

THE HISTORICAL FOUNDATIONS OF A FEUDAL MODE OF PRODUCTION

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In one sense at least the very concept of a Feudal Mode of Production is entirely fictive. For Marx the Feudal Mode of production was interesting and worthy of study primarily as a dialectical antithesis to the consuming passion of his life: the Capitalist Mode of Production. Marx himself never anywhere attempted a systematic exploration of either the philosophical logic or the historical foundations of the Feudal Mode of Production. Marxist scholars interested in pre-capitalist modes of production writing during the last hundred years or so have attempted to elucidate the characteristics of the Feudal Mode of Production as sketchily outlined by Marx, but in most cases, at least in the European context, the result has been a barren exercise in philosophy or epistemology rather than an examination of the empirical foundations of a Feudal Mode of Production in historical phenomena. The same is true, I believe, of all other pre-capitalist or non-capitalist modes of production. The Feudal Mode of Production cannot be studied in Marx's works except as the antithesis of capitalism. To isolate what he wrote about the Feudal Mode of Production from its context within his discussions of capitalism is to derive a concept of the former which is barren and lifeless.

Yet in another sense Marx himself quite clearly believed that a Feudal Mode of Production had existed as a real historical phenomenon in Europe over a long period of time. If he chose not to explore it in print in detail, that was because other tasks seemed more pressing. We know, however, that he spent a good deal of time reading historical works about the Middle Ages, and in particular about the economy and society of medieval Europe.¹ The Feudal Mode of Production had an importance for him far

above that of all other non-capitalist modes of production because it was out of the ruins of the Feudal Mode, as its forces of production outstripped its social relations of production in the later Middle Ages and early modern periods, that capitalism was born. If the Feudal Mode of Production had never had concrete historical reality, then neither could have capitalism; at least as Marx analysed it.

Marx developed his understanding of the Feudal Mode of Production in two ways: by reading in empirical medieval history and by logical dialectical antithesis to his analysis of capitalism. Here is not the place to elaborate in detail what he understood by the Feudal Mode of Production. I have done that elsewhere. However, some brief statement of understanding is necessary. For Marx the Feudal Mode of Production was a system of agricultural and craft production by a non-free labour force (although urban craft production by a free labour force later became encompassed within it) carried on on large estates which were "owned" or effectively possessed by non-labouring landlords (although the labour force also had effective hereditary rights to sections of the estates) and in which the transfer of surplus labour or product of labour was effected not by economic means as in capitalism but rather by the exercise of direct political, legal, and military force or coercion necessitated by the effective property rights of the producing labour force. Such an understanding can be defended in Marx's words both by reference to the historical "facts" which he adduces and also by reference to the dialectical antithesis to capitalism made by him.

One of the major problems with this concept of a Feudal Mode of Production, one which has led many historians to deny that it has any historical validity, is Marx's use of the word "feudal" to describe it. Marx used it because he inherited an identification of the predominant social, economic, and political structures of the Middle Ages as "feudalism" or *féodalité*, that had been made by historians and political scientists since the seventeenth century. "Feudalism" was a concept so ingrained in reference to the Middle Ages that it was unavoidable. It still is today. Yet "feudalism", or *feodalitas* in the Latin, was never a word used in anything like this fashion in the Middle Ages and even *feudum* for a military fief and the adjective *feodalis* pertaining to a military fief were phenomena only of the ninth century and later.² Moreover, there are not only chronological problems with the attribution "feudal" but also semantic problems since many historians would deny that the institution of the military fief had anything to do with the structure of the medieval economy; would, in short, deny that the term "feudal" is in any way an accurate characterisation of medieval society. Marx's use of the term brought with it a coterie of implicit assumptions which clouded and distorted the essential structure of the mode of production as he understood it. But if we bear in mind that his use of "feudal" was a product of scholarly tradition and really

denoted little more than "medieval", it becomes possible to cut these assumptions away from the essential structure and in doing so to develop a clearer understanding of the historical foundations of the Feudal Mode of Production.

For Marx these foundations lay in a unique synthesis of its two predecessors: the Ancient or Slave Mode of Production and the Germanic Mode of Production.

The Germanic barbarians, who lived in isolation on the land and for whom agriculture with bondsmen was the traditional production, could impose these conditions on the Roman provinces all the more easily as the concentration of landed property which had taken place there had already entirely overthrown earlier agricultural relations.³

For a synthetic analysis made in the 1870s this was remarkably percipient. Alfons Dopsch was not to demonstrate the historical foundations of its validity until fifty years later.⁴

From the time of Rome's expansion in the last two centuries B.C., her early socio-economic pattern of smallholding peasant agriculture was gradually eroded by the large estate. Small peasant farming and soldier settlement never disappeared completely and, indeed, historians have recently begun to emphasize the extent to which they survived even in the later Roman Empire.⁵ Nevertheless they were gradually overshadowed by estate agriculture. As early as the first century A.D. Pliny the Elder complained that *latifundia* were destroying Italy, or the Italian economy; although his complaint is probably to be seen more as wishful thinking for the "good old days" than as a reflection of reality.⁶ But more important than the *latifundia* were the individual *fundi*, *saltus*, estates of which they were composed. From the end of the first century A.D. a bronze tablet from Velleia, near Piacenza, inscribed as part of Trajan's *alimenta* programme, records forty-six properties of an average value of 300,000 sesterces.⁷ Finley's estimate is that at a modest return of six per cent of capital value per annum they were worth about 18,000 sesterces per annum or fifteen times the gross pay of a legionary of that period. In the mid-fourth century the poet Ausonius gives figures of 200 acres of arable, about 100 of vineyard, 50 of pasture, and 700 of woodland for his "little inheritance" (*herediolus*) near Bordeaux.⁸ Archaeological evidence from the *villae* of Roman Gaul would support a generalized assertion that estates of medium size of some 500 acres of various types of land were not at all uncommon amongst the middle rank of Gallo-Roman provincial families of senatorial rank from the first to the fifth centuries. In Africa *saltus* owned by private landowners were frequently as large as the territories of cities and had large populations clustered in *vici* around the landowner's *villa*.⁹

Paulinus of Pella, the grandson of Ausonius, in his *Eucharisticus* written in 459 A.D. has left a description of an estate near Bordeaux which he acquired around 400 A.D.

I hastened to bring fallowed lands under tillage, and promptly to lavish pains in renewing the exhausted vineyards ... my house should be equipped with spacious apartments and at all times suited to meet the varying seasons of the year, my table lavish and attractive, my servants many and young, the furniture abundant and agreeable for various purposes, *plati* more preeminent in price than poundage, workmen of divers crafts trained promptly to fulfil my behests, and my stables filled with well-conditioned beasts and, withal, stately carriages to convey me safe abroad.¹⁰

During the later centuries of the Roman Empire rural landed estates more and more became crucial centres of production. Economic forces worked hand in hand with traditional Roman mores. As early as the third century B.C. Cato the Elder had recommended that the *paterfamilias* of a holding should be a seller not a buyer.¹¹ Paulinus of Pella's reference to the craftsmen on his estate producing artisan goods is merely one index of a general trend towards estate manufacture and away from reliance on urban manufacture and the exchange economy which that demanded.¹²

On a typical late Roman *saltus* if we can postulate such a type, the home farm surrounding the central homestead, the *villa*, would be farmed directly by the landlord. Centred on the *villa* in the narrow sense of house and farm buildings belonging to it, often surrounded by a ditch or wall in unsettled areas, the home farm would consist of the best land. It was the heart of the estate, farmed by the landlord's *familia*, his farm slaves, under the direction of an *actor* or *villicus*, usually a slave, as overseeing manager or administrator. More distant and scattered parts of the property would be allocated normally to tenant *coloni* or slaves *quasi coloni* as small tenures. Living in *vici circa villam* or on isolated farmsteads, *casae*, they would owe rents and services to the main farm. Although it is only recently that Roman historians have begun to elucidate the actual organisation of agricultural and craft production on late Roman estates, with archaeological evidence becoming ever more important, it is nevertheless clear that a division between home farm, or demesne, to borrow a later medieval term, and dependent tenures was already in existence by the late centuries of the Roman Empire. It was to continue throughout the Romano-Germanic period.¹³

In the formation of a dependent tenant agricultural labour force, two processes of social mobility were in evidence. Firstly an upward one. Some slaves were freed from gang labour for economic considerations and settled as *quasi coloni*, on tenant farms. However, their numbers were probably never large. Slaves freed for pious reasons, such as the 8,000 freed by Melania in the fourth century, who in all probability must have mostly ended up as tenants of one sort or other on the estates on which they had laboured as slaves, probably became more numerous, especially as Christianity spread. But even they can never have been a major consideration.¹⁴ The legal status of agricultural slaves gradually

came to approximate that of the medieval serf or late Roman *colonus*. From the fourth century, persons registered as slaves in the census of Diocletian might not be removed from agricultural work. Constantine I allowed them to be sold to other landowners in the same province but Valentinian I completely forbade their sale without the land they cultivated.¹⁵ Slaves came to be used as *quasi coloni* in the words of the jurists; that is as tenants with assigned plots of land. As the conditions of the slaves gradually became ameliorated in law and they were allowed to acquire property of their own, to bequeath it to their children, and to marry free men or women, these changes reflected a general disappearance of the gang slave and improvement in the condition of slaves in general.¹⁶

Much more important in this social formation, however, was downward social mobility. As Finley has suggested in a most provocative manner, the real need for an agricultural and craft slave labour force was eroded in the first two centuries of the Christian era by the depression of the free Roman population into an exploitable class.¹⁷ This process was reflected in the emergence in law of a category of free men known as *humiliores*, as opposed to *honestiores*, who were subject to legal penalties akin to those of slaves.

Burning alive is usually a punishment for slaves who threaten the safety of their masters, but it also applied to plebeians and *humiles personae*.

and

In regard to slaves, the rule is that they should be punished after the manner of *humiliores*.¹⁸

Rome had always had hierarchically structured bonds between the rich and powerful and the poor and weak which had been enshrined in law; for example, the relationship between *patronus* and free *cliens* which imposed reciprocal duties including *obsequium* and *reverentia* on the part of the client, or that between ex-master now become *patronus* and freed slave *libertus* which came to approximate in some ways that between *patronus* and *cliens*. In both cases the *patronus* extended his *patrocinium*, both legal and informal protection, to the client or freedman. Such institutions dated back to republican times but during the centuries of the empire they and other hierarchical relationships multiplied.¹⁹

Precaria possessio was originally a purely contractual arrangement similar to lease and hire, *locatio conductio rei*, which it came to supersede as far as agricultural land was concerned.²⁰ A person requesting, *rogans*, land from an owner, *dominus*, acquired a protected possession on a long term, which often became hereditary. Originally the contract could be terminated at will by either party but in the Egyptian papyri *precarium* is often found in connection with *patrocinium* where freemen had placed themselves under the protection of great landlords.²¹ At the back of a law of Valentinian I and Valens of 365 A.D., whose intent

was to protect the ultimate ownership by landlords of land held from them in *precaria possessio*, thus indicating that in practice the land had often tended to become regarded as the property of the precarist, lay a contemporary practice by which the precarist was required to pay an annual tax to the landlord.²² What was happening was that poor men were approaching landlords asking for land to be held *ad precem* and in return becoming subject to their quasi-legal jurisdiction in *patrocinium*.

In the early centuries of the empire the *colonus* was a voluntary tenant of land, free and free to move when his lease expired. but in practise many leases tended to become hereditary. By the third century *coloni* on imperial estates in Africa could refer to themselves as born and bred on the estate.²³ By a law of 332 A.D. Constantine tied some *coloni* to their farms and landlords:

Any person in whose possession a *colonus* that belongs to another is found not only shall restore the aforesaid *colonus* to his birth status but also shall assume the capitation tax for his man for the time that he was with him.

Coloni also who meditate flight must be bound with chains and reduced to a servile condition, so that by virtue of their condemnation to slavery, they shall be compelled to fulfil the duties that befit freemen.²⁴

In Constantine's time, this tying of the colonate to its lands was by no means universal throughout the empire and, in fact, it was extended to Palestine and Egypt only in the fifth century and was still not universal then in Gaul.²⁵ Nevertheless the process gradually crept across the empire. A.H.M. Jones has wished to see the imperial decrees which gave effect to it purely and simply as part of imperial fiscal policy centred around Diocletian's census and his accompanying revision of the poll tax.²⁶ However, most scholars see it as enshrining in law processes which were gradually becoming common in practice.

From the fourth and fifth centuries landlords were habitually converting free and freed men into *coloni* tied to the land through the process of offering *patrocinium*. From late fifth-century Gaul, the most famous discussion of the process occurs in the *De gubernatione Dei* of Salvian of Marseilles, admittedly a writer hostile to landlords. Whole villages of impoverished free smallholders, he fulminates, were incorporated into the estates of large landlords through surrender of their property and freedom and receipt of it back subject to *patrocinium* as *coloni*.

When either they lose their homes and fields to the invaders or flee as fugitives from the tax collectors, because they cannot hold their land, they seek out the estates of the rich and become their *coloni*.²⁷

The advantage to the *colonus* lay in the protection afforded him by the *patrocinium* of the landowners against the depredations of tax collectors, other government officials and the vagaries of economic circumstances. From fourth-century Egypt a papyrus

from the village of Theadelphia illustrates vividly what might happen. In 332 A.D. the village had not received its water from the Nile for several years because other villages further down the canal which carried it had intercepted the water. All but three of the twenty-five villagers had disappeared and when the tax burden eventually grew too large for the remaining three they went looking for their fellow villagers. They found some of them living as *coloni* on the estates of large landowners nearby.²⁸

Patrocinium lay at the centre of the whole process. It was the advantage of protection which the powerful could offer to the weak which initiated the process in an era when from the end of the Severi (235 A.D.) the agricultural labour-force was in turn exposed to the ravages of civil war and then to the excessive demands of the government of the dominate from the accession of Diocletian (284 A.D.). Although the taxation system was in theory fair to all, it was heavy and extremely exposed to corruption. Tax assessors were notorious for under-assessing the lands of the rich and influential and throwing the burden onto smallholders. Large landowners also profited most from the periodic remissions of tax arrears because they could keep the tax collector waiting.²⁹ From 409 A.D. senators of high rank also were exempt from the special taxes, *extraordinaria* and *munera sordida*, levied periodically by the government.³⁰ And, within the city councils, those large landowners who controlled them could usually manage to shift the tax burden onto others when *extraordinaria* were imposed on their cities.

From the reign of Constantine onwards a development took place which had important consequences. The subordination of *coloni* on estates to regular judicial jurisdiction gave way to a system whereby the *colonus* was tried in the presence of an estate official. By a decree of Valentianian I some domains were granted *immunitas* from regular jurisdiction.³¹ Judges could not enter such domains to exercise compulsion on those living on them. The great imperial domains in particular came to enjoy such special legal position. Organized under agents, *procuratores* or *actores*, they were removed from the *territoria* of the *civitates* and thus from regular administration and justice. *Procuratores* acquired quasi magisterial powers, not merely managing the estates but also levying taxes, taking action against tenants not performing their duties, punishing *coloni* and exercising military authority over them. They had *coercitio*, the power to compel obedience, and *cognitio*, the right to punish offences.³² Although such tendencies appeared first on imperial domains, by the fourth century collusion between imperial *procuratores* and lessees of private estates (*conductores*), or indeed estate owners themselves, led to the extension of similar prerogatives to private estates by way of *patrocinium*.³³ One of the most famous titles of the Theodosian Code was entitled: *De patrocinis vicorum*.³⁴ In 371 A.D. it was enacted that landlords or their agents should levy the taxes of *coloni originales* or *adscripticii* on their estates; that

is those *coloni* whose legal status stemmed from Diocletian's census.³⁵ Imperial tax collectors gradually became excluded from more and more estates and from the early fifth century *coloni adscripticii* were exempted from military service.³⁶

The depression of the agricultural labour force into the dependent status of *coloni* was by no means a totally unmitigated disaster, *pace* Salvian. The process could never have become so widespread had it not offered certain positive benefits in the historical circumstances. But nevertheless it had its unattractive side. As we saw, in 221 A.D. Constantine allowed landowners to chain *coloni* planning to abscond. In 365 A.D. *coloni* were forbidden to alienate their own property without their landlord's consent and in 396 A.D. they were barred from suing their landlords for any reason except for extracting more than the customary rent.³⁷ *Coloni* became increasingly liable to render labour services on the home farm or demesne.³⁸ St. John Chrysostom alludes to heavy labour services extracted from tenant *coloni* in the East and a Ravenna papyrus indicates that in Italy about one day's work a week was demanded.³⁹ As early as the second and third centuries it had been necessary to legislate in the *Lex Hadriana* and *Lex Manciana* against immoderate extension of labour services and to fix rents both monetary and in kind.⁴⁰ In 409 A.D. *coloni adscripticii* were barred from ordination to the priesthood and in 452 A.D. from entering monasteries.⁴¹ Gradually *coloni* became liable for building and carrying services and for requisitioning of transport for imperial goods, officials, or soldiers. In an effort to prevent their children becoming free, Justinian enacted that *coloni adscripticii* should not be allowed to marry free men or women.⁴² By the sixth century the maintenance of a hereditary class of dependent *coloni* was of vital concern to government, both in the East and in the West.

By the fourth century at the very latest a seigniorial-patrimonial jurisdiction was emerging on the estates of private landlords throughout the empire, including Gaul, Spain, Italy and the Rhine and Danube provinces. There was an effective foreshadowing of future medieval developments. *Bucellarii*, originally troops of barbarian *foederati* in the service of the state, became used as private troops by private landlords. In the hands of great landlords they could be used to defy officials of the civil administration. By the mid-fifth century, landlords had their own private prisons which they used for recalcitrant slaves and *coloni*, enforcing their authority with troops of *bucellarii*.⁴³ Justinian's great general Belisarius began his career in the sixth century as a *bucellarius* of the future emperor. *Bucellarii* were bound to their lords by oath and were equipped, mounted, and maintained by him and they could receive landed properties, *fundi militares*, from him. In Visigothic law, the *bucellarius* was treated as one who *in patrocinio constitutus est*.⁴⁴

The development of the estate towards a semi-autonomous social, economic, and judicial institution led to the enactment

of sets of estate laws or customals set apart from the civil law and *ius gentium* of the empire. In Africa such estate laws originated on imperial domains as early as the first century, but then spread quickly to private estates. The *Lex Manciana* and *Lex Hadriana* regulated relations between the actual landowners, their *procuratores* or *conductores* and the labour forces.⁴⁵ Dating from the reign of Trajan, an inscription from Henshir-Mettich in Tunisia mentions the *Lex Manciana* and records a *lex saltus* which was perhaps a model for other estate customals. The organization of production on each estate varied, of course, but rents in money or kind and labour services were paid by the tenants either to the owner, or to a *conductor*, or else to a bailiff of either. Such Mancian tenures and *leges saltus* were still in existence in the fifth century under Vandal rule.⁴⁶

From the second century at the latest an evolutionary process throughout the empire saw the importance of large estates become enhanced progressively. Through the third, fourth and fifth centuries, estates tended to become more and more self-contained both economically, socially, judicially and even to some degree politically. Consequently, when the Germanic peoples began to infiltrate and finally to invade the empire over the course of the third, fourth, and fifth centuries they found a system of landownership and production with which they could readily identify. Ever since the monumental work of Alfons Dopsch, historians have accepted that Germanic production systems in the period of the *Volkerwanderung* were characterized as much, if not more, by estate production as by peasant freeholding. Writing of the Alamanni on the Rhine frontier in the fourth century, Libanius says:

There are great villages belonging to many owners, each of whom possesses only a small piece of land; and there are other villages which have one lord and are tilled by tenants and *coloni*.⁴⁷

In Ostrogothic Italy lands were allocated to the Goths *secundum dignationem* and following the Roman billeting system of *hospitalitas* under which Roman estates were allotted to Goths as *hospites* of their Roman landowner *possessores*.⁴⁸ There is no evidence of settlement of Ostrogoths as small peasant freeholders and it is significant that amongst the *coloni* on estates Gothic names are found.⁴⁹ The same pattern appears amongst the Visigoths in Southern France, where Gallo-Roman estates were divided between *possessores* and *hospites* in a ratio of one to two. Here again Visigoths were not only landlords with Roman cultivators but also cultivators themselves.⁵⁰ Landed estates were allotted to Visigothic chiefs and nobles by the kings, and these then established their own followers as dependent tenants. Amongst the Burgundians in what is now modern Savoy the Burgundian laws recorded *optimates*, who ranked with surviving Roman *nobiles*, as well as *mediocres* and *inferiores personae*.⁵¹ In the fourth century Frankish *laeti* were planted in tribal groups

on *terrae laeticae* set aside by Roman governments for the purpose.⁵² The distribution of lands amongst the Germans, as Tacitus tells us as early as the first century, was again made *secundum dignationem* and military rank and social position were taken into account.⁵³ According to Tacitus, seignorial estates existed amongst the Germans across the Rhine before their penetration of the empire, and it is clear from accounts of both Roman and Merovingian writers that the Franks settled both in communities of peasant freeholders and also on estates under their chiefs or nobles.⁵⁴ In the Bavarian laws the great estate is quite familiar and Bavarian *coloni* owing services to the lord's house are referred to, as well as *accolae* bound by praedial services.⁵⁵

One could elaborate further both in detail and with reference to other races, such as the Vandals and Saxons, but it is not necessary. The general thesis that the Germans had estate landowning and production amongst themselves at the time when they were still outside the frontiers and that when they settled on the soil of the empire they did so *secundum dignationem* with some of them as estate landlords, others as small peasant proprietors, and yet others as dependent tenants, usually referred to in the sources as *coloni*, is no longer controversial. Moreover, where the Germans settled they did so generally speaking not on waste or abandoned land, but rather on sites of Roman settlement. In the case of those peoples who settled under the *hospitalitas* system, the land which they received was invariably comprised of *villa* estates of Roman and provincial landowners. In the cases of peoples who did not settle under this system, archaeological evidence and the study of place names has demonstrated beyond doubt that the same process occurred amongst the Franks, Saxons, Bavarians, Alamanni, and Lombards.

Both late Roman and also Romano-Germanic society was characterised by hierarchical social differentiation and, in both cases, large estates in the ownership of rich landlords were an important and perhaps predominant feature of the economy. On such estates a significant amount of craft manufacture, at least of cruder types, increasingly came to be performed as the economic functions of towns progressively broke down in the West over the course of the fourth and fifth centuries.

In the succeeding Merovingian period, we find scattered throughout the sources for the fifth to eighth centuries a variety of words used for the landowning upper classes of society. Generally speaking *optimates* or *potentes* predominate, but in the *Lex Salica* we find *meliores* for landowners not actually performing productive labour themselves and distinguished from freeholding peasants, *minofledi*.⁵⁶ *Mediani* are distinguished from *minofledi* in the *Lex Alamannorum* and *optimates* in the Burgundian law from *personae mediocres* and *minores*.⁵⁷ In Visigothic law *nobiles*, *potentes*, and *personae honestioris loci* are rich landlords distinguished from *personae viliores* and *personae inferioris* or *humilioris loci*.⁵⁸

Such men are in general distinguished from royal officials, who very often were not drawn from amongst the landowning classes; for example, the *agentes* in an edict of Clothar of 614 A.D., the *gasindi* and *actores* of the Lombard king Liutprand, and the *leudes* and *antrustiones*, sworn followers, of the Merovingian kings.⁵⁹ No hard and fast distinction can be made between an old landed nobility and a new service nobility for the times were far too turbulent and characterized by both upward and downward social mobility for such lines to have been drawn. Nevertheless, it is true that during the first centuries of the Merovingian period, roughly 450 to 650 A.D., there was a hereditary landowning class, often regarded as an ancient nobility of blood, in whose hands large amounts of landed property were held. It formed an identifiable interest group viz-à-viz the kings, the royal service nobility, warrior retainers, and the various categories of the productive labour force.

In the Merovingian kingdom, throughout its history, a constant struggle was maintained by this landowning class against the prerogatives of the kings and to accumulate estates at the expense of the smallholding peasantry: a struggle in which procedures and terminology familiar from the late Roman experience recur again and again.

As in the late Roman period, patronage, *patrocinium* or *patronatus*, continued to be the catalyst which persuaded a continuous stream of freemen to surrender their freedom in return for protection. Particularly did this become so in the Merovingian kingdom once the monarchy began to lose its power and authority and internecine warfare among the *optimates* became endemic.⁶⁰ We find the Church complaining about the extension of the estates of landlords through the use of *patrocinium* and being particularly worried about ecclesiastics accepting it.⁶¹ The Latin *patrocinium* was equated with the German *mundeburdum* or *munt*, protective authority. In the *Formulae Turonenses* of the mid-eighth century, an actual model for a contract of surrender into patronage, *mundeburdum*, is preserved:

... I have appealed to your piety and you have willingly agreed that I should deliver or commend myself under your protection (*mundeburdum*). This I have done in such a manner that you ought to help and console me with both food and clothing, according to the degree that I serve you and merit from you. And for as long as I remain alive, I must provide you service and honour according to my free rank, and I shall not have the authority of releasing myself from your power and protection at any time in my life. Rather, I am to remain under your power and protection all the days of my life.⁶²

Here the man was not to lose his free status, nor was he given land to cultivate, or at least the model text does not say so explicitly. It may have been intended for warriors rather than

peasants. Nevertheless, the principle was the same. In the late Roman period the verb used for entering into the *patrocinium* of a landlord had been *commendare*. The rubric of the formula for entering into *mundeburdum* in the *Formulae Turonenses* is *Qui se in alterius potestate commendat*.⁶³

A free man accepting the *patrocinium-mundeburdum* of another thus did not necessarily lose his freedom. He might remain free and be able to terminate his patronage relationship at will. Alternatively, as in the case above, he might be bound for life. But the lower down the socio-economic scale one went, the more likely it was that the offer of patronage or protection would be conditional upon surrender of freedom and of ancestral lands to the lord. Dopsch compiled a collection of quotations from Merovingian sources of the sixth century which referred to the enslavement or oppression of freemen and the absorption of their property both by the royal service nobility and by the landowning nobility.⁶⁴ In the Bavarian laws, the Visigothic Edict of Theodoric, the letters of Pope Gregory the Great, and even the Anglo-Saxon laws of Ine, attempts were made to protect small freeholders, *pauperes*, *miseri*, *minofledi*, and *personae minores* and *viliores*, from exploitation and in particular from depression to the semi-servitude of *coloni*.⁶⁵ The *Formulae Turonenses* also have a formula for the actual sale of a person by himself into slavery, as also do the *Formulae Marculfi* and a late seventh-century formulary from Anjou:

... It has pleased me to bind my free status to your service. This I have done, and for this I have received from you payment, which pleases me, to the amount of so many *solidi*. Therefore from this day forward you have free and most firm authority to do with me, your slave, in all things, what you may wish to do, as with your other slaves ...⁶⁶

In most cases the poor man surrendering his freedom would not receive its price in cash but rather in land, of which the price stated was its value, and except in a few cases where a lord might value his services for some other task, he would be settled on that land as a *servus casatus*, a *quasi colonus*, a "serf" established on a tenure and owing rent and labour services to the lord. The will of St Bertrand, bishop of Le Mans, of 161 A.D., refers to the *villa* and *vicus* which he had at Jublains where he had established a house, outbuildings, a cowshed, gardens, and *colonicae*, tenures for the *coloni*.⁶⁷ This was just one of innumerable estates founded in the Merovingian period and worked by families of *coloni* settled on family tenures.

Just as in the Roman period the great estates acquired *immunitas* from the operation of imperial administration, so also did they in the Merovingian period. As the power of the crown increased in the early Merovingian period, that of royal officials, especially the counts, did also. To counteract this, the great

Gallo-Roman and Frankish landowners tried to acquire *immunitas* from the authority of the counts. In 614 A.D. they succeeded in coercing Clothar II to promulgate an edict recognizing the *immunitas* of the *optimates-potentates* and of the Church.⁶⁸ But even strong kings such as Clovis, Chilperic I, and Dagobert I had earlier recognized the immunities of *potentes*. The *Formulae Marculfi* include a model for the grant of *immunitas* by the king to a bishop.⁶⁹ The progressive development of immunities was a natural phenomenon whose origins lay back in the Roman period and which was intrinsically linked to the socio-economic importance of the estate to society. It happened not only in Merovingian Gaul but also in Visigothic Spain and was furthered by the institution of *patrocinium* on the estate binding together landowner and peasant in a bond of mutual self help and interest viz-à-viz outsiders. The *immunitas* of the estate protected the peasantry from the direct encroachment of royal officials because they could not enter upon land with *immunitas* nor exercise force over its inhabitants. In law the peasantry of lands with *immunitas* were represented by agents of the landlord called *agentes*, *advocati* or *defensores*. The same thing had also occurred in Roman times and in Visigothic Spain the term for such agents was the Roman one of *assertores*.⁷⁰ All this flowed from the general consequences of *patrocinium*.

The historical foundations of estate production in medieval Europe, what Marx referred to as the Feudal Mode of Production, were well and truly established during the Romano-Germanic period and, as he so perspicaciously pointed out, the system was formed through an intermingling of earlier Roman and German traditions. Production of both agricultural and craft products was carried out on large estates owned by non-producing landlords by a labour force which, although it was not free, nevertheless had property rights in its means of production as *servi casati* or *coloni*. Transfer of surplus labour or product of labour was effected via coercive force which the landowner exercised through his private armed retainers and control of the judicial and political systems. All of these characteristics foreshadowed those of the later, properly medieval manorialism of post-Carolingian Europe. How widespread such production was in the Romano-Germanic period and whether it overshadowed free peasant proprietorship sufficiently for us to be able to characterize the entire economy of the period as a Feudal Mode of Production, as Marx himself did, is a different question.

What is important from the purely semantic perspective is that estate production existed on a very large scale centuries before the word *feudum* was ever used. Moreover, the historical foundations of the system had nothing whatsoever to do with the military service of warrior retainers, in return for which lords in a later period gave fiefs. In the later Roman Empire most *villa* estates were held by wealthy civilians, although successful soldiers also acquired them. But even if soldiers did acquire them,

they did not do so essentially through military service and as a means of maintaining them in military service in lieu of monetary salaries. When the Germans began to settle on the soil of the empire they were confronted by landowning systems based on landed estates. The settlement of Germanic military *comitatus* was based on distribution and division of estates *secundum dignationem*. In the northern and eastern Frankish, Alammanic, and Bavarian areas, migrating nobles and war leaders simply settled on their own behalf where they could, or, in the days before the final collapse of imperial authority, wherever they were allotted estates by the imperial government. In the southern and western areas of the Ostrogoths, Burgundians, and Visigoths the allotment of Roman estates under the *hospitalitas* system was directed by their kings, but the nobles who received the large estates did so in their own right as the great men of the race rather than in any "feudal" sense of land granted to support a warrior in arms and to reward him for service.

German *laeti* settled on Roman soil granted to them by the imperial government for the duty of service with the Roman armies, received lands described as *beneficia* which could not be alienated and were held only for the period of service. These imperial *beneficia* to *laeti* were direct precursors of those granted by the Merovingian kings to their own followers from the mid-sixth century onwards. At first Merovingian *beneficia* were also granted primarily for military service, although other forms of service to the crown rapidly became rewarded in the same way. In the sixth and seventh centuries royal *beneficia* of estates were granted primarily, though not invariably, to the service nobility, the *leudes*, *agentes*, *antrustiones*, and especially to the counts, but not generally to the hereditary landowning *optimates*. By extension the term *beneficia* became applied to land grants to non-warriors. Semi-free and even unfree men, liable to base services and even described as *coloni*, received *beneficia* for the purpose of agricultural labour.⁷¹ Many peasant *beneficia* were granted solely for economic reasons by the *optimates* landowning class. Again, the relationships of *patrocinium* and *mundeburdum* were bridges which led to the institution. From Carolingian times onwards the *beneficium* became a direct means of transmission to the feudal fief, but even in the Merovingian period royal *beneficia* had many of the characteristics of the later *feudum* given by lord to vassal. The essential point is that the properties of which *beneficia* were composed were already working estates complete with all the attributes of Marx's Feudal Mode of Production. To take a ninth-century example:

... let it be known to all the faithful of the holy Church of God and to our own, present and to come, that one of our own faithful subjects, by name Hildebertus, has approached our throne and has beseeched our serenity that through this command of our authority we grant to him for all the days of his life and to his son after him, in right

of usufruct and benefice (*usufructuario et jure beneficario*) certain estates which are both called Cavaliacus, in the county of Limoges. Giving assent to his prayers for reason of his meritorious service, we have ordered this charter to be written, through which we grant to him the estates already mentioned, in all their entirety, with lands, vineyards, forests, meadows, pastures, and with the men living upon them, so that, without causing any damage through exchanges or diminishing or lessening the land, he for all the days of his life and his son after him, as we have said, may hold and possess them in right of benefice and usufruct.⁷²

The case is exactly the same for the later fief as it was for the Merovingian and Carolingian *beneficium*. It consisted of a grant of estates already established and being worked with all the characteristics of a Feudal Mode of Production. The growth of estate production was a process which originated in natural economic forces operating during the later centuries of the Roman Empire and during the Romano-Germanic period. The landowner who, by exercise of his patronage, succeeded in absorbing the independent holdings of free peasants was the critical element in the structuring of the system, in laying its historical foundations. The Feudal Mode of Production with which we are familiar from Marx's work, and manorialism, the same thing, historically had nothing whatsoever to do with feudalism as a system of granting properties to followers in return for military service. To put it alternatively, on the one hand a Feudal Mode of Production existed and would have continued to exist throughout the Middle Ages even if the military fief, the *feudum*, had never existed. On the other hand, the fief could never have existed without a pre-existing socio-economic structure of estate production. Marx was mindful of this and consequently sought to characterize the nature of society and the economy from the Romano-Germanic period onwards by a single term. That he chose the word "feudal" was perhaps unfortunate for, as I said earlier, it brought with it a coterie of implicit assumptions and connotations which merely confuse the issue. What Marx meant by Feudal Mode of Production was a medieval mode of production. "Feudal" was just shorthand for "medieval", and a medieval mode of production was an estate mode of production. As such it did indeed have real historical foundations and was much more than a mere dialectical antithesis of capitalism.

NOTES

1. See, for example, Marx to Engels, March 14 and March 25, 1868 in K. Marx, *Karl Marx: pre-capitalist economic formations*, trans. J. Cohen, ed. E.J. Hobsbawm (N.Y., 1964), pp. 139-42.
2. J.F. Niermeyer, *Mediae latinitatis lexicon minus* (Leiden, 1960-76), pp. 413-7.
3. K. Marx, *Grundrisse: foundations of the Critique of Political*

- Economy (Rough draft)*, trans. M. Nicolaus (Harmondsworth, 1973), p. 98.
4. A. Dopsch, *The economic and social foundations of European civilization* (1918-20; Eng. ed. 1937; rpt. N.Y., 1969).
 5. See, for example, P. Garnsey, "Non-slave labour in the Roman world," and C.R. Whittaker, "Rural labour in three Roman provinces," in P. Garnsey, ed., *Non-slave labour in the Greco-Roman world* (Cambridge, 1980), pp. 34-47 and 73-99.
 6. C. Plinius Secundus, *Naturalis historiae*, ed. C. Mayhoff, vol. 3 (1982; rpt., Stuttgart, 1967), XVIII.6 (p. 151): ... *latifundia perdidere Italiam*, ...
 7. M.I. Finley, *The ancient economy* (London, 1973), pp. 103-4.
 8. Ausonius, *Der herediolo*, I in Ausonius, trans. H.G. Evelyn White (London, 1919-21), vol. 1, p. 35.
 9. Agennius Urbicus, *De controversiis agrorum* in C. Thulin, ed., *Corpus agrimensorum Romanorum* (1913; rpt. Stuttgart, 1971), p. 45.
 10. Paulinus Pellaeus, *The Eucharisticus*, in Ausonius, vol. 2, pp. 321-2.
 11. Marcus Porcius Cato, *On agriculture*, trans. W.D. Hooper (London, 1936), 2.7 (p. 9).
 12. Cf. Dopsch, *Economic and social foundations*, p. 137; Finley, *Ancient economy*, pp. 109-12, 160-61.
 13. Dopsch, *Economic and social foundations*, pp. 134-5; A.H.M. Jones, "The Roman Colonate," in his *The Roman economy: studies in ancient economic and administrative history* (Oxford, 1974), 293-307, here pp. 295-7; Whittaker, "Rural labour," *passim*.
 14. Finley, *Ancient economy*, p. 85.
 15. Jones, "Roman Colonate," p. 301; Idem, *The later Roman Empire 284-602: a social economic and administrative survey* (Oxford, 1964), vol. 2, pp. 795, 802. See *Codex Theodosianus*, 11.3.2 trans. C. Pharr, *The Theodosian Code and Novels and the Sirmontian Constitutions* (N.Y., 1952), p. 297; *Codex Justinianus*, 11.48.7 ed. P. Krueger, *Corpus iuris civilis*, vol. 2 (1877; rpt. Dublin/Zurich, 1970), p. 440.
 16. Jones, *Later Roman Empire*, vol. 2, p. 795. See *Digesta Justiniani*, 15.3.16, 33.7.12.3, 33.7.20.1 ed. T. Mommsen and P. Krueger, *Corpus iuris civilis*, vol. 1 (1872; rpt. Dublin/Zurich, 1968) pp. 237, 510, 513.
 17. Finley, *Ancient economy*, pp. 87-8, 140.
 18. *Digesta Justiniani*, 48.19.28.11 and 49.19.10.pr.
 19. A. Berger, *Encyclopedic dictionary of Roman law* (Transactions of the American Philosophical Society, New series, vol. 43, part 2) (Philadelphia, 1953), pp. 622-3. Cf. Jones, *Later Roman Empire*, pp. 775-9.
 20. R.W. Leage, *Leage's Roman private law founded on the Institutes of Gaius and Justinian*, 3rd ed., ed. A.M. Prichard (London, 1964), pp. 168-70, 379, 403-4.
 21. Dopsch, *Economic and social foundations*, pp. 298-9 on the

- basis of F. de Zulueta, "Patronage in the later empire," in P. Vinogradoff, ed., *Oxford studies in social and legal history* (Oxford, 1909), vol. 1, 29ff.; here pp. 47-8 (not available to me).
22. Dopsch, *Economic and social foundations*, pp. 298-9; Zulueta, "Patronage," p. 48. See *Codex Theodosianus*, 5.19.1.
 23. Jones, "Roman Colonate," p. 293.
 24. *Codex Theodosianus*, 5.17.1.
 25. Jones, "Roman Colonate," pp. 294-5, 298-300; Idem, *Later Roman Empire*, vol. 2, p. 797.
 26. "Roman Colonate".
 27. Salvian, *The Governance of God in The Writings of Salvian the presbyter* (Fathers of the Church, vol. 3) (Washington, 1962), p. 143.
 28. Jones, *Later Roman Empire*, vol. 2, pp. 774-5. See P. Jouguet, ed., *Papyrus de Theadelphie* (Paris, 1911), p. 17.
 29. Jones, *Later Roman Empire*, vol. 1, pp. 462-9; Idem, "Ancient empires and the economy: Rome," in his *The Roman economy*, 114-139, here p. 133.
 30. *Codex Theodosianus*, 11.16.32.
 31. Dopsch, *Economic and social foundations*, p. 136.
 32. Ibid, p. 135; Jones, *Later Roman Empire*, vol. 2, pp. 413-7, 486, 791.
 33. R. Latouche, *The birth of western economy: economic aspects of the Dark Ages* (London, 1961), p. 25.
 34. *Codex Theodosianus*, 11.24.
 35. Ibid, 11.1.14. Cf. *Codex Justinianus*, 11.48.20.3.
 36. Jones, *Later Roman Empire*, vol. 2, pp. 614, 780, 801. See *Codex Theodosianus*, 7.13.2; *Codex Justinianus*, 11.48.18, 12.33.3, 12.48.1.
 37. Jones, *Later Roman Empire*, vol. 2, pp. 796, 802. See *Codex Theodosianus*, 5.19.1; *Codex Justinianus*, 11.1.2.
 38. Jones, *Later Roman Empire*, vol. 2, p. 805.
 39. Ibid, vol. 2, p. 805. See John Chrysostom, *Homiliae in Sanctum Matthaeum Evangelistam*, 6.13 in J.P. Migne, ed., *Patrologiae cursus completus. Series Graeca*, vol. 58 (Paris, 1862), coll. 591-2; J.-O. Tjäder, ed., *Die nichtliterarischen lateinischen papyri Italiens aus der Zeit 445-700* (Lund, 1955), papyrus 3 (pp. 184-9).
 40. Dopsch, *Economic and social foundations*, p. 137.
 41. *Codex Justinianus*, 1.3.16, 1.3.36; *The Novels of Valentinian III*, 35.3 in Pharr, *Theodosian Code*, p. 546.
 42. Jones, *Later Roman Empire*, vol. 2, p. 801. See *Codex Justinianus*, 11.48.24.
 43. Jones, *Later Roman Empire*, vol. 2, pp. 657, 811; Dopsch, *Economic and social foundations*, pp. 286-7. See *Codex Justinianus*, 9.5.1, 9.12.10.
 44. Jones, *Later Roman Empire*, vol. 1, p. 390 and vol. 2, pp. 666-7; Dopsch, *Economic and social foundations*, p. 287. See

- Lex Visigothorum (Forum Judiciorum)*, 5.3.1 ed. K. Zeumer in *Monumenta Germaniae Historica. Legum sectio I*, t. 1 (Hanover/Leipzig, 1902), p. 216.
45. Jones, *Later Roman Empire*, vol. 2, p. 779; Dopsch, *Economic and social foundations*, pp. 135, 137, 236.
 46. J. Toutain, *The economic life of the Ancient World* (1927; rpt. Lóndon 1968), p. 277.
 47. Libanius, *Sophistae orationes* in R. Foerster, ed., *Libanii opera* (1903-22; rpt. Hildesheim, 1963), vol. 3, p. 409.
 48. Jones, *Later Roman Empire*, vol. 1, pp. 249-53; Dopsch, *Economic and social foundations*, pp. 93-101.
 49. Dopsch, *Economic and social foundations*, p. 94.
 50. *Ibid*, p. 97, citing F. Dahn, *Die Könige der Germanen. Das Wesen des ältesten Königthums der Germanischen Stamme und seine Geschichte bis auf die Feudalzeit* (Munich, 1861-1909), vol. 12, pp. 53-5.
 51. *Ibid*, pp. 99-101. See *Liber Constitutionum sive Lex Gundobada*, 26.1-2, 101 ed. L.R. de Salis in *Monumenta Germaniae Historica. Legum sectio I*, t. 2, pars 1 (1892; rpt. Hanover, 1973).
 52. Dopsch, *Economic and social foundations*, pp. 103-5.
 53. Cornelius Tacitus, *De origine et situ Germanorum*, 13 ed. J.G.C. Anderson (Oxford, 1938).
 54. Dopsch, *Economic and social foundations*, p. 204.
 55. *Ibid*, pp. 117-120. See *Lex Baiuvariorum*, 1.13 ed. E. de Schwind in *Monumenta Germaniae Historica. Legum sectio I*, t. 5, pars 2 (Hanover, 1926), pp. 286-90.
 56. *Ibid*, p. 204.
 57. *Loc. cit.*
 58. *Ibid*, p. 205.
 59. *Ibid*, pp. 198, 212. See *Edictum Chlotharii II*, ed. A. Boretius in *Monumenta Germaniae Historica. Legum sectio II: Capitularia regum Francorum*, t. 1 (1883; rpt. Hanover, 1960), pp. 20-23.
 60. *Ibid*, pp. 279-289.
 61. *Ibid*, pp. 279-80. See *Concilium Calibonense*, 15 and *Concilium Burdegalense*, 2 in F. Maassen, ed. *Concilia aevi Merovingici* in *Monumenta Germaniae Historica. Legum sectio III*, t. 1 (1893; rpt. Hanover, 1956), pp. 211, 215.
 62. D. Herlihy, *The history of Feudalism* (London, 1970), p. 85.
 63. *Formulae Turonenses*, 43 ed. K. Zeumer in *Formulae Merovingici et Karolini aevi* in *Monumenta Germaniae Historica. Legum sectio V* (1886; rpt. Hanover, 1963), p. 158.
 64. Dopsch, *Economic and social foundations*, p. 216, referring to his *Die Wirtschaftsentwicklung der Karolingerzeit, vornehmlich in Deutschland* (Weimar, 1921-22), pp. 12ff.
 65. Dopsch, *Economic and social foundations*, pp. 94, 216. See *Lex Baiuvariorum*, 7.4 (p. 162); *Edictum Theoderici regis*,

- 96 ed. F. Bluhme in *Monumenta Germaniae Historica. Legum tomus V* (1889; rpt. Stuttgart, 1965), p. 162; *Gregorii II Papae Registrum epistolarum*, I.39a, I.42, I.44. I.53, I.61. I.70, V.38 ed. P. Ewald and L.M. Hartmann in *Monumenta Germaniae Historica. Epistolarum tomus I* (Berlin, 1957), pp. 52-4, 61-9, 70-71, 78-9, 83-4, 89-91, 324-6; *Laws of Ine*, 39, 50, 70, 76 ed. F. Liebermann, *Die Gesetze der Angelsachsen* (1903-16; rpt. Aalen, 1960), vol. 1, pp. 107ff.
66. Herlihy, *Feudalism*, p. 85.
67. Latouche, *Birth of Western economy*, p. 71.
68. Dopsch, *Economic and social foundations*, pp. 200, 207. See *Edictum Chlotharii II*, 19 (p. 23).
69. *Marculfi formulae*, 3 ed. K. Zeumer in *Formulae Merowingici et Karolini aevi*, pp. 43-4.
70. Dopsch, *Economic and social foundations*, pp. 207, 209-10, 236.
71. *Ibid*, p. 230.
72. Herlihy, *Feudalism*, pp. 105-6.