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0521349184 - Domesday Book and Beyond: Three Essays in the Early History of England

Frederic William Maitland

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## DOMESDAY BOOK AND BEYOND

## THREE ESSAYS

IN THE

## EARLY HISTORY OF ENGLAND.

‘Why still read it? Why should scholars consult it and undergraduates study it? The plain answer is that still after ninety years *Domesday Book and Beyond* remains the greatest single book on English medieval history’: thus J. C. Holt in his foreword to this new impression of one of the classic historical texts in any language.

In three extended essays Maitland exploits the information in Domesday to analyse and reconstruct the society, law, government, economy and even something of the mental and imaginative world of early medieval England. Essay I examines the nature of English society in 1066 and how, by 1086, this had changed. The second essay explores pre-Conquest England, stretching back through the Anglo-Saxon law-codes and land-books to the English settlement, its social structure and administrative geography. Essay III uses an exhaustive discussion of the hide (that ‘dreary old question’) to look again at methods of assessment and measurement, and their relationship to the wealth and resources of England: in this Maitland displays, in addition to his customary lucidity, subtlety and enormous powers of historical insight, very considerable statistical competence, of an order hitherto foreign to English historical writing.

In his Foreword Professor Holt looks afresh at this monument of medieval scholarship, assessing its place both within the wider context of historical study, and also, more specifically, its continued contribution to that debate on the nature of Domesday Book with which scholars have been pre-occupied for nearly one hundred years. That Maitland’s hypotheses and conclusions should still be central to such a debate is not the least remarkable feature of this extraordinary book.

FREDERIC WILLIAM MAITLAND (1850–1906) was, from 1888, Downing Professor of the Laws of England in the University of Cambridge.

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# DOMESDAY BOOK AND BEYOND

## THREE ESSAYS

IN THE

## EARLY HISTORY OF ENGLAND

BY

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New York New Rochelle

Melbourne Sydney

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Published by the Press Syndicate of the University of Cambridge  
The Pitt Building, Trumpington Street, Cambridge CB2 1RP  
40 West 20th Street, New York, NY 10011-4211 USA  
10 Stamford Road, Oakleigh, Melbourne 3166, Australia

© Cambridge University Press 1987

First published 1897  
This edition, with a new Foreword, first published 1987  
Reprinted 1989, 1996

*British Library cataloguing in publication data*

Maitland, F. W.  
Domesday book and beyond: three essays  
in the early history of England.  
1. Great Britain — History — Anglo-  
Saxon period, 449–1066. 2. Great Britain —  
History — Medieval period, 1066–1485.  
I. Title.  
942.02 DA152

*Library of Congress cataloguing in publication data*

Maitland, Frederic William, 1850–1906.  
Domesday book and beyond.  
1. Domesday book. 2. Great Britain — History —  
Norman period, 1066–1154. 3. Great Britain — History —  
Anglo-Saxon period, 449–1066. 4. England — Economic  
conditions — Medieval period, 1066–1485. 5. Land tenure —  
England — History. 6. Feudalism — England — History.  
I. Title.  
DA190.D7M25 1987 333.3'22'0942 87–7971

ISBN 0 521 34112 4 hard covers  
ISBN 0 521 34918 4 paperback

Transferred to digital printing 2004

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## FOREWORD.

Why still read it? Why should scholars consult it and undergraduates study it? The plain answer is that still after ninety years it remains the greatest single book on English medieval history. So it is a monument, an index of ultimate achievement, to be admired and scrutinized as one might Gibbon or Macaulay. Yet it is more than that. *Domesday Book and Beyond* was conceived and executed at a time of dawning opportunity when Maitland, J. H. Round and a few others were beginning to do history as it ought to be done: analytically, scientifically, with questions asked and answered. The methods Maitland followed in this book showed the way. Many, though not all, of his conclusions remain valid. Some extensive sections of the book are still the best that we have on important aspects of Norman and English government and society. No other book of such compass has so endured.

The compass is immense. Maitland decided to use Domesday Book as a kind of information centre from which he explored and reconstructed the society, the law, the government, the economy, even the vocabulary and something of the imagination of early medieval England. The first essay tells us what England was like in 1066 and what had happened by 1086. It is insular; there is little of Normandy or of Norman origins. The second asks how the circumstances of 1066 had been attained; it stretches back through the Anglo-Saxon law-codes and land-books to the English settlement, its social structure and administrative geography. The third attacks the 'dreary old question' of the hide which is seen as "pre-judicial" to all the great questions of early English history' (357). It focuses the arguments and conclusions of the first two essays on methods of assessment and measurement and their relationship to wealth and resources, carrying back once again the Domesday evidence for comparison with the earlier records of the burghal and tribal hidage. Less obviously attractive than the first two

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essays, it hides behind its arithmetic numerous insights into the coherence and systematization of early English government. Taken together, the three linked essays are vast in range and conception. Maitland alone had the nerve, the imagination, the flair and the learning to attempt such a scheme. This is the combination which makes the book unique. And he brings it off.

Naturally it shares many of its qualities with Maitland's other work.<sup>1</sup> There is the same style and gentle but incisive irony, heightened here perhaps because he was less constrained by the limitations of a lecture or essay or the encyclopaedic requirements of the *History of English Law*. He gave himself more freedom, to rich effect. Hence, on *wergelds* – 'The sons of a *villanus* who had but two oxen must have been under some temptation to wish that their father would get himself killed by a solvent thegn' (44); or, in criticising the idea of common ownership – 'Who held this manor in the past? Nine sokemen held it. Rather a large party of joint lords we say: but still families will grow' (138); or in dismissing the facile equation of the vill with the Roman *villa* – 'And so England is full of villas which are Roman and satraps who, no doubt, are Persian' (337). The lawyer would add, very reasonably, that the whole corpus of Maitland's work is stamped by a legal mind and training.<sup>2</sup> Here, to be sure, the lawyer in Maitland is often in the foreground: in the examination of 'private' jurisdiction (52, 269–92); in the beautifully subtle discussion of freedom (42ff.) and very obviously in the opening sections on the borough – 'What is it that makes a borough to be a borough? That is the problem that we desire to solve. It is a legal problem' (173). But, on the whole, the lawyer is less dominant than in Maitland's other work. Indeed here and there he is wary of the law – '[manerium] loses that meaning [i.e. a technical meaning connected with the geld] in the course of time because the danegeld gives way before newer forms of taxation. It never again acquires a technical meaning until the late days when retrospective lawyers find the essence of a manor in its court' (128).

<sup>1</sup> For a contemporary comment on Maitland's qualities see R. L. Poole's scheme for combining him and Round in one of the volumes of the *Political History of England*. This, he wrote, needed 'the criticism of Round joined to the constructive gift which he has not' (C. H. S. Fifoot, ed., *The Letters of Frederic William Maitland*, Selden Society, supplementary series, 1, 1965, p. 230 n.); the possible outcome defies the imagination. For more general and recent comment see G. R. Elton, *F. W. Maitland* (London, 1985). The standard biography is H. A. L. Fisher, *Frederic William Maitland* (Cambridge, 1910). See also H. E. Bell, *Maitland* (London, 1965).

<sup>2</sup> See S. F. C. Milsom, reviewing Elton, *op. cit.*, *The Times Literary Supplement*, 28 Feb. 1986.

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Maitland was also a mathematician.<sup>3</sup> It is this which gives *Domesday Book and Beyond* its unique quality among his works. He was in the forefront not as a mathematical thinker but in the use to which he put his mathematics. He did more than engage in extended simple arithmetic, like Round: he used sampling techniques, and this long before they were in general use for social analysis. Whether this came to him by instinct, as McDonald and Snooks have recently suggested, or through the advisers available in the Cambridge of the 1890s, is far from clear.<sup>4</sup> The method makes its first appearance early in the book – ‘We take 100 entries (four batches of 25 apiece) and see that the number of *villani* and *bordarii* has risen from 1486 to 1894, while the number of *servi* has fallen from 423 to 303. We make another experiment with a hundred entries. This gives the following result . . .’ (35). Thereafter the language of experiment and the tactics of sampling, averaging and approximating recur throughout the work, culminating in the interplay of numbers in Essay III which led Maitland to a tentative argument quite different from Round’s – ‘No one can look along these lines of figures without fancying that some force, conscious or unconscious, has made for “One pound, one hide”’ (465) – a suggestion reinforced with characteristic humour – ‘We may, if we like such excursions, fancy the conservatives arguing for the good old rule “One teamland, one hide,” while a party of financial reformers has raised the cry “One pound, one hide.” Then “pressure was brought to bear in influential quarters,” and in favour of their own districts the witan in the moots jobbed and jerrymandered and rolled the friendly log, for all the world as if they had been mere modern politicians’ (471). Hence beneficial hidation of shires as well as manors.

At this point Maitland suggested that he was less than serious. In

<sup>3</sup> Maitland read for the Mathematical Tripos during his first year at Cambridge (1869–70) before changing, under Henry Sidgwick’s influence, to the Moral and Mental Science Tripos (Fisher, pp. 6–10).

<sup>4</sup> One possible source may have been William Bateson. Whether Maitland enjoyed any special contact with Bateson through his daughter Mary as early as 1894–7 is uncertain. In any case Maitland encountered Bateson in general university affairs on which they were not wholly in agreement (Fifoot, no. 191 and *passim*). Bateson was certainly using sampling methods, closely similar to Maitland’s, in biometrical studies in the summer of 1892 (W. Bateson, *Materials for the Study of Variation*, London, 1894, pp. 40–1).

It should also be noted that Maitland and Karl Pearson, one of the founders of modern statistics, overlapped as members of the Bar in 1882–3, after which Maitland returned to Cambridge, with Pearson going on to University College, London, in 1884 as Professor of Applied Mathematics and Mechanics. But Maitland was a Bencher of Lincoln’s Inn, Pearson of the Inner Temple.

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fact the work is shot through with similar comments which reveal a humorous understanding of the human condition. On gelding in the manor – ‘For one reason the king can not easily tax the rich; for another he can not easily tax the poor; so he gets at the poor through the rich’ (121–2). On the privileges of the church of Worcester – ‘The bishop who fully understands the object of the inquest, does not mean to have his assessment raised’ (424), a comment all the more pertinent because the bishop in question was the Englishman Wulfstan. On fold-soke – ‘It is the manure that the lord wants; the demand for manure has played a large part in the history of the human race’ (76). And on royal benefaction to the church – ‘[The king] obtains not only remission of his sins, but also the friendship and aid of bishops and clergy. And so large stretches of land are “booked” to the churches. It is to be feared that if England of the sixth century had been visited by modern Englishmen, the Saxon chieftains would have been awakened to a consciousness of their “booking” powers by offers of gin and rifles’ (242). Thus easily did he use the present to interpret the past.

His ability to adjust his mind to the past, to imagine and rethink it as it was, is even more remarkable. Repeatedly he dwells on language and the meaning of words: *ceorl*, *sac* and *soc*, manor and hall, burgh (59, 84–7, 108–9, 183–6). Always he moves behind the static figures of his chief record to the organic growth which deposited them. So it is a book which describes what English society was like, what government was like, how men’s minds worked in organizing an archaic community. He does this with marvellous dexterity and with the most intractable material. ‘Men are learning to say what they really mean’, he tells us (226). Then a warning – ‘Against many kinds of anachronism we now guard ourselves. We are careful of costume, of armour and architecture, of words and forms of speech. But it is far easier to be careful of these things than to prevent the intrusion of untimely ideas. In particular there lies a besetting danger for us in the barbarian’s use of a language which is too good for his thought’ (356). Nevertheless Maitland tries to interpret it. ‘The barbarian, for all his materialism, is an idealist. He is, like the child, a master in the art of make-believe. He sees things not as they are, but as they might conveniently be. Every householder has a hide; every hide has 120 acres of arable; every hide is worth one pound a year; every householder has a team, every team is of eight oxen; every team is worth one pound. If all this be not so, then it ought to be so and must be deemed to be so’ (389–90). And again – ‘The result is that every manor in a certain district has four hides and sixteen teamlands. It is very pretty; it was never (except for technical

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purposes) very true, and every year makes it less true' (472). That is followed immediately by a very characteristic qualification – 'That exactly this was done, we do not say and do not think; but something like it may have been done' (473). Maitland is not always easy to pin down. He appreciated the difficulty of his chief source; Domesday Book is 'taciturn', its language 'not very patient of . . . analysis' (50, 67). He responded scarcely ever with vagueness, but rather with delicate qualification. But he never abandoned his logical attack on the evidence: 'If a vill consists, as in Devonshire often enough it will, of some three *villani*, some four *bordarii* and some two *servi*, the "township-moot" if such a moot there be, will be a queer little assembly, the manorial court, if such a court there be, will not have much to do' (21). These qualities embolden the tendentious critic, for it is easy enough to select particular targets with no attention to their place in the whole. Maitland is much subtler, his arguments more qualified and conditioned, than his critics usually allow.

For the critic, in this book above all others, Maitland presents the disconcerting habit of bouncing back – posthumously. The second essay was designed in part to challenge Seebohm's *English Village Community* and the doctrine which derived the English villein from the slave of the Roman villa.<sup>5</sup> It was firmly embedded, therefore, in its contemporary setting of the conflict between Germanists and Romanists, now long subsided. Yet what Maitland has to say underlies the discussion opened by Joan Thirsk on the common fields<sup>6</sup> and by Trevor Aston on the origins of the manor.<sup>7</sup> It is relevant to Susan Reynolds' recent study of communities in western Europe;<sup>8</sup> indeed Maitland still provides an important corrective to that work because he retains lordship in its proper proportion – 'But then we have to notice that a village which has to pay a provender rent or even a *tailla* or *gersuma* is not altogether a free village. Its communal action is called out by seignorial pressure' (147). And, most remarkably, it includes many of the essentials of the argument of Alan Macfarlane's *The Origins of English Individualism*.<sup>9</sup> Macfarlane's generous acknowledgement of Maitland would probably have been even more enthusiastic if he had

<sup>5</sup> Frederic Seebohm, *The English Village Community* (London, 1883).

<sup>6</sup> Joan Thirsk, 'The common fields', *Past and Present*, no. 29 (1964), 3–25.

<sup>7</sup> T. H. Aston, 'The origins of the manor in England', *Trans. Royal Historical Soc.*, 5th Ser. viii (1958), 59–83.

<sup>8</sup> Susan Reynolds, *Kingdoms and Communities in Western Europe 900–1300* (Oxford, 1984).

<sup>9</sup> Alan Macfarlane, *The Origins of English Individualism* (Oxford, 1978). All the references to Maitland which Macfarlane indexes are to the *History of English Law*.



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used *Domesday Book and Beyond* as well as the *History of English Law*, for his argument is here reinforced in ringing phrases – ‘the very fields themselves seemed to rebel against communities and to demand a ring-fenced severalty’ (351); and also by a detailed reconstruction of the economy and organization of what he called the free villages of eastern England (352–4).

That is simply one example of Maitland revived. The recent work of McDonald and Snooks illustrates another, for they argue not simply that in his sampling method Maitland was far ahead of other Domesday scholars including Round, but also that his broad equation of £1 = 1 hide was statistically correct.<sup>10</sup> And there are many phrases or short sections in which Maitland anticipates later work: Postan, for example, in his comment on the development of labour services (58);<sup>11</sup> Lemarignier<sup>12</sup> in the discussion of *consuetudines* (78–9); Stenton in the association of the freedom of some of the eastern counties with the Scandinavian settlements<sup>13</sup> and also R. H. C. Davis’s<sup>14</sup> criticism of Stenton in the reservation – ‘But in truth we must be careful how we use our Dane’ (139); and finally the continuing debate about succession and inheritance, which has exercised Thorne, Milsom and the present writer,<sup>15</sup> in the following comment on these intricate problems, much more emphatic than anything in the *History of English Law* – ‘The noble obtains a spacious territory, perhaps a county, from the king by way of “benefaction”; *precarium* becomes the *beneficium*, the *beneficium* becomes the *feudum*. The king can not prevent the *beneficia*, the *feuda*, from becoming hereditary” (301).

This is not to say that the whole structure of the book still stands without need for addition or repair. The problem of assessment and

<sup>10</sup> John McDonald and G. D. Snooks, *Domesday Economy* (Oxford, 1986), especially pp. 42–9.

<sup>11</sup> M. M. Postan, ‘The chronology of labour services’, *Trans. Royal Historical Soc.*, 4th Ser. xx (1937), 169–93; also E. A. Kosminsky, *Studies in the Agrarian History of England in the Thirteenth Century* (Oxford, 1956).

<sup>12</sup> J.-F. Lemarignier, ‘La Dislocation du “pagus” et le problème des “Consuetudines” (x<sup>e</sup>–xi<sup>e</sup> siècles)’, in *Mélanges d’histoire du moyen âge dédiés à la mémoire de L. Halphen* (Paris, 1951), pp. 401–10.

<sup>13</sup> F. M. Stenton, ‘The Danes in England’, *Proc. British Academy*, xiii (1927), 203–46.

<sup>14</sup> R. H. C. Davis, ‘East Anglia and the Danelaw’, *Trans. Royal Historical Soc.*, 5th Ser. v (1955), 23–39.

<sup>15</sup> S. E. Thorne, ‘English feudalism and estates in land’, *Cambridge Law Journal* (1959), 193–209; J. C. Holt, ‘Politics and property in early medieval England’, *Past and Present*, no. 57 (1972), 3–52; S. F. C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976).

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taxation dealt with in Essay III now has to be read in the light of later work, especially that of C. R. Hart,<sup>16</sup> and Sally Harvey.<sup>17</sup> H. C. Darby and his colleagues have discussed in five volumes of *The Domesday Geography*<sup>18</sup> matters which Maitland compressed within less than a hundred pages throughout the book, so much of what he says of the geographic distribution of wealth and the measurement of resources has been superseded. Likewise the criticism of Anglo-Saxon charters, on which part of the second essay depends, has advanced far since Maitland's day;<sup>19</sup> his story of the development of seignorial jurisdiction, so dependent as he saw it on the alienation of royal rights, no longer seems so clear cut. It must now be read in conjunction with the work of Helen Cam and Naomi Hurnard.<sup>20</sup> Certain sections of the work are plainly defective. Like Round, Maitland made only occasional use of the Exon Domesday (39, 120, 167, 479), an essential component of the survey which was given insufficient attention by all Domesday scholars until Baring's paper of 1912.<sup>21</sup> And from a commentary on the effects of the Norman Conquest one whole area of study – the settlement of the Norman aristocracy – is almost entirely missing. Indeed, Maitland washed his hands of it – 'The day for an artistically proportioned picture of the growth of feudalism has not yet come; the day for a quantitative analysis of the elements of feudalism may never come' (221), thus leaving the field to a whole host of scholars among whom Stenton and Le Patourel have been the leading figures.<sup>22</sup>

<sup>16</sup> C. R. Hart, 'The hidation of Huntingdonshire', *Proc. Cambridge Antiquarian Soc.*, lxi (1968), 55–66; *The Hidation of Northamptonshire* (Leicester, 1970).

<sup>17</sup> Sally P. J. Harvey, 'Domesday Book and Anglo-Norman governance', *Trans. Royal Historical Soc.*, 5th Ser. xxv (1975), 175–93; 'Taxation and the ploughland in Domesday Book' in P. Sawyer, ed., *Domesday Book: a Reassessment* (London, 1985), pp. 86–103; 'Taxation and the economy' in J. C. Holt, ed., *Domesday Studies* (Woodbridge, 1987), pp. 249–64.

<sup>18</sup> H. C. Darby and others, *The Domesday Geography of England*, 5 vols. (Cambridge, 1954–67); supplemented by H. C. Darby, *Domesday England* (Cambridge, 1977) and H. C. Darby and G. R. Versey, *Domesday Gazetteer* (Cambridge, 1975).

<sup>19</sup> For a useful summary of part of this see N. Brooks, 'Anglo-Saxon charters: the work of the last twenty years', *Anglo-Saxon England*, 3 (1974), 211–31.

<sup>20</sup> Helen M. Cam, 'The evolution of the medieval English franchise', *Speculum*, xxxii (1957), 427–42; 'The "private" hundred before the Norman conquest', in J. Conway Davies, ed., *Studies presented to Sir Hilary Jenkinson* (London, 1957), 50–60. Naomi D. Hurnard, 'The Anglo-Norman franchises', *English Historical Review*, lxiv (1949), 289–323, 433–60.

<sup>21</sup> F. H. Baring, 'The Exeter Domesday', *English Historical Review*, xxvii (1912), 309–18.

<sup>22</sup> See especially F. M. Stenton, *The First Century of English Feudalism* (Oxford, 1932), and John Le Patourel, *The Norman Empire* (Oxford, 1976).

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From major controversies the book has emerged with varying and still changing fortunes. Within the year of publication it provoked a famous review by James Tait,<sup>23</sup> generously acknowledged by Maitland himself.<sup>24</sup> Tait challenged two of Maitland's arguments. The first and less important concerned the garrison theory of the origin of boroughs (172–219). Tait was right; it may be that Maitland's readiness to reconstruct systems of assessment misled him here; so the section on boroughs remains largely as a historiographical curiosity. The second was Maitland's theory that *manerium* had the technical meaning of a house against which geld was charged and that men gelded in the manor, not the vill (120ff.). This was much more central to Maitland's general theses; it extended, for example, into his lines of social classification (24, 126–7). Tait's criticism has been generally accepted, but it is by no means as convincing as his views about the borough. Some of his arguments concerning detached portions of manors are as difficult to reconcile with manorial as geld renders. Maitland was not convinced by the criticism, although he never answered it.<sup>25</sup> It has remained for Dr J. N. N. Palmer to revive Maitland's hypothesis.<sup>26</sup>

The debate about feudalism has been much more diffuse. Here Maitland certainly deserved some of the shot he has had to take. His first attempt to evaluate the English and Norman contribution is far from satisfactory – 'in the west we have already what in substance are knights' fees. The Bishop of Worcester held 300 hides over which he had sake and soke and all customs; he was bound to put 60 *milites* into the field; if he failed in this duty he had to pay 40 shillings for each deficient *miles*. At the beginning of Henry II's reign he was charged with 60 knights' fees' (160). That, surprisingly, contains a simple but crucial error: the 60 knights provided for Henry II did not come solely from the 300 hides of Oswaldslow but from the whole of the bishopric of Worcester. So the equation, 60 knights = 300 hides is false and the continuity is broken. The mistake condemned Maitland's argument.<sup>27</sup> However, the critics rarely note his much fuller and subtler treatment of the same problem in Essay II. Here he examined the *laen* lands of Oswaldslow and concluded – 'These men may be bound to fight at the bishop's call, but fighting is not their main business; they are not

<sup>23</sup> *English Historical Review*, xii (1897), 768–77.

<sup>24</sup> Fifoot, no. 200.

<sup>25</sup> *Ibid.*, and no. 264.

<sup>26</sup> J. J. N. Palmer, 'The Domesday manor', in J. C. Holt, ed., *Domesday Studies* (Woodbridge, 1987), pp. 139–53.

<sup>27</sup> For a summary of the criticism see R. Allen Brown, *Origins of English Feudalism* (London, 1973), pp. 61–2.

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professional warriors. They are the predecessors not of the military tenants of the twelfth century, but of the *radchenistres* and *radmanni* of Domesday Book, the *rodknights* of Braeton's text, the thegns and drengs of the northern counties who puzzle the lawyers of the Angevin time' (308); 'Dependent tenure is here and, we may say, feudal tenure, and even tenure by knight's service, for though the English *cniht* of the tenth century differs much from the knight of the twelfth, still it is a change in military tactics rather than a change in legal ideas that is required to convert the one into the other' (309). Here, in extended form, he still maintains a challenge to our latter-day Normanists and Saxonists alike. He was concerned with the origins and nature of seignorial power. He did not now pretend, as some of his followers have done, that Norman military arrangements could be traced back to the Anglo-Saxon period.<sup>28</sup> Indeed, he had already accepted in the *History of English Law* the conclusion of Round's great paper on the Introduction of Knight-Service.<sup>29</sup> But he could not accept that feudalism was to be defined in narrow military terms – 'when compared with seignorial justice, military tenure is a superficial matter, one out of many effects rather than a deep-seated cause. Seignorial justice is a deep-seated cause of many effects, a principle which when once introduced is capable of transfiguring a nation' (258); and here he saw real continuity across the great divide of the Norman Conquest. He deserves closer attention and better understanding than knockabout partisanship has allowed him.

Curiously, the work is only occasionally determined by one of its preliminary assumptions about Domesday Book – 'One great purpose seems to mould both its form and substance; it is a geld book' (3); 'Our record is no register of title, it is no feodary, it is no custumal, it is no rent roll, it is a tax book, a geld book' (5). Maitland did not examine this contention in any depth; it was perhaps sufficient that on this he and Round were in agreement. These much quoted broad assertions are necessarily imprecise. No-one is likely to dispute that Domesday is in some sense a geld-book; it records geld-assessments systematically throughout. But to move beyond this to an assertion that the prime purpose of both the survey and the Book lay in the reassessment and/or collection of the geld involves a logical leap. It does not follow. It

<sup>28</sup> For a critical review of such arguments see *ibid.*, pp. 34–43. A subsequent statement of them is made by John Gillingham, 'The introduction of knight service in England', *Proceedings of the Battle Conference on Anglo-Norman Studies*, iv (1981), 53–64.

<sup>29</sup> *History of English Law*, i, 258, 259 n.

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requires proof. Maitland does not provide it. It is only much later, in Essay III, and then almost incidentally, that it becomes apparent that this was indeed his view. It almost steals out – ‘With an eye to future taxation, he [the king] wishes for figures expressive of the normal condition of things’ (422); ‘They are not asking about area; they are asking about the number of teams requisite for the tillage of the tenement. With this and its value as data, William’s ministers hope to correct the antiquated assessments’ (423); and most clearly of all – ‘If Domesday Book is to serve its primary purpose, if it is to tell the king’s officers how much geld is due, it is absolutely necessary that by some ready process they should be able to work sums in hides and acres and in carucates and acres’ (475).

Now it should be obvious that an idea vividly expressed on p. 5 which does not resurface until p. 422 can scarcely be taken as determining the main structure of Maitland’s great work. *Domesday Book and Beyond*, the bulk and the best of it, is concerned with much more than this plain assumption. Yet the assumption was made, and Galbraith was surely right when he pointed out that it was from Maitland, rather than Round, that it derived its main strength.<sup>30</sup> As Maitland came to express it, it was almost self-defeating. The king’s officers were to be able to ‘work sums’ ‘by some ready process’. At this point Maitland was concerned with the arithmetic of Domesday Book: 1 hide or carucate = 120 acres: within that his point is valid. But it is quite invalid within wider parameters. Domesday Book is a hopelessly complicated and inadequate instrument for ‘working sums’ ‘by some ready process’ concerning the geld. Such calculations are not merely difficult; the information on geld is arranged in such a way and presented in such a format that geld calculations are positively impeded. If any economic information is emphasised it is not geld-assessments, still less changes therein, but values, and these only by leaving them for the most part at the end of the manorial entries. Even then no attempt was made to rubricate them and no obstacle seems to have been envisaged against adding information after them. So the geld information is obscured. Geld-assessment is an essential component of Domesday but Domesday cannot be a geld-book in Maitland’s sense. In this it stands in sharp contrast to the *Inquisitio Geldi* of the south-western counties, which fulfilled just such a purpose.

Perhaps Maitland was fascinated by his own arithmetic. His resultant misapprehension is not at all obvious. It is shared by others firmly committed even now to diagnosing immediate financial purposes

<sup>30</sup> V. H. Galbraith, *The Making of Domesday Book* (Oxford, 1961), p. 13.

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behind the Domesday data. So let us be quite precise about what went wrong and still goes wrong. Does Domesday contain geld-assessments and reassessments? Yes. Can the assessment of manors, of villas, or hundreds, or of shires, be calculated? Yes. Is the Book so arranged to present such information readily and tidily? No; only in the case of manors and there it is given no emphasis either by location in the text, or capitals or rubrication. Can the total assessment of individual tenements in hundreds, or of villas divided between tenants or of tenements in shires be calculated? Yes; but only by inconvenient search and summing. So could Domesday tell the King's officers 'how much geld is due'? Yes; but only if they did what Maitland does. Can the Book then provide the 'ready process' which Maitland required? No. Indeed *Domesday Book and Beyond* itself, with all its splendid calculations occupying many pages, contradicts the purpose it attributes to Domesday. It is not that it imposes on eleventh-century officials a task beyond their competence. Their arithmetic was up to it, given time and equipment. It is that Domesday is not the ready reckoner which the argument requires. The *Inquisitio Geldi* fills this function much better. The moral is that Domesday reveals its purpose as much in its arrangement and format as in its content.<sup>31</sup>

Behind this there lies a real weakness. No-one has ever matched Maitland in his ability to conjure the society of the eleventh and earlier centuries from the aridities of Domesday. Yet Galbraith far surpasses him in his sense that the Book was an enormous artefact made for a purpose, to a plan, and for use in a particular way; that it was in its time a living, working record. Half a century lay between the two, and one highly important work intervened: *Domesday Rebound* published for the Public Record Office in 1954, after Galbraith's first paper but before his first book.<sup>32</sup> Maitland, of course, was conscious enough of a plan, a system; but it was his, not King William's. It owed much to nineteenth-century statistics, practically nothing at all to the study of the manuscript. It was, as Galbraith put it, 'Victorian'.<sup>33</sup> The passage of time and change in approach which lies between the two is revealed in an almost casual footnote towards the end of Essay I – 'The one glimpse that I have had of the manuscript suggested to me (1) that the accounts of some of the boroughs were postscripts, and (2) that space was left for accounts of London and Winchester. The anatomy of the

<sup>31</sup> This argument is further developed in J. C. Holt, '1086', in J. C. Holt, ed., *Domesday Studies* (Woodbridge, 1987), pp. 41–63.

<sup>32</sup> *Domesday Book Rebound* (London, HMSO, 1954).

<sup>33</sup> Galbraith, *op. cit.*, pp. 14–15.



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book deserves examination by an expert' (178, n.1). That may well astonish the reader ninety years later.<sup>34</sup> It reflects not dereliction of duty on Maitland's part, but what has happened since, and in particular the achievement and consequences of Galbraith's inspired intervention.

At this point *Domesday Book and Beyond* may well be compared with Round's *Feudal England*. To some extent the two run in parallel; indeed at several points Maitland deliberately avoids duplication of Round's work, published two years previously. It may be because of this that he is somewhat hazy about how Domesday was made. It may equally be that he was not so resolved as Round on the interrelationships of the Domesday texts. Neither of them was perhaps as firm of mind as Galbraith's critique of them suggests. However, Maitland did say something. He came to it by a roundabout route in his third essay on the hide. Here he dwells on the considerable variation in the record of teamlands, arguing that the return of 'land for x teams' in some counties or hundreds was equivalent to the statement that 'there were x teams TRE' in others (420–4). In noting this varied response, he attributes the variation in Leicestershire, where it occurs within the confines of a single county, to 'a clerk's caprice' (421, n.2). Elsewhere, especially in the contrast in these matters between Great Domesday, where the teamlands appear, and Little Domesday, where the matter is covered by a threefold response stating the number of ploughs actually on the land, he suggests that the original threefold questionnaire, seeking information TRE, TRW and when King William gave the land, was 'unnecessarily cumbrous. The design of collecting the statistics of the past broke down . . . Some interrogatories were dropped' (421–2). This was entirely consistent with Round, who took the 'so-called second volume to be really a first attempt at the codification of the returns' on which the first volume, i.e. Exchequer Domesday, was 'a wonderful improvement'.<sup>35</sup> But Maitland's view was subtler, for his explanation depends on variations in both the questions asked by the commissioners and the responses given by the jurors (420–3). Unlike Round, he approaches, but never really attains, the modern view that the final Book retains evidence of successive layers of data-retrieval and reduction which necessarily reveal differences in method and

<sup>34</sup> Round said something very similar in comparing Great and Little Domesday (*Feudal England*, p. 140). In assessing both Maitland and Round it should be born in mind that the zincographic facsimile of both Great and Little Domesday was published in county volumes by the Ordnance Survey Office, 1861–4.

<sup>35</sup> *Feudal England*, p. 141.

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procedure between circuits, counties and smaller units. This was genius nudging against the confines of his time. The next great leap forward was Galbraith's.

How then should we assess Maitland in this work? By his range and style, certainly. By his learning and acute intelligence, equally so. Also by his moving language: the final paragraph grips the reader like the closing sentences of *Wuthering Heights* and is as often quoted. Perhaps above all by a single phrase which embraces his mind, method and achievement, and also the Cambridge of his day: 'We make another experiment.' It was some experiment. If only all such could be both so venturesome and so rewarding.



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## PREFACE.

THE greater part of what is in this book was written in order that it might be included in the *History of English Law before the Time of Edward I.* which was published by Sir Frederick Pollock and me in the year 1895. Divers reasons dictated a change of plan. Of one only need I speak. I knew that Mr Round was on the eve of giving to the world his *Feudal England*, and that thereby he would teach me and others many new lessons about the scheme and meaning of Domesday Book. That I was well advised in waiting will be evident to everyone who has studied his work. In its light I have suppressed, corrected, added much. The delay has also enabled me to profit by Dr Meitzen's *Siedelung und Agrarwesen der Germanen*<sup>1</sup>, a book which will assuredly leave a deep mark upon all our theories of old English history.

The title under which I here collect my three Essays is chosen for the purpose of indicating that I have followed that retrogressive method 'from the known to the unknown,' of which Mr Seebohm is the apostle. Domesday Book appears to me, not indeed as the known, but as the knowable. The Beyond is still very dark: but the way to it lies through the Norman record. A result is given to us: the problem is to find cause and process. That in some sort I have been endeavouring to answer Mr Seebohm, I can not conceal from myself or from others. A hearty admiration of his *English*

<sup>1</sup> *Siedelung und Agrarwesen der Westgermanen und Ostgermanen, der Kelten, Römer, Finnen und Slawen*, von August Meitzen, Berlin, 1895.

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*Village Community* is one main source of this book. That the task of disputing his conclusions might have fallen to stronger hands than mine I well know. I had hoped that by this time Prof. Vinogradoff's *Villainage in England* would have had a sequel. When that sequel comes (and may it come soon) my provisional answer can be forgotten. One who by a few strokes of his pen has deprived the English nation of its land, its folk-land, owes us some reparation. I have been trying to show how we can best bear the loss, and abandon as little as may be of what we learnt from Dr Konrad von Maurer and Dr Stubbs.

For my hastily compiled Domesday Statistics I have apologized in the proper place. Here I will only add that I had but one long vacation to give to a piece of work that would have been better performed had it been spread over many years. Mr Corbett, of King's College, has already shown me how by a little more patience and ingenuity I might have obtained some rounder and therefore more significant figures. But of this it is for him to speak.

Among the friends whom I wish to thank for their advice and assistance I am more especially grateful to Mr Herbert Fisher, of New College, who has borne the tedious labour of reading all my sheets, and to Mr W. H. Stevenson, of Exeter College, whose unrivalled knowledge of English diplomatics has been generously placed at my service.

F. W. M.

20 *January*, 1897.

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