

CHAPTER XV.

Feudalism.

We have, indeed, passed from an age of feudalism to an age of capitalism—from an age in which the landlord was dominant, to one in which the capitalist is dominant. But our socialistic friend loses his balance, I think, over the essentials of this transition. What if the capitalist has displaced the landlord? Does it follow that the powers which may be incidental to capitalism have superseded the powers that are incidental to landlordism? I think not. To accept such reasoning is to put form above substance. It is to regard the ephemeral name or mask of landlordism as more vital than its essential power.

In the feudal period, which was quite distinctly an age of landlordism, there were no capitalists in the modern sense. To be sure, it is true that in the free commercial cities there was commercial capital even in feudal times, and a degree of capitalization of land such as distinguishes present day capitalism. But those cities were only capitalistic pioneers, mere intruders here and there into the vast social territory over which landlordism held undisputed sway. As a rule, the landlord class was the ruling class; the working class was the dependent class; and the capitalist class, to the extent that there was one, was a toady class. You know the "push" that society's uppertendom of today contemptuously calls "climbers." Well, the capitalist class under feudalism was a good deal of the same breed—obsequious to their "betters," the landlord class, and

insolent to their "inferiors," the working class. Yet they were the germ of a new kind of aristocracy which is only now coming into flower.

Strictly speaking, there were only two social classes in feudal times, the landlord class and the working class; for the capitalists were workers as well as "climbers,"—workers in their manufacturing and commercial pursuits, and "climbers" in their ambitions for power. Landlord and worker, social monarch and social servitor—these alone can be distinctly classified in the feudal regime, both as to their economic interests and as to their personality. But with extensions of personal liberty, the working class evolved capitalistic interests which encroached more and more upon feudalism. Those encroachments are traceable, however, to no such economic power of capital monopoly over land monopoly, of monopoly of the artificial instruments of production over monopoly of natural instruments of production, as our socialistic friend infers. There was no substitution for land monopoly of capital monopoly. There was simply a commercial absorption of landlord interests by capitalist interests. As the landlord class under feudalism had held dominion over the labor class, including what there then was of a capitalist class, so the capitalist class has come under capitalism to hold dominion over the labor class and what there is left of the landlord class. But this has involved no shifting of economic power from the natural to the artificial instruments of production. It is nothing more than a shifting of the ownership of the natural instruments of production from a landlord class to a capitalist class. The relative power of land monopoly and capital monopoly remains unaltered. What difference can it make to the rest of us, Doctor, whether landlordism absorbs ownership of capital, or capitalism absorbs ownership

of land? The thing that really concerns us is the question of how we shall most easily and most effectively dry up the source of the evil power of either.

Our friend refers to capitalism, you recall, as a stage in the progress of society from protoplasm to perfection—or, as old Judge Stinson used to say sometimes when he struck a snag in a farm survey, “from approximately thence, to there or thereabouts.” He looks back to feudalism, you remember also, as an old landmark along the same social highway; and he accounts for it as an evolution from what I shall have to call the personal slavery period, for I forget the name he uses. His history of this great human pilgrimage is all right in the main, I suppose; but I have my doubts about some of his interpretations, haven't you? In resolving our doubts, we can't go back to protoplasm quite as confidently as our friend does, in the simplicity of his materialistic faith; for even you, my dear Doctor, with all your tendency to agree with his philosophy of the origin of things, are inclined to balk at some of his inferences. But we may in our minds run rapidly along the path of this pilgrimage from the point at which it debouches from the wilderness of scientific conjecture into the foggy lowlands of history.

No, indeed, I guess we won't try to settle any of the disputes of the historically learned. We won't try to settle anything. We won't even try to be profound. We will merely try to brush up on such general learning as can be obtained from any good school history. The trouble with people these days is not that they don't know enough to consider their social problems, but that they don't think enough about what they know. What do we find, then, as we glance down the pathway of economic history?

Well, leaving out the protoplasmic secrets and the mystical Edenic era, the era of the innocence of ignorance, we confront the history of human progress at a point where human selfishness had in one way and another acquired the power of getting service without giving service. This was apparently done at first by subjugation of the person direct; for slavery is one of the earliest phenomena of which we have historical demonstration. But subjugation of the person indirectly by means of land monopoly is also one of the earliest devices for getting without giving. These are the only ways of making slavery, when you get down to the last analysis. As an historical speculation it would seem that land monopoly must have been secondary in point of time; for you can't enslave men by monopolizing land, unless you monopolize all that they can readily gain access to. And we find this speculation borne out by the historical fact that indirect enslavement by means of land monopoly has existed only where land was scarce relatively to its desirability for use. Where land was plentiful relatively to its uses, as in the old pastoral regions, enslavement by direct subjugation of the person was the only kind of servitude. But where land was relatively scarce, we find a condition of landlessness generating conditions of slavery.

Only the other day I was reading some of Herbert Spencer's speculations on this very point. He seems to think that in the human make up there is a natural sense of private property which relates to moveables and to habitations, and that these species of property were habitually recognized in primitive society. It is to this sense that he attributes social development. From a primitive individual's assertion of property in his moveables and structures, comes a consciousness of right to the use of the parts of the earth to

which moveables and structures adhere. Then comes a family claim to localities, which develops into a patriarchal claim and thence into communal claims. By communal claims, you are to understand those under which the land is held as common property by all its occupants except personal slaves. It may be occupied and worked individually—that is, private possession of particular sites may be recognized,—but the common ownership, if I understand Spencer's point, is never lost sight of. If the occupant departs, he has no land to sell. If the population increases, new apportionments are made.

The change from this condition, as I apprehend Spencer, is accounted for by force. This seems to be the only adequate cause—internal or external force. The change, that is, from common ownership to individual ownership of places on the planet, is to be accounted for as slavery is accounted for. Only force accounts for the ownership of men; only force can account for the ownership of the land on which men must live if they live at all. After the initial force of conquest, according to the Spencerian explanation, a period of contract sets in with reference to land, precisely as it does with reference to slavery. Land is held under contract of trust, as in some species or variations of feudalism; or under contract of ownership, as in some species or variations of capitalism. The force in which slavery and land ownership originated is thus perpetuated by internal regulations of public policy—by what our communist-anarchist friend over the way denounces as “government.” And of course selfishness—personal selfishness, and class selfishness if you please,—perverts the contract. If it is a trust contract under feudalism, it grows into absolutism and comes to wear a halo of divine right; if it is an ownership contract under capi-

talism, it also grows into absolutism but carries the baton of business might.

Now, Doctor, we may see all this working out, I think, if we recall our studies, such as they were, of European history. The Roman dominions were conquests. Part of the lands the Romans conquered were left to the original inhabitants; the rest were taken as public lands, some of which were cut up into Roman homesteads and sold or rented, the rest being held as a public domain very much as we hold the great undeveloped West—I mean, as we used to. But by internal aggressions the common lands of Rome came to be largely the property of the patricians. This made the land question “the eternal question at Rome.” Contractual land ownership led to land monopoly in Rome as it doubtless had done in the other countries of antiquity, and as it always will do anywhere unless the principle of common right is somehow secured.

Don't the land laws of Moses suggest a lesson he had probably learned at the Egyptian court? Isn't it probable that patrician ownership of land had developed in Egypt as it afterwards did in Rome, and that Moses saw its power? It is difficult in any other way to explain the Jewish year of jubilee with reference to land—the fiftieth year of ownership, when all lands were to revert to their original possessors. All contractual ownerships of land rested upon that condition of reversion. Thus the principle of common ownership was recognized, and perpetual monopoly made practically impossible. You don't see how? Well, Milman, the historian, saw how. In his history of the Jews, Milman describes that jubilee-year regulation as “a singular agrarian law, which maintained the general equality, and effectually prevented the accumulation of large masses of property in one family, to the danger of the

national independence and the establishment of a great oligarchy." These Mosaic contracts of land tenure were like ground leases, with a term of fifty years; they were not like deeds of ownership to endure "while grass grows and water runs."

But it was the Roman, not the Jewish system, that prevailed. For while it was a maxim of the Roman law, as it is of our law in most jurisdictions, that all land was held of the sovereign, yet absolute private ownership was in fact the rule with the old Romans as it is with us. And I wish, Doctor, that you would put a pin in right there, against the time when our socialistic friend lectures us again upon the present capitalistic system as something new. The capitalistic system is simply the contract system. So was the Roman. Rome had personal slavery, it is true; but so have we had personal slavery. Rome had landlordism also; but it was landlordism as we have it—the ownership of land as a commodity. The ownership of land in Rome was in practice allodial, as it is with us. If there is any difference it is of form and not of substance. In our time capitalists monopolize capital through monopoly of land, thereby enslaving workingmen; whereas in Rome it was landlords that monopolized capital. In addition the Romans owned workingmen as commodities precisely as we have done down into your day and mine.

But I have no special desire to press my point that the social pathway runs along a period of ownership contracts into the feudal period of trust contracts, and thence to another period of ownership contracts differing from the Roman only in form and not in substance. Although I believe this to be true, I am nevertheless quite willing to disregard it and accept for our purposes our socialistic friend's idea of a personal

enslavement period (represented by Greece and Rome), giving way to a landlord period (represented by the feudalism of the Middle Ages), which has during the past five centuries or so been giving way to a period of capitalism. So let us jog along our pathway of social progress again.

At the period of the decline of Rome the system of allodial or contractual ownership of land was almost universal, although the term "allodial" did not come into vogue until needed as an antonym to "feudal." Said to be a term of the Middle Ages, suggested by the tribal customs of northern Europe, "allodial" denominates the tenure of absolute property in land as distinguished from that of conditional property in land.

In their origin, allodial tenures were perpetual, transferable and inheritable, and were subject to no conditions whatever but the bare necessities of public defense. But in time there came to be a species of allodial tenures known as "fiscal lands," which were reserved to the king, who made gifts from them to court favorites. These gifts—"benefices" they were called—were utilized by the beneficiaries to draw power unto themselves. They carved out sub-gifts for their own favorites—sub-tenancies, as we should call them; sub-infeudations as they were called in those days. By sub-infeudation the under tenants declared allegiance to the beneficiaries, who had declared theirs to the king; and in this manner feudalism as a system is believed to have originated. The king was overlord, but the beneficiaries were lords—barons with subjects of their own, whose allegiance was not to the king but to them. This had the effect of prostrating the authority of the king. For the beneficiaries, supported by their tenantry, were able to command an overwhelming military force, either to support or to defy him. And they added to their power by forcing all

allodial proprietors into their service. Through their rapacity they had created a reign of terror among allodial proprietors—something like that which prevails among independent business men today who find themselves threatened by great trusts and who join the trust rather than be crushed by it. So the terrorized allodialists gladly surrendered their allodial holdings on condition of getting them back as feudal tenures. As the military compact of feudalism between landlord and tenant, or lord and vassal, was their only hope of protection, they delivered over their lands as gracefully as Slim Jim Pulsifer gave over his pocket book to the "hold-up" man—delivered them to the powerful lords, and received them back again charged with the feudal contract. This obligated the tenant to support the lord, and the lord to protect the tenant. It was a contract of trust—don't you see?—in contradistinction to contracts of ownership.

The historical circumstances were such, however, that those feudal obligations developed a paternal relationship which had its attractive as well as its repulsive aspects as compared with the contractual tie—whether of trust or of absolute ownership—which had preceded feudalism and has come again. Custom, personal attachment, gratitude, honor, dread of penalization and infamy, cemented by the sanctions of religion, all contributed to that homogeneity which raised feudalism to the level of a social system.

As a political institution, Mr. Bryce defines feudalism—let me get his "Holy Roman Empire," and quote. Ah, here it is at page 113. He defines feudalism politically as—

the system which made the owner of a piece of land, whether large or small, the sovereign of those who dwelt thereon; an annexation of personal to territorial authority more familiar to Eastern despotism than to the free races of primitive Europe. On this prin-

ciple were founded, and by it are explained, feudal law and justice, feudal finance, feudal legislation, each tenant holding toward his lord the position which his own tenants held toward himself. And it is just because the relation was so uniform, the principle so comprehensive, the ruling class so firmly bound to its support, that feudalism has been able to lay upon society that grasp which the struggles of more than twenty generations have scarcely shaken off.

But all powerful, Doctor, as was that grasp in the Eleventh century, and slowly as society has been able to shake it off, the evidences of its decline soon after the Eleventh century are quite obvious. By the Fifteenth century new social forces had greatly reduced its power; and in our day there are few feudal remnants except in our law of land tenures, and not so very many there. Feudalism has been almost completely superseded by capitalism.