

Issues and Agenda

The Medieval State: The Tyranny of a Concept?*

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The Case for “the Medieval State”

Medieval historians seem to be falling in love with the word “state”, and with all that it implies. Such at least might be the conclusion to be drawn from the titles of some of the books they have published recently: such as James Given, *State and Society in Medieval Europe. Gwynedd and Languedoc under Outside Rule* (1990); James Campbell, *The Anglo-Saxon State* (2000), a collection of essays mainly of the 1990s on early England as “an elaborately organized state”; Matthew Innes’s path-breaking *State and Society in the early middle ages: the middle Rhine valley 400–1000* (2000); and, most recently, a *festschrift*, edited by John Maddicott and David Palliser, presented to James Campbell under the title *The Medieval State* (2000). Given that the authors who have contributed to this latter volume classify Northumbria, Wessex, Brittany, and Scotland as states, it comes as no surprise that we now hear murmurs of the Pictish state. Where will it all end?

Or perhaps, more to the point, where and why has it all begun? To a certain extent it is no doubt a reaction against the infuriating condescension of historians of the modern period towards medieval polities and kingdoms. Such historians seem to subscribe to the view that since the word “state” did not acquire its “modern” connotations until the fifteenth or sixteenth centuries, then the state itself is a post-1500 phenomenon. This is, of course, to confuse words with concepts and phenomena. It parallels the attempt of modern historians (Ernest Gellner, Eric Hobsbawm and Benedict Anderson among them) to appropriate the word and concept of “nation” for their own exclusive use.

As with “nation”, so with “state”, its usage is to that extent a deliberate act of defiance by medieval historians (Reynolds, 1980, chap. I; Hastings, 1997; Davies, 1994). They are tired of the oversimplified, cut-out models of medieval society often presented as a backcloth to, and precursor of, the modern world. These models focus on images of “feudal anarchy” (the two words have become twinned), the apparent weakness of effective “public” power; the

dominance of inter-personal bonds as the only meaningful “governmental” cement, the prominence of “universal” bodies, notably the empire and the papacy, and the absence of exclusive coercive power and modern notions of sovereignty which (so it is asserted) are of the essence of the modern state. There may be a measure of truth to these characteristics in certain parts of Europe at different periods in the middle ages; but overall they present a patronisingly over-simplified view of the character of medieval European social and political life and measure its nature by reference to modern criteria. Furthermore such notions are infected, consciously or otherwise, by a Whiggish and evolutionary assumption that the modern world saw the state- and nation-building which rescued Europe from the political fragmentation and economic backwardness of the middle ages. It is little wonder that medieval historians have now launched a counter-attack against such views, sometimes openly as in Patrick Wormald’s splendid (but as yet unpublished) Denis Bethell Memorial Lecture, “Could there have been an early medieval ‘State?’”, more commonly by assuming, in their terminology and in the titles of their books, that there were indeed such states, as does Susan Reynolds in her powerful historiographical review of the issue (Reynolds, 1997).

But there is more to the prominence of the word “state” than the bruised susceptibilities of medieval historians. During the last twenty years the state has become the focus of historians in general. To cite the titles of a few recent monographs on the early modern period makes the point immediately: Thomas Ertman, *Birth of the Leviathan. Building States and Regimes in Medieval and Early Modern Europe* (1997); Steve Hindle, *The State and Social Change in Early Modern England 1550–1640* (2000); Michael Braddick, *State Formation in Early Modern England c.1550–1700* (2000). On the continent the multi-volumed co-operative enterprise organized by Jean-Philippe Genet and Wim Blockmans on *The Origins of the Modern State* bespeaks the same fascination. The “state” is clearly one of the favoured historiographical terms of the last decade or so.

Nor is this merely a matter of changing historiographical fashions. Historians are only following where political scientists and anthropologists have already led. Political scientists have shifted their attention increasingly from the study of political behaviour and the study of society as composed of fluid, overlapping, competing networks to a concern with the state itself as one of the key shapers of political discourse and social change. The dramatic events of 1989–90 served to accelerate this reorientation as questions about state, empires, nationalisms and ethnicities and the relationship between them began to dominate the international

political agenda. Nothing better proclaimed the new-found importance of the state than the title of a collection of essays published in 1985, *Bringing the State Back In* (Evans, Ruescheymer, Skocpol (1985)). As for anthropologists, they – including Radcliffe Brown, Meyer Fortes, Evans-Pritchard and Max Gluckman – had already raised fundamental questions about the nature and structure of political power on the basis of their field-work on African communities. They had talked of ‘early’ and ‘proto’ states, of stateless societies, of segmentary states and so forth. And they had apparently no qualms about using the term ‘state’, however much they encrusted it with qualifying adjectives.

Medieval historians were, on the whole, slow to follow suit. England and France present an interesting contrast in this respect. It is one of the touching features of English exceptionalism that the unbroken existence of the English state, indeed of the English nation-state, is regarded as so self-evidently the case and indeed so much the most natural form of human political and social association that it requires no explanation or exposition, even when it transmutes itself into the British state. It is a datum (Bentley, 1993). As Keith Robbins (1990, p. 375) has put it: ‘British historians have rarely found it necessary to ask themselves questions about the nature of the state whose history they were writing. . . . Identity was rendered secure by insularity’. In France, the assault of the *Annales* school on old-fashioned institutional and governmental history and its dismissal of political history as so much transient froth – *histoire événementielle* in its dismissive phrase – served a death-blow to those genres. In their place was created a brave new world of *conjoncture*, *la longue durée* and a forbidding battery of massive regional studies. The state and all its works were deeply out of fashion. Political history has, it is true, begun to make a come-back; but its focus is nowadays less on states and institutions, more on political culture, elite networks and the interplay of political power and social influence in the localities. Bernard Guenée has been particularly influential in this respect. It is notable that his remarkable overview, originally published in French in 1971 and translated into English in 1985 as *States and Rulers in Later Medieval Europe*, is still far and away the best introduction to the nature and practice of governance in western Europe in the later middle ages.

So, we may confidently assert, the “state” is now, once again, a fashionable term in the lexicon of medieval historians. And why not? It is true that historians of different countries may differ as to the appropriate chronology for the usage of the word. Some historians of Anglo-Saxon England have become very assertive in applying the word to the English kingdom from at least the tenth

century on what they concede is “a maximum view” of the evidence (Campbell, 2000). Historians of France offer a very different chronology: they refer to France up to 1200 as “a stateless society” (Geary, 1986), prefer the term “seignorial regime” to the term “state” (Barthélemy, 1993, pp. 390, 1020) and assert quite categorically that “the state was born 1280–1360” (Genet, 1990, p. 261). As to Germany or Italy, “state” would appear to be an inappropriate term for what Karl Leyser (1994, p. 141) has termed “a multi-centred and regional society”. But these differences in time-scale are what we would expect in a continent as diverse in its political forms as was medieval Europe. In any case the proponents of the medieval state brush aside such reservations: “A good deal of western Europe”, so they assert, “was governed *throughout* [my italics] in polities that can *reasonably* [my italics] be called states” (Reynolds, 1997, p. 132).

It is, presumably, with that word “reasonably” that they would begin to defend the usage of the word “state”. They would be in good company. A. P. d’Entreves, the historian of medieval political thought, took the view that “the common sense usage” of the term “state” covered a variety of governmental forms (1967, p. 24). Is it not obtuse academic pedantry to have reservations about the appropriateness of the term simply because its medieval equivalent, *status*, had a different set of connotations? And, in any case, well-established common usage makes a mockery of the verbal fastidiousness of some medieval historians. Don’t we refer without qualms to the ancient or early state (Claessen and Skaln k, 1978), the Papal State, the Italian city-states and so forth? Do not several anthropologists give the “state” a life-span of at least 5,000 years in history as “the most inclusive organisation in the history of the species” (Skaln k, 1989, p. 2)? The argument has been put forcefully by H. J. M. Claessen: “There is no reason . . . to consider . . . the realm of the Aztecs, Manrya India, the Mongol Empire, . . . or the late Roman empire *qua* political structure as qualitatively different from, say, France, Spain or England in the fifteenth century. They were all states, varying from early to mature” (Skaln k, 1989, p. ix). Faced with such sweeping ecumenism of time and space, any reservations on the part of the medieval historian must appear petty-fogging and myopic.

But if we descend from such Olympian heights to more mundane issues (or should we call them “affairs of state”!) there are arguments enough to defend the use of the term “state” in a medieval context. We can start with some negative arguments. The first illusion we must dispel is that “only modern states are true states, or the only ones worth discussing” (Reynolds, 1997, p. 118). This whips the mat from under the certainties of modern historians and

virtually entitles us to use the word "state" in any sense which we think consonant with medieval practice. It is surely a sensible approach historically, aligning words with contemporary social, political, economic etc. phenomena of the period in question. It bestows an almost endless elasticity on the word and concept and prevents us from comparing the medieval state with some ideal Weberian, modern, model of the phenomenon.

Furthermore such an approach allows us to exclude from our definition certain features which have come to be regarded as of the very essence of a modern state. Two examples may be cited. When modern historians talk of state-formation, two of the characteristics they often have in mind are the centralization of political and administrative power and the development of a sophisticated, differentiated and paid bureaucracy. Both features have indeed characterised earlier (e.g. the Roman) as well as modern states; but neither is a *sine qua non* for a state. The state's power can be expressed forcefully, if not perhaps with the same degree of routine penetration, in other ways. Secondly, from the days of Jean Bodin to those of John Austin, and indeed later, sovereignty has come to be seen as one of the hallmarks of the state. Medieval polities, so it was argued, could not qualify for this badge of honour since their control of their own powers was ultimately compromised by membership of universal entities, the papacy and the empire. Apart from the shoddy history involved in such claims, we are nowadays far less confident than we were in the heady days of national states of the meaningfulness of ideas of national sovereignty. In the days of multi-national corporations and the International Court of Justice claims to sovereignty seem increasingly doubtful, both practically and philosophically.

But the defence of the idea of the state and its moral authority in medieval times can be asserted in more positive terms. Beneath the reluctance to acknowledge the possibility of a medieval state often lay an unconscious and unspoken assumption: that medieval men and women were too intellectually immature to develop and articulate the "public" language of the state. It was, so it was argued, only with the recovery of Roman law in the twelfth century and the translation of Aristotle's *Politics* into Latin in the mid-thirteenth century that medieval society began to acquire the verbal and conceptual tools to develop a sophisticated understanding of the nature and responsibilities of political power and governance. This half-truth has long since been challenged by medieval historians. Thus Janet Nelson in a series of extraordinarily powerful studies has insisted, and demonstrated, what an advanced view of the responsibilities of rulers and of the moral standards of behaviour in public office is assumed in Carolingian capitularies and statements, such

as the writings of Hincmar of Rheims and Nithard (Nelson, 1986, 1988). It is a point which, in a very different fashion, Maurice Powicke had made in a seminal article in 1936 entitled "Reflections on the Medieval State" (Powicke, 1936). In particular, Powicke – as in so many of his writings – wanted to bring the impact the medieval thought – what he called (p. 8) "the capacity for orderly and self-directed expression" . . . [and] to think and to think abstractly' – to bear on our study of medieval politics and power. In short, it was a plea for putting mind and thought back into the history of "that abstraction, the medieval state" (p. 4).

We may occasionally feel that Powicke strays into the realm of the ineffable and the mystical in his claims; but we have also begun to appreciate that the so-called "feudal world" – so often presented as ruthless and amoral in its codes of behaviour – was in fact governed by a values system other than that of force (*vis et voluntas*) and emotion (*ira et malevolentia*). It was underpinned by the concepts and practice of counsel and aid, honour and fidelity, consensual decision-making and ecclesiastically-proclaimed norms. Anyone who reads the *Song of Roland* or *Raoul of Cambrai* can see as much, just as the relationship between the community (Welsh *gwlad*) and lord or prince (Welsh *arglwydd*) was one of the abiding preoccupations of early Welsh medieval law (Smith, 1996). Just because the language of socio-political relations did not deploy the lexicon and concepts of public authority, we should not dismiss these societies as amoral in their political values and aspirations.

Indeed some of the statements which they made might prompt us to question our own assumptions about them. Thus when a mid-eleventh-century French chronicle deplored the decline of "public law" (van Caenegem, 1988, p. 180), he was at least acknowledging such a phenomenon. In Germany such terms were certainly alive and meaningful at the period: it was the declared aim "to consult the interests of the commonwealth and everyone within it" (Harding, 2002, p. 84). Such language became commonplace with the recovery of Latin learning and Roman law from the late eleventh century. It comes as no surprise to us that John of Salisbury, highly educated and well-read man that he was, should style the prince as a *persona publica* and refer to the *potestas publica* (Van Caenegem, 1988, p. 208); it is more revealing that an English chronicler, Ralph of Diss, could observe, *en passant* as it were, that there was "no public authority among the Irish" (Ralph de Diceto, 1876, p. 350). Both authors from very different vantage points clearly dwelt in a conceptual world where notions of "the public" and the transpersonal nature of authority were perfectly familiar. From that position it was indeed easy to escalate to a

definition of a medieval polity which might even prove to be music to the ears of the theorist of the modern state;

Everything within the boundaries of his kingdom belongs to the king in respect both of protection (*protectio*) and jurisdiction and power (*jurisdictio et dominatio*), and in respect also of the fact that the king can give, receive and consume the property of all individual things, in the name of the public utility and the defence of his realm (*causa publicae utilitatis et defensionis regni sui*) (quoted in Dunbabin, 1988, p. 490)

It is in respect of assertions such as this one made in 1305 that French historians have located the birth of the modern state in the late thirteenth century. Edward I and his spokesmen were using very similar language in England – talking fulsomely of *necessitas* and *utilitas regni* and *dignitas coronae*. But English historians believe that the rhetoric of state power lagged several centuries behind the practice in England. It is *not* the historians of the twelfth and thirteenth centuries in England who have been the most vociferous defenders of the medieval state, but rather the historians of late Anglo-Saxon England. They have grounded their claims not in abstract theory or ideological claims, but in the remarkable powers of the late Old-English monarchy – in matters such as control of coinage and its regular reminting, the assessment and collection of a national land tax (the *geld*), the continued issuing of royal legislation (whereas elsewhere in Europe the practice had gone into decline), the use of the vernacular as an agency for the transmission of government command, the close symbiosis of locality and centre in the processes of government and jurisdiction, the exaction of an oath of allegiance from all free men and so forth. It is empirical claims such as these which have persuaded James Campbell to characterize England in the pre-Conquest period as “a formidably organised state” (Campbell, 2000). Patrick Wormald has gone a stage further, declaring England to be ‘the oldest continuously functioning state in the world’ (Wormald, 1999). But this claim is specific to England; it is the basis for asserting England’s precociousness and individuality, *not* a formula to be applied to medieval Europe *tout court*.

There is a final point which needs to be made in this search for the applicability of the word “state” to medieval conditions: it is quite simply that we are in danger of employing the period-bound criteria of the later modern state inappropriately to earlier periods. That is why Michael Mann (1986–93) refers to a great diversity of state forms (*formes étatiques*) before 1800 or why Charles Tilly (1975) should identify several hundred *unités étatiques* in Europe of the *ancien régime*. Wim Blockmans in his general review likewise concluded that what we find in Europe up to the seventeenth century

or later is “*une foule de petits états*” (Blockmans, 1993, p. 3). At one level one cannot but welcome the introduction of historical specificity to an issue so long dominated by theoretical model-building and extrapolations from the evidence of later modern state-forms (cf. “nation”). But there is, of course, a price to be paid. The word “state” becomes encrusted with modifications and qualifications, e.g. “statelike, proto- or near-states, unstable mini-states, miniature states, small, provincial states, regional states, city states, the extended state”, to cite but a few examples from recent writing (Reynolds, 1997; van Caenegem, 1998; Genet, 1998). It is little wonder that Alan Harding has concluded that the state is “a permanently ambiguous concept” (Harding, 2002, p. 295).

The Modern State and Misconstruing the Medieval Past

Historians are, of course, familiar with ambiguous terminology and with slippery concepts; it is part of the price they pay for employing everyday language rather than developing their own jargon. But the reservations which some medieval historians have periodically expressed about the use of the term “state” for the medieval world is not merely or even mainly a case of lexical fastidiousness; rather does it arise ultimately from a view of the dynamics of social and political authority, of power, in medieval society. The assault on “the concept of the state” has been multi-pronged. Perhaps the most comprehensive critique was that of Otto Brunner, though the impenetrability of his German and his Nazi associations greatly blunted the impact of his epoch-making *Land and Lordship* (1943, 1992). The State, so Brunner averred, “is a concept of the modern political world. But in the nineteenth century it became the universal normative concept for political forms of organization, for all peoples and periods” (Brunner, 1992, p. 95). American medievalists – far less fixated with the state than their English or even French counterparts – took up the cudgels. F. L. Cheyette in his provocatively entitled “The Invention of the State” asserted that Europe in the eleventh and twelfth centuries “lacked the realm of discourse, the set of distinctions that are the foundation of the modern state” (Cheyette, 1978, p. 156); Patrick Geary had no doubts about referring to pre-1200 France as “a stateless society” (Geary, 1986); and in a series of recent writings Tom Bisson has called in question the appropriateness for the early medieval period of notions such as “government”, “politics” and “administration” preferring to concentrate on “lordship”, “patrimonial domination”, and “power” (Bisson, 1989, 1995).

Elsewhere the post-Weberian definition of the modern state seems increasingly ill at ease with the socio-political realities of the

medieval world. Two contrasting experiences may serve to make the point. Timothy Reuter in an article of far-reaching importance has identified Germany as “a polycentric realm” and acknowledged that “the Crown was not seen as the sole source of legitimate authority” (Reuter, 1993, pp. 190, 210). If that was true of the *Reich*, it was *a fortiori* more so of central Europe. That is why Robert Evans has insisted that “before the notion of a ‘State’ existed there could be no writing about the State, historical or otherwise. . . . Only by the start of the *nineteenth century* [my italics] was the State come to be perceived in a modern sense in Central Europe” (Evans, 1993, p. 203). One could set beside this opinion the recent view of a historian of early Christian Ireland:

“In a bureaucratic polity, there is a state apparatus distinct from civil society; there are thus powers exercised upon society by the organs of the state. Early Irish kings, by contrast, worked with the powers available within society at large. There was not a state, distinct from society, but rather a king who was central within society, whose power was effective, partly because he deployed the same powers as did other lords, but to a higher degree” (Charles-Edwards, 2000, p. 523).

It is easy to dismiss such a comment as referring to an early and peripheral society. But as a working definition of the interplay of power and society it surely strikes a more credible note for much of the medieval world than do the king- or state-centred abstractions of modern political theory.

The same point was made recently in a historiographical review of recent writing on the French state: “The risk of such interpretations”, so it contends, “is to give the impression of a past where the State has long since been everywhere” (A. Guery, 1997, p. 247). Exactly. Even in England where the effective power of the king was indeed remarkable and remarkably precocious, there is growing recognition that the character of the documentation and an over-concentration on the royal centre can unbalance our picture of the distribution of social and political power in the country and the relationship between them. Thus Timothy Reuter, while acknowledging that “by tenth-century standards England was a highly centralized state”, criticizes (very much as did K. B. McFarlane in a different context) “our tendency to ruler-worship” and gently chides “English political medievalists” as “peculiarly state-fixated: the importance of the state in our history becomes self-reinforcing” (Reuter, 1993, p. 204; 1998, pp. 59, 62). These are charges which have also been made in important recent studies by Paul Hyams (2000) and Matthew Innes (2000, esp. pp. 6, 12, 41, 253). None of these historians denies the monumental achievement or reach of late Old-English kingship; but they do claim that “political power was claimed and negotiated through the collective action of a series

of overlapping and interleaving groups on a hierarchy of public stages" (Innes, 2000, p. 140). In short, the nature and dynamics of the exercise of power needs to be located fully in its social and local contexts; abstracting that power from such contexts is in danger of distorting its character.

Such a critique can quickly escalate into a much more fundamental assault on the very notion of a state. No one conducted such an assault with such vigour as the late Philip Abrams in a coruscating article. For him the state, any state, was "an ideological project" which 'legitimated subjection and explains political and economic domination' (Abrams, 1988, pp. 75–76). The state was, and is, a construct, a rhetorical tool; in the famous words of Radcliffe-Brown, the anthropologist, it is "a source of mystification". Nor are these necessarily extreme positions: thus Michael Mann, one of the most influential of recent political sociologists, is convinced that "to monopolise norms is a route to power". The state for him is one of "the concepts and categories of meaning imposed upon sense perception" (Mann, 1986, I, p. 22). In short, we should beware of reifying the state, of accepting its own definition of, and apologia for, itself. We need to adopt a far more critical, and far less reverential, approach to it.

We can, and should, take the argument a step further. The state has been given far too privileged a rôle in the analyses of power in earlier societies. It is striking in this respect that French historians increasingly use the concept of social power (*puissance sociale*) in preference to a more one-dimensional "political" or "state power" in their analysis. This choice of vocabulary recognizes that many of the attributes and duties which characterize the activities of the modern state are widely diffused throughout society in the middle ages (Given, 1990, p. 6). Given the slowness and difficulty of communication, the absence of a large, differentiated civil service, and dependence on the gentry for the rule of the shires, "the pluralistic nature of power distribution" was inevitable (Lewis, 1996, at p. 51; cf. van Caenegem, 1988, p. 179; Harriss, 1993). Power, which in the modern world is claimed exclusively by the state, was shared by numerous corporations and individuals. This was true even in England: the governors of the shires were indeed agents of the king; but they were agents of the king precisely because they were the leaders of local society (cf. Braddick, 2001, pp. 15–16).

This is precisely where the documentation of the state can be misleading. Nowhere more so than in England, whose royal archives are unparalleled in their richness and continuity. We can thereby study "the English government at work" in remarkable detail and we cannot but be impressed by what we see. Impressed

maybe; but misled also. We see society as it engaged with the power of kingship; what we do not see is the alternative nodal points of power – ideological, economic, social, and military-political (to adapt Michael Mann's taxonomy of the sources of social power) – which both bring into focus, and demonstrate the limits of, the nature of royal power. Robin Frame's pioneering studies of late medieval Ireland are singularly revealing in this respect (Frame, 1982, 1998). The full panoply of English central and local governmental institutions was introduced into English-controlled Ireland and, in spite of destruction in the events of 1922, has left a most impressive detritus of record evidence. So much so that F. W. Maitland could refer to Ireland as "little England beyond the sea". So it might have seemed through the eyes of the government records. In truth reality was otherwise, in English Ireland as well as in Ireland generally. Power, if it was to be effective, had to come to terms with the modalities of local power, with aristocratic regional power-bases, with the compromises of frontier societies, with the inevitable processes of acculturation, and so forth. It has been part of Frame's achievement to reveal the multiplex nature of power in English Ireland and in the process to shatter the monolithic presentation of the "state" world-picture as promoted by the administrations in Dublin and Westminster. "Unmasking the state" may, arguably, have been easier to achieve in Ireland because the ethnic fissure was so profoundly built into the personality of the country; but, ethnicity apart, the temptation of being seduced by the documentation of the "state" is a generally applicable message. History, it has often been observed, is the handmaid of authority; it serves no authority better than that of the state.

Beneath and beyond this unease with the usage of the word "state" lies a further concern, which may be described as both metaphysical and historical. The concern was clearly articulated by Marc Bloch in a short review in *Annales* in 1934. "I have difficulty in persuading myself that it is really legitimate to describe a State without having first tried to analyse the society on which it rested" (Bloch, 1934, p. 307). He was thereby broaching an issue which has recurrently vexed historians. Where Bloch was tentative about his doubts, Otto Brunner led a frontal assault on what he called "disjunctive political history" and on the practice of projecting nineteenth-century ideas – on state and society, legitimacy, public and private power – into a world to which they were not applicable (Brunner, 1992, pp. xxiii, xx, 95–99). This, so he claimed, was to create social abstractions and to analyse the power of medieval polities in the terminology of the modern state. The strength of the political and constitutional traditions in England has not in general been sympathetic to these reservations. But the

tide of historiographical opinion is at least beginning to address the issue. Historians have begun to recognize – with Susan Reynolds taking a leading rôle in this re-orientation (Reynolds, 1984) – that the power of kings and lords was matched, or at least contained, by that of communities. Kings and lords had to operate with the grain of social and economic power; they did not have the will or the means to transform the social structure. It is not surprising that an early medieval historian should have concluded that ‘our modern categories of “state” and ‘society’ tend to collapse into each other” and that an early modern historian should concur, proclaiming that “society and the state are not separate; they interpenetrate with each other” (Innes, 2000, p. 12; Hindle, 2000, p. 19).

There is a retreat from “the state” in other directions also. Much has been made of Max Weber’s famous definition of the state, especially of its control or monopoly of the legitimate use of physical force or violence. We might first notice that in the original Weber prefaces his statement with the word “Today”; he is not claiming universal validity for his definition. It is also, frankly, a claim which begs many questions for the medieval period. Most historic states have not possessed a monopoly of organized military force and many have not claimed it (Mann, 1986–93, I, p. 11). As to legitimacy, it is self-arrogated and self-proclaimed; it is, in Philip Abrams’s phrase, “an ideological project”. It calls upon divine providence and the specious formulae of feudal dependence to further its claims. In a world where the church was, in Richard Southern’s phrase, “a compulsory society”, the church was surely the best claimant to legitimacy and coercive control. It will simply not do to dismiss the power of the Pope as depending on moral authority and influence. After all, the fear of the hereafter is potentially the most potent form of coercive control! It is a very modern and secular argument to ask how many battalions the Pope has!

Nor is the monolithic, institutional self-image of “the state” any longer convincing; rather is it part of the mythology which it has created for itself. This is what Talcott Parsons meant when he referred to the state as “a practice not an apparatus, processes not institutions”. It is a view which has been regularly echoed of late by sociologists, political scientists and historians. The state, comments Steven Hindle, is not a set of institutions, but a network of power relations which become institutionalized to a greater or lesser extent over time (Hindle, 2000, p. 19; cf. Braddick and Walter, 2000, p. 16). In such a context the concentration on the exclusive power of the state and its control of coercive processes is regularly in danger of underrating the plurality and overlapping context of sources of social power, of failing to recognize the inter-

stitial and non-institutionalized forms of power, of overlooking the informal power structures of earlier times. We unwittingly smuggle into our assumptions the distinctions of modern discourse of the state, especially the separation of private and public, thereby forgetting Otto Gierke's famous dictum that "in their concept of *dominium*, rulership and ownership were blent" (Gierke, 1900, p. 88).

What this amounts to claiming is that the categories, assumptions and discourse of the post-1800 state, notably the nation-state, are not fully commensurate with the realities of the medieval world. The "state" was not the fully differentiated organisation which we take for granted today. Power was not necessarily delegated from some putative centre, as contemporary legal formulations (especially by royalist lawyers) and the habits of modern constitutional historians often suggest. Power in most pre-industrial societies was extensive and essentially federal, not unitary, hierarchical and centralist (Mann, 1986–93, I, p. 10). Charisma was not exclusively a royal prerogative. It could equally be claimed by an aristocracy which, as in Germany, defended and explained its power by reference to divine grace (Reuter, 1993, p. 97). It is the uniqueness of the English experience, not its normality, which stands out in this, as in so many other, respects.

So we return to the original question: is the word 'state' so infected with the connotations of its modern associations that its usage distorts our very understanding of medieval society and its power relationships? Otto Gierke's response to that question was categorical: "In order to understand an age whose way of thinking is different from our own, we must operate only with the concepts of that age" (quoted in Brunner, 1992, p. xlix, n. 23). It is certainly true that the Latin word *status* does not have the connotations of the modern term before the fifteenth century, that its advance thereafter is rather hesitant, and that it is not until the eighteenth century that it becomes "the master noun" of political argument (Skinner, 1989 (1), at p. 123). The truth was that there was "no satisfactory conceptual structure in which states could be discussed" in medieval thinking, no sustained exercise in conceptualising about government (Dunbabin, 1988, at pp. 478–9). This is not simply the absence of a word, but the lack of the very concept which the word might designate. In short, the universe of understanding would need to change to adopt such a word. As Quentin Skinner has noted: "The surest sign that a group or society has entered into the self-conscious possession of a new concept is that a corresponding vocabulary will be developed, a vocabulary which can then be used to pick out and discuss the concepts with consistency" (Skinner, 1989(2), at p. 8).

If we were to follow this course of action, we would certainly need to be very circumspect in our usage of the word “state”. We surely need to analyse the contemporary language of political power and political action. After all, it is now much more fully recognized than it once was that language and concepts indicate one of the major constraints on conduct itself. That is of itself one very good reason for proceeding very cautiously indeed in our usage of the word “state”, *tout court* as it were. Yet Gierke’s purist position was ultimately untenable, as Otto Brunner himself recognized (Brunner, 1992, pp. 96–7). It is an example of the historian’s recurrent dilemma: how can he write about a past society using its language and concepts without becoming incomprehensible to his current audience; but equally how can he employ current concepts and vocabulary, with all their attendant encrustations of meaning and their part in present-day conceptual schemes, without distorting and skewing the past?

Is “Lordship” an Alternative?

There is, so it seems to me, ultimately no way in which this dilemma can be adequately resolved. It is part of the price we have to pay for wishing to study past societies in approachable, current terminology. But recognizing that there is indeed a problem might be the beginning of wisdom. Nor can we brush the problem under our conceptual mats by referring to “statelike”, “near”, or “proto-states”, “unstable mini-states”, etc. because all such qualifications assume some norm of a “state” against which they can be measured. The self-awareness that there is indeed an issue to be addressed might also make us aware of the conceptual booby-traps which the “state” sets for the unwary historian. It privileges one kind of authority – kingship or the state – at the expense of other sources of authority and power and thereby simplifies and distorts the past. It imposes images of hierarchy and delegated authority which are both much too clear-cut and construct the world on terms on which centralising power wished it to be understood. It often distorts and “tidies up” the past with its Whiggish, teleological concern with “state formation” as the master concept of historical narrative. As Timothy Reuter observes mordantly but accurately: “it is only because rulers . . . with hindsight seem to have been the drops around which the rain clouds of the modern states could form that they have been so readily invested with its qualities” (Reuter, 1993, p. 210).

Ideas such as ‘state-formation’ have their place; but too often they are allowed to dictate the terms of historical narrative, in particular by constraining and restricting our view of the complexity

of power structures and divorcing the “state” artificially from the society in which it is located. The danger of a reified and undifferentiated abstraction such as “the state” is that it blunts our chronological and contextual sensitivities, and for the historian these must be primary. It is not whether we apply the label “state” or not which is important, but an awareness that the relationship of a state to what we call “civil society” is an ever-changing one from period to period; it is part of what W. G. Runciman called the process of “social selection”, with all the notions of mutation implied in such a phrase (Runciman, 1993).

At the end of the day it is largely a matter of personal choice whether one chooses to deploy the word “state” in a medieval context. And the usage then may be restricted to time and place. Since it is, to some degree, a matter of choice, it may be appropriate to end this short paper on a personal note – or rather two personal notes. My original historical research was focussed on a large group of lordships which lay between the English kingdom on the one hand and native-ruled Wales on the other. They are known collectively as the March of Wales or as the Marcher lordships of Wales. They were seen from an early date as anomalous and cited as such by English lawyers. English royal writs were not served in these lordships; the king’s justices did not visit them nor did English law extend to them; and – with one exception – royal taxes were not collected from them. They are often termed “private lordships” or “immunities”; but both those phrases posit – and privilege – a unitary, centralized power. Neither phrase is really applicable; rather do such phrases demonstrate an anxiety to read, and re-write, the past from the perspective of the modern state.

Indeed by almost any criteria we care to adopt the Marcher lordships were virtual “states”. Their lords called themselves “lords royal”; they raised their own taxes and mustered their own armies; they exercised what they called “regal jurisdiction” and “with full liberty”; they referred to the inhabitants of their lordship as “their subjects”; they claimed and exercised the right to wage war, to issue letters of credence (letters of march, as they were called) and to arrange extradition treaties and associated matters with neighbouring lords. It is not surprising that a sixteenth-century commentator should characterize them as “the sovereign governors of their tenants and peoples” (Davies, 1978, esp. chap. 10). It would surely be casuistical to exclude them from being at the very least considered for membership – honorary membership, maybe – of the roster of medieval states as often nowadays defined by historians. Instead they have been cast into the oubliette as anomalous appendages of the English state or as seignorial units caught in a time-warp and awaiting absorption into the English/British state.

This brings me to my second personal note. Part of the problem with the promiscuous use of the word “state”, and the associations which have come to be encrusted around it, is that it imposes a particular interpretative scheme on the past. In particular it diverts attention from a much more central issue: that of the mode of the distribution of power and shifts within it across time. In short we need a tool of analysis which encompasses a unitary kingdom such as England or a polycentric realm such as the German *Reich*, the “city-states” of Italy and the Marcher lordships of Wales. The word that readily recommends itself and is contemporary in its usage is lordship, *dominium*, *seigneurie*, *Herrschaft*. If there is a ‘master noun’ in the medieval lexicon of power, it is surely this one.

It is a word which respects the continuum of power, rather than necessarily privileging one particular form of power, and seeing other manifestations of power as derogations from, or aspirations towards, this privileged power. It is a word which readily crossed the lips of medieval men and women, be it from the exalted levels of the lordship of God and the king through the whole gamut of relationships between “lord” and “man”. It resonated conceptually with the essentially familial and personal view of authority (including the authority of the lord abbot over his *familia*) and with the image of a kingdom as ultimately a household or an honour.

“Lordship” is not a term which has found much favour in England, not least perhaps because of the strong constitutional, administrative and regnal nature of its historiography. Not surprisingly “lordship” has figured much more prominently in German historiography. Lordship is indeed seen as the essence of kingship. As Walter Schlesinger put it: “The king could not exercise immediate lordship over the men and subjects of the nobility. . . . The king, therefore, did not rule the entire territory in the same way a the modern state governs within its boundaries” (Schlesinger, 1968, p. 90). French historians have, likewise, to a considerable degree turned their backs on the grand histories of French “state” institutions. Some of their most formative studies have been great regional monographs in which social power (*puissance sociale*) occupies centre-stage. So it was that when Robert Boutruche launched his great two-volumed study of medieval society he pregnantly entitled in *Seigneurie et Feodalité*. “Lordship”, he commented, “is the power to command, to compel and to exploit; it is also the right to exercise this power” (Boutruche, 1959–70, II, p. 80). It is a dictum that is analogous to Max Weber’s famous comment on the modern state. Nor would it have surprised contemporaries. When the peasants of medieval Roussillon commented that “a lord can and should *compel his subjects*” (my

italics), they were identifying the coercive power and the acknowledged legitimacy of that coercive power which modern political scientists assert is the essence of "the state" (Bloch, 1966, p. 79).

Lordship, it might be objected, is relative; so is kingliness, kingship and the state (hence the qualifying adjectives with which they are often encrusted). Royal lordship is one form of lordship and eventually in many western European countries *became* the dominant one, at an earlier or later date. It then constructed a theory that it was the only "public" lordship and that other lordships were somehow "private", and derivative of and dependent upon royal lordship/state power. Studying how, when, and to what extent this happened is certainly part of the historian's business; it is not necessarily helped by positing a state or the state as a universal datum. In a rather different context K. B. McFarlane commented acidly that English historians have been "King's Friends" (McFarlane, 1973, p. 2); by the same token I would be tempted to suggest that they have also been perhaps too uncritically friends of the state and of state-formation.

Part of the appeal of the concept of lordship, *dominium*, is its very elasticity. It does not necessarily privilege one expression or process of power as against all others. Since politics and governance were of necessity woven into the texture of local social relationship, it is crucial to locate power fully in its social and ideological context. Studies of the "state" often seem to give the "state", on the contrary, an autonomy and a directive role which abstract it from society; it becomes a free-floating superstructure of power.

This is not, at the end of the day, a plea to exorcise the word "state" from medieval history or to replace it by what many will see as the hopelessly flabby concept of lordship. There is at the end of the day no simple or unilateral solution, any more than the word "feudal" can be banished by an unlikely consensus among professional academic historians. But we do need to be alert to what social anthropologists call the 'prior category assumptions' which we smuggle into our thinking about the past. We should be alert to the possibility that these assumptions confine and even distort our understanding of past societies. Admirable as it is to counter the condescension of posterity towards the medieval world, it does no service to that world to forget that the past is indeed a foreign country and that its conceptual world is not necessarily commensurate with ours. That is, to coin a phrase, the state we are in.

Notes

* The title of this paper deliberately evokes the title of a paper long since familiar to medieval historians, E. A. R. Brown, "The Tyranny of a

Construct: Feudalism and Historians of Medieval Europe”, *American Historical Review* 79 (1974), 1063–88 and frequently republished. But there is a crucial difference: I am posing a question (hence the question mark) rather than making an assertion or seeking to demolish a current historiographical concept. The present paper is a much revised version of one originally prepared for the annual workshop on the English State held at St Peter’s College, Oxford in March 2001. A summary of the original paper was published in the *Journal of Historical Sociology* 15 (2002), pp. 71–74.

References

- Abrams, Philip (1988) “Notes on the Difficulty of Studying the State”, in *Journal of Historical Sociology* 1 (1988), 58–90.
- Anderson, Benedict (1983) *Imagined Communities. Reflections on the Origins and Spread of Nationalism*. Verso: London.
- Barthélemy, Dominique (1993) *La société dans le comté de Vendôme de l’an mil au XVI^e siècle*. Fayard: Paris.
- Bentley, Michael (1993) “The British State and its Historiography” in W. Blockmans and J. P. Genet (eds.) *Visions sur le développement des états européens. Théories et historiographies de l’état moderne*. Ecole française de Rome: Rome.
- Bisson, T. M. (1989) review of Judith A. Green, “The Government of England under Henry I”, *Speculum* 64 (1989), 436–38.
- Bisson, T. M. (1995), “Medieval Lordship”, *Speculum* 70 (1995), 743–59
- Bloch, Marc (1934) ‘La France au XIII^e siècle (review-note), *Annales d’histoire économique et sociale*, 6, 307.
- Bloch, Marc (1966), *French Rural History. An Essay on its basic characteristics* Routledge: London.
- Blockmans, Wim (1993) “Les origines des états modernes en Europe 13–18 siècles: état de la question et perspectives”, in W. Blockmans and J. P. Genet (eds.), *Visions sur le développement de l’état moderne* Ecole française de Rome: Rome.
- Boutruche, Robert (1959–70) *Seigneurie et féodalité*. 2 vols. Aubier: Paris
- Braddick, Michael (2000) *State Formation in Early Modern England c.1550–1700* Cambridge University Press: Cambridge.
- Braddick, M. J. and Walter J. (2001) (eds.) *Negotiating Power in Early Modern Society. Order, Hierarchy and Subordination in Britain and Ireland*. Cambridge University Press: Cambridge.
- Brunner, Otto (1943, 1992) *Land and Lordship: structures of government in medieval Austria*, trans. Howard Kaminsky and James Meltor. U. of Pennsylvania Press: Philadelphia.
- Campbell, James (2000) *The Anglo-Saxon State*. Hambledon Press: London.
- Charles-Edwards, Thomas (2000) *Early Christian Ireland*. Cambridge University Press: Cambridge.
- Cheyette, F. L. (1978) “The Invention of the State” in *Essays on Medieval Civilization. The Walter Prescott Webb Memorial Lectures*, ed. B. K. Lackner and K. R. Philip, pp. 143–78. University of Texas Press: Austin.
- Claessen, Henri and Skalnék, Peter, eds. (1978) *The Early State*. Mouton: The Hague.
- Davies, R. R. (1978) *Lordship and Society in the March of Wales 1282–1400*. Clarendon Press, Oxford.

- Davies, R. R. (1994) "The Peoples of Britain and Ireland 1100–1400. 1. Identities", *Transactions of the Royal Historical Society*, 6th series, vol. 4 (1994), 1–20.
- d'Entrevès, A. P. (1967) *The Notion of the State: an introduction to political theory*. Clarendon Press: Oxford.
- Dunbabin, Jean (1988) "Government (c.1150–1450)" in *Cambridge History of Medieval Political Thought*, ed. J. H. Burns, pp. 477–519. Cambridge UP: Cambridge.
- Diceto, Ralph of (1876) *Opera Historica* ed. W. Stubbs. 2 vols. Rolls Series: London.
- Ertman, Thomas (1997) *Birth of the Leviathan. Building States and Regimes in Medieval and Early Modern Europe*. Cambridge UP: Cambridge.
- Evans, P. B., Rusescheymer, D., and Skocpol, T. (eds.) (1985) *Bringing the State back in*. Cambridge UP: Cambridge.
- Evans, R. J. W. (1993) "Historians and the State in the Habsburg Lands", in Blockmans, Wim and Genet, Jean-Philippe (eds.), *Visions sur le développement des états européens*. Rome.
- Frame, Robin (1982) *English Lordship in Ireland 1318–61*. Oxford UP: Oxford.
- Frame, Robin (1998) *Ireland and Britain 1170–1450*. Hambledon: London
- Geary, Patrick (1986) "Vivre en conflit dans une France sans état, 1050–1200", *Annales ESC* 41, pp. 1107–33.
- Gellner, Ernest (1983) *Nations and Nationalism*. Basil Blackwell, Oxford
- Genet, Jean-Philippe (1990) "L'état moderne: un modèle opératoire", in J.-P. Genet (ed.), *L'état moderne. Genèse, bilans et perspectives*. CNRS: Paris.
- Genet, Jean-Philippe (1998) "Politics: theory and practice", in *New Cambridge Medieval History*, vol. 7 (1415–1500), ed. Christopher Allmand. Cambridge UP: Cambridge.
- Gierke, Otto (1900) *Political Theories of the Middle Ages*, trans. F. W. Maitland. Cambridge UP: Cambridge.
- Given, James (1990) *State and Society in Medieval Europe. Gwynedd and Languedoc under Outside Rule* (1990). Cornell University Press: Ithaca.
- Guenée, Bernard (1971, 1985), *L'Occident aux 14^e et 15^e siècles. Les états*, translated as *States and Rulers in Later Medieval Europe*. Blackwell: Oxford.
- Guery, A. (1997) "L'historien, la crise et l'Etat", *Annales. Histoire, Sciences Sociales* 52, pp. 233–57.
- Harding, Alan (2002), *Medieval Law and the foundations of the State*. Oxford UP: Oxford.
- Harriss, Gerald (1993) "Political Society and the Growth of Government in Late Medieval England", *Past and Present*, 138, pp. 143–78.
- Hastings, Adrian (1997) *The Construction of Nationhood. Ethnicity, Religion and Nationalism*. Cambridge UP: Cambridge.
- Hindle, Steve (2000) *The State and Social Change in Early Modern England 1550–1640*. Palgrave: Basingstoke.
- Hobsbawm, E. J. (1990) *Nations and Nationalism since 1780* (1990). Cambridge UP: Cambridge.
- Hyams, Paul (2001) "Feud and the State in Late Anglo-Saxon England", *Journal of British Studies* 40 (2001), 1–44.
- Innes, Matthew (2000) *State and Society in the early middle ages: the middle Rhine valley 400–1000*. Cambridge UP: Cambridge.
- Leyser, Karl (1994) *Communication and Power in Medieval Europe*. Hambledon: London.

- Lewis, P. S. (1996) "Reflections on the role of royal clientèles in the construction of the French monarchy (mid-14th–end 15th centuries)", in Neithard Bulst *et al.* (eds.), *L'état ou le roi. Les fondations de la modernité monarchique en France* Maison de sciences de l'homme: Paris.
- McFarlane, K. B. (1973) *The Nobility of Later Medieval England*. Clarendon Press: Oxford.
- Maddicott, J. R., and Palliser, D. (eds.) (2000) *The Medieval State. Essays presented to James Campbell*. Hambledon Press: London.
- Mann, Michael (1986–93) *The Sources of Social Power*. 2 vols. Cambridge UP: Cambridge.
- Nelson, Janet (1986) *Politics and Ritual in Early Medieval Europe*. Hambledon: London.
- Nelson, Janet (1988) "Kingship and Empire", in *Cambridge History of Medieval Political Thought*, ed. J. H. Burns, pp. 211–51. Cambridge: Cambridge University Press.
- Powicke, F. M. (1937) "Reflections on the Medieval State", in *Transactions of the Royal Historical Society*, 4th series, 19, pp. 1–18.
- Reynolds, Susan (1984) *Kingdoms and Communities in Western Europe 900–1300*. Clarendon Press: Oxford.
- Reynolds, Susan (1997) "The Historiography of the Medieval State", in M. Bentley (ed.), *A Companion to Historiography*. Routledge: London.
- Reuter, Timothy (1993) "The Medieval German *Sonderweg*? The Empire and its Rulers in the High Middle Ages", in *Kings and Kingship in Medieval Europe*, ed. Anne J. Duggan, pp. 179–211. King's College, London: London.
- Reuter, Timothy (1998) "The Making of England and Germany 850–1050: Points of Comparison and Difference", in *Medieval Europeans: Studies in ethnic identity and national perspectives in medieval Europe*, ed. Alfred Smyth, pp. 53–70. Macmillan: Basingstoke.
- Robbins, Keith (190) "National Identity and History: Past, Present and Future", *History* 75, pp. 369–87.
- Runciman, W. G. (1993) "Origins of the Modern State and the Theory of Social Selection", in Wim Blockmans and Jean-Philippe Genet (eds.), *Visions sur le développement des états européens*. Rome.
- Schlesinger, Walter (1968) "Lord and Follower in Germanic Institutional History", in *Lordship and Community in Medieval Europe. Selected Readings*, ed. F. L. Cheyette. Holt, Rinehart and Winston: New York.
- Skaln k, Peter (ed.) (1989) *Outwitting the State*. Transaction Publishers: New Brunswick.
- Skinner, Quentin (1989a) "Language and Political Change", in *Political Innovation and Conceptual Change*, ed. Terence Ball *et al.*, pp. 6–22. Cambridge University Press: Cambridge.
- Skinner, Quentin (1989b) "The State", in *ibid.*, pp. 90–131.
- Smith, J. Beverley (1996) "Gwlad ac Arglwydd", in *Beirdd a Thywysogion*, ed. Morfydd E. Owen and Brynley F. Roberts, pp. 237–58. University of Wales Press: Cardiff.
- Tilly, Charles (ed.) (1975) *The Formation of National States in Western Europe* Princeton UP: Princeton.
- van Caenegem, R. C. (1988) "Government, law and society (c.750–c.1150)", in *Cambridge History of Medieval Political Thought*, ed. J. H. Burns, pp. 174–210. Cambridge University Press: Cambridge.
- Weber, Max (1991) *From Max Weber. Essays in Sociology*, translated and edited by H. H. Gerth and C. Wright Mills. Routledge: London.

- Wormald, Patrick "Could there have been an early medieval 'State'?"
Unpublished Denis Bethell Memorial Lecture, Dublin.
- Wormald, Patrick (1999) *The Making of English Law: King Alfred to the Twelfth Century. Vol. I. Legislation and its limits*. Blackwell: Oxford.

According to this story, medieval merchants created, without the intervention of the state, a uniform and universal set of commercial customs to facilitate intercity trade. This law merchant tale has become the touchstone for advocates of private ordering, endlessly rehearsed in articles and books on everything from international commercial law, to aviation law, to cyberspace. It is time to end the tyranny of this construct. Just as with feudalism, the concept of the law merchant has a history of creation and reinvention. Just as with feudalism, it contains elements of truth in its building blocks, but the resulting abstraction is devoid of historical accuracy. Each state presumptively held the Sovereign power to block federal laws that infringed upon states' rights, autonomously. Calhoun's policies directly influenced Southern public policy regarding slavery, and undermined the Supremacy Clause power granted to the federal government. The subsequent creation of the Confederate States of America catalyzed the American Civil War. Rahim Baizidi uses the concept of "democratic suppression" to analyze the tyranny of the majority in economic classes. According to this, the majority of the upper and middle classes, together with a small portion of the lower class, form the majority coalition of conservative forces in the society.[14]. Political functions of demonstrative emotional behavior have been extensively studied by Western medievalists, but little, if at all, discussed by scholars of Rus. This article offers an analysis of representations of emotions in Russian political narratives; it is informed by the concept of Spielregeln (rules of play), developed by the German historian Gerd Althoff, and by application of anthropological theories to the medieval studies practiced by Anglophone scholars, such as Stephen White and Paul Hyams. These historians showed that societies lacking explicit normative documents regulated political and social interaction by means of implicit rules of play manifested in ritual behaviors. Public display of emotions was probably the most prominent among such behaviors.