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PREFACE

The origins of this book lie in two sources, one general, the other more specific. My interest in the feudal nature of royal power was initially fired, when I was an undergraduate, by J.E.A. Jolliffe's assertion (in his *Constitutional History*, p. 173) that "history cannot afford to ignore the habit of thought bred in the private life of the honours, and, far more than the tenets of schoolmen, with which it often conflicts, it is the governing thought behind political action." I do not know what history can or cannot do, but the statement offered interesting advice for historians. The phrase resonated in my mind long after I read it until the work of Professor S.F.C. Milsom, especially as reinterpreted by Professor Eleanor Searle, offered an approach to testing Jolliffe's assertion. This book, then, is an analysis of how the habits of action and thought of the honorial courts, as reconstructed by Milsom and Searle, survived into the thirteenth century at the level of relations between the Crown and its chief tenants.

My intellectual debts begin with the work of those three scholars and extend through a number of colleagues, friends, and institutions that have helped to keep this study moving forward. To begin with, I am particularly grateful for the careful reading given the complete manuscript by Professors James Given, Robert C. Palmer, and Michael Prestwich. They corrected foolish errors and offered excellent advice. The finished product reflects their effort in many ways, though, of course, they are not responsible for any defects that remain. I have benefited as well from the astute comments, criticisms, and conversation of Joyce Appleby, Robert Brenner, Sande Cohen, Richard Rouse, David Sabean, and Eleanor Searle. They have been challenging and generous colleagues, and their ideas have deepened my understanding of lordship, kinship, and ideology. The manuscript is also stronger for the advice of Paul Brand and David Carpenter. Their expertise has helped me enormously in particular areas of law and politics and, perhaps more important, their humor and conviviality helped me through long hours at the Public Record Office in London.

The hours would have seemed all the longer but for the generosity of the Keepers and Staff of the Public Record Office. From my first foray there as a graduate student in 1970, I have found the Staff exceptionally helpful and courteous, which has been important since most of the research for this book was carried out

there. Unfortunately, I did not have reason to spend as much time at the British Library or Bodleian Library at Oxford, but each was equally generous and helpful. Finally, the Trustees and Staff at the Henry E. Huntington Library have provided assistance in research as well as an intellectually and aesthetically rich setting in which I have shaped the final versions of this manuscript. Each of these institutions has left an imprint on my research and thought. On a more material level, grants from the Henry E. Huntington Library, the American Philosophical Society, the Research Committee of the Academic Senate of the University of California, Los Angeles, and the National Endowment for the Humanities enabled me to carry out much of the research and writing and to enjoy the hospitality of these institutions.

Various individuals have generously assisted me: Timothy Keirn, Catherine Kelly, and Joseph Huffman with particular items of research; Terry Nixon with the interpretation of some Anglo-Norman letters; and Roy Hendricks, Tom Mount, and Waugh Controls Corporation with drafting the genealogical charts. I owe an equal debt to many friends whose insights, companionship, and encouragement lightened the burden of a scholastic enterprise whose clerical monotony sometimes grinds one down: the late Andrew Appleby, Robert C. Ritchie, Royston Stephens, David Shapiro, Mr. and Mrs. Anthony Solomon, and my dissertation advisor, Professor F.R.H. DuBoulay, who has always provided a model of intelligent scholarship and humane conduct.

Finally, this work is in large part about families. Anyone who studies family history is influenced, explicitly or implicitly, by his or her own family experience. I can only speculate about the extent to which my experience squares with that of the men and women I have chosen to study. I do know that for me it has been very rich. I owe an incalculable intellectual and material debt to my parents, Charles and Lorraine Waugh, who not only financed my scholastic ambitions but warmly encouraged them and stimulated my curiosity. My wife and son, Joan and Caleb, now constitute the center of my life and provide an even more stimulating environment. If our feelings and thoughts about family are sparked by living relationships, death brings deeper reflection about the meaning of those relations. The deaths of my mother Lorraine, my brother Stuart, and my son Andrew Stuart have at the very least demonstrated to me the power of family bonds. My life is richer for having known them and I dedicate this work to their memory.

A note on the tables and genealogical charts: The figures in most of the tables are given in marks—that is, two-thirds of a pound (13*s.* 4*d.*). The genealogical charts have been compiled from a variety of sources as indicated in the notes at the appropriate places in the text. All of the charts have been simplified and arranged to emphasize kinship connections. In cases where it is important to show the correct order of birth, numbers have been added in parentheses (1, 2, etc.) to indicate the individual's place in the order. The order of marriages has been indicated, where essential, by numbers before or after the equal sign which stands for marriage. If important and available, the date of the marriage has been inserted in parentheses above the equal sign. These dates are taken from Cokayne's *Complete Peerage* and usually indicate the earliest date at which the marriage appears in the records. The abbreviations *dsp* and *dvp* mean, respectively, "died without posterity" (died *sine prole*) and "died in the father's lifetime" (died *vita patris*). Family names are notoriously irregular; in most cases, I have followed Sanders, *English Baronies*, and the *Complete Peerage*.

ABBREVIATIONS

Full citations are given in the Bibliography.

BIHR	*Bulletin of the Institute of Historical Research*
BL	British Library
Bliss, *Papal Letters*	*Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Papal Letters*
BNB	*Bracton's Notebook*
Book of Fees	*Liber Feodorum: The Book of Fees Commonly Called Testa de Nevill (1198–1293)*
Bracton	Henry de Bracton, *De Legibus et Consuetudinibus Angliae*
Byerly and Byerly, *RWH*	*Records of the Wardrobe and Household, 1285–1286*
CChR	*Calendar of the Charter Rolls, 1226–1516*
CChRV	*Calendar of Chancery Rolls, Various, 1277–1326*
CChW	*Calendar of Chancery Warrants (Privy Seals), 1244–1326*
CCR, [date]	*Calendar of the Close Rolls (1272–1485)*
CFR	*Calendar of the Fine Rolls*
CIM	*Calendar of Inquisitions Miscellaneous (Chancery), Henry III–Henry V*
CIPM	*Calendar of Inquisitions Post Mortem, Henry III–7 Richard II*
Close Rolls	*Close Rolls of the Reign of Henry III*
CPR, [date]	*Calendar of the Patent Rolls (1232–1509)*
CRR	*Curia Regis Rolls*
DBMRR	*Documents of the Baronial Movement of Reform and Rebellion, 1258–1267*
DNB	*Dictionary of National Biography*
Dugdale, *Monasticon*	William Dugdale, *Monasticon Anglicanum*
EB	Ivor J. Sanders, *English Baronies*

EHR	*English Historical Review*
ERF	*Excerpta e Rotulis Finium*
EYC	*Early Yorkshire Charters*
Eyton, *Antiquities*	Robert W. Eyton, *Antiquities of Shropshire*
Foedera	*Foedera, Conventiones, Litterae, et Cujuscunque Generis Acta Publica etc.*
Glanvill	*The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill*
HBC	Edmund B. Fryde and Frederick M. Powicke, eds., *Handbook of British Chronology*
HKF	William Farrer, *Honors and Knights' Fees*
HMC	Historical Manuscripts Commission
Maitland, *Memoranda de Parliamento*	*Records of the Parliament Holden at Westminster on the Twenty-eighth Day of February, in the Thirty-third Year of the Reign of King Edward the First*
Moor, *Knights*	Charles Moor, *Knights of Edward I*
Paris, *Chronica Majora*	Matthew Paris, *Chronica Majora*
Parsons, *CHEC*	John Carmi Parsons, ed., *The Court and Household of Eleanor of Castile*
Patent Rolls	*Patent Rolls of the Reign of Henry III (1216–1232)*
Pipe Roll, [regnal year]	Pipe rolls published by the Pipe Roll Society, London
PP	*Past and Present*
PRO	Public Record Office, London
RH	*Rotuli Hundredorum*
Rot. Chart.	*Rotuli Chartarum, 1199–1216*
Rot. Dom.	*Rotuli de Dominabus et Pueris et Puellis de Donatione Regis in XII Comitatibus*
Rot. Lit. Claus.	*Rotuli Litterarum Clausarum, 1204–1227*
Rot. Ob. et Fin.	*Rotuli de Oblatis et Finibus*

Rot. Orig.	*Rotulorum Originalium*
Rot. Parl.	*Rotuli Parliamentorum, ut et Petitiones, et Placita in Parliamento*
SANHS	*Somerset Archaeological and Natural History Society*
Select Cases	*Select Cases in the Court of King's Bench, Edward I–Edward III*
Select Charters	*Select Charters and Other Illustrations of English Constitutional History*
Stapleton, "Wardrobe Accounts"	Thomas Stapleton, "Brief Summary of the Wardrobe Accounts of the Tenth, Eleventh, and Fourteenth Years of King Edward the Second"
Statutes of the Realm	*Statutes of the Realm, 1101–1713*
TEAS	*Transactions of the Essex Archaeological Society*
Tout, *Chapters*	Thomas F. Tout, *Chapters in the Administrative History of Medieval England*
TRHS	*Transactions of the Royal Historical Society*
VCH	*Victoria History of the Counties of England*
Vita	*Vita Edwardi Secundi*
YAJ	*Yorkshire Archaeological Journal*

THE LORDSHIP OF ENGLAND

INTRODUCTION

Medieval kings of England derived power from two sources. They were sovereign monarchs—heads of a powerful administrative apparatus that enabled them to command armies, dispense justice, and fill their coffers. At the same time, however, they were suzerains—feudal overlords whose immediate tenants were the most powerful families in the kingdom. Kings exercised royal lordship, as it will be called, personally. It gave them sweeping powers over the lands, marriages, and families of the elite and opportunities to show favor through patronage. This is a study of the exercise of that power and its effect on political relations in England during the thirteenth and early fourteenth centuries.

Royal lordship was more effective in this period than at any other time. The king's determination to preserve his feudal authority in the wake of Magna Carta generated an institutionalization that made his tenants' obligations virtually inescapable. By the close of the thirteenth century, royal officials closely monitored the land transactions, deaths, and widows of those who held lands directly from the king: the tenants-in-chief. Nevertheless, the exercise of royal lordship was not necessarily harmful. The king often acted on the feudal principle of reciprocity and promoted or protected his tenants and their families. Royal lordship, moreover, provided a framework of law, institutions, and norms within which families could pursue the acquisition and preservation of property. The central argument of this study, therefore, is that royal lordship buttressed the king's honor and the institutions of royal government while simultaneously helping to integrate the Crown and landed elite into a highly cooperative polity. The relationship was not free of tension, and disagreements erupted between lord and tenants, but contestants did not challenge the basic framework within which they lived. These relations and the scope of the king's seigniorial authority will be delimited by investigation of the legal basis of royal lordship, the administration and use of his feudal resources, and the fate of widows and wards.

For at the heart of this study lies a fundamental dilemma that every society has faced: the provision for orphans and widows. The form that those provisions took for the elite of medieval England—wardship, marriage, and dower—arose out of the particular character of feudal landholding. Land was not owned by a family; it was held by an individual as a tenement in return for specific

services. That dependent tenure gave the landlord—in this case the king—an interest in and power over the tenement, the heirs, and the widow's marriage when a tenant died leaving only minors as heirs. From that authority, the lord derived honor and prestige as well as concrete benefits in the form of income and patronage. It was also his responsibility to protect wards, to take care of their land, and to ensure that they were suitably married. His authority overrode that of any kin, including the widowed mother. Wardship and marriage were thus bound up in three critical sets of power relations: kinship, landholding, and clientage. The exercise of feudal lordship at the highest levels of English society could only have been of profound political importance.

Historians in recent years have revised our understanding of feudal lordship, marriage, and politics in important ways. The emphasis in feudal studies has shifted away from military service alone to an examination of all of the legal, social, and political ramifications of the lord-tenant relationship. Lordship over knightly tenants in the eleventh and twelfth centuries is now seen as an interlocking set of claims and obligations growing out of the premise that a lord accepted a man as his tenant and gave him land in return for service. The lord's powers over marriage, wardship, and inheritance, his feudal incidents, were crucial in commanding land and service. The customs and ideals that sprang from this reciprocal bargain profoundly influenced social relations and the development of law at every level of English society.[1] Marriage was likewise embedded in relations of property and power. Personal consent to one's own marriage was essential, but choice of partners was narrowly circumscribed. The formation of a marriage re-

[1] This shift begins with Samuel Thorne's analysis of inheritance in "English Feudalism and Estates in Land," *Cambridge Law Journal* 23 (1959): 193–209, but has been taken farther by S.F.C. Milsom in *The Legal Framework of English Feudalism* (Cambridge, 1976). The work of Eleanor Searle has bridged the gap between honorable and agrarian lordship and has demonstrated a continuity in the purposes, institutions, and procedures of lordship from the highest to the lowest levels of English society (*Lordship and Community: Battle Abbey and Its Banlieu, 1066–1538* [Toronto, 1974]; and "Seigneurial Control of Women's Marriage: The Antecedents and Function of Merchet in England," *PP* 82 [1979]: 3–43). The connection among lordship, property holding, and politics has been made by James C. Holt in "Politics and Property in Early Medieval England," *PP* 57 (1972): 3–52. Recently, Robert C. Palmer has developed an ambitious synthesis of this development over the twelfth and early thirteenth centuries, "The Origins of Property in England," and "The Economic and Cultural Impact of the Origins of Property, 1180–1220," *Law and History Review* 3 (1985): 1–50, 375–396.

quired careful negotiation, for it involved the transfer of land and valuables, the potential for inheritance, and the hopes for the foundation of a family.[2] Historians have thus begun to delineate the important role of marriage and family relations in distributing wealth and power.[3] Finally, political relations between the king and the landholding elite are now viewed as essentially cooperative rather than conflictive. From the time of the Norman Conquest, they shared an interest in the protection of property, the defense of the realm, and the maintenance of social order.[4] They likewise shared the values, benefits, and obligations of feudal lordship, for all of the greater lords held lands of the king in addition to commanding tenants of their own. Cooperation broke down when the

[2] Michael M. Sheehan, "The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register," *Mediaeval Studies* 33 (1971): 228–263; Richard H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974); Robert C. Palmer, "Contexts of Marriage in Medieval England: Evidence from the King's Court circa 1300," *Speculum* 59 (1984): 42–67.

[3] The studies of Sidney Painter and Michael Altschul related the family to the feudal system, but their work has not been followed up for the thirteenth century (Sidney Painter, "The Family and the Feudal System in England," *Speculum* 35 [1960]: 1–16; Michael Altschul, *A Baronial Family in Medieval England: The Clares, 1217–1314* [Baltimore, 1965]). The most recent work on family has primarily related to the early Middle Ages, of which the most significant has been by Eleanor Searle, "Women and the Legitimisation of Succession at the Norman Conquest," *Proceedings of the Battle Conference on Anglo-Norman England III* (Woodbridge, 1980): 159–170, 226–229; "Family Reconstruction and the Construction of a Polity," paper presented at the California Institute of Technology–Weingart Conference (1981); "Kinship to State: Normandy in the Eleventh Century," paper presented at the California Institute of Technology–Weingart Conference (1983); "Fact and Pattern in Heroic History: Dudo of St.-Quentin," *Viator* 15 (1984): 119–137; and by James C. Holt, "Feudal Society and the Family in Early Medieval England: I. The Revolution of 1066," *TRHS*, 5th ser., 32 (1982): 193–212; "II. Notions of Patrimony," ibid., 33 (1983): 193–220; "III. Patronage and Politics," ibid., 34 (1984): 1–25; and "IV. The Heiress and the Alien," ibid., 35 (1985): 1–28. A notable exception to this emphasis on the earlier period is Joel T. Rosenthal, "Aristocratic Marriage and the English Peerage: Social Institution and Personal Bond," *Journal of Medieval History* 10 (1984): 181–194.

[4] The notion of cooperation has been explicitly stated by Michael Prestwich: "It makes more sense to see the normal pattern of political life as one of co-operation and collaboration between the two" (*The Three Edwards: War and State in England, 1272–1377* [New York, 1980], 146). This idea underlay Albert B. White's *Self Government by the King's Command* (Minneapolis, 1933), and figures prominently in the analysis of several recent historians, most notably David A. Carpenter, "King, Magnates, and Society: The Personal Rule of King Henry III, 1234–1258," *Speculum* 60 (1985): 39–70; John R. Maddicott, "Magna Carta and the Local Community, 1215–1259," *PP* 102 (1984): 25–65; and Anthony Tuck, *Crown and Nobility, 1272–1461* (London, 1985).

elite perceived royal actions as harmful to those shared interests, but conflict was the exception rather than the rule.

Royal lordship embodied each of these elements of medieval society. It affected marital choices and kinship patterns. It offered patronage and economic opportunities. And because it was so critical to the family's well-being, it led to misunderstandings and political conflict. It opens to view, therefore, the social setting of royal power and hence offers a rich field for the analysis of political relations in medieval England.

Yet, with the notable exceptions of J.M.W. Bean and Sue Sheridan Walker, historians have devoted little attention to the king's feudal rights in the thirteenth century.[5] The history of royal lordship has been divided into three distinct phases. In the first, from the Norman Conquest down to the reign of John, that lordship has been seen as arbitrary and, indeed, almost authoritarian, provoking a reaction by tenants-in-chief who imposed restrictions on it in Magna Carta.[6] In the last phase, the Tudors established the Court of Wards, which formed an important part of the government until its abolition in the seventeenth century.[7] The middle phase, from roughly 1217 to 1485, has been viewed as a period of "de-

[5] John M. W. Bean, *The Decline of English Feudalism, 1215–1540* (Manchester, 1968). Recently, Sue Sheridan Walker has explored the legal aspects of royal lordship in "Royal Wardship in Medieval England" (Ph.D. diss., University of Chicago, 1966); "Violence and the Exercise of Feudal Guardianship: The Action of 'Ejectio Custodia,' " *American Journal of Legal History* 16 (1972): 320–333; "Proof of Age of Feudal Heirs in Medieval England," *Mediaeval Studies* 35 (1973): 306–323; "The Marrying of Feudal Wards in Medieval England," *Studies in Medieval Culture and Society* 4 (1974): 209–224; "Widow and Ward: The Feudal Law of Child Custody in Medieval England," in *Women in Medieval Society*, ed. Susan M. Stuard (Philadelphia, 1976), 159–172; "The Action of Waste in the Early Common Law," in *Legal Records and the Historian*, ed. John H. Baker (London, 1978), 185–206; "Feudal Constraint and Free Consent in the Making of Marriages in Medieval England: Widows in the King's Gift," *Historical Papers* (1979): 97–110; and "Free Consent and Marriage of Feudal Wards in Medieval England," *Journal of Medieval History* 8 (1982): 123–134. There is no study of the revenues from royal lordship comparable to studies of royal taxation, nor a study of the escheator comparable to those of the sheriff or coroner, except for E. R. Stevenson, "The Escheator," in W. A. Morris and Strayer, *The English Government at Work* (Cambridge, 1947), 2: 109–167.

[6] The abuses of lordship are chronicled in an exaggerated fashion in J.E.A. Jolliffe, *Angevin Kingship* (London, 1963), while more specific information about the relationship between lordship and Magna Carta can be found in James C. Holt, *Magna Carta* (Cambridge, 1965).

[7] Henry E. Bell, *An Introduction to the History and Records of the Court of Wards and Liveries* (Cambridge, 1953); Joel Hurstfield, *The Queen's Wards: Wardship and Marriage under Elizabeth I* (London, 1958).

cline" languishing between the peak of royal lordship just prior to Magna Carta and its revival by the Tudors.

Historians' views of the king's feudal authority in this latter period have been dominated by certain assumptions growing out of the historiography of the English constitution. One assumption has been that kings valued their lordship only for the profits it provided and that otherwise it did not perform a significant function in government or politics.[8] Constitutional historians have not found a place for it in their scheme of the development of institutional kingship, because they have often seen it as an Anglo-Norman relic useful for its revenues but not playing a prominent role in the great constitutional conflicts after Magna Carta.[9] It has received vastly greater attention from Tudor historians writing in that tradition precisely because, as they have argued, the Tudors institutionalized feudal lordship and gave it a place alongside the great central offices of government.[10] Another assumption has been that feudal relations were inherently conflictive and that between the thirteenth and fifteenth centuries tenants-in-chief hastened the decline of feudal lordship by employing legal devices to evade their obligations. That assumption has been based on the belief that family sentiment and attitudes about marital choice were roughly the same as they are today. Families thus chafed under a regime that irrationally deprived them of that choice by selling marriages to the highest bidder and that took lands away from the family when the heir was a minor. In this constitutional view, therefore, royal lordship, as an obsolete and anachronistic feudal relic, caused dissension between the Crown and tenants-in-chief, who steadily undermined it.

It is important, therefore, to analyze what actually happened to families under the king's feudal lordship. The necessary starting point is the social context of landholding and marriage during the thirteenth and early fourteenth centuries. Although landed wealth was the most important determinant of status and of the ability to perform a public role in peacetime and war, it was subject to cen-

[8] Bean, *Decline*, 6; Bryce Lyon, *A Constitutional and Legal History of Medieval England* (New York, 1980), 132. For the use of feudal incidents as patronage, see Stevenson, "The Escheator," 136; and Joseph R. Strayer, introduction to W. A. Morris and Strayer, *The English Government at Work*, 2:22.

[9] For example, J.E.A. Jolliffe, *The Constitutional History of Medieval England: From the English Settlement to 1485* (New York, 1967), 331.

[10] Geoffrey R. Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge, 1966), 221–223.

trifugal forces. Women's rights to land, grants to family members, and politics pulled estates apart over time, making family status precarious. The burden of supporting relatives, moreover, grew along with the general increase in the population. The law offered property holders little help in relieving this burden. It denied them control over the descent of property after their deaths, obliging them to deduct any provisions for children or relatives from the estate during their lifetimes. Viewed from the perspective of the present, inheritance and descent appear to have occurred with a mechanical certitude. From the perspective of the actors themselves, however, procreation and survival were highly uncertain. Landholders, therefore, had to devise strategies that could provide for the contingencies of birth and death and that would enable them to support noninheriting children without jeopardizing the inheritance. They were trapped by conflicting desires. They wanted, above all, to ensure the smooth descent of land from one generation to another, but they also wanted to support all of their children.

Marriage was the most crucial of these strategies. Because marriage altered the configurations of inheritance and kinship, it had to be controlled by the family and by the social network in which the family was enmeshed. In selecting marital partners, English landholders demonstrated a preference for social endogamy, that is, marrying within a group of known families of similar status, function, and territorial interests. Marriage and kinship helped to shape the identity of groups and of the elite as a whole by giving individuals a common stake in the descent of lands. The emphasis on kinship relations and inmarrying was not unusual in premodern societies, but what was important in England was the interdependence of kinship, landholding, and status.[11] That interdependence created a matrix of interests, associations, and values that shaped the expectations of participants and therefore deeply influenced their attitudes toward their feudal landlord—in this case,

[11] Georges Duby has developed the most comprehensive model of endogamous marriage for medieval France in "Lignage, noblesse et chevalerie au XIIe siècle dans la région mâconnaise: Une révision," *Annales ESC* 27 (1972): 802–823; and in *Medieval Marriage: Two Models from Twelfth-Century France* (Baltimore, 1978). There is a massive literature in anthropology devoted to kinship and marriage, and the most influential in terms of this study have been the works of Jack Goody cited in Chapter 1; Robin Fox, *Kinship and Marriage: An Anthropological Perspective* (New York, 1983); Louis Dumont, "The Marriage Alliance," in *Kinship: Selected Readings*, ed. Jack Goody (Harmondsworth, 1971), 183–198; Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge, 1977), 1–71.

the king.[12] The development and consequences of this matrix are the subject of the first chapter.

It was at the points of marriage and inheritance, two vital aspects of family life in the Middle Ages and two crucial components of cooperation between families of the elite, that the king's feudal power and the interests of families intersected. The king demanded a recognition of his lordship in the form of homage and relief when heirs inherited their estates. He took wardship, that is, custody of children and their lands when a tenant died leaving an heir or heirs underage. With wardship, he gained the right to marry the children as he pleased. To maintain his lordship and its incidental rights, the king also controlled the alienation of lands held directly of the Crown, demanded consent to the marriages of heiresses, potential heiresses, and widows, and supervised the assignment of dowers and the partition of lands among female coheirs. The evolution of these feudal powers before and after Magna Carta is examined in the second chapter. Furthermore, as the Crown institutionalized its authority during the thirteenth century, these feudal obligations became a constant, compulsory, and unavoidable aspect of the lives and landholding of wealthy tenants-in-chief, a process described in Chapter 3.

How the king exercised his power, therefore, became even more critical. The king of course tried to profit from lordship, as he did from every aspect of his authority, but he did not merely use his authority to tax tenants-in-chief. He personally supervised the enforcement and disposal of his rights and used them primarily as patronage, so that they became an essential strand in the fabric of power and influence around the court. The king's use of his feudal rights is a complex subject and is analyzed in detail in Chapter 4. The analysis shows, in fact, that the reciprocal ideology of feudal lordship survived into the thirteenth century and that to a great extent it conditioned royal policy. Cooperation between the king

[12] Holt, "Feudal Society and the Family III," 23, suggests that lordship, neighborhood, and family were discrete entities: "So the family bond seems to have been at its strongest when it was less trammeled by other ties of local association or lordship. . . . There were other ties, of lordship and neighborhood, which themselves helped to determine how families behaved." He thus weighs particular manifestations of kinship against what he suggests are *competing* associations to determine whether kinship was important. The argument here, however, is that the *totality* of kinship ties and their consequences shaped the identity and outlook of the elite and that they were interdependent on lordship and neighborhood. It is that interrelationship, especially at the highest level of English society, which characterized the polity that developed in England.

and the elite was maintained at several levels and, indeed, fostered cooperative relations within the elite itself.

An important theme of the book is therefore the role of feudal lordship in royal patronage. Wardships were given, sold, or leased to ministers and family members, earls, barons, knights, and other landholders. Such gifts had the effect of temporarily redistributing the wealth of tenants-in-chief through the elite, giving them a stake in royal lordship. It also reinforced a sense of mutual dependence and responsibility within the elite, for control of one another's lands and heirs was constantly circulating among them. Each family was confronted with two contrasting possibilities: on the one hand, the likelihood that its own lands and children might fall under royal lordship; on the other, the opportunity of acquiring desirable wards, lands, or widows' marriages. No tenant-in-chief could be confident that his family and estate would avoid wardship altogether. It was a sobering thought and may have restrained many guardians in exercising the rights they acquired from the king. Indeed, because of the frequency of minorities among tenants-in-chief, the arrangement of marriages by guardians occupied an important place in family strategies for alliance or descent.

The vast majority of the marriages arranged by the king or guardians were not objectionable, and in some cases they advanced the ward's interests. It is clear that wards had little opportunity to choose their own partners, but it is equally evident that guardians respected their right of consent and did not apply undue force in arranging marriages. As seen in Chapter 5, most marriages conformed to the patterns of social endogamy practiced by families, formed bonds between different groups or factions, and facilitated the descent of lands. The king was as interested as his tenants in ensuring the stability of landholding and descent, for he depended on them and their wealth for military leadership, administrative personnel, and political advice and consent. He did not tolerate abuses that seriously jeopardized their families and property.

The remarkable institutionalization of royal lordship and the consequent power of the monarchy in this respect may be surprising since in other areas, feudal authority was clearly eroding. The powers of mesne landlords had declined significantly since the twelfth century in the face of tenants' resistance to service and under the impact of royal justice. They lost the ability to discipline recalcitrant tenants, and the emphasis in feudal lordship shifted away from service to the income provided by feudal incidents.

Thus, the original rationale for the feudal system and the most important component of lordship—military service—deteriorated from the late twelfth century onward. The king tacitly recognized his inability to command sufficient knight service by instituting compulsory knighthood for all subjects who held land worth a certain amount. He shifted the criteria for knighthood from tenure alone to tenure and the value of property. Even then, there were large numbers of landholders whom he was unable to compel to become knights. Tenants-in-chief successfully reduced the service they owed the king and resisted his demands for additional or unpaid service. The king was even forced to cut back on his demands for scutage. Finally, Magna Carta imposed clear limits on the king's exercise of his feudal rights and seemed to deprive him of much of his authority.

Under these circumstances, English kings were determined to protect the feudal powers that remained to them. That determination coupled with the utility of feudal incidents to the tenants-in-chief ensured that royal lordship performed an essential role in the formation of the English polity in the thirteenth century. Mesne lords accepted that determination because during the thirteenth century they, too, vigorously protected their rights. Furthermore, because marriage was so vital in social relations and landholding, they pressed the king for valuable wardships and marriages. The Crown's drive to define, articulate, and institutionalize its feudal authority thus met with little resistance over the course of the thirteenth century. As a result of this process, by the early fourteenth century, the king exercised extensive control over the lands and families of the elite. That control brought him revenues, but it also gave him important political leverage that he could use to reward his friends.

Nevertheless, like all landlord-tenant relations, royal lordship engendered tensions that sometimes destroyed cooperation and erupted into conflict. Tenants-in-chief were wary of the way in which the king exercised his rights and protested any abuses that they perceived. The pattern of political opposition to royal lordship between 1200 and 1327, as explored in Chapter 6, is revealing because the tenants-in-chief consistently repeated certain themes. Again and again they protested the king's right of prerogative wardship that deprived them of their rights as mesne lords, waste by royal officials or guardians that diminished the value of estates, and the disposal of patronage that could deprive them of the rewards they expected from the king. "Primer seisin," or the king's

right to take first possession of tenements held of him on the death of the tenant and to hold them until the heir performed homage, likewise came under attack because of the potential losses to tenants while their lands were in royal custody. Tenants-in-chief were thus extremely sensitive to the economic impact of royal lordship. At other times, they complained about the marriages arranged by the Crown or guardians, about the actions of administrators, and about other aspects of royal lordship; such as control of alienations. Yet there is no evidence of a deep-rooted hostility to feudal lordship itself. Not only did they not exploit every political crisis to assert their opposition to royal lordship, they never enunciated an alternate view of political organization. By 1327 the king had surrendered none of the essential attributes of lordship or prerogatives that he exercised in the wake of Magna Carta. He did exercise them more efficiently. Tenants-in-chief largely accepted and supported that feudal framework, though they were quick to call for administrative adjustments whenever they felt that the exercise of lordship harmed their interests.

The period from 1217 to 1327, therefore, represented a critical phase in the development of royal lordship and of political relations in general. By studying the exercise of royal lordship over such a long period, it is possible to see the underlying continuities as well as the peculiarities in royal policy. Furthermore, significant changes occurred in government during the period through increased definition and specialization in law, administration, and finance. Royal lordship was swept into that process. In terms of the family, it was a period in which the estates of tenants-in-chief were particularly subject to royal lordship. Tenants could not bequeath their lands, they could not direct the descent of property after their deaths, and they could not avoid the incidents of royal lordship. Their strategies for the descent and protection of property had to conform to the rules of feudal lordship as well as the rules of the Church. The period closes with the introduction of legal devices and techniques designed to give the tenant greater leverage over the descent and distribution of family lands: jointures, entails, and uses. These devices eventually had a significant impact on the scope of the king's authority, but in the short run, their importance was greater within the family. Finally, the period saw the last phase of the expansion of the medieval economy. This was the period of high farming in which landholders undertook the direct exploitation of their estates. They had an acute interest in agrarian income, and hence in the acquisition and preservation

of demesne lands and in the enforcement of their lordship over unfree tenants. Strategies of marriage and descent were crucial to the maintenance of this seigniorial regime because they ensured the continuity of proprietorship necessary to keep the estate, in terms of both land and authority, intact. Royal lordship, therefore, reached the peak of its strength in a period in which tenants-in-chief were exceptionally active in the governance of the realm and in which they were most concerned about the impact of government on their finances, about the arrangements for marriage and descent within their families, and about the condition of their estates and their lordship over the unfree.

Several limitations of this study should be noted. It deals with royal lordship only over lay estates in England. It does not pretend to cover the king's lordship in Wales, Ireland, or Scotland, or over ecclesiastical estates. The English tenants-in-chief, moreover, were a diverse lot. They ranged from peasants with only a few acres of land to the wealthiest landholders in the kingdom. The treatment of these tenants varied according to their status. This study concentrates primarily on those at the top, on what may be called the political ranks of the tenants-in-chief. These generally ranked as knights or higher and participated in one way or another in royal government or served consistently in royal armies. Furthermore, although the institutionalization of lordship is analyzed in some detail, the book does not provide a history of the office of escheator nor an analysis of the personnel. Finally, any historical study of this length tends to be reductionist, and I should point out at the outset that I do not see royal lordship as the principle cause of political conflict, that it was not the only form of patronage available to the king, and that it was not the only framework for cooperation within the elite and between the elite and the king. It opens to view, however, in a unique way, the fundamental workings of relations between the king and the elite.

Government records form the bulk of the sources used in this study. Most of that information is derived from the enrollments of royal writs or commands on the Chancery rolls, though the Exchequer enrollments of writs and legal processes are also informative. The most significant Exchequer sources are the accounts of the escheators, and variations in those accounts over time show changes in the exercise of lordship. Letters and petitions from private sources provide some insight into the process of acquiring wardships and marriages, but it is hard to build up a complete picture of the disposal of any given wardship. Because the king ex-

ercised the power of consent over the marriages of the female relatives of tenants-in-chief, the royal sources include some information, such as marriage contracts, that reveals the process of forming family alliances. More can be derived from the plea rolls. Yet, sources for family arrangements, other than the dispersal and acquisition of property, are not nearly so abundant as those for the exercise of royal lordship from the king's standpoint. There is little information about two vital types of consultation: those among family members about marriage and property, and those within the royal council about the disposal of the king's rights. These areas of the stage are left dark, and activities within them can only be inferred from other sources.