

(cradle)

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THE CRADLE OF CAPITALISM: THE CASE OF ENGLAND

For Marx, Weber and many others it has been evident that capitalism is a peculiar social formation. Its birth place was in western Europe. Within this region, there was a particular area which was precocious in its development, where the new social formation emerged in its purest and earliest form. Marx noted that in the early dissolution of the preceding 'medieval' property system 'England (was) in this respect the model country for the other continental countries...'(1). It was, as Brenner puts it 'classically in England' that we have 'the rise of the three-tiered relation of landlord/capitalist tenant/free wage labour, around which Marx developed much of his theory of capitalist development in **Capital**'(2). For Max Weber also, England was 'the home of capitalism'(3). It was in England above all that the Puritan outlook 'stood at the cradle of the modern economic man'(4). Since England was the cradle and nursery of capitalism, it is not surprising that later writers have concentrated on that country. For instance, Polanyi takes England's history as the central example of the 'Great Transformation'(5). It is not unreasonable to suppose that if we could explain why capitalism emerged and developed in England, and specifically what differentiated it from other parts of Europe and allowed this growth, we would have moved some way towards understanding the 'European miracle'.

We may look at some of the more outstanding attempts to solve this problem. Marx's treatment of the causes for the emergence of capitalism is intriguing but ultimately unsatisfying. He skillfully shows how the transition may have occurred, and a few of the pre-conditions. But he totally avoids giving any solution to the questions of why then and why there. He analyses the central features of the supposed transition; the creation of a 'free' labour force through the destruction of a dependent peasantry is the central one. This was linked to the expansion of market forces, money, production for exchange rather than for immediate consumption. Thus growing trade and commerce is seen as one of the major propelling forces: 'the circulation of commodities is the starting-point of capital...The modern history of capital dates from the creation in the sixteenth century of a world-embracing commerce and a world-embracing market' (6). But long distance trade had been present for centuries and had centred on the Mediterranean. Why should trade suddenly have had this shattering effect, and why should its prime target be north-western Europe? Unsatisfied with the analyses in **Capital** with its mystic theories of internal contradictions which were bound to lead to inevitable dissolution of the previous social formation, we may look to his other writings.

In **Grundrisse** Marx outlines various combustible elements that would explode into capitalism. There is money and more specifically 'mercantile and usurious wealth'. But money, urban craft activity and towns had been present in many civilizations. Why, alone, in western Europe did they lead to the growth of capitalism? Marx does provide some further hints. One central foundation for capitalism was the pre-existence of a rural social structure which allowed the peasantry to be 'set free'. In other words there was something particularly fragile in the pre-existing relations of production. The substratum of feudalism, arising from its origins in the 'Germanic system' was particularly vulnerable to the new urban craft development and accumulation of wealth. The crucial feature of the Germanic system was its form of property. In the Ancient and Asiatic civilizations, there was no individual, private, property. But in Germanic society something new and odd emerged. In this period no land remained in the possession of the community or group. People had moved half-way, according to Marx, from communal property,

to half-individualized property based on the household. It would take another thousand years for the second half of the movement to be made. In other words, there is something within feudalism, some hidden spirit, which is special. This is implied in other remarks, for example that 'the economic structure of capitalist society has grown out of the economic structure of feudal society. The dissolution of the latter set free the elements of the former'(7). The metaphor of 'setting free' suggests that Marx believed that the spirit of capitalism was already present before the emergence of capitalism. Weber considered a number of possible explanations for the emergence of capitalism. He rejected the crudely technological and materialistic ones, colonial trade, population growth, the inflow of precious metals. He then isolated some of the necessary but not sufficient 'external conditions', the particular geography of Europe with its cheap transportation by water, the favourable military requirements of the small states, the large luxury demand from an unusually prosperous population. Ultimately, it was not these external factors, but something more mysterious that was important. It was the ethic, the justification of the pursuit of profit. He found the roots of this in a paradox. The new attitudes were waiting to escape. The paradox is summarized by Weber himself. 'The final result is the peculiar fact that the germs of modern capitalism must be sought in a region where officially a theory was dominant which was distinct from that of the east and of classical antiquity and in principle strongly hostile to capitalism'.(8) This region was medieval Christendom.

We may note the use of 'officially' here with its implication of the submerged, unofficial, practice. Judaism was an important background feature in giving to Christianity 'the character of a religion essentially free from magic...'(9) But was most important was the presence of Protestantism. Protestantism was not the cause of capitalism, but it gave older and deeper tendencies a necessary protection. It was the enabling force. This view of Protestantism as a kind of wind-break which allowed the young plant to grow is well shown in numerous places by Weber. For instance, when writing that the Puritan outlook 'stood at the cradle of the modern economic man...'(10), the image is not of a mother giving birth, but of a friend, perhaps a godparent, who gives support and blessing to the new infant. More specifically, Weber wrote that 'We have no intentions whatever of maintaining such a foolish and doctrinaire theses as that the spirit of capitalism...could only have arisen as the result of certain effects of the Reformation, or even that capitalism as an economic system is the creation of the Reformation.'(11) Many aspects of capitalism were much older. As Bendix summarizes Weber's position, 'this world historical transformation, then, was not the product of Puritanism; rather, Puritanism was a late development that reinforced tendencies that had distinguished European society for a long time past...'(12)

Weber provides some suggestive clues as to why England should be the cradle of capitalism. There was the peculiar position of the peasantry. In England the peasants were particularly weak and vulnerable because, being an island, they were not needed by the King and nobility as a necessary fighting force;' hence the policy of peasant protection was unknown in England and it became the classical land of peasant eviction.'(13) In England, he 'noted, no legal emancipation of the peasants ever took place. The medieval system is still formally in force, except that under Charles II serfdom was abolished...In England, the mere fact of the development of a market, as such and alone, destroyed the manorial system from within. In accordance with the principle fitting the situation, the peasants were expropriated in favour of the proprietors. The peasants became free but without land'. In France, however, 'the course of events is exactly the opposite...France, in contrast with England, became a land of small and medium sized farms.'(14) Not only was this a reflection of the different power of the peasants, the pressures of wealth in England were greater. Because of the rapid development of a particular means of production, the English woolen industry with its division of labour and commerce,

the large scale stock raising, Weber argued, made the tenant weak and redundant. The massive growth of the English cloth industry from the fourteenth century onwards meant that a new capitalist class emerged. This was combined with the growth of the 'bourgeoisie', the free dwellers in the peculiar towns and cities of northern Europe.

Having subtly interwoven some of the religious, economic and social factors, Weber does not omit the political and legal dimension. He argues that 'the State, in the sense of the rational state has existed only in the western world'(15). He contrasts this western State with the charismatic, patrimonial and other traditional systems of government in China, India and Islam. The State is essential to capitalism; 'very different is the rational state in which alone modern capitalism can flourish'. The basis of the rational state is rational law. Here Weber recognizes another paradox. The most 'rational', that is the most carefully worked out and logically coherent of legal systems was that of Roman Law. Yet, ironically, capitalism flourished most in the one area of Europe without Roman Law, namely England. Weber resolves the contradiction subtly. He distinguishes between the formal side, in modern terms 'procedural' or 'adjectival' law, and its content or 'substantive law'. Thus the 'rational law of the modern occidental state...arose on its formal side, though not as to its content, out of Roman law'. Yet, since 'England, the home of capitalism, never accepted the Roman law...'(16), it is clear that 'in fact all the characteristic institutions of modern capitalism have other origins than Roman law'. Weber gives a list of these devices.' The annuity bond...came from medieval law, in which Germanic legal ideas played their part. Similarly the stock certificate arose out of medieval and modern law...likewise the bill of exchange...the commercial company is also a medieval product, so also the mortgage, with the security of registration, and the deed of trust...'(17)

I have dwelt on Marx and Weber at some length because they anticipate almost all the theories that have come later. Though they failed to solve the problem, it is doubtful whether any subsequent writer has reached as close to a solution. A few recent attempts, concentrating specifically on the question of why the miracle occurred in north-western Europe can be considered. Braudel in his majestic surveys of capitalism and material life has in general accepted the inevitability of the transition, falling back on those material and technological factors which Weber dismissed.(18) The seeds were assumed to be present and we just watch them growing. The sense of marvel and uniqueness which Marx and Weber possessed has gone. A recent voluminous attempt to solve these problems by Anderson does not reach further than the great theorists. The treatment of the central case of England, for instance, is not satisfactory. Anderson admits that the 'feudal monarchy of England was generally far more powerful than that of France', and yet 'the strongest medieval monarchy in the West eventually produced the weakest and shortest Absolutism'.(19) That England should go through an 'Absolutist' phase, seems to be essential for Anderson; it is a precondition of capitalism. Yet he signally fails to show that such a phase occurs. As he admits, most of the more extreme measures of the Tudors were not put into practice and they lacked a standing army. Despite what he believes was an 'inherent tendency' of the Tudor monarchy towards 'absolutism' on the continental model, the Crown was surrounded by a peculiar landowning class which was 'unusually civilian in background, commercial in occupation and commoner in rank'. The result was that this was a State which 'had a small bureaucracy, a limited fiscality, and no permanent army'.(20) Yet a large bureaucracy, heavy taxation and a standing army are the three central criteria of absolutism as defined by Anderson. An England where 'the coercive and bureaucratic machinery of the monarchy remained very slim...',(21) hardly seems suited to the Absolutist mantle.(22)

The failure to show that England had either of the two essential prerequisites of the capitalist revolution according to his general model, namely Absolutism and Roman Law, forces Anderson to fall

back on a rehashed version of Marx's theory about the expropriation of the peasants, combined with a certain amount of 'natural tendency' thrown in. Trade and manufactures grew, the peasantry were socially differentiated and weak and were destroyed, both from without and within. We are no further forward.

One of the most interesting developments in the discussion has been in two articles by Brenner. In the first he showed the inadequacy of demographic explanations of the rise of capitalism, particularly in the work of Ladorie and Postan. By cross-comparative analysis Brenner showed that the same major demographic pressures led to entirely different results in western and eastern Europe. Nor can the explanation lie in trade and commercialization in themselves. The solution lies, as Marx thought, in the relations of production: 'it is the structure of class relations, of class power, which will determine the manner and degree to which particular demographic and commercial changes will affect long-run trends in the distribution of income and economic growth - and not **vice versa**'.(23) What, then, is his theory? It is that that the different trajectories of western and eastern Europe arose out of the fact that in Western Europe the peasantry were already strong and could not be re-feudalized, as they were in the East. But this general approach leads him into problems with the test case of England.

It has normally been held, as we saw with Weber, that it was the weakness of the English peasantry which led to its destruction. Brenner's thesis leads him into a contradiction. In England the peasantry were both weak and strong. Their strength led them to eliminate themselves. They vanished and conquered at the same time. 'In England, as throughout most of Western Europe, the peasantry was able by the mid-fifteenth century, through flight and resistance, to break definitively feudal controls over its mobility and to win full freedom.'(24) Yet, strangely, in England, they did not win economic security, as they were to do in France. They did not manage to attach themselves to the land and become a strong landholding peasantry: 'it was the emergence of the classical landlord-capitalist tenant- wage labour structure which made possible the transformation of agricultural production in England, and this, in turn, was the key to England's uniquely successful overall economic development.'(25) Brenner is here trying to get the best of both arguments. The peasants were strong and resisted the landlord and did not become serfs again, on the other hand they were weak and were eliminated. 'The contrasting failure in France of agrarian transformations seems to have followed directly from the continuing strength of peasant landholding into the early modern period while it was disintegrating in England.'(26) As well as the inconsistency of this explanation, it is unsatisfying because it does not begin to tackle the reasons for the peculiar nature of the English relations of production. How had this situation emerged and in what, precisely, did the peculiarities lie?

Reactions to this first stimulating essay have pointed out the weaknesses, but failed to go further. Thus a thoughtful response by Croot and Parker agree that Brenner has pinpointed the significant variable, the differences in social structure, but believe that 'the explanation offered for the emergence or non-emergence of such relations is unconvincing.' (27) Unfortunately, these authors, besides laying stress on one or two factors such as the importance of the small farmer (yeoman) in England, are unable to offer a better solution. Likewise Bois agrees that 'the decisive part in the transition from feudalism to capitalism is played out in the countryside',(28) but provides no more plausible explanation than Brenner. He points to the divergences between English and French 'feudalism', which differed from at least the thirteenth century according to Bois,(29) but this important insight is not followed up.

In a second important article Brenner then demolished another group of theorists, namely the 'Neo-Smithian Marxists', Frank, Sweezy and Wallerstein. He shows that the basic premise of all these accounts is the view that capitalism was already there before it emerged. The profit motive was already present. For instance, we are told that 'Sweezy's mistake was obviously to assume the operation of

norms of capitalist rationality, in a situation where capitalist social relations of production did not exist, simply because market exchange was widespread...' (30). Likewise 'the Smithian theory embedded in Sweezy's analysis...is made entirely explicitly, and carried to its logical conclusion' in Wallerstein's **Modern World System**.(31) Brenner has much innocent fun showing that these Marxists are at heart followers of Adam Smith. What he fails to point out is that they are also Marxists. As we saw earlier, Marx himself needed to believe that the capitalist profit motive existed, that the germ was present, before the existence of capitalism. Brenner has again cleared the decks, but provided no alternative. His later reply to his critics elaborates the earlier position but takes us no further towards a solution.(32)

Two further more recent theories are worth noting. The first is that the development of the west was made possible by the political fragmentation of Europe. Whereas the unified Empires of India and China crushed all economic progress, 'the constant expansion of the market...was the result of an absence of political order extending over the whole of western Europe.'(33) Thus Baechler's main conclusions are that the 'first condition for the maximization of economic efficiency is the liberation of civil society with respect to the State. This condition is fulfilled when a single cultural area is divided into several sovereign political units', as in Europe.(34) This thesis has been forcefully re-stated by Hall as the theme of his forthcoming book. He adds to it the important role played by Christianity which 'kept Europe together...the market was possible because people felt themselves part of a single community.'(35) Again these are necessary, if not sufficient, explanations.

We are thus in a position where we have a clearer idea of the problems. These are: why did capitalism emerge and triumph in a part of western Europe in the early modern period? Why this area, and particularly why in England? We also know what not to pursue: towns, population growth, overseas trade, colonialism, the growth of trade and the market, technology were necessary but not sufficient causes. We know that a particular strand of religion, an integrated and rational State and new kind of law, were all important. The common culture of Christianity holding together several small sovereign political units was also important. Above all, we know that it was not in a single one of these features, but in the way in which economy, politics, law and religion were linked together that the solutions are likely to lie. Furthermore we have hints that there were some crucial differences here within Europe, and especially as between England and other continental countries. We may now turn to a possible solution to some of these problems.

There is a very widely held belief that the emergence of capitalism was linked to a pre-existing social formation known as 'feudalism'. Two of the most influential proponents of this view were Maine and Marx. For Maine, feudal ties formed the basis for the most momentous of all changes, from relations based on status (kinship) to those based on contract. In feudalism, he wrote, 'the notion of common kinship has been entirely lost. The link between Lord and Vassal produced by Commendation is of quite a different kind from that produced by Consanguinity'.(36) He traced the origins of private property of a modern kind to the new feudal ties.(37) Feudalism was connected to what Maine considered to be the central feature of modern society, the idea of indivisible, inheritable, individual property symbolized and enshrined in primogeniture: '...in the ancient world, and in the societies which have not passed through the crucible of feudalism, the Primogeniture which seems to have prevailed never transformed itself into the Primogeniture of the later feudal Europe'.(38) Maitland picked up the implications of Maine's fundamental insight. 'The master who taught us that "the movement of the progressive societies has hitherto been a movement from Status to Contract" was quick to add that feudal society was governed by the law of contract. There is no paradox here'.(39)

Marx, we have seen, also saw that only out of a dissolved feudalism could capitalism emerge. In the

feudal system (as opposed to the Asiatic and primitive), the essential divorce which is a pre-condition of private property of the few had taken place. 'Feudal landed property is already essentially land which has been disposed of, alienated from men...'(40) While Maine and Marx stressed the changes in property concepts, Weber noted other ideological changes. No longer was the kinship sentiment dominant; loyalty to the family based on status was changed to a bond based, ultimately, on contract, the political decision to serve a lord. According to Bendix, Weber argued that 'in western Europe and Japan the specifically feudal combination of loyalty and status honour was made the basic outlook on life that affected all social relationships...'(41) It is on the basis of these views that most of the major theorists of the rise of capitalism, Anderson, Brenner, Barrington-Moore, see feudalism as a vital transitory stage. Yet if this is true, some puzzles remain. Two of these are particularly relevant to this essay. Firstly, why did feudalism have such different consequences in different parts of Europe, and particularly as between England and much of the continent? Secondly, how was it that feudalism dissolved?

In order to proceed further we need to set up an ideal typical model of what feudalism is, or was. For Maine, the central feature was the nature of proprietorship. Put very crudely, the economic and the political were not split apart, unlike capitalism which keeps them in separate spheres. Feudalism 'mixed up or confounded property and sovereignty', (42) for in a certain sense, every lord of a manor was a King as well as a landholder. Political power and economic power were both delegated down the same chain. A second feature, more narrowly economic and legal, was the ability to conceive of different layers of ownership or possession within feudal tenures: 'the leading characteristic of the feudal conception is its recognition of a double proprietorship, the superior ownership of the lord of the fief coexisting with the inferior property or estate of the tenant'. (43)

Marx's characterization of feudalism in his various writings is a fairly conventional and largely economic picture of an immobile, mainly self-subsistent, 'peasant' society, with a hierarchy of owners. There was little division of labour, production was mainly for use, and the serfs were chained to their lords. (44) Perhaps Weber's most important insight was his recognition that feudalism constituted a different political system. His views have been summarized by Gerth and Mills thus: 'feudalism is characterized by Weber in terms of private property of the means of military violence (self-equipped armies) and in the corporate appropriation of the means of administration. The "ruler" could not monopolize administration and warfare because he had to delegate the implements required for such a monopoly to the several privileged groupings. In time, these latter became "owners" in their own right'. (45) In other words, there is political and legal decentralization; the centre cannot hold and mere anarchy is loosed upon the world. There is again reference to the fusion of military, political, legal and economic power down a chain of delegation. A feudal society in this sense is a pre-State society; people are not citizens, but vassals of particular lords.

The most influential model of feudalism is that presented by Bloch. Again his stress is mainly on the military, political and legal features of feudalism, rather than on the economic and property aspects. He summarizes the central features of the model thus: a subject peasantry; widespread use of the service tenement (i.e. the fief) instead of a salary; the supremacy of a class of specialized warriors; ties of obedience and protection which bind man to man and, within the warrior class, assume the distinctive form called vassalage; fragmentation of authority, leading inevitably to disorder; and, in the midst of all this, the precarious survival of other forms of association, the family and State... (46) The fragmentation is well illustrated in his description of the judicial system in Europe in about 1000 A.D. 'First, we may note the tremendous fragmentation of judicial powers; next, their tangled interconnections; and lastly, their ineffectiveness'. (47). In some ways feudalism is best defined negatively. It was not based on

kinship; 'feudal ties proper were developed when those of kinship proved inadequate'.(48) Although modeled on family ties, this was a relation of contract, not status. Nor was feudalism a State system. 'Again, despite the persistence of the idea of a public authority superimposed on the multitude of petty powers, feudalism coincided with a profound weakening of the State, particularly in its protective capacity'(49). In Bloch's view this strange and unique system was a transition phase, the turbulence of the Germanic invasions led to a fusion of Roman and Germanic that broke the old mould. Ganshof, likewise, stressed political fragmentation. One of his four defining features of feudalism was 'a dispersal of political authority amongst a hierarchy of persons who exercise in their own interest powers normally attributed to the State and which are often, in fact, derived from its break-up'.(50)

We may provide one final description of feudalism. Maitland lamented the difficulty of defining feudalism: 'the impossible task that has been set before the word **feudalism** is that of making a single idea represent a very large piece of the world's history, represent the France, Italy, Germany, England, of every century from the eighth or ninth to the fourteenth or fifteenth'.(51) The result is confusion. Maitland attempted to clarify the situation. The central feature of feudalism, as Maine had stressed, was the strange mixture of ownership, the blending of economic and political. The feud, fief or fee was 'a gift of land made by the king out of his own estate, the grantee coming under a special obligation to be faithful...' (52) 'To express the rights thus created, a set of technical terms was developed: the beneficiary or feudatory holds the land of his lord, the grantor - **A tenet terram de B**. The full ownership (**dominium**) of the land is as it were broken up between A and B; or again, for the feudatory may grant out part of the land to be held of him, it may be broken up between A,B, and C, C holding of B and B of A, and so on, **ad infinitum**'.(53) Maitland believed that 'the most remarkable characteristic of feudalism' was the fact that 'several persons in somewhat different senses, may be said to have and to hold the same piece of land'.(54) But there are equally characteristic and essential features. In some mysterious way power and property have been merged. Feudalism is not just a landholding system, but also a system of government. While many have seen 'the introduction of military tenures' as the 'establishment of the feudal system', in fact, when 'compared with seignorial justice, military tenure is a superficial matter, one out of many effects rather than a deep seated cause'.(55) He describes as 'that most essential feature of feudalism, jurisdiction in private hands, the lord's court'.(56) The merging of power and property, of public and private, is well shown elsewhere in Maitland's work. The English lawyer Bracton knew of the distinction of 'private' and 'public', yet 'he makes little use of it'. This was because 'feudalism...is a denial of this distinction. Just in so far as the ideal of feudalism is perfectly realized, all that we call public law is merged in private law: jurisdiction is property, office is property, the kingship itself is property; the same word **dominium** has to stand now for **ownership** and now for **lordship**'.(57)

Although we have already quoted extensively from Maitland, it is helpful to summarize his views of the ideal typical model of feudalism in one further description. This is an elegant synthesis of the essence of feudalism against which particular systems can be measured. It shows the two strands of the economic and political held together. Feudalism is 'a state of society in which the main bond is the relation between lord and man, a relation implying on the lord's part protection and defence; on the man's part protection, service and reverence, the service including service in arms. This personal relation is inseparably involved in a proprietary relation, the tenure of land - the man holds lands of the lord, the man's service is a burden on the land, the lord has important rights in the land, and (we may say) the full ownership of the land is split up between man and lord. The lord has jurisdiction over his men, holds courts for them, to which they owe suit. Jurisdiction is regarded as property, as a private right which the lord has over his land. The national organization is a system of these relationships: at the head there

stands the king as lord of all, below him are his immediate vassals, or tenants in chief, who again are lords of tenants, who again may be lords of tenants, and so on, down to the lowest possessor of land. Lastly, as every other court consists of the lord's tenants, so the king's court consists of his tenants in chief, and so far as there is any constitutional control over the king it is exercised by the body of these tenants'.(58) This completes our attempt to sort out in ideal typical terms the social formation out of which capitalism was born.

Various things are now clear. The emergence of capitalism required not only a particular geographical, religious and technological complex, but, above all, a particular politico-economic system. This was provided by feudalism. Yet there remain many puzzles. One lies in a general paradox. In many ways feudalism as described in the Bloch/Maitland model seems a very unpropitious ground for capitalism. Firstly, it rests on that very fusion of economic and political which has to be broken if capitalism is to triumph. Of course, the modern market has to rest on a particular political framework; but for capitalism to flourish the economy must be granted a great deal of autonomy. It must be set free. If economic relations are merely a sub-aspect of devolved power, capitalism cannot emerge. Secondly, the political system must be integrated and centralized. The modern 'State' is a necessary concomitant to capitalism; to this extent Anderson's stress on the necessity of absolutism is correct. Yet the overriding and defining feature of feudalism is the dissolution of the State, the loss of power at the centre. These puzzles are linked to a more specific one. Feudalism is widely held to be a phenomenon which covered most of western Europe. Why was it then that in England it first dissolved into capitalism? Fortunately, the answers to all these puzzles seem to lie in the same direction.

Many observers past and present have assumed that all of Europe, and particularly most of north-western Europe, went through a similar 'feudal' phase. David Hume, after giving a sketch of feudal anarchy consistent with the 'dissolved state' description, pointed to 'the great similarity among the feudal governments of Europe'.(59) De Tocqueville described how 'I have had occasion to study the political institutions of the Middle Ages in France, in England, and in Germany, and the greater progress I made in this work, the more was I filled with astonishment at the prodigious similarity that I found between all these systems of law...' Having elaborated the similarities he concluded that 'I think it may be maintained that in the fourteenth century the social, political, administrative, judicial, economic, and literary institutions of Europe had more resemblance to each other than they have perhaps even in our own days...'(60) Marx broadly accepted this view, arguing that England was a truly feudal society, indeed it was the most feudal: 'the feudalism introduced into England was formally more complete than the feudalism which had naturally grown up in France'.(61) If this view is correct, then the puzzles remain. But there are reasons for doubting it.

Weber seems to have realized that the English feudal system was in some way different. Having distinguished between two major forms of government in traditional societies, patrimonialism and feudalism, Weber recognized that England did not fall exactly into either. We are told that 'he took England as a borderline case in which patrimonial and feudal elements were inextricably mixed'.(62) England had a powerful, decentralizing force in the old baronial families, through whom the Crown governed, but the Normans had also imposed a powerful central force and the king's ministers and judges were also powerful.

The suspicion that England had a peculiar form of feudalism is made stronger by Bloch's work. Read superficially, Bloch could be taken to argue that England was an ordinary 'feudal' state in the early middle ages. Writing of vassalage, Bloch noted that England was 'already feudalized on the continental model'.(63) He states that it was one of the countries with 'an exceptionally close feudal structure...',(64) 'in certain respects...no state was more completely feudal'.(65) Yet if we look more

closely at the context of these remarks, we can see that Bloch was aware of the peculiar nature of English feudalism.

Bloch noticed the centralization and uniformity of the English political and social system. This was totally opposed to his major feature of feudalism, devolution, disintegration and the dissolution of the state. The contrasts come out when he compared England and France. 'In England there was the Great Charter; in France, in 1314-15, the Charters granted to the Normans, to the people of Languedoc, to the Bretons, to the Burgundians, to the Picards, to the people of Champagne, to Auvergne, of the **Basses Marches** of the West, of Berry, and of Nevers. In England there was Parliament; in France, the provincial Estates, always much more frequently convoked and on the whole more active than the States-General. In England there was the common law, almost untouched by regional exceptions; in France the vast medley of regional "customs"'.(66) Thus England was uniform and centralized, France varied and regionalized. Because 'the public office was not completely identified with the fief', Bloch argued, 'England was a truly unified state much earlier than any continental kingdom'.(67) Furthermore, the English parliamentary system had a 'peculiar quality which distinguished it so sharply from the continental system of 'Estates'. This was linked to that 'collaboration of the well-to-do classes in power, so characteristic of the English political structure...'(68)

Bloch noted central differences. The 'distinction between high and low justice always remained foreign to the English system'.(69) The allodial estates common on the continent which prevented the final penetration of feudal tenures to the bottom of society were totally extinguished in England where all land was ultimately held of the King and not held in full ownership by any subject. England was exceptional in not having private feuding sanctioned after the Conquest; it therefore avoided that disintegrated anarchy which was characteristic of France.(70) Indeed, English feudalism, we are told 'has something of the value of an object-lesson in social organization', not because it was typical of feudal society but because it shows 'how in the midst of what was in many respects a homogeneous civilization certain creative ideas, taking shape under the influence of a given environment, could result in the creation of a completely original legal system...'(71) It is this 'completely original legal system' which provides the key to the emergence of capitalism. But what is the secret of this system? For the solution to this puzzle, it is necessary both to understand perfectly the nature of feudalism and to have a deep knowledge of how the English system worked. It needed Maitland to state the essential paradox of English feudalism and to resolve it.

Maitland commented that 'we have learnt to see vast differences as well as striking resemblances, to distinguish countries and to distinguish times' when we discuss feudalism. Thus 'if we now speak of the feudal system, it should be with a full understanding that the feudalism of France differs radically from the feudalism of England, that the feudalism of the thirteenth is very different from that of the eleventh century'.(72) For England 'it is quite possible to maintain that of all countries England was the most, or for the matter of that the least, feudalized'.(73) The paradox is resolved when we remember that there are two central criteria whereby we measure feudalism. In terms of land law, England was the most perfectly feudalized of societies, as Bloch also noted. All tenures were feudal. Maitland wrote, 'in so far as feudalism is mere property law, England is of all countries the most perfectly feudalized...'(74) Thus 'owing to the Norman Conquest one part of the theory was carried out in this country with consistent and unexampled rigour; every square inch of land was brought within the theory of tenure: English real property law becomes a law of feudal tenures. In France, in Germany, allodial owners might be found: not one in England'.(75) For instance the 'absolute and uncompromising form of primogeniture which prevails in England belongs not to feudalism in general, but to a highly centralized feudalism in which the King has not much to fear from the power of his mightiest vassals...'(76) Thus, in terms of tenure,

England was the most feudal of societies and Marx was right.

On the other hand, in the even more important sphere of public and private law and political power, that is in terms of government, England went in a peculiar direction, towards centralization of power, rather than the dissolution of the State. Maitland points out that 'our public law does not become feudal; in every direction the force of feudalism is limited and checked by other ideas; the public rights, the public duties of the Englishman are not conceived and cannot be conceived as the mere outcome of feudal compacts between man and lord'.(77) Maitland outlines the major features of this limitation of public feudalism. 'First and foremost, it never becomes law that there is no political bond between men save the bond of tenure...whenever homage or fealty was done to any mesne lord, the tenant expressly saved the faith that he owed to his lord the king'.(78) Thus a man who fights for his lord against the King is not doing his feudal duty; he is committing treason. Over-mighty subjects could not draw on justification from this system. This point is so important that Maitland elaborates it in various ways.

'English law never recognizes that any man is bound to fight **for** his lord...Private war never becomes legal - it is a crime and a breach of the peace'.(79) A man can hardly 'go against' anyone at his lord's command without being guilty of 'felony'. As Maitland wrote, 'Common law, royal and national law, has, as it were occupied the very citadel of feudalism'.(80) To bring out the full peculiarity of this, Maitland tells us, 'you should look at the history of France; there it was definitely regarded as law that in a just quarrel the vassal must follow his immediate lord, even against the king'.(81) In England, 'military service is due to none but the king; this it is which makes English feudalism a very different thing from French feudalism'.(82)

There are a number of other differences which make this central feature possible and flow from it. There is an alternative army for the king, which helps to protect him against an over-dependence on his feudal tenants. 'Though the military tenures supply the king with an army, it never becomes law that those who are not bound by tenure need not fight. The old national force, officered by the sheriffs, does not cease to exist...In this organization of the common folk under royal officers, there is all along a counterpoise to the military system of feudalism, and it serves the king well'.(83) Another source of strength for the centre is the fact that 'taxation is not feudalized'. Maitland tells us that 'the king for a while is strong enough to tax the nation, to tax the sub-tenants, to get straight at the mass of the people their lands and their goods, without the intervention of their lords'.(84) Thus he is not entirely dependent on powerful lords for soldiers or money.

Nor is he entirely dependent on them for advice. We are told that 'the **Curia Regis**, which is to become the **commune concilium regni**, never takes very definitely a feudal shape...It is much in the king's power to summon whom he will. The tradition of a council of witan is not lost'.(85) Finally, the King is not forced to delegate judicial power to the barons. 'The administration of justice is never completely feudalized. The old local courts are kept alive, and are not feudal assemblies.' As a result of this 'the jurisdiction of the feudal courts is strictly limited; criminal jurisdiction they have none save by express royal grant, and the kings are on the whole chary of making such grants. Seldom, indeed, can any lord exercise more than what on the continent would have been considered justice of a very low degree.' Starting with considerable power, the king 'rapidly extends the sphere of his own justice: before the middle of the thirteenth century his courts have practically become courts of first instance for the whole realm...'(86)

The contradiction is thus resolved. By taking one aspect of the feudal tie, the idea that each person is linked to the person above him both in terms of tenure and power, to its logical limits, the English system developed into something peculiar. By the standards of Bloch's French model of feudalism, England was both the most and the least feudal of countries. Looked at another way, England was the ideal typical

feudal society, with an apex of both landholding and justice and power in the chief lord, and it was other feudal systems which, through the devolution of too much power, were defective. Both are tenable views. Despite some minor modifications, Maitland's vision is still acceptable, certainly there 'can be no doubt that by the end of the period covered by his book', in other words the end of the thirteenth century, 'the world was as Maitland saw it.'(87)

The argument very briefly stated and summarized is as follows. No single factor explains why capitalism emerged. We do know some of the necessary causes, as outlined by Maine, Marx and Weber. All of them are important. But to proceed further we need to concentrate on hints from all these writers, as well as Brenner and others, that as well as geography, technology and Christianity, there was needed a particular form of political and economic system. This was broadly provided by 'feudalism'. But the variant of feudalism which finally allowed the 'miracle' to occur was a rather unusual one. It already contained an implicit separation between economic and political power, between the market and government. While it was not absolutism in Anderson's sense, it was a firm and central-focused system which provided the security and uniformity upon which trade and industry could be based. If we accept the view attributed to Adam Smith by Dugald Stewart that 'Little else is required to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice; all the rest being brought about by the natural order of things',(88) then the English political system provided such a basis. It guaranteed peace through the control of feuding, taxes were light and justice was uniform and firmly administered from the thirteenth to eighteenth centuries. This offered the framework within which there developed that competitive individualism whose later history I have tried to analyse elsewhere(89).

Yet it would clearly be foolish to overstress any evolutionary necessity in this process. It could at any time have been reversed; the victory of the Spanish Armada, for instance, might well have changed the direction. Nor is it sensible to over-stress the uniqueness of England. There was clearly much that overlapped with northern France, the Netherlands and Scandinavia. Yet Marx, Weber and others were not wrong to see England as the cradle of capitalism. If protestantism was one of those who stood at the cradle, an unusual politico-economic system which Bloch and Maitland have so clearly described for us, is another guest at the baptism. Indeed it may even be that it was this guest who lay in the cradle. Who brought it there and when is, of course, another story.

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