

N.B. This is a provisional, unpublished piece written in the 1970's. The arguments and notes have not been checked. Please treat accordingly.

Edward Freeman

A contemporary of Stubbs was Edward Freeman (1823-1892). His work is particularly interesting since it is perhaps the most extreme form of the 'continuity' thesis. For this (see P. Anderson), for his supposed 'Aryan and Teutonic racialism', and for some technical mistakes in his account of the Norman invasion which were attacked by J.H. Round in a onslaught which 'was one of the most vicious in the history of scholarship'¹ and other reasons, he is extremely unfashionable. Yet in his time he was not without distinction and there can be little doubt as to his width and depth of knowledge. He succeeded Stubbs as Regius Professor of History at Oxford in 1884, having already completed his massive **History of Norman Conquest of England** in five volumes and an index. He was a friend and colleague of other distinguished historians of the period, Thorold Rogers, J.R. Green, William Stubbs, and devoted his whole life, working mainly as a private individual, to historical research and travel. Spending many of his later holidays in northern France, and writing histories of Greece and Sicily and a Historical geography of Europe, he was particularly well placed to put England as he saw it in the documents in perspective. He also spanned the whole of English history, from the Anglo-Saxons to the nineteenth century. It is therefore of interest to see whether he noticed the sudden emergence of a new socio-economic formation which would have shaped a new family at the end of the middle ages.

What is immediately clear is that Freeman, like Stubbs, failed to see the great transformation. Like Stubbs, he believed that the essential framework for later developments had been laid down by the Germanic invaders. 'This immemorial Teutonic constitution was the constitution of our forefathers in their old land of Northern Germany, before they made their way in the Isle of Britain...On the Teutonic island it has changed its form from age to age; it has lived through many storms, and it has withstood the attacks of many enemies, but it has never utterly died out. The continued national life of the people, notwithstanding foreign conquests and internal revolutions, has remained unbroken for fourteen hundred years. At no moment has the tie between the present and the past been wholly rent assunder...Changed as it is in all outward form and circumstance, the England in which we live, has, in its true life and spirit, far more in common with the England of the earliest times than it has with the England of days far nearer to our own...'²

This is, to a certain extent, an anti-evolutionary view of history. The past has not gradually climbed up to the present, for 'the voice of sober history does assuredly teach us those distant times (i.e. C9 England) have really much in common with our own, much in which we are really nearer to them than to time which, in a mere reckoning of years, are far less distant from us...it is that the cycle has come round...'³

¹Ed. Burrow, xxix

²Growth of Constitution, 20-22

³English Constitution, 158

The 'distinctive character of English history is its continuity,⁴ and the Norman invasion failed to alter the basic structure⁵; it is possible to show 'that the England of our own time is in every respect one and the same with England of our earliest being...'⁶ this continuity is particularly marked between England in the thirteenth and nineteenth centuries. Looking back from the world of industrial England in the middle of the nineteenth century, Freeman does not seem to have been filled with a feeling that he was dealing with a different civilization in the thirteenth century. This view is powerfully expounded in an essay on 'The Continuity of English History' (1st Essays). He seemed to believe that 'the England of Edward the First is essentially the still living England in which we have our own being.'⁷ Thus 'At the close of the thirteenth century we see the England with which we are still familiar, young indeed and tender, but still possessing more than the germs, the very things themselves.' This continuity is not a feature of history per se, it is not something which all countries share. It is peculiar, at least in northern Europe, to England. 'This continuity of English history from the very beginning is a point which cannot be too strongly insisted on, but it is its special continuity from the thirteenth century onwards which forms the most instructive part of the comparison between English history and the history of Germany and France...'⁸ In many places Freeman stresses that revolutions have occurred elsewhere, so that the present and the past are cut in two. In England this had not happened. Just one illustration, a practical one, can be given. The divisions of space is a good indication of change. In England 'the land as a whole, has never been mapped out afresh since the tenth century. While a map of France or Germany in the eleventh century, or even in the eighteenth, is useless for immediate practical objects, a map of England in the days of Domesday practically differs not at all from a map of England now.'⁹

We may wonder what it is, apart from the map of the land, which Freeman believes has not changed in basic structure in England, but has done so elsewhere. In his various essays he gives a number of surveys, but we may isolate just a few of the features he mentions in his essay on Continuity. Firstly, the estates of the land are unchanged, and with them the political and constitutional structure. By the thirteenth century 'She has already King, Lords and Commons; she has a King, mighty indeed and honoured, but who may neither ordain laws nor impose taxes against the will of his people.'¹⁰ In other words, he agrees with Stubbs that the basic constitutional monarchy is established. Secondly, there is an open social structure, with no hereditary divisions between the ranks. 'She has Lords with high

⁴Essays, 1, 40

⁵1st Essays, 52; & whole of Norman Conquest

⁶1st Essays, 165

⁷p. 41

⁸1st Essays, 42

⁹Hist. Geog. 546

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hereditary powers, but Lords who are still only the foremost rank of the people, whose children sink into the general mass of Englishmen, and into whose order any Englishman may be raised.¹¹ The judicial and administrative system are already set in their permanent mould: The courts of justice, the great offices of state, the chief features of local administration, have assumed, or are rapidly assuming, the form whose essential character they still retain.¹² The social structure is taking on its modern shape, with its curiously large middling section which prevents a rigid division between 'peasants' and 'lords'. The great middle class of England is rapidly forming; a middle class not, as elsewhere, confined to a few great cities, but spread in the form of a lesser gentry and a wealthy yeomanry, over the whole face of the land.¹³

Already villeinage and inequality before the law are vanishing. 'Villeinage still exists, but both law and custom are paving the way for that gradual and silent extinction of it, which, without any formal abolition of the legal **status** left, not three centuries later, not a legal villain among us.'¹⁴

There is already a developed legal code for, with the exception of villeins, 'there was in theory equal law for all classes.'¹⁵ - the legal differences of estates found up to the eighteenth century in many societies was not he believed present. Another feature already present was the English language, which was 'fast taking its present shape.'¹⁶ In all these respects, Freeman then contrasts England with France and Germany, where there had been several 'revolutions': In everything, in laws, in institutions, in local divisions, France and Germany have been alike lands of change, England is preeminently the land of permanence.¹⁷ As to why there should have been this difference, Freeman is puzzled, putting forward a number of theories. But the one which singles out as the most important is the one which at roughly the same date De Tocqueville was also singling out, unbeknown to Freeman. De Tocqueville wrote: 'Wherever the feudal system established itself on the continent of Europe it ended in caste; in England alone it returned to aristocracy...England was the only country in which the system of caste had not been changed but effectively destroyed. The nobles and the middle classes in England followed together the same courses of business, entered the same professions, and what is much more significant, inter-married...'¹⁸ De Tocqueville believed that England had broken away from this system in the

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¹⁸Ancien, 88-9

C16-C17. Freeman believed that this distinctive feature went back well before the thirteenth century, and that it was of prime importance 'No one single cause has more effectually and more beneficially influenced our whole political development than the law or custom which gives to the children of a peer no higher legal **status** than that of simple commoners. This alone has allowed us to retain the institution of a hereditary peerage, while it has delivered us from the curse of a nobility of the continental sort, forming a distinct caste from the rest of the people...'¹⁹ The same belief, we have already seen, shown by Stubbs when he noted the easy social mobility and inter-marriage.

Though Freeman does not speculate in any extended or technical way on the history of the family, it is not difficult to see that he would not have realised that there had been a revolutionary change in its structure or the sentiments attached to it at the end of the middle ages. Like Stubbs, he is struck by the similarity of the medieval and C19 England. He takes it for granted that the emotions and family lives of medieval Englishmen, though perhaps 'rougher' were similar to those of nineteenth-century Englishmen. He therefore continues the tradition which failed to see a radical break between the 'traditional' and the modern family. This is all the more strange since his wide travels in Europe and his familiarity with the work of German and other scholars should have alienated him to the changes. It looks as if Stubbs and Freeman, concentrating directly on the documents and contrasting them with their experiences of life in nineteenth century England, were unable to see, as Coke and Adam Smith had been unable to see, the **recentres** of the system they were living in. They were quite aware that some societies near them had changed radically, France and Germany for example. But while acknowledging the peculiarity of England, they were shielded from seeing that this was a north European peculiarity, part of a pattern which had developed between the C15 and C17. Because they were too early to know of the radical transition from feudal peasant to capitalism, they did not realise that the 'modern' world was something new.

¹⁹1st Essays, 50-1