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Between Marne and Moselle, c.800–c.1100

Charles West

Excerpt

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## INTRODUCTION

This book sets out to reassess the changes that took place in the nature and co-ordination of social relations between around 800 and 1100 in Carolingian and post-Carolingian Europe, by means of a geographically defined case-study. Its overarching argument is three-fold. Firstly, it proposes that a radical shift in patterns of social organisation took place within this period of time. Secondly, it identifies that shift as primarily one of formalisation, working at different levels. Thirdly, it suggests that this shift, though radical, can nevertheless best be understood as a consequence, one might say continuation, of processes unleashed by the movement conventionally labelled as Carolingian reform. It is to the exploration of these ideas and the questions they raise that the pages that follow are devoted.

## THE HISTORIOGRAPHICAL BACKGROUND

The broad issue to which this book is dedicated has hardly been neglected by historians. On the contrary, the challenge of defining the nature of the transition that took place from Carolingian to twelfth-century Europe is one of the most heavily scrutinised in medieval history, because it encodes a question about disciplinary division; that is, about periodisation. Most historians of medieval Continental Europe would locate the juncture between the early and the central Middle Ages during this time-frame, but at different points, and for different reasons. Historical distinctions of this kind may seem trivial, even tedious, exercises in arbitrary judgement that are best ignored; yet not only are such categorisations unavoidable, they also exercise a subtly far-reaching influence across a wide range of scholarship and even beyond, tacitly promoting certain interpretations and marginalising others.<sup>1</sup> Moreover, though this particular periodisation

<sup>1</sup> See the recent and stimulating study by K. Davis, *Periodization and sovereignty: how ideas of feudalism and secularization govern the politics of time* (Philadelphia, 2008).

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might seem to be amongst history's more minor ones, it has often been invested with grander ambitions, for some marking nothing less than the end of the ancient world, for others intimating the first stirrings of a nascent modernity.<sup>2</sup>

Abbreviated textbook analysis aside, the most thorough, comprehensive and sophisticated engagement with this issue is to be found within the debate on the Feudal Revolution.<sup>3</sup> Though it can in fact be traced back further, the notion that a structural transformation of Carolingian society occurred is conventionally attributed to the French historian Georges Duby. Arguing primarily from Burgundian evidence, Duby suggested in a classic study that the formal disintegration of the Carolingian empire around 900 had relatively little impact on wider society.<sup>4</sup> For Duby, the real change came around the year 1000 with the rise of castellan power, a new form of violent lordship centred on castles and their lords, with which the traditional structures of Carolingian society were wholly incapable of dealing, and before which they crumbled away. This new order took little account of distinctions of free and unfree, of public and private. Instead, it revolved around the power of aristocratic lineage and the zone around the castle, the territorial expression of that power. This power was built not on simple land ownership (*seigneurie foncière*), but on judicial powers usurped from the king (*seigneurie banale*).

Duby's ideas exhilarated a generation of historians, who enthusiastically applied them to other regions in France, further developing their conceptual framework. Pierre Bonnassie provided a regional study more systematic than that sketched out by Duby, Robert Fossier's notion of *encellulement* enriched the conceptual apparatus and efforts were even made to use the criteria comparatively across great swathes of world history.<sup>5</sup> What turned out to be a culminating synthesis of this research was achieved by the publication in 1980 of Poly and Bournazel's magisterial restatement of

<sup>2</sup> D. Barthélemy, *La mutation de l'an mil, a-t-elle eu lieu?: servage et chevalerie dans la France des x<sup>e</sup> et xi<sup>e</sup> siècles* (Paris, 1997), p. 26, 'La Renaissance du xii<sup>e</sup> siècle n'aura pas lieu', *BEC* 154 (1996), 607–24, at p. 624; G. Bois, *La mutation de l'an mil: Lormand, village mâconais, de l'antiquité au féodalisme* (Paris, 1989).

<sup>3</sup> D. Barthélemy provides a judicious and succinct review of the debate: see 'Revisiting the "Feudal Revolution" of the year 1000', in his *The serf, the knight, and the historian* (Ithaca, 2009), tr. G. R. Edwards, pp. 1–11. Another aspect of the issue is the debate inspired by the work of Susan Reynolds; I address this below, pp. 199–206.

<sup>4</sup> G. Duby, *La société aux xi<sup>e</sup> et xii<sup>e</sup> siècles dans la région mâconnaise* (Paris, 1953).

<sup>5</sup> For a summary of this regional work, see T. Bisson, 'La Terre et les hommes: a programme fulfilled?', *French History* 14 (2000), 322–34; P. Bonnassie, *La Catalogne du milieu du x<sup>e</sup> à la fin du xi<sup>e</sup> siècle* (Toulouse, 1975–6); R. Fossier, *L'enfance de l'Europe x–xii siècles: aspects économiques et sociaux* (Paris, 1982). For the extension of the 'revolution' to the world stage, see J.-P. Poly and P. Bournazel, eds., *Les féodalités* (Paris, 1998), and more recently, R. I. Moore, 'The transformation of Europe as a Eurasian phenomenon', *Medieval Encounters* 10 (2004), 77–98.

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Duby's original hypothesis.<sup>6</sup> Their book integrated arguments about the shape of the aristocratic family, the 'Peace of God', the rise of a new class of professional warriors, the usurpation of royal prerogatives and the smudging of legal categorisations which had hitherto sheltered the free peasant, ideas all adumbrated by Duby, into a single explanatory model of marvellous intellectual clarity.

However, in recent years the validity of that model has been increasingly called into question. Articulated in a growing series of diverse and lively interventions, such as the debates of the 1990s carried in the pages of *Past and Present* and *Médiévales*, these criticisms can schematically be classified into two strands, united only in the conviction that the Feudal Revolution model must be abandoned.

On the one hand is the position developed by Dominique Barthélemy across an array of publications.<sup>7</sup> Arguing that the image of feudal society implied by the Feudal Revolution, characterised by the dwindling away of the public in favour of personal bonds and an explosion of effectively unchecked violence, was intrinsically flawed, he suggested that the identification of the year 1000 as the moment this new society supposedly came into being derived merely from a naïve reading of monastic cartularies that fetishised particular words, notably *servus* and *miles*. In a conscious return to nineteenth-century approaches, Barthélemy has offered an alternative periodisation based on an alternative dynamic of change, concentrating on shifts he considers far more important than those emphasised by the Feudal Revolution. Some of these shifts he associates with the year 888 or 900, representing the collapse of the Carolingian empire and the emergence of principalities; others he suggests are linked to 1100 or the long twelfth century, these dates standing for a panoply of developments, including urbanisation, the bureaucratisation of government and the emergence of scholasticism.<sup>8</sup>

The second strand of critique is in a way more ambitious. Duby's model of the Feudal Revolution depended on privileging distinctions in how disputes and conflicts were resolved between the Carolingian and the post-Carolingian period. The interest which he helped stimulate in medieval disputes has if anything only increased over the past few decades, and there is now a thriving field of medieval conflict studies.<sup>9</sup> Yet the conclusions which this scholarship has produced have increasingly tended to contradict

<sup>6</sup> J.-P. Poly and E. Bournazel, *La mutation féodale, X<sup>e</sup>–XII<sup>e</sup> siècles* (Paris, 1980). tr. C. Higgitt as *The feudal transformation: 900–1200* (New York, 1991).

<sup>7</sup> D. Barthélemy, *La mutation de l'an mil* is the most convenient point of entry; the English translation, *The seif* contains additional material.

<sup>8</sup> D. Barthélemy, 'La mutation de l'an 1100', *Journal des Savants* (2005), 3–28.

<sup>9</sup> W. Brown and P. Górecki, eds., *Conflict in medieval Europe* (Aldershot, 2003).

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not merely Duby's results but also his method. In the view of some historians, most notably Stephen White, the point is not simply that underneath the Carolingian rhetoric of peace and state order and the post-Carolingian monastic rhetoric of violence and disorder there lay essentially similar processes of dispute resolution; it is that we should expect pre-modern change to be tentative, and that a history of turning points with attention to structure is inherently misleading.<sup>10</sup>

The difference between these critiques is that the first merely seeks to shift the periodisation on empirical grounds, while the second more radically calls into question the grounds for any periodisation more subtle than that between modern and pre-modern. Nevertheless, it should not be forgotten that Duby's ideas, and the periodisation he championed, have also found defenders, though these have usually kept a certain critical distance from Duby's initial formulation.<sup>11</sup> Two historians working in the central Middle Ages are particularly prominent here. Thomas Bisson's increasingly refined restatements of Duby's hypothesis, emphasising an explosion of unrestrained power and violence that initiated an age of lordship, seem likely to continue stimulating debate – indeed it was Bisson who brought the Feudal Revolution model to Anglophone attention – though have as yet won few open adherents.<sup>12</sup> In contrast, the work of R. I. Moore, for whom the Revolution functions explicitly or implicitly to clear the ground for the exploration of a range of developments connected with the onset of modernity, has become hugely influential, eagerly adopted by many historians of later periods even as the assumptions on which it relies are being challenged by earlier specialists.<sup>13</sup>

THE PLACE OF THE CAROLINGIANS IN THE FEUDAL  
REVOLUTION DEBATE

If the Feudal Revolution debate has become quieter in more recent years, it is not, as one might think when reading the rather triumphalist rhetoric

<sup>10</sup> Many of White's most important articles are republished in his *Re-thinking kinship and feudalism* (Aldershot, 2005). See also his programmatic 'Tenth-century courts at Macon and the perils of Structuralist history: re-reading Burgundian judicial institutions', in Brown and Górecki, eds., *Conflict*, pp. 37–68.

<sup>11</sup> In addition to the two historians mentioned below, reference should also be made to D. Bates, 'England and the "Feudal Revolution"', *Il Feudalesimo nell'alto medioevo Settimane* 47 (2000), 611–46 and to A. Wareham's stimulating *Lords and communities in early medieval East Anglia* (Woodbridge, 2005).

<sup>12</sup> T. Bisson, 'The Feudal Revolution', *Past and Present* 142 (1994), 6–42; and see T. Bisson, *The crisis of the twelfth century: power, lordship, and the origins of European government* (Princeton, 2008).

<sup>13</sup> R. I. Moore, notably *The first European revolution, c.970–1215* (Oxford, 2000). For an example of the reception of Moore's general argument, a reception that shows no signs of slackening, see C. Fasolt, 'Hegel's ghost: Europe, the Reformation, and the Middle Ages', *Viator* 39 (2008), 345–86.

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of certain participants, because one ‘side’ has proven its case to general satisfaction. Rather, it is because of deadlock, a growing sense that the debate stands before an impasse. This book proposes that one way out of the impasse is to reconsider the role of the Carolingians. For, notwithstanding the great diversity of approaches, one element that nearly all share is a strictly limited engagement with Carolingian material.

For proponents of the Feudal Revolution, whether in Duby’s original formulation or in some modified form, the Carolingian ninth century is relevant only in proving the definitive nature of the decisive transition. Whether the Carolingians are imagined as the heirs (or perhaps creators) of a properly public state, or the ninth century is portrayed as an archaic age, impoverished and backwards, the separation from the post-1000 world is guaranteed. What is striking is that the critics of Duby’s position have not substantially challenged this relegation of the Carolingian period. Rejecting the argument of radical change, the tendency has been to argue instead that the ninth century was not really as distinctive as it may seem. This is the central point of Barthélemy’s influential notion of ‘feudal revelation’, suggesting that the most radical change was really just one of documentary practice that revealed established ideas and practices which Carolingian sources had veiled over.<sup>14</sup>

Setting aside the intrinsic merits or otherwise of these arguments for the moment, two underlying reasons for this pervasive neglect of the ninth century throughout the debate can be discerned. The first, and most obvious, brings us back to the question of historical disciplinarity. Most of those historians involved in the Feudal Revolution debate, or more broadly concerned with the beginning of the central Middle Ages, are naturally enough specialists in central medieval history, interested in characterising the origins and features of their field of study. Carolingian historians, by contrast, are usually early medievalists, whose interests often reach back to Late Antiquity but seldom extend much beyond the tenth century. These historians read different journals, attend different scholarly conferences, and engage in different debates.<sup>15</sup> With a couple of – notably stimulating – exceptions, contributions to the Feudal Revolution debate, and indeed analogous fields, have come from only the former set of historians, and this has inevitably shaped the way the debate has been conducted.

Compounding this disciplinary problem, and in a way even more serious, is the prevalence of sets of conceptual oppositions in this debate

<sup>14</sup> D. Barthélemy, *La société dans le comté de Vendôme de l’an mil au XIV<sup>e</sup> siècle* (Paris 1993), pp. 19–127; see also S. White, ‘Debate: the Feudal Revolution: comment’, *Past and Present* 152 (1996), 196–223.

<sup>15</sup> Cf. M. Innes, ‘Economies and societies in early medieval Western Europe’, in C. Lansing and E. English, eds., *A companion to the Medieval world* (Oxford, 2009), pp. 9–35.

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and beyond it that effectively preclude a better understanding of the place of the Carolingians. Two of these, in their various forms, are particularly influential: one revolving around a Weberian distinction between pre-modern and modern, the other based on the apparently self-evident distinction between ideal and reality. The former identifies certain characteristics as aspects of a proto-modernity, or at least heading in the right direction, and identifies the emergence of these characteristics as the central measure of structured historical change. Along these lines, historians have used as indices of salient change issues such as the origins of the state, the increasing role of bureaucracy, processes of institutionalisation and sharpening differentiations between religious and secular authority.<sup>16</sup> The second set of oppositions in effect reproduces the divide between cultural and social history, in which ideas and representations are kept carefully separate from practices and actions.<sup>17</sup> Examples of this kind of opposition at work are the distinctions made between rhetoric and the strategies of negotiating actors that inform much of the work on dispute settlement, between ritual (perceived as cultural) and law present in much legal history, and a tenacious underlying assumption that historical change must always, at root, be triggered (and not merely influenced) by some ‘external’ material factor such as climate change, or autonomous demographic or economic growth.<sup>18</sup>

Of course, none of these oppositions finds explicit support from those engaged in the Feudal Revolution in quite such bald terms. After all, most of them have long since individually been brought into question, both in the wider theoretical literature and historiographically.<sup>19</sup> Nevertheless, they continue to exercise a tacit influence on analyses of medieval society, and this plays a crucial role in isolating the ninth century from later developments. For, as Matthew Innes has noted, if we analyse the Carolingians in classically Weberian terms we can only find an enigmatic failure: an attempt to build a state that failed, a bureaucracy that fizzled out, a premature institutionalisation of authority that was in due course

<sup>16</sup> For a thoughtful inquiry into these issues, see C. Symes, ‘When we talk about modernity’, *American Historical Review* 116 (2011), 715–26; more particularly on religious matters, see M. de Jong, ‘Ecclesia and the early medieval polity’, in S. Airlie, W. Pohl and H. Reimitz, eds., *Staat im frühen Mittelalter* (Vienna, 2006), pp. 113–32.

<sup>17</sup> Cf. now P. Joyce, ‘What is the social in social history?’, *Past and Present* 206 (2010), 213–48.

<sup>18</sup> For a critique of the latter two positions, see J. Bowman, ‘Do neo-Romans curse? Law, land, and ritual in the Midi (900–1100)’, *Viator* 28 (1997), 1–32; and J. Moreland, ‘Going native, becoming German’, *postmedieval* 1 (2010), 142–9.

<sup>19</sup> The bibliography here is huge, but the parameters of a still-incipient debate can be found in works ranging from T. Kirsch, *Spirits and letters: reading, writing and charisma in African Christianity* (New York, 2008), to B. Latour, *Reassembling the social: an introduction to actor-network theory* (Oxford, 2005) and A. Mbembe, *On the postcolony* (Berkeley, 2001).

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re-personalised.<sup>20</sup> Meanwhile, any attempt to link Carolingian intellectual and conceptual developments to actual historical reality is blocked by an almost unconscious conviction that these fields must be studied separately; that perhaps the Carolingian ‘reforms’ were influential in their own way, but there can have been little connection with the power-games being played out on the ground, best analysed through studies of actors’ interest. It is significant that the small number of studies that have consciously rejected both these types of categorisation have also been successful at bringing the early into relation with the central Middle Ages, such as Dominique Iogna-Prat’s recent work on the church’s nature and activities.<sup>21</sup>

This study, too, seeks to break with these categorisations, in order to bring out more clearly certain crucial connections between the ninth and the twelfth centuries. Up to this point, two representations of the Carolingian period have been brought to bear on the Feudal Revolution debate, and the issue of periodisation that it represents, namely the statist views that once held sway and still remain important, and the turn to practices of domination (‘lordship’), often conceived of as somehow prior to discursive construction, which has recently won prominence. Historiographical positions on the Feudal Revolution are in large part determined by which of these representations of the ninth century is employed. As Part I will show, the standard versions of these two approaches are indeed superficially difficult to reconcile, yet the evidence that supports each is unassailable. This has created a deadlock that has hamstrung the Feudal Revolution debate. The solution to this deadlock is not to attempt to sidestep the evidence, it is to reassess the entire question, and above all, to do so on the basis of a serious and sustained engagement with Carolingian evidence.

The foundations for such an engagement have been laid by a remarkable reinvigoration of Carolingian studies in recent decades which has taken many forms: the work of McKitterick on literacy and, more recently, memory and the construction of the past; of Nelson, MacLean and Hen on liturgy and kingship; of Innes, Stone and Airlie on the aristocracy; and of de Jong, Noble and Smith on the church, to name but a small selection of historians writing in English, a list that could easily be doubled even before considering research conducted in French, German and Italian.<sup>22</sup> No longer

<sup>20</sup> M. Innes, *State and society in the early Middle Ages: the middle Rhine valley, 400–1000* (Cambridge, 2000), is the classic treatment of this particular problem.

<sup>21</sup> D. Iogna-Prat, *La maison Dieu: une histoire monumentale de l’église au Moyen-âge (v. 800-v. 1200)* (Paris, 2006).

<sup>22</sup> See the Bibliography for works of these historians cited in this book.



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is Charlemagne's empire considered to have been conservative or backward-looking. Terms like the Carolingian Renaissance or the Carolingian reforms remain as difficult to define as always, but it is ever clearer that however we choose to label it, Charlemagne and his heirs presided over a cultural efflorescence that cannot be pigeonholed within the conventional categories of religious, or political or social, but was rather all of these together.<sup>23</sup>

So, we may indeed ask whether the Carolingians tried to create a state which then failed, or whether the ninth century was already permeated by lordship; and as we will see, asking such questions produces revealing answers. However, allowing the parameters of the Feudal Revolution debate to determine in this way the questions we ask of the ninth century eventually leads to stalemate. Instead, therefore, of peering back at the Carolingians from the Feudal Revolution and the central Middle Ages, this book is anchored in the Carolingian period and in approaches to that period, and looks forward. Building on the advances in scholarship won by the historians mentioned above and many others, and on the basis of a defined set of evidence, it proposes a new approach that both resolves contradictions in the existing literature and simultaneously offers a new perspective on the Feudal Revolution debate. The argument, put bluntly, is that the Carolingian reforms worked to formalise social interaction across the entire social spectrum, and that most of the phenomena associated with the Feudal Revolution, and the new social formations apparent from the later eleventh century, can be seen as in part the long-term consequences of this process.

I do not seek to prove that this is the only possible interpretation of the historical changes whose evaluation is at stake here; most of the arguments discussed above have something to be said for them, after all. I merely wish to show that this approach fits the evidence well, and therefore calls for a reappraisal of the role of the Carolingians in the dominant periodisation. Nor does this book attempt to argue that all post-Carolingian history was simply a pre-determined unfolding of a process previously set in motion; indeed it attempts to identify variations in how Carolingian legacies were realised, with profound implications for the organisation of social life, and moreover to account for them. It does, however, argue that the Carolingian period was of foundational importance for what followed, which is the point that has been denied, ignored, or neglected by almost all those involved in the Feudal Revolution debate.

<sup>23</sup> M. Costambeys, M. Innes and S. MacLean, *The Carolingian world* (Cambridge, 2011); and R. McKitterick, ed., *Carolingian culture: emulation and innovation* (Cambridge, 1993) are excellent introductions.



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Precisely because this approach is relatively novel, two interventions that anticipated elements of it should be mentioned. In an important paper, Chris Wickham suggested that the Feudal Revolution in the tenth century could be associated with a process of the formalisation of social relations.<sup>24</sup> Around the same time, Matthew Innes suggested that the patterns of formal authority prevalent in Western Europe post-1000 increasingly rested on a perception of power as property, and that such a perception articulated a highly formalised and reified system of social relations.<sup>25</sup> This book elaborates and modifies these observations, confirming that what they denote is vital to understanding the issues raised by the Feudal Revolution debate, but also connecting it directly with Carolingian innovations in social organisation, whose scope, it argues, was wider than has hitherto been appreciated.

## METHODOLOGY

The methodology that underlies this broad argument is drawn from a number of sources. Foremost is the research produced by the explosion of attention to ‘symbolic communication’ in the early and central Middle Ages, a strand of scholarship commonly associated with Gerd Althoff and his many students, though there is also a distinguished anglophone contribution to the field.<sup>26</sup> Conceived as an alternative to a constitutional history which lacked purchase on medieval realities, and with roots in older traditions of the study of medieval symbolism as well as Geertzian anthropology, the study of ritual blossomed in the wake of pathbreaking work by Karl Leyser on Ottonian ritual, suggesting that it could help explain how order was maintained in the post-Carolingian East Frankish kingdom. Indeed, to an extent this literature can be seen as functionally analogous to the Feudal Revolution debate to which German historians have tended to give short shrift.<sup>27</sup> These studies concentrate on elaborating the ways in which social status was confirmed and consolidated by means of a repertoire of signs and symbols whose meanings

<sup>24</sup> C. Wickham, ‘Debate: the Feudal Revolution: comment 4’, *Past and Present* 155 (1997), 196–208. This is a point Wickham has also made elsewhere, e.g. in his *Courts and conflict in twelfth-century Tuscany* (Oxford, 2003), pp. 18–19.

<sup>25</sup> Innes, *State*, pp. 241–50.

<sup>26</sup> For example, the work of T. Reuter, e.g. “‘Pastorale pedum ante pedes apostolici posuit’: Dis- and reinvestiture in the era of the investiture contest”, in R. Gameson and H. Leyser, eds., *Belief and culture in the Middle Ages* (Oxford, 2001), pp. 197–210. See also C. Pössel, ‘The magic of early medieval ritual’, *EME* 17 (2009), 111–25, ‘Symbolic communication and the negotiation of power at Carolingian regnal assemblies, 814–40’, unpublished PhD thesis, Cambridge 2004.

<sup>27</sup> H.-W. Goetz, ‘Gesellschaftliche Neuformierungen um die erste Jahrtausendwende? Zum Streit um die “mutation de l’an mil”’, in A. Hubel and B. Schneidmüller, eds., *Aufbruch ins zweite Jahrtausend. Innovation und Kontinuität in der Mitte des Mittelalters*, *Mittelalter-Forschungen* 16 (Ostfildern 2004), pp. 31–50, gives a good review.

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were well known to contemporaries. As is widely acknowledged and will be further explored later, there are a number of difficulties with the model thus conceived, but its challenge to pay more attention to the forms of communication that underpin and indeed constitute all interactions has proved tremendously stimulating.<sup>28</sup>

This body of work can usefully be brought into dialogue with a broader set of ideas and approaches that can be loosely termed anthropological. Some of these focus on the concept and practice of property. Like lawyers, anthropologists have long recognised that property must be analysed not as a category of objects but as a set of social relations, whose scope and intensity vary over time and space, and that must be considered alongside other forms of social interaction. Christian Lund's study of Ghana is an exemplary exploration of these issues.<sup>29</sup> Other studies have concentrated on ritual, and not always in the same way, or for the same reasons, as historians have. Ritual has in fact become a little unfashionable in anthropology recently, yet work by Asad on the force of ritual practices in medieval Europe, and by Maurice Bloch, using Madagascan material to reflect on the extent to which ritual can be thought of as a deliberately impoverished form of communication, have much to offer the medievalist.<sup>30</sup> The same is true of research into the question of indeterminacy, which investigates how the irreducible polysemy of human interaction with each other and the material world is managed in practice, not least by means of processes of formalisation: here, the work of S. F. Moore is central.<sup>31</sup>

A final dimension is added by attention to how these processes unfold over time. A number of important studies could be cited here, but it is worthwhile to single out the Comaroffs' study of the missionary encounter amongst the Tswana, in what is now South Africa. Arguing that nineteenth-century missionaries there were attempting the 'colonisation of consciousness', the Comaroffs drew attention to the importance of conflicts over signifying practices in the creation of all forms of social domination, in particular noting the impossibility of clearly separating these issues from those over material resources.<sup>32</sup> Their book offers a case-study of a contestation over the scope, precision and content of symbolic practice that is very suggestive from a comparative point of view.

<sup>28</sup> P. Buc, *The dangers of ritual: between early medieval texts and social scientific theory* (Princeton, 2001); S. Patzold, "'... inter pagensium nostrorum gladios vivimus". Zu den "Spielregeln" der Konfliktführung in Niederlothringen zur Zeit der Ottonen und frühen Salier', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 118 (2001), 578–99.

<sup>29</sup> C. Lund, *Local politics and the dynamics of property in Africa* (New York, 2008).

<sup>30</sup> T. Asad, *Genealogies of religion: discipline and reasons of power in Christianity and Islam* (Baltimore, 1993); M. Bloch, *Ritual, history and power: selected papers in anthropology* (London, 1989).

<sup>31</sup> S. F. Moore, *Law as process: an anthropological process* (London, 1978).

<sup>32</sup> J. Comaroff and J. Comaroff, *Of revelation and revolution*, 2 vols. (Chicago, 1991–7).