modifications may be required.
An obvious question is whether personal dependence was more (or less) constraining than real dependence. Opinions on this matter differ. According to Von Below, the conditions of Lei-
beigenschaft was not, in itself, harsher than that of Horigkeit; the two conditions differed in their foundations and are not to be ranked in terms of their respective freedom (or lack of it). Von Below points at a number of activities that were open to, and were undertaken by, leibeigenen: they could be farmers - whether on their own lord's or other lords' lands; they could hire themselves out as agricultural labourers or work in the city; they could fill various public positions in their community. (I would expect this to have been the case mostly after the demesne lands were leased.) Lutge, on the other hand, suggests that, dependence based on land possession should be viewed, conceptually, as a less constraining condition than personal dependence - as bearing greater possibilities of freedom. A dependant by virtue of the tenure he occupied saw his obligations lapse if severed from this tenure. The above remarks on

32 Also, historically, forms of personal dependence were probably antecedent to forms of real dependence (an observation made by Lutge).

33 Von Below, Geschichte ..., p. 87.

34 Lutge, Geschichte ..., p. 51. At present I have at least one problem with Lutge's discussion. It suggests that, once the Leibeigenen became tenants, the category of personal dependence lost its significance. The implication is that, analytically, horigen and leibeigenen could, from then onwards, be treated alike (that is, putting aside the late medieval forms of Leibherrschaft which I discuss later in the text). My question is the following: as of when should we regard the two categories as equivalent? This whole issue is quite murky. For example Ganshof and Verhulst talk about a decline
personal dependence (as contrasted with real dependence) do not apply, in Lutge's account, to a relatively late medieval form of Leibeigenschaft that emerged in connection with attempts by territorial lords (Landesherrnen) to consolidate their sovereignty. This particular use of relationships of personal dependence will be discussed further below.  

The acquisition of some freedoms in the twelfth and thirteenth centuries; the spread of Weistum  

The dissolution of the Villikationsverfassung contributed to the acquisition of freedoms by dependants in the sense that leibeigenen as well as horigen were released from the performance of the heaviest labour services. In general, the colonization of the East also contributed to the attenuation of the obligations of dependants west of the Elbe. These changes were not formalized, however, as measures of enfranchisement.  

35 This late medieval form of Leibeigenschaft is not to be confused with other attempts at reviving personal dependence in connection with fourteenth and fifteenth centuries labour shortages when some lords tried to put their dependants to work on deserted tenures and demesne lands; for a description of these attempts, see Lutge, Geschichts, p. 105.  

36 Ganshof and Verhulst, "Medieval ...", p. 338. Note their remarks:  

A greater freedom in relation to the lords did not however necessarily imply an improvement in the condition of the rural population; it might bring with it serious disadvantages. Thus in the thirteenth, and fourteenth centuries the Laten of Lower Saxony, who had been freed by their lords from
tuner that spread everywhere in West Germany, in the course of the twelfth and thirteenth centuries, were not charters of enfranchisement. They were 'statements of rights' "drawn up on the basis of an inquisition among the inhabitants by lords, usually ecclesiastics."37 These statements were supposed to record custom 'for eternity' and in so doing they tended to limit the arbitrary powers of the lord. Whether manorial dependants succeeded in introducing innovation that was favourable to them is controversial.38 What is more certain is that those protected by a Weistum did not thereby gain the reputation of being free.39

Personal lordship for new purposes

A Leibeigenschaft of a special sort would emanate, in West Germany, from competition between lords over income, jurisdiction and, ultimately, territorial sovereignty. It appears that, at times, the surest way for a lord to secure his claims over all labour services and numerous other obligations and had become leaseholders instead of 'customary tenants', were yet in a position far more unstable and precarious than the Laten of Westphalia, who remained 'customary tenants' personally subject to their lords, who were making a strong effort during the fourteenth century to bind them to the soil.

37 Ganshof and Verhulst, "Medieval ...", p. 338.

38 Compare Ganshof and Verhulst, "Medieval ...", p. 338 with G. Fourquin, Lordship ..., p. 132. The former are of the opinion that the Weistum "generally contain no innovations, at any rate not before the fourteenth century" (p. 338). The latter suggests that they were often favourable to the peasantry which could insist on some innovations (p. 182).

39 Whereas in France "the men who were protected by a charter of franchise from the arbitrary exactions of the lord, were reputed free", in Fourquin, Lordship ..., p. 182.
some of his dependants was to declare them personally unfree. The following examples illustrate the kind of situation eliciting this response. When confronted with the intrusive powers of a Gerichtsherr (a lord with special powers of jurisdiction), the lord of a Villikationsverfassung in dissolution was often tempted to 'fix' his claims over the person of his dependants. Similarly, a Gerichtsherr who was simultaneously Leibherr could exercise his authority without fearing to be challenged by other Gerichtsherrren and, more importantly, by the Landesherr. Once the latter had established his territorial hold over an area, subordinate Gerichtsherrren retained their authority over this area only to the extent that they could avail themselves of prerogatives that derived from personal lordship. And, it was to preclude such possible interferences with his sovereignty (i.e., to establish full territorial sovereignty) that a Landesherr would choose, occasionally, to pronounce all his subjects to be his leibbeigenen. This particular form of personal lordship was thus closely linked to the foundation of sovereign principalities. For those subjected to it the explicit cost was a trifling personal tax; Lutge insists that it was not, as such, a degrading condition.

THE DEVELOPMENT OF THE LOW COUNTRIES AS SEEN AND INTERPRETED BY BRYCE LYON

The following few pages do not purport to provide the reader with a synthesis of various data on the Low Countries. They are of a much more limited scope since they only record the findings

40 Lutge, Geschichte ..., pp. 105-6.
of a single study entitled "Encore le problème de la chronologie des corvées". In this study, Bryce Lyon questions the validity of what he refers to as the Kosminski-Postan thesis, that is, the proposition that the seigniorial economy based on the extensive use of labour dues was revitalized in parts of thirteenth-century England and that this was associated with a spurt in economic activities and growing commercial and industrial opportunities. Now, I do not have the means to verify Lyon's descriptions except perhaps by referring to Ganshof and Verhulst. Unfortunately, their chapter is sparse in information on the Low Countries. Despite this limitation, I consider a discussion of Lyon's study important since it deals with the question of the chronology of labour dues in England, on the basis of comparative data.

Lyon's doubts regarding the Kosminksi-Postan thesis stem from his examination of the available data on the regions forming the medieval Low Countries - a highly variegated ensemble that con-


42 To illustrate the kind of statement that Lyon takes to task I would quote Postan: "The rise of the money economy has not always been the great emancipatory force which the nineteenth century historians believed it to have been. In the absence of a large reservoir of free landless labour, and without the legal and political safeguards of the liberal state, the expansion of markets and the growth of production is as likely to lead to the increase of labour services as to their decline." from "The Chronology of Labour Services" in Essays on Medieval Agriculture", M.M. Postan, p. 106.

43 Ganshof and Verhulst, "Medieval Agriculture ... France, the Low Countries and Germany."
stituted, in his words, "a microcosm of medieval European economic history"; this ensemble encompassed a range of economies at very different levels of development. Flanders ranked amongst the most developed of European economies, yet Luxembourg fell conspicuously behind.45

From his observations, Lyon concludes that, for the Low Countries, the data fail to show a positive correlation between the growth of markets and the revival of labour dues. No qualifications are attached to this conclusion: the abandonment of the system of cultivation based on labour dues unfolded, he suggests, even in the most market-oriented regions of the Low Countries. If this was the case (as Lyon strongly believes it was), then should we not subject the Kosinski-Postan thesis to closer scrutiny? Might it be that their data on England are flawed? Herein lies Lyon's point and advice: we ought to be more cautious in our acceptance of Postan's chronology of labour dues - at least, until such time that it is supported by more exhaustive research.

A closer look at some of Lyon's arguments

My immediate reaction to Lyon's general argument is that it addresses itself solely to the early Postan; it represents Postan's thoughts on the English chronology of labour dues as though they had never been modified. Also, I am uneasy about his lack of clarity as regards the two distinct issues of labour

44 Lyon, "Encore le probleme ...", p. 618.
45 Lyon, "Encore, le probleme ...", p. 618.
dues and servility. As I view it, the reader is led to infer that the performance of labour dues was tantamount to servility and vice versa. There is no definition of servility; there are no attempts at circumscribing specifically servile obligations. What does Lyon exactly mean when stating that servility never existed in maritime Flanders? What (if any) were the modes of dependence characteristic of this area? What kind of freedom(s) prevailed? On these and similar questions, Lyon remains silent in this study and Ganshof and Verhulst are hardly more explicit.

As for one of Lyon's more specific arguments: it appears that the abbey of Saint-Bavon of Gand possessed extensive demesne lands situated in different regions of Flanders. Some of these lands had been leased in the twelfth and early thirteenth centuries and where this happened labour dues and other servile obligations disappeared. Others remained under direct demesne cultivation well into the thirteenth century - the reason being, according to Lyon, that their bountiful crop yielded substantial benefits when sold in Gand. On these demesne lands, labour dues were not increased; in fact, they were progressively commuted over the thirteenth century, being replaced with wage labour. And Lyon sees in this a further indication of the weakness of

46 Lyon, "Encore le probleme ...", p. 618.

47 In a different article, "Medieval Real Estate Developments and Freedom", Studies of West European ..., pp. 48-61 Lyon distinguishes between the performance of labour dues and servility without elaborating on this.

48 Lyon, "Encore le ...", pp. 622-23.
the Kosminski-Postan thesis. Yet should we not distinguish between two possible cases, namely: a) the case in which labour dues were increased, and b) the case in which they were reduced but more slowly than elsewhere? In other words, would evidence pointing to the expansion of markets and the growth of production coupled with a slower decline of labour dues weaken or, on the contrary, give ammunition to the Postan type of argument? After all, one could argue that, if it were not for real estate developments and their positive effects on the acquisition of freedom (a most important connection, according to Lyon), in parts of the thirteenth-century Flanders, lords would have tried, perhaps successfully, to increase labour dues but that, under the given circumstances, all that they could do was to slow down the process of commutation. I find it disconcerting that, having given us this information on the demesne lands of the abbey of Saint-Bavon (on p. 622), Lyon nevertheless concludes (on p. 627) that, even in Flanders (where, as he specified, the economic conditions appeared favourable to the Kosmin-

49 For a discussion of these real estate developments see Lyon's "Medieval Real Estate Developments: in Studies of West European ..., p. 61. More on these land reclamation projects: "It thus seems reasonable to conclude that agrarian freedom began first in these real estate developments and then fermented the commutation of labour services on seigniorial land. Furthermore it is safe to say that the constant pressure of these free areas guaranteed no letup in the commutation nor any retrogression to seigniorialism" (p. 58). As an example of how important these real estate developments were, Lyon cites the example of maritime Flanders - a privileged, free area which consisted mostly of land won from water and waste and which "wore down the seigniorial system dominant in the interior of Flanders. So relentless was the competition of free land that it forced early and rapid commutation of labor services" (p. 57).
ski-Postan thesis), no evidence whatsoever suggests that the emancipation from the system of corvees was delayed, thwarted or reversed because the lords wished to take advantage of thriving market opportunities. Lyon's discussion is, in this sense, confusing. But I should point out that the account of Ganshof and Verhulst does not contradict the gist of his argument which is the ongoing nature of the process of commutation of labour dues, of the acquisition of freedom by manorial dependents and of the leasing of the demesne lands for a fixed term over the twelfth and thirteenth centuries.50

SUMMARY

To be drawn from the above descriptions are a number of observations that complement the English and French data discussed earlier. The continental data under review indicate a weakening of direct demesne cultivation, the use of wage labour on demesne lands remaining under direct supervision (beyond the twelfth and thirteenth centuries), the emergence of short term leases on demesne lands and some inroads into the system of customary tenure (see the German evidence). Also encountered is the dichotomous distinction between dependence through tenure and personal dependence, with instances pointing both to the overriding importance of tenure as well as to attempts by manorial lords at integrating the two forms of dependence in the hope (I would think) of entwining their tenants in a tighter network of obligations. Finally, in the period under considera-

tions, transfers of non-rental income from manorial lords to larger sources of territorial power appear to have been in the making.
CHAPTER VI

A CRITICAL EXAMINATION OF SOME OF THE HYPOTHESES
ABOUT THE REVERSION TO LABOUR DUES AND TO
DIRECT DEMESNE CULTIVATION;
ON HOW THESE HYPOTHESES STAND IN LIGHT OF COMPARATIVE DATA

To extract, organize and set data against testable hypotheses is the task undertaken in this chapter, although it should be stressed that both new and old data remain controversial; for the tenth and eleventh centuries, in particular, many of the arguments are formulated in a manner that would require, for adequate testing, much more reliable data than are available.

THE NORTH AND THOMAS ARGUMENTS

In re-examining the North and Thomas framework of analysis, I will first indicate some problems connected with the arguments pertaining to England subsequent to which I will reflect upon these arguments in light of other European developments.

On the arguments about tenth- and eleventh-century England

What if North and Thomas erred in supposing that tenth and eleventh century England was characterized by a very low level of market activities? Their argument regarding the high negotiation costs of payments in kind (and, hence, the relative cheapness of labour dues arrangements) would undoubtedly suffer. Now, evidence brought forward by Postan does suggest, as North acknowledges, that there was more trade in medieval England than the North and Thomas' model implies. But then the question
arises as to what precise level of market activities would reverse conclusively the North and Thomas speculative ranking of alternative modes of payments (a ranking in terms of the principle of minimization of transaction costs). Inasmuch as the evidence cited does not really answer this question, the North and Thomas argument cannot altogether be dismissed. On the other hand, this could precisely point to problems with the manner in which the argument was constructed. It could be criticized on the grounds that, even though it is couched in terms of seemingly well-defined variables (enforcement costs, etc.), over a whole range of market activities, it does not lend itself to testing. As it stands, it is only in the case of an unquestionably large amount of market activities that it could, conceivably, be falsified.

On the arguments about twelfth-century England

Logically, the North and Thomas arguments explain the process of commutation of labour dues in the twelfth century only if more and better functioning markets did indeed exist. But, here again, Postan's discussion throws doubts on these arguments. As was indicated in an earlier chapter, according to Postan, twelfth-century markets were neither easily accessible nor particularly reliable. Of course, we could not set aside the North and Thomas arguments simply on the basis of Postan's account since this account itself is not beyond dispute (see Miller's criticism of it).²

More problematic is North and Thomas' failure to explain why, following the commutation of labour dues, the lords did not continue to cultivate their demesne lands directly by using wage labour. Let me retrace some of North and Thomas' thoughts on the relative attractiveness of fixed money payments in the twelfth century: amongst other things, North and Thomas suggest that the value of labour dues was declining over the twelfth century - i.e., they assume diminishing returns to have been in force. What evidence do they have to substantiate the notion of a twelfth-century England subject to diminishing returns? No evidence is submitted. In any case, assuming diminishing returns and in the absence of inflation, the North and Thomas model of wage determination would have us expect declining real wages; under these circumstances, why not wage labour?

On the arguments about thirteenth-century England

The existence of diminishing returns is much more evident for the thirteenth century - hence, the whole discussion about the rising value of demesne lands. But the analysis of the implications of the rising value of demesne lands - an analysis undertaken by North and Thomas - raises the question of the rising value of the customary holdings. And, in this respect, the North and Thomas model is incomplete. It does not tell us really how, or whether, the lords tried to capture the increase in this value. Is the assumption that the lords were resigned

2 See chapter II, pp. 24-25.

3 See C. Reed's unpublished paper, p. 14, see also my previous comments on p. 53 of thesis.
to seeing this increase elude them because of the existence of customary constraints? The specification of the kinds of rights that the lords claimed (or, for that matter, failed to claim) over customary holdings would be helpful if one is to explore this question further.

That short-term leases on demesne lands were widespread obviously weakens the North and Thomas argument regarding the thirteenth-century resumption of direct demesne cultivation as it weakens all arguments resting on the assumption of customary constraints on demesne leasing (see, for instance, Reed and Anderson's paper).

As for the North-Thomas explanation of the reversion to labour dues: the evidence on which it is based appears to be uncertain. The explanation is in terms of the severity of inflation and its effects on money wages. The lord is supposed to have decided in favour of labour dues by comparing fixed commutation payments with the value of labour dues as expressed by the current money wage rate, the latter being subjected to the two opposite pulls of inflation and diminishing returns. North and Thomas surmise that the inflationary pull predominated. Their specific argument is that the value of labour dues as measured by current wages rose relative to the fixed commutation payments — an argument that is common both to Harvey and to Fenalteca (except that the latter allows explicitly for the possibility that the lord claimed the labour dues in order to resell them again at a higher price). But there are divergent views as to what happened to money wages in thirteenth-century
England. And, besides the fact that what happened to money wages is not obvious, comparing commutation payments with labour dues valued at current wages poses definite problems - some of which I would like to indicate before discussing various sources on movements in money wages for the thirteenth century.

Labour dues are generally held to have been less productive than wage labour (or, to have been more costly to supervise). To use current wages as a proxy for the value of labour dues would overstate this value, unless adjustments for the differences in productivity levels were made. A bias in the other direction stems from the fact that money wages did not always constitute the whole of the payments made to a labourer. In fact, Miller and Hatcher remark that, "money wages were not uncommonly a minor element in the rewards of the familia." In some cases then, we would be understating the value of labour services by relying solely on data on money wages. Note that payments in kind were not immune to 'devaluation' since the lords could, and did, substitute cheaper for dearer goods as well as reduce the size of the payments in times of inflation. Finally, the cost of the provisions (food, sheaves, etc.) to which tenants performing labour services were customarily entitled is another component that would have to be considered.


5 ibid.

(For an example illustrating this point, refer to Appendix II)

If curtailing these provisions proved to be more troublesome (more costly) to the lord than reducing the size of the payments made to casual labourers and domestic servants we would expect the lord, in a period of rising prices, to view labour dues much less favourably (unless he could demand and obtain more labour dues from his customary tenants in which case one would wonder though why he could not instead provide them with less provisions). In sum, the direction of the bias imparted to the data because of such omissions is not a priori determinable.

Returning, to the question of what happened to money wages: the data, on which North and Thomas base their argument, are summarized in their Rise of the Western World and are drawn from J.E. Thorold Rogers' and Lord Beveridge's works. For the thirteenth century, the trends appear to have been the following: rising wheat prices, rising money wages and falling real wages.

A note that will prove to be of some significance: the work by Lord Beveridge that is referred to in North and Thomas is a study on Westminster wages. To what extent do other sources confirm these trends? Evidence that money wages remained stable over the thirteenth century would tend to undermine the North and Thomas explanation of the reversion to labour dues. What about disagreement over what happened to real wages? Some have suggested that real wages rose over the thirteenth century, par-

particularly after 1250!8 Evidence of rising real wages would pose less of a threat to the logic of the North and Thomas argument about the reversion to labour dues than that of stable money wages would. Of course, rising real wages might be seen as incompatible with the existence of diminishing returns; on the other hand, they might be seen as hinting at technological changes - in which case the question would be: whence these changes?9

Whereas Postan asserts that money wages were stationary or that they changed very little over the thirteenth century,10 Harvey advances that "agricultural wages rose in this period in very much the same proportion as agricultural prices."11 According to Harvey, the value of the work owed to the lord certainly exceeded the commutation payments. In Titow's English Rural Society 1200-1350, population pressure is described as having "kept wages at a steady level (in fact, falling in real terms) well into the fourteenth century, thus contributing indirectly


9 See Abel, p. 34 and some further remarks on the question below.


to the increased profitability of direct cultivation."

Finally, we are told by Miller and Hatcher that neither the Winchester data used by Postan nor the Westminster data (i.e., Beveridge's data that underly North and Thomas' argument) should be regarded as typical of English wages! They argue that the Winchester wages "probably present too pessimistic a picture of the fortunes of the English labourer" (their rigidity suggesting that, on Winchester manors, wages were being "fixed by custom rather than by market forces"). Now, on the Westminster manors, situated close to London, wages did follow a very different course; but Miller and Hatcher believe that these wages were probably "alone in their tendency to match price increases." (Apparently, "wages in the vicinity of the capital were far higher than elsewhere.") Thus far, the discussion has been about wages earned by casual labourers. Much harder to assess are the earnings of full-time manorial employees (the famuli) since money constituted only a small portion of these earnings. Again, according to Miller and Hatcher, "there may well have been a tendency for the money wages (of the famuli) to settle

12 J.Z. Titow, English Rural Society 1200-1230 (London, 1969), p. 46. Note Titow's further remarks on the same page: "This, at least, is my own reading of the Westminster evidence on wages though Lord Beveridge has found it otherwise."

13 Miller and Hatcher, Medieval England ..., p. 50.

14 ibid.

15 ibid.

16 ibid.
down at a customary figure."¹⁷

To conclude, arguments based on the supposition of a rising value of labour dues, in thirteenth-century England, are seriously flawed on the grounds of inconclusive evidence.

On whether 'the Continental data' fits into the North and Thomas framework of analysis

The first thing to note about feudal-manorial relationships on the Continent is that labour dues were not their central feature: they were not the core payment exacted from manorial dependants. We know that during the tenth, eleventh and twelfth centuries, indirect methods of cultivation were gaining ascendancy in Italy, that rents prevailed over labour dues in Germany, that the French seigneurie was becoming significantly less dependent on labour dues than had been the case in the ninth century, and that agricultural labour services were reduced in the Low Countries. In North's opinion, this disintegration of the system of labour dues could have resulted from a relatively early "growth of trade and monetary exchange in both factor and product markets"¹⁸ - a possibility that is consistent with "the view that the earlier existence of labour services could have come from high transaction costs before the growth of the money

¹⁷ ibid., p. 51. Having looked at Postan's section on the Cottingham evidence I am still unable to understand the reasons for which Harvey disagrees with him. To emit an opinion on the argument involved I would have to go back, perhaps, to a study by Frances M. Pages from which Postan draws some of his data. I find Harvey's remarks on Postan cryptic. Clearly though, Harvey does give specific examples of manors where the value of labour dues at contemporary rates (mid-thirteenth century rates) was far above the commutation payments.

¹⁸ North, Structure ..., p. 130.
economy."19 The argument is plausible, yet again quite hypothetical. It may well be that Italy's urban past predisposed it to an earlier resumption of market activities, but what about France, Germany and the Low Countries? I am not familiar with data that would suggest that the onset of population growth or a return to relatively more peaceful conditions (the variables in terms of which North and Thomas explain the rise of markets) occurred earlier in these regions than they did in England.

Also, for the North and Thomas model to retain its basic contours, North and Thomas would have to demonstrate that the particular political structure they associate with classical manorialism was in existence prior to the decline in labour dues. And, the Carolingian period - probably the period of most preponderant labour dues - does not quite fit the North and Thomas portrayal of classical manorialism as a system characterized by extensive political decentralization; it did not entail as much diffusion of powers as the post-Carolingian days would experience.

The widespread existence of short-term leases on demesne lands (be it France, Italy, Germany or the Low Countries) constitutes further evidence that the thirteenth-century West European manorial economy accommodated such practices - hence, the fragility of arguments in terms of customary constraints on demesne leasing. Besides, the variety of practices appearing in different contexts and regions, raises questions as to the use-

19 ibid.
fulness of the assumption that, in his wealth-maximizing behaviour, the manorial lord was constrained by custom. To treat manorial custom as a determining and exogenous variable leaves a lot unexplained.\(^{20}\) Not only was the demesne leased under different arrangements in different parts of Western Europe (sharecropping, fixed cropping arrangements, etc.) but conditions of customary tenure were also subject to variations: for instance, champarty tenure was quite common in France; not so in England. Even more interesting, it appears that, in some parts of Germany, customary tenures became associated with fixed term leases. Are we then talking about different manorial customs? North and Thomas should have indicated perhaps the manner in which customary constraints could be made endogenous in their model.

Regarding the lack of an obvious movement towards reviving or intensifying the use of labour dues in thirteenth-century France, Italy, Germany and the Low Countries:\(^{21}\) what do we know about the value of labour dues, and about changes in the level of wages and prices in these regions? From my readings, the following can be extracted: prices did rise over the thirteenth century but perhaps not as dramatically as in England.\(^{22}\) In parts of France and Germany, the rise in prices became steeper

\(^{20}\) Fenoaltea points this out in "The Rise and Fall of a Theoretical Model".

\(^{21}\) Where the demesne remained, its direct cultivation was increasingly carried out with the use of wage labour.

\(^{22}\) The data on prices is mostly on agricultural prices.
at the end of the thirteenth and in the early fourteenth centuries - steeper but probably not as strong as we believe the English inflation of the turn of the twelfth century to have been. Nevertheless, in his work on Normandy, Bois refers to the "stagflation" of the end of the thirteenth century. Duby notes that "in a period of continuously rising prices ... the real value of money rents fell constantly in the thirteenth century." Boutruche and Van Bath talk about a thirteenth-century rise in prices as though it applied to the Western European manorial economy in general. And, in a history of prices, Earl J. Hamilton states that "if the fragmentary prices collected for France by Vicomte d'Avenel ... are accurate, it seems that the price level was around 14 per cent higher in the last decade of the thirteenth century than in the first quarter of the century and averaged about 16 per cent higher in 1301-1350 than in 1291-1300. Again if d'Avenel's statistics are reliable, French prices were about on-third higher on the average in 1301-1350 than in 1201-1225."


24 Duby, Rural Economy ..., p. 238.


Did agricultural wages follow suit? Was the value of labour dues rising? Were the data available to point clearly to a rising value of labour dues, then the absence of a movement back to labour dues (or at least of vigorous attempts at reviving labour dues) would, indirectly and in terms of its own premises, shed doubts on the adequacy of the North and Thomas type of argument regarding thirteenth-century England. Unfortunately, there is as much disagreement about the 'Continental' data as there is about the English data. Bois, for one, does not have homogeneous series of agricultural wages for the period we are interested in. The series with which he acquaints us go back only to the 1460's. The evidence presented below will thus consist of only very general descriptions drawn from a variety of sources.

Here, the stability of agricultural wages - a stability that, according to Boutruche and others, was characteristic of the thirteenth century - would not present a problem to the North and Thomas argument. On the other hand, rising agricultural wages would. Now, Jones (in relation to Italy), Abel (in relation to...
tion to England, France and Germany) and, likewise Van Bath, Boissonnade, Ganshof and Verhulst all mention rising agricultural wages in the thirteenth century.\(^{29}\) And, as noted earlier, Van Bath and Abel go as far as asserting that real wages rose! (To be more accurate, Abel concludes that English real wages rose as of the middle of the thirteenth century while Van Bath suggests that rising real wages were characteristic of the thirteenth century Western European manorial economy in general. A couple of remarks: the notion of rising real wages in the thirteenth-century manorial economy is entertained by very few. While Abel and Van Bath intimate that the demand for labour might have been shifting and that the rise in real wages was associated with technological progress and an increasing division of labour, in the North and Thomas model, the lords seem to be operating along a given demand curve.)

**FENOALTEA'S ARGUMENTS**

Closer scrutiny of Fenoaltea's hypothesis regarding the possible benefits of authority over the labour force raises numerous questions; some of these revolve around the connection he draws between political disorder and the exaction of labour dues as a way of ensuring that the ruled would develop subservient attitudes; the other questions stem from Fenoaltea's conjecture

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regarding agricultural literacy, growth and the diminution of warfare, rifts and instability. First, would Fenoaltea want to argue that the relatively early abandonment of the system of labour services, in parts of Western Europe, resulted from an early return to more stable political conditions? In other words, would he suggest that the eleventh- or twelfth-century lords of these regions had fewer reasons "to value the impact of servile role playing on the *forma mentis* of the labouring poor" than their English counterparts had, at the time? And, would Fenoaltea simultaneously advance that agricultural literacy (and hence, leasing) spread faster in these regions on account of higher productivity levels deriving from more peaceful conditions? Incidentally, if labour dues were such an effective means of imprinting servility in people's consciousness, why did they fail to emerge as the distinguishing characteristic of servility in several parts of Europe? Secondly, was the population growth experienced by France, Germany, etc., not substantial enough to call for the introduction of new techniques - new techniques that, according to Fenoaltea, should have in turn called for the expansion of direct demesne cultivation? Or were the lessees better equipped to implement the new techniques - i.e., were they, for some reason, less in need of supervision? Or might direct demesne cultivation have been only one of the possible ways in which the lords could retain control

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over their demesne lands?

Regarding some aspects of Fenoaltea's discussion of the pre-thirteenth century period

I perceive a problem with Fenoaltea's hypothesis regarding the stabilization of social roles. His suggestion is that labour dues might have provided the lords with a means to stabilize social roles; further, he believes the conditions, under which "power is inseparable from the appearance of power, and authority from the visible submission of others", 31 to be characteristic of times when "the rule of law is absent or weak or when it tends to deny prerogatives that exist de facto." 32 If Fenoaltea is trying to distinguish between transitional moments during which, for instance, a homogeneous and unified group takes over the reigns of power (an example being the Norman conquest to which Fenoaltea does refer) and more anarchical times during which struggles for power are scattered and disorderly, one cannot help but wonder whether, in the latter case, the lords would not encounter substantial difficulties in enforcing labour dues. A certain amount of political organization and coherence would seem necessary for a system based on the extensive use of labour dues to be viable. It is perhaps not coincidental that the Carolingian villa (that relied very heavily on labour dues) had as background a government and a bureaucracy which (however feeble) were more organized and more centralized

31 ibid., p. 715.
32 ibid.
than the political structures that would emerge in the tenth century and prevail up until the twelfth century. Of some bearing to this whole issue, is M. Bloch's stress that "the English lord was much more successful than his continental neighbour in retaining his serfs and even his ordinary tenants on his estate." (This would seem to be precisely the prerequisite for exacting and enforcing labour dues). Why was the English lord more successful? Because of the powers of the king whose authority, Bloch specified, was "sufficiently strong to have the runaway serfs tracked down and to punish those who had harboured them"; also because of the institution of 'frank pledge' - an institution that entailed some form of organization as well as some degree of stability.

Note that labour obligations were well established and extensively used in England long before the Norman Conquest. Penoaltea would probably explain their prevalence then by falling back on his agricultural literacy hypothesis as he does when he discusses the long reliance of the Carolingian villa on labour services. About the Carolingian villa, his guess is that, "despite the essential stability of both settlement and technology", the peasants simply failed to master the comparatively sophisticated techniques used on demesne lands since their exposure to
these techniques was "neither sustained nor systematic."  
(This explanation assumes away wage labour as an alternative to labour services.)

In the absence of a more accurate exposition of what he means by political anarchy and the stabilization of social hierarchy, Penoaltea risks being interpreted to imply that the relatively earlier decline of direct demesne cultivation and of the use of labour dues in parts of Italy, the Low Countries and France was related to the relatively earlier pacification and stabilization of political conditions in these areas. (In Penoaltea's models, the spread of agriculture techniques is a function of pacification via economic growth and a growing disinterest in labour dues would reflect greater social stability.) Now, this would be a questionable hypothesis: these areas witnessed in the tenth, eleventh and even early twelfth centuries widespread struggles consequent upon the often successful efforts of territorial lords to establish their authority and their taxing powers.

Regarding the thirteenth-century arguments in Penoaltea

As for the thirteenth century, the central question is whether there were less pressures for innovation and, in general, for manorial reorganization in northern Italy, France, Germany and the Low Countries than in England. The evidence does show lords, particularly ecclesiastical lords, trying to re-organize their estates (through "inventories, regrouping of

37 ibid., p. 717.
properties; [and] a rigorous control of revenues" as well as trying to regain control over their demesne lands and the manors that had been usurped by their estate officials (steward, bailiffs and avoues). In the course of this reorganization, perhaps the most visible measure implemented by the lords was the policy of fixed term leases - a policy that allowed them, in most cases, to retain a say in the running of their demesne lands. As explained by Ganshof and Verhulst, the leases "had also the advantage of allowing the lord to choose a 'farmer' or a metayer for his personal qualifications ... and to get rid without difficulty of men who did not carry out their obligations." The reason for which English lords should have regarded direct demesne cultivation as the means implement changes in demesne cultivation is not clear - that is, assuming that such changes did take place. There existed alternative ways for the lords to remain closely associated with the demesne - ways that appear to have been adopted on the Continent. In fact, Jones judges the new form of commercial leases that spread in northern Italy to have allowed "the owner often ... to assume the part of entrepreneur." He even concludes: "tenant-farming ... was being developed as a substitute, not an alternative, of demesne farm-

38 Ganshof and Verhulst, "France, the Low Countries ...", The Cambridge ..., Vol. I, p. 321. We are talking here mostly about large estates and large demesnes. Small and medium-sized demesnes had often remained, and were to remain, under direct management up until the fourteenth century, see Duby, Rural ..., p. 273.

39 Ganshof and Verhulst, "France ..., p. 326.

40 Jones, "Italy", p. 412.
Reorganization of large estates there was, on the Continent, but were there also endeavours to introduce new agricultural techniques in the thirteenth century to counteract diminishing returns? My readings do not suggest that there was more concern for technological change per se in the thirteenth century than there had been in previous centuries. Now, this could be linked, in a Fenoaltea-like manner, to the absence of a movement towards the resumption of direct demesne cultivation. Yet it is far from evident that the thirteenth-century English resumption of direct demesne cultivation was itself accompanied by the introduction of new techniques. By invoking some of Postan's and Hilton's discussions, C. Reed sheds doubts on the idea that new techniques (in the way of implements, of the actual process of planting, etc.) were introduced in thirteenth-century England. And, if indeed the more obvious changes in England were in the management and in the arrangement of fields then, what took place in France, Western Germany etc., was not vastly different. There, the efforts at reorganizing demesne lands and large estates were in essence managerial. In sum, Fenoaltea's hypotheses for the thirteenth century run into troubles inasmuch as they imply a movement back to direct demesne cultivation on the Continent for which there is no evidence; inasmuch as they

41 ibid.
42 Reed, "Towards a Transactions ...", p. 22.
43 ibid.
sidestep the possibility of fixed term leases to a qualified farmer as a substitute to direct demesne cultivation and inasmuch as the introduction of new techniques in England remains an uncertain proposition. Also, as noted in the discussion of the North and Thomas model, the uncertainty of that data on money wages damages Fenoaltea's explanation of why labour obligations were reinstated.

Thoughts emanating from Fenoaltea's footnote expressing his scepticism about the effectiveness of symbolic rites in shaping servile attitudes and mentalities.

Not only is there evidence suggesting that, on the Continent, the lords (banaux and others) resorted primarily to the imposition of a number of taxes and duties to confirm their authority over their dependants but there is also evidence indicating that the performance and persistence of labour dues need not have entailed a specifically servile consciousness (or particularly servile relationships). For example the Norman peasantry - reputed to have been amongst the "freest" of the Continent in the eleventh, twelfth and thirteenth centuries - had not acquired this reputation because it was free from the performance of labour dues. Labour dues persisted there, in a more or less attenuated form, well into the thirteenth century. It appears that in Normandy most of the various dues and services owed by the tenants were linked to possession of a tenure; few were personal. It is in this sense that some talk about the early disappearance of serfdom (servage) in Normandy. Also,

44 Duby, Rural Economy ..., p. 269.
the relationship between lord and tenants was apparently conspicuously free from arbitrariness and tenants could move at will (?) — all this against the background of a relatively centralized government, the duchy of Normandy.

**HARVEY'S ARGUMENTS REVIEWED AND EXTENDED**

In P.D.A. Harvey's argument inflation explains the resumption of direct demesne cultivation, the return to labour dues wherever the performance of labour was actually reimposed and the legal and social worsening of the villeins' conditions — a worsening that was reflected in the new demarcation of the category of villeinage with labour dues as one of the tests of unfreedom. Harvey's conclusion is that "directly or indirectly the inflation delayed the effective disappearance of labour services from England by some two hundred years." The crux of his argument is contained both in this statement and in his suggestion that inflation was exclusively an English phenomenon. Early in his article, Harvey conjectures on how the rise in prices — "probably a purely English phenomenon" — explains the adoption of demesne cultivation. He also notes that "in other parts of Europe too there was a tendency at this time for leases to become hereditary but that only in England was this tendency halted by the introduction of direct management of estates."

46 Harvey, p. 77.
47 ibid., p. 80.
48 ibid., p. 81.
49 ibid.
Although Harvey does not claim to be formulating a general hypothesis about the relationship between inflation, demesne cultivation and labour dues in the medieval economy, his analysis can be seen as having implications quite beyond the English case. The very insistence with which he characterizes the inflation as having been exclusively English should justify attempts to experiment with his model, in the broader context of the Western European manorial economy. Data refuting his contention that the inflation was confined to England would shed doubts on his arguments. At the very least, the data would reject inflation as a sufficient condition for the behaviour of thirteenth-century English lords. The price data I was able to find appear inconsistent with Harvey's statements. However, since these data are sparse and uncertain, a firm conclusion is not justified. Instead, I would like to examine Harvey's article in a more roundabout fashion by exploring the nature of the causal relationships that are embedded in his arguments and their relevance to other areas of Western Europe.

Harvey on the resumption of direct demesne cultivation

Before pursuing the very speculative question of what might have caused the return to labour dues, I would like to discuss the somewhat equivocal observation made by Harvey, that is, the observation that only in England was the tendency for leases to become hereditary halted by the introduction of direct management of estates - the underlying cause being the thirteenth-century inflation. What Harvey undoubtedly asserts is that hereditary leases on demesne lands never developed in England - that,
in England, inflation caused the resumption of direct demesne cultivation. What is less obvious is whether he is suggesting that, on the Continent, manors and demesne lands were leased on a long-term (eventually hereditary) basis, or whether long-term leases were supplanted there by short-term leases (although not by a system of direct management of estates). If the suggestion is (1) that the system of leasing (both of demesne lands and of manors in general) entailed long, hereditary leases in Europe and (2) that this constitutes, indirectly, supporting evidence of stable prices (of no inflation), there is an obvious factual problem: in several parts of thirteenth-century Europe, demesne lands (even whole manors) were granted on a non-hereditary basis—sometimes as life leases but more often for shorter terms.50 If, on the other hand, the suggestion is that hereditary leases were replaced by short-term leases, the question becomes: assuming that the rise in prices was confined to England, why was the tendency towards long and potentially hereditary leases reversed on the Continent? Harvey's arguments give us no insights into this question.

Searching for yet another possible meaning behind Harvey's statement: the evolution of leases on customary holdings could lend some support to the thesis of divergent evolutions between England and the Continent. This thesis could be explored against the background of Postan's distinction between two broad categories of manorial leases for England: "the purely commer-

50 See the evidence presented in chapters IV and V of the dissertation.
cial lettings (farms), usually for short periods, and the life leases. The former were mostly to be found on demesne lands let out to villagers, or on some newly reclaimed wastes, or on surplus pastures ... The wholesale introduction of life leases was obviously associated with the commutation of labour services since the new leases almost invariably came in as replacements for the old customary holdings burdened with labour dues.\(^5\) Apparently, these life leases spread at the end of the thirteenth and during the first half of the fourteenth century.\(^5\) Postan provides us with a rather cautious explanation of why this change took place. His "tentative answer is that the tenures were thus transformed on the lord's initiative, and that their object was to preserve for the lord a chance of going back on the commutations at a future date. The emphasis in the leases is on their short span - as a rule one life span only - and on the lord's will as the sole authority behind it."\(^5\) Would these life leases make much of a difference ultimately to the peasants' conditions? Postan's conclusion is that they would not since "the tenures they established became as permanent as the customary holdings of old and were frequently assimilated with the copyholds of the late fifteenth and sixteenth century."\(^5\)

\(^5\) Postan, *Cambridge Economic History*, p. 615.

\(^5\) ibid.;


Hence, when talking about a halt in the tendency towards hereditary leases in England one could be referring to the change in the formal status of some customary holdings as these were being released from labour dues. Yet such a development was not exclusive to England. In northern Italy as well as in Germany there were instances of customary holdings undergoing a similar and sometimes an even more drastic transformation subsequent to the commutation of labour dues. On the other hand, in France the movement towards the perpetuity, heritability and the alienability of the censive proceeded unchecked from the eleventh century onwards. So, in regards to the terms on which customary tenements came to be held, English and French developments did exhibit diverging tendencies. Note, though, that the introduction of life leases on customary holdings (in England) is irrelevant to the issue of a return to the direct management of demesne lands - the latter being the phenomenon that Harvey seeks to explain in terms of inflation. In fact, the period during which these life leases gained most grounds coincided with the period during which the resumption of direct demesne cultivation is thought to have lost some of its momentum. Furthermore, Harvey's leases can hardly be identified with leases that were associated with the commutation of labour dues (i.e., Postan's "life lease") since Harvey sets out to explain both the resumption of direct demesne cultivation and the return to labour dues in terms of inflation. It does seem that the

diverging evolutions in the status of customary tenements cannot be at the basis of Harvey's comparative statement about hereditary leases.

To sum up, the reason behind the adoption of shorter, non-hereditary leases in thirteenth-century Europe is not apparent within Harvey's analysis. As for his argument about the English return to direct demesne cultivation, it revolves around inflation: once inflation had set in "it was very difficult to discover what new levels of rent would be fair to landlord and lessee alike". But contrast this view with Duby's emphasis on the versatility of farm leases in early fourteenth-century France - a versatility that he illustrates by giving the example of the monastery of St. Martin de Tournai. Apparently, not only did the monks of St. Martin require that the farm should be paid partially with cereals but "they also required their lessees and specified in the contract that the remaining sums should be calculated with respect to the market value of the currency and not merely to its legal value: a simple precaution against monetary instability."  

Harvey on labour dues in their association with thirteenth-century villeinage

Harvey considers the halt in commutation to have reflected far-reaching legal and social changes - an issue that stands quite apart from the whole question of the extent to which labour dues were actually used on reconstituted demesne lands.

56 Harvey, p. 62-63.
Presumably, these changes were intended to increase the lords' power to extract income from their dependants. (As specified earlier, in Harvey's words, the changes constituted "the landlords' response to a situation where manorial custom combined with the decreasing value of money was endangering their income from their tenants." 58 ) The assumed causal role of inflation could be, however, questioned. The lords' behaviour could be explained solely in terms of changing factor proportions. Thus, it has been suggested that the aforementioned legal and social changes reflected the lords' attempt to capture the increase in the value of customary tenements - the lords being constrained by the peasants' resistance to changes in the terms of customary tenure. 59 Would this alternative hypothesis pass the comparative test? In this connection, all that will be said, at this point, is that thirteenth-century Europe did experience heavy population pressures and that the existence of alternative income generating resources could well account for the absence of an English-like movement of legal and social change. Many lords were ipso facto in a position to increase their income through seigneurial levies (in the form of banalites, etc.); A marked increase in the size of these levies would be consistent with this hypothesis while unaccounted for in Harvey's framework of analysis. Unless Harvey's argument is that English lords were not profit maximizers or, alternatively, that they did not

58 Harvey, p. 76.

59 See Reed's argument on p. 55 of thesis.
always assess their position accurately and that only a compelling phenomenon (like inflation) could force upon them the realization of their deteriorating position, inflation as a necessary cause of the legal and social changes experience by England is problematic.

The question then remains as to whether inflation could still be causally related to the English lords' endeavours to extend their formal powers over their dependants with a view to increasing their income. Inflation as only a sufficient condition for this development seems a straightforward and appealing proposition. Yet, on close inspection, it proves to be, I think, quite complex. Given fixed commutation payments, it is not obvious that inflation should have called forth an increase in the size of the payments as much as it should have dictated their respecification in kind. Also, when thinking about the issue in comparative terms, inflation appears at best as only a part of a set of conditions which when taken together might explain the English phenomenon of labour dues' reinstatement as a means of extracting more income. Consider the fact that Continental lords might have enjoyed wider-ranging and more direct powers of taxation to which corresponded more limited royal powers. Under these circumstances, the costly process of formalizing relationships of dependence with a view to extracting more income would have been superfluous. Similarly, one of the hypothetical channels through which inflation is deemed to have had the observed effect of a reversion to labour dues in England might not have applied elsewhere. Why this hypothetical channel
would have failed to operate, in France, for instance, will be the subject of the rest of my discussion. An important clarification: while the discussion below emanates from Harvey's article in that it involves some of the facts that he unveils, as well as sources that he cites, the argument that will be explored is not Harvey's as much as it is R. Hilton's. Really, the argument is an amalgam of various aspects of these writers' thoughts.

Still on labour dues and villeinage: R. Hilton's arguments in relation to Harvey's and beyond

R. Hilton hints at a somewhat different causal connection between inflation and the reversion to labour dues when he stresses, as Harvey points out, "the rising prices, the intense fiscal pressure." Is it possible to develop an argument in which inflation would emerge, via fiscal pressures, as a sufficient reason for the legal reinstatement of labour dues? What would be the premises of such an argument? First, the increase in the Crown's financial exactions which is very much highlighted by Harvey and which he attributes to the Crown's inability to increase the income derived from royal estates. Harvey tells us repeatedly that the Crown proved unable to regain direct control of its estates and thus to resume the practice of direct demesne cultivation; the sheriffs who very likely "adhered to a system of leasing ... suffered the same disadvantages as landlords who leased out their estates ... The other resources of the crown for which the sheriff answered on his

60 Hilton as quoted by Harvey on p. (77).
farm were probably even less amenable than the royal demesne to increased profits corresponding to the rise in prices: the revenues from the boroughs were fixed by custom and so too, very probably, were the fines and assessments of the local courts so that any increase... would appear grossly extortionate." 61

Let me put aside the more controversial aspect of Harvey's statement regarding the disadvantages of the system of leasing, retain the conclusion that the Crown met its inflated commitments through increased taxation and add the hypothesis (Hil- ton's) that the social and legal changes desired by the lords were ways of passing the increased financial burden onto manorial dependants. Would such a scenario justify singling out inflation as the explanatory variable for the uniquely English pattern of social and legal changes that entailed the use of labour dues as a test of unfreedom? The question I am trying to raise is the following: supposing for the moment, that inflation was a uniquely English phenomenon and that its repercussions were via fiscal pressures, could its hypothetical appearance in Continental Europe have had parallel effects? I will venture to answer the question posed in the negative and to assert that, at least up until the fourteenth century, the conditions and pressures under which English and Continental lords were operating differed quite substantially - an assertion that brings to the fore the larger issue of the different make-up of royal finances in England and on the Continent. More specifically, and circum-

61 Harvey, p. (66).
scribing my present discussion to a broad overview of the evolution of English and French royal finances, it should be obvious that, given the structure of French royal finances (in the twelfth and thirteenth centuries), French lords subjected to heightened royal exactions (because of inflation) would be an unlikely scenario. The peculiarity of English developments may well have lain in the constitution of the English royal purse—a point that is forcibly made by B.P. Wolfe whose work is amongst Harvey's sources.  

A cursory first look at English and French royal finances in the twelfth and thirteenth centuries as depicted by Wolfe

Broadly, Wolfe's research and argumentation challenge the conventional distinction drawn between ordinary and extraordinary sources of royal revenues when applied to the Norman and Angevin periods. It casts doubts on the notion that Norman and Angevins kings were supposed to live off their own (i.e., off the proceeds of their land) and to resort to taxation only under exceptional circumstances. Wolfe strives to show that "the potential resources available to the Angevins through their political power as kings were so great that, by comparison, their financial resources as landlords were insignificant," that "it is a misdirected exercise to search the records of English government before the later fifteenth century for evidence of any sustained effort to make a royal demesne yield by estate management a cash income on a scale comparable to what royal

62 Harvey, p. 66

63 Wolfe, The Royal Demesne ..., p. 22.
taxation, direct and later, indirect, provided, or to try to identify lost opportunities for such a policy, "64 that "the finances of English government within a few years of the conquest were based fairly and squarely on the proceeds of taxation in its various forms"65 and finally that "if we are to speak of a post-conquest royal demesne in England as the equivalent of the Capetian royal domaine in France then it should logically be of the whole country, whether enfeoffed or not."66

On the other hand, in France, "during the first three centuries of Capetian rule from 987 ... income from their domaine constituted their [the kings'] total financial resource. It was almost impossible for the French king to establish direct relationships with his subjects outside the domaine ... until he had annexed a particular territory of fief to his domaine ... Domainal revenues were indeed the French king's 'ordinary' revenue but this designation only came to have significance with the acquisition of an 'extraordinary' revenue for the first time, beginning in the last years of the thirteenth century, and derived from the whole kingdom of France in the shape of direct and indirect taxation, the tailles and the aides. The very beginnings of these national, 'extraordinary' revenues, as opposed to domainal, ordinary, revenues were the achievements of Philip the Fair ... The same distinction between the rest of the

64 ibid., p. 35.
65 ibid., p. 34
66 ibid.
French kingdom and the domaine also applied in the realm of justice. 67

Where to, from here?

Let me recapitulate the points embedded in the discussion regarding inflation and the renewed interest in labour dues. Harvey's specific argument is threefold: as a test of unfreedom, labour dues helped implement vast legal and social changes; these changes are deemed to have put the lords in a position to increase their manorial income and inflation is supposed to have motivated the lords' behaviour. Two sets of questions emerge therefrom. As a first set of questions, why were labour dues, specifically, used as a test of unfreedom? Why were vast legal and social changes necessary in order for the lords to tax their dependants more heavily? And secondly, how do we choose between inflation and the changing land/labour ratio as alternative explanations for the lords' behaviour? A possible approach to the latter question would be to try to ascertain whether the lords' attempts to increase the size of their manorial revenues were, at the time, a uniquely English phenomenon. If such attempts had a European dimension then one would have to discard either Harvey's contention that the inflation was confined to England or, his conclusion that inflation was the explanatory variable.

An argument in terms of inflation that would hinge on the imposition of added fiscal burdens on manorial lords (note that this is not Harvey's argument) would also raise the question of why the lords had to resort to legal changes to increase their manorial revenues. Now, given the make-up of the English royal purse, it would seem reasonable to suppose that a rise in prices resulted in greater fiscal pressure on lords whose reaction was thus to seek some compensation through heavier manorial exactions. To allow for this possibility opens the door to explanations whose focus would be the specific feudal configuration within which the rise in prices made itself felt. By "feudal configuration" I mean the distribution of fiscal, juridical (as well as other) powers between king and lords. From this perspective, a consideration of the reach of royal powers of taxation would contribute as much to our understanding of the apparent aberration in the English chronology of labour dues as the fact of inflation does. It could be argued that Harvey obscured the relationships involved by treating a circumstance based on added causality as one deriving from only a single cause.

This said, I have to clarify immediately a number of related points. There is nothing novel about linking fiscal pressures and inflation to the thirteenth-century redefinition of villeinage and to heightened manorial exactions. As indicated earlier, R. Hilton does precisely this in "Freedom and Villeinage in England", except that he does not insert his discussion within

68 R. Hilton, p. 185.
the perspective of a comparative study of the chronology of labour dues. Further, that the legal depression of manorial dependants was sought by their lords is, in Hilton's account, probably a measure of the dependants' resistance to heavier impositions. The view that the process of redefinition of villeinage was a cost inflicted by manorial dependants on their lords is equally embraced by C. Reed whose hypothesis is, however, more specific in that the resistance is explained as resistance to changes in the level of customary rents. A possible problem with this last hypothesis is that it may not be altogether consistent with what occurred later in the thirteenth century when some dependants saw their labour dues being commuted in return for life leases which Postan describes as having been, in theory at least, a more precarious form of holding. If indeed a more precarious form of holding, these life leases would prove awkward to explain in light of the suggestion that a hundred years earlier the dependants had been willing ultimately to shoulder legal unfreedom and labour dues in return for more security. Of course, it could be argued that life leases were forced upon tenants or, alternatively, that security of tenure had become less valuable by the late thirteenth century - the latter being, however, rather improbable on economic grounds.\footnote{Further research on the nature of these life leases would be needed for a more complete assessment of Reed's hypothesis.} Finally, one question needs to be posed: would the idea regarding the importance of exploring the distribution of powers amongst the ruling class collapse in the face of evidence refut-
ing the contention of unusually heavy royal exactions in the late twelfth and in the early thirteenth centuries? I am rais-
ing this question since there is, to my knowledge, at least one historian who has recently suggested that we should perhaps "re-evaluate traditional impressions of the burdensome nature of the Angevin monarchy in general." An answer to the question just posed calls for a moment of reflection on the various ways in which an expansion in royal fiscal powers could have made itself felt.

Up until now, I have indicated how, according to one plausi-
ble chain of events, increased fiscal pressures translated into increased manorial exactions with legal changes as the outcome of peasants' resistance. But thus stated, the relationships are very crude. The increased fiscal pressures could have been exerted through existing levies or, alternatively, through the imposition of altogether new forms of taxation that might have entailed the extension of royal fiscal powers in a new direction involving the direct taxation of manorial dependants. In other words, we should distinguish between royal attempts to aggravate existing levies and the development of new royal taxes directly affecting barons and lords and/or their manorial dependants. Conceivably, a shift in the basis of royal powers of taxation could have gone unaccompanied by increases in the total size of royal impositions as far as the lords were directly concerned.

70 Keefe, Feudal Assessments and the Political Community under Henry II and His Sons. (Berkeley, 1983). p. 140.
To think about the relationships in these terms throws a somewhat different light on them. Assuming that the lords had reasons to fear royal incursions in their manors, one would expect them to seize any occasion to secure firmly their powers of taxation over their dependants - i.e., to try to remove manorial dependants from royal fiscal reach or, at least, to lay claims formally to part of their income before the king established competing rights. From this perspective, the legal changes crystallizing in the redefinition of villeinage, can be viewed, in part, as a cost incurred by manorial lords in their attempts at erecting a fence that would protect their taxation rights. For this to have been the case it is by no means necessary to assume that royal powers of taxation were growing very rapidly. Within this perspective, all that is required are lords with enough foresight to invest in a process upholding the principle of authority over tenants (remember that what constituted villein tenure was the primordial question!) over the budding national principle of royal (hence, also fiscal) authority over subjects.

This way of looking at the thirteenth-century redefinition of villeinage is general enough to coexist with rather different hypotheses. So, it is consistent with the notion that lords and barons were being subjected to unusually extortionate royal demands but it does not require this notion. Similarly, it is consistent with the hypothesis of a depression in the villeins' standard of living but it does not hinge upon it. Finally, and perhaps less obviously, it does not assume overtly conflictual relationships between lords and king.
But how do labour dues fit into this discussion? Here, the distinction between labour dues as a test of unfreedom and the actual obligation to perform week-work\(^1\) becomes critical. An obvious question is why would the liability to perform week-work be used as a test of unfreedom, supposing that labour dues had been significantly commuted in the twelfth century. If that was indeed the case, the liability to perform labour dues would probably be difficult to trace. First of all, other possible tests involving customs like merchet and tallage could have been even more cumbersome (particularly if these customs were not common before the thirteenth century).\(^2\) Moreover, granted a resumption of demesne cultivation during the first half of the thirteenth century, that many a lord should have considered it advantageous to reinstitute labour dues (whether to depend on them almost entirely or whether to use them as a reserve or a supplement to hired labour) is plausible.\(^3\) It is perhaps noteworthy that customs like merchet were becoming more widespread indicators of villein tenure after the middle of the thirteenth century and that this was paralleled by a slowing down in the movement back to demesne cultivation. As indicated earlier, I do not know whether these customs complemented or whether they mostly displaced the liability to perform labour dues as tests

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1 Week-work was the obligation to work on the demesne on a regular, weekly basis (usually three times a week).

2 Hilton suggests that they were not; for a dissenting opinion on the matter see pp. 180-181 of thesis on Hatcher.

3 Miller and Hatcher, pp. 221-224.
of unfreedom. One would think though that with demesne cultivation receding in the background, labour dues as a test of unfreedom would lose some of their appeal. In any case, the process of redefinition of villeinage seems to have outlived the revival of labour dues for actual (even though probably limited) use on reconstituted demesne lands. And it may have also outlived the widespread use of labour dues as a test of unfreedom. (Incidentally: if inflation really explains this movement of social and legal changes, why did this movement persist after the inflation subsided? This point is not elucidated in Harvey).

SUMMARY

I propose to distinguish between three broad analyses of the thirteenth-century emphasis on labour dues in England. Central to the first type of analysis are labour dues in use on demesne lands and/or their changing value over time. Bridbury's chronology of events would be inconsistent with the arguments subsumed under this category which implies the notion of a revival of labour dues and in which I would put, of course, Postan's account, the North and Thomas explanation (at least one of its versions) and Penoaltea's argument. Here, the issue of labour dues as a test of unfreedom is not confronted; the whole question of why villeinage was codified in the thirteenth century is left untouched. A focus on this question is provided by Hilton's, Reed's and, to a lesser extent, Harvey's accounts from which thirteenth-century villeinage emerges as a means to heightened manorial exactions. And, within this approach, there
is less preoccupation with labour dues in use on demesne lands or with their changing value. A third possibility would be to view the redefinition of villeinage as deriving from the lords' efforts to preserve manorial relationships and their authority therein— in the face of gradually disintegrating feudal relationships. The subject matter of the next chapter, this possibility has been either entirely neglected or glossed over by the reviewed explanations of the reversion to labour dues; and yet some of these explanations are enhanced by a consideration of the repercussions of an evolving feudalism on the twelfth- and thirteenth-century English manor.
CHAPTER VII
INTEGRATING THE EFFECTS OF STATE FORMATION INTO
STUDIES OF MANORIAL DEVELOPMENT

This chapter revolves around the broad hypothesis that models which fail to take into consideration changes, differences and variations in the constitution of the ruling classes either mislead or are incomplete. My intention is to explore further the idea that thirteenth-century English villeinage (and thus indirectly labour dues as a test of unfreedom) were perhaps as much the product of changes in the power structure at the level of the ruling class as the solution to problems pertaining to the manorial relationship per se (i.e., the relationship between lord and tenant). I should clarify that the distinction I just made is not a distinction whereby I set the 'political' dimension opposite to the 'economic' one. To talk about 'changes in the power structure at the level of the ruling class' does not restrict the analysis to political considerations since economic facts could have underlain such changes. Similarly, changes in the manorial relationship could conceivably be related to non-economic factors; some of Fenoaltea's arguments exemplify this.

Two different yet not necessarily antithetical propositions will underly the chapter. The first of the two propositions is, I would say, the bolder. Its purpose is to link thirteenth-century English villeinage to other, possibly parallel, Western European phenomena and to present this English occurrence as part of a rather broad movement. The second proposition will
appear to be going in a different direction since its intention is to particularize what happened in England. A discussion by M. Bloch will serve as its starting point to which will be added some of the thoughts I put forth in regards to the fiscal advance of the English monarch. But let me not anticipate and let me go back to what I characterized as the bolder of the two propositions.

VILLEINAGE AS AKIN TO THE CHARTERS AND TO THE WEISTUMER

I suggested earlier in my thesis that, instead of putting thirteenth-century English villeinage on par with what was left of the French servage in the thirteenth and fourteenth centuries (or, for that matter, the German Horgkeit and Leibeigenschaft), it might be more fruitful to compare English villeinage with the French charters of liberties. To some extent, these occurrences can be put in the same category - a category that would also include the German Weistumer and the Italian communes' extension of liberties to the contado. Of course, to do this is quite contentious since English villeinage has been traditionally known as an institution with, at the very least, legally debilitating effects on manorial dependants whereas the French charters have been considered, most often, as advantageous to the French peasantry (contentious also to the extent that villeinage involved litigation while the charters and the Weistumer ema-

1 See pp. 26-28 of the section on France. Note though that one striking difference is that the charters usually involved communities (hence, the alternative appellation of "community franchises"), villeinage was established on an individual basis.
nated from negotiation).

What strikes me about the charters of liberties (French and Italian); the Weistumer and the English villeinage of the thirteenth century is that they were all affirmative of some lords' taxation privileges (that is, of 'seigniorial payments'); in the case of Italy, we can think of the urban commune as impersonating a lord. What could have induced such a movement? By now a familiar argument is that the lords asserted these privileges in order to raise more taxes and that these taxes acted in lieu of rental income which, for some reason, was not as expandable. This, coupled with the statement of the specific reasons that presumably stimulated the lords into trying to increase their income, would constitute one possible approach to the question posed. The obvious stumbling block though in presenting the charters, the Weistumer and villeinage as an affirmation of the lords' taxation privileges whose express purpose was to subject the manorial economy to heavier impositions is that there is hardly a consensus as to whether this purpose was indeed realized (be it in the case of the Weistumer, the French charters, or even in the case of thirteenth-century English villeinage.)

An approach equating villeinage to the charters and to the Weistumer, on the assumption that they were all designed to help the lords increase their manorial intake, would be thus vulnerable, from the start, unless it were based on new evidence. Or else,

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2 See, for instance, J. Hatcher on the consequences of villeinage in "English Serfdom and Villeinage: Towards a Reassessment"; note also that Duby's discussion of the French charters (in Rural Economy ...) suggests that these were dearly bought.
it would have to incorporate an argument explaining the different degrees of success (or of failure) of the lords in each of the French, German, Italian and English situations (if indeed differences there were).

There exists, however, another way of conceptualizing the lords' determination to formalize and thereby assert their taxation privileges - through villeinage, the Weistumer or through charters of liberties. Could we think of these occurrences as part of a series of attempts by lords to effect a redistribution of income among themselves or perhaps as part of attempts to prevent such a redistribution? Formulated more positively, the hypothesis, here, is that the reappearance of the principle of taxation by some sovereign power - a principle threatening the existence of landed lordship as a political lordship - might have elicited a number of responses among the ruling classes of which villeinage, the charters, and the Weistumer were all facets. Or, stated in a somewhat different manner, the suggested analytical focus is on the Weistumer, villeinage and the charters as the outcome of interplay between the principle of territorial lordship and landed lordship in its political aspect.

The Weistumer

What do we know, for instance, about the origins of the Weistumer and what, in substance, did they enunciate? They were records of 'customs' that spread in the twelfth and thirteenth centuries - records that do not seem to have been emancipating

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3 Perrin, "Le grand domaine en Allemagne", p. 144. Perrin suggests that the first Weistumer appeared at the close of the
in the sense of conferring freedom (or its aura) upon the inhabitants of a seigneurie. These records of rights and obligations said apparently very little about issues and 'customs' relating to the management of the demesne lands. Instead, their object was, according to Perrin, "to specify the extra-domainial rights of the lord" which, I presume, included a variety of taxes, inheritance fines, monopoly privileges, etc. As indicated earlier in the thesis, these records were initiated by lords, often ecclesiastics, "as a protection against the pretensions of their avoues." Who were these avoues? In the context of a discussion on the origins of the German territorial principalities, G. Barraclough explains how, from the late eleventh century onwards, great aristocratic families tried to extend their powers of jurisdiction and to exercise their rights of government over entire territories. He also specifies that "the most important source of jurisdiction was advocacy over monasteries and monastic lands ... (that) the period of the Investiture Contest saw a wide extension of such rights ... (and that) in this way the period of the Investiture Contest saw the establishment

twelfth century.

4 ibid. Remember that, by then, the direct cultivation of the demesne was on the wane.

5 ibid; (my literal translation of Perrin's statement).

6 See the previous section on Germany, pp. 107-108.

7 Ganshof and Verhulst in the Cambridge Economic History of Europe (I) p. 321.

... of new territorial units, and these units were the nuclei from which were created the principalities of late medieval Germany."9

It is also worthwhile recollecting, in this respect, that renewed conflict between landed, juridicial and ultimately territorial lords was to give rise to the special form of personal dependence characteristic of parts of fifteenth and sixteenth century Germany - that is, the Leibeigenschaft that would allow some territorial princes to establish fully their sovereignty and, therefore, their fiscal and judicial powers over self-contained territories.10 The use of this form of Leibeigenschaft followed a period during which the princes' power had been held in check apparently by the combined forces of manorial lords and towns; during this period, "except on his own demesnes, the prince could in general only contact the common people either through the town authorities or through the manorial lords, clerical and lay; in particular it was only through and with the cooperation of the intermediary powers that he could obtain payments and services."11

In sum, at the origins of the Weistumer (in the late eleventh and in the twelfth centuries), there was conflict between manorial lords (mostly clerical) and lords in possession of special

9 ibid., pp. 145-46.
10 See pp. 117-18 of the thesis, in the section on Germany.
11 Barraclough, p. 331. An interesting discussion of the German estates of the thirteenth and fourteenth centuries is on pp. 320-331 of Barraclough's work.
rights of jurisdiction. But, did the thirteenth-century Weistumer, specifically, continue to be connected with conflicts between manorial lordships (lay and clerical) and increasingly assertive territorial lordships? This, I cannot affirm but it would seem plausible that they were thus connected since, up until the fifteenth century (sixteenth century?), manorial lords, in general, seem to have pursued the general policy of erecting a screen between their dependants and territorial lords. The Weistumer could be thought of as the first step initiated by manorial lords to guard against the territorial lordships' encroachments - a step that involved securing their own rights on their dependants. The next step would involve protecting their taxable basis from depredations by this competing source of power. In what fashion? By "limiting the prince's right to raise taxes to certain specified cases and preventing the establishment of a general power of taxation." It appears that, for a while, the estates formed in thirteenth- and fourteenth-century Germany served this purpose rather effectively.

**Italian and French charters**

In France and Italy, a different pattern emerged in that the charters of liberty were usually granted by the possessors of the territorial ban. But, like the German Weistumer, the charters also revolved, in the main, around "the exercise of the rights of ban" - that is, rights of territorial jurisdiction

12 ibid., footnote 1 on p. 332.
13 ibid.
and thus ultimately rights of taxation.

I already mentioned how, in Italy, urban communities appropriated the rights of the ban over the surrounding contado and how they used the charters of liberties to extinguish the private rights of jurisdiction associated with landlordship - a move that allowed them to implant their own rights in the contado. Interesting is the composition of the early associations from which the communal movement sprang. These associations brought together knights whose object was very definitely to limit the power of their overlords (often bishops) and whose "struggle centered on the cities because in Italy the cities, the residences of counts and bishops, were the seats of government." It is true that other elements played a role in the thirteenth-century communes. The increasingly forceful presence of commercial and industrial forces explains, for instance, why some communes encouraged peasant mobility. But this should not obscure the fact that the communes were initially the outcome of a struggle between the lesser landowning aristocracy and the greater nobility - a struggle over the exercise of the powers of

14 See, for instance, Fourquin's Lordship and Feudalism in the Middle Ages p. 180. His discussion, however, is only about the French franchises.

15 See, on Italy, p. 105 of the thesis.

16 Toubert, "Histoire de L'Italie medievale (Xe-XIIIe siecle)", footnote 1, p. 159.

17 Barraclough, p. 149.

18 Toubert, ibid.; some towns were eager to secure as abundant a labour force as possible for the development of textile industries.
government. The charters cannot be detached, I believe, from this background of strife over territorial lordship.

As for France, the analysis gets complicated because, as Duby puts it, the power of the ban was 'debased' in the thirteenth century; this power "ceased to be a privilege reserved for a few powerful men." The prerogatives deriving from possession of the lower territorial ban - "the low justice, the gite, the taille, the direction of country life" - often devolved unto "humbler master, lords of single parishes or of a few peasant households." And, sometimes these prerogatives "even became mixed up with charges on land."

The entrenchment of the powers of the ban through the extension of charters of liberties embraced thus rather diverse interests. Counts, princes, as well as lesser lords (often, the descendants of castellans whose power had been largely relinquished to the emerging states, or to territorial princedoms) entered into these transactions with their dependent communities. To draw general conclusions regarding the motivation behind the French charters is difficult. There are instances of charters granted for political reasons by lords driven to reassert their leadership subsequent to political strife and warfare.

19 Duby, Rural Economy ..., p. 246.
20 ibid.
21 ibid.
22 ibid.
23 ibid.
with rivals. Under these circumstances, the charters seem to have served the purpose of winning the support of the dependent population while providing the lord with substantial cash. We also know of the granting of exemptions and privileges for the purpose of enticing a migrant population to forested lands—a policy favoured by territorial lords in the process of extending their powers and of increasing the number of their taxpayers.\(^\text{25}\)

In fact, some territorial lords very much encouraged peasant mobility.\(^\text{26}\) According to T. Evergates, the very formation of territorial states with their "guarantee of safe passages over long distances ... facilitated rural migration and opened a viable alternative to local conditions, whether a harsh lord or overcrowding at home."\(^\text{27}\) To this new development Evergates attributes some of the lesser lords' readiness to grant charters to their dependants so as to secure their own claims while also specifying them.\(^\text{28}\)

Next to these explanations in terms of the growth of territorial sovereignty, increasing peasant migration and the interconnections between the two, there is a separate and more straight-

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25 Ibid., p. 56.

26 Ibid.

27 Ibid., p. 55. Here, I may be somewhat misrepresenting Evergates' thought since his remark concerns only the formation of the territorial state of Champagne; but I see no obvious reason why his statement could not be generalized.

28 Ibid., pp. 56-57.
forward argument about the granting of late thirteenth-century charters. E. Perroy suggests that the charters were then prompted by a financial impasse brought about by rising prices and the fixity in the payments associated with customary tenures; lords sold charters of liberties in order to replenish their revenues.\(^{29}\) The 'debasement' of the powers of the ban (i.e., their prior acquisition by a variety of lesser lords,) proved to be most useful: in the devolution of the ban lay the authority to grant charters which embodied and, in some sense, perpetuated private powers of taxation.

**English villeinage**

In trying to insert the English case, within this general framework of analysis, I encountered a question that will be at the core of the ensuing discussion and to which I have no certain answer. I propose to distill from the various arguments in the literature under consideration elements of an answer to this question that is of quite definite bearing on how to interpret English villeinage. The question is the following: what did the lesser dispersion of the power of the ban in England amount to (by comparison with France, for instance)?\(^{30}\) Is it that English manorial lords were, in general, quite restricted in their capacity to tax their dependants? Duby's answer to this ques-

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\(^{30}\) What does it amount to beyond the known fact that English manorial lords had fewer monopoly privileges (over the mill, the bakery, etc.)? See Duby, *Rural Economy* ..., p. 228.
tion is a resounding 'yes'. He thus states that tallage and profits from justice constituted a much smaller component of the English lords' revenues than they did of the French lords' revenues.  

31 And, he seems to endorse a hypothesis formulated by E. Perroy - the hypothesis that (in Duby's words) "the differences in the systems of taxation in France and England ... [explain] the divergencies between the management of the great demesne in the two countries at the end of the twelfth century. If the administrators of the English monastic manors worked unceasingly to raise the output of the manorial fields, it was because the power of the royal authority strictly limited their rights of taxation."  

32 Clearly, this statement points to limited (weak) powers of taxation in the hands of English manorial lords of the end of the twelfth century. But more than this, the general implication is that the relative weakness of their tax component was to characterize the English lords' revenues throughout the thirteenth century. Really, the notion expressed by Perroy and taken up by Duby is that this weakness was a typical and lasting feature of the English manorial scene which would seem to preclude taxation as the means through which English lords could

31 Duby, Rural Economy ..., p. 228.

32 Duby, ibid.; E. Perroy, "Seigneurie et Manoir, Annales: Economies Societes, Civilisations, 1961, p. 119. Perroy also mentions the fact that French seigneurs were in possession of lay tithes which provided them with a regular supply of payments in kind; this, according to Perroy, might explain, in part, the seigneurs' lesser interest in demesne cultivation. See the parallel discussion of Fourquin in Lordship ..., p. 172; here, Fourquin highlights (as a consequence of the wider distribution of banal powers) the proliferation of a group of intermediaries in charge of administering these powers.
adjust their income, in response to some exogenous change; given inelastic seigniorial payments and in response to such a change, manorial lords would fall back on direct demesne cultivation. Within this perspective, the institution of villeinage could have served (amongst others) the purpose of affording the lords with some labour dues. Now the theory behind this hypothesis is unclear since there is no a priori reason to believe that renegotiated short-term leases on demesne lands were not an option, or that they would yield less than the proceeds from direct demesne cultivation; note also that neither renegotiated leases on demesne lands nor the resumption of direct demesne cultivation would constitute a means to recoup losses on other income-generating assets. Finally, this view of English manorial lords could be interpreted to imply a non-maximizing behaviour on their part, over most of the twelfth century. Perhaps akin to E. Miller's analysis, the Perroy-Duby-Fourquin proposition could, on the other hand, be integrated with a Fenoaltea-type argument on differential technical abilities.

An alternative argument, based on R. Hilton's data, is C. Reel's. Its substance is definitely different from the Perroy-Duby-Fourquin proposition inasmuch as it asserts that, at the end of the twelfth century, the form as well as the amount of English manorial payments changed - the tendency being toward exacting more and larger seigniorial payments. Within this perspective, villeinage appears to have been the outcome of the

33 See my previous discussion of this hypothesis on pp. 53-56.
lords' determination to obtain higher payments in the face of substantial resistance; from this, one would deduce that, in the long run, villeinage served as a cost-reducing institution. In what manner? By denying the dependants access to royal courts and, hence, the opportunity to contest their lords' impositions. Note how the notion of villeinage as an efficient means of coercion is criticised by Hyams who questions, in his work on the common law of villeinage,\(^{34}\) the extent to which "the new theory of their unlimited authority over villeins added ... to [the lords'] real power."\(^{35}\) The point Hyams tries to make is that manorial lords got little royal assistance, in cases of insubordination - that they "were expected to do their own dirty work."\(^{36}\) Yet whether common law villeinage fostered compliance amongst manorial dependants is a somewhat different and probably more critical question for the perspective under scrutiny.

A third position is Hatcher's. He indicates that at least some seigniorial payments such as heriot, tallage and leywire antedate the thirteenth century and suggests that, in their early days, heriot and tallage may have been even heavier as well as more arbitrary than they would subsequently become.\(^{37}\) He recognizes that the prevalence and weight of seigniorial payments, during the eleventh and twelfth centuries, are matters of

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35 ibid., p. 258.
36 ibid., p. 264-65.
37 Hatcher's statement is based on research by J. Scammell. See footnote 10 on p. 29 of Hatcher's "English Villeinage ..."
controversy (while noting in passing "the dangers from arguing from the silence of records dating from an era when relatively little was committed to writing"). Yet he, himself, has no difficulties speculating that these exactions might have been rather heavy in this early period. The gist of Hatcher's argument is that the thirteenth century brought about a clarification of an existing state of affairs - a clarification that may not have been devoid of a positive import for manorial tenants. In Hatcher, there is an emphasis on villeinage as an institution that perpetuated custom. Given the prevalent demographic conditions and inflation, Hatcher considers custom as solidified in villeinage to have been advantageous to manorial tenants. Consistent with this view would be the idea that, in clarifying existing relations, villeinage would also facilitate the conversion of the lords' prerogatives into a money-form and that, for the tenants, this would eventually mean a greater measure of control over their choice of residence and over their family situation. What is the specific explanation offered for the timing of villeinage (i.e., for the twelfth-thirteenth century particular need for clarification)? Hatcher's answer is, really, Hyam's: "The reform and extension of royal justice necessitated the formulation of rules to determine who had the right of access to it. It was never for a moment intended that crown courts should be open to all lowly folk and to the petty

38 ibid., p. 29
39 Hatcher, p. 10.
disputes with their lords; such an intention would not only have been completely unworkable in practice, it would have appeared absurd to contemporaries."\(^{40}\)

Clearly then the notion of a correspondence between the charters, the Weistumer and villeinage would have to rest on some assumption regarding the links between the latter and seigniorial payments. More accurately, villeinage would have to be understood as an occurrence of consequence in terms of what happened to the taxation powers of English manorial lords. In other words, should we choose to follow the route of drawing a parallel between the above-mentioned Western-European occurrences, we would have to put aside the Perroy-Duby-Fourquin framework of analysis - a rather barren framework for the purpose of setting up this parallel. The choice left to us appears to be twofold: to associate villeinage either with a confirmation or with an extension of seigniorial rights. (Note that in itself, the Perroy-Duby-Fourquin hypothesis is not incompatible with the notion of villeinage as confirmation of existing seigniorial rights - assuming a rather limited set of such rights. The conjunction between the hypothesis and this notion is logically tenable but not very likely, for why would manorial lords and tenants engage in quite costly disputes if what was at stake were weak taxation rights?)

\(^{40}\) ibid., p. 34.
Villeinage as involving a confirmation of existing seigniorial rights whereby arbitrary personal constraints were converted into a regular, impersonal financial burden would be akin to the charters and to the Weistumer. But then we would still have to ask ourselves: why could not a clarification be obtained in a Weistum-type form? Why did it prove to be so costly a procedure, and as a counterpart to this question, why was it couched in terms of unfreedom? As a plausible sequence of events: the advance of royal justice — interpreted as announcing greater royal fiscal leverage — acted as an incentive for lords to clarify their taxation privileges. This proved costly (i.e., was disputed) to the extent that dependants saw, in the royal courts, a potential for evasion. Hatcher tells us that, through villeinage, manorial lords were merely preventing their tenants from divesting themselves from rather customary obligations. The problem with this argument in which clarification is presented as the result of the rather innocuous advance of royal justice is that it does not explain why royal courts could not be relied upon in cases of litigation with manorial tenants. Excluding the explanation that villeinage represented an administrative solution to what was perceived as a potential overburdening of the royal court system, that the lords strove to limit the extent of royal intervention in their affairs might have indicated their uncertainty as to the future course of such intervention.

Now in Germany, the situation against which the Weistumer developed was different; through these records of rights and
obligations, manorial lords were from the dependants' point of view perhaps helping mitigate the oppressive demands emanating from a third party - that is, the lord with territorial ambitions. Still, it could be argued that villeinage was closer to the Weistumer than to the charters - assuming that both villeinage and the Weistumer did indeed reflect attempts by manorial lords to preserve the unity between political and landed lordship. The charters, on the other hand, were often disruptive of that unity, in particular in Italy.41

Turning to the Hilton-Reed version of events, to the extent that it focuses on the financial consequences of villeinage, it is not inconsistent with an attempt at linking villeinage to the Weistumer and to the charters. In fact, R. Hilton does draw a parallel between English and French developments when suggesting that the generalization of the jurisdiction banale in France accomplished what villeinage did in England: "an evening out as well as a raising of the level of surplus transfer from the mass of the peasantry".42 (His source on France is likely Duby!) If correct, this statement would certainly weaken explanations of villeinage as a means towards heightened impositions in terms of variables supposedly unique to England (for instance, in terms

41 Incidentally, villeinage for clarification purposes is not inconsistent with general descriptions of the evolution of English royal power over the twelfth century. If the temporary weakening of royal power (around the mid-twelfth century) entailed a strengthening of the de facto taxation leverage of manorial lords this could explain why, following the revival of this power, manorial lords would try to retain their leverage by formalizing it.

42 Hilton, The Decline of Serfdom ..., p. 4.
of a uniquely English inflation). The question that would emerge, in this case, is why did the institutional vehicle that allowed the lords to increase their take (recognising the controversial aspect of this conclusion) assume different forms?

VILLEINAGE, A SINGULAR EVENT, AS RELATED TO THE CROWN'S JURIDICAL AND FISCAL ADVANCE IN THE TWELFTH AND THIRTEENTH CENTURIES

Villeinage as a specifically English institution that should not be treated as the equivalent of the French servage of the thirteenth, fourteenth and fifteenth centuries is a theme expounded by M. Bloch, in "Contribution towards a Comparative History of European Societies." What set villeinage apart, according to Bloch, was that, "it drew its original characteristics from the very special political circumstances in which it was born." Villeinage resulted from the precocious development of royal justice - a precociousness that, however, "had its disadvantages. The state of society as then constituted meant that the (royal) judges came up against a frontier which they were not able to cross until the very end of the Middle Ages. They had to make sure never to intervene between feudal lords and those who held land from them in 'villeinage' ... The status of these tenants varied considerably ... But all of them, whatever their traditional status, were passed by when it was a question


44 ibid., p. 59. Bloch tells us, here, that he is essentially reiterating Vinogradoff's position as this appears in Villeinage in England.
of royal jurisdiction. In their relationship with their lords (and only in these) they were completely outside the scope of
the king's courts ... The result was that in the course of the
thirteenth century they amalgamated on the basis of this inca-
pacity."45 In France, on the other hand, royal justice was much
slower in developing. Eventually though, and quite insidiously
(through appeals), the royal judges would come in between the
seigneur and his tenant and "in so doing they made no kind of
distinction between the dependants of the lord."46

A pertinent question at this point is whether, together with
royal justice, royal fiscal powers developed relatively early in
England and (if they did) whether this advance also stopped
short of embracing manorial dependants. By laying claim to an
increasing number of lawsuits the king (Henry II) was certainly
increasing his revenues while weakening his feudal barons.47
But, besides the financial gains implicit in this juridical
advance, were there other ways in which the monarchy was break-
ing fiscal grounds? At issue are the connections between two
developments that formed, on the surface, an unlikely combina-
tion: an increasingly "centralized feudalism"48 accompanied by
legislation stipulating that "the lord owns his villein as a

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45 ibid.
46 ibid, p. 61.
47 J.R. Strayer and the late Dana C. Munro, The Middle Ages
48 I have borrowed the term from P. Anderson. See his "Typology
of Social Formation" in Passages From Antiquity to Feudalism,
p. 158.
chattel."  

(In Magna Carta the villein was "protected only as property" of his lord.)

There is little doubt that, towards the end of the twelfth century, royal taxation was 'stirring about'; the Angevin kings were looking for ways to increase their revenues which consisted of donanial, feudal and regalian income (the latter deriving, specifically, from the exercise of royal power). Hence, the development of general taxes on movables modelled, it seems, after some of the Crusade tithes. These taxes on movables, which developed quite rapidly between the 1180's and the 1240's, proved to be lucrative but "remained extraordinary and as such they required consent of the taxpayers or their representatives." It is not clear whether these taxes were derived from feudal custom or from Roman law. The question is not trivial. If derived from feudal custom, these taxes would have to be considered as crucially dependent on the consent of the tenants-in-chief. On the other hand, as the offshoot of Roman concepts, they would "represent the superior right of the ruler to impose burdens for the common good when the necessity of the state demanded ... where consent was given it was tacit, formal

49 Hyams, King, Lords and Peasants ..., p. 2
50 Strayer and Munro, The Middle Ages, p. 293.
52 B.P. Wolfe, The Royal Demesne in English History, p. 27.
53 Cazel, p. 106.
consent to the necessity such as was given by suitors to the judgment of a court." Note that the notion of a common good overriding private rights had been embedded in the Danegeld - a tax that went back to Anglo-Saxon days and whose justification was possible emergencies arising out of foreign attacks of the realm. Levied on property and apparently not very profitable, this tax was shelved in the 1160's; shortly before the imposition of the new taxes on movables, it was revived under the form of a Carucage. But its yields proved to be again quite modest.

Royal tallage is another tax that has been linked to the growth of national taxation. R.S. Hoyt, in particular, argues that "the growth of the realm" (i.e., the process by which feudal relations were displaced by relations between king and subject) was furthered by fiscal developments associated with the collection of royal tallage and that both the twelfth and the thirteenth centuries were crucial as regards these developments. In my opinion, some of Hoyt's arguments could lend support to the hypothesis that a contest over taxation prerogatives (albeit a tacit contest) could have been at the source of villeinage; I will be sketching these arguments below but will not dwell on the extent to which the great national taxes of the fourteenth century ultimately derived from royal tallage. This question


55 Cazel, p. 104.

has been discussed at length but is peripheral to the object of my immediate interest, that is, the degree to which royal power was trying to extend its fiscal reach as it was simultaneously developing common law procedures, at the close of the twelfth century. And, to consider this, some of the facts concerning the evolution of royal tallage (as described by Hoyt) are, I think, very revealing. So is B.P. Wolffe's work on the English royal demesne.

The concept of a royal demesne was intertwined, in the twelfth and thirteenth centuries, with the evolution of royal tallage so that "to a student of government finance it appears that 'royal demesne' might in origin even be called a fiscal term; that it was the evolution of royal tallage which itself created the concept as a term in the workings of the English government." During this period, royal demesne, "was a fiscal concept identifiable as towns or manors liable to this tax." More specifically, it was towards the late twelfth century that the boroughs were transformed into royal demesne in order to be tallaged. Briefly then, what were the features of this tax that was levied on movable property? It was arbitrary in the sense

57 See, for instance, Harriss' discussion on p. 14.

58 B.P. Wolffe, The Royal Demesne ..., p. 22

59 B.P. Wolffe, The Crown Lands 1461 to 1536 (London, 1970), p. 21. Hoyt notes on p. 117 of The Royal Demesne ... that "the English monarchy emerged with a near monopoly of the seigniorial profits which could be extracted from the urban areas during the period of their most rapid growth".

60 Harriss, p. 14. Compare this, however, with Hoyt's statement in The Royal Demesne ... on p. 118: "it was based upon all
that it never became subject to consent. However, its amount was, to some extent, determined through negotiation and its assessment was entrusted to the very same officials who were used in the extension of royal justice, that is, the itinerant justices.

Was the only land liable to be tallaged land "directly and wholly under the king"? To what extent could the concept of a royal demesne be stretched precisely for taxation purposes? So, for instance, could lands falling unto the Crown by escheat and vacancy be tallaged? Although they could not be fully incorporated into the royal demesne (which means that they retained some of their liberties, that their terms of tenure would not be changed, etc.) these lands were indeed subjected to tallage impositions. In fact, these lands became known as 'temporary demesne' - a new category specially devised for royal taxation purposes. Even more significant, I think, was the thirteenth-century emergence of the categories of 'ancient demesne' and of 'tenure in ancient demesne.' What the monarchy was striving to...

of the wealth of the person taxed ..."

61 Hoyt, The Royal Demesne ..., p. 108. See p. 144 for example of how John rejected the demand that tallage be subject to common counsel of the realm.

62 ibid., p. 118.

63 ibid., p. 121.

64 ibid., p. 117.

65 ibid., pp. 120-121.

66 ibid., p. 121.

establish was that grants of royal manors did not sever their fiscal liability to the crown: "tallage was extended to manors and tenements in others' hands if ever they had been royal demesne and had paid tallage as such; even though these lands might be held in fee or in free alms. This extension was achieved, however, only at the cost of conceding the principle that the tenant of such a manor or tenement could, by the purchase of a writ of tallage, collect the tax for his own use."68 The category of 'ancient' demesne - i.e., of land that had once been the king's - was thus instrumental in the Crown's assertion of its fiscal prerogatives and it was also part and parcel of its program of juridical extension. As a special category that somehow privileged a segment of the English peasants, 'tenure in ancient demesne' reflected the new fiscal and juridical orientation of the Crown. By setting apart the peasantry of manors that had once been royal - in effect, arrogating to itself the right to intervene between this peasantry and manorial lords - the monarchy was extending its juridical reach which, of course, entailed realizing some profits. Very simply, according to Hoyt, "for a fee, the royal courts were ... quite willing to protect whatever peasantry they could protect."69 Furthermore,

68 Hoyt, "Royal Taxation and the Growth of the Realm ..." p. 45.

69 Hoyt, The Royal Demesne in English ..., p 204. More from Hoyt, p. 203: "The whole growth of the common law was designed to bring the monarchy into direct relations with all free men of the realm, to bring royal justice to the protection of all free tenements in England - for a fee. The monarchy did not draw the line between the free and unfree willingly: the royal courts notoriously favored freedom, assumed
protection of the peasantry (an interest in their well-being) was of pecuniary interest to the Crown since "the more wealthy the peasants, the higher the tallage which could be charged."20 What emerges from Hoyt's discussion, is that "protection of the peasantry cannot be dissociated from royal revenue,"71 that the Crown tried to draw under its 'protective umbrella' (if I may say so) as many manors as possible,72 and, hence, that "the question was, what was the royal demesne?"73 I feel that Hoyt aptly summarizes the underlying issue when putting forth the notion that ultimately an aggressive monarchy was "quite capable of extending the royal demesne rights to include the whole of the Conquoror's Lands. What lands were once in manibus predecessora, after all, depended upon the limit of legal memory."74 Through the royal demesne - a concept adjusted to suit its cash revenues - the Crown was then evidently widening its taxable basis and, in some cases, interposing itself between villeins and manorial lords75; the fiscal liability of those affected by this process was, in theory, a function of the

a man free till claimed as and proved to be a villein, and with regard to the villeins of the royal demesne they brought royal justice to bear upon villeinage, maybe not under common law forms."

70 ibid., p. 204.
71 ibid., p. 205.
72 ibid.
73 ibid., p. 203.
74 ibid., p. 206. (contrast this with Wolffes statement on p. 26 of The Royal Demesne ...).
75 See, on this subject, Hyams, pp. 247-48.
king's discretion. But, should we deduce from this that, outside the royal demesne, villeins were to remain entirely beyond the king's direct fiscal reach, we would be mistaken! It turns out that, in its attempts to increase its cash revenues, the Crown did cross the artificial boundaries set by the 'royal demesne' category. Thirteenth-century English villeins who were unconnected with the royal demesne (however widely this was defined) were directly affected by royal taxation: they were affected as subjects of the king. Excluded from common law, rightless as against their lords, thirteenth-century villeins were, nevertheless, imparted with some public obligations - such as contributing to the aids on moveables.76 (Bracton's theory of relative villeinage as a relationship of servitude existing between a specific lord and his dependant as opposed to villeinage as a public condition is altogether consistent with this development.77)

The practice of direct royal taxation of villeins was "first seen among the arrangements for the carucage of 1198"78 and "may have been intended even before 1198."79 As for the thirteenth-century levies on movable goods, they "applied to all who possessed the taxable minimum of wealth whatever their legal status ... But if the villein as subject looks to modern eyes incompat-

76 Hyams, p 151.
77 See my section on England, p. 62, as well as Hyams, p. 160.
78 Hyams, p. 152.
79 ibid.
ible with the villein as chattel, contemporaries remained unruffled. Royal advisers did not even bother to give the same justifications for successive levies. Thus villani number among those said to have 'granted' the fortieth of 1232, but the 1237 thirtieth was conferred by the various free class 'pro se et villani sui.' Sometimes a lord petitioned against what he considered to be double taxation or for the right to supervise collection over his own villeins. So, levies on movables — the very taxes traditionally thought of as leading to the great parliamentary taxes — did involve directly thirteenth-century villani. (In his study of the relationship between the English peasantry and the Crown, Maddicott suggests though, that the Crown's taxation of the peasantry (including direct taxation) became conspicuously heavy only toward the end of the thirteenth century. Note also that, from the point of view of manorial lords, the element of consent underlying the levies on movable goods must have abated their apprehensions regarding royal intervention in the lives of their dependants. And yet, as pointed out above, what exactly this consent amounted to is far from clear.)

Recapitulating: from around the 1160s onwards, the English monarchy was in the process of extending its authority to engulf a peasantry whose resources it had not, up until then, tapped directly. "Non feudal" taxes were being imposed on this peas-

80 Hyams, p. 153.
81 See Strayer's *Western Europe in the Middle Ages*, p. 173-74.
antry whether through 'ancient demesne rights' or through the novel taxes on movables. Against this background, it is plausible that manorial lords should have moved to demarcate their own claims on their dependants. I suggest that it might be worthwhile to view villeinage in these terms. After all, as stated by Maddicott, each set of demands, royal and seigneurial, was bound to make the other harder to meet. Ultimately, the newly thought-out categories of 'freedom' and 'villeinage' did not so much obstruct royal taxation as they did ensure that, for a while, some of peasantry's resources would continue to flow as taxes (i.e., as non-rental income) to manorial lords. Hatcher's argument is that custom could, and did, protect; that villeinage was within the bounds of custom. My argument is that villeinage was indeed customary—customary in the sense that it expressed the principle that tenants were, and should remain, in the power of their lords. According to Hatcher, "lords were concerned far less with controlling the lives of their villeins than with profiting from their rights to do so." The hypothesis here is that to preserve these rights they had their dependants declared unfree.

I wish to add one more thought to the discussion of what may have been happening in England with the development of common law procedures. It is a thought triggered by my reading of J.R. Strayer on feudalism. If, as Strayer put it, "the essence of

82 Hyams, p. 152.
83 Maddicott, p. 75.
84 Hatcher, p. 10.
feudalism was confusion, confusion between theory and practice, between public and private rights, between royal and baronial powers, the very process of definition entailed by the juridical advance of the English monarchy must have been unsettling to feudal-manorial lords, and might have been perceived as somewhat threatening. From this perspective, the lord’s attempts to formalize (or “officialize”) relationships of dependence as a way to safeguard their interests would contribute paradoxically to the erosion of feudal relations!

SOME DATA ON ‘FEUDAL’ DEVELOPMENTS ON THE CONTINENT, IN PARTICULAR IN FRANCE

My discussion of changes in the feudal structures of the other Western European countries I had initially expressed an interest in will be cursory. Nevertheless, I believe that on the face of the evidence encountered the case can be made that England was unique in the extent to which it was being "defeudalized" at the close of the twelfth and throughout the thirteenth centuries. France will engage most of my attention throughout the discussion to come. If, during the period under consideration, the growth of the state was more pronounced in England than in France, then I suggest that we could also expect it to have been more pronounced than in Italy and in Germany since it is generally accepted that, in this respect, England and France were in the forefront.

85 Strayer and Munro, p. 373.
On France

One of the most extreme positions concerning the nature of French royal revenues, for the period starting with Hugues Capet and ending with Philip the Fair (i.e., from the tenth to the end of the thirteenth centuries), is expressed by M.A.P. Vuitry who believes that, throughout this period, the king's revenues remained seigneurial-feudal. According to Vuitry, the king's fiscal leverage did not exceed that of a grand seigneur except perhaps during a very brief interlude towards the end of the twelfth century; this view has not gone unchallenged. For instance, A. Luchaire insists that, in his relationship with the church, the king's fiscal authority transcended that of the highest ranking seigneurs. It could be that Vuitry overlooked some regalian component in royal revenues. But on the whole, it does seem that, until Philip the Fair's reign, the monarchy made little progress in the direction of establishing general levies derived from the notion of a sovereign king. Royal income remained dependent on the domaine; that is, on the king's powers as a seigneur and as suzerain overlord.


Two twelfth-century attempts at imposing general levies of the sort that could have led to a permanent and far-reaching royal tax met with little success. How extensive the first levy was is uncertain: raised in 1146 (1147?), and associated with the Crusades, it was treated as an exceptional measure.89 Apparently its yield proved disappointing and it gave rise to much discontent. More is known about the circumstances surrounding Philip Augustus' 1188 Saladin Tithe. It was "a uniform tax on both income and real estate"90 payable by all those who did not join the Crusades".91 As opposed to being entrusted to royal officials, the collection of this tithe was left largely in the hands of lay and clerical seigneurs. Moreover, its yield was to be shared between the Crown and the Crusaders (knights and seigneurs). That it constituted a definite breach with feudal custom is thus doubtful. In any case, the Saladin Tithe met ultimately with so much opposition that Philip Augustus was forced to abandon it.92 Further, he soon repudiated it in no uncertain terms while upholding the principle that lands and persons were to remain subject only to the taxation of their

89 Luchaire specifies that the levy was resorted to in 1146 (see p. 126 of Histoire ..., I) while Vuitry talks about an 1147 levy (see his Etudes, I p. 390).

90 Strayer and Munro, p. 242.

91 Vuitry, I, p. 391. There were some exceptions, though; a few abbeys and (Peproseries) were exempted.

This relative weakness in the fiscal position of the French king (as attested by the absence of general taxes and by his continued dependence on income from his lands, "gifts" from the towns and Church grants) was to last until the close of the thirteenth century at which point Philip the Fair (1285-1314) ushered in measures deemed to have had important fiscal repercussions. Here again, and predictably, we are faced with points of controversy, particularly in regard to Philip's late thirteenth-century general taxes. Were these taxes really distinct from the feudal aids owed to a feudal overlord? I.B. Henneman's interpretation seems to be that they were definitely quite distinct; by levying general taxes "almost annually without going through the formality of calling out the army ... [Philip was in fact invoking] the theory that a king could declare an emergency and collect a tax for the defense of the realm." And, for Henneman, the king's subsequent move to raise taxes by invoking the obligation of military service was a retrogression that reflected a weakening of his position - a weakening brought about by internal and external crises. Thus in 1314, when a Flemish war scare ended in negotiation the king was expected to

93 Vuitry, I, pp. 392-93.

94 Strayer, Western Europe ..., p. 168.


96 ibid.
cancel the war subsidy that he had been collecting. He, himself, had set this precedent the year before when an earlier Flemish crisis had ended in negotiation. Philips refusal to cancel the 1314 war subsidy created an upheaval: the nobility's leagues against the Crown were formed. Philip died and his son returned the subsidy. This confrontation culminated in, and subsided with, the granting of charters to various disaffected regions. These charters were bargained at a regional level which resulted in significant variations in their terms. However, Strayer's point of view is that the charters were rather less restrictive to royal fiscal power than one might be tempted to conclude: "the basic principle that defense of the realm justifies extraordinary actions" went unchallenged and who, but the king, was to judge whether the realm was in imminent danger?

Vuitry's rendition of the evolution of taxation under Philip the Fair differs somewhat from Henneman's because he does not consider the pre-1300 taxes to have departed significantly from feudal aids. Also, he indicates how, in recognition of the fact that general taxes were incompatible with the principle

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97 From Hallam, p. 305: The "inability of the opposition to form a national, broadly based and coherent programme allowed Louis X to negotiate separately with each group, and greatly strengthened his hand in this. The charters form a contrast with the Great Charter given to the English barons in 1215, which contained statements of general principle as well as the redressment of specific grievances."


99 Vuitry, II, p. 150.
underlying feudal aids - that is, the principle that the king had no direct fiscal authority over subtenants and subvassals - the king tried at times to conciliate the lords by setting aside for them (at least the most powerful, among them) a substantial portion of the levies.\textsuperscript{100} Now, whatever the nature of Philip's taxation was, one point is obvious: for the most part, the opposition to his efforts came from feudal seigneurs whose subjects were becoming directly exposed to royal taxation. The 1315 charters constituted in part an attempt at redressing this situation.\textsuperscript{101} (Had the French monarchy evolved juridically along lines similar to the English monarchy, might the French seigneurs have chosen at this point to have their dependants recognized as unfree by the royal authorities?)

On Germany

Ideally, a comparison between German developments and, let us say, English or French developments should entail analysis at two distinct levels: at the level of the German Empire and at the level of the German principalities. Were one to restrict the analysis to the former level, the divergence between German and English developments would seem rather clear: at the close of the twelfth century, a centrifugal feudalism was taking hold of the German empire - a delayed feudalism was arriving, one that "was constructed against monarchical integration of the country, by contrast with England where the feudal social hier-

\textsuperscript{100} ibid., p. 151.

\textsuperscript{101} Strayer, p. 299; Vuitry, II, pp. 163-70.
archy was itself installed by the Norman monarchy, or France where it preceded the emergence of the monarchy and was thereafter slowly reoriented round it in the process of concentric centralization.\(^{102}\) The central government, in twelfth-century Germany, was loosing "specific instruments and weapons of public authority - of regalia in the widest sense."\(^{103}\) And, for the Emperor's authority to become effective, the acquisition of a large royal domain became necessary since this authority was now based on feudal suzerainty. It is this new situation that drove Frederick I into Northern Italy where he had hoped "to build up, ... a compact territory, administered through a well organized bureaucracy, under his own immediate control."\(^{104}\) I imagine that, under these circumstances, little was the danger that the unfree segment of population of the German Empire would be subjected to direct contact with the central government!

At the close of the twelfth century, German feudalism, at the imperial level, was certainly unlike English feudalism. But what about feudalism at the level of the territorial principalities? There were centralizing tendencies in the feudalisim displayed, at this level, so that "by about 1250, it was clear that the rise of the modern state on Germany would take place, not in the Empire as a whole, but within the confines of the separate


\(^{104}\) Barraclough, *Origins of Modern Germany*, p. 177.
princely territories." It would seem to me then that, in the German situation, the appropriate framework for testing the hypothesis in terms of the evolution of English royal power would be that of the territorial principalities. This said, I have to add hastily that my research on the interaction between feudalism and manorialism, at this level, has borne few fruits. (I do not have enough 'facts' to put together, although some thoughts on the question were expressed in my previous section on Germany as well as earlier in this chapter.)

On Italy

Italy in the twelfth and thirteenth centuries: the first problem that would have to be dealt with were one to study the evolution of Italian feudalism is that there were several different 'Italies', or several seats of government: the Kingdom of Italy, the Kingdom of Sicily, the Papal States, the Republic of Venice, the towns (i.e., the communes). Which one do we have in mind when talking about Italy? An imported feudalism flourished in Sicily - a feudalism that was permeated with a strong Byzantine tradition and Roman law. Geographically, though, Sicily lies outside the scope of my research. As for Piedmont, in the north-east, all I know is that it did have a feudal-seigneurial structure but that it was apparently "too small and too poor to

105 Mitteis, p. 267.

106 P. Anderson, p. 167; G. Fourquin in Lordship and Feudalism ..., (pp. 74-75) questions the existence of "a real feudalism" in Southern Italy. He questions it precisely because of the Roman element in it.
be of any general importance in Italy."\textsuperscript{107} An investigation into the evolution of the Papal States could be useful but, at this stage, I am not even certain that these states were feudal in their organization.

\textbf{A FOCUS ON THE MAIN POINTS OF THIS CHAPTER: AVENUES FOR FURTHER RESEARCH}

Earlier on, in the course of my writing, I almost intuitively related villeinage to the French charters of liberties - a thought that has lead me to speculate about (a) the consequences of the charters, the \textit{Weistumer} and villeinage and (b) the circumstances in which they unravelled (I purposely refrain, here, from talking about causality). To draw a parallel between their consequences would involve looking at the extent to which each of these occurrences translated into the regularization and the monetization of a variety of rights nominally associated with the performance of government services and of rights associated with personal lordship over manorial dependants - that is, of rights and payments that were distinct from the rights contingent upon landed lordship. As for the circumstances underlying the \textit{Weistumer}, the charters and villeinage: an interesting observation is that these occurrences often entailed, or were conjoined with, the reassertion of the principle of taxation by territorial lords engaged in the pursuit of extending (or strengthening) their sovereignty. In the case of England, the king is the territorial lord I have in mind; now whether he did manage to apply greater fiscal pressure on his lords and

\textsuperscript{107} Anderson, p. (?)
whether his reach was extended to encompass a larger number of subjects would obviously matter in the light of the above remarks.

Still within the framework of an approach in terms of competing fiscal authorities but with a shift in emphasis, a possible argument would involve comparing the advance of English royal power (in particular, fiscal) with royal power in France, Germany, etc., while assessing the consequences therefrom on the evolution of the manor, the seigneurie etc. Definitely simpler in its conception, the argument would veil, nonetheless, the fact that the assertion of the principle of territorial sovereignty was not restricted to the royal level; also, it is, I feel, incipiently conducive to the notion of villeinage as a phenomenon separate and dissimilar from the charters and the Weistumer - a notion that is worth reconsidering, as I have tried to argue above.
CONCLUSION

A quick inspection of the argument about the so-called reversion to labour dues indicates that the labour dues at issue, in the literature, are many-sided and that more than one variable might have been subsumed under the heading of 'labour dues'. The explanations reviewed have assumed a variety of forms which I propose to delineate briefly.

Forms of Arguments in the Explanations of the Reversion to Labour Dues

(a) A reversion to labour dues for use on demesne lands as determined by the decision to resume direct demesne cultivation - be it a generalized reversion, a more limited reversion affecting only a few manors, a reversion entailing a return to heavy dependence on labour dues (labour dues as the main source of labour), a return to labour dues for use as a reserve.

(b) A reversion determined by the return to direct demesne cultivation - a reversion that need not have entailed, however, the performance of labour dues by the affected villeins who could hire substitutes to relieve them from actual performance or who could compensate their lords for non-performance (lords who, in lieu of labour dues, would themselves hire wage labour).

(c) The decision to reinstitute labour dues (following changes in their value) instigating the resumption of direct demesne cultivation.

(d) Altogether unrelated to demesne cultivation, a revival of labour dues (following changes in their value) that would result in their immediate monetization.
(e) A reversion to labour dues unrelated both to demesne cultivation and to changes in the value of these dues: a reversion thus dictated by ulterior considerations.

Simplifying these arguments, it appears that a condition for a clearer understanding of the role of the obligation to labour in thirteenth-century England is to distinguish (along Fenoaltea's lines) between labour dues in use on demesne lands and formal labour obligations (or labour obligations for their implications). Once this distinction is made, it becomes important to recognize that different factors might have governed the chronology of each of these two variables although the possibility that common and/or overlapping causes might have been in force is not to be ruled out. The arguments reviewed have tended to blur the two variables or else have understated an analysis in terms of different causes. Note how the very category of formal labour obligations is, itself, rather complex as it includes labour obligations requested, in and of themselves (on the basis of their changing value, for instance), as well as for some possible side effects flowing from their legal role as a test of villeinage.

A closer look at formal labour obligations for legal purposes reveals the existence of potentially competing sources of jurisdiction. Whether or not the lords' intention was to increase the size of their take, the opportunity cost of passive adjustment to the spread of royal justice was high. In the absence of some definition of who was whose dependant (i.e. of who was a villein), the existence of royal courts would have raised sig-
nificantly the transactions costs of extracting manorial income. The costs involved in having manorial dependants declared unfree could be likened to capital expenditures or 'seeding' costs incurred by lords intent on safeguarding their taxation rights and on minimizing the long-run prospect of heightened litigation with these dependants - a prospect arising out of the development of royal justice. While thirteenth-century English villeinage preempted thus the peasantry from taking advantage of royal power, it simultaneously preempted the king from undermining the lords' power on the manor: unchecked, the expansion of royal power might have also interfered with manorial relationships through more direct effects on the income of manorial dependants (if royal taxation is considered, as was discussed in the previous chapter). As a cost forced on lords by the conditions under which English feudalism was evolving, the formal assertion of relationships of personal dependence in England invites comparison with Continental developments. In seeking to establish, for Continental Europe, the behaviour of the data considered in relation to England (labour dues, demesne cultivation, modes of manorial dependence, etc.) chapters IV and V of the dissertation laid the grounds for this comparison.

Villeinage Measured Against Continental Developments: Diverse Approaches

1. Villeinage as a part of a broader Western European movement. Villeinage as equivalent to the charters and to the Weistunger - the connecting thread being the clarification of taxation rights. The reason behind the move
towards clarification: to be found in the confrontation, or the interconnections, between territorial lordship and landed lordship as this was intertwined with rights deriving from the so-called exercise of government. Within this perspective, the English king is to be seen as the ultimate territorial lord.

2. Villeinage as part of a broader Western European movement whose purpose was to allow lords with varying sources of authority to squeeze the peasantry harder.
   Possible variables accounting for the heightened pressure of peasantry: inflation? diminishing returns?
   Why should the attempts at extracting more income from the peasantry have assumed an especially debilitating form in England? In other words, why was it particularly expensive for English lords to effect this redistribution? Because of the advance of English royal justice.

3. Villeinage as part of a broader Western European movement meant to allow manorial lords to squeeze their peasantry harder; villeinage as its only instance of success.
   Again: what might have triggered manorial lords into such action? Why was their only success in England? Peasant resistance? The degree of collusion between lords and a central authority with villeinage being the outcome of such collusion?

4. Villeinage as a singular event. Villeinage as a specifically English development - the English lords' attempt at increasing their revenues being unparalleled, at the
time. The lords' attempts caused by: inflation? diminishing returns, royal fiscal pressures? Important here would be the uniqueness of the plausible explanatory variables (i.e., their being restricted to England).

Why were these attempts so costly? (custom? the royal juridical advance?)

5. Vileinage as a singular event: the English monarchy acquiring unusual financial and judicial powers, at the close of the twelfth century, thus provoking manorial lords to define and to formalize their rights in order to preserve them.

A few remarks regarding, or deriving from, the above categories: except for suggesting that increases in the size of the manorial payments extracted need not have been a primary consideration, 5) could be treated as a subset of 2). Note that whatever approach is adopted, complete explanations would seem to elicit a consideration of the royal (= feudal) variable. Also, to argue that vileinage consolidated the English lords' hold over the manor could be integrated with the view that, in the making of vileinage, were lords who, over their shoulder, saw the king approaching nearer. Now, that the formal demarcation of the lords' sphere of authority would facilitate the exaction of labour dues in use through lower enforcement costs is conceivable. This possibility recalls Bloch's broad comment that the use of labour dues presupposed some measure of centraliza-
In the case of thirteenth-century England: behind labour dues in use (if and to whatever extent they were revived in the thirteenth century) were formal labour obligations; behind formal labour obligations were centralizing tendencies in the system of government!

Addressing some of the initial questions posed in the Introduction, the general idea put forth in the final chapter of this dissertation is that medieval manors cannot be easily detached from surrounding feudal conditions which varied and evolved. From this perspective, and for this reason, the merging of the two concepts of manorialism and feudalism could indeed be misleading (as indicated by Fenoaltea but in a different context). The research potential of the dissertation stems from this idea. If the idea has served a purpose in helping elucidate the seeming aberration displayed by the English chronology of labour dues, it might be worth considering in other connections as well. There are several questions that could be studied more attentively in light of the 'feudal' dimension. Such questions might include the relatively early abandonment of labour dues in use in Continental Europe (also the very fact that labour dues did not constitute everywhere the typical form of payments extracted under 'classical' manorial-

1 In that regard, see pp. 140-141 of thesis.

2 The questions arose in relation to views expressed by Bloch and Fourquin; see the discussion in the Introduction on p. (?).

3 Fenoaltea, "The Rise and Fall of a Theoretical Model ...", p. 408.
ism), the absence of charters in England, the particularity exhibited by Norman developments and certainly the further consequences of differences in the devolution of royal taxation on medieval lords. Dare I conclude by invoking Popper: we do not solve problems; we transform them? I hope that the dissertation has captured this spirit.

4 For a passage, in Popper, that appears to convey this message, see his Unended Quest, Illinois, 1976), p. 132.
Appendix I

On Germany east of the Elbe: the large estates that were being established there starting in the fifteenth century are not assimilated, in the literature, to the Villikationsverfassung. Instead, they are referred to as Gutsherrschaften. This is somewhat puzzling for the similarities between the two kinds of organizations were strong. The large estates of eastern Germany were, after all, also based on the direct cultivation of extensive demesne lands and the use of labour dues. Why then the need for a separate category? Different variables have been stressed in support of this distinction. Unlike the Villikationsverfassung, large estates in East Germany were organized around the production of exports (grain and timber) to western Europe. Some have seen in this market orientation a clearly differentiating factor. Furthermore, it has been pointed out that the East German estates had significantly larger demesnes and relied on much heavier labour dues than the Villikationsverfassung; as of approximately the sixteenth century, the tenants' obligations on East German estates consisted almost entirely of labour dues.

2 Perrin, "Le grand domaine ...", p. 140.
In another approach to the question of why the need for the category of the "Gutsherrschaft", the focus is on the extent to which east German lords of large estates had succeeded in monopolizing the state's functions as compared with west German lords. Lutge, whose arguments fall within this general framework of analysis, suggests that the Grundherrschaft and, I would infer, the Villikationsverfassung were open to an unspecified amount of market involvement which he thus discounts as a distinguishing characteristic. He, as well as others, give more prominence to the fact that the East German lord was sole ruler in his estate, being thus more powerful than any West German Grundherr (or, head of a Villikationsverfassung) had been. He was more powerful because he had succeeded in appropriating the prerogatives of the Landesherr (the territorial prince). As a result, he had also succeeded in reducing his dependant into a condition of strict, personal hereditary servitude and in curtailing their rights over their tenure; in the most favourable of cases, their tenure was hereditary but remained inalienable. I would like to restate and possibly clarify the last two points

3 Lutge, Geschichte ..., p. 50-51.

4 In "Economic Change", The New Cambridge Economic History II () on p. 36 Lutge remarks "on the transformation of landed lordship into the special form called Gutsherrschaft [that] in this system the lord has rights of lordship in his whole territory or estate. The estate is therefore something like a small political unit within the State: its inhabitants are only indirectly subjects of the territorial prince."

5 For a discussion of the relative powers of the Landesherrren in different parts of Germany, next to Lutge's analysis on p. 53 of his Geschichte ..., see also V. Below's Geschichte ..., p. 83 and Perrin's "Le grand domaine ...", p. 139.
for they are critical in Lutge's arguments. His specification of the Gutsherrschaft combines two elements: the exceptional powers of the Gutsherr but also the uniformity in the degraded conditions of tenure and in the status of the dependants—a uniformity that presumably grew out of these powers. In other words, according to Lutge, precisely because the Villikationsverfassung was based on heterogeneous forms of dependence it cannot be equated with the Gutsherrschaft.

That the West German landed lord had lacked a number of the powers at the source of the East German lord's most arbitrary impositions is not in doubt. But the extent to which a new concept can be deduced from this fact, and from this fact alone, is less clear. Were we to single out the degree of concentration of state functions—mostly justice (i.e., power in feudal-medieval times)—in the hands of the landed lord as a criterion for differentiating between forms of agrarian organization and disregard, or just de-emphasize the purpose of production, we might find it difficult to situate, let us say, the eleventh century French seigneurie (or even the thirteenth-century English manor) in relation to the Grundherrschaft and to the Gutsherrschaft. Which of the two would they approximate best?
Appendix II

On the value of labour dues at the close of the thirteenth century and in the first half of the fourteenth century, the following is reported by Duby who suggests that, by then, a very low value was set on labour dues: "On the great Thuringian demesne the work done by a man subject to labour service was set at half, or even one-third, of that done by a paid worker. Nor was the labour service performed entirely gratuitously; as a rule the forced labour had to be fed... the cost of the food often exceeded the value of the work done. In 1315 the eleven four-horse ploughs subject to forced labour which ploughed Thierry d'Fiirecon's land for a single forenoon in fact cost thirty sous, i.e., a third of the annual wage of a domestic servant. In an inventory of 1338 the services owed to the Hospitallers of Provence by the men subject to labour service were worth only half as much as could have been done by a day labourer in their place, but the meal which was served to them was worth two or three times more than a domestic's ration."6

6 Duby; French Rural ..., p. 269.
Appendix III

On the late thirteenth-century reversion to the leasing of the demesne I would like to indicate an interesting connection drawn by I.R. Maddicott, in a study entitled, "The English Peasantry and the Demands of the Crown." Maddicott relates the lords' decision to lease out the demesne to the imposition of a royal tax on movable goods. How so? The imposition of a tax on movable goods "meant that all those whose livelihoods came primarily from rents escaped lightly. Landlords were thus assessed only on the produce of their demesne manors, and it is possible that the changes from the direct exploitation of the demesne to its leasing out ... may partly be explained by the lord's wish to avoid the now frequent levy on movables."

BIBLIOGRAPHY


Reed, C. "The Profits of Cultivation in England During the Late Middle Ages", Agricultural History, Vol. 50, No. 4, 1976.


