A 'Bastard Feudal' State:
Governance by the Military Class in Late Medieval England

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1   Introduction

Two key facts about late medieval England: The kingdom had no standing army and was at war for most of the period between 1294 and 1485. Given these circumstances, it might seem ambitious to identify a role for the military of the time in a non-war environment.

Nonetheless, this peacetime role existed, and created a state of preparedness that was crucial to success when the kingdom went to war. Under 'bastard feudalism' the leaders of the army, trained in war and incubated in a thoroughly military ethos and culture, through their efforts in domestic governance, provided the stability at home and the financial and material resources which were as vital to the victories of the Hundred Years' War as the much better known and remembered archers of Crecy and Agincourt.

This article will provide background into medieval military and landed society before tracing how the governmental role of this group increased alongside 'bastard feudalism' in response to the crown's need to find the resources for war. It will then show how 'bastard feudalism' worked for king, nobles and gentry in tandem and how this, in turn, created experienced administrators who were able to support the war effort.

'Feudalism' is a term synonymous with the Middle Ages. The feudal pyramid, with the king at the apex, his nobles and knights beneath, and peasants on the bottom, will be familiar to readers from their school days. 'Bastard feudalism', on the other hand, is less well-known and usually has currency only in academic journals. Both are highly controversial terms among medievalists and some even deny the existence of one or the other, or both. Most historians, however, would accept that, in England at least, there was a gradual transition from feudalism—where the principal means by which the king or nobleman rewarded his followers was through a permanent grant of land—to 'bastard feudalism'—where rewards were primarily paid in cash payments. Where historians do not agree, however, is on the timing, causes and results of such a change.

2   Medieval Landed Society - An Overview

Before getting into the details of this change and of how the operations of the 'bastard feudal' state domestically helped to equip the English for war, it is necessary to provide some background detail on the way contemporary society was constructed. Medieval society was depicted in many ways by contemporary commentators but one of the most persistent was the tripartite model, which divided society into those who prayed, those who worked, and those who fought.[1] Such a model was, of course, far from perfect: groups such as townspeople were left out as, indeed, were women. Equally, some people did not fall neatly into a single category. Many agricultural laborers volunteered or were pressed into military service as archers or footmen, while some clergymen (such as the notorious Bishop Despenser of Norwich, who took "such delight in deeds of arms" and commanded an ill-fated 'crusade' against the French in 1383), were as keen warriors as any knight.[2] In broad terms, however, it was and remains a useful model for understanding how medieval society thought of itself. Our focus will be on the third group, those who fought. These were the landed and military elite who dominated English society and governance.

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[1] Adalbéron de Laon, *Poème au Roi Robert*, ed. C. Carozzi (Paris, 1979).

[2] *Copiale prioratus Sanctiandree: the letter-book of James Haldenstone, prior of St Andrews, 1418–1443*, ed. J. H. Baxter, *St Andrews University Publications*, 31 (1930): 219–20.

At the very top were the titled nobility, the earls, to whose ranks were added in the course of the fourteenth and fifteenth centuries dukes, marquises and viscounts. There were usually around a dozen titled nobles at any one time and rarely more than fifteen. They were the super-rich of medieval England with annual incomes of a minimum of £1,000. Most had incomes between £2,000 and £3,000, while the very wealthiest, such as the royal dukes of Cornwall and Lancaster, received well in excess of £6,000.[3] To put this into context, an archer in the Hundred Years' War was paid three pence per day, giving an annual income, if he served every day, of around four and a half pounds, similar to the amount a student at medieval Oxford or Cambridge would need to live on.[4] To build a small stone castle would cost a baron at least £350.[5] Below the earls were, from the Norman Conquest of 1066 through to the early fourteenth century, the barons. This was a rather amorphous group and was gradually whittled down from around 250 baronies in the mid-thirteenth century to a parliamentary peerage of perhaps 150 by 1350 and to just seventy-five families a century later. The parliamentary peerage consisted of those major landed families not in possession of a hereditary title but in receipt of a hereditary individual summons to parliament, something which marked them out as among the most powerful and influential men in the kingdom, whose advice in parliament for the king to be able to say that he had taken full counsel from the realm. A handful were as wealthy as the poorest earls but most had an income of between £350 and £750 a year.[6]

Beneath the nobility were the gentry. Like the nobility, these too were stratified according to wealth and status as the Middle Ages wore on. From the undifferentiated mass of knights in the century or so after the Conquest emerged the graded ranks of the gentry with knights at the top, esquires in the middle, and gentlemen at the bottom who, by dint of lordship over other men, maintained their status above the wealthiest yeomen peasantry.[7] By example, in 1436 there were just under 1,000 knights, around 1,200 esquires and about 1,600 gentleman, making a total of just under 4,000 members of the gentry. The greater knights, those with several manors, had an average income of £208; the lesser knights £60; esquires £24; and gentlemen £12.[8]

3   A Military Elite? Theory and Reality

In theory, then, these men formed the military elite of English society. They held their land by knight service and were thus pledged to provide forty days of military service a year when called upon by their lord. The feudal bond, with its obligations of military service, was formalized through the ceremony and oath of homage. While men did not always follow through on their obligation to serve their lord, the bond was recognized as strong enough to shield a man against charges of treason against the king when the defendant could claim he was simply following his lord into rebellion in accordance with his oath. The forty days of obligated feudal service were, however, increasingly impractical for the actual conduct of war and service was often commuted in return for a cash payment that could be used to employ mercenaries, a standard feature of eleventh- and twelfth-century warfare. Gradually English

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[3]A.M. Spencer, *Nobility and Kingship in Medieval England: the earls and Edward I, 1272-1307* (Cambridge, 2014), chapter 1; G.L. Harriss, *Shaping the Nation: England, 1360-1461* (Oxford, 2005): 99.

[4]S. Painter, *Studies in the History of the English Feudal Barony* (Baltimore, 1943): 172.

[5]Painter, *Studies in the History of the English Feudal Barony*, p. 173.

[6]Harriss, *Shaping the Nation*: 99.

[7]The fullest account, though by no means universally accepted, is P.R. Coss, *The Origins of the English Gentry* (Cambridge, 2003).

[8]Harriss, *Shaping the Nation*: 138.

kings moved away from mercenary armies towards armies raised from their own subjects and paid for by parliamentary taxation as these armies were bigger, more reliable and cheaper. The theory of obligation remained, however, even after kings stopped raising feudal levies in the fourteenth century, and those at the very top of military society expected and were expected to serve the king as a matter of course.

For many below the nobility, however, military service and active campaigning were far more rare. There were times when landed society did turn out in very large numbers — during the Crecy-Calais campaign under Edward III between 1346 and 1348, for instance, or for the conquest of Normandy by Henry V from 1417 onwards — but such examples were exceptional. During Edward I's Scottish campaigns at the turn of the fourteenth century, it was rare for participation by the gentry in any county to top 40 percent in any single campaign, and it was usually below 30 percent.[9] That said, around 60 percent of nobles and gentry in these counties did go on campaign at least once during these years.[10] For many members of the gentry, then, participation in war was something of a rite of passage—an activity that you did once or twice when young, after which you hung your shield above your hearth and spent the next thirty years as upstanding members of county society boring your neighbors with tales of youthful exploits in France or Scotland. Despite this, war and membership of the military elite remained central to the gentry's identity, as can be shown by their pastimes of tournaments, chivalric literature, hunting, and hawking, by their military titles and the rituals surrounding knighthood, and by their habit of plastering their coats of arms on everything from church windows and castle gates to cutlery and jewelry.

4   Running the Country

This military elite spent most of its time in the decidedly non-military setting of rural England. Although parts of the kingdom, particularly the Welsh Marches from the eleventh to the late thirteenth centuries and the Scottish borders from the end of the thirteenth century onwards, were militarized zones and there was occasional political unrest, medieval England was generally one of the most peaceful parts of Europe—the English tended to export warfare elsewhere in Britain and on the continent rather than suffer the consequences themselves. Partly as a result of this and the insular nature of the kingdom, England was also one of the most highly governed and centralized polities in medieval Europe. Because of the extent and spread of royal landholding and the fact that the estates of the great nobles were scattered across numerous counties rather than concentrated in discrete blocks, England avoided the dispersal of power into the hands of local aristocracies at the expense of royal authority that happened across much of western Europe in the aftermath of the collapse of Roman power. England was divided into shires or counties which emerged from the ninth to the mid-twelfth century (Lancashire being the last) as the kingdom of Wessex expanded and transformed itself into England, and these lasted with minimal change until the Local Government Act of 1974. Each shire was further sub-divided into hundreds (or wapentakes as they were known in parts of the east and north)which varied in number and size between counties.[11]

The multipurpose agent of royal government in the shires was the sheriff (from 'shire reeve')

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[9]A.M. Spencer, 'A Warlike people? Gentry enthusiasm for Edward I's Scottish campaigns, 1296-1307', in *England's Wars, 1272-1399: the soldier experience*, eds. A. Bell & A. Curry (Woodbridge, 2011): 98. This research is based on knights with two or more manors. The participation of the whole gentry is likely to have been considerably lower.

[10]Spencer, 'A Warlike people?': 102.

[11]H.M. Cam, *Hundred and the Hundred Rolls* (London, 1930).

and he was tasked with executing royal orders (known as writs) in his county, with collecting crown revenue and debts to the crown and delivering them to the exchequer at Westminster, with summoning the *posse comitatus* (the 'force of the county') to uphold the peace or to lead to the king as shire levies in time of war, with summoning and presiding over the monthly county court and occasionally over the individual hundred courts as well, and also with other legal duties including the arrest and detention of criminals in the county jail and the empanelling of local juries to serve either in the county court or at the law courts in Westminster.[12] After the Conquest, many sheriffs were so-called 'curial' sheriffs: men with close links to the royal court but often with little or no connection to the county where they held office. Gradually, however, the local gentry gained control of the shrievalty for themselves and by the fourteenth century the sheriff was almost inevitably a local knight of reputable standing, often one who had seen extensive military service in his career.[13]

As powerful and important as the sheriff was, it increasingly became clear that it was impossible for the sheriff and his small permanent staff to do all that was being asked as the demands and reach of royal government and law grew. This was especially so in the aftermath of the outbreak of war with France in 1294. This war, prompted by the French attempt to confiscate Gascony from King Edward I, dragged in first the Welsh and then the Scots who rebelled against Edward's attempts to coerce them to help defend his French lands.[14] The war with Scotland lasted until 1328, restarted in 1332, and subsequently flared and quietened at different points for the rest of the Middle Ages. The original French war petered out with a truce in 1298 before a peace settlement restored the status quo ante in 1303. The French had not given up their designs on Gascony and tried unsuccessfully to seize the duchy in 1324-5. A third attempt in 1337 precipitated the Hundred Years' War which lasted, with only intermittent breaks, until 1453.[15] This war dominated the history not just of England and France in the fourteenth and fifteenth centuries but of western Europe, devastating large parts of France with the fallout affecting Scotland, Wales, the Low Countries, Spain and Italy as well.

5 'Law State' to 'War State'?

This near-permanent state of war naturally had a profound effect on England and English governance, despite the fact that aside from the occasional invasion scare, the only direct impacts of the war were intermittent Scottish raids across the border and the odd French attack on towns on the south coast. An important argument about these effects, put forward by the historian R.W. Kaeuper in the 1980s, was that the outbreak of war brought to an end a long period of legal and constitutional development of the English 'law state', and heralded the development of a 'war state' where the central government relinquished control over governance and law in return for the resources to fight on at least two fronts against France, the largest and most powerful kingdom in Europe.[16] The crown simply could not sustain both war and state-building and it chose the former at the expense of the latter. This analysis fits quite well with a much older historiography, dating back to Whig historians such as Bishop Stubbs and Charles Plummer, which saw the later Middle Ages as a decline

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[12]Cam, *Hundred and the Hundred Rolls*: 67-128, for the best description of the duties of the sheriff.

[13]D.A. Carpenter, 'The Decline of the Curial Sheriff in England, 1194-1258', *English Historical Review*, 91 (1976): 1-32.

[14]M.C. Prestwich, *Edward I* (New Haven and London, 1997): chapters 15, 16, 18.

[15]M. Vale, *The Origins of the Hundred Years' War: the Angevin legacy* (Oxford, 1996).

[16]R.W. Kaeuper, War, *Justice and Public Order: England and France in the Later Middle Ages* (Oxford, 1988).

from the achievements of the thirteenth century.[17] It was comprehensively rejected, however, by Gerald Harriss in 1993 when he argued that, far from stifling growth and innovation in government and justice as Kaeuper had thought, prolonged war acted as a driver of important developments in both.[18] The vibrancy of late medieval political culture is now broadly recognized by historians, superseding the Whig view of continuous decline and stagnation before the Renaissance and Reformation. Harriss' view also conforms to the conclusion historians accept in studies of other periods — that war is a prime factor in state building.

There was a long period in the fourteenth century of experimentation in the delivery of justice, before the justices of the peace (JPs) and the assize (where those indicted by the JPs were sent for trial) emerged as the principal vehicle.[19] Many of the most active justices were drawn from the landed military elite of the shires who, in their different guises, formed the backbone of England's armies, its law enforcement, and its local government. They overwhelmingly staffed the panoply of local administrative offices that emerged in order to provide the king with the money, men, and materiel that he so desperately needed. Unlike the shrievalty, most of these offices were temporary and filled for short periods for a specific purpose usually relating to the war. These included commissioners of array, who raised and lead peasant levies to the muster station; commissioners of tax assessment and collection, who were tasked with raising the money from the 'subsidies' granted by parliament; and commissioners of purveyance, who had the unenviable job of requisitioning – with the questionable promise of payment at an unspecified later date – the huge quantities of food and supplies necessary to feed armies which usually numbered around 10,000 but might be as large as 30,000.[20] The military elite also provided the core of the representatives in the Commons, the knights of the shire. England's landed military elite thus served in the king's armies, voted his taxes and collected them, and raised his armies and provided the food to keep them moving, all while keeping the peace at home. Harriss thus saw late medieval England as, at its best, a partnership among the crown, nobility, and gentry that enabled the country to punch hugely above its weight militarily and diplomatically and to compete with France that had ten times the population. Without the contribution of this military elite back home the famous victories won by Edward III at Crecy, the Black Prince (Edward's long-time heir) at Poitiers, and Henry V at Agincourt would simply not have been possible.

6 'Bastard Feudalism' and English Governance and Society

As hinted at above, prevailing Whig historiography in the late nineteenth and early twentieth centuries saw the late Middle Ages as a period of stagnation, even degeneration. Nowhere was this more marked than in their attitudes towards the nobility and the practice of so-called 'bastard feudalism.' This deliberately pejorative tag was coined by Charles Plummer who regarded 'bastard feudalism' as a debasement from the original concept of feudalism, with

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[17]W. Stubbs, *The Constitutional History of England* (4th edn., 3 vols., Oxford, 1906).

[18]G.L. Harriss, 'Political Society and the Growth of Government in Late Medieval England', *Past and Present*, 138 (1993): 28-57.

[19]B.H. Putnam, 'The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380', *Transactions of the Royal Historical Society*, 4th Series, 11 (1928), is the classic account of the development of the magistracy, though it has been challenged recently by Ted Powell and Christine Carpenter who place the full emergence of the peace bench a little later than Putnam. E. Powell, *Kingship, Law and Society: criminal justice in the reign of Henry V* (Oxford, 1989): 14-17; M.C. Carpenter, 'War, Government and Governance in England in the Later Middle Ages', *The Fifteenth Century*, 7 (2007): 1-22.

[20]Spencer, *Nobility and Kingship in Medieval England*: 112-13.

the grants of land in return for service which bound a lord and his tenant being replaced by cash fees.[21] These fees, Plummer thought, were paid to mostly landless ex-soldiers who hung around in the lord's household and enforced his will locally through a combination of inducement, intimidation and, occasionally, brute force. This system, it was argued, thus helped to destabilize English politics in the late Middle Ages, was instrumental in the deposition of no fewer than seven monarchs between 1327 and 1485, and culminated in the Wars of the Roses where the nobles, with their affinities of armed thugs, turned on the king and each other. That conflict resulted in the self-immolation of the ancient nobility and the emergence of Tudor rule, which presaged the re-establishment of state-building.

K.B. McFarlane, the Oxford medievalist, accepted the name but rejected this interpretation of 'bastard feudalism.' He saw 'bastard feudalism' as something which superficially resembled feudalism rather than something which was simply a debased version of it. Although the currency of reward had changed, from land to cash, it was still the landed gentry, and not Plummer's household thugs, who were receiving it. Far from a corruption of the established order, 'bastard feudalism' was, in the words of one of McFarlane's early students, "part of the normal fabric of society."[22] McFarlane's legacy has been much discussed and disputed in the fifty years since his death, but the most convincing picture presented in his work is that of a society where the nobility acted as the gatekeepers between the central government and the gentry in the localities.[23] As Bishop Russell put it in a speech in 1483, "the politic rule of every region well ordained stands in the nobles."[24] Of course not every region was "well ordained" all of the time (indeed far too often England's regions were not) but this was not the fault of the 'bastard feudal' system *per se.*

How did 'bastard feudalism' arise? McFarlane thought it originated in the needs of the nobles to find men-at-arms for Edward I's wars but subsequent historians have seen its purposes as principally domestic and grounded in lords' desire to extend their local power. The truth is that we are not certain how and when it came about. Historians have a good understanding of what 'bastard feudalism' was and how it worked in the last quarter of the fourteenth century and in the fifteenth century. While recent research has rejected the idea that it existed in this form in the thirteenth and even twelfth centuries, scholarship on the intervening period of the fourteenth century has yet to illuminate when, how, and why it did develop.

As yet we cannot be certain, but it seems that the reign of Edward III and the needs of war were the setting and the driving cause behind 'bastard feudalism' and that each point of the triangle – crown, nobility, and gentry – gained from it.[25] For the crown, as the number of local offices proliferated, 'bastard feudalism' provided a conduit through which it could access reliable men, nobles being the obvious choice, to fill these vital roles. For the nobility, the pervasiveness of royal government, which had increased to facilitate the waging of war, made it impossible to resist its encroachment on their private jurisdiction. Both at home and in war, 'bastard feudalism' offered them the chance to serve their king as a fully-functioning service nobility, maintaining peace and order in their areas of influence while royal favor offered them a new way to maintain and extend their power at a local level. For the gentry, membership of a 'bastard feudal' affinity, as historians call a lord's following, offered the individual knight, esquire, or gentleman two main things. First, it gave him a

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[21]John Fortescue, *The Governance of England: otherwise called the difference between a limited and an absolute monarchy*, ed. C. Plummer (Oxford, 1885): 15-16.

[22]G.A. Holmes, *The Later Middle Ages, 1272-1485* (Edinburgh, 1962): 167.

[23]R.H. Britnell and A.J. Pollard, *The McFarlane Legacy: studies in late medieval politics and society* (Stroud, 1995).

[24]S.B. Chrimes, *English Constitutional Ideas in the Fifteenth Century* (Cambridge, 1936): 172.

[25]M.C. Carpenter, *The Wars of the Roses: politics and the constitution in England c. 1437-1509* (Cambridge, 1997): 1-66 provides the best explanation of the functions of a 'bastard feudal' society.

way of becoming known to the central government through his lord's auspices and thus a means of advancement. Secondly, and most importantly, it provided him with the security of his lord's protection. His lord would guarantee his property transactions and would defend his interests through his influence socially, legally and, *in extremis*, through violence. These things had all previously been done in the lord's feudal court but as the authority of these had waned, there were now achieved through the 'bastard feudal' affinity.

'Bastard feudalism' was thus a system that offered significant advantages to those of the military elite who participated in it. There were certainly losers in the system, those who found themselves excluded from the dominant local affinity for instance, but this is true in any society. Nobody planned the societal shift toward 'bastard feudalism'; all parties rather stumbled into it over a period lasting at least half a century and arguably much longer. It worked, at least until its original purpose — ensuring that the military elite contributed to the war effort domestically as well as in theatre — disappeared with the English defeat in the Hundred Years' War. Before Henry VI's inadequacy as king lead to failure abroad and civil war at home, 'bastard feudalism' helped combine both the 'law state' and the 'war state' to great effect.

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