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EARLS, THEIR NEW ROLE IN ENGLAND: A CASE STUDY OF THE
FUNCTION AND DEVELOPMENT OF THE ENGLISH
EARL INTO FRANKISH FEUDALISM

BY
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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
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THESIS ABSTRACT

In the course of medieval English history the position of earl has played a major role. Despite this fact little has been done in the area of research to try to learn why. The position of earl exerted great power in pre-Conquest England. The immediate effect of the Norman Conquest was to reduce the power of the position of earl. Despite the Norman Conquest the earls regained their power and influence. There must have been reasons for this to happen.

The reasons that made the earl an important position may be found through studying the functions and the development of the English Earl. Understanding the origins of the position of earl leads to a better understanding of its development. This uncovering of the position of earl involves the study of charters, grants, and texts.

The Norman Conquest is an important part of the picture due to the feudalism that historians imposed. Feudalism brings with it one of the largest problems in understanding the development of earl because historians do not agree on its definition. Due to this fact it is important to review the major interpretations of feudalism.

After looking at the problem of different interpretations of feudalism, this thesis deals with the early

origin of the position of earl. The use of early histories such as Tacitus and the Saxon Chronicle shows the origins and development of the position. The development is traced through several phases; Ancient, Pre-Danish, and the Danish Development. Charters and grants are used to show the powers, privileges and rights the earls attained. The year 1066 is handled separately because of its importance in the development of the position. The post-Conquest phase is reviewed to the time of the writing of the Domesday Book (1085).

There are many aspects that could be studied about the position such as; the political, the economical or the social. This thesis is only attempting to study the aspects of the development and functions of the earl from which other research may be encouraged.

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CHAPTER I

HISTORICAL PERSPECTIVE

The earl, one of the several ranks in the hierarchy of the nobility of England, underwent many changes in scope and character. What made this position important? In earlier times earls had been able to influence the choice of the king of England. For example, Godwine, Earl of Wessex; Robert, Earl of Gloucester; the Earl of Warwick; and Henry, Earl of Richmond, all played important roles in determining the person who wore the crown.¹

The role of the earl and evolution of his powers can be seen in the pattern of the unfolding of history. Also, various views of feudalism overlay and are interwoven into the context of our understanding of the Middle Ages. Therefore, some explanations of feudalism will help in showing the context in which the earls of history lived and worked.

The debate as to whether or not feudalism existed in

¹The Earl of Wessex placed three of his sons in position to be made earls in pre-conquest England, of whom Harold became king. Robert, Earl of Gloucester, aided Henry, Duke of Normandy to become Henry II, King of England. The Earl of Warwick aided Edward IV and Henry Earl of Richmond became Henry VII, King of England. J. Ingram, The Saxon Chronicle. (London: Longman, Hurst, Rees, Orme and Brown, 1823) pp. 257, 371, 373. Austin Lane Poole, From Domesday Book to Magna Charta, (Oxford: The Clarendon Press, 1951), p. 161. George Holmes, The Latter Middle Ages 1272-1485. (New York: W.W. Norton and Company, Inc., 1962), pp. 219-225.

pre-conquest England has not yet ended. Indeed the definition of feudalism is not universally accepted. It is necessary to examine basic theories and the definition of the word "feudalism", to determine whether or not the earl in pre-conquest England functioned in a feudal system.

Theories

In the 19th century William Stubbs theorized about origins of feudalism. Stubbs put forth his theory in his book, The Constitutional History of England. He felt that feudalism was a comprehensive idea that explains the society and the whole governmental policies of the Frankish kingdom. The key was the complete organization of society through the use of land tenure. This theory puts the king at the top of an organizational chart and everyone beneath in descending layers according to rank ending in a broad bottom bound together by the obligation of service and defense. The lord was obligated to support and defend his vassal and the vassal was required to provide service to the lord. The size of the land a vassal held often determined his position in the hierarchy. The larger the land and the more strategic its location or value the more important the vassal became for defense, therefore, the more service the lord required the vassal to render in return for that land. The land held under such conditions was called a fief, deriving from the word feudum which can be traced back to the old high German. In the opinion of Stubbs, the feudal system of

land tenure and government was brought to England fully developed by the Normans.

Stubbs felt that the institution of feudalism had grown from two sources; the beneficium and the practice of commendation. The concept of the beneficium came from the practice of kings granting lands to kinsmen and servants from the kings' property in return for homage and loyalty. The landowners surrendered land to the church or to powerful men and received it back to be held by them as tenants for rent of service. This practice provided protection of the weaker by the more powerful. In the practice of commendation the inferior placed himself under the personal care of a lord, without losing the right to his own estate in the process. He became a vassal to the lord and paid the lord homage. The union of a beneficiary with commendation completed the idea of feudal obligation.¹

Marc Bloch theorized that feudalism consists of:

A subject peasantry; widespread use of the service tenement (i.e., the fief) instead of a salary, which was out of the question; the supremacy of a class of specialized warriors; ties of obedience and protection which bind man to man and, within the warrior class, assume the distinctive form called vassalage; fragmentation of authority leading inevitably to disorder.²

His view is similar to that of Stubbs in certain aspects.

Others find the tie to the military service as most important.

¹William Stubbs, The Constitutional History of England, (Oxford: The Clarendon Press, 1891), pp. 273-275.

²As quoted in C. Warren Hollister, Military Organization of Norman England, (Oxford: The Clarendon Press, 1962, p. 11.

Among this group are Hollister, Round, and Ganshof. They emphasized feudalism to be based on holding a fief in return for services to be rendered. The service was to be honorable, normally military, with a relationship of homage and fealty existing between the lord and the vassal.¹

R. Allen Brown's theory is similar to the others that have been mentioned. It does, however, differ from these in some respects. For a society to be feudal it has to be composed of the following four elements. First, the secular ruling class were knights, these depending on their social status were bound to each other by vassallic commendation. Second, this hierarchy culminated with a royal personage. Third, the knights form both the social and the military elite and held their lands by knightly service through their fiefs. Finally, the society was distinguished by the fortification known as the castle. All four of the points must coexist in order for a society to be considered as feudal before the conquest of 1066.²

According to Brown, England was not a feudal society. He draws this conclusion by examining which of the four feudal elements were found in England at the time. England had a social hierarchy that was headed by a royal personage, but the way it worked creates a problem in terms of theory (to be discussed below). There were knights, the military elite

¹R. Allen Brown, Origins of English Feudalism, (London: George Allen and Unwin Ltd., 1973), p. 23.

²Ibid., p. 32.

who held their land in return for military service, but England's military system was not based on land tenure. Military service was based on the common obligation of all to perform the three common duties which are discussed in Chapter II.¹ Finally, the investiture which existed in France differed from the practices in England.

In support of Brown's views, there were oaths that outlined service, but these were not the type that set up lordship and vassalage. The holding of land was not dependent on the oath. The fief, land held in return for military service, was absent from Anglo-Saxon society. There were dues, but they were not based on military service for the land tenure.

Lastly, the medieval castle presents problems to Brown. As a structure it did not appear on the English landscape until the conquest. He argues that there were fortifications in England, as revealed in the obligation to everyone to aid in fortress building and repair but they were not the same castles in which the lords fought and resided. The fortified communities were called boroughs; the boroughs consisted of mounds of earth around the village. These functioned differently in use than the castles that existed in France during the same time period.

In summary, Brown concluded that Anglo-Saxon England, prior to the conquest, was not feudal. The Norman Conquest

¹See below, pp. 35, 39.

brought feudalism to the British isle and imposed it on the English.¹

The theories of Stubbs and Brown do not differ greatly in the conclusion that the Normans introduced feudalism to England as a result of the conquest of 1066. However, not all historians hold that point of view. There is a group who contend that the Normans did not introduce feudalism to England, but that it was already in existence, though not yet fully developed. They believe that given enough time and the absence of the conquest, England would have developed into a feudal society on its own.

One of the leaders of this theory is Carl Stephenson, author of Mediaeval Institutions. Stephenson saw the feudal system developing in France in order to meet military needs. The king gave the vassals fiefs and encouraged subinfeudation on the part of the vassals, for the primary purpose of obtaining a better army. In this view feudalism was political in nature and the agrarian economy was a "manorial system" that supported it. Stephenson considered the origin of feudalism to be based on the pre-existing barbarian custom of vassalage. It involved a system of rewarding soldiers with the grant of lands. The Carolingians further developed the basics of the barbaric feudalism to support the royal vassals who served as the heavily armed cavalry for the king. This enabled them to meet the high cost of maintaining the armor and the horse. The feudal policy of the

¹Ibid., p. 83.

Carolingians failed "not because it was in itself evil, but because it sought to accomplish the impossible."¹ The Normans came to France and adapted themselves to the feudal system of the Carolingians and regularized and spread its development. They made feudal tenure the basis of the most efficient government that was then possible in western Europe.²

Stephenson does not agree that feudalism was introduced to England by the conquest, because he feels that there is sufficient evidence that feudalism was already in existence in early stages of development. Stephenson thinks that in the early records are examples of thegns receiving beneficia from the bishop Oswald, which could be interpreted as evidence of feudal land tenure. Their grants of immunity are part of the feudal land tenure system. Stephenson supports F.W. Maitland's conclusion that, if the evidence is accepted, there can be no denial of feudalism existing in pre-conquest England.³

Stephenson approached the problem from a social outlook. The problem was to determine whether the first settlers of the Germanic migrations who came over to England were freemen in free villages or serfs in manors. There is the theory, though discounted, that they were serfs, but

¹Carl Stephenson, Mediaeval Institutions, (Ithaca, New York: Cornell University Press, 1954), p. 233.

²Ibid., pp. 205-233.

³Ibid., p. 238.

now historians agree that certainly there were free villages. Stephenson felt that free villages existed because of granted immunity from a higher authority. That meant there might be a difference from the landed aristocracy and the economically dependent peasants.¹ The evidence of rents and peasant obligations demonstrates that there was no differentiation between the two. The cerol, who might have been personally free and may have had some slaves of his own, appears to have been an agricultural tenant of a lord. The peasant paid the lord in labor service and in a heavy gafol (tax) paid in kind.²

Stephenson treated the thegns in a similar manner as land holders, who lived in fortified dwellings called burhs.³ They were legally free and had tenants working on their land. His interpretation of the records shows that there were accounts of freemen being under the protection of another. This supports the view of the many historians who believed that the thegn was "preeminently" a fighting man by the time of the conquest.

Stephenson believed that he had discovered and demonstrated the existence of the manorial system, a dependent peasantry, a military aristocracy, grants of immunities

¹Ibid., p. 240.

²Ibid., p. 246.

³This is stretching the meaning of the term borough that existed in pre-conquest England. Stephenson is applying a Germanic term to the dwelling places that were owned by the thegns.

being given out, benefices, and various forms of commendation, all in pre-conquest England. Stephenson explained away the problem of the lack of knight by making the thegns knights who fought on foot. The thegns had weapons and armor and it would be absurd to think that the thegns did not have horses to get around on. However, the horse was not the great horse of the Carolingians. Horses in England were not big enough to support the armor that the thegn wore. The great horse had not been introduced into England. Stephenson points out that at one time the Franks did the same thing that the English did; they fought on foot. The importation of the horse into Frankish Gaul brought about the changes needed to support it.

Stephenson does not deny that the Norman conquest brought about a military revolution in England. He believes that it was not a revolution in tactics as Stubbs did, but that the introduction of deliberate feudal tenure and the castle was for local defense and routine administration. By looking at the evidence in this light Stephenson does not claim it was perfect feudalism as was in existence in Normandy, but that it was feudalism in development and that even without the conquest, England would have been a feudal state in later years.¹

Lynn White proposes a different theory. In the book Medieval Technology and Social Change, White expounds on

¹Ibid., pp. 234-260.

Heinrich Brunner's theory on feudalism and supports Brunner's view that feudalism was introduced by Charles Martel with the innovation of the knight on horseback. In order to finance the knight, Martel seized church lands to hand over to his followers (vassals) on the condition that they rendered military service. Failure of the vassals to provide the military service involved forfeiture of the endowment.

"The ancient concept, of swearing allegiance to a leader was fused with the granting of an estate and the result was feudalism."¹

Lynn White proposes that Brunner was accurate in his concept of feudalism. White feels that the evolution of things such as the great horse, the saddle, the stirrup, and the lance are evidence of Brunner's theory. The development of the saddle in conjunction with the stirrup enabled the knight to be able to stay on the great horse and in turn the great horse was needed to be able to carry the weight of the knight and his armor in combat. The lance was developed from the spear, thus the knight could use his left hand to hold the shield and the reins of his horse. White feels that in light of this evidence Brunner's theory that "feudalism was essentially military, a type of social organization designed to produce and support cavalry"² is right.

Similar to the theory proposed by Stephenson is that

¹Lynn White Jr., Medieval Technology and Social Change, (Oxford: The Clarendon Press, 1962), p. 5.

²Ibid., p. 3.

of F.M. Stenton, whose Anglo-Saxon England shows the existence of English grants from the royal families to loyal supporters. At the same time though, he does not demonstrate that military service was due for the tenure. The use of grants went back into the sixth century and possibly earlier. It did, in Stenton's opinion, mark the change towards the manorial system in England. There was a common burden that all freemen had to fulfill, the three common dues: bridge work, fortress work and military service. With the land there were burdens, which the folk (freemen) had to render for the use of the land. This amounted to a form of a rent and was lifted for some by royal grant. The three common dues were on rare occasions lifted by royal grant. They were usually left intact when other burdens were lifted.¹

Stenton pointed out the development of the practices of commendation in early England. It was not limited just to the thegns, but also to the peasants who were free. They would give up a profitless existence for one of protection under a lord. A ceremony of homage grew out of the practice. There were some limitations. The man had an option of what he rendered for the protection that he received. He could render military service, or work the lord's land, and subjugate himself to the jurisdiction of the lord's court. This meant that it was a personal relationship, different for each man who entered into the relationship. The

¹F.M. Stenton, Anglo-Saxon England, (Oxford: The Clarendon Press, 1971), pp. 302, 311, 312.

individual could enter the service of more than one lord at any given time.¹

Another part of the feudal system was that the local courts were under the control of the lord. That growth came about with the rise in power of the lords in conjunction with their increase in control over their areas. The control of the court gave them increased power, not only in justice but in the raising of revenue.²

These theories show that there is considerable disagreement concerning the makeup of feudalism. This stems from the fact that historians cannot find a common ground of agreement, such as one definition of the term feudalism. In the article, "The Tyranny of Construct; Feudalism and Historians of Medieval Europe", Elizabeth Brown reviews these problems with the term feudalism. The article goes through many of the views that historians have about the term, its definition and its use.³

Brown asks, when was feudalism most perfectly developed and who introduced it to England? According to Brown the first person to answer this question was not the Anglo-Saxons or the Normans. Frederic W. Maitland claimed that Henry

¹Ibid., pp. 490-492.

²Ibid., p. 492.

³Elizabeth A.R. Brown, "The Tyranny of a Construct; Feudalism and Historians of Medieval Europe", The American Historical Review, February 1974, pp. 1063-1066.

Spelman introduced the concept to English history and that feudalism had attained its most perfected form in the last half of the eighteenth century. The irony of this is that Spelman never used the word feudalism. He had used the word feudum principles of tenure, forfieture, and inheritance. Maitland was not satisfied with the concept and used the word feudalism interchangeably with feudal system. He pointed out that feudalism of the thirteenth century was not the same as that of any other century and it differed in France from that in England. In his attempt to define feudalism, he stressed the concepts of ties of vassalage, the fief, military service owed to the lord and private administration of justice. In his mind the feudalism which was attained in France in the tenth to the twelfth centuries was never realized in England. In England the force of feudalism was limited and checked by other forces.¹

More recent historians also debated the question. H.G. Richardson and G.O. Sayles felt that it was of relative unimportance that any element of feudalism existed in post-conquest England and stressed the continuity of English institutions. In spite of this, they thought the important elements that made up feudalism were homage, honors and honorial courts, military service for fiefs, and the use of military tenure for military purposes. With all that they felt, they could safely pronounce that England was nonfeudal

¹Ibid.

and therefore non-French. They drew that conclusion from their concept that feudalism with lordship was diminished by fragmentation caused when a sovereign divided the kingdom among his lords, which did not happen in England.¹

Coupled with the problem of trying to define the word is the recognition that it is a poor word to use because of the difficulty in defining it, and that using it in a teaching situation causes more problems. Often an instructor uses one of the above models on a beginning level to teach about the societies of the medieval period. Later, as the student progress, the model no longer works. There are limitations to the term that change it from the simple concept they first learned. Brown addressed this point by showing that a student who continues in this field might not know what the life patterns were really like. Some argue that an abstract term must be used to cover such a diverse area with any comprehension. Otto Hintze felt, "it is impossible to grasp the complicated circumstances of historical life, so laden with unique occurrences, in a few universal and unambiguous concepts as is done in the natural sciences."²

What really creates havoc is what Marc Bloch commented on; historians define the word feudalism to suit their own purposes. This enables each historian to prove

¹Ibid., pp. 1066, 1067.

²Ibid., pp. 1069, 1078.

his point because he may define his own working boundaries. This has led to an effort by some to try and do away with the term feudalism altogether. There have been books written on the middle ages that do not mention the term feudalism once in the text.¹

This problem is highlighted by the fact that new historians are still coming up with new definitions of feudalism. In these attempts they recognize that they cannot pin down an exact definition, but only patterns. Marc Bloch realized that Europe did not show similarities all over nor did all of Europe become feudal to the same degree or feudal at all.²

Joseph R. Strayer believed that a usable concept had to be obtained. To avoid this universal history problem, Strayer opted for a definition that emphasized jurisdiction. He felt that the extraneous factors had to be eliminated. To him the basic characteristics of feudalism were a fragmentation of the political authority, public power in the hands of a few private citizens, and a military system that was procured through private contracts. He saw it not only as a form of government, but as a means of securing the power to preserve that method of government.³

Even with all the problems that exist with the concept

¹See Richard W. Southern, The Making of the Middle Ages, (New Haven: Yale University Press, 1953, reprinted 1972).

²Brown, "The Tyranny of a Construct", p. 1074.

³Ibid., pp. 1072, 1073.

of feudalism it is highly unlikely that the word 'feudalism' will be stricken from the English language. Since interpretations differ what accounts for these variations? Variations come about because of regional differences, affecting forms of governments, the styles of military organization, the structure of social and family groups, social mobility, agricultural exploitation, commercial and urban growth and the relationship between the different classes. There are the social and political relationships that the populace was caught up in, ceremonies that stipulated relationships, created bonds of mutual support, fidelity, and obligations between the rulers and their subjects. The oaths, pledges, and services that bound them to each other made them dependent on each other. Formalized communes, alliances made through mutual agreement, were sometimes defined in detail and sometimes not. Ties of dependence made between individuals sometimes were inherited. Some of them involved friendship, some service, or protection. These were reinforced by some gesture and oath and then resulted in benefits, money, territory or social privileges or a combination of any of the three.¹ In spite of these examples of the use of the term 'feudalism' will persist and will be found in this study. By presenting the legacies of research that scholars built upon I hope that I have shown some of the limitations of past general studies. By showing

¹Ibid., pp. 1086, 1087.

the problems connected with the terms normally used to study the Middle Ages, I hope to have freed myself from entanglement with them. As I try to untangle the evolution and development of one important segment of that supposed hierarchy, I will try to avoid the pitfalls of some earlier studies.

The purpose for tracing the development of the position of earl and its function is not to try to redefine the word feudalism, but to accept the fact there was in existence in Europe, during the time period discussed, a social system that was feudal in nature. To try to delineate the exact bounds of that society will not be attempted, as it does not have an impact on the issue of this thesis. The position of earl, evolved in England to a position of great power, was reduced by the conquering Normans, but still exerted a great influence on history after the conquest. To study the elements that made the position of earl what it was and how the position functioned may lend an insight into why the earl was a dominant figure in English history, without necessarily solving the problems associated with the term feudalism.

CHAPTER II

THE DEVELOPMENT OF THE POSITION OF EARL

Ancient Beginnings

The position of earl developed slowly in Britain, gradually emerging from practices of immigrant societies. In order to trace the development of the position of earl it is necessary to recount parts of the history of England. The interweaving of the development and history of the earl results from the use of original materials and translations. The development of the position of earl is interwoven with the growth of England, thus making the recounting of England's history unavoidable. An examination of this development will aid in understanding the position and function of the earl in Britain.

Before the Roman conquest the term "earl" existed, but the position did not have the importance that it had in later centuries. In his writings Julius Caesar made reference to the fact that the Britons had a government ruled not by kings, but by the chieftains.¹ Caesar stated that the chieftains, "ealdormen" in later years, differed from the Roman leaders. They were not lawmakers, "but simply officers of the established law." The chieftains were the head of the assembly, the

¹Edward Augustus Freeman, The History of the Norman Conquest of England (New York: Clarendon Press, 1873), p. 329.

generals of tribal forces and the tribes' judicial authority.¹

Following the Romans the Germanic groups who invaded Britain brought with them the idea of the comitatus (warband). This is believed by some to be the underlying element of the English county of shire. The shire was based on the scir (a warband of local farmers and settlers led by the ealdorman).² This concept of the comitatus, or warband, was mentioned by Tacitus. R. Allen Brown commented, "the relationship of a military retainer to his war-leader, common to all Germanic peoples, is one of the basic elements from which feudal lordship developed on the Continent. But in England it evidently had not so developed."³ In England a nonfeudal system evolved from that relationship.

It is important to note that in England the ealdormen were appointed by the king and approved by vote of the witan. In his book The Constitutional History of England, William Stubbs states:

The ealdorman, the principis of Tacitus, and princeps, or satrapa, or subregulus of Bede, the dux of the Latin chroniclers and the comes of the Normans, was originally elected in the general assembly of the nation, and down to the Norman Conquest, even when hereditary

¹Peter Berresford Ellis, Caesar's Invasion of Britain (New York: New York University Press, 1978), p. 40.

²Warren C. Hollister, The Making of England 55BC-1399 (Lexington, MA: C.C. Heath and Company, 1971), p. 56.

³R. Allen Brown, The Normans and the Norman Conquest (London: Constable and Company Limited, 1960), p. 86. See Moses Hadas (ed) The Complete Works of Tacitus, Trans. Alfred John Church and William Jackson Brodribbs. (New York: Random House Inc. 1942), pp. 712-716.

succession had become almost the rule, his nomination required the consent of the king and the witenagemot.¹

The Anglo-Saxons were the only group to bring the concept of the ealdorman to Britain. The Scandinavian armies (who were of Germanic descent) that invaded Britain in the ninth century had a class, the eorlcund, who were nobles. "They were largely descendants of members of the ministerial class which served the kings and the greatest men."² This demonstrates that the title of ealdorman predates the existing division of the shires and did not limit the ealdorman to control of one shire. There was no rule that every shire should have an ealdorman to itself, in the manner that the shires had a sheriff in each shire.³

According to Edward Freeman, "519 A.D. marks a change from Ealdormanship to Kingship in the area of West Saxony." This transforming fluctuation of the political status of West Saxony (Wessex), from part of a kingdom to a kingdom, would change back and forth with conquest, and then defeat in the unstable Anglo-Saxon period. Freeman maintains that change was possible in West Saxony (Wessex) but not in other parts of Britain.⁴

¹Stubbs, The Constitutional History of England, p. 125.

²Frank Barlow, The Feudal Kingdom of England 1042-1216, (New York: Longmans, Green and Company, 1955), p. 6.

³William Stubbs, The Constitutional History of England, (Oxford: Clarendon Press, 1891), p. 125.

⁴"The change therefore from Kings back again to Ealdorman was possible in Wessex, where it was merely a change in the form of government, while in Mercia it would have been utter

Pre-Danish Development

In 519 A.D. began the transition to the next phase of the development of the position of earl. A kingdom in England had a king, who appointed the ealdormen. The ealdorman served only as long as the king was pleased with his service. Even though the ealdorman was approved by the witen the king had the power and authority to dismiss the ealdorman any time the king wished.¹ The ealdorman, the governor of the shire,² exercised the magistrial or jurisdictional power.³ Eric John mentions in his text, Orbis Britanniae that;

The ealdorman, under the king, alone or with a few colleagues, led the fyrd. The ealdorman's sphere of authority was known as his scir ...The scir is primarily the local fyrd, the ealdorman and his men.⁴

Many ealdormen came not from the nobility but from chance situations. Many times lesser dynasties were taken over and absorbed by the victor. The victims would then

dissolution of every tie between the different parts of the county." Freeman, The History of the Norman Conquest of England, (New York: Clarendon Press, 1873), p. 329.

¹Dayrell T. Reed, The Rise of Wessex, (London: Methuen and Company Ltd., 1947), p. 58.

²H.P.R. Finberg, The Formation of England, (London: Hart-Davis MacGibbon, 1974), p. 65.

³"The original idea of the ealdormanship is, however, magistracy or jurisdiction, as implied in the attribute of blood or with that of service, or even with the possession of a separate estate of land greater than that of the ordinary freeman." Stubbs, The Constitutional History of England, p. 178

⁴Eric John, Orbis Britanniae, (Leicester: Leicester University Press, 1966), p. 142.

find themselves at the mercy of the victorious king. In return for the promise of loyalty to their new lord, they would receive gifts and sometimes they would be put back in charge of their own territory. F.M. Stenton infers there was a gradual decline for the defeated kings, first from rex, to subregulus then to finally dux or ealdorman.

The typical ealdorman of the eighth and ninth centuries was not the heir of a dynasty but a member of the king's household set in charge of a shire, or regio, by his lord and removable at his pleasure.¹

Though they sat in power at the king's pleasure, the ealdormen were lords over their shires. They presided in the king's name² and as such had the job of defending the shire. The Saxon Chronicle shed light on the fact the ealdorman had to defend the countryside for the king;

A.D. 871. This year came the army to Reading in Wessex; and in the course of three nights after rode two earls up, who were met by alderman Ethelwulf at Englefield; where he fought with them and obtained the victory.³

The ealdorman even fought for his king after his death. In 755 the alderman Osric heard that the night before in a small town his lord had been killed. He immediately set out with his men to find and slay whoever was involved in the killing of his lord. They found the gates of the town

¹F.M. Stenton, Anglo-Saxon England, (Oxford: Clarendon Press), p. 305.

²Hollister, The Making of England, p. 57.

³The term Aldorman in the Chronicle is equivalent to Ealdorman. J. Ingram, The Saxon Chronicle, (London: Longman Hurst, Reese, Orme, and Brown, 1823), p. 99.

locked. The petty noble who had killed the king offered them money and land to join his cause. The ealdorman and his men killed them, in the name of their now dead king.¹

The ealdormen, at the king's call, acted as witnesses to important actions taken by the king. The Saxon Chronicle in the year 656 recorded that Wulfhere, king of Mercia, to witness a grant of land to the church, assembled his bishops, earls, thegns and all who loved God. It is important to note here that the term "earl" was used to refer to the ealdormen. A close look at the chronicles shows that after all were present, there was no mention of earls taking oaths of loyalties, but that the king's ealdormen took oaths as witnesses to what the king had sworn.²

For all the personal loyalty which the ealdorman gave to the king, the ealdorman often received in kind. For example, just as the king would be avenged by his ealdormen, the king would do the same for them. In 755 when a loyal ealdorman named Cumbra was murdered by a deposed king, Sebright, his death was avenged by the new king Cynewulf, (whom Cumbra had served faithfully).³ This shows a reciprocal personal relationship between the king and his ealdormen. The ealdormen served the king as administrators over their counties, led the fyrd in battle, presided over the shire

¹Ibid., pp. 69-71.

²Ingram, The Saxon Chronicle, pp. 40-45.

³Ibid., p. 69.

court, and in return for loyal service the king defended them.

The ealdormen of the coastal shires increased military actions after the first Danish ships attacked England in 787. For sixty-four years intermittent fighting continued until the Danes finally managed to control a permanent beachhead.

The year 787 marked the beginning of a long struggle for the Anglo-Saxon kingdom against the Danes. At the same time it marked the gradual end for some of the ealdorman's positions. This did not happen over night, but was a gradual process that took hundreds of years.

The Danish penetration of England beyond the coast was slow because their technology of mass personnel movement was not developed enough for force to take and hold the English coast. For the first time in 854 the Danes were able to winter over on English soil. Before this the Danes had only been able to take an island off the main coast at Lindesfarne. In the succeeding years the Danes put more and more pressure on the English kingdoms. In the year 901 the Saxon Chronicles recorded that the Danes were in control of English soil.¹ This loss of land caused a decrease in the number of ealdormen needed as governors of shires. At the same time they were spending an increasing amount of time in the field fighting.

¹Ingram, The Saxon Chronicle, pp. 78, 94, 124.

At first raids were occasional. After the first raid, it was seven years before the Saxon Chronicles mentioned the Danes coming back to raid the English coast. Then in the year 832 the Danes (called heathens in the Saxon Chronicles) overran the island of Shepey.¹ The next forty-five year period the fighting against the Danes was more frequent. Further the English were not united against the external threat and were at odds with their own neighbors. The lack of historical precedence for the boundaries meant constant struggle to try to expand one domain at the expense of a neighboring ealdorman or king. Part of the cause of that activity was the fact that the ealdormanships were not fixed in size. From 796 to 828 the Saxon Chronicle records that the English had five major battles among themselves.²

The constant conflict that set in started to take its toll on the ealdorman. In 837 ealdorman Wulfherd was slain by the Danes, as was ealdorman Ethelhelm. The following year it was recorded in the Chronicle:

A.D. 838. This year alderman Herbert was slain by the heathens, and many men with him, among the Marshlanders. The same year, afterwards, in Lindsey, East Anglia, and Kent, were many men slain by the army.³

¹Ibid., pp. 81, 89.

²Battles between Kent and Mercia, a battle in Northumbria, the ealdorman of the Wiccians battle at Kempsford, the people of Devonshire battle the Welsh, the West-Saxons battled Mercia, Egbert conquered Mercia, Egbert attacked Northumbria and he attacked North-Wales. Ibid., pp. 81-89.

³Ibid., p. 91.

The heathen and the army are reference to the Danes. Their broadened attack spread and the ealdormen became hard pressed to hold even their own areas. The Danes made inroads, often at a heavy price. Ealdorman Eanwulf with the men from the shire of Somerset and the ealdorman Osric with his men from Dorsetshire fought a great battle against the Danish army at the mouth of the Parret, and after fierce battle, the English had won. Six years later in 851 the ealdorman Ceorl and his men of Devonshire fought the Danish army at Wemburg and won. Ealdorman Elchere and his king, Athelstan, fought the Danish in their ships and won.¹

The struggle against the Danes was long and hard fought. The English at first repelled them, but then the Danes made a foothold that grew to be known as the Danelaw. For over a century the kings of Wessex defended their kingdom. Then began the reconquest and absorption with the idea of expanding of former territories of the defeated English kingdoms into Wessex. As the Danish assault slowed, King Alfred demonstrated that the Danes were not invincible.² As time passed Wessex expanded and in the course of that expansion King Alfred and the kings after him introduced a more uniform method of Control.³

¹Ibid., pp. 91, 92.

²D.J.V. Fisher, The Anglo-Saxon Age, (London: Longman Group Limited, 1973), p. 242. See Ingram, The Saxon Chronicle, pp. 124-164.

³As the heptarchic kingdoms successively came under West Saxon domination, their ruling houses being extinct,

Out of this new situation developed a structured court system from which the royal family ruled.¹ The English kingdoms grew in size which was reflected in the duties of the ealdormen. In his book, The Anglo-Saxon Age, Fisher puts forth the following observations:

As a result of the expansion of the English kingdom the territorial area of the ealdorman's activities was similarly enlarged and he became more like a provincial governor entrusted with the general oversight of a group of shires than a local administrator and military leader. The ealdorman's principle functions were presiding over the shire court, the publicizing and carrying out of royal commands within his ealdormany and the execution of the law against those who had set it at defiance. For his labours he was rewarded by monetary privileges of various kings, an elevated status, and by estates permanently and officially connected with the office.²

At one time the ealdormen were members of the royal household, not only by association, but by blood. The rise in royal power and the reduced importance of the ancient tradition (of royal blood governing the shires) had the effect of restricting the title of ealdorman or aetheling (persons in line of royal inheritance) to the royal house. At the same time the blood lines of the old noble families merged with that of the numerous nobility of official and territorial growth. Probably under the influence of the

ealdormen were placed over them. "...Each of the West Saxon shires already had its ealdorman; and soon as the subjugation of the Danes made it possible to introduce a uniform shire-administration, the same organization was adopted throughout the kingdom." Stubbs, The Constitutional History of England, pp. 177-178.

¹Fisher, The Anglo-Saxon Age, p. 258. See Kirby, The Making of Early England, pp. 180-183.

²Ibid., p. 259.

Danes the title of ancient name eorl, was adapted and merged with the use of the name jarl and with the Danish conquest these titles were joined to that of the ealdorman. This caused a rise in the importance of title of thegn, which then stood for all the nobles not covered by the other titles. The rise in political power of the earls left a vacuum in local shire government that the thegns filled. This overall transformation was very gradual, taking about two to three hundred years.¹ The ancient blood nobility by the time of King Alfred had merged into the blood line of the service nobility. On one hand the term ealdorman could be applied loosely as referring to one as lord, senior, or noble, but on the other hand, also, the chief magistrate of a shire or a group of shires.² For example, as the chief magistrate of the shire, the ealdorman was the landed gentry who gave judgements and who had the power to pass sentence in the shire-courts.³

The fighting became constant between the Danes and the English for over one hundred and fifty years. From 860 to 1017 the Saxon Chronicle records that battles were taking place almost every year. From 865 to 887 there was at least one battle each of those years, and then there was only four years of peace, for the next battle was in 891. The fighting

¹Stubbs, The Constitutional History of England, p. 169.

²Ibid., p. 176.

³Finberg, The Formation of England, pp. 138-139.

continued on and off for fifty more years, then the fighting became continuous for seventy some years, until 1017, when Canute successfully overran England. With that the fighting did not completely stop, but did subside.¹

Danish Development

The arrival of Canute brought a new era of development to the social structure of England. He reorganized England in the Danish social and political style. In 1014 Canute (Knut) was chosen king by the Danish fleets. From 1015 to 1017 Canute fought against the English. In order for Canute to move his fleet up the rivers, the Danes found a way to get around the low bridges. At London the Danes built a ditch deep enough to drag their ships around the bridge.² In 1016 the Danes captured London and finally in the next year English unification under Danish control was complete.

This year king Canute took to the whole government of England, and divided it into four parts: Wessex for himself, East-Anglia for Thurkyll, Mercia for Edric, Northumbria for Eric.³

Canute had Edwy Etheling⁴ (a member of the royal family) banished and later slain.⁵

¹Ingram, The Saxon Chronicle, pp. 94-202.

²Ibid., pp. 192-197. ³Ibid., p. 200.

⁴At the top were the members of the royal family, the aethelings. Below them came the gesiths and the earls. The members of these classes were warriors, but in all probability the gesithe and the earls were the soldiers who served the king and the aethelings. Sidney Painter, A History of the Middle Ages 284-1500, (New York: Alfred A. Knopf Inc., 1953), p. 82.

⁵Ingram, The Saxon Chronicle, p. 201.

The Danes imposed a new social and political structure upon the English. The Danes had an aristocracy which was composed of several ranks. The first rank was composed of jarl or earl, a rank equivalent to that of the ealdorman.¹ Christopher Brooke in his book, From Alfred to Henry III 871-1272, noted that it was "a symptom of change in personnel that the title of the Old English ealdorman came to be replaced by the Scandinavian jarl, or earl."² However, according to Edward Freeman, there is doubt that in the districts that remained purely Saxon the title Ealdorman continued uninterrupted even under Canute.³ There was not a sudden upheaval of the old English laws and customs:⁴ in fact Canute made it a point to continue the old English laws. In 1018 according to the Anglo-Saxon Chronicle, "the Danes and Angles were reconciled at Oxford to Edgar's law."⁵ That is important to note; Canute did not impose new laws on the English. He introduced a new social structure

¹Finberg, The Formation of England, p. 161.

²Christopher Brooke, From Alfred to Henry III 871-1272, (Edinburgh: Thomas Nelson and Sons Ltd., 1961), p. 64.

³Freeman, The History of the Norman Conquest of England, p. 394.

⁴Stubbs, The Constitutional History of England, p. 178. "... The title of earl had begun to supplant that of ealdorman in the reign of Ethelred: and the Danish jarl, from whom its use in this sense was borrowed, seems to have been more certainly connected by the tie of comitatus with his king than the Anglo-Saxon ealdorman need be supposed to have been. Hence in the laws of Canute the heriot of the earl appears included in the servitil nobility."

⁵Ingram, The Saxon Chronicle, p. 201.

imposed over the old English system. What happened then was a merging of terms and functions in a gradual development.

It is significant that before the end of his reign the Scandinavian loan-word 'eorl' had virtually superseded the English 'ealdorman' as the title of these provincial rulers. There was little, if any difference in power or function between the ealdorman who had governed provinces under Edgar and Aethelred and the earls of the half-century before the Norman conquest.¹

The year that Canute took control of all of England he divided the country into four sections,² each section was to be ruled by an earl (the name derived from the Danish Jarl).³ The earls were filling the same need that the ealdormen had before the Danes had taken over. The earl was an administrative position under the king, and at the same time the earl meant a type of nobility. Even though the administrative duties of the earl were important, it is more likely for military reasons rather than for administrative reasons that Canute divided the country into four large districts, in which the "whole authority of government was concentrated in the hands of one person" (the earl).⁴ Local government grew in size and scope and was transformed

¹F.M. Stenton, Anglo-Saxon England, (Oxford: Clarendon Press, 1971), p. 414.

²Under Canute England was divided into four great governments, answering to the four most powerful and permanent among the seven ancient Kingdoms. Freeman, The History of the Norman Conquest of England, p. 273.

³Hollister, The Making of England, p. 74.

⁴Stenton, Anglo-Saxon England, p. 398.

to a provincial government. The role of the earl evolved in the same way. In his book, The Anglo-Saxon Age, Fisher pointed out that the changes in the division of the kingdom after 1017 were made for military purposes. It was "the military advantages which had determined their creation."¹

Thus even with the transition from the ealdorman to the earl under Canute, there were no real changes in the functions exercised by the earls from those of the ealdorman from Aethelred's reign. They continued as the leadership of the military in their earldom. Further, their judiciary powers over the earldom and executive duties that the king gave them continued.²

As time went on the great earls became first the mainstay of Canute's court and then the leaders of his army. They started to gradually acquire immense territorial possessions and power that was comparable to the power that they might have had if they had been in Denmark or Norway.³ Their power was based on both the land and the office, but as they increased their holdings they increased their power. In spite of the fact that earls were by the standards of their day so powerful that no king could afford to ignore them, their basis for power was tenuous. Why? They never established a strictly hereditary position from

¹Fisher, The Anglo-Saxon Age, p. 333.

²Ibid.

³Brooke, From Alfred to Henry III 871-1271, p. 64.

which, like the magnates on the continent, they could assume control of entire provinces. Their great land holdings were scattered through many shires over which they ruled.

The king appointed the earls to their offices, and the king had the power to change the boundaries of their earldoms.¹ Many times the king could change the boundaries of the earldoms to insure that they did not coincide with their (the earls') personal estates. Despite that, according to J.R. Lander, "there was, however, a natural tendency for the rank, if not the bailiwick, to become hereditary."²

The control of the new system depended on the person at the top, the king. Canute, one of the greatest and most capable rulers of the eleventh century, controlled not only England but also his possessions in Denmark and Norway.³ Canute kept his administration and the earls under tight control.

Under King Edward,⁴ who was not a ruler of the caliber of Canute, for controlling England the earls began to assert

¹Royal control was demonstrated by the king's power to alter the territorial composition of the earldoms by appointing officials with the title of earl within the areas of the greater earldoms and by varying the combination of shires that each earldom contained. Fisher, The Anglo-Saxon Age, p. 334.

²J.R. Lander, Ancient and Medieval England, (New York: Harcourt Brace Jovanovich, Inc., 1973), p. 60.

³Ingram, The Saxon Chronicle, pp. 204, 205. See Chambers, England Before the Norman Conquest, pp. 273-275.

⁴Edward was crowned king in 1043. Stenton, Anglo-Saxon England, p. 423.

their autonomy in administering their earldoms. As Norman influence gradually infiltrated into England, by the use of Normans as advisors in the royal court, the more powerful earls became the representatives of the growing resentment of the Anglo-Saxons against the Normans. At this time,¹ according to Warren Hollister, "the most powerful of these magnates was Earl Godwine of Wessex, who managed to place his sons in several of the other earldoms."² Even though an appointed officer to the king, Earl Godwine was not deterred from the natural tendency of providing earldoms for his sons. By the end of the reign of Edward the Confessor the houses of Godwine, Leofric and Siward had so much power that they did not fear the king taking any action against them. Earl Godwine even arranged for his daughter to marry Edward the Confessor.³ Only a revelation of an act of disloyalty by an earl gave the king the opportunity to "demonstrate that in the last resort an earl came to his authority by royal grant."⁴

The royal charters and grants support the fact that the earls received their rights from the king. Through the use of the charters and grants, the king informed the earls and the English subjects of gifts, grants and aid

¹Brooke, From Alfred to Henry III 871-1271, p. 64.

²Hollister, The Making of England, p. 75.

³When his strong hand was removed by his early death in 1035, the earls came near to dismembering the state. Brooke, From Alfred to Henry III 871-1271, p. 64.

⁴Stenton, Anglo-Saxon England, p. 547.

that they must render.¹ In 1033 a grant went out, "Canute, king of all Britain, to the Old Minster at Winchester. 3 'mansae' at Hylle, free of all but the three common dues."² Eleven years later King Edward made a similar grant to the fifteen "mansae" (dwellings) at Pitminster. Once again they were left with the three common dues.³ Sometime between 1043 and 1053 King Edward granted Abbot Leofwine of Coventry, to have sake and soke, toll and team, over his lands and men within and without borough, as fully and completely as ever Earl Leofric had.⁴ This writ reveals much about the rights the kings granted the earls. Though the writ applies to the Abbot Leofwine, the rights coincide with those the Earl

¹There are several texts that have charters and grants from the early periods of English history. Including C.R. Hart's The Early Charters of Eastern England, (Leicester: Leicester University Press), 1966, The Early Charters of Northern England and Northern Midlands, (Leicester: Leicester University Press, 1975), H.P.R. Finberg's The Early Charters of Wessex, (Leicester: Leicester University Press, 1964), The Early Charters of the West Midlands, (Leicester: Leicester University Press, 1961), and the Department of History of the University of Pennsylvania's Original Sources of European History, (New York: AMS Press Inc., 1971).

²Finberg, The Early Charters of Wessex, p. 150. The three common dues were royal rights of the king. They were borough-work, bridge-work and fyrd service which lay upon all of the land of England... assessed upon a uniform pattern. Reginald Allen Brown, The Normans and the Norman Conquest, (New York: Thomas Y. Crowell Company Inc., 1969), (ed.) English Historical Documents, (New York: Oxford University Press, 1965), Volume I, pp. 488-489.

³Ibid.

⁴Hart, The Early Charters of Northern England and Northern Midlands, p. 88. See Arthur Bryant, The Medieval Foundation of England, (Garden City, New York: Doubleday and Company, Inc., 1967), pp. 91, 92.

Leofric had. The right of sake (sac) was the right to bring lawsuit against someone, to bring charges against them. The right of soke (soc) was the right of the lord to retain a portion of the fines that were levied against offenders that were found guilty in the lord's court. This was one of the methods the lord had at his disposal to raise revenues for his use. Other methods at his disposal were the rights of toll and team. The right of toll enabled the lord to charge for the use of the roads that ran across his land, or passage on any waterways that ran through his property. The right of team gave him the control of the use of animal teams on his land.

The charters bring to light other rights and powers that the king granted. Besides the rights of sake and soke, and the rights of toll and team,¹ the king also granted in some cases the rights of "full freedom, hamsocn, foresteall, blodwite, fihtwite, weardwite, and mundbreach."² In addition to those there were the appurtenant rights of "meadow,

¹The practice of giving the right of sake and soke was fairly common in the time of King Edward. In 1055 he gave to Earl Siward "Swineshead, with sake and soke." Hart, The Early Charters of Eastern England, p. 37. About 1061 King Edward gave to his priest (Giso) land with the right of "sake and soke, as fully as his predecessors." Finberg, The Early Charters of Wessex, p. 151. There is also a previous grant about the priest Giso giving him the same power. Finberg, The Charters of Wessex, p. 150.

²A writ that confirms the gifts by Earl Leofric and giving a grant of the listed rights. Hart, The Early Charters of Northern England and the Northern Midlands, pp. 88-89.

wood and pasture."¹ There was also the concept of the berewick which the king granted.² Many of the rights that were given had to deal with judicial privileges. Hamsocn was the crime of assaulting a person in their own home, or breaking and entering, it was also the right to the lord to try such cases in his court, to levy and collect the fines that were imposed upon conviction. The foresteall was the crime of highway robbery, or assault on the road. It was also the right of jurisdiction over assault or robberies committed within the territory including the right to try such cases, levy the fine and to collect the fine. Blodwite was the fine for shedding blood, and the right to receive the fines for such cases. The figtwite was a fine for failure to keep guard (in the case of guardianship or wardship). Mundbreach was a fine for breach of peace or of protection, the term mund being the Old English term for in the hand of, or protection. With these powers the earls and other great land holders, such as the Abbot of Westminster held the control of the land and the people on the land. These powers provided influence and income for the earls.

¹There are cases where additional rights that would have been thought of as being with the estate automatically that in fact were not. Finberg, The Early Charters of Wessex, p. 151. A further example of this was the gift from King Edward to Westminster Abbey "Confirmation of lands and privileges. The lands include Deerhurst, "with its territories, berewicks, and appurtenances," H.P.R. Finberg, The Early Charters of the West Midlands, (Leicester: Leicester University Press, 1961), p. 79.

²Finberg, The Early Charters of the West Midlands, p. 79.

Through the use of the charters the king directed the earls and other subjects to comply with the policies that he set up. In 1065 and 1066 King Edward issued a "writ commanding that all thegns of the lands of Perhore and Deerhurst be henceforth subject to the abbot and covent of Westminster."¹ Sometime between the years 1043 and 1053 the king addressed his writ to "his bishops, earls, and thegns,"² or to just an individual, as in the writ of 1061 or 1066 addressed to "Earl Harold."³ Through the charters it is possible to see the limitations that the king could impose by the stroke of a pen, by the same method that he gave power to the Earls⁴.

These new powers and limitations that were placed upon the earls were a development resulting from the Danish invasions. Before Canute had taken the throne of England the important positions such as earls, did not have the extra powers that were laid out in the writs and charters that the kings made. For several hundred years local officials had been required to provide the crown the three common

¹Finberg, The Early Charters of the West Midlands, p. 78.

²Hart, The Early Charters of Northern England and the Northern Midlands, p. 88.

³There are numerous writs that are addressed to the earl in which the king gives the earl some directions to follow. Finberg, The Early Charters of Wessex, p. 151.

⁴Throughout the books on the subject by Finberg and Hart there are examples of the limitations and the gifts of power that the king makes to the royal and church officials. See also F.E. Harmer, Anglo-Saxon Writs, (Manchester: Manchester University Press, 1952), pp. 348-349.

dues.¹ With the arrival of Canute on the throne came the increases granting of these increased powers. Canute regularized the granting of sake and soke. Edward introduced the granting of even more rights to the officials, while maintaining the three common dues (bridge work, fortress work and military service).

In a writ to St. Peter of Westminster King Edward explains these rights:

And I inform you that I have given him on all his land sake and soke, toll and team, infangenetheof and flymenafymth, grithbreach and hamsoch and foresteall and all other rights, in festival season and outside it, within borough and without, on street and off street, as fully and as completely as ever I myself possessed them.²

These rights gave the individual great power within the sphere of their control, but only at the king's pleasure.

As time passed the power of the earls grew as had been shown in the writs and charters. Incounter balance to this increase of power, the presence of the sheriff in the shire was one of the ways the king kept the earls in check. Since he served the king, the sheriff became a warning to the earls not to give in to the temptation of thinking of the earldom as an autonomous unit of government.³ Nor was the earldom

¹Started around the 700's and continued up to and past the conquest. See Finberg, The Early Charters of the West Midlands, pp. 32, 86, and The Early Charters of Wessex, pp. 27, 71, 122. Hart, The Early Charters of Northern England and the Northern Midlands, p. 68, and The Early Charters of Eastern England, pp. 50, 67.

²Harmer, Anglo-Saxon Writs, p. 349.

³Stenton, Anglo-Saxon England, pp. 549-550.

to be thought of as a hereditary office. It was possible for a thegn to prosper and then eventually be appointed as an earl.¹ "If a thegn thrived, so that he became an eorl, then he was thenceforth of eorl-right worthy."²

To the ordinary thegn in the shire, the earl was a great lord, "to whom a man might commend himself as an insurance against future trouble but with whom he had few contacts in the normal course of his life."³ The thegns were under the earls, the number of earls was small in the eleventh century, "their estates vast, and their position almost hereditary. But as rulers of a province under the king they were the king's servants,"⁴ He made them and broke them.

The number of earls seems not to have been constant but to have changed in relation to changes in power. As Chadwick pointed out "In Aethelstan's reign we find apparently six, in Edmund's eight, in Eadred's seven."⁵ The fluctuation in the number of earls indicates one way the king controlled them. The gradual change in the functions of the earls is

¹"After this, King Canute appointed Eric earl over Northunbria, as Utred was", Ingram, The Saxon Chronicle, p. 196. "Edmund in his first year created four new earls, three or whom ...apparently had jurisdiction in the Midlands," H. Munro Chadwick, Studies on Anglo-Saxon Institutions, (New York: Russell and Russell Inc., 1963), p. 196.

²Roy C. Cave and Herbert H. Coulson, A Source Book for Medieval Economic History, (New York: The Bruce Publishing Company, 1936), p. 317.

³Stenton, Anglo-Saxon England, p. 550.

⁴Barlow, The Feudal Kingdom of England, p. 7.

⁵Chadwick, Studies on Anglo-Saxon Institutions, p. 197.

commented on by F.M. Stenton; the vagueness of the records, "on this is one among a number of indications that his essential functions were not administrative, but political. His fundamental duty was to act as the king's representative in the region under his control."¹

These changes show a development away from the earlier duties that were primarily administrative in nature. Earlier the duties of earl showed a balance between the military and the civic duties. Canute's emphasis shifted the earl toward a more militaristic control over the country but still involved a use of the earl in civic matters. The earl led the military forces of his earldom for the king.² Even with the changes of duties that the earls were assigned, they never lost touch socially with local affairs. By 1066 every earl was the lord by commendation of a considerable number of thegns and freemen who were within his province. The change in the political scene between the time of Aethelred and the death of Edward caused the eventual detachment, politically, of the great provincial rulers from the life in their districts.³ In his book, The Formation of England, Finberg

¹Stenton, Anglo-Saxon England, p. 548.

²"In his civil capacity the earl had... to attend (doubtless as president) the county assembly. ...It appears that the earl was responsible for the carrying out of the laws within his earldom. He was also responsible for the execution of justice against those who had set against the laws at defiance." Chadwick, Studies on Anglo-Saxon Institutions, pp. 168-169..

³Stenton, Anglo-Saxon England, p. 548.

comments:

The earls, while keeping in touch with at least the greater landowners within their jurisdiction, and retaining the presidency of the shire-court, became more and more political figures preoccupied with the issues that affected the nation as a whole, leaving the daily routine of administration to the sheriff.¹

In a psychological way, the relationship of the earl or of the ealdorman to his military force was similar to that of the feudal lords to their vassals.² They were all leaders of men. However, the ealdorman and the earl were not lords with vassals who pledged homage to them for service. Their men were citizens who were living in the earl's geographical area, who were under public law obligated to defend their country by being a part of the fyrd. The earls, even though they were in charge of the military forces by the king's direction, did not always fight on the side of the king. There are cases such as the occasion when Earl Godwine was not in the king's favor and went against the king's wishes. The king sent to Earl Leofric and to Earl Siward for their troops. They responded by sending the king the troops that he requested. Then they offered the king advice, "some of them thought it would be a great piece of folly if they joined battle, for in the two hosts there was most of what was noblest in England, and they considered that they would be opening a way for" their

¹Finberg, The Formation of England, p. 191.

²Hollister, Anglo-Saxon Military Institutions, p. 93.

enemies to enter the country.¹ The end result was that even with his troops and those of the earls, the king did not attack Godwine.²

Within the areas where the king granted the earls power, they had possession of authority and influence which put them above even the greatest of the local magnates. By virtue of the office of earl, they were entitled to command the fyrd of the shire in time of war. At the same time they were expected to sit with the deocesan bishop jointly as the president of the shire court.³ From Munro Chadwick's book, Studies on Anglo-Saxon Institutions, it appears the earl was the judicial authority to whom application was to be made for redress of private wrongs when the complainant was not strong enough himself to bring his adversary to law.⁴ The earls were more powerful than the earlier ealdormen and yet they did not undertake some of the tasks that the ealdormen had.⁵ The power and influence of the earl was constrained

¹Dorothy Whitelock, ed. The Anglo-Saxon Chronicle, (London: Eyre and Spottiswoode, 1969), p. 110.

²The king maintained a large fighting force, or body-guard which was very expensive; they were known as house-carles. They were originally formed to serve as collecting agents of the king in collecting the heregeld. It was estimated that Canute maintained some three thousand house-carles in England. D.P. Kirby, The Making of England. (New York: Schocken Books, 1968), p. 125.

³Stenton, Anglo-Saxon England, p. 547.

⁴Chadwick, Studies on Anglo-Saxon Institutions, p. 169.

⁵One of the duties of the ealdormen that took them beyond England was that of transporting alms to Rome. In 887 ealdorman Ethelhelm led the alms of the West-Saxons and of King Alfred to Rome, the following year ealdorman

to England.

As explained the organization of the kingdom into the earldoms occurred when the Danes had control of England. Earlier the ealdormen of the Old-English had for the most part ruled only one shire. They could sometimes trace descent from the ancient kings or nobility of their independent past. Canute regularly appointed Englishmen who were rarely of noble birth or from the old families. Canute reduced the number of earldoms so that they corresponded roughly with the greater kingdoms of the ninth century and made earls governors of these provinces, which were groups of shires.

Though the changes greatly changed the political importance of the office, the office itself basically remained the same. The office was a royal appointment, held at the king's pleasure and it created no hereditary rank. The duties of the earls were vice regal. They exercised in their earldoms those rights which the king had in the kingdom at large. They were charged with keeping the peace and maintaining good justice. They commanded the military forces (fyrd) in their provinces and were answerable for the defense of their earldoms. They received orders from the king and were charged with seeing that they were carried out. They were the subordinate officers in the government of the enlarged areas the kings of the tenth and eleventh centuries had to rule.

Beeke conducted the alms of West-Saxons and of the king (Alfred) to Rome. Ingram, The Saxon Chronicle, p. 111.

The kings prevented them from increasing their own power by ensuring that the earldoms did not assume an hereditary nature or a fixed territorial area. They always had the option to create new earldoms and to vary the territorial makeup of an existing earldom by changing the combination of shires that were in the earldom. Even though the position of earl was not hereditary, the eldest son of earls usually expected to be earls. Appointments were usually found for them, "culminating usually in succession to their father's earldom on his death."¹

The net result was that the position of earl had its origins in the early history of England; initially growing out of the Teutonic constitution as the chieftain they had been introduced into Britain before the time of the Roman conquest, as seen in the writings of Caesar, and then grew into the ealdorman. The position of ealdorman or now alderman grew with the small kingdoms of Britain. At first the ealdorman was an appointee responsible to the king for the care, administration and military leadership of the shire's fyrd. As the small kingdom grew, the position took on added importance, with the king relying more on the alderman/ealdorman.

The start of the Danish invasion brought the value and importance of the ealdorman to the forefront. For the Saxon kings, they were the first line of defense against

¹Barlow, The Feudal Kingdom of England 1042-1216, pp. 46, 47.

the Danes. At the same time they represented stability and protection to the folk of the shires. The Danes brought new changes with them when they took over parts of Britain and then all of England under Canute. The ealdorman was replaced by the earl. The area of control of the earl was larger than that of the old ealdorman. Instead of one earl per shire there were several shires per earl. The authority of the earl was greater than that of the ealdorman. The earl received more rights and privileges from the time beginning with Canute to Harlod. Despite all the changes, the earl, like the ealdorman, was a royal appointee subject to the will of the king and could be removed by the king. The rank of earl, like that of ealdorman, was not an hereditary position, even at the time of the conquest. Although, it was slowly developing into an inherited position, similar to the ranks of nobility under Frankish feudalism, the earl at the time of the conquest in 1066 was still an appointed position.

CHAPTER III

1066 A YEAR OF TRANSITION

The year 1066 was the turning point in the development of the position of earl. There was in one year, the zenith of the power and control of the position and the collapse and subordination of the position. How was this possible? There was only one major battle between the Normans and the Anglo-Saxons. What was the difference that enabled the small invading force of William's to be victorious? To attempt an answer to the problem, the tactics and leadership of the Normans and the Anglo-Saxons must be examined to see how the position of earl operated and was effected by one battle. The role that the earls played in the events of the year 1066 are crucial to the understanding of their development and functions in following years.

Frankish Feudal System

The Frankish feudal system differed from the English system in raising and commanding armed forces. The Normans used the Frankish system, which depended on the lord-vassal concept. The concept of the liege lord was seen in the king of France. Under the king were dukes, who could be and sometimes were, more powerful in territory and military might, than the king. The Duke of Normandy was an extreme example

of this. The dukes, sworn to support the king, had under them the vassals sworn to serve and support the duke, not the king. In a pyramid fashion, the king ruled at the top, followed by the dukes. Under the dukes were the counts, the viscounts, the barons and lastly the knights. This hierarchical order enabled the king to raise an army of professional fighting men without having to support them himself or to tax the nobility.

To raise an army, the French king or any lord called on his vassals to come with the troops that they had promised to provide in return for investiture and fief. In the case of a duke, the counts responded first. They furnished the duke the troops that he needed and that they owed to him. The duke could not order the viscounts under the counts to send him troops, for they were not sworn to him¹but to the counts. The counts not only had to provide troops, but also weapons and supplies to the duke. For the counts to comply, they would have to call on their vassals, the viscounts and other small nobles who had sworn service to them. This process would go through the chain all the way down to the knights. Going back up the ladder, the troops were sent from vassal to lord, resulting in a large army, if needed. Decentralization was a disadvantage to the system, because the troops were only sworn to the lord above them and not to

¹It was possible for a duke to have vassals who were viscounts, or barons, or simply knights besides having counts as vassals. For the sake of simplicity the example was limited to use of counts.

the supreme leader, whether it be the king or the duke. It led to disciplinary problems in the ranks and problems of coordination and communication. The major problem was overcoming the divided loyalties of the troops and the nobles.

English Military System

In England, the top of the system was the king, similar to the French. After that there was considerable difference. Below the king, at that time, were six earls. Under the earls were the thegns, men who were free land owners and soldiers in England. There were the free men who did not own land, but farmed or lived within the confines of the earldomes. This hierarchical structure differed from that of the French because the service was not feudal in nature; the whole army was loyal to the crown and to England. England had a national army, for "in England the obligation of every able-bodied man to serve in the armed forces was no mere theoretical survival from antiquity."¹ The king of England was selected differently than the French king. The king was appointed by the council of the Witan, a group composed of earls, thegns, wealthy freemen, and church leaders. Sometimes the king's son was appointed, but not always, therefore the kingship in England was not hereditary.²

¹Beeler, Warfare in Feudal Europe 730-1200, (Ithaca: Cornell University Press, 1971), p. 89.

²Shepard B. Clough (ed.) A History of the West, (Lexington: D.C. Heath and Company, 1969). p. 264. See Stubbs, The Constitutional History of England, pp. 150-155.

In order to raise an army, the king had royal agents in the shires, called shire-reeves,¹ whose job it was to carry out the orders of the king and to collect taxes. They were more loyal to the king than to the earls. The shire-reeves were directly responsible to the king, from whom they held their appointments.²

The English used a different system for determining the number of troops to be contributed to the army. They used the hide system, based on land, not an oath of investiture. Hide size was used by each shire to determine how many men to send. Each five-hide unit was required to produce one foot soldier for sixty days with equipment and pay.³ A hide was equal to about 120 acres and was considered adequate for one free family and its dependents to live on.⁴

The five-hide system was, therefore, the basis of both cerol service and the thegn service. Well armed and well supported numbers of both classes served in the select fyrd. In general the military recruitment unit provided the fyrd with its best available warrior, and consequently, the masses of the lower peasantry did not fight unless the great fyrd obligation was invoked.⁵

¹They became later on to be called sheriffs. See Kirby, The Making of England, p. 179. Fisher, The Anglo-Saxon Age, p. 310.

²Clough, A History of the West, p. 264. See Stubbs, The Constitutional History of England, pp. 126-128.

³Beeler, Warfare in Feudal Europe 730-1200, p. 91. See Finberg, The Formation of England 550-1042, pp. 163-166. Douglas, English Historical Documents, p. 648.

⁴Hollister, Anglo-Saxon Military Institutions, p. 38. See A.V. B. Norman, The Medieval Soldier, (New York: Thomas Y. Crowell, Company, 1971), p. 72. H.H. Inman, Domesday and Feudal Statistic, (Port Washington, New York: Kennikat Press 1900, reprinted 1971), p. 7.

⁵Ibid., p. 80.

The drafted body of men was called a fyrd. There were three types of fyrds: the great fyrd, the select fyrd and the ship fyrd. The great fyrd was made up of all available freemen fighting in defense of their country.¹ The select fyrd was made up of the five-hide system, using only a portion of the total available population for service in the fyrd.² The ship fyrd also required the coastal town to provide ships and provisions in addition to men. Hollister notes in his book, Anglo-Saxon Military Institutions, that "the recurring phrase 'by land or sea', or its equivalent, shows that in no case was the five-hide unit obliged to provide a man for both fyrds at the same time."³ The king had what could be considered a private body guard of elite soldiers. They were known as housecarles, hired for long term periods; unlike thegns they served for more than the duration of a war. These professional fighting men⁴ did not fight on horseback, like the French, but on foot. The king was not the only person with housecarles; the earls had some, which they would provide the king in times of need. In battle the housecarles were the main strength of the English line, for they were the only highly trained professional soldiers. For the rest of the army, fighting

¹Ibid., pp. 45, 46. Town folk, see Appendix A, (46).

²Ibid., p. 26.

³Sixty such units together had to provide not only the crew of sixty armed oarsmen, but also the ship. Ibid., p. 115.

⁴Beeler, Warfare in Feudal Europe, pp. 89, 91.

was a part-time occupation. The reserve force for the housecarles was the select fyrd which was usually made up of thegns and freemen.¹

Tactics

The tactics used in warfare by the French underwent very few changes from the eighth to the fifteenth century. The stable and uniform procedure would become more inventive, different, and more complex in the middle of the fifteenth century.

During his reign Charlemagne met what would become the standard pattern on the continent for the conduct of warfare. There were very few all out battles, instead foes tried to out-maneuver each other. Small skirmishes involved the advanced guards of the opposing foes, and fortified areas underwent sieges, which could take months to be successful. When a battle did take place, the initial lineup of the forces followed a constant pattern. The archers were placed in front to fire on the enemy, disorganized them, and break up the formation. To accomplish this, they let loose up to a full quiver of arrows. In order to refire they waited for the opposing side to fire, picked up those arrows, and used them. Soon the forces were being fired upon by their own arrows. When the archers were finished with their task they would either move to the back of the ranks or off to the side

¹Alan Lloyd, The Making of the King 1066, (New York: Holt Rinehart and Winston, 1966), p. 176. See Charles H. Lemmon, "The Campaign of 1066", The Norman Conquest (New York: Charles Scribner's Sons, 1966), p. 92.

to let the knight and troopers¹ move up. These formed in a series of lines and moved on the opposing line. They moved in line increasing their speed as they neared the enemy. Using their lances, they impacted with the enemy at a near gallop. Depending on how heavily casualties were inflicted, they would either move off to let the next wave attack the enemy or resort to hand to hand combat. If the charge were successful, the foot soldiers then moved up to support the knights. The foot soldiers could not move otherwise for they were very vulnerable on the open field to attack from the enemy. A segment of the army, held in reserve, was composed of some knights, archers and foot-soldiers. They provided the lord protection and a force with which to counter the enemy in order to win the battle. The formations used were not tight neat formation, but looked more like organized mobs. Charlemagne's "tactics were primitive as compared to the departed glories of classical warfare. He fought no great battles..."² This procedure held for nearly the next seven hundred years. The battle at Hastings was one of the few exceptions to the idea of not fighting a major decisive battle without all the counter moves and trying to outmaneuver the enemy.

The style of warfare practiced by the Anglo-Saxons

¹A trooper was a man who was not of noble birth but who had the money to afford the cost of the armour and the horse. John E. Morrish, The Welsh Wars of Edward I, (Oxford: Clarendon Press, 1901), pp. 82, 83.

²Montross, War Through the Ages, p. 98

was different from that of the continent. They had heavy influence by the Danes and there were years of struggle against them. The Anglo-Saxons did not fight an enemy that fought on horseback but one that came by ship and fought on foot.¹ Their styles of fighting had adapted to meet the challenge that the Danes imposed on them. As a result the Anglo-Saxons and the Danes were good at fighting on foot. Fighting on foot allowed more men to be liable for service since the amount of training was less than that of the knight on the horse. At the same time it allowed the bulk of the fighting force to farm their plots, since they did not use all the time learning to fight. The earls commanded the subordinate sections of the army for the king. The formation used by the Anglo-Saxons was similar to the Greek phalanx. There were several rows of soldiers standing tightly shoulder to shoulder with enough room for them to swing their weapons. In such a formation their shields formed a protective wall, from which they could fight and be protected against any charge.² The center section of the formation was made up of the housecarles because they were the best trained soldiers.³ This section is where the

¹This is supported by the accounts given in the Saxon Chronicle. See Ingram, The Saxon Chronicle, p. 78. A. Campbell (ed.), The Chronicle of Aethelward, (New York: Thomas Nelson and Sons Ltd., 1962), pp. 26, 27, 50.

²Hollister, Anglo-Saxon Military Institutions, p. 131.

³Brown, Origins of English Feudalism, p. 37. See Hollister, Anglo-Saxon Military Institutions, p. 128.

earls fought. Their steadiness was needed to keep the soldiers of the fyrd from panicking in the face of the enemy. As the elite corps of the army, the fyrd looked to them to see how the course of the battle was going. If the housecarles were holding their own then the battle was in their favor which had a reassuring affect on the men of the fyrd. The earls had to maintain the shield wall in a tight formation for it was a tactic that was best suited for a defensive situation. The shield wall was not highly mobile, the earls could not keep the fyrd in position while on the move, and would lose its effectiveness to withstand the charge of the enemy. The remainder of the shield wall was composed of the select fyrd that had come with the earls. In the case of national emergency the shield wall would also include the great fyrd.¹

Hastings

The Anglo-Saxons and the Normans used a wide assortment of arms and armour that had some effect on how they fought.² The differences in weapons, armour and tactics leave out one important element, leadership. At Hastings there was a difference in leadership styles between the two societies. The events of the battle are not as important at this time as is the evidence of the difference between the two societies.

¹Hollister, Anglo-Saxon Military Institutions, p. 128. See H.R. Loyn, The Norman Conquest, (London's Hutchinson University Library, 1967), p. 78.

²There are many texts on arms and armour. The following

The battle reveals this and the results it had on the earl.

In the days just preceding the battle, Harold, King of the English, had a force march to Hastings from London. He took with him some of the local fyrds of two earldoms, but not a full strength army because the earls had to gather their forces on short notice. He was at a disadvantage, because his army was tired having just come out of a major battle in northern England at Stamford bridge, where with the forces of his earls in the north Harold was victorious.¹ This left Harold not in the best of tactical positions because he had left the earls and their forces in the north. To make things worse, he had lost the element of

is only a partial listing to demonstrate the difference that the Normans and the Anglo-Saxons had. Thomas Hearne, Peter Langoft's Chronicle, (London: Mercier and Chervet Printers, 1610), p. 71. Ashdown, Arms and Armour, (New York: Dodge Publishing Company, 1962), pp. 50, 51, 54, 65-67. Norman, The Medieval Soldier, pp. 31, 73-75, 231, 234, 79, 95. Geoffrey Baraclough (ed.) (New York: Barnes and Noble, Inc., 1960:), p. 126. Lynn Montross, War Through the Ages, (New York: Harper and Brother Pub., 1946), p. 91. Edward Wagner, Medieval Costume, Armour and Weapons, (London: Artia), p. 27, 44, 47, 48, 50. David Chandler, The Art of Warfare, (New York: The Hamlyn Publishing Group Ltd., 1974), p. 61, 65. Charles H. Lemmon "The Campaign of 1066" The Norman Conquest, p. 92, 93. Howard Blackmore, Arms and Armour, (New York: Dutton and Company, 1965), p. 7. A. Norman, History of War and Weapons 449-1660, (New York: Thomas Y. Cromell Company, 1966), p. 30, 31. John Heitt, Ancient Armour, Volume I, (Oxford: Messrs Parder Cormarket, 1962), pp. 65-79. Helmut Nickel, Warriors and Worthies, (New York: Atheneum, 1969), p. 45. Claude Blair, European Armour, (New York: MacMillan Company, 1954), p. 23. Paul Martin Arms and Armour, (Rutland: Charles E. Tuttle Company, 1968), p. 28.

suprise when the scouts of the Norman army had spotted his army before he reached Hastings.¹

On the morning of the fourteenth of October, 1066, the Anglo-Saxon army took position on a hill called Senlac with 5,000 fyrdmenn and 2,000 housecarles. The housecarles and the best thegns filled the front row to form the shield wall. Behind then the rest of the army was massing. Harold had positioned himself in the center rear of the formation to allow him better control of the army. The earls commanded each section of the phalanx.

The Normans came on the scene to face the first army that was not on horseback. William, Duke of Normandy, positioned himself behind the center element of his army, where he had his reserve stationed. The Normans took their position on a small hill in front of the Anglo-Saxon formation. The Norman army was divided into elements that, if need be, could fight independently from the rest of the army. Each of these elements was under the command of one of William's vassals. The Anglo-Saxon army, on the otherhand, was one solid formation, without the ability to split off quickly and fight independently. Within the formation there were earls who were in charge of the different fyrdmen.²

¹Hollister, Anglo-Saxon Military Institutions, p. 207. See Frank Barlow, William I and the Norman Conquest, (Mystic Conn.: Lawrence Verry Inc., 1965), p. 75. Loyn, The Norman Conquest, p. 93.

²Lemmon, "The Campaign of 1066", The Norman Conquest pp. 101,104. Chandler, The Art of Warfare, p. 72. Loyn, The Norman Conquest, pp. 93, 94.

The attack began with the Norman archers shooting at the enemy. Due to the distance and the lower elevation of their position, the arrows did little harm to the Anglo-Saxon army. There was a problem that William had not counted on, the Anglo-Saxons were not returning the fire and his archers ran out of arrows.

William then did something which was not in line with the usual Frankish feudal tactics, he ordered his foot soldiers to attack before he had sent in his knights. This was the type of battle the earls and the Anglo-Saxons were prepared for and they effectively repulsed the Normans. William then employed his mounted knights, by sending them forward after the foot soldiers retreated. The shield wall proved its worth by withstanding the attack of the Norman knights. Early in the battle, the lack of experience, or of discipline of the English fyrds did show through. The earls were not able to keep the members of the fyrds from chasing the retreating knights. Thus the lines broke and were irregular. When the next attack began the earls could not control the fyrd. Members of the fyrd broke lines again, only this time the Norman knights turned around and charged the unorganized fyrd and inflicted heavy casualties. The housecarles were holding in place and kept repelling the enemy. The lack of control of the fyrd, by the earls was causing the English army's strength to slowly fade away.

Fearing that the members of the fyrd were about to panic and make a run, Harold lifted his helmet to them to show that

he was still alive and that the battle was not lost. The result was that Harold was shot by an arrow and died on the battle field. The members of the fyrd had fled the field by the end of the day. The only defenders were the housecarles now led by the earls. When the earls were killed the housecarles remained, until there was none left to fight. The Normans went through the woods after the fleeing members of the fyrd.¹ By sheer numbers the Anglo-Saxons did not stand a chance since the Normans had gone into battle with 7,000 trained men compared with the 5,000 trained men of the Anglo-Saxons.²

The fact that the Anglo-Saxons lost the battle should not cloud the fact that their smaller force had almost carried the day. They were, for a long part of the battle, able to withstand the attack of the Norman knights. The use of the earls in the battle is important. They were within the lines commanding the fyrds they had brought. They were in command of soldiers who were not professional as were the housecarles. This mix of local militia and professionals meant that the king was able in the course of a short time to fight two battles in different parts of England,

¹C.N. Barclay, Battle or 1066, (London: J.M. Dent and Sons, Ltd., 1966), pp. 62, 63. See Ingram, The Saxon Chronicle, pp. 263, 264. Brown, Origins of English Feudalism, pp. 38-42. Stnerton, Anglo-Saxon England, pp. 592-596. Hollister, Anglo-Saxon Military Institutions, pp. 148-151. David C. Douglas and George W. Greenaway (ed.), English Historical Documents, 1092-1189, (New York: Oxford University Press, 1953), p. 227.

²Hans Delbruck, Numbers in History, (London: University of London Press, 1913), pp. 73, 74.

and almost win. The feudal army of the Normans would have had more problems in doing this since they would have had to use the same soldiers in both battles. The Anglo-Saxon earls with the fyrds provided the king with fresh soldiers in whatever area of the kingdom that he was fighting. The earls commanded the first line of defense for the king, as shown in The Saxon Chronicle, "But, ere king Harold could come thither, the earls Edwin and Morkar had gathered from their earldoms as great a force as they could get, and fought with the enemy."¹ They had within their control an army that was always ready to be called upon in a time of need. The problem was that the earls did not have a highly trained army.

In light of the battle of Hastings, there is a significance in tactics due to the fact that the Anglo-Saxons could withstand the charge of the Norman knights. The tactics were different but each side was able to adjust to the other with the major difference being control and training. The leadership of the earls allowed troops without professional training to be able to go to battle in support of the king.

The Normans were more mobile and had more control over the soldiers under them. The earls did have some control over their fyrds, while in battle, but the real control was in the hands of the king. When the king was gone the control

¹Ingram, The Saxon Chronicle, p. 260. See Barlow, William I and the Norman Conquest, p. 74.

fell apart. The fyrd did not have the training and the discipline of the housecarles. The result was that the earls had limited power and control in large scale situations on a short notice. The earls could raise a force and lead them, but together they did not have the cohesion that the Normans demonstrated. Thus it was that the age of the earls, under the Anglo-Saxon Danish age, had come to an end.

CHAPTER IV

THE NORMAN RESOLUTION

The defeat of the Anglo-Saxons at the Battle of Hastings caused a profound change in England that with the wisdom of afterthought might not have happened. The Normans were able to conquer England after just one battle because they had eliminated all of the first line of the English leadership. At Hastings the King of England and two of the earls were killed.¹ Half of the earldoms were vacant and their fyrds had no one designated to lead them. In a time of desperation, the lack of designated successors left the English vulnerable.

William took every opportunity the English gave him to improve his hold on England after the Battle of Hastings. He was not blind to the fact that there were not enough Normans in England to control and rule the countryside. By recognizing the fact that he would have to use the system that the English

¹Loyn, H.R., The Norman Conquest, (London: Hutchinson University Library, 1967), pp. 94-95. There is a difference here with other texts, Leofwin is listed as earl, other accounts only list him as Harold's brother. See Ingram, The Saxon Chronicle, p. 263. Stenton, Anglo-Saxon England, p. 592. Edward A. Freeman, William the Conqueror, (London: MacMillan and Company, 1922), p. 93. Frank Barlow, William I and the Norman Conquest, (Mystic, Conn: Lawrence Verry Inc., 1965), p. 77; and Dorothy Whitelock, David C. Douglas, Charles H. Lemmon and Frank Barlow, The Norman Conquest, 'The Campaign of 1066' by Charles H. Lemmon (New York: Charles Scribner's Sons, 1966), p. 107.

already had set up,¹ he was able to set up reasonable controls over the southern half of the country. Thus he left intact much of the existing governmental structure. Once William was Crowned king of the English, he pledged to uphold the laws of Edward.² When the conquest of England was complete, he then made changes in the power structure. The earls still existed and the sheriffs continued as royal appointments. Yet these and many other structures changed in England as a result of the Conquest.

What were the changes imposed on the position of the earl? With the change in control, who took over and assumed the new duties? What rights did the earls enjoy after the conquest? What was the function of the position of earl in the years after the Conquest of England?

From a review of texts, at first little change seemed imposed on the position of earl. After the conquest three earls were alive who had not been at the Battle of Hastings. They were Morcar, Earl of Northumbria, Edwin, Earl of Mercia,³ and Waltheof, Earl of Huntingdon.⁴ They were not

¹Brown, The Normans and the Norman Conquest, p.206. See Freeman, William the Conqueror, pp. 98, 99. and Frank Barlow, William I and the Conquest, p. 83.

²Barlow, William I and the Conquest, p. 81. See Freeman, William the Conqueror, p. 98. Ingram, The Saxon Chronicle, p. 264.

³Barlow, William I and the Conquest, pp. 62, 71.

⁴Freeman, William the Conqueror, p. 100. See Brown The Normans and the Norman Conquest, p. 187, and Ingram, The Saxon Chronicle, p. 265.

denied their earldoms, but William had a means to ensure that they would remain loyal. He took them with him to Normandy as his guests (hostages) so that they would be in his court where he could keep an eye on them.¹ It should be noted that William had not conquered all of England, but only the southern half of the country, leaving many who would try to undo what William had accomplished at Hastings. To meet their challenge, William took more control of the reins of power. In his Constitutional History of England, Stubbs points out that,

The bishops, ealdormen, and sheriffs of English birth were replaced by Normans; not unreasonably perhaps, considering the necessity of preserving the balance of the state. With the change of officials come a sort of amalgamation of duplication of titles; the ealdormen or earl became the comes or count; the sheriff becomes the vicecomes; the office in each case receiving the name of that which corresponds most closely with it in Normandy itself. With the amalgamation of the titles came an importation of new principles and possibly new functions; for the Norman count and viscount had not exactly the same customs as the earls and the sheriffs.²

This procedure first was imposed on the lands that had been owned by the English who had fallen at the Battle of Hastings and then imposed on those who took part in the rebellions which came after that.³ The area of Devonshire which was

¹Ingram, The Saxon Chronicle, p. 265. See Loyn, The Norman Conquest, p. 104; Freeman, William the Conqueror, p. 100, Barlow, William I and the Norman Conquest, p. 87. and Brown, The Normans and the Norman Conquest, p. 187.

²Stubbs, Constitutional History of England, p. 291, See Brown, The Norman and the Norman Conquest. "A revolutionary ruling class", p. 204.

³Freeman, William the Conqueror, p. 102.

part of Harold's estates, provides an example of the awarding of the properties of the fallen enemy to the victors. Devonshire changed hands but the structure of control was not disturbed. There were fifty-three tenants-in-chief, less than half of whom were barons. The remainder were ecclesiastical tenants, thegns and sergeants. The leading baron of the area was Hugh of Avaranches, Earl of Chester.¹ William started to break away from the old Anglo-Saxon and Danish pattern of earldoms. Only one earldom from the time of Edward the Confessor was left intact, that was Northumbria. Waltheof Earl of Huntingdon, (the son of Siward Earl of Northumbria, who married William's niece,) added Northumbria to William's control in 1072.² He revived the concept of shire control for the control of the countryside. This change from dividing the whole kingdom into earldoms, meant that the position of earl had changed.

In areas that William controlled, he himself ruled through the use of sheriffs and other petty officers. In the troubled border areas still considered dangerous, he appointed earls as military leaders.³ As a second step, William split the ancient earldoms and put the power of local government in

¹This section refers to the records that were in the Domesday Book. Barlow, William I and the Norman Conquest, p. 102.

²Whitelock, Douglas, Lemmon and Barlow, The Norman Conquest, Barlow, "The Effects of the Norman Conquest", p. 134.

³"All William's earls were in fact marquesses, guardians of a march or frontier." Freeman, William the Conqueror, p. 106.

the hands of men he trusted who exercised tight control.¹

William's first appointments to earl were his brother, Bishop Odo, and his trusted companion fitz Osbern. They were really the successors of the earls of Edward the Confessor.² There was no longer an Earl of Wessex or an Earl of East-Anglia who once enjoyed vast powers and ruled over large territories which had been under the control of the Houses of Godwine and Leofric. William's return to the earlier practice meant that the earl was to rule a single shire, or if two, two which were not adjoining.³ The reduction in the influence of the position of earl was given more importance by William after the conspiracy of the earls in 1075. No longer did he leave so much power in the possession of the earls. "From that time onward he governed the provinces through sheriffs immediately dependent on himself, avoiding the foreign plan of appointing hereditary counts, as well as the English custom of ruling by viceregal ealdorman."⁴ The Conspiracy of 1075 was the culmination of

¹By this means William and the establishment of border earldoms and distribution of royal castles he tried to ensure internal and external security. Maurice Ashley, The Life and Times of William I, (London: Weidenfeld and Nicolson Ltd. 1973), p. 207.

²Stubbs, Constitutional History of England, p. 291. See Freeman, Norman Conquest of England, p. 45.

³"William took care that no one man in his kingdom should be stronger than the king." Freeman, The Norman Conquest of England, p. 46.

⁴"He was however very sparing in giving earldoms at all, and incline to confine the title to those who were already counts in Normandy or in France." Stubbs, Constitutional History of England, pp. 293, 294.

several attempts to unseat William from the throne of England.

Between 1071 and 1076 the last of the native English earls were either killed or exiled. In 1071 Earl Edwin was killed and his brother, Earl Mocar, died the same year.¹ The conspiracy of 1075 involved Earl Waltheof, Ralf, Earl of East-Anglia and Emma, sister of Roger, Earl of Hereford. In the next year Waltheof (an earl of Anglo-Saxon blood) was the only one with such a high rank to be beheaded.² With the death of Waltheof, native English earls faded from the ranks of power in England.³ R. Allen Brown noted that William used the earldoms for a line of defense, and as such they ringed the frontier with earldoms. This provided a viable defense for William. Most notable were the three marcher earldoms, Chester, Shrewsbury, and Hereford. They are comparable to the earldoms of Cornwall, Kent and the ancient earldoms of Northumbria and East-Anglia. William found it important to maintain both Northumbria and East-Anglia for defense of the frontier. This is unlike what happened to the earldoms of Sussex and Wessex, which were

¹Loyn, The Norman Conquest, p. 108. See Ingram, The Saxon Chronicle, pp. 276, 277.

²After the execution of Waltheof the "blanket of Norman uniformity covered feudal England." Ibid., p. 110. See Freeman, William the Conqueror, p. 168, and Ingram, The Saxon Chronicle, p. 283.

³Loyn, The Norman Conquest, p. 110.

dismantled and controlled by counts.¹

The earldoms that were instituted by William, or left intact for the reasons of defense, were known as palatine earldoms in which the earls were more like independent princes. They had royal authority over the counties that make up the area of their earldoms. All the land owners held their lands from the earls and the earls had the regalia or royal rights. They could and did nominate the sheriffs, held their own courts, and were independent in all things except that they owed homage and fealty to the king.² In light of the reason of defense it was William's pattern to maintain the existing earldoms. It is understandable that this title was sparingly given out by the king. Though that pattern would be constant through the rest of the reign of the Conqueror, it was not to be followed by his sons when they took the throne of England.³

The position of the native English earl was not the only part of the Anglo-Saxon structure of Edward the Confessor that quickly faded from the political scene. By the time

¹Brown, The Normans and the Norman Conquest, p. 215.

²Stubbs, Constitutional History of England, p. 294.

³Henry of Beaumont, brother of the count of Meulan, was made earl of Warwick, Robert Mowbray earl of Northumberland, and William of Warenne earl of Surrey, William Rufus; the count of Meulan himself received the earldom of Leicester from Henry I: the earldom of Gloucester was conferred by the same king on his illegitimate son. In all these cases it is probable that some portion of the traditional authority of the earldormanship was conferred with the title." Stubbs, Constitutional History of England, p. 390.

of the Domesday Book in 1086,¹ along with the earl, the thegn and the housecarles vanished from the top ranks of society. William had intended to establish a genuine Anglo-Norman state, but many of the Anglo-Saxon institutions had been damaged.² The positions of thegn and that of the housecarle were absorbed into that of knighthood. By the time of the Domesday Book, there were only nine thegns left in England to be recorded in the book.³

The devastation of the Old English ruling ranks left a void that was filled by the Normans. It is important to examine how the void was filled. The Frankish system was built not on a system of political appointments, but on a system of service, which revolved around the vassal and lord. In most cases the service was military in nature. In his book Le Duc de Normandie et Sa Cour (912-1204), Lucien Valin outlines in brief the duties that both the lord and the vassal had towards each other: the vassal owed military service, the service of counsel, the spirit of justice, and pecuniary services. The lord owed his class, protection, and justice to his vassal. In return the vassal held a fief from

¹"The disappearance and decimation of the first generation of the Norman Conquest was nothing short of catastrophic." Brown, The Normans and the Norman Conquest, pp. 206, 207.

²As shown by the preservation of officials in their posts that had made their peace and submitted to William. Ibid.

³H.C. Darby, Domesday England, (Cambridge: Cambridge University Press, 1977), p. 337.

the lord.¹ In drawing this outline, Valin quoted M.A.

Luchaire's text on the Capetians.

A proprement parler, dans son acception primitive et la plus générale, la fief, dit M.A. Luchaire, est la terre pour laquelle le vassal ou détenteur héréditaire (vassalus, homo, feodatus) rend au propriétaire direct, au seigneur (dominus), des services d'une nature particulière, réputés honorables ou notables, tels que le service militaire. Cette définition est caractéristique en ce qu'elle suffit à le distinguer du bénéfice qui n'est pas héréditaire, de l'alleu qui n'est pas grevé de services... et de la censive qui est la terre roturière.²

This type of arrangement is supported by the translation of the oath of commendation that the Franks used as early as the seventh century. A vassal commends himself to the guardianship and service of the lord. "That is to say in this way, that you should aid and succor me as well with food as with clothing, according as I shall be able to serve you and deserve it."³ In return the vassal provides service and honor to the lord, and he, the vassal could not withdraw from the agreement for the rest of his life. However, there is a clause to provide for a cash basis for cancelling the agreement. "Wherefore it is proper that if either of us shall

¹"Le vassal devait le service militaire, le service de conseil, de justice ou de cour, enfin des services pécuniaires. Le seigneur devait, de son côté, protection et justice à son vassal: il était, en outre, tenu vis-à-vis de lui à la garantie du fief", Lacine Valin, Le Duc de Normandie et Sa Cour (912-1204), (Paris: De La Société du Recueil J.B. Sirey et Du Journal du Palais, 1910), p. 22.

²Ibid., pp. 21, 22.

³Edward P. Cheyney, Translations and Reprints from the Original Sources of European History Vol. IV., "The Origins of Feudalism", (New York: AMS Press Inc., reprinted 1971), p. 3.

wish to withdraw himself from their agreements, he shall pay 'so many' shillings to the other party."¹ This exemplifies the transition from the Old English form which did not set up an agreement for a life-time. Nor did the agreement specify what each party had to do other than that the subordinate agreed to do nothing that would displease his superior.²

There are charters which show the power of the lords in the lord-vassal relationship. Many of these grants and charters are in the form of gifts of lands (fiefs) to loyal subjects. William, even as Duke of Normandy, before the Conquest, had so much power and land that he was able to make grants to viscounts. About a decade before the Conquest, William made a grant to fitz Osbern (who would become an earl as a result of the Conquest) Vicecount of Eu. To fitz Osbern, William gave lands and towns named in the charter.³ In the following year, William made another gift to fitz Osbern,⁴ and in 1066 fitz Osbern received the earldom of Hereford from the king, in return for the loyal services rendered and to be rendered.⁵ William used the grants for

¹Ibid., pp. 3, 4.

²Ibid., p. 3.

³Lucien Musset, Recueil Des Actes Des Ducs de Normandie de 911 a 1066, (Caen: Société d'Impressions Caron et Cie 1961), p. 283.

⁴Ibid., p. 284.

⁵Freeman, William the Conqueror, p. 105. See Barlow, William I and The Conquest of England, p. 86.

others when he wanted to reward their service. The king also made gifts to the church of his choice: between 1063 and 1077 William made three grants to the church of Caen. This practice was not unusual, since the Anglo-Saxon kings had done it also.¹

The charters also show the transformation of the position of earl. At one time it was a position of appointment that had grown where it was possible for the earl to give grants of lands, as exemplified by the grant of lands to the Lewes Priory by the Earl of Surrey.² The Anglo-Saxon earls did not have the power to give away the lands of their earldoms, for they only governed them. They did not receive the hereditary rights as did the earls of William and his sons.

The interweaving of the earls and the thegns into the Frankish feudal system was done by William with the adoption of Anglo-Saxon and Norman military obligations. There is disagreement over how smooth a transition the change was. Scholars following the lead of J.H. Round and Sir Frank Stenton, thought there was a break in the continuity of military development. A new pattern of social development began when every great lord held his land in return for a specific obligation to provide a recognized amount

¹Lucien Musset, Les Actes de Guillaume le Conquérant et de la Reine Mathilde pour les Abbayes Caennaises, (Caen: Société d'Impressions Caron et Cie, 1967), pp. 51, 52, 57, 58.

²Great Britain, Calendar of the Charter Rolls, Vol. I. (London: Mackie and Company Ltd., 1903), p. 6.

of military service.¹

They held this view because they could not detect a pattern of growth towards feudalism in England before the Conquest. At the time he wrote his book, William the Conqueror, David Douglas noted that those views on the development of feudalism in England as a result of the Conquest, which had been supported, were coming under attack by those who took the view that Anglo-Norman feudalism owed much to the institutions of Anglo-Saxon England.

One of the points that was contested in this controversy was that previous history had exaggerated the difference between the thegn and the knight. Douglas points out that even after the Conquest there were several instances when the knights fought on foot instead of horseback, making them much like the thegns of pre-conquest England.² He also theorized that a feudal host of some five thousand knights was not sufficient to hold all of England; therefore, the king had to call on an already existing military institution, the fyrd. He backs up his point on this matter with the support of Michael Powick's Military Obligations in Medieval England, and reference to the Saxon Chronicle.

¹White, Medieval Technology and Social Change, p. 221.

²Douglas sites the battle of Tinchebrai (1106) where King Henry made his barons fight on foot; The battle at Bremule (1119), the battle of the Standard (1138) where the knights fought in close column on foot, in armour, and at the battle of Lincoln (1141) where King Stephen ordered his knights to fight on foot and had them drawn up in close order as infantry. David C. Douglas, William the Conqueror, (London: Eyre and Spottisweede, 1964), p. 278.

As Douglas put it, the combination of the Norman and the Anglo-Saxon systems "was to modify at every turn the operations of local government, and the fortunes of humbler folk whose lives were everywhere to be affected by the inter-relations of great families."¹

The sheriff did not suffer the same fate as the earl and the thegn. Like the earl, the sheriff had been a royal appointment, but unlike the earl, when the sheriff was changed by the Normans, the position was elevated to social prominence. In France viscounts were public officials not mere domanial agents. The viscount's duties were not the same as that of the earlier sheriff because the Norman viscount became the military leader of troops. He made known the decrees of the duke, collected the ducal revenues for his district, and administered justice in the local area for the duke. The viscount worked with the bishop by enforcing the Truce of God. He executed the decision of the courts, witnessed charters, took part in deciding cases and was a frequent attendant at the duke's council. The viscount had in essence assumed many of the duties of sheriff and some of the duties that were once the earls' prior to the conquest of England.²

¹Ibid., pp. 276-279. See Ingram, The Saxon Chronicle, pp. 232-240, 266-269. These demonstrate the use of the fyrd by Harold before the conquest and the use of the fyrd by William after the conquest. Showing the continuity of the use of the fyrd.

²Charles Homer Haskins, Norman Institutions, (Cambridge: Harvard University Press, 1918), pp. 45-47.

Service

The Conquest of England brought about a change in the position of earl, that was also to become common for all ranks of nobility: military service to their lord. For the earls this meant that they had to serve under the king's service. Under the Norman system of grants, the king and his tenants-in-chief used military service as a condition for vassals to receive fiefs. This system was due to the Normans' limited experience and knowledge in military organization. They were not familiar with a system other than military tenure.¹ Military service was a holdover from the custom in Normandy. There the barons held their lands from the duke through military service.² The basic principle followed the theory that the tenant-in-chief (a vassal to the king) owed, in return for his land, service to the king for forty days in the year. This service was at the vassal's own cost, providing a number of knights proportionate to the size of the estate that the king granted to him. The vassal had only a lifetime control over the estate, he could not leave it to just anyone. Upon the vassal's death, his eldest son would inherit and had to pay a fee upon entering his father's possessions. The sub-tenants held similar rights on a smaller scale over their tenants.

¹H.G. Richardson, G.O. Sayles, The Governance of Medieval England, from the Conquest to Magna Carta, (Edinburg: The University Press, 1963), p. 77.

²Haskins, Norman Institutions, p. 7. See Brown, The Normans and the Norman Conquest, p. 39, and Loyn, The Norman Conquest, p. 111.

There was, however, a built-in danger in the system because a tenant took an oath of allegiance to his immediate overlord and not to the ruler of the realm. The danger was that he would support the overlord in a fight against the king.¹

In contrast to this the English thegn and earl were part of a different system. In the eleventh century, according to Eric John, when the thegn was summoned to serve, he had to obey, not because of land agreements, but because it was a personal obligation to serve. "There is nowhere any suggestion that a thegn's military service was due in respect of an estate which the king or any lord has given to him."²

The influx of Norman barons into the English hierarchy was revolutionary. The new ruling class operated under a new system and radically different from that of the old ruling class of England. It ended the idea of lordship as the Anglo-Saxons knew it. William instituted the use of service for lands held, establishing an hierarchy with the king at the top. It was a more comprehensive and precise form of feudal society than was to be found in continental Europe. The earl was part of the change, and the position suffered a loss of prestige. The death of the last native earl in

¹A.E.E. Jones, Anglo-Saxon Worcester, (Worcester: Ebenezer Bayles and Sons, Ltd., 1958), pp. 187, 188.

²Eric John, Land Tenure in Early England, (Leicester: Leicester University Press, 1960), p. 146. See Brown, The Normans and the Norman Conquest, "Neither thegns nor housecarles held fiefs requiring military service, nor served their lords in any real sense in return for land", p. 93.

1076 ended the holdings that were given prior to the conquest. The imposition of the military service for land tenure upon a land that had already been changed with the common obligations, including military service owed to the king by all in the Anglo-Saxon period, shows the dramatic change the conquest brought.¹

The earls of pre-conquest England had housecarles and retainers. The Normans who came in with the Conquest used retainers to their advantage in order to maintain large military households, especially knights, to carry out the business of their lords. Knight service was one of the methods of service obligation. At the same time knight service sustained the military policies of the Norman royal dynasty.²

Haskins comments on the nature of the service that the barons owed to the king, or in the case of Normandy, the duke. He says that with the absorption of the earls into the Norman system, it became important to see the context of the obligation that was incurred for holding land under the system. Haskins comments that the barons were given their lands in return for a charge of military service. This applied even

¹Brown, The Normans and the Norman Conquest, p. 222. See Hollister, Anglo-Saxon Military Institutions, Everyone had, unless exempted by the king, common obligations, repair of fortresses, bridge work, and military service. p. 59; and Stenton, Anglo-Saxon England, p. 289.

²Brown, The Normans and the Norman Conquest, p. 230. See also, Edward Miller, John Hatcher, Medieval England - Rural Society and Economic Change 1086-1348, (London: Longman Group Limited, 1978), p. 165

after the Norman Conquest of England. The barons owed the service of a set number of knights that was determined by the land that they had received from the king. The service was to be for forty days.¹

The concept of the service is mentioned in various charters and grants that were made to the barons and church leaders. The Latin word for military service is militia.

Abbas de Cato Audoen Rothomagi, vj milites;
et ad servitium suum, xiiij.
Abbatissa de Monasterio Villarm, iij milites;
et ad servitium suum, v milites et tertiam partem.²

The barons of both Normandy and England came under this system of land in return for service, as shown in charters from Normandy and Hintingdonshire;

Comes Johnnes, xx milites; et ad servitium suum,
cxj milites.
Comes Leycestriae, x milites de honore do Grentemynyl;
et ad servitium suum, xl milites.
Comes Cestriae, x milites de Sancto Servere et de
Brichesarde; et ad servitium suum, lj milites et
dimidium iij partem et viij.³

Wlterus de Bealmes feodum. I. militis, & tertiam

¹ "que les barons normads tenaient leurs terres du duc à charge de service militaire; ce qu'il s'applique d'abord à rechercher, c'est si, dès cette époque comme en Angleterre après la conquête (4), les baronnies devaient le service d'un nombre de chevaliers précisément fixé, et si ce service était lié à la possession de telle ou telle terre déterminée; puis il indique ce que les sources normandes nous apprennent sur le service, de quarante jours. Jean Lesquire, Henri Delesques (ed), Les Etudes de M. Haskins sur Les Institutions Normandes, (Caen: Extrait du Bulletin de la Société des Antiquaires T. XXXII, 1917), p. 80.

² Herbert, Hall (ed), The Red Book of the Exchequer, Part II, (London: Eyre and Spottiswoode, 1896), p. 626.

³ Ibid., pp. 626, 627.

partem. I. militis, & V. foliadas terrae, unde perfurnitur fevitium Willelmi de Clopton, qui tenet feodum.

I. militis quinque foliadas terrae minus.

Hugo de Bellocampo. I. militem
Randulfus de Swinefheved. I. militem.¹

The Crondal Records show an example of what happened when a baron died without an heir.

William de Cynage holds a knight's fee of the demesne of the lord King, at Long Sutton, which fee belonged to Hugh de Saint Martin, who died without issue, on the feast of Pentecost last past, and so it is the Lord Bishop's escheat by right.²

The importance of this is that it shows how the earl had lost power as a result of the king being able to give land to his barons on conditions that increased royal power. It was indicative of the king's authority that he was now able to make barons, from the start, his tenants-in-chief in England, holding only their lands, not owning as the spoils of conquest, but in return for providing a specific number of knights for royal service.³ Still this system of service was used in conjunction with the Old English system of hides. So by the year 1068, the hide system had been twisted

¹Sir Joseph Aylasse, Great Britain-Exchequer Liber Niger Scaccarii Vol. I, (London: Apud Benjamin White, 1774), pp. 258, 259.

²Francis Joseph Baigent, The Crondal Records, (London: Simpkin and Company Ltd., 1891), pp. 34, 35.

³With the successful imposition of tenure by service upon his magnates in England, not only did the king establish his followers as a dominant aristocracy, he also made their endowment meet the defensive needs of the realm. David C. Douglas, William the Conqueror, (London: Eyre and Spottiswoode, 1964), p. 273.

a good deal. Many of the thegns remaining in England had less than five hides, some had more than one lord, and the size of the hundreds (and area that provided one hundred warriors for military service) had not remained constant. Some had gained hides and some had lost, but still by the time of the Domesday Book the outline of the hide system and its deep rooted traditional character could be seen.¹ By the time of Henry I, the king could rely on the system of feudal tenures (combination of the hide system and Frankish feudal system) that had been created in politically united England.²

Justice

As in Anglo-Saxon England, the position of earl still held some judicial power and rights. Despite the great franchises of barons, the king had reserved most of the judicial power for himself. Certain places were under his special protection, and certain crimes left the offenders at the king's mercy.³ As monarch and judge, the king was brought into direct contact with all of his subjects. The judicial work of the viscounts and the king's right to call out the levy, show this point. Feudal usage allowed sub-vassals to do

¹John, Orbis Britanniae, p. 145.

²David C. Douglas, The Norman Fate 1100-1154, (Berkeley: University of California Press, 1976), p. 99.

³The Normans had for the purposes of local government a real public officer, the viscount, commanding troops, guarding castles, maintaining order, administering justice and collecting revenues. Charles Homer Haskins, The Normans in European History, (New York: Houghton Mifflin Company, 1915), p. 69.

homage to the king and therefore, to be bound to the king for direct service.¹ Under the Norman laws the lord had the right to take into his custody the lands and the heir of those lands until the heir became of age. To insure that possessions were not lost, because an heir was not of age, there was included in the Magna Charta:

If any of our earls, our barons, or others that hold of us in chief by knight-service, die; and at the time of his death his heir be of full age, and relief be due, he shall have his inheritance by the ancient relief; to wit, the heir of heirs of an earl, for an entire earldom.²

The judicial rights of the nobles were secured by the same means as in Anglo-Saxon England, by charters and grants. Although the grants did not spell out all these rights there were references to having the rights as one's predecessor had. This is shown in the gift to Hugh Lasey, Earl of Ulster:

the town called; by grant of the same all the lands which Adam de Aldithel brother of the said Henry held of the said Hugh, with the constabulry of all the land of the said Hugh in Ulster and his other conquests; with Ledeathel Rinles with four carucates of land and seven acres, and with Hurielken with the fees of one knight:³

¹Sir Maurice Powicke, The Loss of Normandy 1189-1204, (Manchester: Manchester University Press, 1961), p. 42. If there is a failure of a vassal to serve, he is in peril of losing the land though perhaps he may escape by only having to pay a pecuniary fine. John, Land Tenure in Early England, p. 144.

²J. Bell, A History and Defense of Magna Charta, (London: Circulation Library, 1769), p. 187. See John, Land Tenure in Early England, p. 143.

³John Horace Round (ed.), Ancient Charters Prior to 1200, (Lincoln's-Inn Fields, England: Wyman and Sons, 1888), p. 36.

Note that the knight fee was also in the gift. Land was now tied to service. The jurisdiction was not based on the monopoly that the king controlled, but on the close control which the king secured by virtue of his feudal lordship. His lordship over vassals who possessed great immunities and the inference of these immunities with the older areas of jurisdiction, caused administrative units to be the demesne rather than the county.¹ This shows that William (the source of real power) had in one stroke centralized the judicial power into his hands, and then caused the breakdown from earldom, then to county, and finally to demesne, for judicial enforcement.

Through all the changes that the position of earl endured, there was one area that the earl still maintained. That was representation in the witan. Under the control of William the Conqueror, the council of the witan and the Norman councilmen merged to form a new witan. That general change under William's policy occurred in 1070 and it had effects on every aspect of his history.² The witan's importance is shown at the oath of Salisbury, where the witan was in the King's company.

Thereafter he fared so that he came at Lammas to Salisbury, and there his witan came to him, and all the landholders who were of account all over England, what man's men so ever they were; and

¹Sir Maurice Powicke, The Loss of Normandy 1189-1204, p. 40.

²Frank Merry Stenton, William the Conqueror, (New York: Barnes and Noble Inc., 1966), p. 414.

they all bowed down to him and became his men, and swore to his oaths of fealty.¹

The Normans used the conquest of England to their advantage. They were not really interested in the unification of England and Normandy (not until Henry II). The Normans exploited England and the English not only to fulfill their wider ambitions, but for the direct enrichment of Normandy itself. The Normans remained the Normans through all the years that they controlled England. The Norman barons viewed England from Normandy. Normandy was their home, barons remained at their estates in Normandy instead of moving to much larger estates in England. To them England was their greatest source of men and money.² In order to do this they adopted some of the English ways and adopted them to their own uses. In later generations, after the Conquest, the Normans of England considered themselves English.

The position of earl was one of those concepts that the Normans adopted and then absorbed into their system. At the time of the Conquest the position of earl was at its pinnacle of power and influence, having risen out of the ancient concept of the ealdorman for each shire, expanded to control many shires. They had ownership of land, the judicial control

¹ A.E. Bland, The Normans in England (1066-1154), (London: G. Bell and Sons, Ltd., 1914), p. 26. See Ingram, The Saxon Chronicle, p. 290.

² John Le Patourel, Normandy and England 1066-1144, (Reading: University of Reading, 1971), pp. 24-29.

over their earldoms, military command of the shire fyrd, and they sat on the shire courts and councils. They were members of the most important body of men in all of England, the Witan, which gave them a role in the selection of king. The earl developed as a result of the gradual growth of England, from the early Germanic tribes that invaded the isle, to the last Danish invasion under Canute. The position of earl evolved with England and its people.

The loss of the Battle of Hastings to the Normans brought a death blow to the rising power of the position of earl in England. The battle was not lost due to the lack of skill or courage of the earls or of the men in their fyrd. They had fought hard against enemies at both ends of England and had almost beaten William. They had used every means they knew of to fight the Normans. After the loss, the country was in disorder and the remaining earls were taken out of the country. William then started the process of dismantling English control and instituting Norman control. The position of earl, first changed in the characteristic that it was a royal appointment, then the land size of the earldom was reduced until the earl had control over land the size of a shire. Then military service of another type was imposed on the position, besides the duty of leading the fyrd. The judicial powers were reduced until the powers the earl had were the same as those of any other baron under the king.

The position of earl only remained strong where the

king needed it to be, on the frontier. The palatine earldoms were still important positions with power. The position of earl also remained in the witan, although the witan had decreased in importance. The position of earl though it had declined in importance remained in England's hierarchy. But by the time of the War of the Roses, the earl would once again rise to a position of such importance that the Earl of Warwick would be known as the King Maker.

Conclusion

This paper attempts to determine the changes and development in the position of earl from its origins in early Germanic hordes through the crucial years of the Norman Conquest and the century after. The earl is a position caught in the middle of a controversy over whether England was a feudal society at the time of the Norman Conquest.

The position of earl had undergone a series of changes from its early origin as a chieftain in early Germanic hordes, through the elevation of power to ealdorman, culminating with the zenith of power being the position of earl on the eve of the Norman Conquest. After the Conquest, the earl suffered a loss in power and was relegated to an inferior position under the Frankish duke.

The major question in discussing these changes is whether or not, at the time of the Norman Conquest, England was a feudal society. The significance of England not being feudal is that the position of earl was a new entity without feudal obligations to support it. The inclusion of the

position in feudal society gave the earl a position in the feudal hierarchy. The result was that the earl was made a rank below the duke.

Prior to the Conquest the earl was considered an equal with that of the feudal duke. The other side of the problem is the consideration that England was a feudal society. This brings up the question of why the earl was the only position maintained (with some changes) out of English society. Why not the thegn or the housecarles?

The controversy of whether or not England was feudal is centered on the fact that historians have not agreed on a definition of "feudalism". This allows historians to use the term feudalism to fit their own purposes. The result is a cloud of controversy over the effect of the Norman Conquest on England. Most historians, though, agree that if England was not already feudal at the time of the Norman Conquest it was slowly changing into a feudal society.

The Norman Conquest marked the end of a continual growth in the functions, power and prestige of the position of earl. The Conquest was an interruption in the influence that the earl had in the selection process of who would be king. The question not answered here is how the earl in the course of three and one half centuries regained influence to once again have tremendous input in the selection process for the position of king. The answer to this problem is beyond the scope of this research.

It is important in later English history that William,

at the time of the Conquest, did not abolish the position of earl. Instead he adapted the earl for his needs in controlling and defending England. The irony is that out of all the titles England had as a result of the Norman Conquest, the one title to be labeled "Kingmaker" was the position of earl. Furthermore, earl was the one title that had English origins dating back to before the Norman Conquest.

APPENDIX A

<u>Towns</u>							<u>Hides</u>
Bath	.	.	.	.	.	.	20
Bedford	.	.	.	.	.	.	50
Bridport	.	.	.	.	.	.	5
Cambridge	.	.	.	.	.	.	100
Cheshunt	.	.	.	.	.	.	20
Chester	.	.	.	.	.	.	50
Colchester	.	.	.	.	.	.	100
Dorchester	.	.	.	.	.	.	10
Exeter	.	.	.	.	.	.	5
Hertford	.	.	.	.	.	.	10
Huntingdon	.	.	.	.	.	.	50
Ipswich	.	.	.	.	.	.	50
Maldon	.	.	.	.	.	.	50
Malmesbury	.	.	.	.	.	.	5
Northhampton	.	.	.	.	.	.	25
St. Albans	.	.	.	.	.	.	10
Shaftesbury	.	.	.	.	.	.	20
Shrewsbury	.	.	.	.	.	.	100
Sudbury	.	.	.	.	.	.	25
Tewkesbury	.	.	.	.	.	.	95
Wareham	.	.	.	.	.	.	10
Worcester	.	.	.	.	.	.	15
Yarmouth	.	.	.	.	.	.	51

¹Hollister, Anglo-Saxon Military Institutions, p. 46.

APPENDIX B

<u>Areas</u>	<u>Retinue</u>
Kent	280
Sussex	200
Norfolk	200
Northants	200
Lincoln	200
Glouster	200
Shropshire	200
Wiltshire	200
Essex	200
Oxford	160
Warwick	160
Hereford	160
Somerset	160
Berkshire	120
Suffolk	100
Dorset	100
Surrey	100
Bucks	100
Herts	100
Cambridge	100
Stafford	100
Worcester	80
Leicester	80
Hampshire	80
Bedfordshire	60
Hunts	60
Middlesex	60
Rutland	40 ¹

¹Retinues for areas as of 1347. Charles Oman, A History of the Art of War in the Middle Ages, (London: Methuen and Company, Ltd., 1924), Volume 11, p. 129.

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