

What was the impact of the Norman Conquest in English law, government and society 1066-1135?

Norman invaders into England found a highly sophisticated system of governance and administration, including features such as a national *geld* or tax, which were unparalleled anywhere across Europe. England was already run using a system which could produce considerable numbers of troops for the defence of the realm. England already had royal authority extending over the local courts, and an institution of kingship sufficient to command support from almost the entirety of the population, an institution wedded to the Church such that churchmen played a vital part of the running of the country. It would seem as though the feudal system was already fully established here. However, England lacked many of the trappings of full Frankish-style feudalism. The fact that the Normans were so easily able to mould these onto the existing structure merely tends to hide the changes which England suffered in the process.

Essentially, feudalism was a system which catered for the national defence. At Hastings, the traditional Anglo-Danish fighting technique - infantry attacking with axes from behind a shield-wall - had been shown to be obsolete. Horse-based Norman knights were more mobile and sophisticated than their English adversaries, and tactically superior¹. Is it surprising, then, that William the Conqueror should wish to call up the Norman fashion of mounted knights rather than fyrd-men? Unfortunately, Englishmen were entirely unused to fighting on horses, as had been proved catastrophically in 1055²; so clearly a new system was needed to provide for this. Again, is it surprising that William should wish to use the Norman style of feudal obligations rather than rely on the English customary dues? As Orderic Vitalis puts it, William acted 'so that the kingdom of England should always have 60,000 knights at the ready and produce them immediately at the king's command as necessity required.'³ As far as one can tell, this appears to have been arranged personally by the king within five years of his accession, without reference to the previous obligations of military service under Edward the Confessor. Certainly, Matthew Paris in his *Historia Anglorum* is very specific about this: 'In the year of Our Lord 1070 king William...also placed all the bishoprics and abbeys, who hitherto had been free from all secular service, under military service, enrolling the said bishoprics and abbeys according to his will, how many knights he wished to be provided from each to him and his successors in time of war.'⁴ The *Liber Eliensis*, the book written by the monks of Ely, records the first imposition of knight-dues in a similar fashion, by noting that 'he established that from that time forward contingents of knights should be provided by them to the kings of England in perpetual right for their military expeditions, and thus he trampled underfoot the just and ancient liberties of the English church.'⁵

Since the Conquest and the uprisings over the next four years, practically all land in England had come into the hands of the king, whether it be by death of the holder (e.g. at Hastings) or by forfeiture. All those who now held land held it thanks to the king's personal *largesse*. This

¹ As demonstrated in the account of *William of Poitiers*: 'The Norman's, realising that they could not overcome an enemy so numerous and standing so firm without great loss to themselves, retreated, deliberately feigning flight...suddenly wheeling their horses about, cut them off, surrounded them and slew them from all sides.'

² ASC version C: 'But before any spear had been thrown the English army fled because they were on horseback'

³ quoted in Brown *Origins of English Feudalism*

⁴ quoted in Brown *Origins of English Feudalism*

⁵ quoted in Brown *Origins of English Feudalism*

demonstrates the second key feature of the new feudal system. Because nobles had received lands directly from the Conqueror, they now had a binding obligation to furnish him with the knights he asked for. Thus William was able to write to Æthelwig of Evesham soon after 1072: 'You are also on that day to come to me and bring with you, fully equipped, those five knights which you owe me from your abbey.' Following the Conqueror's lead, the magnates and ecclesiastical authorities granted land to sub-tenants who would form part of the number of knights their lords were obliged to furnish. An example of this is from a charter of 1083 which says that 'We abbot Gilbert and the convent of Westminster have granted to William Baynard a certain *berewick* of the *vill* of Westminster...for lodging and to hold for the whole of his life, for the service of one knight, with all things pertaining thereto.'⁶ and another comes again from the *Liber Eliensis*, recounting that 'the abbot sorrowfully withdrew, collected knights...bestowed arms on many of them, and maintained according to custom the number predetermined by the king's command.'⁷ The king therefore was also able to write to Æthelwig that 'I command you to summon all those who are under your administration and jurisdiction so that they have all the knights which they owe me fully equipped'. Therefore this linkage between land and obligation of service quickly became firmly spread across the kingdom. Although a form of this concept had existed in Anglo-Saxon England, it was the peculiar circumstances of the Conquest which reinforced it. William apart from being king, also gave land, directly or indirectly to all who held it in his reign. Loyalty was ultimately directed to him, whereas in Saxon times, vassals looked to their earls as much as to the royal palace. The Conqueror's successors did not possess this unique double-position of king and landlord, and Henry I in his coronation charter felt obliged to stress that ultimate loyalty was owed to him, by saying that 'To knights who serve for their lands by the hauberk I grant of my own proper gift that the lands which they hold in demesne shall be quit of all gelds, so that they may thus fully equip themselves with horses and arms, that they may be fit and ready for my service and for the defence of my realm.'⁸

The key fact which differentiated this new system of feudalism from the looser systems which had preceded it was the central importance of fealty and commendation. Grants of land to knights were invariably preceded by oaths of allegiance to the lord. Although the king commanded ultimate loyalty, nevertheless fealty led to a cementing of the social relationship between lord and vassal. From this moment onwards, they were joined together for mutual protection - the knight protecting the lord militarily and the lord protecting the knight in other ways, mostly financial. This was increased still further by the custom of commendation, whereby a vassal placed himself under the protection of a baron or noble. A purely voluntary commitment, it did not need to be related to land tenure, although this often happened⁹. Whether related to land or not, it further joined the military and governing elite together and further stabilised the new system and the country as a whole.

Clearly, disputes would happen between different levels of the feudal structure, and the legal system expanded to accommodate that. Land was granted by the king to be held under all the old conditions and jurisdictions. Yet clarification of these rights of jurisdiction was obviously needed, and the report on the trial held on Pinnenden Heath in 1075 or 1076 shows this. Archbishop Lanfranc 'vindicated afresh the liberties of the church and the customary

⁶ *English Historical Documents* volume 2, no.219

⁷ quoted in Brown *Origins of English Feudalism*

⁸ *English Historical Documents* volume 2, no.19

⁹ Barlow *Feudal Kingdom of England* p.120 'Moreover, in the eastern part of England, estates were consolidated and manors created by finishing the process of making commended men into tenants, by turning personal into tenurial bonds.'

jurisdiction which he was entitled to exercise, to wit: sake and soke, toll and team [etc.]... It was further proved that the king of the English could claim...no customary dues save only three.' [rights to the king's highway]¹⁰ Likewise on the subject of the delegation of legal authority to feudal tenants, Henry I in his *Leges Henrici Primi* said: 'But out of certain lands the king has given manors and the jurisdiction over them as well.'¹¹ before going on to say 'Every lord may summon his man in order to do justice upon him in his court; and if the man is resident in the most remote manor of that honor of which he holds, he shall nevertheless go to the plea if his lord shall summon him.'¹²

Thus far I have traced the development of a system which encompassed all of the ruling classes of the country, and which formed the principles by which it was governed. I have not mentioned the social costs of this system on the lower classes who were invariably native English. In most cases, it is obvious to see that feudalism was a tool of the rich, foreign masters. Its most imposing alteration to society was in the concept of castles. They are always mentioned in connection with Normans, and in all cases they seem to be loathed by the English. The *Anglo-Saxon Chronicle* is particularly damning, from its account of 1066¹³, to its obituary of William the Conqueror in 1087¹⁴. Invariably constructed with insensitivity, it is clear that castles seemed one of the worst reminders of foreign rule¹⁵. Normans spoke French, and the flourishing English vernacular culture of the early eleventh century was gradually destroyed. This too alienated the local population from their Norman rulers. Trade routes to Scandinavia were halted and the king's forest hunting rights disrupted local agriculture by forbidding collection of firewood or the hunting of wild animals for peasants' food. For those at the bottom of the pile, feudalism brought neither prosperity nor security.

Feudalism was clearly a system which was not designed to create social justice, and it is unsurprising that it did not. What it was designed to create was social cohesion, and this it succeeded in doing in abundance. Each level of society clearly found its place, and all the ruling classes were mutually dependent for their position. As foreigners in a foreign land, the feudal system they brought with them was forced to cope with a difficult and dangerous land. Orderic Vitalis mentions repeatedly how the English 'enjoyed fighting', and it is not for nothing that he says that William 'allocated lands to knights in such a way and so arranged their contingents that the kingdom of England should always have 60,000 knights at the ready and produce them immediately at the king's command as necessity required.'¹⁶ Although the figure itself is merely indicative, it shows the strength of Norman-style feudalism: it was stable, able to defend itself, and considerably tighter and more unified than any form of government which England had seen before.

¹⁰ *English Historical Documents* volume 2, no.50

¹¹ *English Historical Documents* volume 2, no.57

¹² *ibid.*

¹³ ASC version D 1066 'And bishop Odo and earl William [fitzOsbern] stayed behind and built castles far and wide throughout this country, and distressed the wretched folk, and always after that it grew much worse.'

¹⁴ *ibid.* 1087: 'He had castles built

And poor men hard oppressed.'

¹⁵ *William of Malmesbury*: 'The sheriff of Worcester was Urse, who constructed a castle at the monks' very throat, in that the fosse cut off part of their cemetery. Complaint was made to the archbishop...He, when he had seen Urse, began with these words: "Hattest thou Urs, have thou Godes kurs."'

¹⁶ quoted in Brown *Origins of English Feudalism*