

RALEIGH LECTURE ON HISTORY

The Late Anglo-Saxon State:
A Maximum View

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IN DESCRIBING THE LATE ANGLO-SAXON STATE Maitland used an adjective which seldom comes to the pen of an administrative historian: beautiful.¹ Domesday Book, the record of that great state, does provide aesthetic pleasures: to study it is like looking through a microscope, seeing things you never knew were there, finding systems and order where otherwise there would seem to have been nothing but fragments and chaos. Consider what we would know if we did not have Domesday. That the territorial framework of English local government was already established in detail much as it was to remain for very many centuries. That the system of assessment for taxation was a compound of straightforwardness and complexity such that almost every piece of land was under assessment. That assessments were related together in such a way that the hundred, the basic unit of local government, integrated fiscal, military and judicial functions. It is only Domesday that enables us to see it as perfectly possible that the populations of the chief provincial towns were of the same order of magnitude in 1086 as three hundred years later,² or that over most of England there was about

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¹ F. W. Maitland, *Domesday Book and Beyond*, reprinted with a foreword by J. C. Holt (Cambridge, 1987); hereafter cited as *DB and B*), p. 451.

² J. Campbell, 'Was it Infancy in England? Some Questions of Comparison', *England and her Neighbours 1066–1453. Essays in Honour of Pierre Chaplais* (London and Ronceverte, 1989), p. 9.

as much land under the plough in 1086 as nine hundred years later.³ One solitary reference in Domesday is our only explicit account of the financial workings of the 'five hide system' for military service; it is enough to show, what otherwise no one would have guessed, that *milites* were not only levied on a territorial basis but simultaneously paid at the remarkably high rate of for forty days a pound, very roughly what a landlord might have expected as a year's revenue from a hide of land.⁴ In short it is Domesday, and Domesday alone, which proves that England was an elaborately organised state, using and creating the resources of a developed economy; but prove this Domesday does.

It is one thing to observe the powerfully organised intricacy of the late Anglo-Saxon state, another to place it. Whence did its systems derive? Were they old or new? Indigenous or imported? How far part of a wider European phenomenon, how far specific to England?

First, there is no doubt that the most important systems of the late Anglo-Saxon state, those depending on an almost universal system of land-assessment, had origins distant in time. That land is assessed in hides in nearly all charters, once we have them from the late seventh century on, demonstrates this, if only in a general way. A crucial question is that of when, and on what scale, we can trace a relationship between local assessments in hides and those on wide areas. A thread of such systematic continuity can be detected by consideration of the history of the hundred as a fiscal unit. The hundred had fiscal significance in Domesday. Geld collection was organised on a hundredal basis. Even when a hundred did not consist of a hundred hides it commonly looks as if, particularly outside the old Kingdom of Wessex, once it had done so. In East Anglia each vill's assessment was expressed in terms of pence contributed to a hundredal geld pound. The history of the hundred as a fiscal unit goes far back. The 'County Hidage', involving information which can hardly be older than the tenth century and must be older than Domesday, gives hidages for some shires which differ from those of Domesday, but coincide with

³ R. W. Lennard, *Rural England 1086-1135* (2nd impr., Oxford, 1959), pp. 4-5, 393; he indicates that there would, however, have been far less permanent grass.

⁴ *Domesday Book* ed. A. Farley, 2 vols. (London, 1783) (hereafter cited as *DB*), i fol. 5b, cf. C. W. Hollister, *Anglo-Saxon Military Institutions* (Oxford, 1962) pp. 38-58. For the rough rule of thumb of an annual value of one pound for a hide, *DB and B*, pp. 465-6. It is noteworthy that the Berkshire Domesday customs indicate that the money burden of a levy of the late Anglo-Saxon fyrd would have been equivalent to a very heavy geld.

the number of Domesday hundreds in the shires concerned.⁵ This strongly suggests an assessment system over wide areas of even greater regularity than that which appears in Domesday, one by which many shires were divided into a number of hundreds, corresponding to the number of hundred hides at which they were assessed.

Many years ago, W. J. Corbett put forward extended arguments largely based on the relationships between Domesday hundreds and the County Hidage.⁶ He argued that the number of hundreds contained in pairs or groups of Domesday shires added up to round figures in such

⁵ *DB and B*, pp. 455–6, C. Hart, *The Hidation of Northamptonshire* (Dept. of English Local History, Occasional Papers, 2nd ser. no. 3, Leicester 1970), p. 15. There may have been even more correspondences between the 'County Hidage' assessment and the number of Domesday hundreds than at first appears, C. Hart, *The Hidation of Cambridgeshire* (Dept. of English Local History, Occasional Papers, 2nd ser. no. 6, Leicester, 1974), p. 33. The 'County Hidage' presents difficulties and a modern edition is needed. On present information the most plausible interpretation is that it relates to the assessments of the hidated (as opposed to carucated) shires of former Mercia (with Wiltshire as an anomalous outlier) at a period between the reign of Edward the Elder and Domesday Book. Important in establishing the case for its relative antiquity are, in particular, its account of Wiltshire, Gloucestershire and Herefordshire. It puts Wiltshire at 4,800 hides; that this was an old assessment is made very likely by the fact that assessments for the four Wiltshire burghs in the 'Burghal Hidage' add up to 4,800 (Wilton 1,400, Chisbury 700, Malmesbury 1,200, Cricklade 1,500 (there are variant figures for all except Wilton), F. R. Thorn in N. A. Hooper and F. R. Thorn, *The Wiltshire Domesday* (1989), pp. 31–48, esp. p. 39. Wiltshire has some forty hundreds in Domesday. It is likely that here, as very generally, hundredal dispositions in Wessex bore no recognisably regular relationship to hidage assessments. The case is otherwise with the other shires of the 'County Hidage'. This is hardly the opportunity to assault details; but briefly, the assessments in the 'County Hidage' for at least the former Mercian shires have extensive duodecimal elements: seven out of twelve are put at either 1,200 or 2,400 hides. In four of these cases the number of Domesday hundreds coincides with the number of hundreds of hides in the 'County Hidage'. Herefordshire, assessed according to one version of the 'Hidage' at 1,200 hides, in others at 1,500, had nineteen Domesday hundreds. It has been plausibly argued that there had been an 'original' Herefordshire of twelve hundreds, traces of which can be found in Domesday, that the addition of former Welsh lands south and west of the Wye had led to the creation of three more hundreds and that the nineteen hundreds of Domesday related to developments later still, F. R. Thorn in C. P. Lewis and F. R. Thorn, *The Herefordshire Domesday* (1988), pp. 23–32, esp. p. 24. Thus the 'County Hidage' figures would go back to a period considerably before Domesday. Not dissimilarly with Gloucestershire it is hard to believe that at some stage its 2,400 hide assessment was not represented by its containing twenty-four hundreds, thus paralleling the arrangements in the neighbouring shires of Worcestershire and Warwickshire. Domesday Gloucestershire contained forty hundreds; and if they had developed from an original twenty-four (probably largely in response to patterns of estate creation) this could not have been a brief process, A. Williams and F. R. Thorn, *The Gloucestershire Domesday* (1989), pp. 40–9, esp. p. 41.

⁶ 'The Tribal Hidage', *Transactions of the Royal Historical Society*, New Ser. 14 (1900), 187–230; cf. his contribution to the *Cambridge Medieval History*, v (Cambridge, 1929), pp. 544, 550–3, 570, which includes some modifications.

ways as to suggest that the shires had been treated as components in larger units of assessment. Thus he saw it as significant that by his reckoning Middlesex had five and a half hundreds; Hertfordshire nine and a half; Norfolk thirty-six, Suffolk twenty-four. Corbett waxed bolder and went on to argue that the overall hundredal picture suggested that the total of hundreds in the shires which had formed the kingdom of Egbert was four hundred, the total for the lands added by Alfred and Edward, excluding those of the Danelaw shires which were divided into wapentakes, was three hundred. He inclined to think that the most likely date for an assessment along these lines was the early tenth century. That Corbett's arguments have hardly been considered since their publication is no doubt due to two reasons. First, they depend on calculations about the number of hundreds in Domesday shires which are difficult and disputable.⁷ Second, they suggest royal action on a scale which challenges belief. Yet the more the organisation of the Anglo-Saxon state is studied the plainer it is that kings did organise on a very large scale. And if Corbett's hypothesis is overbold and not fully demonstrable, it is difficult to avoid the conclusion that his speculations were within the range of likely reality. And in any case, whether or not he was right about the significance of the hundredal pattern in relation to the early tenth century or late ninth, Domesday makes it certain that such assessments as those of the County Hidage must have been mediated down to the vill level. The same could have been true of the Burghal Hidage belonging to the reign of Alfred or that of Edward the Elder.

⁷ Corbett set out his calculations on Domesday hundreds, pp. 223–30 of his article. Sometimes they coincide with other independent calculations. Thus he has thirty-six hundreds for Norfolk, so too does C. Johnson in *Victoria County History for Norfolk*, ed. W. Page ii (1906), map facing p. 1, provided Corbett is allowed to treat Norwich and Thetford as separate hundreds, and his twenty-four hundreds for Suffolk coincides with the calculation of B. A. Lees in *Victoria County History for Suffolk*, ed. W. Page, i (1911), map facing p. 1. The duodecimal fit of the two numbers is indeed interesting. An even more arresting case, as Corbett presents it, is that of Middlesex and Hertfordshire, five and a half and nine and a half hundreds. There is agreement on Hertfordshire, J. H. Round, in *Victoria County History for Hertfordshire* ed. W. Page, i (1902), p. 298, counting Hitchin as a half hundred and Broadwater as double, cf. R. P. Abels and F. R. Thorn, *The Hertfordshire Domesday* (1991), pp. 37–45, esp. p. 39. Middlesex is more complicated; T. G. Pinder in *Victoria County History for Middlesex*, ed. J. S. Cockburn, H. P. F. King and K. G. T. McDonnell i, (1969), pp. 83–4 does not agree with Corbett; though one can see how Corbett arrived at his figure, by noticing that Domesday has six hundreds, but that the *Hidagium* (of before 1154) records one of these as a half hundred, cf. F. R. Thorn in T. G. Pinder, G. H. Martin and F. R. Thorn, *The Middlesex and London Domesday* (1991), pp. 33–42, esp. p. 38; Thorn demonstrates major complexities which Corbett may well not have reckoned with.

Critical questions arise about the Tribal Hidage, commonly regarded as a tribute list of the seventh or eighth century.⁸ The modern adjective 'tribal' has an almost primitive or archaic air, but some of its apparent 'tribes' may have been no more than administrative units of assessment described in a 'tribal' style.⁹ Corbett suggested that the document could be of the same general type as the County Hidage and in a most intrepid, indeed rash, way argued the possibility of establishing serious continuity between its assessments and those implied by Domesday. In so doing he did not face adequately a crucial difficulty.¹⁰ Domesday proves that the large round numbers of such a document as the County Hidage were very probably mediated down to individual assessments, vill by vill, holding by holding. It is not so easy to believe that the assessments, in many thousands of hides, of kingdoms in the Tribal Hidage represented the real sum of many much smaller local assessments. At the same time it is certain that by the late seventh century there were hidage assessments settlement by settlement. It could therefore seem plausible to think in terms of a two-tier system: assessments, sometimes almost traditional assessments, in thousands of hides for kingdoms and other wide areas of authority, assessments in units or tens for individual places or estates. Such an approach is complicated by assessments in hundreds. This is where the Tribal Hidage meets the charters. A major early grant could be of three hundred hides. Some of the small units of the Hidage are of three hundred hides. Here we begin

⁸ The most important accounts since Corbett's are J. C. Russell, 'The Tribal Hidage', *Traditio*, 5 (1947), pp. 192–209; C. Hart, 'The Tribal Hidage'. *Transactions of the Royal Historical Society*, 5th Ser., 21 (1971), pp. 133–57; W. Davies and H. Vierck, 'The Contexts of the Tribal Hidage: Social Aggregates and Settlement Patterns', *Frühmittelalterliche Studien*, 8 (1974), pp. 233–93; D. Dumville, 'The Tribal Hidage: an Introduction to its Texts and their History', *The Origins of Anglo-Saxon Kingdoms*, ed. S. Bassett (Leicester, 1989), pp. 225–30.

⁹ Tribal names could, of course, come to indicate the district inhabited by the tribe (E. Ekwall, *The Concise Oxford Dictionary of English Place-Names* 4th edn., Oxford, 1960, p. xiii). More important, some names in 'tribal' form, such as *Dornsaete* and *Sumorsaete* (early forms of Dorset and Somerset) probably never referred to 'tribes' but rather indicated an area of authority in the form of saying 'the people governed from such and such a place'. Russell plausibly suggested that the mysterious 'Ohtgaga' and 'Noxgaga' are Welsh territorial terms applied to two related areas probably in south eastern Wales and divided by a stream now called the Caagh (Russell, 'Tribal Hidage', pp. 203–4); if so, these names are not tribal at all. His case is supported by an appendix by U. T. Holmes (*ibid.*, p. 209). Cf. M. Richards, 'The Significance of *Is* and *Uwch* in Welsh Commote and Cantref names', *Welsh History Review*, 2 (1964), pp. 9–18.

¹⁰ Though J. H. Round, no friend to wild speculation, drew attention to a plausible element of such continuity in Lindsey (*Feudal England* (London, 1895), pp. 75–6).

to envisage the possibility of a closer relationship between the assessment of estates and those of large units of government than at first appears.¹¹

Why dwell on such problems when the late Anglo-Saxon state is under consideration? Because the relationship between the Tribal Hidage and the earliest charters raises the possibility that much of what is so remarkable about the late Anglo-Saxon state not impossibly has its origins in a past which extends far beyond our written records. The four surviving 'hidages', the Tribal, the Burghal, the County, and then the almost infinitely more detailed Domesday survey, cannot possibly be regarded as an essentially discontinuous series, accompanied as they are throughout the Anglo-Saxon period by charters making grants in hides. Three considerations are prominent among those which support the possibility of there having been, from as early a date as that of the Tribal Hidage, complex government organised over wide areas. First, and above all, the titanic scale of Offa's Dyke. How could an earthwork over a hundred miles long and more than twenty feet high have been constructed without a detailed system of control and assessment which could deploy and supply very many thousands of diggers? Second, the case, powerfully reinforced by recent work, for local institutions in wide areas of the North and probably elsewhere having origins as early as the Romano-British period or even earlier. The apparent antiquity and resilience of quite complicated structures of authority makes it easier to attribute the same qualities to hypothetically associated assessment systems. Third, the discovery that in other wide areas, for example south Essex, central Suffolk and parts of Norfolk, the layout of the countryside, of fields and minor roads, seems to antedate the Roman conquest.¹² Continuity of the pattern of the

¹¹ Another relevant consideration could be that the Domesday assessments for particular places may be identical to those given in charters of the tenth century or earlier, F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), pp. 73–4. Particularly interesting are Stenton's references to the appearance of such identities of assessment in two pre-Alfredian charters. But one of these survives in nothing earlier than an eleventh-century cartulary (and nothing could have been easier than to alter the hidage stated in an otherwise genuine text); the other is universally agreed to be a forgery; for details, P. H. Sawyer, *Anglo-Saxon Charters, an Annotated List and Bibliography*, revised edition by S. E. Kelly (Cambridge, 1994), nos. 120 and 104. It is strange that Stenton should have described these as 'safe instances'.

¹² T. Williamson, 'Settlement Chronology and Regional Landscapes: the Evidence from the Claylands of East Anglia and Essex', *Anglo-Saxon Settlements*, ed. D. Hooke (Oxford, 1988), pp. 166–71, O. Rackham, *The History of the Countryside* (London, 1986), pp. 158–61, and Plate III; T. Williamson, *The Origins of Norfolk* (Manchester, 1993), pp. 24–8.

countryside could have been associated with the continuity of local institutions. It is becoming increasingly tolerable to wonder whether the assessment systems of Anglo-Saxon England may, not quite impossibly, have had an ancestry extending back to the Iron Age kingdoms of the time of Caesar.

To seek to understand the Anglo-Saxon state is to ponder on relationships not only across time but also across space and especially with the Carolingian empire. Shires and hundreds, the peace oath for all freemen, the system of survey revealed in Domesday Book, all have Carolingian parallels or antecedents. But *or* is the key word here and points to the difficulty of being certain about the transmission of institutions.¹³

A major element in this difficulty is that it is beyond doubt that in Dark Age and early medieval states there could have been, indeed there must have been, important institutions of which we know little or even less. An indication of this is the narrowness of the chances which enable us to appreciate the scale and weight of some major Anglo-Saxon institutions. Were it not for special elements in the design of the coins themselves we would have virtually no contemporary evidence for the power and sophistication of the management of the late Anglo-Saxon currency.¹⁴ Were it not for the chance that we have good evidence for linking Offa's Dyke with Offa we would not guess that such a term as *arcis munitio* in eighth-century charters very probably referred to a complicated system of organisation.

Questions about possible parallel institutional development in England and Scandinavia have great and varied importance. By the time when evidence for the institutions of Norway and Denmark becomes adequate, that is to say the thirteenth century, they present considerable, albeit broad, resemblances to those of Anglo-Saxon England. There is no doubt that English models had a strong influence on the introduction of coin into Scandinavia. There is one other instance of almost certain direct derivation: the Norwegian royal writ has Anglo-Saxon ancestry.¹⁵ With

¹³ J. Campbell, 'Observations on English Government from the Tenth to the Twelfth Century', *Essays in Anglo-Saxon History* (London and Ronceverte, 1986), pp. 155–70, esp. pp. 159–63. R. H. C. Davis, 'Domesday Book: Continental Parallels', *Domesday Studies*, ed. J. C. Holt (Woodbridge and Wolfeboro, 1987), pp. 15–40.

¹⁴ Apart from Domesday references, which, though important, by no means demonstrate the scale and sophistication of the monetary system, there is nothing beyond a literary reference which is certainly interesting but hard to interpret, D. Whitelock, 'An Old English Version of the Legend of the Seven Sleepers', *Anglo-Saxon Coins*, ed. R. H. M. Dolley (London, 1961), pp. 188–94.

¹⁵ F. E. Harmer, *Anglo-Saxon Writs* (Manchester, 1952), pp. 4–5.

other institutions it could be that they were of ancient origin deriving from developments parallel to those of England, but coming into the light of documentation late in the day. Alternatively they may have been introduced in the tenth century or later, drawing on models from England or elsewhere. A case in point is the ship service system of Denmark. Professor Lund argues that it was not much older than its first mention in a charter of 1085. He has no difficulty in showing that allegedly earlier references need not relate to the institution concerned. So it could have been introduced in the eleventh century, perhaps with the English ship-fyrd system in mind.¹⁶ On the other hand the pre-1085 sources are so poor that it could very easily have been the case that they give us no clue to the existence of major institutions. Our best source for early Danish administrative history is the *Danevirke*.¹⁷ That it is in part of the eighth century suggests that early Denmark could have had assessment systems of some elaboration. Such questions about the antiquity of Scandinavian institutions are very important for English historians because they raise questions both about the uniqueness of English institutional history and also about the nature and origins of important institutions in northern and eastern England. When Danes came to rule the Danelaw, how far did they take over pre-existing institutions, how far did they introduce comparable institutions of their own? To put the matter too crudely, did assessment in carucates and division into wapentakes come from Denmark?¹⁸ It is a curious thought that the best information on the early institutional history of Denmark may be in *Domesday*, though no means of recovering it without recourse to insecure speculation has so far been discovered.

A further Scandinavian vista opens upon consideration of Normandy. Professor Bates has recently emphasised the effectiveness of the ducal role. He argues convincingly that even if ducal power was

¹⁶ N. Lund, 'Danish Military Organisation', *The Battle of Maldon, Fiction and Fact*, ed. J. Cooper (London and Rio Grande, 1993), pp. 109–26, esp. pp. 112–20. Any analysis of the origins of organised ship service in early Europe should take account of *Senchus fer nAlban*, a document of arguably seventh-century origin which relates ship service to tenure in part of the kingdom of Dalriada, J. Bannerman, *Studies in the History of Dalriada* (Edinburgh, 1974), pp. 27–156.

¹⁷ *Lexikon des Mittelalters* (6 vols., Munich and Zurich, 1980–93), s.v. *Danewerk*.

¹⁸ If some of the most recent suggestions on the history of assessment in the Danelaw, those of Dr Hart, are accepted, then it would seem to follow that in the ninth century Denmark had systems of assessment comparable to those of England, C. Hart, *The Danelaw* (1992), pp. 75–6, 311–19.

weakened in the second quarter of the eleventh century it remained very considerable and with the capacity for development.¹⁹ The question arises as to how far the system of ducal power was taken over from the Carolingians, how far it involved specifically Scandinavian elements. A particular element in the armoury of Norman rulers deserves special attention for comparison with England: the power to exile, which is described in *c.* 1050 by a Norse-derived term *ullac*.²⁰ Noticeable in the late Anglo-Saxon state, once we have some narrative knowledge of its operation, is the importance of exile as an instrument of discipline over the aristocracy. Obvious instances in Edward the Confessor's reign are those of Godwin and his sons and of Ælfgar. The likelihood of there having been others unknown to us appears from the way in which the exile of a very important East Anglian landowner, Eadric of Laxfield, is mentioned in Domesday but not in any narrative source.²¹ The idea of exile as a penalty is anything but idiosyncratic. But the use of a Norse term for exile in Normandy and the frequency of exile in late Anglo-Saxon England illustrate the possibility that Scandinavian institutions may have had major relationships with the development of state power both in England and in Normandy.

Discussion in this paper has so far been largely of hypotheses and possibilities. Let me state a certainty. Late Anglo-Saxon England was a nation state. It was an entity with an effective central authority, uniformly organised institutions, a national language, a national church, defined frontiers (admittedly with considerable fluidity in the North), and, above all, a strong sense of national identity. An element in the conscious unity of England has been admirably examined and described by Susan Reynolds, who says, for example: 'The inhabitants of the Kingdom of England did not habitually call themselves Anglo-Saxons, (let alone Saxons), but English, and they called their kingdom England. It was not a hyphenated Kingdom but one whose inhabitants felt themselves to be one people.'²² At least in this respect she would see England as resembling a nation state. Mr Wormald has gone further in this direction, laying valuable stress on how the ultimate absorption of the Norman conquerors and the triumph of English and Englishness

¹⁹ D. Bates, *Normandy Before 1066* (London and New York, 1982), esp. pp. 147–88.

²⁰ *Ibid.*, pp. 22, 163, 166–7, 180.

²¹ *DB* ii, fol. 313.

²² S. Reynolds, *Kingdoms and Communities in Western Europe* (Oxford, 1984), p. 266, cf. pp. 114–15, 261–7.

was an indication of the strength of pre-Conquest national consciousness.²³ It can seem surprising that there was such a strong sense of national identity: but it certainly existed. This spirit of national unity can be seen, for example, in the way in which the ealdorman Æthelweard, in his Latin version of the *Anglo-Saxon Chronicle*, c. 982, consistently uses *Anglii*, *Anglia* for the English and England, to the extent of calling the West Saxons the West Angles, or in the ways in which he lauds Offa, king of the Mercians, as *vir mirabilis*, though he himself was a descendant of the West Saxon royal house.²⁴ A comparable indication is that the saints of the formerly independent kingdoms were pooled as national saints. Thus the bodies of famous Northumbrian holy men were moved to Gloucester, Glastonbury or Canterbury.²⁵ Monastic reform and the cultivation of a sense of national unity went hand in hand.²⁶

The most striking evidence of national consciousness comes from post-Conquest historians.²⁷ William of Malmesbury and Henry of Huntingdon described and explained the history of a precisely delimited *patria*. Historians of later periods find in the study of this term semantic clues to the idea of the development of the state, for example in the Renaissance. For Henry and William *patria* denotes England very much as we might mean it. They are explicit that this fatherland was created not by the Norman Conqueror but by his English predecessors. Important implications of English patriotism are brought out by a third historian, Orderic. Two revealing episodes occur in his account of the rebellion against Rufus, 1088. Thirty thousand Englishmen came, he says, to the king's aid. They said:

Make your authority felt over the whole of England and force all the rebels to submit to royal justice. We will fight for you to the death and will never support another against you. It is both foolish and wicked to prefer a foreign enemy to a known king . . . Study the pages of English history: you will find that the English are always loyal to their princes.²⁸

²³ P. Wormald, 'Engla Land': the Making of an Allegiance', *Journal of Historical Sociology*, vii (1994), pp. 1–24.

²⁴ *The Chronicle of Æthelweard*, ed. A. Campbell (London and Edinburgh, 1962), pp. 18, 19, 20, 21 and *passim*; p. 24 for Offa.

²⁵ D. W. Rollason, *Saints and Relics in Anglo-Saxon England* (Oxford, 1989), pp. 133–63.

²⁶ N. Banton, 'Monastic Reform and the Unification of Tenth-Century England', *Religion and National Identity*, ed. S. Mews (Oxford, 1982), pp. 71–85.

²⁷ Campbell, 'Some Twelfth-Century Views of the Anglo-Saxon Past', *Essays in Anglo-Saxon History*, pp. 208–28.

²⁸ *The Ecclesiastical History of Orderic Vitalis*, ed. and trans. M. Chibnall, (6 vols., Oxford, 1968–80), iv, pp. 126–7 (see also the editor's note) and 134–5.

According to Orderic, when during this rebellion Rufus captured Rochester and Odo of Bayeux came out to surrender, the king's English followers resented the rebels' having been given terms and shouted: 'Halters, bring halters, and hang this traitor bishop and his accomplices from the gallows'.²⁹ We do not have to believe that either of these incidents actually took place as they are so vigorously described. But our half-English informant was widely informed and highly intelligent. He is describing something more than simple phantasy. In the first of Orderic's passages appears a retrospective glorying in the power of the Anglo-Saxon state, that which the author of *Leges Henrici Primi* may have had in mind when he wrote of *tremendum regie maiestatis . . . imperium*.³⁰ That *imperium* had been a formidable regime indeed. The late Old English state was one in which rebellion was rare and crime severely punished.³¹

An interesting question in regard to 'Englishness' is that of how far it was linked to ideas about freedom. Sir James Holt has shown that romanticised notions of English liberty and constitutional procedures are older than Magna Carta and sometimes appear in surprising forms.³² For example the author of the *Leges Edwardi Confessoris*, writing in Henry I's reign, has a story of how, four years after the Conquest, William summoned the great, wise and learned to find the law, and had twelve *electi* from each shire sworn to proclaim it.³³ One does not have to believe this happened to realise the interest of an author's being prepared to allege that it happened. The idea that there was something specially free about England corresponded to some of the realities of English society as compared to those of some other parts of western Europe. It would appear that the distinction between noble and non-noble, which elsewhere had come to displace that between free and unfree as the main social divide, lacked the same importance in England. More certainly significant is that Domesday shows a good,

²⁹ Ibid., pp. 212–4, 219–20.

³⁰ *Leges Henrici Primi*, ed. and trans. L. J. Downer (Oxford, 1972), p. 96 (6, 2a).

³¹ P. Wormald, 'Charters, Law and the Settlement of Disputes in Anglo-Saxon England', *The Settlement of Disputes in Early Medieval Europe*, ed. W. Davies and P. Fouracre (Cambridge, 1986), pp. 165–7. Mr Wormald has kindly allowed me to see part of his forthcoming work on the origins of English law in which he stresses the extent to which, in late Anglo-Saxon England, justice was a royal monopoly, and a fierce struggle, in which the development of the concept of felony was important, was maintained against crime.

³² J. C. Holt, 'The Origins of the Constitutional Tradition in England', *Magna Carta and Medieval Government* (1985), pp. 1–22.

³³ *Die Gesetze der Angelsachsen*, ed. F. Liebermann (3 vols., Halle, 1903–16), i, p. 627.

though varying, number of substantial freemen in every shire. In many shires in 1066 the collective significance of lesser men was comparable to that of the greatest. England was, and in important ways remained, a state in which the 'political nation' was quite large. It was men with three hides, two hides, one hide, or even less, who formed the majority of the suitors of the shire and hundred courts. Such work as that of Dr Maddicott has emphasised the extent to which the Stubbsian view of medieval shire courts as quite large and in a sense representative assemblies is valid.³⁴ It is highly probable that the same was true in late Anglo-Saxon England.

The question of how far England was a state which had in a significant sense a participatory element, one in which prosperous peasants had at least some share and at least some say, raises all kinds of questions, some of which received anxious attention in the nineteenth century, and little more until recently. Not least among these are those about the nature of community organisations.³⁵ There is no difficulty in believing in a medieval society in which communities of free peasants mattered. They obviously did so in areas all round the margins of Latin Europe, in Iceland, Frisia, Switzerland, Brittany, and among the Basques. The history of such communities in England must be linked to that of local courts. A crucial question here is that of how far were there courts at a level lower than that of the hundred court. Here I shall evade the thorny question of the origin of manorial courts except to pursue a little Maitland's suggestion that the application to such courts of the term 'leet' suggests some ultimate connection with subdivisions of the hundred which are called leets in East Anglia.³⁶ His implication was that among the ancestors of manor courts were assemblies serving areas larger than the vill and smaller than the hundred. The leet courts of East Anglia were certainly of this kind and some of them survived until the seventeenth century or later. Traces of ancient community organisation on this scale may well be found in arrangements for parish government common in Northumberland, Durham and Lancashire in the sixteenth

³⁴ J. R. Maddicott, 'The County Community and the Making of Public Opinion in Fourteenth-Century England', *Transactions of the Royal Historical Society*, 5th ser., xxviii (1978), pp. 27–43, esp. pp. 29–30.

³⁵ For the nineteenth-century historiography of the village community, J. W. Burrow, 'The Village Community' and the Uses of History in Late Nineteenth-Century England', *Historical Perspectives, Studies in English Thought and Society in Honour of J. H. Plumb*, ed. N. McKendrick (1974), pp. 255–84. Reynolds, *Kingdoms and Communities*, pp. 79–154, is a most useful account of local organisation.

³⁶ *DB and B*, p. 104.

and seventeenth centuries. It was largely in the hands of bodies of twenty-four or twelve freeholders, sometimes at least such that they were representative of the component villas of the parish.³⁷ An example of the operation of such a unit elsewhere appears at Chesterfield in 1266. Chesterfield church had five dependent chapelries. Each of these was responsible for maintaining part of the churchyard wall. The record of an incident in the Barons' War shows that this churchyard wall was a fortification behind which all the people of the chapelries took shelter in time of peril.³⁸ Courts and assemblies for areas larger than the vill or the manor probably (in the case of the East Anglian leet courts certainly) antedate the Conquest. They deserve more study than they have recently received, not least because they relate to institutions in which lordship seems to have played no very great part.

By 1066 the most significant lower level socio-legal organisation was that of the vill. The medieval and later pattern of villas, like the strongly related pattern of parishes, was well established over much of the country. To a large extent England was by 1066 a mosaic of villas and Domesday shows that nearly all land was regarded as lying in a vill. Governmental systems operated via the vill; it was the basic unit in the taxation system. Geld assessments were not allocated lordship by lordship or manor by manor, but shire by shire, hundred by hundred, and vill by vill. Dr Hall has very remarkably discovered recently that the parcelling out of assessments through successive layers of authority at least occasionally ended literally on the ground level of the vill by determining the layout of the open fields. He shows that in a number of Northamptonshire villages, probably laid out in the late Anglo-Saxon period, the number of yardlands, of actual physical units, has a determined relationship to Domesday hidage assessments.³⁹ In such cases what seemingly must have happened is that either the assessment was determined by counting the yardlands, or that the fields were laid out by reference to the tax assessment of the village.

A major agent in the collection of geld was the village reeve; it was

³⁷ S. and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County* (2nd impr. 1924), pp. 178–80. Cf. H. Fishwick, *A History of the Parish of Kirkham* (Chetham Society, xcii (1874), pp. 88–115).

³⁸ S. Pegge, 'A Succinct and Authentic Narrative of the Battle of Chesterfield, AD 1266 in the Reign of King Henry III', *Archaeologia* (1773), pp. 276–85, esp. p. 281. For comparable incidents at the same period, Reynolds, *Kingdoms and Communities*, p. 149.

³⁹ D. Hall, 'The Late Anglo-Saxon Countryside: Villages and Fields', *Anglo-Saxon Settlements*, ed. D. Hooke, (Oxford, 1988), pp. 116–20.

assumed that every vill had one.⁴⁰ Reeves seem to have had a double, or even triple, function. They were the agents of lords (when the village had a lord) but also were the agents of the central authority (as too were the increasingly numerous parish priests). They may also have functioned as in a sense village presidents. In this last regard one might, as Professor Davies has suggested to me, pay some attention to the position of *machtierns* in Brittany. The *machtiern* held a position such that he was a kind of president of the local community.⁴¹ One would not want to press the parallel too far, for *machtierns* were much more considerable figures than English village reeves. But at least the Breton system reminds one of the possibility of there having been headmen whose status and position referred at least as much to peasants below as to lords above. The position of the village reeve could relate to the undoubted way in which in Edward the Confessor's England the organisation of the state and of the countryside were linked and integrated in ways such that the operation of lordship other than the king's could have been of secondary importance. England was, and remained, a country in which the central authority dealt with, and in large measure derived its authority from, an extensive political nation which it is more a schematisation than a distortion to see as organised in an orderly hierarchy of vill, hundred, and shire. It was a state for whose understanding it may be as relevant to consider the arrangements of the Icelandic republic as those of the principalities of feudal France. In this context it is worth remembering that Iceland had considerable powers of organisation. The only national survey of the relevant period which is faintly comparable to Domesday is the census of the free farmers of Iceland liable to pay *þingfarakaup* conducted on the initiative of Bishop Gizurr Isleifson, c. 1100.⁴²

⁴⁰ J. Campbell, 'Some Agents and Agencies of the Late Anglo-Saxon State', *Domesday Studies*, ed. Holt, pp. 205–7.

⁴¹ W. Davies, *Small Worlds. The Village Community in Early Medieval Brittany* (London, 1988), esp. pp. 138–42; the *maiores* (pp. 142–6, 205) could offer a closer parallel. Mr Wormald has pointed out to me that tithingmen could have played something of the same role.

⁴² K. Hastrup, *Culture and History in Medieval Iceland. An Anthropological Analysis of Culture and Change* (Oxford, 1985), pp. 170 and 257. The census was of the men liable for the tax for paying the representatives who went to the *Althing* (*ibid.*, p. 123). Here one may signal an odd coincidence which could mean nothing, but, not quite impossibly, may bear the traces of something about the world of north western European socio-political organisation, which we try to study in the light of hopelessly inadequate and skewed information. An unexpected fact about English parliamentary assemblies is that those attending, like those who came to Icelandic assemblies, were paid: this is recorded from the time of one of the

The organisation of England had very ancient foundations, but its rulers were capable of accomplishing change on the largest scale. The power and centralised organisation of the late Anglo-Saxon state plainly demonstrate such innovation, largely based on using techniques and units which had for long been the normal instruments and counters of power. There are elements in the innovations whose scale and importance are as striking as their dating and origin are obscure. One is the creation of the hundredal system, not improbably in the late ninth or tenth century.⁴³ Another is the mysterious removal of the ealdorman as a *shire* official. In the mid-ninth century Wessex certainly and Mercia probably had an ealdorman for each shire. Long before the year 1000 the ealdorman, with very few exceptions, had responsibility for many shires. From the tenth century England had the approximate equivalent of the dukes and margraves of the Continent; but *not* of the Carolingian and the post-Carolingian count.⁴⁴ One of the features of the break-up of Carolingian power was the development of comital independence. In England there were no counts to become independent. It looks as if a major change in the organisation of power in England was made in the fairly early tenth century. As not infrequently in Anglo-Saxon history it is easier to see the serious movement of affairs than to be at all precise about just how and when major changes took place.

Some of the most important changes which took place in late Anglo-Saxon England were economic. It could be that these were more significant than any which took place in the sixteenth century or even later; for example in the development of towns and of large-scale manufacture; in the extensive (and strongly capitalised) exploitation of the countryside; in major public works. There was an intimate, and two way, relationship between economic development and the exercise of political authority. Very important was the success of a strong

earliest such assemblies, in 1258. The payment was said to be for 'reasonable expenses' but settled down at very high rates. In the fourteenth century a knight of the shire got four shillings a day (twice what he would have got for service in war), a burgess two shillings (at least in principle, but there were many arrangements by which towns did not pay), H. M. Cam, *Liberties and Communities in Medieval England* (Cambridge, 1944), pp. 236–47; see also L. Riess, *The History of the English Electoral Law in the Middle Ages*, translated with additional notes by K. M. Wood-Legh (Cambridge, 1940), pp. 84–8.

⁴³ H. [R.] Loyn, *Society and Peoples. Studies in the History of England and Wales, c. 600–1200* (London, 1992), pp. 111–34.

⁴⁴ The best account in print of the ealdormanic office is H. M. Chadwick, *Studies on Anglo-Saxon Institutions* (Cambridge, 1905), 161–97, 282–95. L. N. Banton, 'Ealdormen and Earls in England from the Reign of Alfred to the Reign of Æthelred', Oxford D.Phil. thesis 1981, is better.

monarchy in maintaining more peace than was generally available in western Europe. Comparably important was long continued success in maintaining an abundant coinage of uniform quality circulating over a wide area. Essential for economic success was the maintenance of roads and bridges; such maintenance was integrated into the organisation of public power. An effective state and a developing economy were mutually supportive. (It could be that both came within sight of breaking down together in the reign of Stephen.)⁴⁵

In many ways pre-Conquest economic enterprises reflect the nature of society. Consider, for example, such drainage works as those at Canvey Island. Until 1881 the parochial organisation of this island was such that there were ten divisions, each forming part of a mainland parish.⁴⁶ It could be that this indicates that the island had provided common grazing for a considerable mainland area from the remote past. It is more probable that the extraordinary parochial configuration derives from villages uniting in drainage work in late Anglo-Saxon times when sea levels fell. In this it would resemble areas by the Wash, Romney Marsh, and parts of the vast space of the Waveney and Yare marshes.⁴⁷

As with economics, so with politics. Behind the passive complexities of Domesday lie active realities which we can only glimpse. Maitland drew attention to the connections between national politics and lower organisations in two important ways. First, via the extraordinary range of commendation which strongly implies that it had more than local significance. For example, in one Cambridgeshire village (Orwell) we are told whose man each of thirteen tenants was: in 1066 they were divided between the king, Archbishop Stigand, Earl Harold, Earl Ælfgar, Æsgar the Staller, Edith the Fair, and Robert Wimarc's son.⁴⁸ In the

⁴⁵ Campbell, 'Was it Infancy in England?', pp. 1–18.

⁴⁶ J. H. Round, in *The Victorian County History for the County of Essex*, ed. H. A. Doubleday and W. Page, i, pp. 369–71; H. C. Darby, *The Domesday Geography of Eastern England* (3rd edn., Cambridge, 1971), pp. 241–3.

⁴⁷ H. E. Hallam, *Settlement and Society* (Cambridge, 1965), pp. 3–8; B. W. Cunliffe, 'The Evolution of Romney Marsh: a Preliminary Statement', F. H. Thompson, ed. *Archaeology and Coastal Change* (Society of Antiquaries Occasional Paper (New Series), 1, pp. 37–55, *DB and B*, pp. 367–8; J. M. Lambert, J. N. Jennings, C. T. Smith, C. Green and J. H. Hutchinson, *The Making of the Broads* (Royal Geographical Society Research Series no. 3, 1961), pp. 129–44.

⁴⁸ *DB and B*, pp. 129–35. Maitland does not seem to have noticed that Earl Ælfgar was probably dead by 1066, F. M. Stenton, *Anglo-Saxon England*, (3rd edn., Oxford, 1971), p. 572. If so, there is a curious implication: that there may well have been written records of commendations before the Conquest for this is the most plausible explanation for dead men being wrongly recorded TRE as if alive.

twelve vills of Wetherley hundred in which Orwell lay various men and women were commended to the king, three earls, three other noblemen, Edith the Fair, the abbot of Ely, and Archbishop Stigand. Most of the inhabitants of this hundred were sokemen; there was little or no seigneurial demesne. These peasants had commended themselves to lords who were not only locally, but also nationally important. Such commendations could reflect a system of organisation which had as much to do with something like political patronage than with landlordship. (A most extraordinary case of relationship through commendation occurs in East Suffolk where we find a man who has Eadric of Laxfield as his lord while his wife has Archbishop Stigand.⁴⁹)

A second main link signalled by Maitland between the national and the local lay in the exercise of patronage by the reduction of the tax assessments for whole areas. Maitland wrote: 'In favour of their own districts the witans in the moots jobbed and jerrymandered and rolled the friendly log for all the world as if they had been mere modern politicians'.⁵⁰ What he had in mind was, for example, that at some stage the geld assessment of Northamptonshire was reduced from 3,200 hides to 1,260. In the tenth century each of its hundreds had been assessed at a hundred hides. By the time of Domesday each was assessed at forty hides. There had been intervening stages at which the assessments of different groups of hundreds were reduced in differing ratios.⁵¹ When and why did such reductions take place? The most serious consideration has been by Dr Hart. In analysing the history of the assessments of Cambridgeshire, Northamptonshire and Huntingdonshire in the tenth and eleventh centuries he suggests that areas with many landowners of Danish origin had their assessments reduced while others did not.⁵² If so, this would have been but one element in what one must assume to be the politics of assessment. What is certain is that in late Anglo-Saxon England there were successive and various alterations in the hidage assessments both of certain individual shires and of certain individual hundreds which were organised by reference to those units of local authority and not to individual landowners. That is to say that in such matters the king, or the king and his council, dealt not only with

⁴⁹ *DB*, ii, fol. 313.

⁵⁰ *DB and B*, p. 471.

⁵¹ Hart, *The Hidation of Northamptonshire* passim; J. H. Round, *Feudal England*, pp. 50–64; Hart, *The Danelaw*, pp. 89–92, for some particularly interesting evidence relating to the adjustment of hundredal assessments in Norfolk.

⁵² Hart, *The Danelaw*, pp. 13, 16.

magnates and bishops, but with shires and hundreds. Very probably the shires and hundreds were represented by bishops and magnates, but for all that, he dealt with shires as shires (and hundreds as hundreds) and made decisions about them which, on a systematic basis, affected all landowners down to the fairly humble.

Our intimations about the nature of English politics incline one to believe in a system of considerable elaboration, or regularity in government, and a considerable element of constitutionalism. The best narrative sources we have for the inner workings of the Anglo-Saxon polity are those for the reign of Edward the Confessor, wretched though they are. They seem to show us that great importance was attached to formal procedures, involving fairly extensive participation or at least aristocratic participation. The accounts which the annals give of the events of 1051 suggest that Godwin faced formal charges in a formal assembly. Stress is laid on conciliar participation.⁵³ Importance was attached to actions which sound like the exercise of generally recognised constitutional powers. For example, Edward transferring the allegiance of the thegns of the dissident earls to himself: 'the king asked for all those thegns which the earls had had, and they were all handed over to him'.⁵⁴ Some of the language of the annals makes it easy to understand why in the nineteenth century such historians as Freeman could detect a proto-Parliamentary element in the late Anglo-Saxon polity and not so easy to understand why there should be an apparent consensus among modern historians that Freeman was wrong. (Of course no one would deny that on numerous occasions he went too far.) What, for example, is one to make of the following (1051): 'Then the king and his councillors decided that there should be a meeting of all the councillors a second time, at London, at the autumn equinox, and the king ordered the force to be called out both south of the Thames and north of the Thames, all the best of them'.⁵⁵ What 'force' (*here*) means is not plain though the term does not need to have an exclusively military significance. The D Chronicler presumably refers to the same summons: 'And they (*sc.* the council) issued summonses for a meeting at London; the folk throughout all this northern province in Siward's earldom and Leofric's and

⁵³ *Two of the Saxon Chronicles Parallel*, ed. C. Plummer (2 vols., Oxford, 1892–9), i, pp. 170–4. *The Anglo-Saxon Chronicle*, trans. D. Whitelock, D. C. Douglas and S. I. Tucker, 2nd impr. (London, 1965), pp. 120–1.

⁵⁴ *Two of the Saxon Chronicles*, i, p. 174, trans. Whitelock *et al.*, p. 121.

⁵⁵ *Two of the Saxon Chronicles*, i, p. 174, trans. Whitelock *et al.*, p. 120.

elsewhere were ordered to go there'.⁵⁶ Was this 'force', were these people summoned, of exclusively military import, or are we being told about the summoning of an assembly with quasi-representative significance? Could it have been an assembly comparable to that which met at Salisbury in 1086? The annalistic reference to wide summons and to securing the allegiance of thegns justify the suggestion. It is not so very easy to quarrel with F. M. Stenton's contention that 'in however narrow a form' the Old English state had 'the character of a constitutional monarchy'.⁵⁷

It may indeed have become a more limited monarchy than once it was. Consider some of the circumstances of *c.* 1051. 'In the same year King Edward abolished the army tax (*heregeld*) which king Ethelred had imposed, that is in the thirty-ninth year after it had been instituted. That tax oppressed all the English people for as long a space of time as we have written above'.⁵⁸ 1050: 'In this year there was a big council at London in the middle of Lent and nine ships of the sailors were dismissed and five remained' (E version), (note the implication of conciliar decision) and 'in the same year he laid off all the sailors' (C version).⁵⁹ It seems that Edward was disbanding a major mercenary force which must have been very important for his power, as for that of his immediate predecessors, and was abandoning the tax which paid for it. The most recent interpretation of these events is that by the late K. J. Leyser: '[in England] mercenary troops and ships' crews dominated the commanding heights. It was to get rid of these janissaries that Edward the Confessor in his brief moment of independence abolished the *heregeld*, the key to the housecarls' stranglehold on the royal palace'.⁶⁰ Not all will be in full agreement with this trenchant interpretation. But Leyser must be right in signalling that here we have a major political event in a complex political scene.

The standing down of the mercenary fleet and the abandonment of

⁵⁶ *Two of the Saxon Chronicles*, i, p. 174, trans. Whitelock *et al.*, p. 119.

⁵⁷ Stenton, *Anglo-Saxon England*, p. 554.

⁵⁸ *Two of the Saxon Chronicles*, i, p. 171, trans. Whitelock *et al.*, p. 116.

⁵⁹ *Two of the Saxon Chronicles*, i, p. 172, trans. Whitelock *et al.*, pp. 115–16. It does not seem certain, as is commonly supposed, that the C version's reference to 'laying off all the sailors' must refer to the paying off of the last five ships of the standing fleet rather than being a variant (and perhaps less accurate) version of the E version's account of paying off nine ships.

⁶⁰ K. [J.] Leyser, *Communications and Power in Medieval Europe*, ed. T. Reuter, (London, 1994) p. 109. (This paper was published posthumously; had the author been able to revise it he might well have altered it in detail.)

the heregeld could have stood for a shift in balance towards a régime less dependent on the threat of force, more on the consent and service of a fairly wide political nation, for example by the partial replacement of the mercenary ship-service by that of the Cinque Ports.⁶¹ But a concern for the goodwill of such a political nation appears even so early as the reign of almost the most formidable ruler of England, Cnut. This is demonstrated by his two letters addressed to the English people at large and which are, as far as I know, unparalleled in any other country. The first of these dates from 1019 or 1020. It is in English and is addressed to the archbishops, bishops ‘and all his [sc. the king’s] people, whether men of a twelve hundred wergeld or of two hundred, ecclesiastic and lay, in England’.⁶² The contents of the letter are varied. They include promises to be a ‘gracious’ lord and evince a determination to see justice done. The king accompanies a general account of the state of his affairs by a strong homiletic element, with emphasis on, for example, paying church dues. The second letter is of 1027, and is as widely addressed as the other, mentioning ‘the whole race of the English, whether nobles or *ceorls*’.⁶³ These letters with their wide addresses give a strong impression that they were intended for circulation and proclamation in shire (or possibly even in hundred?) courts. It is important to notice that the first of these communications survives only in one manuscript, the other only because William of Malmesbury and ‘Florence’ of Worcester preserved it in Latin translation. Very probably there were other such now lost to us. Harmer pointed out that the form of words in which the annals of the *Chronicle* describe the promises made by Æthelred II in advance of his return from exile in 1014 suggest that the annalists are quoting a writ.⁶⁴ If so it would have been comparable to Cnut’s first letter in promising good government and redress of grievance. It has been convincingly argued that Chapters 69–83 of Cnut’s second code have the air of a ‘charter of liberties’ with guarantees of rights and for the discontinuance of abuses.⁶⁵ Professor Stafford suggests that this may represent an absorption into Cnut’s laws of promises circulated in the lost document by Ethelred II in 1014, or of promises circulated by Cnut in his early years, or both. It may reason-

⁶¹ Hollister, *Anglo-Saxon Military Institutions*, pp. 115–23.

⁶² D. Whitelock, *English Historical Documents c. 500–1042* (2nd edn., 1979), no. 48.

⁶³ *Ibid.*, no. 49.

⁶⁴ Harmer, *Anglo-Saxon Writs*, pp. 541–2.

⁶⁵ P. Stafford, ‘The Laws of Cnut and the History of Anglo-Saxon Royal Promises’, *Anglo-Saxon England*, x (1982), pp. 173–90.

ably be supposed that it was via a writ that the Confessor made his promise in 1065 that the men of the north should enjoy the good laws of Cnut.

So it would seem likely that royal promises and something like legislation were promulgated via royal letters, writs. This possibility raises others about continuity between pre-Conquest and post-Conquest operations. The earliest surviving post-Conquest document strongly comparable to Cnut's 'letters' is the Coronation Charter of Henry I.⁶⁶ In this he not only made promises to maintain peace and do justice, he was more specific in some regards. The charter seems to be something like a manifesto; its wide distribution and the inclusion among its beneficiaries of *agrarii milites* (and whoever these were they cannot have been magnates) suggest an effort to secure wide support. There is a possibility (no more) that this charter was circulated in English as well as in Latin.⁶⁷ If so, it takes us back to Cnut's letter of 1019 or 1020 and forward to the documents circularised by Henry III in English, French and Latin in 1258 in relation to the provisions of Oxford.⁶⁸ These arguable threads of continuity relate to a somewhat larger concern about the nature of legislation and about its promulgation. After the reign of Cnut we have no more Anglo-Saxon 'codes'. In the post-Conquest period we have just enough evidence to show that some legislation was made known by the circularisation of writs. The chances of these surviving to us are poor. Thus the important writ of Henry I legislating on the holding of the courts of shire and hundreds survives in one copy only. It is a fair supposition that there may have been a fair number of such legislative writs including pre-Conquest ones, of which we have no evidence.⁶⁹

One thing that is certain about such writs is that they were distributed shire by shire. A key element in the Anglo-Saxon state was the relationship between the component shires and the kingdom, one in which distinctiveness and integration went hand in hand. Domesday shows significant distinctiveness between the shires, both in recording separate customs for some and in demonstrating differences between

⁶⁶ A. J. Robertson, ed. and trans., *The Laws and the Kings of England from Edmund to Henry I* (Cambridge, 1925), pp. 276–83.

⁶⁷ Holt, 'Origins of the Constitutional Tradition', pp. 15–16.

⁶⁸ *English Historical Documents 1189–1327*, ed. H. Rothwell (London, 1975), nos. 38, 39.

⁶⁹ Robertson, *Laws of the Kings of England*, pp. 234–7, 284–5, 286–7, cf. Campbell, *Essays in Anglo-Saxon History*, p. 178.

the tax assessments and the wealth of particular shires.⁷⁰ In the second regard we can see in particular, for example, that Kent looks as if it was considerably under-assessed. A strange Canterbury story about the role of Kent in 1066 was that William the Conqueror was forced to make concessions to the assembled men of Kent.⁷¹ As Sir James Holt argues, this story is more incredible than meaningless. The only English shire which retained a separate legal custom into the twentieth century was Kent. The (almost) specifically Kentish land-tenure of gavelkind was not abolished until 1926. Kent again appears as a privileged shire in John of Salisbury's account of the order of battle of the English army.⁷² The men of Kent form the first line, the men of Wiltshire, supported by those of Devon and Cornwall, come next. John had good reason to be well informed on Kentish memories or traditions. He gives a glimpse of the life and ancient feeling behind the mechanisms revealed by Domesday. When an English army mustered it did so not only by shires but also by hundreds. When Æthelweard described a shire's forces he speaks of *centurias populi provinciae*.⁷³ Perhaps we should think of such embattled hundreds having each its banner, if we take a thirteenth century reference to the banner of the Oxfordshire hundred of Wootton⁷⁴ as representing something general and early, recalling the capitulary of 865 which says that every contingent in the Carolingian host should have its banner man (*guntfanonarius*).⁷⁵ Just as we should imagine an Anglo-Saxon fleet as containing gilded and polychromatic ships, so perhaps we should think of an Anglo-Saxon army as shining with many banners.

There is another fairly late source which gives something of the texture of the English polity. It is a letter from Edith, widow of Edward the Confessor; it dates from some time between January 1066 and

⁷⁰ A separate custom for Hampshire is mentioned in Downer, *Leges Henrici Primi*, p. 203, and its author draws attention to a specifically Kentish wergeld system, p. 243 (c. 76,7g). A point to notice here, however, is that the author in saying that laws differ from shire to shire attributes this to 'the hateful rapacity of lawyers' (p. 99, 6, 3a), a reminder that 'provincial custom' can owe something to legal ingenuity.

⁷¹ Holt, 'Origins of the Constitutional Tradition', pp. 10–13.

⁷² *Ioannis Saresberiensis Episcopi Carnotensis Policratici . . . libri VIII*, ed. C. C. J. Webb, (2 vols., Oxford, 1909), ii, pp. 47–48.

⁷³ *Chronicle*, ed. A. Campbell, p. 28.

⁷⁴ *The Victoria County History for Oxfordshire*, xii, ed. A. Crossley, (1983), pp. 30–3. *The Oxfordshire Eyre, 1241*, ed. J. Cooper (Oxfordshire Record Society, lvi (1989)), no. 881, cf. E. G. Kimball, *Serjeanty Tenure in England* (New Haven, 1936), pp. 74–5. The service had been commuted by 1247, which suggests some antiquity.

⁷⁵ J. L. Nelson, *Politics and Ritual in Early Medieval Europe* (1986), pp. 123, 126.

December 1075.⁷⁶ Addressed to the Somerset hundred of Wedmore, it relates primarily to a land grant: but the penultimate sentence is 'And I pray you that you will pronounce for me a just judgment concerning Wudumann to whom I entrusted my horses and who has for six years withheld my rent, both money and honey also'. We cannot tell how the suitors of Wedmore Hundred took this brisk note from the greatest dowager in the land. But it is plain that even if she could impose her will on Wudumann, she had to seek, or sought, to impose it on him via 'all the hundred of Wedmore', and that 'all' must have included men not notably powerful. A great lady in dealing with what seems an almost personal matter sought justice via a public court. This was not, I believe, the kind of thing which happened in lands where seigneurial justice had become dominant.

That England had more public and less seigneurial justice is not the only contrast which this country presented with lands overseas. Scholars have reminded us of other contrasts. Bertha Philpotts argued that the law of England presented a major contrast with that of other Germanic countries in that the rights of the kindred were much less, especially in regard to criminal compensation.⁷⁷ This relates to Marc Bloch's observation on English medieval land law that it presented a strong contrast to French in the almost complete absence of the *retrait lignager*, the family's right of pre-emption.⁷⁸ Both suggest a lesser importance for kindred obligation in England. So too, in a more indirect way, might Liebermann's observation: that only in England were oaths quantifiable in terms of units such as hides.⁷⁹ Two other contrasts may be linked together: the presence of numerous slaves and the absence of Jews in late Anglo-Saxon England. A plausible explanation for the extensive survival of slavery in England when it was disappearing elsewhere is that this reflects state power: slavery is a difficult institution to maintain except where public authority is

⁷⁶ Harmer, *Anglo-Saxon Writs*, pp. 285–6. D. A. E. Pelteret, *Catalogue of English Post-Conquest Vernacular Documents* (Woodbridge, 1990), no. 57, pp. 83–4.

⁷⁷ B. S. Philpotts, *Kindred and Clan in the Middle Ages and After* (Cambridge, 1913), Chapter VII. Her argument is complicated, and to an extent weakened by her attributing the importance of the kindred in some tenth-century laws to Scandinavian influence, pp. 214–20, esp. 218–20. This case seems stronger for the laws of Edmund than those of Athelstan.

⁷⁸ M. Bloch, *La Société Féodale* (2 vols., Paris, 1949), i, p. 207.

⁷⁹ F. Liebermann, 'Eidshufen bei den Angelsachsen', *Historische Aufsätze Karl Zeumer zum sechzigsten Geburtstag als Festgabe*, ed. M. F. Kramer (Weimar, 1910), pp. 1–8.

sufficiently extensive to catch runaways.⁸⁰ It is strange that Jews do not appear in England before the Conquest; for they were important in neighbouring lands and they were prepared to fare much further than England. The most likely explanation is that they were excluded by royal authority. The most important contrast is of course that there is so little in England to correspond to the process of the creation of independent seigniorial power abroad. The comparatively reduced power of the kindred, and of lords, the greater power of the king and the public courts all relate together.

In a remarkable book,⁸¹ Alan Macfarlane argued that there has for long been something extraordinary, something disconcertingly modern, from the medieval period on, about English society; he characterised this element as individualism. His argument may be briefly summarised as follows. It is beside the point in dealing with relatively early England to deploy too determined an anthropologising zeal. Anxiety to avoid anachronism can be self-defeating. Medieval England did not have extended peasant families or special peasant attitudes or the like; crucial elements of English society were the significance of nuclear families and market attitudes. Dr Macfarlane speculated only in the most diffident way, about the origins of this 'individualism', though he thought they might lie a long way back. Considerable elements in this argument were anticipated by Maitland, who referred, for example, to 'an unusual and, in a certain sense, an abnormal individualism' in aspects of English law.⁸² Dr Macfarlane was, of course, in an original way, reintroducing a kind of public debate in and through history which was normal in Maitland's day and which is assumed in much of his writing. Maitland's intellectual milieu was one in which attitudes to the state, the family, and property were not taken for granted to the extent which is now the case, but regarded as special, historically determined and historically validated. In this, say, Stubbs and Engels, though not precisely soul-mates, had much in common. One can see the value of this approach if we put the syndrome of individualism as identified by Dr Macfarlane in the context of the contrasts mentioned above. Late Anglo-Saxon England was such that the power of the state was con-

⁸⁰ H. C. Darby, *Domesday England* (Cambridge, 1977), pp. 72–7, 338–45, cf. e.g. P. Bonnassie, *From Slavery to Feudalism in South-Western Europe* (Cambridge, 1991), pp. 55–9; Bloch, *La Société Féodale*, i, p. 392.

⁸¹ A. Macfarlane, *The Origins of English Individualism* (Oxford, 1978).

⁸² In his introduction (pp. ix–x) to the reprint of *DB and B*, J. C. Holt draws attention to the extent to which Maitland anticipated Macfarlane.

siderable, the interaction between the organisation of the state and the individual very strong. The public courts survived as they did not in much of the former Carolingian empire. The family and lordship mattered less; the king and the public courts more. The legal rights of the family were less than was often the case elsewhere; the contact between many peasants and the king greater. Even by the end of William I's reign seldom were there more than two layers of lordship between the yeoman and the king; sometimes there were none (though already in the Confessors's reign there might be three).⁸³ The power of the state had much to do with advanced development of the English economy and of the freedom of very many individuals from the trammels of the *seigneurie*.

The 'individualistic' characteristics as detected by Dr Macfarlane in medieval and early modern England existed earlier. Three other phenomena may be related here: a high proportion of land transfers were by sale;⁸⁴ women had very considerable rights;⁸⁵ legal procedures rather than being, as used to be argued, archaic and irrational by our standards, have been powerfully argued to be perfectly sensible and rational in a modern sense, with much stress on written evidence.⁸⁶ there was a lot of literacy in that society.⁸⁷

If Domesday in some ways suggests how England differed from many Continental areas, in others it establishes points of comparison which are helpful in making what less comprehensive evidence suggests about other areas more credible than their superficially surprising nature might make them seem. One of the most staggering things about

⁸³ *DB and B*, p. 170.

⁸⁴ For the early period, J. Campbell, 'The Sale of Land and the Economics of Power in Early England. Problems and Possibilities', *Haskins Society Journal*, ed. R. B. Patterson, 1 (1989), pp. 23–37. A very high proportion of the estates of some of the abbeys founded or refounded in the tenth century were acquired by purchase: for Ely the evidence of the *Libellus . . . operum beati Æthelwold* is conveniently tabulated by C. R. Hart, *The Early Charters of Eastern England* (Leicester, 1966), pp. 215–30; cf. S. Raban, 'The Estates of Thorney and Crowland' (University of Cambridge Department of Land Economy, Occasional Paper, no. 7, Cambridge, 1977), pp. 6–15.

⁸⁵ T. J. Rivers, 'Widow's Rights in Anglo-Saxon Law', *American Journal of Legal History* 19 (1975), pp. 208–15; M. A. Meyer, 'Women's Estates in Later Anglo-Saxon England: the Politics of Possession', *Haskins Society Journal*, 3 (1991), 111–29; A. L. Klinck, 'Anglo-Saxon Women and the Law', *Journal of Medieval History*, 8 (1982), 107–21.

⁸⁶ Wormald, 'Charters, Law and the Settlement of Disputes'.

⁸⁷ S. Keynes, 'Royal Government and the Written Word in Late Anglo-Saxon England', *The Uses of Literacy in Early Medieval Europe*, ed. R. McKitterick (Cambridge, 1990), pp. 226–57.

Domesday is the information it provides about density and scale. It can seem astonishing that nearly all the villages of modern England were already there, and even that some were as populous as they were to be in the nineteenth century,⁸⁸ and that there was not so very much more woodland than there was to be in the seventeenth century.⁸⁹ The abundant coinage tells the same story.⁹⁰ There is something almost alarming about our figures for eleventh-century England. One reason why the scale of the Danegeld figures given by the *Chronicle* for the years between 991 and 1041 is strongly questioned is that they inspire mistrust by their very size.⁹¹ If some of the statistics derived from Domesday were available only in summary form they too would be disbelieved.

A similar case is that of the population figures for villages in the Ile de France given in Irminon's survey of c. 810, where considerable intellectual Yoga has been employed to get round the fact that they seem to describe populations of the same magnitude as in c. 1700.⁹² In a general, but seriously useful, way Domesday makes it easier to accept Lot's commonsense suggestion that the figures should be accepted at face value and may well indicate the state of affairs in other areas also. This is because Domesday proves an extent of settlement and a limit on the extent of woodland such as to contradict the impression which could be derived from our other, very fragmentary, sources, which resemble those on which Continental historians have to rely. In a comparable way Domesday makes it easier to believe Werner's superficially astonishing

⁸⁸ Lennard, *Rural England 1086–1135*, p. 7.

⁸⁹ *Ibid.*, pp. 7–16.

⁹⁰ D. M. Metcalf, 'Continuity and Change in English Monetary History', *British Numismatic Journal*, 50 (1980), pp. 20–49 and 51 (1981), 52–90.

⁹¹ M. K. Lawson, 'The Collection of Danegeld and Heregeld in the Reigns of Æthelred II and Cnut', *English Historical Review* (hereafter *EHR*), 99 (1984), pp. 721–38; J. Gillingham, '“The Most Precious Jewel in the English Crown”': Levels of Danegeld and Heregeld in the Early Eleventh Century', *EHR*, 104 (1989), pp. 373–84; M. K. Lawson, '“Those Stories Look True”': Levels of Taxation in the Reigns of Æthelred II and Cnut', *EHR*, 104 (1989), pp. 385–406; J. Gillingham, 'Chronicles and Coins as Evidence for Levels of Tribute and Taxation in Late Tenth- and Early Eleventh-Century England', *EHR*, 105 (1990), pp. 939–50; M. K. Lawson, 'Danegeld and Heregeld Once More', *EHR*, 105 (1990), pp. 951–61; D. M. Metcalf, 'Large Danegelds in Relation to War and Kingship. Their Implications for Monetary History, and Some Numismatic Evidence', *Weapons and Warfare in Anglo-Saxon England*, ed. S. Hawkes, (Oxford, 1989), pp. 179–89; D. M. Metcalf, 'Can We Believe the Very Large Figure of £72,000 for the Geld Levied by Cnut in 1018?', *Studies in Late Anglo-Saxon Coinage*, ed. K. Jonsson, (Copenhagen, 1990), pp. 165–76.

⁹² F. Lot, 'Conjectures démographiques sur la France au IX^e siècle', *Le Moyen Age*, 32 (1921), pp. 1–27, 109–37.

argument that Charlemagne could have raised (though not deployed in the field) over thirty thousand horsemen.⁹³ English evidence and particularly Domesday does not prove that other lands were more populous, less forested, more elaborately ordered than our Continental sources or our lack of sources may seem to indicate. But it does provide a touchstone for possibility.

There are apparent tensions in the arguments put forward in this lecture. On the one hand it stresses how much in the English state was old, using structures, systems and attitudes in the exercise of authority whose history stretched far beyond and behind our written sources, to the extent that our only source becomes the patterns of the settled landscape. On the other, it emphasises the capacity of the Anglo-Saxon state for change and how much in Edward the Confessor's England was innovative or in a loose sense 'modern' with politics not so unlike those of later centuries as our miserable narratives at first glance may seem to imply. On the one hand stress is laid on England being significantly different from other areas of Europe, on the other, to what an extent uniquely documented England gives clues and courage for the effort to understand what happened elsewhere.

These elements can be reconciled as follows. England in the eleventh century was run using institutions and systems which were exceedingly old and which bore strong family resemblances to those found elsewhere in Europe. Such resemblances derive both from common origins and from institutional transfer. England diverged from other areas for a variety of reasons, many doubtless untraceable; some not. Its polity diverged from that of the Celtic world partly, it may well be, through the development of systems of princely inheritance which tended to aggregate rather than to dissipate territorial acquisitions;⁹⁴ from those of the western Carolingian world because of a contrast in military and political success in the tenth century. There is no conflict between an emphasis upon 'individualism' and one upon formidable state power. The latter allowed the former to develop largely by relying on and maintaining a fairly large political nation, standing against *encellulement* and creating the conditions necessary for economic growth.

⁹³ K. F. Werner, 'Heeresorganization und Kriegsführung im deutschen Königreich des 10. und 11. Jahrhunderts', *Ordinamenti militari in Occidente nell'alto Medioevo* (Settimane di Studi del Centro Italiano di Studi sull'alto Medioevo, 15, 2 vols., Spoleto 1968), ii, pp. 820–1.

⁹⁴ T. Charles-Edwards, 'Early Medieval Kingship in the British Isles', in Bassett *The Origins of Anglo-Saxon Kingdoms*, pp. 27–9.