

English Feudalism and the Origins of Capitalism

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The specific historical basis for the development of capitalism in England – and not in France – is traced to the unique structure of English manorial lordship. It is the absence from English lordship of seigneurie banale – the specific political form of parcellised sovereignty that figured centrally in the development of Continental feudalism – that accounts for the peculiarly ‘economic’ turn taken in the development of English class relations of surplus extraction. In France, by contrast, the distinctly ‘political’ tenor of subsequent social development can equally specifically be traced to the central role of seigneurie banale in the fundamental class relations of feudalism.

That the development of Western European societies generally, and England and France in particular, has been at least roughly parallel over the course of the past six centuries or longer has undoubtedly been among the most pervasive ideas of historically oriented social science. Even behind the emphasis specialists may give to particular differences, the presumption exists of a common European pattern of development.

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This opinion coincides with the central paradigm of a classically *liberal* view of modern society and its origins.¹ In its bare bones (and there are many important variations) this view holds that the development of modern capitalist society represents a ‘natural’ – perhaps ‘inevitable’, even ‘universal’, and of course very positive – expression of social development. History, then, has been the record of ‘progress’, with the West in the lead more or less as a unit. In less ideologically charged terms, this liberal view of history simply takes for granted that, from at least the high Middle Ages, Western European nations developed more or less continuously and in parallel into the modern capitalist societies they are today.

There are too many variations on this liberal view to summarise easily. Notable expressions have included ‘Whig’ historiography, Hegel’s philosophy of history, and various forms of ‘universal history’.² Since Adam Smith first conceived that history followed a sequence of stages based on different ‘modes of subsistence’, mainstream social theory has taken for granted the existence of at least broadly parallel processes of historical development, above all in the West.³ Virtually all economic history texts are premised on this view; regrettably, this quintessentially liberal concept of development has also been central to most Marxist approaches to history.⁴

Not all comparative approaches to the histories of England and France make much of this parallelism, and a very few even emphasise historical differences. Two notable instances of the latter are to be found in Marc Bloch’s 1936 lectures on the enduring historical impact of differences between the French *seigneurie* and the English manor [1961], and D.C. Coleman’s conclusion that English and French economic development crucially diverged between 1450 and 1750 [1977]. Still, dissenting opinions such as these have had little effect on the pervasive presumption of parallel historical development.

In the conventional view, all societies are taken to be shaped by fundamentally similar economic principles (operating most clearly and powerfully where there are extensive and well-developed markets). Pre-capitalist societies simply have not yet developed their intrinsic economic capacities to a sufficient degree, or have had that development blocked by other social, cultural, or environmental factors. Capitalism, then, is the natural product of unfettered development, requiring at most the removal of such obstacles as those imposed by feudalism. This view establishes a common context and a template for parallel development in French and English history (which can, with the rest of the West, optionally be taken to be part of a ‘world-system’).⁵ Any given historical event, such as the French Revolution, must ultimately be situated in relation to this common pattern of development, in one way or another.

In a series of influential articles, however, Robert Brenner provoked considerable debate by challenging this conception of parallel European development, and the presumption prevalent in both liberal and Marxist forms of social theory that 'natural' factors, such as the division of labour, population growth, and the rise of trade, are the key to explaining the course of historical development [1976, 1977, 1982]. Ellen Meiksins Wood has significantly developed this criticism of 'natural' or 'inevitable' historical development based upon underlying 'economic' forces (as opposed to the specific effects of historically determined *forces of class struggle*) [1981, 1982, 1988a, 1991, 1995]. My own work has taken off from that of Brenner and Wood, to reconsider the causes of the French Revolution in terms of class without taking for granted any relationship to the rise of capitalism.

Against the conventional view, Brenner, Wood and I have argued for a profound divergence between the class societies of England and France in the early modern period. While England was enclosing the traditionally regulated open fields, evicting the peasantry from direct possession of the land, and developing agrarian capitalism, France was instead erecting an absolutist state that depended upon preservation of a petty-possessing, but land-poor peasantry, who were 'squeezed' for rents and taxes.

By the late eighteenth century this divergence was so great that, at the same time England's rapidly developing capitalist society was bringing forth the industrial revolution, France – though long a wealthier nation, and ahead of England in terms of strictly technical sophistication – showed no sign of comparable indigenous development of capitalist social relations. Indeed, this analysis would suggest that *England alone* was the original source of capitalist development, which only spread to other societies in the wake of the English industrial revolution. On these grounds, I have proposed a new interpretation of the French Revolution as the result of conflict-ridden social development in a *non-capitalist class society* – development accompanied by substantial growth in markets and commercial production, yet which had nothing whatever to do with an indigenous transition to capitalist society.

The main contours of an explanation for the singular origin of capitalism in England were first offered by Brenner, and extended by Wood. Brenner argued that the specific forms of social and economic development in pre-industrial European societies were fundamentally dependent upon 'specific, historically developed systems of social-property relations and given balances of class forces' [1982: 213]. With reference to the idea of 'mode of production', Brenner held that the existence of the capitalist mode of production at any particular point in history cannot be taken for granted without assuming that which most needs to be explained – the origin of those social relations by which the capitalist mode of production is itself defined. Wood has been especially concerned with the specificity and

peculiarity of capitalist social relations, as they contrast strikingly with the 'political' forms of economic organisation in pre-capitalist class societies, and with the implications of this difference for studying the state and political theory [1981, 1991].

These challenges to conventional conceptions of the development of modern capitalist society rest above all on recognising the unique character of capitalist social relations, demanding critical attention to the terms by which capitalism is defined. In treating seriously the specific social relations which distinguish capitalism from previous forms of society, and focussing on the fundamental transformation of previously existing social forms necessary for these relations to exist, Brenner turned attention away from issues of trade and manufacture to recognise the fundamentally agrarian origins of capitalism. What this approach calls for is identification of the ways in which the changing pre-capitalist agrarian social relations of England, diverging crucially from those of France, led to a qualitatively different social context of production, from which emerged the specific relationships of capitalist production.

Brenner devotes a good part of his lengthy 'Agrarian Roots of European Capitalism' [1976] to the differing processes of class formation in England and France, yet the ultimate source of historical divergence has not been apparent to all readers. What is required – though not because the essentials are missing from Brenner's work – is a clearer specification of the differences in class relations of England and France before the transition to capitalism, and of the peculiar features of English feudal society that most directly explain the rise of capitalism.

The specific historical basis for the development of capitalism in England – and *not* in France – is ultimately to be traced to the unique structure of English manorial lordship. It is the absence from English lordship of the *seigneurie banale* – the political form of parcellised sovereignty which was central to the development of Continental feudalism – that can be seen to account for the peculiarly 'economic' turn taken in the development of English class relations of surplus extraction. The juridical and economic social relations necessary for capitalism were forged in the crucible of a peculiarly English form of feudal class society. In France, by contrast, the distinctly political tenor of social development – visible in the rise of the absolutist state, in the intensely political character of the social conflict of the Revolution, and as late as the massively bureaucratic Bonapartist state of the Second Empire – can be traced just as specifically to the centrality of *seigneurie banale* in the fundamental relations of feudalism.⁶

The effects flowing from this initial basic difference in feudal relations include: the unique differentiation of freehold and customary tenures among English peasants, in contrast to the survival of allodial land alongside

censive tenures of France; the unique development of English common law, rooted in the land, in contrast to the Continental revival of Roman law, based on trade; the unique commoner status of English manorial lords, in contrast to the Continental nobility; and, most dramatically, in the unique enclosure movement by which England ceased to be a peasant society – ceased even to have peasants – before the advent of industrial capitalism, in stark contrast with other European societies. Indeed, the significance of banal lordship in France, and of its absence in England, lies at the heart of Brenner's account of divergent class formations, though this point of his argument has not been widely appreciated [1982: 258–9]. In order to establish these claims, and trace the development of social relations from English feudalism to the emergence of capitalism, it is first essential to define precisely what is meant by 'capitalism' and 'feudalism'.

I. CAPITALISM

The qualitative difference between capitalism and all previous forms of society (among which existed other important differences) is central to Marx's view of capitalism as a specific form of class society.⁷ This difference was equally emphasised by the economic anthropologist Karl Polanyi, from a non-Marxist perspective [1944, 1957]. Such recognition of the *uniqueness* of capitalist social relationships is necessary for the extent of divergence between England and France to be appreciated.

While Polanyi's analysis of capitalism is defective on a number of points, no one has spelled out more clearly than he how truly peculiar it is for a society to have its fundamental processes of social reproduction organised in the manner of capitalism.

Every other human society, Polanyi asserts, has been organised about one or another system of *normative* social regulation, with the productive members of society brought into relationship with each other through variations and combinations of the basic social principles of *redistribution* and *reciprocity*. Marx put great emphasis on the fact that humans have never existed in a 'state of nature' as individual 'Robinson Crusoes':

The human being is in the most literal sense a *zoon politicon*, not merely a gregarious animal, but an animal which can individuate itself only in the midst of society. Production by an isolated individual outside society – a rare exception which may well occur when a civilised person in whom the social forces are already dynamically present is cast by accident into the wilderness – is as much of an absurdity as is the development of language without individuals living *together* and talking to each other [Marx, 1973: 84]

Polanyi similarly asserts this fundamentally *social* character of human material reproduction [1944: 71–3].

What Polanyi particularly denies is that there ever was a society, prior to capitalism, in which the market played a role comparable to its absolutely central role in capitalist society. Many societies, even complex ones, have existed without any form of market (though not, of course, without *exchange*). Much of what has been described as ‘trade’ in the ancient bureaucratic empires was in fact nothing of the sort [Polanyi, 1957; Marx, 1973: 208]. And even in those societies which have known markets as such – including European pre-capitalist societies, such as ancient Greece – social organisation remained fundamentally based upon direct, normative regulation of social roles.

The more or less individual household, or *oikos*, was at the heart of Greek society; but it was precisely in order to preserve the highly social mores of this society that Aristotle was opposed to the expansion of market relations. If trade was to a certain extent required in ancient Greece, markets having developed within the whole of the greater Mediterranean context, Aristotle still believed it essential to restrict it [1958: 22–7, 118–20; Polanyi, 1957]. This was not a view which took the market for granted, yet sought to regulate it for public policy purposes. Instead, it was a view which essentially *rejected* the market, except as necessary, and even then to a limited extent. More to the point, whatever its ultimate potential, the market remained in practice subordinate to the prescriptive regulations that were normal in Greek relations of production.

In every society prior to capitalism, human economic relationships were normally bounded by rules of reciprocity and redistribution, in what might be described as a form of ‘moral economy’. The rules could well be oppressive and exploitive – as were the rules by which serfs were obliged to produce surplus for their lords – but they remained part of a known universe of social regulation, by which structured expectations governed the action of all parties in all important social relationships. Throughout the whole sequence of pre-capitalist Western societies, since the ancient Greek dark ages, markets were to be found. Indeed, the integral but subsidiary role of markets in *feudal* social relations – by which peasants were able to acquire the cash with which to pay many forms of taxes, fines, dues, and even rents – is far too frequently ignored. Yet in feudalism, as in other pre-capitalist societies, market behaviour played no more than a subsidiary role.

In capitalism, however, every social relationship of production is, in principle, predicated upon the market. As Polanyi emphasised, capitalism is a system founded upon the unique and extraordinary characterisation of money, land, and labour as *commodities* – a social characterisation he also described as clearly ‘fictitious’ [1944: 68–76]. By this means, the social

relationships by which people reproduce themselves and their social environment are dramatically transformed [Wood, 1999]. In place of concretely normative relations among people, regulating social behaviour, capitalism is characterised by the apparent ‘anarchy’ of the universal market.

Of course, as Adam Smith stressed [1970], the market is not really anarchic. In the end it regulates social production as a whole as if by an ‘invisible hand’. Yet it must not be forgotten that while the market system may be taken for granted today, two centuries ago Adam Smith still advocated its completion, while explaining its peculiar rationale. The better part of Marx’s *Capital* [1954] was still devoted to showing in detail how a system of general commodity relations could function as a self-regulating mechanism of social reproduction, while at the same time serving as the basis for class exploitation.

Without attempting to reproduce here Marx’s analysis of capitalist class relations, their absolutely central aspect – what Harry Braverman described as the *differentia specifica* of capitalist society [1974: 52] – is the commodification of labour-power. In capitalism, as in no other society that has ever existed, the normal social condition is to be unattached to any means of engaging in meaningful social production, and to be dependent upon ‘finding a job’. Every Western society has had markets, and every Western society has had wage-paying labour. Only capitalism has made every normal productive relationship an expression of ‘the market’. And only in capitalism are wages not merely the normal means of acquiring subsistence, but a form of income wholly divorced from traditional and normative rules of payment, in principle being exclusively determined by ‘the market’ through the ‘commodification of labour-power’.

Labour-power is the *capacity* to labour, as opposed to the labour actually performed. The distinction of labour-power from labour was the key to Marx’s identification of the specific basis for class exploitation in capitalism. Workers ‘sell’ their labour-power. Its value is essentially the cost of keeping normal workers alive – a socially acceptable living wage, the level of which can change over time, and certainly may include higher standards of living than formerly possible. The point is that no matter how high the wage paid, a worker normally produces more value in a day (or hour, or week) than the value of his or her wages. This is simply an expression of the fact that in capitalism, as in every other human society, it is normal for social labour to produce some measure of surplus. The difference between the total value of what workers produce through their labour, and the value of their labour-power (the wages paid), is the *surplus-value* from which capitalist profit is derived. If what workers could produce in a day were not worth more than the workers’ wages, then capitalists would simply not hire them.

Yet the implications of the capitalist social relations of commodified labour-power are *not* simply 'economic', as Ellen Wood has argued in her work [1981, 1999]. The absence of a 'moral' component to the capitalist economy is further expressed in the workers' *intrinsic* lack of control over the conditions and processes of labour.⁸ This is part of the essential meaning of the 'commodification of labour-power'. It is not merely that workers are hired in return for a wage which is set by market conditions; but that in selling their ability to work, they turn over to their employer – by contract – the fundamental responsibility for organising socially productive labour.

In every previous society, normal responsibility for the conduct of labour (though not for setting individual tasks) lay jointly with society as a whole and the producers themselves – in the first instance through the immediate, largely collective conceptions and decision-making of the producers; and in the second instance through their participation in and acceptance of normative conceptions and rules articulated at higher levels of social organisation. Both these forms of control over the labour process were central to the character of guilds, for example. They regulated the 'proper' way to work through rules, apprenticeships, and collective decision-making – though with very different forms of 'participation' by the masters, journeymen, and apprentices – and were further subject to statutory regulation by the state, and the rules of the church. Similar patterns are evident in the social regulation of harvest labour by peasant communities, even as regards work done for wages.⁹ What is absolutely central to the capitalist form of society is that these 'moral', normative forms of collective and community regulation of production are abolished, to be replaced by the wholly private and individual organisation of production by owners of capital (to the extent they succeed in imposing and maintaining effective management).

There is clearly an enormous gulf between this conception of capitalism, in terms of the commodification of labour-power, with its implications for the structure of social reproduction; and a conception of 'capitalism' merely as rational profit maximisation in the market. In the latter terms, of course, Max Weber was able to write about the 'capitalism' of ancient Greece and Rome, and the 'capitalism' of the Italian city-states, since capitalism becomes co-extensive with markets. For Weber, therefore, the chief issue in the rise of European capitalism is simply the basis for the increasing 'rationality' of the West.

If one chooses to reserve the term 'capitalism' for such a purely commercial conception, however, some other term must still be reserved to distinguish those societies in which the relations of production have been transformed by the commodification of labour-power – the transformation of which both Marx and Polanyi described as crucial to the delineation of

modern industrial capitalist society and its unique organisation of labour. It is not a question of one definition of capitalism versus another, but of assigning a term to a given, real constellation of social relations. Indeed, even Max Weber, while insisting upon his merely commercial, transhistorical definition of 'capitalism', acknowledged the unique and vitally important character of the specifically *industrial* capitalist form of labour organisation [1958: 21–5].

It is this radical transformation of the social relations of production, then, which must be recognised as central to the character of capitalist society. Given this understanding, it is clear that the crucial source of the development of capitalist social relations is not to be sought in any merely 'economic' form of social change. Indeed, in the sense that is specific to this conception of capitalism, strictly 'economic' behaviour – behaviour stripped of its 'moral' and normative content – is only to be found in capitalist society itself. Any projection of capitalist economic categories and social relationships back into pre-capitalist societies repeats the error for which Marx took the political economists to task. It is for this reason that a *specific* 'logic and 'solidity'" is to be sought in each pre-capitalist society, one expressed in terms of *its own* social relations of production, and not those of capitalist society. It is necessary, therefore, also to come to terms with the meaning and character of feudalism as a specific form of class society before considering the origins of the transition to capitalism in the peculiar variant of feudalism that developed in England.

II. FEUDALISM

There is an enormous literature debating the meaning and even the existence of 'feudalism' from a wide range of historical perspectives, including several different Marxist approaches.¹⁰ Without attempting to do justice to these complex arguments, one way to approach the concept of feudalism is by noting the recurrent disagreement as to whether the term itself should be defined narrowly, in the strictly institutional sense of the hierarchy of relations among lords, or broadly, in 'social' terms. The difference between these views is often posed as a debate between the followers of Marc Bloch and those of F.L. Ganshof.

Ganshof himself clearly delineated the two different meanings of the word. On the one hand there was feudalism in the 'narrow, technical, legal sense of the word' – referring exclusively to relations that existed *between lords* – which was the subject of his concern. On the other hand, there was the very different sense of the term with which Bloch was interested – feudalism as a complete 'social structure', *feudal society* [1964: xv–xvi]. These approaches have generally since been taken to be mutually exclusive,

marked particularly by the opposition between the Marxist concept of *feudal mode of production*, as the basis of a class society, and conceptions which, in focussing solely upon the formal institutions of the politico-legal structure, emphatically exclude any implications of 'class'. Ironically, however, both Bloch and Ganshof acknowledged that each of these senses of the term conveyed ideas that were valid and relevant, while at the same time recognising that the term itself had simply been thrust on historians through usage rather than any intrinsic meaning.

This supposed antithesis between the 'social' and 'politico-legal' approaches to feudalism has increasingly been jettisoned in the recent development of Marxist theory. For most of the past century, the 'economistic' and simplistic cast of much of what passed for Marxist historical theory tended to skew the concept of 'feudal mode of production' towards an emphasis upon narrowly conceived 'economic' relations between lords and peasants. Conceiving feudal class relations in the same terms as the economic class relations of modern capitalist society tended to sidetrack any serious consideration of the form and structure of feudal political relations.

One of the most important and influential developments of contemporary Marxist theory, however, has been precisely to recognise the crucial political dimension of feudal class relationships, as well as the central role played by similarly 'extra-economic' social relations in pre-capitalist class societies generally. Feudalism is no longer seen to be either a system of politico-legal relations among lords, or of economic relations between lords and peasants, but an integrated system of class relationships in which politico-legal relations constitute the basis of class exploitation of peasants by lords. This recognition followed directly from the positions developed in the course of the famous debate initiated by Paul Sweezy and Maurice Dobb over the transition from feudalism to capitalism.

The original point at issue in the transition debate was precisely how the class relations of the feudal mode of production were to be characterised. Sweezy took Dobb to task for identifying feudal class relations with the specific form of serfdom, as such, rather than with the extent to which the manor constituted a self-contained unit of the 'production for use' by the lord, not engaged in the production of commodities. This disagreement was associated with their opposing conceptions of the transition from feudalism to capitalism. Where Dobb held that the transition took place through an *internal* contradiction of feudalism, driven by the class exploitation of serfdom, Sweezy argued that it came about through disruption and transformation of the relations of production for use by the *external* growth of markets and commodity production [Dobb, 1962; Sweezy *et al.*, 1978].

The idea of an internal developmental logic in the transition from feudalism to capitalism presents the problem of just what the source of such

dynamism might be, in contrast to the ready identification of external stimulation in the rise of trade. It is just this question which has been central to the work of Robert Brenner, and the debate it has engendered. Indeed, as shall become clear in the course of this essay, coming to terms with the fact that England and France diverged so dramatically in the early modern era, only to converge increasingly through the development of modern capitalist society, itself requires resolution of the issue of 'internal' versus 'external' dynamism in the transition to capitalism.

In its initial exchanges, and particularly in Sweezy's contributions, the transition debate retained much of the longstanding theoretical predisposition towards conceiving feudalism in terms of the 'economic' issues of production. The extent to which this was the case was highlighted in the observations on the debate offered by Georges Lefebvre:

Firstly, in so far as the organisation of production was the central problem of the debate, the 'feudal system' as such was not at issue, and the use of the term 'feudalism' was not appropriate to the discussion. For the specific characteristic of a feudal regime was the hierarchical relationship between a lord and his vassals rather than in the way a lord distributed fiefs to these vassals. Nor is the term 'seigneurial system' very helpful, for the seigneurial authority of a lord over the peasants of his domain was the result of a fragmentation of central political power, whereby the sovereign's rights passed into the control of the lords. The correct formulation for the purposes of the discussion is *manorial system* – although this system was a very ancient one, and was not strictly present in the later centuries of the Middle Ages [Sweezy *et al.*, 1978: 122].

Lefebvre's appreciation of the extent of confusion between the issues of feudalism and those of *manorialism* had little impact at the time. Indeed, in accepting that it was manorialism which was properly at issue, Lefebvre acceded to the prevailing economic orientations of the Marxist theory of the day. At the same time, his commitment to historical precision led him to insist on distinguishing from manorialism not only 'feudalism' – the hierarchical organisation of lords – but also the 'seigneurial system' of lordly domination over peasants.

Yet, while up to this point it had been the production issues of manorialism which generally were the focus of analysis, this began to change precisely as a result of the ideas brought forward during this debate. Indeed, far from setting aside the issue of the seigneurial system – as Lefebvre suggested – the ideas put forward by Dobb, Kohachiro Takahashi and others increasingly moved the seigneurial relations between lords and peasants to front and centre in the conception of feudalism. As this shift

developed, the seigneurial system came at the same time increasingly to be understood in relation to the hierarchy of the narrowly conceived 'feudal' political system of the lords.

The development of this new focus in the analysis of feudal relations can be traced to Dobb's initial assertion of the importance of lordship as a 'coercive relationship, consisting in the direct extraction of the surplus labour of producers by the ruling class', and his reference to Marx's seminal discussion of lordship and labour rent in Volume III of *Capital* [Sweezy *et al.*, 1978: 58].

This line of thought was taken up and pursued by Takahashi, who argued that there is an at least *apparent* difference between pre-capitalist and capitalist social relations in that capitalist class relations appear to have a purely economic character, while pre-capitalist – and especially feudal – class relations possess an intrinsically *extra-economic* character tied directly to domination and coercion [Sweezy *et al.*, 1978: 68–72]. Recognition of the centrality of the extra-economic character of feudal and other pre-capitalist class relations has proved to be a significant theoretical advance over the inclination to see all historical class relationships in terms of the narrowly 'economic' relations that may now be understood to be peculiar to modern capitalism.¹¹

It has been Perry Anderson in particular who has taken up feudalism in these new terms, bringing together the issues of serfdom, sovereignty, and the structure of fiefs in a powerful, original, and influential formulation of the concept:

Agrarian property was privately controlled by a class of feudal lords, who extracted a surplus from the peasants by politico-legal relations of compulsion. This extra-economic coercion ... [took] the form of labour services, rents in kind or customary dues owed to the individual lord by the peasant ... Its necessary result was a juridical amalgamation of economic exploitation with political authority. The peasant was subject to the jurisdiction of his lord. At the same time, the property rights of the lord over his land were typically of degree only: he was invested in them by a superior noble (or nobles), to whom he would owe knight-service ... His estates were, in other words, held as a fief ... This parcellisation of sovereignty was constitutive of the whole feudal mode of production [1974a: 147–8].

Anderson sees the transition *to* feudalism in the ninth century disintegration of the Carolingian state and the spread of castles in the hands of local lords [1974a: 142] – creating 'both a protection, and a prison, for the rural population' – as the 'entrenchment of local counts and landowners ... and the consolidation of their manorial estates and lordships over the

peasantry ... slowly solidified across Europe in the next two centuries'.

This forms the essential core of a theoretical approach to feudal society. In making this analysis, Anderson has been guided by the transition debate, together with Marx's conception of 'labour rent' and its relationship to lordship from Volume III of *Capital* [1959] (upon which Dobb and Takahashi based their analyses of extra-economic surplus extraction), and the masterful historical synthesis of Bloch [1961]. It is the politico-legal basis of extra-economic surplus extraction which is at the heart of this conception of feudalism, both in the classic form of the parcellisation of sovereignty among local lords, and as it provides the foundation for Anderson's conception of the absolutist state as [1974b: 18] 'a redeployed and recharged apparatus of feudal domination'. What remains to be clarified, however, is the precise relationship between this politico-legal conception of feudalism, and the manorialism which was for so long considered to be central to class analysis.

Anderson has traced the roots of medieval manorialism to the beginnings of the later Roman Empire; he has attributed the transition to feudalism proper to the impact of disintegrating centralised authority on manorialised society, more than five centuries later. The real historical relationship between the two, however, remains by and large unexamined.¹² Given the long-standing prior emphasis upon manorialism, and the relatively undeveloped state of historical materialist conceptions of pre-capitalist society, the tendency clearly has been for manorialism to be presumed to be roughly co-extensive with feudalism, or simply assumed to be 'in transition' to it. Since there is more than half a millennium between the early fourth century origins of European manors, and the disintegration of the Carolingian state, the relationship between manorialism and feudalism is of no small historical significance.

In the days of 'warhorse Marxism', when it was confidently asserted that a well-defined slave mode of production was superseded by the feudal mode of production, manors held by lords and worked primarily by peasant tenants and *coloni* (slaves settled in households) could readily be identified as feudal, or at a late point in the transition to feudalism. The problems with the simplistic adoption of a handful of modes of production from Marx's work were recognised by authorities such as Eric Hobsbawm more than 30 years ago, and Ellen Meiksins Wood's work – particularly her study of ancient Athens – has called into question the very idea of the slave mode of production [Hobsbawm, 1965; Wood, 1988b].

Indeed, it now appears clear that in every period of pre-capitalist class society it was primarily peasants who produced the social surplus extracted by the dominant property holders through class relations. Large estates held by nobles, worked by dependent peasant tenants (and sometimes, but far

from always, various categories of slaves) can be said to be characteristic of every period of European history from ancient times to the rise of capitalism.

It is now apparent that for more than two millennia some form of 'extra-economic coercion' in the social relations between high-status owners of large landed properties, and peasant producers in immediate occupation of the land, formed the primary basis of surplus extraction. If the whole of the pre-capitalist epoch of Western class society is not to be collapsed into a single, rather vague 'feudal' mode of production, it is important to demarcate clearly when, and how, the earlier expressions of 'manorialism' (or other non-feudal but peasant-centred surplus production) gave way to feudalism proper. Even if we assume that the class society characteristic of Rome throughout the Imperial period can readily be distinguished from feudalism, there remain four to five problematic centuries between the decrepitude and fall of the Empire and the turn of the tenth century.

The focus upon manorialism carries with it an emphasis upon the peasant as direct producer of surplus, and this side of the class equation is certainly fundamental. Yet as Marx argued in his observations on 'labour rent', it is through the social relationship of *lordship* that surplus is actually appropriated from the direct peasant producers.¹³ Indeed, it was precisely between the structural implications of different forms of lordship that Marx sought to distinguish in these passages. In maintaining that, wherever peasants occupied the land directly, extra-economic coercion was intrinsically necessary for class exploitation, Marx also argued that it was the *specific* form of surplus-extractive relations which distinguished between the different modes of production. In example, he contrasted 'Asiatic' and feudal societies, which, while equally based upon peasant production, were characterised by different forms of 'lordship' and thus different structures of state and society. This emphasis upon the specific social relations of lordship is very suggestive.

It is, in fact, through a closer examination of the social relations of lordship that we may begin to distinguish clearly between manorialism and feudalism proper. Beyond this, the focus upon specific social relations of lordship will allow us to identify salient points of difference in the character of English and French feudalism. These then can be seen to be directly associated with the historical divergence of French and English social development, and ultimately with the peculiarly English development of the capitalist mode of production. To reveal the source of this differentiation it is necessary first to clarify the specific relations of lordship that characterised feudalism as it developed in its French heartland, and particularly the relationship between local lordship and the parcellisation of

the sovereign power of the Frankish monarchy. This analysis depends upon recognising that there were three different aspects to the social relations of 'lordship' – two of which predated feudalism, though they were essential to manorialism, while the third played a central role in the transition to feudalism proper.

III. THE SOCIAL RELATIONS OF LORDSHIP

As noted by Marx, it is characteristic of pre-capitalist forms of class relations that the direct producers are subject to extra-economic domination. Such domination, or *Herrschaft* – *lordship* – can be seen to have been bound up with particular systems of status, coming down to us expressed in the form of the differentiation of an 'aristocracy' or 'nobility', or even simply the 'magnates'. These status differences do not merely express the ranking of social 'prestige', but form the basis of very real social relationships of differential but mutual rights and obligations, involving deference, obedience, protection, aid, gift-giving, and the like. Such social relations, where they exist, obviously figure crucially in systems of redistribution and reciprocity. Different status systems existed among various pre-capitalist Western societies, of course. Throughout the early medieval period, Gaul retained, while increasingly synthesising, both the Roman and Germanic systems of status [James, 1982].

In the manorial organisation of rural Gaul – which became ever more characteristic of its society as a whole – the different Roman and Germanic systems of status constituted fundamentally similar bases for a common pattern of domination. Social preeminence, and its real relationships of domination and surplus appropriation, centred on the ownership of large estates by powerful 'lords', each of whom commanded many servants and dependents, as well as subordinate but free 'commended men' of various degrees. It is here in the structure of relations centred on lordly estates and the constitution of their 'households' that the first two distinct, but intimately linked aspects of lordship are to be found.

The first aspect was that of 'land' lordship or lordship over property – ownership by the men of high status of extensive landed estates – which became central to lordly power with the decay of town life. In the second place, there was 'personal' or 'domestic' lordship, by which lords exercised virtually total control over both the specifically *servile* and merely *dependent* persons of their households, and significant command over other men freely commended into their hands. All of these various subordinates – ranging from free military men of good birth; to essentially independent peasants looking to the lord for protection and favour; to dependent, but still free, peasant tenants; to slaves and half-slaves also settled as tenants; to

slaves in household service – came to be known simply as ‘the lord’s men’ [Bloch, 1961: 145–50, 160–61; Duby, 1968: 189–90, 220].

From the end of the Roman period, it was through the various specific forms of personal ties of obligation, obedience, and dependence that a lord’s social power was most immediately expressed – always predicated, of course, on the possession of property. Property in land was the essential precondition, with which lords could endow commended men, establish dependent tenancies, and provide directly for the needs of their households through slaves and the service obligations of dependents. On the basis of their estates, lords were able to maintain extended households and networks of clientage, enjoying many forms of dutiful service, and exacting considerable material wealth from both agricultural and artisanal production.

These two aspects of lordship were equally intrinsic to manorialism, though property lordship has generally received the focus of class analysis. The extra-economic domination that is characteristic of lordship, however, was concentrated in the personal ties of dependency and obligation through which the lord was master over his household and, to a greater or less degree, over all of his men.¹⁴

Personal or ‘domestic’ lordship refers precisely to the power of the head of a household over the various dependent persons belonging to it. Recognition of the domination of the head of the household was characteristic of the ancient world, in the Greek *oikos* as well as the Roman *familia*, both of which were founded upon ‘household’ units of agrarian production. The domination of the holders of the manors of early medieval Europe grew out of the transformation of the late Roman *latifundium* and its *familia*. It was based on several specific relationships of dependency, to which different forms and degrees of domination and obligation were attached. Within any given household they could be, and usually were, very diverse. The primary bases for these relationships were kinship, slavery, and the voluntary commendation of free men into the protection of a lord.

In Frankish Gaul, commendation became increasingly characteristic in the social relations of lordship. It applied both to men of higher status accepted into the household or clientage of a lord, as well as to humbler men: sometimes independent peasants looking for a patron and protector, sometimes poor men requiring a place to live and labour.

On the one hand, it was through the commendation of military men and other sorts of free men of high status that the relationship of *vassalage* developed under the Carolingians. On the basis of *vassalage* there emerged the networks of fealty, tied concretely to fiefs, which became a fundamental characteristic of post-Carolingian feudalism [Fourquin, 1976; Ganshof, 1964; Duby, 1968: 169–72, 182–6; Duby, 1977: 79–80; Bloch, 1961: 145–75, 190–238].

On the other hand, however, it was by means of the commendation of free peasants, in conjunction with the persistence of slave status among the descendants of slaves, that the specifically class-exploitive relations of dependency and domination developed among 'the lord's men', in several different degrees of obedience and obligation. The subordinate producers who recognised a lord as their master comprised both free and slave; those with tenancies of various sizes as well as those confined to the household proper; and independent clients in addition to the tenants, artisans, and servants of the manor.

What all had in common were forms of *obligation* which tied them to their lord. This tie of domestic lordship was crucial, since it was power over labour that was really important in this underpopulated society. Yet it necessarily existed alongside and in interaction with the property lordship by which a lord could make a gift, a conditional endowment, or a simple tenancy for rent of the lands over which he disposed. There was no one-to-one correlation between relationship of dependency and connection to the land – both slaves and free men could be tenants, and both slaves and free dependents existed without tenancies. Together, however, these relationships of domestic and property lordship comprised the essential class power of domination and exploitation of the manorial lords.

Manorial lords therefore had very great social power over a large number of people, and together they almost certainly held a majority of the rural population in subordinate relations. But their power was not the only real force in rural society, nor did they control the whole population. Throughout the Merovingian and Carolingian periods, in the Frankish heartland that gave rise to feudalism, there existed the rival social power of royal command: a 'public' power, held directly by the king and invested in public offices, based upon Frankish king's power to command free men. The king held the power to call free men together for war, and to lead them; and not only to call them into his own court, but into the local assemblies which adjudicated crimes, levied taxes, and prepared for war. The king held, in short, the powers to tax, to decree, to command, and to punish. These powers were together known as the royal *bannus*, or the ban – a term which has come down to us in many forms through the rich associations it took on in the period of the feudal parcellisation of sovereignty [Bloch, 1961: 251; Duby, 1968: 187–90, 224–8, 243–7; Duby, 1974: 172–4; Fourquin, 1976: 36–7; James, 1982: 196].

Potent as it was, this royal political power never included command over slaves, who were distinguished from the free precisely in that they were directly and exclusively subject to the command of their masters. Even more significantly, there was a growing tendency throughout the early medieval era – tied to the increase in manorial dependency, and formalised

by the Carolingians around 800 – to exclude even *free* dependents of lords from participation in public life. All dependent persons, therefore, fell exclusively under the jurisdiction and command of their manorial lords, who in turn were held accountable for disciplining them. Yet even at this point, after centuries of the growth of manorial relations, there remained considerable numbers of free men *not* subject to the power or jurisdiction of manorial lords, but subject only to the public power of the king and his agents [Duby, 1968: 169–71; James, 1982: 195–6]. There was, then, still a real, effective, and ultimately very important difference between the possession of lordly power in its proprietary and domestic forms, and possession of the public form of sovereign political power.

The historical development of the relations between state and society from the later Roman Empire to the rise of feudalism falls outside the scope of this essay. Clearly, however, the increasingly central role of lordly manorialism, and the contraction of town life, belonged to a general historical dynamic which made effective central state power difficult to achieve or maintain. Nevertheless, until roughly the year 1000 – or more than a century after the effective, central public authority briefly but problematically consolidated under the Carolingians had finally disintegrated – there remained a real form of social power or domination which did *not* belong to manorial lords.

However great their domination of personal dependents, early medieval lords of manors did not possess powers of command over free peasants, who continued to live under the sovereign power exercised by the counts, even when those counts were no longer in any meaningful sense agents of effective royal power. The counts continued to call together the local assemblies of free men and to exercise public power in their courts, although their jurisdiction only rarely extended in any real sense to the property and dependents of the manors [Duby, 1977: 16–18, 23, 55–6; James, 1982: 162–3; Fourquin, 1976: 31, 48, 51–2].

As has been emphasised by Georges Duby in particular, but also by Marc Bloch, Guy Fourquin, and others, this situation changed dramatically in the decades around the year 1000.¹⁵ In a more or less sudden transformation of the legal and political institutions of social life across the territory that had been the Carolingian Empire – based, of course, on longstanding tendencies already manifested in the break up of central political authority – the public powers of the ban were now taken up directly by the greater local and regional lords possessed of castles. These castellans appropriated to themselves the power to command, and all the rights of adjudication, punishment, and taxation which went with it, creating a new form of *territorial lordship*, attached to their castles and the territories they dominated. Thus, the parcellisation of sovereignty did not emerge simply

through a continuous development of manorialism, as historians long assumed [James, 1982: 195–6]. Rather, on the basis of manorialism, a new and fundamentally different expression of class relations took institutional form through a specifically political process, adding a new form of lordly power to the inheritable patrimony of land and personal dependents that the greater lords already enjoyed.

What was particularly significant in this transformation was the subjection of *all* peasants within the new territorial jurisdictions, and not merely the personal dependents of the lord, to this power of the ban. This is a singular but little noted turning point in the development of European class relations – marking the subordination of *all* producers, the free and independent, as well as slaves and other dependents, to the immediate power of local lords. This constituted an epochal transformation in the character of the relations between state and society, dissolving the former basis of sovereignty in the community of free men, and putting lordship at the heart of public political relations throughout the period of the ancien régime (*except* in England, as will be seen).

It also dramatically transformed the class relations of surplus extraction, since almost immediately the possession of these sovereign political powers of jurisdiction and command over all rural producers became the single most lucrative aspect of lordship [Duby, 1968: 226–8]. It also became the *general* form of lordship as, through conflicting claims to jurisdiction, further usurpations, an increasingly direct link with the system of vassalage, and a deterioration of the relative power and position of the castellans, the lordship of the ban became increasingly fragmented. Banal lordship passed down the chain of lordly fealty to the point where, by the thirteenth century, every knight who held a village as his fief could claim *seigneurie* over it [Duby, 1968: 246].

Focussing specifically upon France, as it now emerged from the post-Carolingian wreckage of the Frankish kingdom of Gaul, this transformation of merely manorial lordship into the parcellised sovereignty of *seigneurie* marked the beginning of a new epoch in class relationships, the onset of feudalism proper.¹⁶ In addition to the imposition of new forms of duties, levies, and obligations, the new context of social relations led to the transformation of the whole existing structure of dependency and surplus appropriation. The characteristic unit of French lordship became, not the estate as such, but the *seigneurie*: a jurisdiction, a collection of territorial rights, centred upon an estate held as a fief.

Among the new exactions which rapidly appeared following the parcellisation of sovereignty were: the poll-tax, or *taille*; a variety of levies claimed for the maintenance of military capability; the imposition of *corvée* labour obligations for transport and construction (as distinct from the

previous manorial obligations of labour service due only from dependents); the exercise of 'justice' and jurisdiction over civil suits – even those involving the lord – and particularly the levying of fines, both as punishment and as compensation for the leave of the lord; and the various commercial monopolies that took their name from the very basis of this new form of lordship, the *banalités* [Duby, 1968: 224–5; Fourquin, 1976: 169–72; Goubert, 1974: 83].

As a result of the preeminence of the territorial lordship which was now united with the personal and proprietary lordship over estates, lords in France became preoccupied with the powers by which they held *all* peasant producers of their *seigneurie* subject to their domination and surplus appropriation. In turn, the previously important distinctions among the personal statuses of producers, which formed the specific foundation for the personal relations of domestic lordship, became increasingly irrelevant.

Through a complex sequence of developments, the characteristic subordinate status of personal *servility* changed. First, domestic slavery had given way to manorial dependency even prior to the end of the tenth century. Then, for a period from the late eleventh to twelfth centuries, references to servile status disappeared entirely, as free and dependent peasants were together subjected to the lordship of the ban. With the thirteenth century, however, the status of servility reappeared in the general form of *serfdom*, now describing the personal status of those subject to a lord's arbitrary will, and bound by him to remain within his jurisdiction [Duby, 1968: 248–50; Fourquin, 1976: 173–9].

Serfdom continued to develop during the thirteenth and fourteenth centuries. On the one hand, this mark of formal, personal, unfreedom became the subject of the increasingly common charters of franchise, by which the peasant subjects of a *seigneur* collectively bought back their liberty in exchange for a large capital sum [Duby, 1968: 250]. Not only did this relieve them of the personal status of servility, but they were thereby specifically no longer subject to the *arbitrary* will of their lord. This had the practical effect of fixing the level of banal exactions, rather than leaving them to the lord's will. On the other hand, and at the same time, the encumbrances of serfdom were increasingly transferred to the tenancies held by peasants, rather than to their persons. Eventually, the territorial rights of the *seigneurie* were incumbent not upon the peasants as persons at all, but on the land itself, as comprised by the unit of lordship. This allowed the personal character of unfreedom to disappear entirely in the wake of the crisis of the fourteenth century without eliminating the burden of seigneurial exactions that fell on the land.

The *seigneurie* itself therefore survived intact, notwithstanding the disappearance of personal servitude. Its full range of primarily jurisdictional

levies – *cens*, *dîmes*, *lods et ventes*, *champarts*, *banalités*, and the like – remained an important part of the extraction of surplus from the French peasantry right down to the Revolution, though increasingly in conjunction with burdens imposed by the central jurisdiction of the absolutist state. While Anderson therefore characterised the absolutist state in the later society of the *ancien régime* as ‘a redeployed and recharged apparatus of feudal domination,’ there are good grounds for distinguishing a *new* structure of class society in this rise of absolutism, in much the way that parcellised sovereignty marked a transition from manorialism. In any event, it is evident that extra-economic social relations remained central to class relations of surplus extraction at least down to the Revolution.

In considering this evolution of class relations, it is clear that the personal or domestic character of lordship lost all significance at an early date in France, overwhelmed and ultimately absorbed by the territorial lordship that fell upon the whole of the productive peasantry, in an enormous variety of specific local forms. (In practical terms, for an individual servile tenant, the difference between domestic lordship and *seigneurie* would in itself hardly matter – which is why England may also be described as feudal!) The proprietary character of lordship, of course, did not disappear. While, other than in a few provinces where mortmain persisted [*Goubert*, 1986: 25], tenants came to enjoy effective (and alienable) title to *censive* land – subject, of course, to the continued burden of jurisdictional levies – the lords retained title over their *domaines* and any other landed property they acquired.

Indeed, throughout the *ancien régime*, renting the property of lords to peasants in the strictly ‘economic’ forms of leases or sharecropping continued to grow in its importance. (There were also a variety of tenures in various regions which owed significantly heavier rents than the *cens*, such as those of *champarts*, although effective title still remained with the tenant [*Fourquin*, 1976: 83; 194–5].) In even in these terms, therefore, ignoring seigneurial rights altogether, the nobility remained significant landowners. But the peasantry owned almost twice the amount land as the nobility in the *ancien régime*, and the bourgeoisie nearly as much as the nobles, so the seigneurial burdens that fell on all but the exceptional allodial land remained an important component of class exploitation.

It was the territorial lordship of the *seigneurie* which had precedence in France, therefore. Through both the original jurisdictions of the *seigneurs*, and the subsequent redistribution of quasi-parcellised jurisdictions through the absolute monarchy – whose ‘redeployed and recharged apparatus of feudal domination’ came to be expressed in the sale of venal offices – France acquired a huge nobility of juridically privileged status. The income derived strictly from property was never unimportant, and in many ways its

importance grew over the early modern era. Yet at the turn of the eighteenth century the burden of seigneurial dues, tithes, and royal taxes averaged 20 per cent or more of gross peasant incomes, at least rivalling the total burden of ground rents [Goubert, 1986: 204]. Clearly, then, the politico-legal relations of lordship that were derived from the sovereign power of the ban were central in shaping French class society over the whole course of its development, from the dawn of the feudal epoch, down to the Revolution of 1789.

IV. THE NORMAN CONQUEST AND ENGLISH FEUDALISM

English feudalism differed fundamentally from French feudalism – notwithstanding their many apparent similarities – precisely as a result of its origins in the Norman Conquest. In 1066, just as the lordship of the ban was being appropriated by ever greater numbers of lords in France, and the foundation laid for its emergence as *the* characteristic form of lordship and primary basis of class exploitation, England was conquered as a single territorial unit. Far from moving to fill the vacuum created by a collapse of central authority, the barons of the Norman army invaded, and truly conquered, as an integrally organised unit, establishing William as sovereign. They virtually annihilated the Anglo-Saxon nobility, expropriating their lands and imposing themselves as lords over the whole English peasantry – under William – through a harsh military occupation. As a result, the new English lords acquired huge extents of demesne land, at the same time they incorporated all peasant holdings within their newly imposed manorial system.

As a consequence of this integral conquest, and the effective organisation of the Norman lords under their king, England *never* experienced the appropriation of the powers of the ban by manorial lords, nor underwent any of the parcellisation of sovereign public power that was characteristic of French feudalism. Georges Duby has succinctly described the unique situation created by the Conquest, emphasising both the extent of lordly domination and its specific limitations:

The number of free peasants was reduced by the Conquest, and by the revolt which followed it, as well as by the demands of the new lords. On one small manor of a vassal of Ely Cathedral, the demesne formed one-quarter of the arable land in 1066, and fifteen sokemen shared the rest; twenty years later the demesne had doubled in area, there were no sokemen, only nine villeins and twenty bordars

In any case land tenure and personal ties tended to be confused in England at the end of the eleventh century. Inside the ‘manor’,

authority over men and over land, domestic lordship and land lordship, coincided. On the other hand the autonomous *seigneurie banale*, the independent territorial lordship, did not, properly speaking, exist at all. William the Conqueror held all the castles [1968: 194].

Indeed, effective royal jurisdiction grew stronger after the Conquest, with 'the rise to absolute predominance of the central royal courts taking place over the following century' [Van Caenegem, 1988: 19].

In the first place, not only was England conquered as a whole by a well organised force, but in Anglo-Saxon times the subordination of free peasant dependents to the private manorial jurisdiction of lords had never developed to anything like the same extent as in Carolingian Gaul. Instead, William found in his new territories a system of public courts that were still active at the levels of both shire and hundred. Even during the later height of feudal development, this underlying basis for central public jurisdiction never disappeared. The real strength of William's royal jurisdiction was made manifest early on, by the unparalleled assertion of royal authority and fiscal power that produced 'Domesday Book'. Through the strengthening and extension of the royal courts, and the unique development of the English common law under royal jurisdiction beginning in the twelfth century, this preservation of central sovereign power had a profound and lasting effect on English social development.

Indeed, while the society which took form in Norman and Angevin England may legitimately be described as 'feudal', it clearly differed from France in a number of crucial respects from the very start. In France, lords across the whole of a country that had lost its central political organisation came to be linked together in networks of fealty, which eventually provided the basis for reconstitution of the monarchy (for, in the end, the king had unrivalled claim as overlord). In England, lords owed their very lands and positions to relations of fealty to the Conqueror and his descendants (though of course his success had depended on their loyalty in the first place). It was precisely this difference, and the attendant long-term effects it had upon English social development, that ultimately was responsible for inclining the restructuring of English class relations after the crises of the fourteenth century towards capitalism, instead of towards the absolutist society that emerged in France.

At the heart of this divergence was the greater weight of truly *manorial* relations in the formation of English feudalism, in contrast to the weight of the politico-legal relations of jurisdiction in French feudalism. Because the king maintained full and effective command and jurisdiction over all free men – the issue of 'freedom' itself becoming central to the peculiar

development of the common law – the English lord of the manor was never truly a sovereign political lord. The English manor never became a *seigneurie*, but instead combined proprietary lordship (subject to the lord's obligations to the king) with a domestic lordship much magnified by the Conquest. It is, in fact, only due to the greatly increased power of English domestic lordship that 'feudalism' can be said to have existed at all.

As Marc Bloch noted, 'a kind of boundary agreement' unique to England was concluded between the manorial lords and the monarchy [1961: 272]. The extraordinary development of royal juridical power was counterbalanced by a form of circumscription that had no parallel in France: the judges of the Plantagenets, after some hesitations, abandoned the attempt to intervene between the lord of the manor and his men. It was not that the latter were deprived of all access to the royal courts, for only the cases which concerned their relations with their lord were reserved exclusively for hearing by the latter or his court. The cases thus defined, however, affected these humble folk in their most vital interests, such as the burden of their liabilities and the possession or transmission of their holdings.

Only the lord's *dependent* tenants were wholly subject to his arbitrary jurisdiction – not free subjects of the king who, as a result of the Conquest, might also figure formally as tenants of the manor. 'Thus a new dividing-line whose practical importance was evident to all was drawn through English society' [Bloch, 1961: 272].

As would also be the case in the otherwise quite different revival of servitude in thirteenth-century France, it was precisely the arbitrary nature of the obligations to which dependent tenants were subject which defined the servile status of serfs. In this context, 'arbitrary' should not be taken to mean literally unlimited, since custom became entrenched as law where it was not overridden by the common law – and almost all areas of social life were regulated by custom [Hyams, 1980: 194]. Rather, a lord's will was arbitrary with respect to his villein serfs in the sense that they were offered protection neither by the common law (a criterion that never existed in France), nor by any specific fixing of obligations by formal agreement or charter.

Thus, the villeins of 'ancient demesne' in England (tenants of pre-Conquest royal land) were privileged relative to ordinary manorial villeins by reason of the fixity of their obligations. And, because it was their subjection to arbitrary will that defined their condition of servitude, English serfs were later able to become personally free tenants (but *not* freeholders) by redeeming their arbitrary obligations. Yet the personal as opposed to jurisdictional character of English serfdom is clearly visible in the fact that in England, as Duby has observed, 'there were no collective charters of

“liberty” – such as those through which whole villages of French peasants purchased freedom by fixing the arbitrary exactions of the ban – but only *individual* grants of franchise, bestowed upon or purchased by wealthy peasants [1968: 517, 250].

Both the unique strength of English royal jurisdiction relative to the Continental norm, and its centrality to the origins of the common law, have been much noted. S.F.C. Milsom, for example, argues [1981: 3] that ‘it is central to English institutional history, and a necessary condition for the making of the common law, that the proprietary or feudal element in government took second place’. In the wake of the Conquest, the earls and sheriffs, and the administration of the counties generally, remained subject to effective royal authority. Although during the height of the feudal era there were numerous grants of franchise jurisdiction, these remained the exception to the rule, and in practice merely complemented the royal system of justice and administration [Milsom, 1981: 16]. Beneath the royal system, of course, there remained the regular manorial jurisdictions of the lords, but as Milsom notes [1981: 18–19], ‘What chiefly matters about feudal jurisdiction in England, however, is precisely that its regular scope was limited.’ There may have been some development towards a ‘pyramidal’ structure of feudal society before the Conquest, but regardless of any such tendencies, it was the Normans who actually imposed a ‘pyramidal’ social organisation all at once.

It was, however, a pyramid in the economic dimension and not the governmental ... what has mattered for the system as a whole is precisely that the feudal forces were so largely confined to the economic sphere. Had lordship regularly carried most of government with it, jurisdiction would have been defended as property against centralisation, customary law would not have been transformed by professional handling, and Roman law would perhaps have no rival in the western world today [1981: 20].

We may perhaps doubt that customary law need necessarily have remained ‘unprofessional’, given the extent to which the specialised study of local *seigneurial* law developed in eighteenth century France as a means of increasing ‘feudal’ incomes. But the extent of the difference between England and France, the close connection of this difference with the whole development of the English legal system, and its specifically ‘economic’ as opposed to political character, could hardly be made more evident.

This identification from the perspective of English legal history of the decisive point of difference in English social development corresponds to and complements the observations of Georges Duby from a wholly different perspective. Duby cites E. Perroy on the important economic effects of ‘the

differences in the systems of taxes in France and England' [1968: 228]:

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. Tallage and even justice could not possibly procure for them the huge profits which led the holders of the ban in France to take less interest in their demesnes.

It is not, of course, as if there were no social relations of lordship by which English lords of manors extracted surplus from their dependent peasant tenants through *extra-economic* coercion. If that had been the case there clearly would be little basis for describing four centuries of English society as 'feudal'.

In England, however, unlike France, no territorial lordship of genuinely political sovereignty – no *seigneurie banale* – ever emerged to displace the royal system of public justice and administration. Thus, English lordship remained essentially private and domestic, a fact reflected in the profound difference that developed between the French term *gentilshommes*, and the English 'gentlemen'. The jurisdictions of the French *seigneurs* bestowed a formal privileged status as *noblesse* (though of course in the later *ancien régime* this intimate link between *seigneurie* and *noblesse* would be broken, with nobility conferred by the venal offices of the absolutist state, and *seigneuries* occasionally owned by wealthy *bourgeois*).

In England, however, the lords of manors – notwithstanding the enormously high status they enjoyed in terms of prestige and precedence, and the formal significance of their lordship *within* the manor and within the networks of fealty – had no other standing than as free proprietors in the eyes of the common law. The difference between the few score members of the English peerage and the tens of thousands of the French *noblesse* is thus but another correlate of the fundamental divergence of these two societies. Whereas in France it was the lordship of the ban that was fused with land lordship, creating the *seigneurie*, in England it was domestic lordship instead, creating the unique formal institution of the English manor.

In itself, this difference did not prevent very similar English and French social relations of feudalism from emerging in terms of the relations between lords and their dependent peasant tenants. In both countries by the mid-thirteenth century dependent tenants were described in terms which consciously recalled the status of slaves, and they were conceived to be bound to the soil and 'arbitrarily' subject to the will of their lord (as limited, of course, by the real normative force of custom) [Hyams, 1980: 25–6]. In each case, the serf was directly subject to the jurisdiction of his lord, which formed an essential aspect of his condition [Bloch, 1961: 272–3]. In

comparing the conditions of these French and English serfs, it would hardly have been apparent, nor of immediate practical significance, that in one case the basis of lordly jurisdiction and command was derived from the 'public' power of the ban, while in the other from the private power of domestic lordship. There was, however, a truly significant difference in the character of serfdom relative to *freedom* in these two societies.

The purpose of this discussion has been to situate feudalism in a broader context of class relations that might clarify its distinctive characteristics. Given the extent of debate over its nature, and the number of competing definitions, the value of one more definition might well be doubted. Yet it seems important to offer an unambiguous response to the question 'What is feudalism?' One must try, then, at least to distinguish feudalism from what it is not, though one may do so without attempting to offer an exhaustive description of all that was comprised by it. In these terms, feudalism may be said to be the systematic distribution, through networks of fealty, of the parcelled direct power of lordship over rural producers, providing a framework for possession and enjoyment of landed estates, and the central class relations for extracting surplus from peasants.

On both the late Roman *latifundium* and the early Frankish manor, lords extracted surplus from dependent peasants, but they held their estates and exercised domestic lordship over their direct dependents without a strictly feudal structure of lordly relations. In the later absolutism of the *ancien régime*, strictly seigneurial relations persisted; but they were no longer the central relations of class exploitation, being instead subsidiary to the centralised collection of taxes by the state and the exaction of rents through share-cropping and leases.

All three of these systems of class relations of exploitation were based upon the 'extra-economic' appropriation of surplus from peasants, and the differences among them are far less than the qualitative difference between capitalism and them all. Yet distinctions may be drawn between manorialism, feudalism, and absolutism in precisely the same way that Marx distinguished the extraction of labour-rent in Asia from European feudalism – specifically in relation to differing structures of extra-economic coercion of the peasants.¹⁷ At the same time, though class relations in France and England differed in crucial respects between 1000 and 1450, they each differed significantly from both absolutism and prior Romano-Germanic manorialism, while the similarities between them were sufficiently striking, especially in regards to serfdom, that they may both reasonably be described as 'feudal'.

V. FREEHOLDERS AND THE COMMON LAW

Freedom for a French peasant was simply freedom from the lord's arbitrary will, and the tie to the soil that it entailed. The purchase of a charter of liberty brought the same quality of freedom to a village as the absence of serfdom in the first place. Tenures were still subject to the exactions of their *seigneurs*, with the various jurisdictional levies simply limited by fixed terms. Hereditary tenures were still held 'of' the *seigneur*, still subject to the *cens* and to *lods et ventes* on alienation, but this reflected only the lord's jurisdiction over the land, not any real claim of title to it. In England, however, there were two qualitatively different senses of freedom which, though intimately connected in their origin, became increasingly discrete: freedom of person, and freedom of tenure. In the long run, through the specific development of the English common law, it was actually to be freedom of tenure which had the greater social implications.

It was, in fact, through the differentiation of freehold from villein tenure that the English peasantry ultimately found themselves 'free' in the sense that Marx emphasised as the chief outcome of the enclosure movement – they became 'free labour' because they were ultimately displaced from possession of the land as a result of the dissolution of the customary social relations through which they had previously held their tenures [1954: 671–85]. It is precisely in the way the social process of enclosures transformed England from a peasant society to an agrarian capitalist society that its historical development diverges most fundamentally from France. The origins of this process – and thus the specific historical basis for the development of capitalist society – can be traced directly to the different character of English lordship, its effect on the meaning of 'freedom', and its expression in the development of the common law. England and France may both be said to have been feudal, but the differences in English feudalism created the basis for different paths of development.

The critical juncture lay in the mid-twelfth century, when the maintenance of effective royal jurisdiction led to the distinction of 'free' peasants in possession of 'free' tenures. The specific point of this distinction was that the interests of peasants holding their tenures freely – and the interests of these peasants *only* – were entitled to the protection of the royal courts against the arbitrary will of their lords. This judicial distinction was the immediate foundation for the development of the common law, a system of property law based upon the right literally to exclude others from land for which one held greater lawful interest. Though the common law would recognise that other, customary rights might in practice overlay this right of proprietary interest, at bottom the exclusive rights of freehold remained.

The very first expression of this exclusive common law was the royal

writ of novel disseisin, an order protecting the holder of a free tenure from the encroachment of his lord [*Milsom*, 1976: 12–13]. From this original intervention of royal jurisdiction into the relations between lords and peasants – founded upon the specifically English feudal structure of manorial lordships under a strong monarchy – flowed the most profound historical and social consequences.

In the first place this distinction established the legal position of a stratum of peasants enjoying formal equality with their lords in actions at law before the courts of the king. On the basis of their free tenures, the quarter or so of the peasants who were freeholders enjoyed real status as free men with respect to royal jurisdiction (consistent with the original Germanic character of the ban). It was, however, directly in contrast to this characterisation of freedom that the villein tenants of the manors became unfree. Simultaneously with establishing the common law sphere of exclusive property right, the royal courts set in train the process by which the great majority of English peasants became serfs in the twelfth century (well ahead of the revival of true servitude tied to compulsory residence in France [*Duby*, 1968: 248–50]). Denied the protection of the king's courts against their lords, the villeins were explicitly given over entirely to the jurisdiction of the manorial court, and so made *servi* – legally inseparable from true chattel slaves in the eyes of the common law (though *not* in respect to the customary law that regulated the manor).¹⁸

It was, as Marc Bloch noted, through the principle that 'to be free was first and foremost to have the right to be tried in the public courts' that English law subjected 'all the members of the new servile class to the obligations and the social stigma which formerly rested on the "bound men" alone' [1961: 272]. Like slaves, the serfs were fundamentally subject to only the personal jurisdiction of domestic lordship. Within each manor, custom held the force of law. But a crucial formal gulf separated the sphere of countless particularistic manorial jurisdictions – normatively regulating the cycles of rural community life – from the common law sphere of individual property rights.

It is, of course, a crucial fact of English medieval history that once the double distinction between free and unfree personal statuses and tenures was established, the direct connection between status and tenure was severed. This was the case even before the end of serfdom: charters of manumission did not transform tenures; villeins acquired freehold land, and free peasants acquired villein holdings; marriages between free and unfree peasants were common; inheritance scrambled tenures still more.¹⁹ In any event, in day-to-day life it was generally the case that neither status, nor the form of tenure, mattered nearly so much as belonging to a manor, or village community, where custom prevailed. Yet it remains important that, into the

early modern period, the common law protection of the king's courts was restricted to specifically freehold interests. For, ultimately, the property rights of common law 'real estate' were not only very different from, but able to trump, the customary rights of accession to tenancies and the regulation of land use.

In the second place, then, this differentiation not only reinforced the domestic/proprietary character of English lordship – as opposed to the political form of the *seigneurie banale* – but it gave it a new institutional foundation, and indeed a new and qualitatively different sphere of social relations in which to develop. For the recognition of freehold tenure by the king's courts not only created a new stratum of peasants who stood in different relation to their lords, but it created in the common law a new basis for directly 'economic' relations of property. Indeed, so successful and valuable was this innovation for regulating the real interest in land (*real estate*), that through the common law the 'free and common socage' tenure, that was originally only one form of free peasant tenure given royal protection, eventually became the basis for virtually all property relations outside the sphere of manorial customary law. Thus, the very relationship by which the lords themselves came to be understood to hold their land – the legal foundation of individual property right on which capitalist social relations would develop – was directly derived from the recognition of freehold peasant tenure by the king's courts.

The common law was therefore created alongside the customary law of the manors, but not so much 'in parallel', as *superior* to it in the hierarchy of social relations. As Milsom put it [1976: 38], the common law did not merely come along to supplant a customary law that was fading away – 'the original relationship was entirely direct: it was one of control'. Still, this control over lordly abuse of the property rights of freehold tenants did not undermine the class power of the lords. Rather, it reinforced the intrinsically more 'economic' inclination given to this class power by the 'private', as opposed to seigniorial formal basis for manorial authority. Indeed, the establishment of the common law not only created a uniquely effective instrument for the regulation of economic property interests a century before the high point of the feudal era, but it dramatically extended the claims of the lords with respect to the land occupied by the hereditary dependent tenants.

Whereas the whole French peasantry came to enjoy real, if partially qualified, title to their land, the English peasantry was separated into two groups. Those possessing freehold tenure ended up having the same title to their land as the lords themselves, while those in customary tenure in the end enjoyed *no* title to the land at all. For, under the common law, villeins were merely tenants at the will of their lords, protected only by the custom

of the manor. Customary tenants were not, of course, actually as insecure as true tenants at will – so long as the custom of the manor remained an effective force. But in terms of the new and growing sphere of the common law, which overmastered and increasingly intruded into the sphere of custom, the customary tenants were fundamentally less protected, and ultimately without title. Ironically, therefore, the greatest claim to protection for most peasants lay precisely in the custom of the manor, by which they were most immediately subject to their lords.

This brings us back to the enclosure movement. For of all the manifestations of historical divergence between England and France – royal jurisdiction versus parcellised sovereignty; gentry versus *gentilshommes*; agrarian development of common law versus commercial revival of Roman law; differentiation of freehold and customary tenure versus *censive* tenures and allods held of no one – none is so dramatic nor as historically significant as the process by which England ceased to be a peasant society, while France retained its peasantry into the twentieth century. The history of enclosures in England is complex and much debated. At its heart, however, lies the gradual extension of the social relationships of the common law as the customary law of the manors was dissolved. In order to understand this process, and recognise the specific social origins of the capitalist mode of production in the character of English feudalism, it is essential to emphasise that its property relations in general, and those of enclosure in particular, are *social relationships* and not natural, inevitable or universal phenomena of economic life.

VI. ENGLISH ENCLOSURES: CHANGING SOCIAL RELATIONSHIPS OF PROPERTY

The first point to establish with respect to the process of enclosure that led to the transformation of England from a peasant society into an agrarian capitalist society, is that it does not primarily refer to ‘enclosure’ in the sense of erecting fences, nor even as the consolidation of parcels of land widely distributed in open-field subdivisions.²⁰ Nor should the process of enclosure be confused with the very important, but logically and (for the most part) historically separate process of *engrossment*, by which a number of holdings which had previously supported tenants were either added to a demesne farm or brought together into a new large farm.

While such engrossed agricultural units played a key role in the development of capitalist tenant-farming, it was not size *per se* that was the basis of capitalist agriculture. In both medieval England and *ancien régime* France large commercial farms existed that were not capitalist.²¹ Nor does capitalism follow simply because land is fenced – not even if innovations

are also introduced behind those fences. These sorts of changes in agricultural production might be described as essentially 'economic' or 'technological'. They represent developments within a given social context, predicated on specific social relationships integral to the development of the capitalist system of exclusively market-driven social production. What enclosure really involved was the social transformation necessary for such relationships to come into existence in the first place.

Thus, it is the *process* by which the fundamental social relations of agrarian production were transformed that is really at issue; or to put it another way, the means by which land use came to be transformed from the traditional systems of peasant agriculture to what is termed, in pointed contrast, 'improved' agriculture. As the economic historian D.C. Coleman argues,

The mere act of putting hedges or fences around land was no guarantee of improved farming. What mattered was the extinction of common rights, whether over the fallow arable fields or over common pasture; and the greater *possibility* of the introduction of new methods, improved organisation, or specialisation which separate individual ownership permitted [1977: 39–40].

The real point of reference of enclosure is therefore not the physical separation of farms from one another, as if they had an automatic underlying identity as individual production units. Rather, recognising that social production had always and necessarily in the past been normatively organised, what is at issue is how farms came to be separated out of the system of collective regulation, and common rights and obligations, that characterised the medieval peasant agricultural community.

It is not possible in the context of this essay to give adequate attention to the character and social relationships of the 'traditional' peasant community. Such an analysis would have to consider the collective organisation and self-regulation of the village through the powerful but flexible institutions of custom; the sometimes complex institutional relations between this 'community of the vill' and the manorial jurisdiction of its lord (or lords); and the dissolution of this characteristic peasant community, founded upon the normative force of custom, through the intrusion of radically different social relationships rooted in the common law, based on fundamentally individualistic property rights.

Only a brief overview of these issues can be offered here, while the further development of social relations from enclosures to the emergence of agrarian capitalism will receive only cursory treatment. Yet it is hoped that this might still offer at least some indication of the way in which this historical dynamic of social transformation followed from the specific character of feudal social relationships in England.

The origins, nature, and history of the traditional English field systems are much contested in the literature.²² Leaving aside the many points of controversy, what was truly central to the 'traditional' agricultural systems was the extent of their active community regulation, and the networks of social relationships by which members functioned together to maintain themselves as a whole. This traditional agrarian community must not be romanticised, nor conceived as some primordial form of social organisation (two errors all too common in the early works of English agrarian history).

Despite continuing debate over the origins of the field systems, there is broad agreement that the traditional two-field and three-field systems were not holdovers from 'primitive communism', but historically developed expressions of communities working out effective means of living and producing together.²³ So central are such patterns of normative social organisation that it has been said that

Only where husbandry was framed within a communally-regulated system can it be said that the medieval farming community had fully developed; a community bound together not just by an overlap of interests but by common action in all the main aspects of its field economy [*Dodgshon*, 1980: 78].

There were many forms and variations in the field systems, each of them much studied, the relations between them being the subject of considerable theorising.²⁴ Through all these variations, the essential characteristics of field systems are clear: the organisation of agricultural production into more- and less-prescriptive rules of land use, subject to more- and less-extensive networks of collective rights and obligations, under more- and less-intrusive forms of community regulation.

Among the patterns in these field systems which have been discerned and debated, one pattern appears to be both well-recognised and especially relevant to enclosures and development of the social relations of property. This is the strong correlation evident between the extent and depth of manorial social organisation, and the strength of the systems of communally organised production. It has been observed that

there was a variety of ways in which differences in the authority, structure and continuity of lordship may have exerted a determining influence upon the development of field systems... In all cases this influence appears to have been most formative where a lord's territorial jurisdiction encompassed an entire vill, and where a substantial majority of the inhabitants of that vill were subordinate to the authority of the lord [*Campbell*, 1981: 127].

Indeed, the evidence has been held to suggest that

if the functional gradation of field systems is explicable in terms of a single factor, that factor may be the structure of lordship: the greater the authority and continuity of lordship, the more fully systematised the commonfield system [*Campbell*, 1981: 129].

This same connection between obligation to the lord and the strength of the community was long ago observed by Vinogradoff [1911: 318–19].

In asserting this association, it must be emphasised that while, from the perspective of lordship, medieval peasants may have belonged to ‘manors’, in the social relationships of daily life, including production, their primary point of reference was rather the *vill*, the rural community as such. Peasants were not only organised in relationship to their lord, they also were independently organised among themselves. The manor was a crucial fact of life, the basis of lordship, and the fount of tenurial relations; but the self-regulation of the community of the *vill* was the foundation of local social organisation, including material subsistence and reproduction under any of the field systems.

Manor and *vill* did not always coincide. Where they did not, the community of the *vill* was obliged to maintain an identity outside the confines of the manorial courts to which they were subject – though without the reinforcement afforded by a common court and officials, and by common relations with (and opposition to) the lord [*Ault*, 1972: 17, 75]. Where they did coincide, the identity of the peasant community was reinforced by this correspondence with the manorial court, though the peasants continued to maintain – and even act upon – an independent identity as the *vill* [*Ault*, 1972: 59, 64–5]. Where the manorial relations were stronger and played a greater role in social organisation, there existed both greater need, and greater potential, for the development of a strong community system of land use regulation, and common rights and obligations. Many of the areas of strong manorial organisation and well-established field systems in the Midlands were also notable for conflicts over enclosure in later centuries.

A further reflection of the association between strong relations of lordship and strong field systems was expressed in the contrast between communities composed primarily of free peasant tenants and those of bondmen:

bond or villein communities differed from those that were free ... in their ability to govern themselves, an essential precondition for any farming community. This may seem to be a paradoxical statement, given that we are dealing here with groups that were legally unfree. However, whilst unfree communities did not have the freedom, the same degree of choice, over whether they should act as a single body

on all matters, the impositions of lordship ensured that they were more likely to. Moreover, the feudal demands of lordship provided the means, and above all, the experience of the community acting together [*Dodgshon*, 1980: 71].

This complex relationship between freedom, manorial organisation, and customary regulation bears importantly upon issues central to the development of enclosures. For, while on the one hand there is clearly a relationship between freedom of tenure and the strength and centrality of the social relations of lordship, there is on the other hand no direct correlation between either free or villein tenure, as such, and any specific field system.

The practice of highly organised, community-regulated agriculture was a matter of local custom. As such, where it existed, it carried the force of law by the social relations of manorial organisation – enforceable upon all those subject to the custom of the manor, in the manor court. Where no highly developed field system existed there was simply no law in this regard – the law of land use was the custom of the manor.

It would be a rare township indeed that had no custom of land use, and no rules of common regulation, rights and obligations. But in areas where lordship was weak – where the manor was not a strong institution; where there were few nucleated settlements of entire communities subject to a lord; where many freehold tenants had lighter obligations to their lord, and were less dominated – the structure of community regulation was likely to be weak. It has been suggested that such was the case in south-west England and Pembrokeshire [e.g., *Dodgshon*, 1980: 78]. In the absence of strong customary law regarding land use, the underlying individual property right of freeholders was virtually the same as that which the lords themselves enjoyed over their discrete units of demesne land, under the common law.

Yet in the areas of strong manorial organisation and strong community-regulated field systems, the body of customary law prescribing land use applied to freehold tenants quite as much as villeins. Indeed, all lands which belonged to the system of field regulation – as recognised in each specific case by local custom – were equally bound by customary law. This was even the case with respect to the lord's own demesne land, to the extent that it too was distributed among the fields subject to communal regulation, as enforced in his own court [*Gonner*, 1966: 46]. The lord and some other freeholders were likely to have 'closes'; and on some manors the greater part of the demesne might still lie in consolidated farms. A lord could probably even enclose at least partially some of his land that fell within the bounds of the customary field system (though the effective limitations on such piecemeal enclosures remained considerable down to the fourteenth century [*Gonner*, 1966: 47–8; *Yelling*, 1977: 47]). But even

fully consolidated fields of some size, held by freehold tenure, were normally subject to real and effective regulation of land use – including the common right to pasture upon them after harvest – in most areas of developed field systems. Under the land use regulation of customary law, important production decisions remained fundamentally a matter of community decision-making. This is why enclosure was so central to the development of agrarian capitalism.

A fundamental opposition existed between the rights of property under the common law – the literally *exclusive* rights of private property – and the rules of land use under customary law. The common law was logically founded on the individual rights of freehold tenure. Until the sixteenth century, the courts only recognised suits by freeholders; and at that point, of course, both enclosures and agrarian capitalism were well under way, with even customary tenures caught up in the new developments of property relations that the common law sought to serve [Simpson, 1986: 162; Gray, 1963: 54–66]. The customary law, by contrast, drew both its logic, and the extent of its development, from relations of lordship that were strongest in respect to a closed community based upon the villein tenures of the manor.

Yet neither system of law made reference only to its characteristic form of tenure. The common law did not sanction customary tenures – admitting no common law ‘real interest’ to exist in them, it held them to be merely tenancies at will; yet it did acknowledge that such ‘tenancies at will’ were in fact subject to ‘the custom of the manor’. Though for centuries the common law did not intervene within this sphere, the customary rules of tenure were recognised to have the character of a subsidiary law within the manor. Customary law, however, was based upon the prescriptive rules of a community with respect to land *use*. Concerned with immediate and practical issues, and not at all with abstract ideas of property right, custom was much more pragmatic in determining succession to a tenement than the law of inheritance for freeholds [Milsom, 1976: 40–42, 181–2]. Because custom was fundamentally not based on individual rights, to whatever extent land was thought to be subject to the manorial custom in respect of its use, it was, regardless of tenure, bound by these rules.

It is just because there was no one-to-one correspondence between forms of tenure and the application of law that enclosure developed as such a complex historical process. Indeed, the whole point of enclosure was that the normative community regulation of production, and all common rights and obligations, were dissolved even where the customary tenancies remained. This is essential to the character of the enclosure movement. Where there were only freeholds in the first place, it is not likely that there was much need for agreements to enclose, for there was probably little regulation to begin with. There would have been little basis for opposition

in any case. Alternatively, if all customary tenures had necessarily been subject to the force of custom, and all freeholds had by nature been unregulated 'closes', it would not have been 'enclosure', but conversion to freehold tenure, which would have been required for the extension of the common law system of property rights.

In fact, however, enclosure had nothing directly to do with tenure, and everything to do with the extinction of customary land use regulation. After enclosure, the form of customary tenure survived, but individual rights in proprietary interests prevailed. It was not enclosure itself that actually eliminated customary tenures, but the engrossment that followed in the wake of the economic effects of dissolving the customary regulation and commons rights of the peasant community.

Because the property rights of the common law and the prescriptive property regulation of custom did not develop in parallel, as alternating systems of the same sort of social organisation, but instead existed in hierarchical relationship – the superior common law belonging to the propertied class – with different but cross-cutting principles, the history of enclosure was not simple. Over time, on manor after manor, the specific content of customary law – its regulations, commons rights, and obligations – was curtailed in extent, reduced in operation, or, as increasingly occurred by one of a variety of means, simply extinguished. Customary tenure itself was here and there preserved as a kind of legal curiosity down to the twentieth century reorganisation of property law – but it now had virtually no effect on economic property rights. It is this whole process of social transformation, in all its complex specificities of timing, extent, and form – relating not so much to the development of the law as such, as to the development of the legal and social relations by which people were connected to the land and production upon it – which is the real meaning of 'the enclosure movement' in English history.

The literature concerning enclosures is perhaps even more complex and conflicted than that of the field systems which they dissolved. The pioneering generation of English agrarian historians – of whom R.H. Tawney [1912] is the notable example – often revealed an ambivalent or openly hostile attitude towards the displacement of the English peasantry through enclosures. In this, they were often influenced by Marx's observations on its role in the process of 'primitive accumulation' by which agrarian producers were turned into a proletarian workforce.²⁵ A later generation of revisionist historians – including Joan Thirsk, G.E. Mingay, and Eric Kerridge – have since sought to 'redress' this perceived bias with works that generally extol agricultural improvement and even make light of the problems of enclosure [Thirsk, 1958, 1967; Mingay, 1968; Kerridge, 1969, 1973]. Kerridge, for example, accused Tawney of 'a harmful

prejudice' that led him to present a 'wholly untrue picture of early capitalism as cruel and greedy, destructive alike of social welfare and true spiritual values', against which Kerridge claimed 'to remove legends and restore the historical truth' [1969: 15, ix].

In the face of such rhetoric, a balanced and scholarly reply is difficult. But it is clearly the case that Kerridge especially, and Thirsk and Mingay as well, are guilty throughout their work of taking for granted as natural and inevitable the development of social relationships, norms, and values that are instead quite specific to the development of capitalist society, and hardly to be presumed as 'natural'. This is evident in their treatment of every aspect of agricultural improvement. They never raise the question as to why the customary form of social organisation, with its collective regulation and common rights and obligations, even *could* – let alone *should* – have been replaced in a 'rationalising' reorganisation of production, in terms of both technique and social relationships, by individual market-constrained producers.

This bias, and the anachronistic projection of the social relations of a capitalist present into a pre-capitalist past, are nowhere more evident than in Kerridge's argument against Tawney on security of tenure for copyhold tenants:

Security of tenure can only mean the legal security of the tenant against wrongful eviction or ouster, not against all the hazards of this fleshly world. One thing security of tenure cannot mean by any stretch of the imagination is a perpetual and inalienable right to possess a certain property. He who has a lease for a year and is fully protected in it has as ample a security of tenure as the man with an undisturbed estate of inheritance [1969: 65].

Where, however, peasants have no 'genuine estate in the land,' being 'mere tenants at will', enclosure can simply be said to have been greatly 'facilitated', without a trace of irony or the slightest suggestion of scruple [1969: 96]. Yet this approach makes two wholly unwarranted assumptions.

The first is that security of tenure can only mean a *legal* right, and that if the forms of law have been observed with respect to whatever interests a tenant has under the law, there can be no basis for complaint. This is to assert that the 'legal' expropriation of an entire people from their land can never be viewed as an unjust abuse of power to achieve the purposes of narrow class interests against the welfare of the majority. Kerridge leaves little doubt as to this in making his case that the transformation of farming (including the decline of family agriculture) was the expression of a wholly natural development, tied to developments in the law which corresponded to the technical requirement of capitalist progress:

Bondmen apart, everyone had security of tenure as befitted their estates ... Had it been otherwise, had farmers not been secure in their farms, they would hardly have undertaken any improvement, let alone the agricultural revolution they actually achieved. Men will not travail long and risk all their capital in the nagging fear of sudden confiscation. Tenures arose in feudal society; the doctrine of estates evolved to meet the needs of the capitalist farmer and his landlord, both of whom imperatively required security of tenure. To assert that capitalism thrived on unjust expropriations is a monstrous and malicious slander. Security of property and tenure answered capitalism's first and most heartfelt need. Where insecurity reigned, it was because of the absence, not of the advent or presence of capitalism.²⁶

The law which exists must be just; there may be winners and losers, but the winners were meant to win. This lack of scruple over those who merely *lived* and *worked* on the land, who lost their customary place and whole way of life because the common law doctrine of estates held that theirs was no 'legitimate' interest in land – as if no other law were possible – can hardly be said to be unbiased.

Kerridge's argument runs in part, then, that so long as the established forms of law have been observed, any objection to enclosure is a 'slander' of capitalism. The question, however, is not really whether the forms of law were observed – there is little question that, on the whole they were. One would not, of course, want to underestimate the extent to which observance of legal formalities can disguise real oppression. Enclosure by agreement, for example, would seem on the face of it not merely to be legal, but blameless from any point of view. Yelling, however, has pointed out, with supporting evidence, that appearances can be deceiving:

Once one begins to consider the way in which a general agreement to enclose could be arrived at, it is clear that completely free agreement, as in all collective decision-making, is an ideal form. Almost always there must have been some more in favour than others, and many who needed, to say the least, a good deal of persuasion, especially as it was not only the principle of enclosure that was at stake, but also its timing and its terms. Enclosure by agreement thus includes examples where enclosure was achieved by hard pressure, or even enforced on some of the small proprietors against their will [1977: 7].

It is not entirely clear whether the extortion of 'agreement' by powerful members of one's community falls within the 'hazards of this fleshly world' that Kerridge has in mind, though he too acknowledges that the lord's

'influence' could be important in securing the agreements that tenants sometimes complained were 'very hardly drawn' [1969: 104].

Still, let us put aside this question, and assume that not only the forms but even the spirit of the law has been observed. It may be supposed, then, that the point must be that, Kerridge's claim notwithstanding, such use of the law was *wrong*, because it hurt some people in the interests of the property of others. But it is not really the question of whether, as some might put it, the ends of economic progress justify the means of displacing family farmers that is at issue. Even Karl Marx was prepared to give capitalism full marks for advancing technology, productivity, and general social standards of living (though in balancing ends and means one ought surely to keep in mind *whose* ends, and to whose cost the means). It is, therefore, difficult to say without qualification that improved agriculture was simply a 'bad' thing, even while holding the greatest sympathy for the small producers who were displaced by it. But this is besides the point.

Because what is truly at issue is Kerridge's second assumption, which underwrites the first: that the common law doctrine of estates was simply a natural and inevitable development of social progress. The ascendancy of a system of law by which some who live and work on the land have no real 'interest' in it – while those with the greatest interest do no work – is to be accepted without question. And it is not merely property which is presumed, but a specific system of property – common law estates – which is taken to have evolved naturally to replace an earlier, even primitive system based on tenure. In arguing that it is the doctrine of estates that must be the focus of analysis, and not the system of tenures, Kerridge is taking an essentially partisan position, siding with the particular way in which the common law has come to view social relationships.

It is true that the doctrine of estates could be applied to customary law as well as to the common law, as Kerridge holds [1969: 32]. But this merely follows from the fact that elements of customary law persisted alongside the common law. In its origins, however, the idea of 'estate' as opposed to tenure is specific, and central, to the common law. For the common law is preoccupied above all with establishing the interest of an individual in the land, a 'real estate', rather than with the relationships linking tenures that were central to the customary law of feudal society.

This opposition, and point of transition, has been recognised by A.W.B. Simpson in his authoritative *A History of the Land Law*. He notes that 'Modern writers are at pains to warn the student of the comparative unimportance of tenure in the modern law' [1986: 1]. This unimportance, however, is *only* modern. Since the eighteenth century, an almost exclusive preoccupation with the doctrine of estates has been 'forced upon the common lawyers by the theoretical difficulties raised by the doctrine of

tenure'. But in returning to the fifteenth century, 'it is the tenurial quality of the law which bulks the largest': 'Indeed, the farther back we travel in time the more important does tenure become' [1986: 2].

Robert A. Dodgshon [1980], moreover, has established the centrality of tenurial differences to at least an aspect of the process of enclosure. Specifically, in some regions there developed patterns of independent, enclosed holdings, assarted from the outlying wastes and farmed in severalty as freeholds, in combination with an existing and customarily-regulated field system located at the center of settlement. Dodgshon's analysis raises the possibility that in the creation of new freehold tenures we may find a key to the dynamic which led to the enclosure of the customary fields. He observes that down to the thirteenth century, arable land was inextricably tied to units of feudal tenure with customary assessments of labour services. Land was always measured in terms of such units of assessed services, rather than acres. But

A major change ... appears to have taken place over the thirteenth and fourteenth centuries. Put simply, newly colonised land was no longer incorporated into a land unit framework or the assessed area of townships; rather was it treated as something distinct, something outside the traditional or customary area of the township and its bounds [1980: 86].

This development was far from uniform in its extent across England. In the areas of most the ancient and dense settlement, there tended to be relatively little outlying waste to be assarted in freehold. And in most of the areas where it did occur, even the new freehold outfield was subject to 'communally-regulated schemes of cropping'. Thus, enclosed farming in severalty was clearly a 'deviant' form, exceptional even in the areas where it was found [Dodgshon, 1980: 101, 152]. Yet, while this serves to underscore both the extent and tenacity of community regulation in the social relations of production, it also points to the centrality of the issue of tenure in the process by which communally-regulated production came to be challenged.

Indeed, as Dodgshon himself concludes,

the lesson of infield-outfield is that it serves to emphasise the importance of changes in tenure to the growth of townships, and especially the radical shift from assessed land and customary tenures to non-assessed land and freehold [1980: 104].

This analysis deals with only the early intrusion of new social relations, tied to freehold tenures under the common law, into the social universe dominated by customary tenures and community regulation. There still

remained, of course, the long and conflict-ridden process by which the new system of social relations came increasingly to grow at the expense of the old customary system, eventually leading to concerted efforts to bring about its complete dissolution. But the suggestion is clear that the original impetus was derived from differences in tenure, and the social relationships associated with it. Differences in tenure not only gave rise to different legal systems, but different tendencies in land use; and, despite their coexistence, over centuries of historical development the social relations derived from freehold tenures came to offer significant advantages to those with proprietary interests under the common law. By taking the common law system of property relations for granted, Kerridge obscures the social differentiation rooted in tenurial differences that lay behind enclosures.

Kerridge is certainly correct that if one presumes the common law system of social relationships and its protection of individual interests, there is nothing surprising in the ability to enclose. Moreover, the advantages offered by production in severalty at the expense of community regulation and the rights of common can of course then be expected to spread 'naturally', thus laying the groundwork for the agricultural revolution. *If* the 'doctrine of estates' is taken to underlie normal social behaviour, and to be the standard by which it is to be judged, then enclosures can be seen as a just, natural, and inevitable expression of landed interest in the economic context of growing markets that followed the mid-fifteenth century.

Yet *why* is it the common law doctrine of estates, and not the community-centred law of customary tenures, which should have held sway? *Why* was there such a radical shift in the normative social relations of tenure – the connection of people to the land – at a time when the land lay at the very heart of society? *Why* was it that the enclosure of the customary field systems, the dissolution of normative community regulation and abolition of common rights and obligations, was even *possible*, let alone the means of transforming the whole of English society?

The whole point of enclosure lies in facilitating agricultural 'improvement' – a radical transformation of the social relationships through which people win sustenance and some measure of surplus from the soil. Central to this fundamental reorganisation of agriculture is the creation of farms held and operated exclusively in severalty, without community control, or any rights or obligations not contractually accepted on an individual basis. This is precisely the sort of improvement which Kerridge, Mingay and Thirsk take for granted as social progress; but it runs against the normative structure of social production which has been characteristic of virtually *every* society, throughout the world, prior to the English enclosure movements and the subsequent development of capitalism. That such 'improvement' *cannot* be taken for granted is most clearly evident in

the fact that Arthur Young found it to be almost completely absent from French agriculture in the late eighteenth century – indeed the normative structure of open-field production persisted, even in highly commercialised production around Paris, long after the French Revolution [Young, 1794; Jones, 1988: 15–21, 124–49].

More to the point, the radically new social relations of production ran directly counter to the established norms of the medieval English community of production, which were embedded in the customary law of vill and manor, as recognised in and upheld by the manorial courts of the lords. Normative social regulation of production was an effective and flexible system for ensuring the reproduction of peasant villages, endowed with the force of law. It is therefore not legitimate to view the process of enclosure from a capitalist perspective which takes for granted that individual property will win out over collective regulation, and which presumes that increased output from individual holdings stands as a generally accepted value that automatically overbalances any consideration of collective rights and responsibility. The question instead must be asked, how and why did the social relations associated with the common law come to displace those of the customary law to such an extent that the village communities could first be relegated to a secondary consideration, and then ultimately be written off, *by the very lords of manors who enjoyed valuable relationships of domination over them?*

VII. CONCLUSION

When the social transformation entailed by the enclosure of English agrarian society is brought into focus from this perspective, we do not ask why the rise of capitalism did not occur more quickly, or earlier, nor why it was restrained for as long as it was by the preservation of open-field systems and other forms of normative community regulation. Instead we ask, ‘What made capitalism possible in England at all?’ And it is from just this point of view that we may better appreciate the real significance of the divergence of English social history from that of France, and indeed the rest of Europe.

For it is apparent that it is not the ‘backwardness’ of France that requires explanation. Instead, what really must be explained is why the ‘progress’ which is typically taken for granted in the rise of capitalism should have emerged *anywhere*, and why specifically in England. Far from being natural or inevitable, the evidence would suggest that capitalism is truly extraordinary – a *unique* development of English society. Yet, at the same time, its internal relationships allowed it – after, and as a result of, the Industrial Revolution – to take root in any society that had private property, contract, trade, and the other so-called ‘bourgeois’ social relationships.

By reason of this latter ability of capitalism to spread to and transform other societies, it can be taken to be a 'world-historical' development: a remarkable completion to and elaboration upon the class relationships of property that stretch in unbroken sequence back through European feudalism to ancient Rome, which has gone on to have the most profound effect on the whole rest of the world. Yet it is a development whose specific historical origins lie in the social relationships created by William the Bastard, his followers, and their heirs, as they sought to establish and maintain domination over a small nation seized in bloody conquest.

As Marx noted in his chapter on primitive accumulation, what was fundamentally required for the development of capitalism was not the economic process of saving capital for investment, but the creation of a new social context [1954: 667–70]. In capitalist society, surplus-value could be appropriated through the production of commodities because the majority of people were forced to commodify their labour-power as a result of their complete separation from any rightful access to the necessary means of production – in the first instance, from the land. Feudal social relations as a rule tied the producer to the soil through the direct domination of social relations of lordship. As a result, where no historical process emerged specifically to dissolve feudal agrarian social relations, the continued evolution of class relations of surplus appropriation tended not only to maintain the peasant upon the soil, but to preserve the normative social regulation of peasant production through both local customary law and higher statutory authority.

The peculiarity of English feudalism lay in its creation of a unique stratum of peasant producers, neither bound to the soil nor subject to arbitrary will, who enjoyed rights equal to those of the lords before the judiciary of the king. This unique development can be seen to follow directly from the absence of the *seigneurie banale* in the social relations of English manorial lordship, together with the strength of the monarchy within the overall structure of the ruling class. Thus, as Brenner had it, it is a question of historical class formation: it is the historical specificity of England's ruling class of landed lords, and the development of its relationships with peasants over time that is crucial.

It is *not* the case that capitalism developed based on some hardy class of 'kulak' freeholders through 'petty commodity production', as a number of Marxist accounts continue to suggest.²⁷ Colin Mooers, for example, acknowledges the importance of Brenner's work, but takes him to task for asserting 'that the emergence of capitalism was essentially a lord-centred initiative rooted in the long-standing powers of the English aristocracy'. 'How', he asks, 'could the English aristocracy have been simultaneously too weak to re-enserv the peasantry and yet strong enough to drive them off

the land through enclosures'.²⁸ But what is at issue is not some abstract ability of 'aristocrats', singly or collectively, to do with their peasants as they wish. Instead, it is a question of the entire social process of the formation of the English feudal ruling class, comprising both manorial lords and the monarchy. This class formation involves the social relations among lords, between king and lords, between lords and peasants, and between the monarchy and peasants.

In this regard, we have noted the importance of the differentiation of villein peasants, wholly subject to the domestic lordship of the manor, from free peasants whose tenures became the basis of a legal system guaranteeing 'real interest' in the land – a legal system adopted by the lords themselves for the determination and protection of their own real interests. In creating the stratum of peasant freeholders, the crown realised political advantages relative to the manorial lords, but compensated them by establishing the personal servility of the rest of the peasantry. As a class, the king and lords enjoyed enormous power – greater than in France – because of the Conquest. But it was power which existed in a specific, historically established structure of fundamental relationships, relationships that gave this class power both a framework and constraints. As Brenner originally put it,

different class structures, specifically property relations or surplus-extraction relations, once established, tend to impose rather strict limits and possibilities, indeed rather specific long-term patterns, on a society's economic development [1976: 12].

The different balance of relations between king and lords that followed from the military organisation of the Conquest led historically – not by any predetermined 'necessity' – to the creation of a significantly different structure of class relations between king, lords, and peasants. From the absence of *seigneurie banale*; to differentiation of freeholders; to the establishment of the common law system that protected real interests and exclusive property rights: the crucial unintended consequence of this structured development within English feudalism was the avenue it would open for subsequent development of uniquely economic property relations, primarily by the lords.

The social forms of lordship and sovereign political power through which the Norman conquerors established their domination over England provided the basis for their becoming a class of feudal *landlords*, rather than a nobility based on parcelled sovereign jurisdictions – 'gentlemen' instead of *gentilshommes*. Though the common law had its origin in royal protection of certain free peasants, its practical principles of safeguarding interests and proprietary rights proved much more effective in meeting the needs of land

owners, even manorial lords, than either the customary feudal determination of mutual obligations, or the codification and written procedure of Roman law. The king's writs overrode the findings of customary law, which were based on the advice of the lord's men in his court, wherever they conflicted with the proprietary right now recognised by the royal courts.²⁹ Yet, seemingly paradoxically, this transformation of free tenure – originally held *of* a lord, but now increasingly as an abstract form of ownership – did not in any way develop to the detriment of the lords as a class.

Rather, they made it *their* law. The literally exclusive proprietary rights developed by the royal courts became *their* rights. It might well have been different, if what was most at stake had been accession to feudally conferred jurisdictions, with interests based on rights of command that in turn were conditional on obligations. But the interests of the English ruling class were structured in terms of the *land* they had conquered, not a devolution of the powers of sovereignty. The English ruling class established the foundation for the common law through its monarchy. The collective and growing adherence of the lords in turn developed and reinforced the law's unique preoccupation with exclusive economic interests in land, rather than with social obligations and control over the community of rural producers. The social relations thus established ultimately committed the lords to a system of surplus extraction based fundamentally on their possession of land, rather than the extra-economic rights of lordship.

The lords, of course, did not at first abandon any rights of lordship. Originally, the manorial fusion of lordship with property was little different from seigneurial lordship – the extraction of surplus from dependent tenants on hereditary servile tenures was essentially the same. But in developing their class domination as manorial lords through the peculiar social relations of the common law, they were in a position, after the general social crisis of the fourteenth and fifteenth centuries, to increase revenues by implementing a radical transformation of the relations of production on at least part of their land – simply as of right. The structure of private property interests based upon freehold tenure gave them the means to involve the wealthy peasant 'yeomen' in a new role, as tenants of freehold *leases* of large farms (which created freehold interests even for those tenants who held their own land by customary tenure). Together, these landlords and tenants (with the latter providing at least a substantial amount of operating capital) restructured agrarian production for their mutual benefit. Above all this meant, through one or another form of enclosure, either escaping from, or extinguishing, the normative regulation of land use by the customary peasant community.

Eventually, over the early modern era, all vestiges of community constraints on production were eliminated. Having held since the Conquest

a high proportion of manorial land as demesnes, the lords – now increasingly just ‘landlords’ – achieved a remarkably complete dispossession of the mass of peasants from the customary manorial tenures through a variety of largely legal means. It was, after all, fundamentally *their* law, in a way that was never true of the law of custom. Slowly, beginning with freehold leases of arable land converted to pasture, with little thought at first of long-term implications, the English landlords – and the prosperous tenants increasingly driven by market competition in respect of both production and the terms of leases – created an unprecedented social space where all production was virtually completely ‘freed’ from consideration of the immediate community’s needs.

In some cases, especially in certain regions, this primarily took the form of a permanent shift from grain crops to pasture. Yet arable farming too was transformed, by combining greatly increased flocks of sheep (producing manure as well as meat, wool and hide) with more intensive corn production (made possible by the sheep) – ‘improved agriculture’. Fallow was eliminated entirely, while, over time, new fodder crops made possible still more intensive sheep-corn farming. Other specialisation emerged as well.

Most customary peasants lacked anywhere near the resources to compete in this new agricultural environment, even where they not only retained their copyhold tenures but enjoyed a share of the redistributed common wastes. Elimination of the truly common resources by enclosure – along with a variety of commons rights crucial to the subsistence of the poor – combined with the need to compete with large-scale improved farms, put an end to the way of life of the peasant community and led to the virtually complete expropriation of the peasantry.

Henceforth, as Adam Smith was later able to explain, the needs of social existence could be met through production that responded solely to the market. It would not, however, be the same production, the same needs, or the same social existence. Capitalism was the full systemisation of these new social relations of production, achieved at first in agriculture, and then translated into the complete restructuring of industry.

None of this occurred indigenously in France; nor did any of the fundamental social relations which shaped this logic of historical development appear there. England and France *both* developed new forms of class society out of feudalism, in the wake of the crisis of the fourteenth century. Yet they developed in very different ways, based on significant differences in their respective forms of feudalism. Once formed, industrial capitalism was able to spread across the web of existing market networks, as competition compelled adoption of the powerful new forms of industrial production that were generated. In this regard, the absence of a well-developed and extensive system of artisanal manufactures might well

have favoured a more rapid and radical introduction of capitalist industry. French capitalist industrialisation was perhaps not only exogenous in origin, but inhibited by the strong, corporate-normative organisation of artisans that endured well into the nineteenth century.³⁰

There was also the difficulty of the 'peasant problem'. Nothing comparable to the English 'solution' of enclosures developed anywhere else, and virtually everywhere, aside from the English settler colonies, the traditional peasant community weighed to a greater or less extent upon the growth of capitalism. The French peasantry certainly proved among the most tenacious. In any event, well into the twentieth century, French capitalist development 'lagged' in both industry and agriculture, only really catching up after the Second World War.³¹

Thus, over fully nine hundred years, it is the divergences between the fundamental social relations of England and France which stand out, notwithstanding their many cultural links, and a broader context of common descent from the society of ancient Rome. In abandoning the predisposition to impose specious parallels upon historical development, in order to focus instead on the historically specific processes of social evolution at work in class societies, we have the opportunity to acquire an entirely new understanding of historical social change. It is only by determining how, in fact, the capitalist societies we so much take for granted actually came into existence that we may hope to understand the processes of historical social development still at work within them.

NOTES

1. I have previously discussed at length the specifically liberal character of this conception of natural historical progress, and the crucial role it has played in modern historiography and social theory [*Comminel*, 1987].
2. See, among innumerable other examples, Butterfield [1931]; G. W. F. Hegel [1956]; William McNeil [1963]; François Guizot, *The History of European Civilization*, London, 1887 (excerpted in Guizot [1972], by Stanley Mellon, whose own *Political Uses of History* [1985] explores the ideological character of liberal historiography during the French Restoration).
3. On the stages theory of history, see Meek [1976], and the discussion in Comminel [1987]. Also see Brenner [1977]. Among innumerable other works, see Durkheim [1964]; Weber's 'Author's Introduction' [1958], as well as Weber [1961]; Moore [1967]; Giddens [1971, 1981]; and Seidman [1983].
4. For a classic example of the former, see Cipolla [1973]. For a classic example of Marxist scholarship which, for all its historical subtlety and detail, is quite consistent with Cipolla's no less nuanced parallelism, see Hobsbawm [1962]. I have previously considered in detail the influence of liberal ideological concepts on the formulation of 'orthodox' Marxist interpretations of history [*Comminel*, 1987]. See also Brenner [1989]. Ellen Meiksins Wood has notably criticized Perry Anderson's conception of capitalist development in Britain for its retention of the 'bourgeois paradigm' of historical development [*Wood*, 1991].
5. On the fundamentally liberal premises of 'world-systems' theories, see Brenner [1977].
6. In addition to the works cited below, see Poly and Bournazel [1991] for a brilliant exposition

- of the feudal transformation in France in the eleventh and twelfth centuries.
7. See the analysis in Wood [1981]; Marx's view is particularly clear in the 'Introduction' to the *Grundrisse* [1973: 83–7, 105–8].
 8. Braverman has been criticised for 'ignoring' the role of class struggle in securing a measure of control for workers, and sometimes a substantial measure. Let us not romanticise: the essential logic of capitalist production is expressed through the effective use of management techniques to secure productivity gains – which workers have every reason to resist – and on the whole capital is very successful.
 9. For the character of traditional control over the labour process, as well as the long and difficult process of wrenching it away from workers in practice, see E.P. Thompson [1967].
 10. On the debate over feudalism, see Hilton [1978: 30], Ganshof [1964: xv–xvii], Bloch [1961: xvi–xx], Fourquin, [1976: 12–14], and Bennett, [1985: 124–35]. For an 'uncompromisingly narrow' approach to the debate from a peculiarly British angle, focussing on whether or not the Norman Conquest was singularly responsible for English feudalism, see Brown [1973: 17–32].
 11. For an extended analysis of this issue, focused particularly on the extent to which the separation of economic and coercive relations in capitalism is still *merely* apparent, see Ellen Wood [1981].
 12. Anderson's analysis is based upon a theoretical framework rooted in structuralist Marxism – namely, 'By contrast with the 'cumulative' character of the advent of capitalism, the genesis of feudalism in Europe derived from a 'catastrophic', convergent collapse of two distinct anterior modes of production, the *recombination* of whose disintegrated elements released the feudal synthesis proper, which therefore always retained a hybrid character' [1974: 18]. Despite the indisputable insight of his conception of parcellised sovereignty, and his generally brilliant syntheses of historical detail, his analysis shifts attention from the real historical processes that transformed manorial lordship into feudalism, towards an 'articulation' of abstractly conceived modes of production. For more on the methodological issues of structuralist Marxism and 'modes of production', see Comninel [1987], and below.
 13. See Marx [1959: 791]. Elsewhere in the work of both Marx and Weber, the German '*Herrschaft*' is generally rendered as 'domination'. Notwithstanding the Latin root, this tends to obscure the suggestive link to specifically lordly power.
 14. Both primary and secondary accounts of medieval society tend to be preoccupied with men, to the exclusion of women, though recent works often attempt to redress the balance. It is likely, however, that the position of women changed significantly for the worse in the shift from early medieval manorialism to specifically feudal society. New restrictions applied to the rights of inheritance formerly enjoyed by women, and they lost much of their autonomy in the organization of religious orders [James, 1982: 84–6, 107–10; Bloch, 1961: 352; Duby, 1977: 75, 140–47; Duby, 1968: 182]. For a brief but suggestive discussion of the subordination of women in relation to the politico-military nature of feudalism, see Ellen Meiksins Wood [1988a].
 15. See Duby [1968: 186–90; 1977: 55–6]; Bloch [1961: 361–8]; Fourquin [1976: 35–7, 173–9]. This is the central argument of Poly and Bournazel [1991].
 16. See Duby [1974: 162–8; 1977: 103; 1980: 150–54]. Also see Fourquin's discussion of the definition and chronology of feudalism proper, addressing the usages of Ganshof, Bloch and Duby [1976: 11–14, 65–70]. Fourquin's emphasis on the 'diversity of the West' is congenial to the argument of the present essay. But his criticism of Duby is overdrawn. Duby himself recognises that developments outside France were somewhat different [1968: 190–91], nor does recognising differences in the timing and extent of feudalisation *within* France (especially North/South) detract from the general thrust of Duby's analysis.
 17. It is not my intention here to limit categorically the forms of pre-capitalist extra-economic class exploitation to manorialism, feudalism, absolutism (perhaps not the best term for a system of class relations, but hardly worse than 'feudalism') and Marx's 'Asiatic' form. One might easily distinguish the Roman *latifundia* of the first century from the manorialised form of the later empire, and other, more contentious distinctions are certainly possible. It is always the specific structure of class relations that is crucial, and our goal should never be to construct some formulaic typology.

18. This difficult issue of the serf's complicated status as both 'man' and 'thing' is a central focus of Hyams' work [1980].
19. See Hanawalt [1986: 6, 67-78]; Postan [1975: 160-65]; Kosminsky [1956: 198-203, 227-8].
20. For an excellent brief discussion of the terminology and types of enclosure, see Yelling [1977: 5-10].
21. See my discussion of large-scale non-capitalist commercial grain farming in the Paris basin, in contrast to English capitalist farming [*Comminel*, 1987: 182-93].
22. For an excellent survey of the variety of approaches taken by the major authorities, and a quite convincing original synthetic interpretation of the evidence, see Dodgshon [1980]. See also H.S.A. Fox [1981], as well as Dodgshon's brief, lucid and occasionally entertaining contribution to the same volume.
23. In addition to Dodgshon and Fox, see the debate between Joan Thirsk and J.Z. Titow: Thirsk [1964, 1966]; Titow [1965].
24. See particularly Baker and Butlin [1973], for further evidence relevant to the debates, for which the works cited above provide detailed references.
25. See the comments in this regard by G.E. Mingay in his introduction to the second edition of Gonner [1966: xxxiii-xliv].
26. Kerridge, [1969: 93; also 1969: 129-31].
27. This 'kulak' conception of the origins of capitalism first emerged from Dobb [1962] and figured in the 'transition' debate. It was taken up most notably by Albert Soboul (following the lead of the Soviet historian Anatoli Ado) in his later efforts to maintain the supposedly 'orthodox' conception of bourgeois revolution against overwhelming evidence that no capitalist bourgeoisie existed in France. See Comminel [1987]. For recent work in this vein, see McPhee [1989, 1992].
28. Mooers [1991: 36-7]. Both Mooers and Alex Callinicos [1989: 113-71] attempt to embrace Brenner's emphasis on historically specific class struggle, while holding on to the idea of 'bourgeois revolution' as a general historical category.
29. For the working of the common law in establishing proprietary right - and especially right of inheritance - see Milsom [1976: 36-42, 176-86].
30. For a discussion of the links between politics and artisanal workers' organisations in France, see Sewell [1980] and Aminzade [1981, 1984].
31. This has been a subject of considerable debate, of course. See Cameron and Freedeman [1983]. The entire debate presumes that capitalist economic growth is natural and indigenous to the whole of the West (at least), and that if France developed capitalism more slowly than Germany it must be because its development was somehow blocked. Among economic historians the view that France 'lagged' is still probably dominant; but few seem to recognise as clearly as D.C. Coleman that England *diverged* from the rest of Europe during the early modern period [1977: 220].

REFERENCES

- Aminzade, Ronald, 1981, *Class, Politics, and Early Industrial Capitalism*, Albany, NY: SUNY.
- Aminzade, Ronald, 1984, 'Capitalist Industrialisation and Patterns of Industrial Protest: A Comparative Urban Study of Nineteenth-Century France', *American Sociological Review*, Vol.49, pp.437-53.
- Anderson, Perry, 1974a, *Passages from Antiquity to Feudalism*, London: Verso.
- Anderson, Perry, 1974b, *Lineages of the Absolutist State*, London: Verso.
- Aristotle, 1958, *Politics*, Oxford: Oxford University Press.
- Aston, T.H. and C.H.E. Philpin (eds.), 1985, *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, Cambridge: Cambridge University Press.
- Ault, W.O., 1972, *Open-Field Farming in Medieval England*, London: Allen & Unwin.
- Baker, A.R.H. and R.A. Butlin, 1973, *Studies of Field Systems in the British Isles*, Cambridge: Cambridge University Press.

- Bennett, Michael, 1985, 'The English Experience of Feudalism', in E. Leach, S.M. Mukherjee and J. Ward (eds.), *Feudalism: Comparative Studies*, Sydney: Sydney Association for Studies in Society and Culture, pp.124-35.
- Bloch, Marc, 1960, *Seigneurie française et manoir anglais*, Paris: R. Colin.
- Bloch, Marc, 1961, *Feudal Society*, 2 vols., Chicago, IL: University of Chicago Press.
- Braverman, Harry, 1974, *Labor and Monopoly Capital*, New York: Monthly Review.
- Brenner, Robert, 1976, 'Agrarian Class Structure and Economic Development in Pre-Industrial Europe', *Past & Present*, 79, pp.60-69 (reprinted in Aston and Philpin [1985]).
- Brenner, Robert, 1977, 'On the Origins of Capitalist Development: A Critique of Neo-Smithian Marxism', *New Left Review* #104, pp.25-92.
- Brenner, Robert, 1982, 'The Agrarian Roots of European Capitalism', *Past & Present*, 97, pp.16-113 (reprinted in Aston and Philpin [1985]).
- Brenner, Robert, 1989, 'Bourgeois Revolution and Transition to Capitalism', in A.L. Beier, David Cannadine and James M. Rosenheim (eds.), *The First Modern Society*, Cambridge: Cambridge University Press.
- Brown, R. Allen, 1973, *Origins of English Feudalism*, London: Allen & Unwin.
- Butterfield, Herbert, 1931, *The Whig Interpretation of History*, London: G. Bell.
- Callinicos, Alex, 1989, 'Bourgeois Revolutions and Historical Materialism', *International Socialism*, No.43.
- Campbell, Bruce, 1981, 'Commonfield Origins - The Regional Dimension', in Rowley [1981].
- Cameron, Rondo and Charles E. Freedeman, 'French Economic Growth: A Radical Revision', *Social Science History*, Vol.7, No.1, pp.3-30.
- Cipolla, Carlo M. (ed.), 1973, *Fontana Economic History of Europe*, Vol.3, *The Industrial Revolution*, London: Fontana.
- Coleman, D.C., 1977, *The Economy of England 1450-1750*, Oxford: Oxford University Press.
- Comninel, George, 1987, *Rethinking the French Revolution: Marxism and the Revisionist Challenge*, London: Verso.
- Dobb, Maurice, 1962, *Studies in the Development of Capitalism*, New York: Monthly Review.
- Dodgshon, Robert A., 1980, *The Origin of British Field Systems: An Interpretation*, London: Academic Press.
- Duby, Georges, 1968, *Rural Economy and Country Life in the Medieval West*, Columbia, SC: University of South Carolina Press.
- Duby, Georges, 1974, *Early Growth of the European Economy*, Ithaca, NY: Cornell University Press.
- Duby, Georges, 1977, *The Chivalrous Society*, Berkeley, CA: University of California Press.
- Duby, Georges, 1980, *The Three Orders*, Chicago, IL: University of Chicago Press.
- Durkheim, Emile, 1964, *The Division of Labour in Society*, New York: Free Press.
- Fourquin, Guy, 1976, *Lordship and Feudalism in the Middle Ages*, London: Allen & Unwin.
- Fox, H.S.A., 1981, 'Approaches to the Adoption of the Midland System', in Rowley [1981].
- Ganshof, F.L., 1964, *Feudalism*, New York: Harper & Row.
- Giddens, Anthony, 1971, *Capitalism and Modern Social Theory*, Cambridge: Cambridge University Press.
- Giddens, Anthony, 1981, *A Contemporary Critique of Historical Materialism*, London: Macmillan.
- Gonner, E.C.K., 1966, *Common Land and Inclosure* (2nd edn), New York: Cass.
- Goubert, Pierre, 1974, *The Ancien Régime*, New York: Harper & Row.
- Goubert, Pierre, 1986, *The French Peasantry in the Seventeenth Century*, Cambridge: Cambridge University Press.
- Gray, C.M., 1963, *Copyhold, Equity, and the Common Law*, Cambridge, MA: Harvard University Press.
- Guizot, François, 1972, *Historical Essays and Lectures*, Chicago, IL: University of Chicago Press.
- Hanawalt, Barbara, 1986, *The Ties That Bind: Peasant Families in Medieval England*, Oxford: Oxford University Press.
- Hegel, G.W.F., 1956, *The Philosophy of History*, New York: Dover.
- Hegel, G.W.F., 1967, *The Philosophy of Right*, Oxford: Oxford University Press.

- Hilton, Rodney H. (ed.), 1976, *Peasants, Knights and Heretics*, Cambridge: Cambridge University Press.
- Hilton, Rodney H., 1978, 'Introduction,' in Sweezy, et al. [1978].
- Hobsbawm, Eric, 1962, *The Age of Revolution, 1789–1848*, New York: New American Library.
- Hobsbawm, Eric, 1965, 'Introduction', in Karl Marx, *Pre-Capitalist Economic Formations*, New York: International.
- Hyams, Paul R., 1980, *King, Lords and Peasants in Medieval England*, Oxford: Oxford University Press.
- James, Edward, 1982, *The Origins of France: From Clovis to the Capetians, 500–1000*, London: Macmillan.
- Jones, P.M., 1988, *The Peasantry in the French Revolution*, Cambridge: Cambridge University Press.
- Kerridge, Eric, 1969, *Agrarian Problems in the Sixteenth Century and After*, London: Allen & Unwin.
- Kerridge, Eric, 1973, *The Farmers of Old England*, London: Allen, Unwin.
- Kosminsky, E.A., 1956, *Studies in the Agrarian History of England in the Thirteenth Century*, New York,
- Marx, Karl, 1954, *Capital*, Volume I, Moscow: Progress.
- Marx, Karl, 1959, *Capital*, Volume III, Moscow: Progress.
- Marx, Karl, 1973, *Grundrisse*, New York: Vintage.
- McNeil, William, 1963, *The Rise of the West*, Chicago, IL: University of Chicago Press.
- McPhee, Peter, 1989, 'The French Revolution, Peasants, and Capitalism', *American Historical Review*, Vol.94, No.5, pp.1265–80.
- McPhee, Peter, 1992, *A Social History of France: 1780–1880*, London: Routledge.
- Meek, Ronald, 1976, *Social Science and the Ignoble Savage*, Cambridge: Cambridge University Press.
- Mellon, Stanley, 1985, *The Political Uses of History*, Stanford: Stanford University Press.
- Milsom, S.F.C., 1976, *The Legal Framework of English Feudalism*, Cambridge: Cambridge University Press.
- Milsom, S.F.C., 1981, *Historical Foundations of the Common Law*, 2nd edn, Toronto: Butterworth.
- Mingay, G.E., 1968, *Enclosure and the Small Farmer in the Age of the Industrial Revolution*, London: Macmillan.
- Moors, Colin, 1991, *The Making of Bourgeois Europe*, London: Verso.
- Moore, Barrington, Jr., 1967, *Social Origins of Dictatorship and Democracy*, Boston, MA: Beacon.
- Polanyi, Karl, 1944, *The Great Transformation*, Boston, MA: Beacon.
- Polanyi, Karl, 1957, 'Aristotle Discovers the Economy', in Karl Polanyi, Conrad M. Arensberg and Harry W. Pearson (eds.), *Trade and Market in the Early Empires*, Glencoe, IL: The Free Press.
- Poly, Jean-Pierre and Eric Bournazel, 1991, *The Feudal Transformation: 900–1200*, New York: Holmes & Meier.
- Postan, M.M., 1975, *The Medieval Economy and Society*, Harmondsworth: Penguin.
- Rowley, Trevor (ed.), 1981, *The Origins of Open Field Agriculture*, London: Croom Helm.
- Seidman, Stephen, 1983, *Liberalism and the Origins of European Social Theory*, Berkeley, CA: University of California Press.
- Sewell, William, 1980, *Work and Revolution in France*, Cambridge: Cambridge University Press.
- Simpson, A.W.B., 1986, *A History of the Land Law*, 2nd edn, Oxford: Oxford University Press.
- Smith, Adam, 1970, *The Wealth of Nations*, Harmondsworth: Penguin.
- Sweezy, P., et al. 1978, *The Transition from Feudalism to Capitalism*, London: Verso.
- Tawney, R.H., 1912, *The Agrarian Problem in the Sixteenth Century*, New York: Franklin.
- Thirsk, Joan, 1958, *Tudor Enclosures, Historical Association Pamphlets*, No.41 (reprinted in Joan Thirsk, *The Rural Economy of England: Collected Essays*, London, 1984).
- Thirsk, Joan, 1964, 'The Common Fields', *Past & Present*, No.29, reprinted in Hilton [1976].
- Thirsk, Joan, 1966, 'The Origin of the Common Fields', *Past & Present*, No.33, reprinted in Hilton [1976].

- Thirsk, Joan, 1967, Chapter IV, 'Enclosing and Engrossing', in Joan Thirsk (ed.), *The Agrarian History of England and Wales, Vol. IV, 1500-1640*, Cambridge: Cambridge University Press.
- Thompson, E.P., 1967, 'Time, Work-Discipline, and Industrial Capitalism', *Past & Present*, 38, pp.56-97.
- Titow, J.R.Z., 1965, 'Medieval England and the Open-Field System', *Past & Present*, No.32, reprinted in Hilton [1976].
- Van Caenegem, R.C., 1988, *The Birth of the English Common Law*, Cambridge: Cambridge University Press.
- Vinogradoff, P., 1911, *The Growth of the Manor*, 2nd edn, London: Allen & Unwin.
- Weber, Max, 1958, *The Protestant Ethic and the Spirit of Capitalism*, New York: Scribner.
- Weber, Max, 1961, *General Economic History*, New York: Collier.
- Wood, Ellen Meiksins, 1981, 'The Separation of the Economic and the Political in Capitalism', *New Left Review*, No.127, pp.66-95 (also in Wood [1995]).
- Wood, Ellen Meiksins, 1982, 'The Politics of Theory and the Concept of Class: E.P. Thompson and His Critics', *Studies in Political Economy*, No.9, pp.45-75.
- Wood, Ellen Meiksins, 1988a, 'Capitalism and Human Emancipation,' *New Left Review*, No.167, Jan./Feb.
- Wood, Ellen Meiksins, 1988b, *Peasant-Citizen and Slave: The Foundations of Athenian Democracy*, London: Verso.
- Wood, Ellen Meiksins, 1991, *The Pristine Culture of Capitalism*, London: Verso.
- Wood, Ellen Meiksins, 1995, *Democracy Against Capitalism: Renewing Historical Materialism*, Cambridge: Cambridge University Press.
- Wood, Ellen Meiksins, 1999, *The Origin of Capitalism*, New York: Monthly Review.
- Yelling, J.A., 1977, *Common Field and Enclosure in England 1450-1850*, London: Macmillan.
- Young, Arthur, 1794, *Travels [in France] During the Years 1787, 1788, & 1789*, 2nd edn, London [facsimile, 1970, New York: AMS Press].