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THE AGRARIAN PROBLEM IN THE EARLY FOURTEENTH CENTURY*

I

INTRODUCTION

For most of the twelfth and early thirteenth centuries England's economy, along with that of much of the rest of Europe, expanded and grew.¹ From the mid thirteenth century, however, the economic tide began to turn, and by the 1290s it is clear that prosperity was waning fast.² The circumstances, timing, pace and scale of the recession naturally varied a great deal from region to region, but the net outcome was the same almost everywhere: by the early fourteenth century a great and

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¹ The literature on this growth phase is extensive. For a stimulating recent contribution, see Jack A. Goldstone, 'Efflorescences and Economic Growth in World History: Rethinking the "Rise of the West" and the Industrial Revolution', *Jl World Hist.*, xiii (2002).

² Bruce M. S. Campbell, *English Seigniorial Agriculture, 1250–1450* (Cambridge, 2000), 4–7; John H. Munro, 'Industrial Transformations in the North-West European Textile Trades, c.1290–c.1340: Economic Progress or Economic Crisis?', in Bruce M. S. Campbell (ed.), *Before the Black Death: Studies in the 'Crisis' of the Early Fourteenth Century* (Manchester, 1991); John H. Munro, 'The "Industrial Crisis" of the English Textile Towns, c.1290–c.1330', in Michael Prestwich, Richard Britnell and Robin Frame (eds.), *Thirteenth-Century England*, vii, *Proceedings of the Durham Conference, 1997* (Woodbridge, 1999); Mark Bailey, 'Peasant Welfare in England, 1290–1348', *Econ. Hist. Rev.*, 2nd ser., li (1998).

growing proportion of the population found itself living in seriously reduced circumstances and ever more prone to crises of subsistence.³ That symptoms of distress were widespread is not in doubt; it is their diagnosis that remains problematic. The theories of Marx, Malthus and Ricardo have all been invoked to account for the worsening state of affairs, as have the New Institutional Economics.⁴ So, too, has a growing body of environmental evidence, which is providing fresh perspectives on the exogenous significance of heightened climatic instability on a global scale and of associated epidemics among animals and humans.⁵ It was, however, the calamity-sensitive nature of society that endowed these catastrophes with their transformative impact.⁶

Any analysis of why the early fourteenth-century agrarian economy was so predisposed to 'crisis' necessarily requires careful consideration of class and property relations on the land, for, as Robert Brenner and S. H. Rigby have both emphasized,

³ Bruce M. S. Campbell, 'Population Pressure, Inheritance, and the Land Market in a Fourteenth-Century Peasant Community', in Richard M. Smith (ed.), *Land, Kinship and Life-Cycle* (Cambridge, 1984); Phillip R. Schofield, 'Dearth, Debt and the Local Land Market in a Late Thirteenth-Century Village Community', *Agric. Hist. Rev.*, xlv (1997); Bailey, 'Peasant Welfare in England'; Harry Kitsikopoulos, 'Standards of Living and Capital Formation in Pre-Plague England: A Peasant Budget Model', *Econ. Hist. Rev.*, 2nd ser., liii (2000).

⁴ For example Robert Brenner, 'Agrarian Class Structure and Economic Development in Pre-Industrial Europe', *Past and Present*, no. 70 (Feb. 1976), repr. in T. H. Aston and C. H. E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge, 1985) (subsequent references are to this version); Wilhelm Abel, *Agricultural Fluctuations in Europe from the Thirteenth to the Twentieth Centuries*, trans. Olive Ordish (London, 1980), 35–42 (German 1st edn, 1935); M. M. Postan, 'Medieval Agrarian Society in its Prime: England', in M. M. Postan (ed.), *The Cambridge Economic History of Europe*, i, *The Agrarian Life of the Middle Ages*, 2nd edn (Cambridge, 1966); George Grantham, 'Contra Ricardo: The Macroeconomics of Pre-Industrial Agrarian Economies', *European Rev. Econ. Hist.*, iii (1999); Munro, 'Industrial Transformations in the North-West European Textile Trades', 120–30; S. R. Epstein, *Freedom and Growth: The Rise of States and Markets in Europe, 1300–1750* (London, 2000), 49–52. For reviews of the debate, see S. H. Rigby, *English Society in the Later Middle Ages: Class, Status and Gender* (London and Basingstoke, 1995), 60–103, 127–43; John Hatcher and Mark Bailey, *Modelling the Middle Ages: The History and Theory of England's Economic Development* (Oxford, 2001).

⁵ Campbell, *English Seigneurial Agriculture*, 22–4; M. G. L. Baillie, 'Putting Abrupt Environmental Change Back into Human History', in Kate Flint and Howard Morphy (eds.), *Culture, Landscape, and the Environment: The Linacre Lectures, 1997–8* (Oxford, 2000).

⁶ Campbell (ed.), *Before the Black Death*.

these could be of decisive importance.⁷ At that time landlords exercised feudal rights of lordship over their tenants, many of whom were of servile status and therefore legally subordinate to their lords. This power relationship shaped the tenurial relationship between those who owned the land and those who occupied and worked it. Thus it was tenure, as regulated by landlords, that determined the supply of holdings and the form and level of rents that were charged. Until recently it was widely believed that feudal tenurial relationships sanctioned and facilitated the extra-economic exploitation of tenants by their lords. Together, the heaviness of rent charges and the arbitrariness of lordship discouraged and depressed tenant investment in agriculture.⁸ Meanwhile, lords were more interested in pursuing a feudal lifestyle of conspicuous consumption than in enhancing the productivity and profitability of their estates.⁹ The upshot, it has been claimed, was a vicious circle of underinvestment, static technology, and low and declining agricultural productivity.¹⁰

That feudal lordship was both rapacious and exploitative was one of the cornerstones of M. M. Postan's influential thesis of medieval economic development. In 1966 he famously asserted:

we must presume that the owners of land must have benefited from expanding settlement and from rising land values, and must have appropriated a great and growing share of the national product . . . nearly all customary holdings in the thirteenth century were burdened with money rent, supplemented by other rent-like charges . . . the money dues of a villein tenant would absorb a very large proportion of his gross output. The proportions varied a great deal, but the average was fairly frequently near or above the 50 per cent mark.¹¹

⁷ Brenner, 'Agrarian Class Structure and Economic Development in Pre-Industrial Europe'; Rigby, *English Society in the Later Middle Ages*, ch. 1.

⁸ Postan, 'Medieval Agrarian Society in its Prime', 593, 603; Brenner, 'Agrarian Class Structure and Economic Development in Pre-Industrial Europe', 33-4.

⁹ Rigby, *English Society in the Later Middle Ages*, 127-43; R. H. Hilton, 'Rent and Capital Formation in Feudal Society', in his *The English Peasantry in the Later Middle Ages: The Ford Lectures for 1973 and Related Studies* (Oxford, 1975).

¹⁰ G. E. Fussell, 'Social Change but Static Technology: Rural England in the Fourteenth Century', *History Studies*, i (1968).

¹¹ Postan, 'Medieval Agrarian Society in its Prime', 593, 603. For a critique of Postan's estimate of the scale of villein rent payments, see Rigby, *English Society in the Later Middle Ages*, 31-3.

Brenner concurred, claiming, in the 1976 article that precipitated the 'Brenner Debate':

because of lack of funds — due to landlords' extraction of rent and the extreme maldistribution of both land and capital, especially livestock — the peasantry were by and large unable to use the land they held in a free and rational manner. They could not, so to speak, put back what they took out of it. Thus the surplus-extraction relations of serfdom tended to lead to the exhaustion of peasant production per se.¹²

Although Postan (writing with John Hatcher) contested much in Brenner's article, he conceded that 'feudal rent' bore 'much of the blame for the villeins' impoverishment and for their inability to invest in their holdings or even to keep their land in good heart'.¹³ Nor, in his view, did seigniorial agriculture perform much better, due, above all, to 'the insufficiency of manorial investment'.¹⁴

Such pessimistic views of lords and their relations with their tenants have long exercised a compelling appeal.¹⁵ Nevertheless, they have become increasingly difficult to reconcile with a growing body of historical evidence. The preoccupation with serfdom overlooks the numerous free tenants who were exempt from the most coercive aspects of lordship.¹⁶ Free tenants mostly paid fixed and low rents and their property rights

¹² Brenner, 'Agrarian Class Structure and Economic Development in Pre-Industrial Europe', 33.

¹³ M. M. Postan and John Hatcher, 'Population and Class Relations in Feudal Society', *Past and Present*, no. 78 (Feb. 1978), repr. in Aston and Philpin (eds.), *Brenner Debate*, 65–6.

¹⁴ *Ibid.*, 73. Edward Miller and John Hatcher, *Medieval England: Rural Society and Economic Change, 1086–1348* (London, 1978), 217, offer a similar interpretation. For a contrary view, see Campbell, *English Seigniorial Agriculture*.

¹⁵ For example Maurice Dobb, *Studies in the Development of Capitalism* (London, 1946); J. Z. Titow, *English Rural Society, 1200–1350* (London, 1969); Michael Dunford and Diane Perrons, *The Arena of Capital* (London and Basingstoke, 1983), ch. 6; John E. Martin, *Feudalism to Capitalism: Peasant and Landlord in English Agrarian Development* (Atlantic Highlands, 1983); Christopher Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, c.1200–1520* (Cambridge, 1989), 135–9. See also Georges Duby, *The Early Growth of the European Economy: Warriors and Peasants from the Seventh to the Twelfth Century*, trans. Howard B. Clarke (London, 1974), 162–8, 257–70; Guy Bois, *The Crisis of Feudalism: Economy and Society in Eastern Normandy, c.1300–1550* (Cambridge, 1984).

¹⁶ E. A. Kosminsky, *Studies in the Agrarian History of England in the Thirteenth Century*, ed. R. H. Hilton, trans. Ruth Kisch (Oxford, 1956), 69–131; John Hatcher, 'English Serfdom and Villeinage: Towards a Reassessment', *Past and Present*, no. 90 (Feb. 1981), repr. in T. H. Aston (ed.), *Landlords, Peasants and Politics in Medieval England* (Cambridge, 1987), 251 (subsequent references are to this version).

enjoyed the protection of the royal courts.¹⁷ Nor were villein tenants necessarily as disadvantaged as has been claimed. Their holdings were typically heritable, and by 1300, as Hatcher has repeatedly stressed, most villeins paid less than a full competitive market rent for their land.¹⁸ The more substantial customary tenants were, in fact, relatively well off.¹⁹ Indeed, forty years ago Ambrose Raftis pointed out that 'the manor could not prosper with an impoverished or even weakened villeinage'.²⁰ Many of these tenants certainly paid a proportion of their rent in labour, but historians, probably because of a modern abhorrence of the institution of forced labour, have exaggerated its economic significance. In reality, only a minority of tenants actually performed labour services, and the aggregate value of rents in cash far exceeded that of rents in kind.²¹ Notwithstanding the much-vaunted powers of lordship, tenants had long been remarkably effective at opposing efforts by lords to raise rents and increase labour services in line with rising land values and

¹⁷ Kosminsky, *Studies in the Agrarian History of England*, 198–203; Postan and Hatcher, 'Population and Class Relations in Feudal Society', 70–1; Junichi Kanzaka, 'Villein Rents in Thirteenth-Century England: An Analysis of the Hundred Rolls of 1279–80', *Econ. Hist. Rev.*, 2nd ser., lv (2002), 599, 611.

¹⁸ Hatcher first made this key revisionist point in 1978: Postan and Hatcher, 'Population and Class Relations in Feudal Society', 74–6; Miller and Hatcher, *Medieval England*, 131. He developed it further in a radical reassessment of serfdom and villeinage published in 1981: see Hatcher, 'English Serfdom and Villeinage'. Although initially received with scepticism, Hatcher's reinterpretation has steadily gained ground: for example, contrast Dyer, *Standards of Living in the Later Middle Ages*, 137–8, with Christopher Dyer, *Making a Living in the Middle Ages: The People of Britain, 850–1520* (New Haven and London, 2002), 182. Systematic reanalysis of the 1279 Hundred Rolls has recently lent strong empirical support to Hatcher's case: Kanzaka, 'Villein Rents in Thirteenth-Century England', 608–14. Further endorsement is provided by a corresponding reanalysis of the *Inquisitiones Post Mortem*: see Section III below; Bruce M. S. Campbell and Ken Bartley, *England on the Eve of the Black Death: An Atlas of Lay Lordship, Land, and Wealth, 1300–49* (Manchester, 2005). See also R. M. Smith, 'Some Thoughts on "Hereditary" and "Proprietary" Rights in Land under Customary Law in Thirteenth and Early Fourteenth Century England', *Law and History Rev.*, i (1983), 118.

¹⁹ J. A. Raftis, *Peasant Economic Development within the English Manorial System* (Stroud, 1997), 125, 131.

²⁰ J. Ambrose Raftis, *Tenure and Mobility: Studies in the Social History of the Mediaeval English Village* (Toronto, 1964), 21.

²¹ Hatcher, 'English Serfdom and Villeinage', 254–6; Richard Britnell, 'Commerce and Capitalism in Late Medieval England: Problems of Description and Theory', *Jl Hist. Sociology*, vi (1993), 364; Campbell, *English Seigniorial Agriculture*, 3; Raftis, *Peasant Economic Development within the English Manorial System*, 62; Kosminsky, *Studies in the Agrarian History of England*, 152–96; Campbell and Bartley, *England on the Eve of the Black Death*.

commodity prices.²² They did so by countering seigniorial power with custom and denying that, as tenants, they were obliged to pay their lords anything more than a de facto ground rent for the land. Tenant right, in fact, often proved more powerful than landlord right.

Most lords, anxious not to antagonize their tenants, acquiesced with the tenurial status quo, with the result that substantial customary tenancies were usually an attractive economic proposition and much in demand.²³ Contrary to received views, such tenants were in a strong position to invest in their holdings. Available technology certainly provided ample potential for increasing output and raising productivity.²⁴ Typically, it was the nature and relative strength of commercial incentives which determined production strategies and investment levels.²⁵ Tenants of all sorts were active participants in the market, trading in commodities, buying and selling labour and land, and exchanging credit.²⁶ Yet this commercialized behaviour was not enough to sustain the rising total factor productivity that would have warded off hardship.²⁷ Progress was handicapped by the persistence of institutional rigidities and imperfections in the operation of commodity and, especially, factor markets.²⁸

²² Hatcher, 'English Serfdom and Villeinage', 279.

²³ Raftis, *Peasant Economic Development within the English Manorial System*, 24, 62, 123.

²⁴ Bruce M. S. Campbell, 'Agricultural Progress in Medieval England: Some Evidence from Eastern Norfolk', *Econ. Hist. Rev.*, 2nd ser., xxxvi (1983); Bruce M. S. Campbell, 'Progressiveness and Backwardness in Thirteenth- and Early Fourteenth-Century English Agriculture: The Verdict of Recent Research', in Jean-Marie Duvois and Erik Thoen (eds.), *Peasants and Townsmen in Medieval Europe: Studia in Honorem Adriaan Verhulst* (Ghent, 1995).

²⁵ Kathleen Biddick, 'Missing Links: Taxable Wealth, Markets and Stratification among English Medieval Peasants', *Jl Interdisciplinary Hist.*, xviii (1987); Bruce M. S. Campbell et al., *A Medieval Capital and its Grain Supply: Agrarian Production and its Distribution in the London Region, c.1300* (Historical Geography Research Ser., xxx, n.p., 1993); Bruce M. S. Campbell, 'Economic Rent and the Intensification of English Agriculture, 1086-1350', in Grenville Astill and John Langdon (eds.), *Medieval Farming and Technology: The Impact of Agricultural Change in Northwest Europe* (Leiden, 1997).

²⁶ Recent surveys include: R. H. Britnell, *The Commercialisation of English Society, 1000-1500* (Cambridge, 1993), 140-7; James Masschaele, *Peasants, Merchants, and Markets: Inland Trade in Medieval England, 1150-1350* (New York, 1997); Dyer, *Making a Living in the Middle Ages*, ch. 5; Phillipp R. Schofield, *Peasant and Community in Medieval England, 1200-1500* (Basingstoke, 2003).

²⁷ R. H. Britnell, 'Specialization of Work in England, 1100-1300', *Econ. Hist. Rev.*, 2nd ser., liv (2001).

²⁸ Epstein, *Freedom and Growth*, 49-52.

As this article argues, the fact that so many tenants were in such conspicuous economic difficulties by the early fourteenth century had less to do with feudal lordship per se and the supposed oppressions and inequalities of serfdom, than with the contradictions and inefficiencies inherent in the coexistence of customary, contractual and commercial relationships. Herein lay the real source of the agrarian problem in the early fourteenth century. In so far as lords were the inadvertent agents of this adverse state of affairs, it was because their dealings with their tenants were typically more compliant than coercive. By yielding to tenant demands for access to land on terms that were so favourable to the tenants, lords created the preconditions for the subdivision and subletting that stoked population growth and thereby engendered the rural congestion that was the source of so much under- and unemployment, with all the negative consequences that this implies for labour productivity, living standards and purchasing power. This deteriorating situation in the countryside acted as a brake upon the continued growth of the economy and, from 1315, left increasing numbers ever more cruelly exposed to the heightened risk of environmental hazard.

Section II estimates the revenues received by lords *c.* 1300, at the climax of the 'feudal economy', and demonstrates that lords probably received a smaller share of national and rural income than their capitalist successors in the late seventeenth and eighteenth centuries. Using the Inquisitions Post Mortem (IPMs), Section III shows that this was mainly because of the poor return that feudal lords received from their tenanted lands. Section IV investigates why rents paid by head tenants to landlords were so low and offers fresh estimates of the relative proportions of free versus villein rents, land and tenants. Significantly, freehold tenants (a relatively neglected group in most analyses of this period) mostly paying low, fixed rents, emerge as comprising half or more of all tenants and occupying almost half of all land. Section V discusses and exemplifies the agrarian consequences of the discrepancy between the sub-economic rents paid to landlords and the real rental value of land. Of the various forms of rent-seeking behaviour by tenants to which it gave rise, the subdivision and subletting of land (which became such a feature of certain tenures, manors, estates and localities) had the gravest consequences for total factor productivity

growth in agriculture. Finally, Section VI considers the wider social and economic implications of the rural congestion engendered by the lax tenurial control exercised by most landlords. Nowhere were these problems more acute than in Norfolk, whose experience demonstrates why in the early fourteenth century (by contrast with the eighteenth century) there was an agrarian problem rather than an agricultural revolution.

Throughout this discussion 'head rent' is used to define the rents paid by those free and servile tenants who held directly from the landlord. Subletting was obviously subject to the terms on which these 'head tenants' held their land. Rents were 'sub-economic' if they were below the current equilibrium market price — or 'rack rent' — for the land as determined by demand and supply. 'Assize rents', payable by many free and some villein tenants, were fixed and typically, by the early fourteenth century, well below the prevailing rack rent. In that respect they bore some resemblance to 'ground rents'. In contrast, rents inflated by competitive bidding under conditions of extreme demand and/or restricted supply were 'exorbitant rents'. Exorbitant rents were most characteristic of small amounts of land let for a single year or crop, often on a 'share-cropping' basis, whereby the lessor supplied the seed and working capital and in return received labour and a share of the crop.²⁹

II

LORDS AND THEIR REVENUES

Had lords employed their seigniorial powers to enrich themselves at the expense of their tenants this should have been reflected in the incomes that they received. A reconstruction of the approximate numbers, composition and revenues of the land-owning class of early fourteenth-century England is summarized in Table 1. At least 20,000 landowners — comprising the Crown, those who held in chief from the Crown (by military service, frankalmoin or socage), and those who held in fee from them — enjoyed an estimated aggregate income of approximately

²⁹ Arthur Seldon and F. G. Pennance, *Everyman's Dictionary of Economics: An Alphabetical Exposition of Economic Concepts and their Application*, revised edn (London, 1975), 163 ('Ground Rent'), 212 ('Leasehold'), 286 ('Rack Rent').

£541,350.³⁰ Notwithstanding the huge range in landed revenues within this landowning class — from the poorest members of the lesser gentry and the parish clergy struggling to get by on less than £5 a year, to great princes of the Church and the blood royal with annual incomes in excess of £5,000, and the king himself with an income from the Crown estate of at least £13,000 — there is no mistaking their privileged economic status.³¹ Most privileged of all were the thousand greater landlords who comprised barely 5 per cent of seigniorial households and yet received approximately 47 per cent of seigniorial income. The twenty thousand or so minor landlords comprised the remaining 95 per cent of seigniorial households. Individually, they were much less well off (and they and their estates have received much less attention from historians) but sheer weight of numbers meant that they received approximately 53 per cent of seigniorial income (a sum much boosted by the massive tithe receipts of rectors, which constituted a quarter of the minor-landlord total).

With a total population of 4¼ million it can be reckoned that there were a further 790,000 non-seigniorial rural households, comprising tenants of all sorts, cottagers, landless labourers, and craftsmen (a number broadly consistent with the approximately 826,000 non-landowning rural families in 1688, when the population was approximately 4.9 million).³² Many historians, in fact, have argued for a population of at least 5 or even 6 million in 1300. On the assumption of a population of 6 million, Nicholas Mayhew reckons that there could have been as many as 975,000 non-seigniorial rural households in 1300 (that is, approximately 150,000 more than in 1688).³³ Possibly a third of these households held at least half a yardland and therefore, according to Harry Kitsikopoulos's detailed reconstruction of a typical

³⁰ This compares with the figure of £764,300 estimated by Nicholas Mayhew, 'Modelling Medieval Monetisation', in Richard H. Britnell and Bruce M. S. Campbell (eds.), *A Commercialising Economy: England, 1086 to c.1300* (Manchester, 1995), 57–60.

³¹ Dyer, *Standards of Living in the Later Middle Ages*, ch. 2.

³² For justification of this population estimate, see Campbell, *English Seigniorial Agriculture*, 399–410. See also Peter H. Lindert and Jeffrey G. Williamson, 'Revising England's Social Tables, 1688–1812', *Explorations in Econ. Hist.*, xix (1982), 393; E. A. Wrigley and R. S. Schofield, *The Population History of England, 1541–1871: A Reconstruction* (Cambridge, 1989), 208–9.

³³ Mayhew, 'Modelling Medieval Monetisation', 58.

TABLE 1
ESTIMATED NUMBERS AND REVENUES OF ENGLISH LANDLORDS IN THE EARLY FOURTEENTH CENTURY*

Social group	Number of households	Mean annual landed income per household, to nearest £1	Total landed income per status group, to nearest £50	% total landed incomes
<i>Lay landlords</i>				
Crown	11,250	£22	£252,350	46.6
Nobility				
Earls	13	£13,500	£13,500	2.5
Barons	114	£1,600	£20,800	3.8
Noble women	22	£260	£29,650	5.5
		£255	£5,600	1.0
Gentry				
Knights	925	£40	£37,000	6.8
Lesser gentry	8,500	£15	£127,500	23.6
Gentry women	1,675	£11	£18,300	3.4
<i>Ecclasiastical landlords</i>				
Greater clergy	9,343	£31	£289,000	53.4
Archbishops and bishops	17	£1,590	£27,000	5.0
Religious houses	826	£194	£160,000	29.6
Parish clergy	8,500	£12†	£102,000†	18.8
ALL LANDLORDS	20,593	£26	£541,350	100.0
<i>Greater landlords</i>				
Crown	993	£258	£256,550	47.4
Nobility				
Greater clergy	1	£13,500	£13,500	2.5
	149	£376	£56,050	10.4
	843	£222	£187,000	34.5
<i>Minor landlords</i>				
Gentry	19,600	£15	£284,800	52.6
Lesser clergy				
	11,100	£16	£182,800	33.8
	8,500	£12	£102,000	18.8
ALL LANDLORDS	20,593	£26	£541,350	100.0

* Sources: These income estimates are based upon those given by Nicholas Mayhew, 'Modelling Medieval Monetisation', in Richard H. Britnell and Bruce M. S. Campbell (eds.), *A Commercialising Economy: England, 1086 to c.1300* (Manchester, 1995), 58. Non-landed income of the Crown, amounting to perhaps £16,000–£17,000, is excluded: Christopher Dyer, *Making a Living in the Middle Ages: The People of Britain, 850–1520* (New Haven and London, 2002), 115; R. W. Hoyle (ed.), *The Estates of the English Crown, 1558–1640* (Cambridge, 1992), 5–8. The mean incomes of earls, barons and knights are calculated from the IPM database (mean income of 163 barons = £263; mean income of 25 earls = £1,610; mean income of 607 knights = £40). £40 was the threshold income that bestowed eligibility for admission to knighthood: Peter Coss, *The Knight in Medieval England, 1000–1400* (Stroud, 1993), 103–4; Dyer, *Making a Living in the Middle Ages*, 149. Allowance for the lesser landed-incomes of noble and gentry women (lesser than men's due to the operation of widow's dower and the rule of partibility among heiresses) is made on the basis that 16 per cent of tenants-in-chief recorded by the IPMs were female but between them they accounted for only 10 per cent of recorded revenues (these 285 females had a mean landed income of £46 and a median landed income of £9). On the significance of females as landowners, see Scott L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217–1327* (Princeton, 1988), 16–24. Gentry incomes (knights, squires and other non-titled landowners) are reckoned to be just over three times those of the lay nobility (including widows holding dower interests and minors), as was the case in 1436; J. M. W. Bean, *From Lord to Parson: Lordship in Late Medieval England* (Manchester, 1989), 173–4. The number of gentry households is that estimated by Dyer, *Making a Living in the Middle Ages*, 152. The mean income of the lesser gentry is based upon that of 728 individuals of sub-knightly status recorded by the IPMs (mean income = £12), with due allowance for households headed by women. Total number of parishes, mean rectorial income, and the aggregate value of tithes are all taken from Marilyn Ruth Livingstone, 'The *Nonae*: The Records of the Taxation of the Ninth in England, 1340–41', 2 vols. (Queen's Univ. of Belfast Ph.D. thesis, 2003), ii, 250–1. I am grateful to Marilyn Livingstone for permission to cite these figures.

† Approximately one-fifth from the glebe, the rest from tithes.

peasant budget, possessed sufficient means to provide for their subsistence.³⁴ The rest were worse off, unless they were able to offset inadequate farm incomes against supplementary earnings from the diminishing and irregular opportunities for labouring and craftwork.³⁵ In addition, on Christopher Dyer's estimation, there were approximately 200,000 urban households of all sorts.³⁶

In 1688 these three different income groups — rural seigniorial households, rural non-seigniorial households and non-rural households — received, respectively, 17 per cent, 34 per cent and 49 per cent of total national income (see Table 2). By 1759, when the population had increased to 6.0 million, the equivalent proportions were 19 per cent, 42 per cent (when rural households are generously defined to include miners, rural manufacturers, builders and ale sellers) and 39 per cent; and by 1801/3, with a still larger population of 8.7 million, they were 15 per cent, 27 per cent and 58 per cent.³⁷ As will be noted from Table 2, in these years of emergent agrarian capitalism, lords (that is, temporal lords, spiritual lords, baronets, knights, esquires, gentlemen and clergymen) consistently received less than a fifth of the national income and approximately a third of the total rural or agrarian income (on the admittedly crude assumption that lords received the bulk of their income from the land). By these dates few landlords engaged directly in agricultural production, and their seigniorial rights and prerogatives had largely withered away along with the profits that had once accrued from them. Consequently most landlords relied upon rents, investments and the fruits of office for their income.

What shares of national income and rural income did their feudal counterparts receive at the opening of the fourteenth century? The answer depends upon the reliability of currently available estimates of English national income (or GDP) c.1300.

³⁴ Kitsikopoulos, 'Standards of Living and Capital Formation in Pre-Plague England', 237–61. In fact, Kitsikopoulos reckons that a minimum of eighteen acres of arable were required to meet subsistence requirements.

³⁵ Britnell, 'Specialization of Work in England', 8–10.

³⁶ Christopher Dyer, 'How Urbanised Was Medieval England?', in Duvosquel and Thoen (eds.), *Peasants and Townsmen in Medieval Europe*; D. M. Palliser (ed.), *The Cambridge Urban History of Britain*, i (Cambridge, 2000), 4, 103–4, 275.

³⁷ Lindert and Williamson, 'Revising England's Social Tables', 396–7.

TABLE 2
ESTIMATED SEIGNIORIAL INCOME AS A SHARE OF NATIONAL INCOME AND OF RURAL INCOME 1086-1801/3*

Year	Source	Estimated population	Estimated Seigniorial Income (SI)	Estimated National Income (NI)	Estimated Rural Income (RI)	SI as % of NI	SI as % of RI
1086	Snooks	1.53m.	£0.06m.	£0.14m.	£0.13m.	42%	45%
1086	Mayhew/Campbell	2.25m.	£0.10m.	£0.40m.	£0.38m.	25%	27%
1300	Mayhew	6.00m.	£0.76m.	£4.66m.	£3.84m.	16%	20%
1300	Campbell	4.25m.	£0.54m.	£3.85m.	£3.03m.	14%	18%
1688	Lindert and Williamson	4.90m.	£9.46m.	£54.44m.	£28.02m.	17%	34%
1759	Lindert and Williamson	6.00m.	£12.39m.	£66.84m.	£40.68m.	19%	30%
1801/3	Lindert and Williamson	8.70m.	£29.35m.	£198.58m.	£83.84m.	15%	35%

* Sources: Graeme Donald Snooks, 'The Dynamic Role of the Market in the Anglo-Norman Economy and Beyond, 1086-1300', in Britnell and Campbell (eds.), *Commercialising Economy*, 33, 35, 38; Mayhew, 'Modelling Medieval Monetisation', 57-62; Bruce M. S. Campbell, *English Seigniorial Agriculture, 1250-1450* (Cambridge, 2000), 406-10; Table 1 above; Peter H. Lindert and Jeffrey G. Williamson, 'Revising England's Social Tables, 1688-1812', *Explorations in Econ. Hist.*, xix (1982).

Thus, Graeme Snooks has proposed a figure of £4.07m. for a population of $5\frac{3}{4}$ million and Mayhew has proposed a figure of £4.66m. for a broadly similar population of 6 million.³⁸ Although both estimates are reassuringly of the same rough order of magnitude (especially if allowance is made for the slightly larger demographic base employed by Mayhew), only Mayhew's estimate is methodologically transparent. Nevertheless, it incorporates an estimate of seigniorial income that is probably too high (£0.76m. rather than £0.54m.) and the same almost certainly applies to the estimated aggregate income of other rural households due to the large initial population assumed by him. In fact, there are good reasons for preferring a total population of $4\frac{1}{4}$ million and therefore a smaller national income of £3.85m. (see Table 2).³⁹

On this estimate of national income *c.*1300, £0.54m. would have been received by rural seigniorial households, £2.49m. by rural non-seigniorial households and £0.82m. by non-rural (that is, urban) households, equivalent to income shares of 14 per cent, 65 per cent and 21 per cent respectively.⁴⁰ Conceivably, these income estimates are too low. Mayhew allocates £3.84m. to rural households and Gregory Clark (who has suggested a national income of £7.1m. for a population of $4\frac{1}{2}$ million) would allocate even more.⁴¹ Very likely Mayhew's estimate of non-rural income is also ungenerous. National income *c.*1300 may therefore have been as high as £4.7m. to £5.0m., of which approximately £3.8m. would have been contributed by the agrarian sector. Nevertheless, no matter how high the estimate of national and rural income, it is improbable that more than £0.8m. went into the purses and coffers of lords (see Tables 1 and 2).

Rich and privileged as feudal lords as a class undoubtedly were in 1300, and fabulous as was the wealth of the greatest of them, collectively they received no larger a share of national

³⁸ Graeme Donald Snooks, 'The Dynamic Role of the Market in the Anglo-Norman Economy and Beyond, 1086-1300', in Britnell and Campbell (eds.), *Commercialising Economy*, 49-53; Mayhew, 'Modelling Medieval Monetisation', 57-60.

³⁹ Campbell, *English Seigniorial Agriculture*, 399-410.

⁴⁰ The estimate of urban income is that made by Mayhew, 'Modelling Medieval Monetisation', 58.

⁴¹ *Ibid.*; Gregory Clark, personal communication.

income than would their successors in 1688, 1759 or 1801/3. Moreover, by the standard of these later centuries, the share of rural/agrarian income that they received was comparatively modest (see Table 2): on current best estimates, lords *c.*1300 received 18–23 per cent of the net revenues generated from the land compared with 30–35 per cent between 1688 and 1803. Tenants, labourers and rural craftworkers therefore retained an impressive three-quarters or more of these revenues. Indeed, on this method of calculation, the larger the number of non-seigniorial households, the greater their relative share of rural income: Postan's preferred population total of 6 million would inflate the non-seigniorial proportion of rural income to 85 per cent. This was a significantly larger share than in 1688, 1759 or 1801/3 (see Table 2). Such a comparison should not be pushed too hard, for the figures upon which it is based are hardly robust, the definitions of rural seigniorial, rural non-seigniorial and non-rural households are perforce crude, and economic circumstances changed over time. For instance, any increase in labour productivity would have expanded agricultural surpluses and thereby raised the share of output that lords could expropriate as rent.⁴² Even so, these figures hardly endorse the claims of Postan and others that at the climax of medieval economic and demographic expansion the owners of land were appropriating 'a great and growing share of the national product', which, in the case of villein tenants, may have amounted to half of *gross* output.⁴³ For all their much-vaunted feudal powers, lords *c.*1300 seem to have been less successful in securing a substantial slice of the national cake than their seventeenth- and eighteenth-century successors. Very likely their eleventh-century predecessors had fared better. Yet, even in the immediate aftermath of the Norman Conquest, when feudal lordship was arguably at its most coercive and oppressive, the share of rural

⁴² Karl Marx inferred that since surplus labour under feudalism is based on a low level of productivity, 'it will naturally absorb a much smaller proportion of the direct producer's total labour than . . . under the capitalist mode of production': *Capital*, iii, in his *Collected Works*, xxxvii (London, 1998), 780. I am grateful to S. H. Rigby for this reference.

⁴³ Postan, 'Medieval Agrarian Society in its Prime', 593. For a critique of Postan's estimate of the scale of villein rent payments, see Rigby, *English Society in the Later Middle Ages*, 31–3.

income received by lords had probably been no greater than it would be in 1688 (see Table 2).⁴⁴

III

SOURCES OF SEIGNIORIAL INCOME

As a class, medieval lords derived approximately 20 per cent of their incomes from the tithes paid to the country's 8,500 tithe owners, 13 per cent from a range of seigniorial prerogatives and monopolies (collectively known as 'banalities'), 30 per cent from the profits of their demesne lands, and 37 per cent from the rents of tenanted lands (see Table 3). The estimated value of tithe receipts is calculated from the *Nonae* Rolls of 1340–1.⁴⁵ These record the rectorial income of 3,500 parishes, four-fifths of which was contributed by tithe receipts and the bulk of the remainder by the profits of the glebe. Other figures are based on systematic analysis of a national sample of 1,441 estates and 4,090 manors, as documented by the IPMs over the period from 1300 to 1349.⁴⁶ The IPMs relate solely to the estates of lay tenants-in-chief of the Crown — typically men and women of knightly rank and higher — but survive for all parts of the realm. No other comparably detailed source is as comprehensive in its geographical coverage, broad in the range of estates recorded, and informative about the revenues that lay lords received from their estates.

Tithes, worth in total approximately £110,000 in 1340–1, represented a fifth of total seigniorial income (equivalent to roughly one twenty-fifth of total rural income) and were pocketed

⁴⁴ Rosamond Faith, *The English Peasantry and the Growth of Lordship* (Leicester, 1997); William E. Kapelle, *The Norman Conquest of the North: The Region and its Transformation, 1000–1135* (London, 1979), 176–90.

⁴⁵ Marilyn Ruth Livingstone, 'The *Nonae*: The Records of the Taxation of the Ninth in England, 1340–41', 2 vols. (Queen's Univ. of Belfast Ph.D. thesis, 2003), ii, 250–1. I am grateful to Marilyn Livingstone for permission to cite this figure.

⁴⁶ The IPMs used are those listed in *Calendar of Inquisitions Post Mortem and Other Analogous Documents Preserved in the Public Record Office* (London, 1898–), vols. iv–ix (for the reigns of Edward I to Edward III). Details of the database are given in Campbell and Bartley, *England on the Eve of the Black Death*. Creation and analysis of the database were funded by the Leverhulme Trust and The Queen's University of Belfast. The archival work was undertaken by Roger Dickinson and Marilyn Livingstone, and the computer analysis was by Ken Bartley. For a detailed discussion of the strengths and weaknesses of the IPMs as a source, see *ibid*.

TABLE 3
ESTIMATED COMPOSITION OF SEIGNIORIAL REVENUES
IN THE EARLY FOURTEENTH CENTURY*

Types of landlord	% of total revenues from:				Total revenues £
	Demesne lands	Rents	Banalities, etc.	Tithes	
Crown and nobility	27	49	24	0	69,550
Greater clergy	22	39	19	20	187,000
<i>Great landlords</i>	24	42	20	14	256,550
Gentry	45	47	9	0	182,800
Lesser clergy	20	5	3	72	102,000
<i>Lesser landlords</i>	36	32	7	26	284,800
ALL LANDLORDS	30	37	13	20	541,350

* Sources: see Table 1; Bruce M. S. Campbell and Ken Bartley, *England on the Eve of the Black Death: An Atlas of Lay Lordship, Land, and Wealth, 1300-49* (Manchester, 2005); Livingstone, 'Nonae'.

Note: banalities = profits of the manor court, mills, markets, fairs and boroughs.

almost exclusively by the Church. Most tithes probably still went to the beneficed clergy but between a quarter and a half had most likely been appropriated to monastic houses.⁴⁷ Lay landlords, therefore, rarely benefited from this source of revenue. More valuable to them were the profits of courts, mills, markets, and other non-landed sources of revenue. Collectively, these accounted for approximately a tenth of gentry incomes and a quarter of the incomes of the nobility (see Table 3). These profits of feudal lordship (or banalities) were naturally most significant on those great estates and extensive manors whose lords were in the strongest position to turn their jurisdictional and seigniorial powers to financial advantage.⁴⁸ Quite possibly, due to undervaluation, the true value of these assets was greater than the IPMs admit. Hence the eighth of total revenues that lay landlords as a class received from the rights and prerogatives of lordship should be regarded as a minimum estimate. Probably landlords as a whole received much the same

⁴⁷ John Richard Humpidge Moorman, *Church Life in England in the Thirteenth Century* (Cambridge, 1945), 42. I am grateful to Barbara Harvey for this reference.

⁴⁸ R. H. Hilton, 'Lord and Peasant in Staffordshire in the Middle Ages', *North Staffs. Jl Field Studies*, x (1970), repr. in his *English Peasantry in the Later Middle Ages*, 231-4.

proportion. Lords patently valued and protected their banalities but this was probably more for the status and privileges that they bestowed than the economic significance of the revenues thereby generated, especially on the numerous small estates of the gentry. On small manors tenants may have benefited more than lords from the operation of courts, mills and markets.

When it came to realizing the full economic value of their estates, it was their demesne lands over which lords had most control and which generally yielded them the best return. Demesne profits contributed about 30 per cent of seigniorial income, or about £160,000 (see Table 3). Under feudal property law, lords themselves typically paid only a nominal rent for these lands to the Crown or other feudal superior; hence turning these lands to profit was relatively straightforward. Lords could either assume the costs and risks of management and engage directly in cultivation of their demesnes, thereby cashing in on rising product prices and falling real wage rates, or lease these lands en bloc or piecemeal on fixed terms at the going market (that is, rack) rent. The one mistake to avoid was leasing them for an over-generous term or permanently alienating them by converting them to customary tenure. Unless mismanaged, demesne lands, therefore, mostly gave good value, as is reflected in their substantial contribution to seigniorial income. This proportion was greatest on the small manors and estates of the gentry, whose owners derived well over 40 per cent of their income from this source.⁴⁹

Tenanted lands were physically more than twice as extensive as demesne lands but yielded lords far less than twice the income. Most lay lords received 45–55 per cent of their revenues from this source. Only on manors and estates of middling size did rents and services commonly yield almost twice as much income as the demesne. As a class, however, landlords probably received less than 40 per cent of their income from this source (see Table 3). The problem was that relatively little tenanted land yielded a full rack rent, since few head rents (paid by tenants holding directly from lords) were determined by market competition. Convention dictated that lords were entitled to what tenants customarily paid for their holdings but not more. Tenants were tenacious in their defence of custom and hostile to attempts by lords to demand and obtain a

⁴⁹ Peter Coss, *The Origins of the English Gentry* (Cambridge, 2003), 83–4.

competitive market rent for these lands.⁵⁰ For as long as custom and tenant right remained entrenched, this situation would be difficult to rectify. Trapped by the time-hallowed conventions of freehold and villein tenure, lords had little room for manoeuvre. To escape from these constraints, lords in later centuries would expend much effort converting customary tenures to contractual tenures and substituting competitive for customary rents.⁵¹ Indeed, already by the fourteenth century astute lords had recognized the advantages of leasehold tenure.⁵² Two centuries later, however, as R. H. Tawney observed, the conversion of customary tenures to leasehold still had a long way to go.⁵³ Tenurial inertia therefore restricted the incomes that lords were able to derive from their estates.

Of their tenanted lands, lords always had least control over those held by ancient freehold tenure, the title to which, from the late twelfth century, could be defended in the royal courts (although the extent to which small freeholders actually resorted to these courts to protect their property rights is a moot point). Most free tenants paid their lords a one-off entry fine followed by a fixed annual assize rent, usually payable in seasonal instalments. These rents were typically lower than those paid by tenants of villein holdings on the same manor.⁵⁴ By 1279, when the Hundred Rolls were compiled, a century of rapidly rising land values had left most freehold rents substantially below the current market value of the land. The most

⁵⁰ Kosminsky, *Studies in the Agrarian History of England*, 344–50; Rigby, *English Society in the Later Middle Ages*, 104–10.

⁵¹ ‘economic rent, long intercepted and shared, through the fixity of customary tenure, between tenants and landlord under the more elastic adjustments of leasehold and competitive fines, begins to drain itself into the pockets of the latter’: R. H. Tawney, *The Agrarian Problem in the Sixteenth Century* (London, 1912), 1–2. See also Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy, 1500–1850* (Cambridge, 1996), 151–8; Margaret Spufford, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (Cambridge, 1974), pt 1; Jane Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk, 1440–1580* (Oxford, 2000), 64–82.

⁵² Edward Miller, *The Abbey and Bishopric of Ely: The Social History of an Ecclesiastical Estate from the Tenth Century to the Early Fourteenth Century* (Cambridge, 1951), 135–6; R. H. Hilton, ‘Gloucester Abbey Leases of the Late Thirteenth Century’, *Univ. Birmingham Hist. J.*, iv (1953), repr. in his *English Peasantry in the Later Middle Ages*; Hatcher, ‘English Serfdom and Villeinage’, 259–65; Sandra Raban, *A Second Domesday? The Hundred Rolls of 1279–80* (Oxford, 2004), 136–7.

⁵³ Tawney, *Agrarian Problem in the Sixteenth Century*, 1–2.

⁵⁴ Kanzaka, ‘Villein Rents in Thirteenth-Century England’, 599, 611.

privileged freehold tenants paid just a token rent: a rose or a peppercorn.⁵⁵ The most disadvantaged paid a full rack (that is, economic) rent. A clear majority paid something in between. On average, free tenants seem to have paid less than half the current market rent for their land.⁵⁶ Law and custom together had restricted the capacity of lords to raise rents. There were exceptions, but not enough to offset the limited economic value to lords of these freehold tenants.

Occasionally, freehold land reverted by default to lords, thereby providing them with an opportunity to relet it for its full economic value. The same applied to new freeholds created by assarting or the alienation of portions of demesne.⁵⁷ In the Hundred Rolls tenants of such free holdings paid more than twice the average freehold rent and at least a penny an acre more than the average villein rent.⁵⁸ Another way of boosting freehold income was by encouraging the proliferation of freehold tenures, since this created greater opportunities for charging entry fines and usually allowed some upward adjustment of rents. In the Hundred Rolls it is the smallest freeholders who, like the smallest villein tenants, paid on average the highest unit rents.⁵⁹ The Crown was certainly one landlord that encouraged the multiplication of free holdings as a means of raising its rental income, especially on those of its ancient-demesne manors located within the royal forest where land was in relatively abundant supply.⁶⁰

As and when opportunities permitted, lords did what they could to raise the value of their freehold rents.⁶¹ Most, however, had to rest content with receiving far less than a full competitive market rent for these lands. This placed the most substantial freeholders (a tenth of free holdings recorded in the Hundred Rolls contained at least forty acres of arable and meadow — equivalent at a national scale to perhaps 40,000 households) in a very fortunate position and guaranteed them a

⁵⁵ *Ibid.*, 609. For a specific example, see Titow, *English Rural Society*, 151–60.

⁵⁶ Kanzaka, 'Villein Rents in Thirteenth-Century England', 599, 602–3, 611.

⁵⁷ Hatcher, 'English Serfdom and Villeinage', 264–5.

⁵⁸ Kanzaka, 'Villein Rents in Thirteenth-Century England', 610–11.

⁵⁹ *Ibid.*, 612.

⁶⁰ Marjorie Keniston McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200–1500* (Cambridge, 1986), 24–5, 90–103; Charles R. Young, *The Royal Forests of Medieval England* (Leicester, 1979), ch. 6.

⁶¹ Raban, *Second Domesday?*, 137.

significant degree of material prosperity. Their wealth will have contrasted with the poverty of the many freeholders whose holdings were much smaller. Some two-thirds of freeholders — about 250,000 households — held less than ten acres of land and, of these, half held an acre or less.⁶²

Villein tenants typically paid more for their land than free tenants and hence were a greater relative asset to their lords. On manors recorded by the Hundred Rolls villein tenants paid an average rent per acre of 6.8d.–7.1d. compared with the 3.5d.–4.1d. owed by free tenants. All villein rents, however, fell short of the rents paid for recent commercial lettings of freehold and leasehold land.⁶³ Villein tenants simply did not pay more for the land than the land was worth. Instead, most lords had to be satisfied with what by custom they could get, which was usually significantly less than the going market rent. Those who, like the abbot of Halesowen, tried to demand more, could find that they forfeited the goodwill and co-operation of their tenants and brought a great deal of trouble down on their heads.⁶⁴

For lords, raising rents involved struggle and negotiation and there were limits to what could be achieved. That is why rents for freehold and villein land remained sticky. Land held by leasehold offered a better return but as yet remained relatively limited in extent, since converting heritable freehold and villein land to leasehold was expensive, slow and difficult. Inflation further eroded the value to lords of the rents paid by their tenants for their holdings. It is small wonder, therefore, that lords did what they could to profit from seigniorial prerogatives and monopolies, inadequate compensation though these were for the depressed level of rents. Because of these tenurial inefficiencies, tithes, banalities, rents, entry fines, and other dues and profits collectively constituted a smaller proportion of seigniorial income c.1300 than at almost any earlier or later point in time. Moreover, they probably amounted to no more than an eighth of all rural income. If it is assumed that an

⁶² Kanzaka, 'Villein Rents in Thirteenth-Century England', 599.

⁶³ *Ibid.*, 599, 610–12.

⁶⁴ Zvi Razi, 'The Struggles between the Abbots of Halesowen and their Tenants in the Thirteenth and Fourteenth Centuries', in T. H. Aston *et al.* (eds.), *Social Relations and Ideas: Essays in Honour of R. H. Hilton* (Cambridge, 1983); Rigby, *English Society in the Later Middle Ages*, 105–7.

exploitative rent is one charged exorbitantly, at a higher level than the market for land justified, then, paradoxically, 'one could say that it was the peasants who "exploited" the landlords' resources, since the latter were prevented from obtaining an economic return on their property'.⁶⁵ Certainly, on these figures it is difficult to claim that early fourteenth-century lords, as a class, were avaricious extractors of rent, for all that many may have wished to be.

IV

RENTS, TENURES AND TENANTS

Early fourteenth-century lords were prevented from profiting fully from their estates by the persistence of non-contractual tenancies and non-commercial rents. Given that freehold rents were on average significantly lower than villein rents and that lords had least control over their free tenants, it is important to establish the relative amounts of freehold and villein land and corresponding numbers of free and servile tenants. Unfortunately, this is far from straightforward, for these two types of tenures and tenants are unequally represented in available sources. This particularly applies to manorial records. Not only do manorial accounts and court rolls concentrate in the main upon the obligations and activities of servile tenants, but they also survive best for those substantial estates and manors often in ecclesiastical ownership upon which free tenants were least well represented. Free tenants are better served by charters, cartularies, and the records of royal rather than seigniorial justice.⁶⁶ These are more haphazard in survival and so far have attracted relatively little systematic attention. As a result there is a pronounced historiographic bias towards servile tenants.⁶⁷ Peasant-focused studies based on court rolls, by definition, are studies of servile

⁶⁵ Rigby, *English Society in the Later Middle Ages*, 56.

⁶⁶ As exemplified by William Hassall and Jacques Beauroy (eds.), *Lordship and Landscape in Norfolk, 1250–1350: The Early Records of Holkham* (Brit. Acad., Records of Social and Econ. Hist., new ser., xx, Oxford, 1993).

⁶⁷ Exceptions are: Miller, *Abbey and Bishopric of Ely*, 126–51; Edmund King, *England, 1175–1425* (London, 1979), 50–3; Rigby, *English Society in the Later Middle Ages*, 34–7.

tenants and their relationships with their lords.⁶⁸ The existence of significant numbers of free tenants may be generally acknowledged but they have yet to become the explicit object of attention.

For records that pay equal regard to free and servile tenants it is necessary to turn from sources created by lords and their officials to those produced by and on behalf of the Crown. Pride of place must here go to the Hundred Rolls of 1279, which, on a vill-by-vill basis, record free tenants and their obligations in great numbers and often in greater detail than servile tenants.⁶⁹ Unfortunately, the extant Hundred Rolls encompass less than 3 per cent of the country and are geographically far from representative in their survival. To obtain a national picture of rents and tenures, as E. A. Kosminsky demonstrated, it is therefore necessary to augment the information provided by the Hundred Rolls with that supplied by the IPMs. Although the latter relate solely to that selection of manors and estates held by lay tenants-in-chief, they alone are national both in their scope and survival.⁷⁰

Kosminsky himself used only a tiny sample of available IPMs and concentrated upon those that were most closely contemporaneous in date with the Hundred Rolls. His reservations about the IPMs as a source, subsequently echoed by Rodney Hilton, reflect the fact that these thirteenth-century IPMs were produced at a time when the practice of record-keeping was still developing and administrative procedures were relatively lax.⁷¹ By the early fourteenth century these administrative procedures, as operated by the royal escheators, were tried and tested, and it was during this period that the greatest numbers of extents were produced. Almost 10,000 IPM extents survive

⁶⁸ For a recent review of an extensive and growing historiography, see Zvi Razi and Richard Smith (eds.), *Medieval Society and the Manor Court* (Oxford, 1996).

⁶⁹ Kosminsky, *Studies in the Agrarian History of England*; J. B. Harley, 'Population Trends and Agricultural Developments from the Warwickshire Hundred Rolls of 1279', *Econ. Hist. Rev.*, 2nd ser., xi (1958-9); Bruce M. S. Campbell, 'The Complexity of Manorial Structure in Medieval Norfolk: A Case Study', *Norfolk Archaeology*, xxxix (1986); Kanzaka, 'Villein Rents in Thirteenth-Century England'. See also Sandra Raban, 'The Making of the 1279-80 Hundred Rolls', *Hist. Research*, lxx (1997); Raban, *Second Domesday?*

⁷⁰ Campbell and Bartley, *England on the Eve of the Black Death*, ch. 14.

⁷¹ Kosminsky, *Studies in the Agrarian History of England*, 195; R. H. Hilton, 'The Content and Sources of English Agrarian History before 1500', *Agric. Hist. Rev.*, iii (1955), 14.

for the fifty-year period 1300–49. The results that follow (see Tables 3, 4 and 5 and Maps 1–2 and 3) are based upon the 4,090 most reliable and detailed of these extents, providing coverage at the rate of one manor per 25 square miles for most of England south of the Trent and east of the Exe and at least one manor per 5 square miles where coverage is best, in a band of counties to the north of London. They supersede the more impressionistic national estimates of free and villein rents, land and tenants upon which historians have so far had to rely, and bring geographical variations in land tenure (albeit as exemplified by lay manors) into sharper focus than has hitherto been possible.

As Table 4 reveals, 25 per cent of the value of all rents and services recorded by the IPMs are explicitly described as free, compared with 32 per cent which are described as villein. To the latter should be added all the services — on the assumption that the great bulk of them were owed by villein tenants (although free services did exist and are recorded they were of trifling value) — thereby raising the villein total to 44 per cent. The status of the remaining 31 per cent of rents is unspecified, usually because only a single type of rent prevailed on the manor in question (as in Kent with its distinctive *gavel*, or free-villein, tenures).⁷² Two-thirds of them are described as assize rents and consequently were fixed by custom. Given that assize rents specified as free were worth twice those specified as unfree (see Table 4), it follows that two-thirds of these unspecified assize rents were likewise probably free (or resembled free rents in being both low and fixed). If so, free rents would have accounted for at least 40 per cent by value of all rents and services. In addition, a proportion of the residuum of unspecified rents will also have been free. If this mirrored the ratio between those rents respectively specified as free and villein (18.4 per cent : 29.1 per cent), the free proportion of the rental total would rise still further to 43 per cent. To sum up, free rents accounted for an absolute minimum of 25 per cent of the rental income of lay tenants-in-chief. Due to the vagueness of

⁷² 'Here some five or six times as much tenant land was held freehold as was contained in servile tenures': *The Survey of Archbishop Pecham's Kentish Manors, 1283–85*, ed. and trans. Kenneth Witney (Kent Records, xxviii, Maidstone, 2000), p. lxxii (see also pp. xlvii, liii–lxi).

TABLE 4
FREE AND VILLEIN RENTS AND SERVICES
ON LAY MANORS 1300-1349*

Type of rent	Estimated % of rents and services by value:		
	Small manors worth less than £10	All manors	Large manors worth £50 or more
Free rents	24.6	18.4	15.8
Free assize rents	7.9	6.5	6.2
Unspecified assize rents	18.6 ^a	14.2 ^b	12.1 ^c
Unspecified rents	3.9 ^d	3.8 ^e	3.8 ^f
TOTAL FREE RENTS	55.0	42.9	37.9
Villein rents	26.3	29.1	30.1
Villein assize rents	1.7	3.2	3.6
Unspecified assize rents	4.6 ^a	7.1 ^b	8.1 ^c
Unspecified rents	4.8 ^d	5.8 ^e	7.5 ^f
TOTAL VILLEIN RENTS	37.4	45.2	49.3
Unspecified and villein services	7.5	12.0	12.9
TOTAL VILLEIN RENTS AND SERVICES	44.9	57.2	62.2
Number of manors	1,910	4,090	334
Mean value of rents and services	£2.3	£9.3	£38.2
Mean value of manor	£4.8	£19.1	£85.5
Approximate % free land†	70	60	55
Approximate % villein land†	30	40	45

* Source: IPM database.

^a unspecified assize rents estimated at 80 per cent free, 20 per cent villein.

^b unspecified assize rents estimated at 67 per cent free, 33 per cent villein.

^c unspecified assize rents estimated at 60 per cent free, 40 per cent villein.

^d unspecified rents estimated at 45 per cent free, 55 per cent villein.

^e unspecified rents estimated at 40 per cent free, 60 per cent villein.

^f unspecified rents estimated at 33 per cent free, 67 per cent villein.

† assuming rent per acre of villein land to be double that of free land.

the documents this proportion must undoubtedly have been greater, and there are good grounds for arguing that it was at least 40 per cent. Indeed, a figure of 43 per cent is entirely plausible and the total could, conceivably, have been greater. Certainly, even on the most pessimistic assumptions, the proportion cannot have been less than a third.

It was on the smallest manors worth less than £10 that free rents made their greatest relative contribution (see Table 4). Indeed, on these manors rents specified as free actually exceeded the value of those specified as villein. These were also the manors on which demesne lands made their

greatest, and banalities their smallest, contributions to revenues. Kosminsky's key finding that the demesne was least bound up with customary land and a servile labour force on the smallest manors is therefore confirmed.⁷³ These were the least 'feudalized' manors and were most typical of the gentry, whose estates are under-represented in the IPMs. Large manors worth at least £50 shared the opposite characteristics and were much more the preserve of great magnates (see Table 4). On these manors servile tenants contributed at least 47 per cent, probably 55 per cent, and very likely over 60 per cent of rental income. The preponderance of villein rents and services guaranteed, at least in theory, a more adequate supply of servile labour to the demesne. It also meant that lords were in a stronger position to enforce and profit from their seigniorial rights and prerogatives (as is reflected in the higher value of banalities on these manors). Nevertheless, free rents were a significant component of rents even on these most 'feudalized' manors. Only a small minority of manors was wholly without free rents and tenants (see Table 5).

The fact that free rents accounted for an estimated 38 per cent of total rents and services on large manors, 43 per cent on all manors, and 55 per cent on small manors (see Table 4) is all the more impressive given that the rental return to landlords on free land was generally quite poor. The Hundred Rolls provide consistently quantifiable data for 364 villis spread across portions of the four counties of Cambridgeshire, Huntingdonshire, Oxfordshire and Warwickshire.⁷⁴ Within this classic midland landscape dominated by nucleated commonfield villages, and including many highly 'feudalized' Church manors, roughly half of all recorded holdings were free.⁷⁵ On average, free holdings were slightly smaller than villein holdings and commanded a rent per acre of only 3.5d.–4.1d., even though villein rents averaged 6.8d.–7.1d. per acre and competitive rack rents as

⁷³ 'We are left with a very definite impression that on small manors, the demesne was much less linked up with villein land, and occupied a more independent position in the manorial economy, than on large manors': Kosminsky, *Studies in the Agrarian History of England*, 101.

⁷⁴ Kanzaka, 'Villein Rents in Thirteenth-Century England', 595, 611.

⁷⁵ Brian K. Roberts and Stuart Wrathmell, *An Atlas of Rural Settlement in England* (London, 2000).

high as 16.9d. could sometimes be obtained.⁷⁶ Nevertheless the sheer number of free holdings ensured that they contributed over a third of recorded rents and probably significantly more than this on lay manors.⁷⁷

The situation revealed by the Hundred Rolls if anything understates the importance of free holdings within the country at large. Apart from Cambridgeshire, these were not counties in which free tenures were particularly strongly developed. As Maps 1–2 demonstrate, Oxfordshire and Warwickshire both lay within that broad swathe of country stretching from the Scottish border, through Yorkshire and across the midlands, as far as the south coast from West Sussex to Cornwall, throughout which villein rents and services usually either equalled or exceeded the combined value of assize and free rents.⁷⁸ It was outside this 'midland' zone, to the west and east, that free rents and tenures were most prominent. Thus, in the west midlands and along the Welsh border, assize and free rents were generally three or four times more valuable than villein rents and services. Likewise, in East Anglia and the south-east, assize and free rents were two to three times more valuable than villein rents and services. Within both these western and eastern zones there were also many individual manors on which villein rents and services were either insignificant or non-existent (see Map 3). This was most unambiguously the case in eastern Essex and Kent, where enserfment had been successfully resisted during the century following the Conquest.⁷⁹ Here, where servile villeinage had never been of more than minority significance, men would agitate most violently for the abolition of serfdom in the Great Revolt of 1381.⁸⁰

On 1,369 manors spread somewhat unevenly throughout the country there are no unspecified rents to confuse the picture. A direct comparison may therefore be made between the respective values of free and villein rents (see Table 5). Only one in ten of these manors had no freehold land at all and on less than

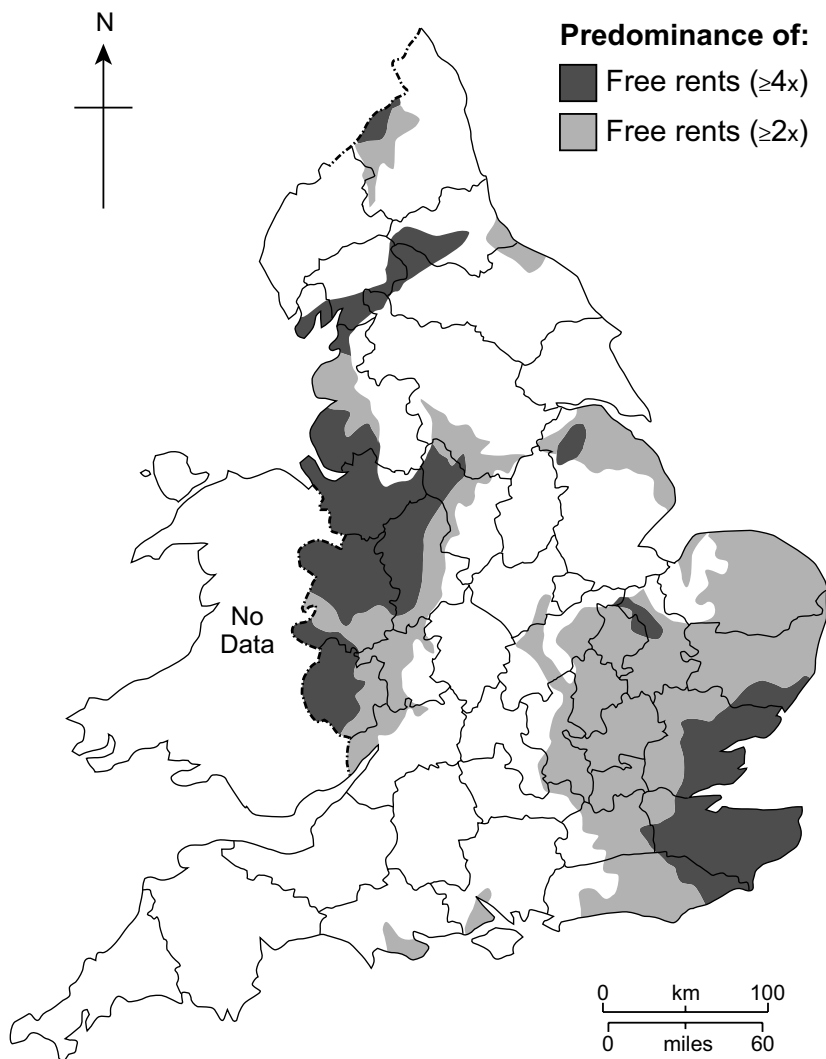
⁷⁶ Kanzaka, 'Villein Rents in Thirteenth-Century England', 599, 611.

⁷⁷ Calculated from Kanzaka's data: *ibid.*, 599, 602–3, 611.

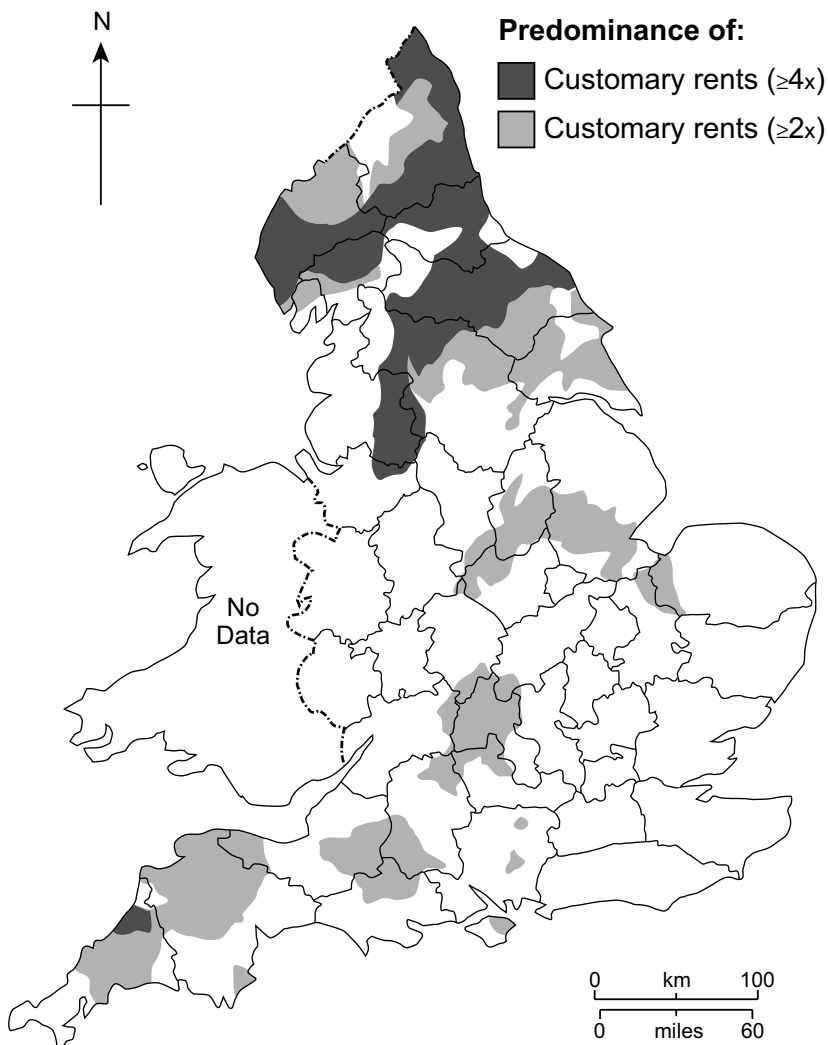
⁷⁸ Cf. the distribution of nucleated villages as reconstructed in Roberts and Wrathmell, *Atlas of Rural Settlement in England*, and reproduced in Map 3.

⁷⁹ Marjorie Chibnall, *Anglo-Norman England, 1066–1166* (Oxford, 1986), 184–5, 191.

⁸⁰ R. B. Dobson, *The Peasants' Revolt of 1381*, 2nd edn (London, 1983), pp. xli–xlii, 38–41.



MAP 1
THE RELATIVE IMPORTANCE OF FREE RENTS
ON LAY MANORS 1300–1349
Source: IPM Database



MAP 2
THE RELATIVE IMPORTANCE OF CUSTOMARY RENTS
ON LAY MANORS 1300–1349

Source: IPM Database

half of them villein rents were more valuable than free rents. On a further tenth of manors the two types of rent were of roughly equal importance, on over 40 per cent of them free rents exceeded villein rents in value, and on more than a quarter of them free rents alone prevailed. A fuller, and geographically more representative, sample of manors can be obtained by including unspecified assize rents and treating them as free rents (which the bulk of them probably were).⁸¹ This increases the sample to 1,973 and greatly improves the density of coverage in East Anglia and especially in Kent, where it is known that there were many effectively free tenants often paying fixed assize rents (see Table 5 and Map 3). Over half of the manors in this enlarged sample were characterized by an excess of free and assize rents over villein rents, and on over a third there were no villein rents at all. Parity between free and villein rents prevailed on a further 9 per cent of manors, leaving barely a third of manors on which villein rents were the predominant type of rent and only 7 per cent of manors on which villein rents were the only type of rent. Lay manors dominated by serfs holding by villein tenure and owing a combination of money and labour rents were certainly a reality in the first half of the fourteenth century, but they were the exception rather than the rule. Even on the very greatest estates they coexisted with a far larger number of mostly smaller manors on which there were many free tenants and quite often no servile tenants at all. Between these two extremes lay many different combinations of villein and freehold tenure.

Lay manors with all or mostly free and/or assize land were extremely widespread and examples are to be found in virtually every county (see Map 3). They were thickest on the ground in the west midlands and Welsh Marches, and in Lincolnshire, East Anglia and the London basin, and thinnest on the ground in the northernmost counties, where customary tenures of one sort or another were almost universal.⁸² Manors with all or mostly villein rents were also very widely distributed but were most strongly represented in the North and in a broad band of country that stretched southwards across the midlands and into

⁸¹ See Table 4.

⁸² Kapelle, *Norman Conquest of the North*, 176–90; Richard Lomas, *North-East England in the Middle Ages* (Edinburgh, 1992), 172–6.

TABLE 5

RATIO OF FREE TO VILLEIN RENTS ON LAY MANORS 1300-1349*

Ratio of free to villein rents		Including unspecified assize rents with free rents: % of manors		Excluding unspecified assize rents: % of manors	
0 free rents	} Excess of villein rents	7.3	} 33.7	10.5	} 46.7
1 : 5		13.8		19.5	
1 : 4		2.3		2.9	
1 : 3		4.1		5.5	
1 : 2		6.2		8.3	
1 : 1		8.7		10.6	
2 : 1	} Excess of free rents	4.8	} 57.5	4.3	} 42.8
3 : 1		3.4		2.3	
4 : 1		2.2		1.6	
5 : 1		10.8		6.9	
0 villein rents		36.3		27.7	
TOTAL NUMBER OF MANORS		1,973		1,369	

* Source: IPM database.

the south-western peninsula of Devon and Cornwall (see Map 3). Even here, however, they were frequently juxtaposed with manors having the opposite tenurial characteristics, thereby adding to the kaleidoscopic mixture of large and small manors, manors belonging to great and minor landlords, and manors owned by private individuals and religious institutions. Variations in the tenurial composition of lay manors were thus both local and regional. The occupying tenantry can hardly have been ignorant of, and indifferent to, the contrasts in status, tenure and rent that existed both on the same manor and between manors within the same immediate locality. These gross inequalities are unlikely to have helped reconcile the more disadvantaged to their lot. They also caution against generalizing from case studies of individual manors and estates, especially when the choice of case study is determined by the survival of good manorial records with their inevitable bias towards the unfree.

The proportion of land held by free tenure must, of course, have been significantly greater than the proportion of rent paid by free tenants, given that free rents per acre were so much lower than villein rents. If the situation recorded by the Hundred Rolls was typical of the country as a whole, average free rents are likely to have been barely half average villein rents.

Thus, on Junichi Kanzaka's careful reanalysis of the Hundred Rolls, villein rents were 70 to 92 per cent higher than free rents.⁸³ If this differential were repeated at a national scale, then at least 46 per cent, probably 56 per cent, and conceivably 59 per cent of all tenanted land on lay manors would have been freehold (see Table 4). On small lay manors worth less than £10 free tenants may have held as much as 70 per cent of tenanted land, and on large lay manors worth at least £50 the equivalent proportion may have been 51 per cent. On this evidence, it can fairly be claimed that on lay manors by the early fourteenth century as much, if not more, land was held by free tenure as by villein tenure.

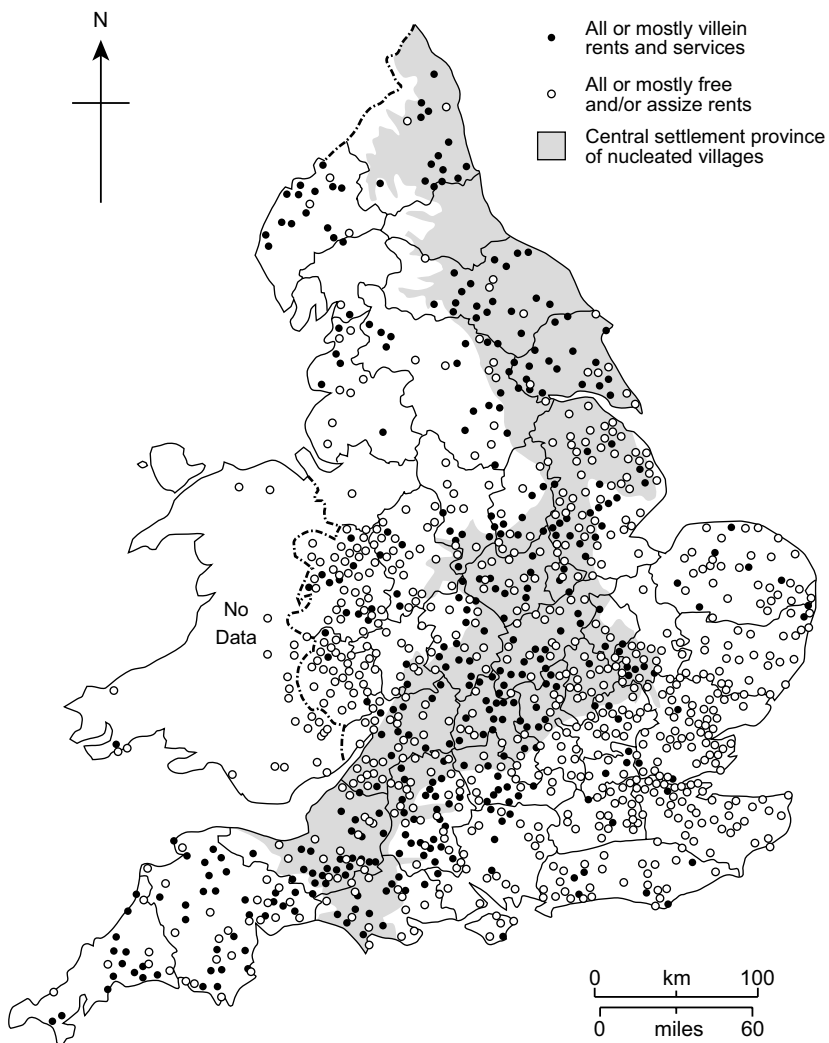
Free holdings also tended to be smaller and more numerous than villein holdings. Because villein land was generally more heavily burdened with rent than freehold land, villein holdings could not be reduced as small as free holdings and remain economically viable. In effect, low unit rents subsidized subdivision, with the result that freeholders became disproportionately represented amongst the smallest and poorest tenants: 59 per cent of free holdings recorded by the Hundred Rolls were smaller than six acres compared with only 36 per cent of villein holdings.⁸⁴ There were therefore many more small free holdings than there were small villein holdings, with the paradoxical result that many freeholders were materially less well off than significant numbers of servile tenants. As a result, the excess of free tenants over servile tenants on lay manors must have been even greater than the excess of free over villein land.

On Church manors the picture was undoubtedly different. As Kosminsky's analysis of the Hundred Rolls demonstrates and that of Kanzaka confirms, Church manors were often the largest and most 'feudalized' of all, with above-average proportions of villein, and below-average proportions of free, land.⁸⁵ This was especially the case on the estates of the seventeen bishops and 126 greater monasteries, especially the wealthy Benedictine houses of ancient foundation. How would the inclusion of such ecclesiastical manors alter the estimates derived from the IPMs?

⁸³ Kanzaka, 'Villein Rents in Thirteenth-Century England', 599, 611.

⁸⁴ *Ibid.*, 599.

⁸⁵ Kosminsky, *Studies in the Agrarian History of England*, 103–6, 109–13, 130; Kanzaka, 'Villein Rents in Thirteenth-Century England', 598–608.



MAP 3

LAY MANORS WITH EITHER MOSTLY FREE OR MOSTLY
VILLEIN RENTS 1300-1349

Source: IPM Database

The greater clergy received approximately 37 per cent of seigniorial income excluding tithes (see Table 1). Their share of income will undoubtedly have been boosted by the fact that they held an above-average share of villein land, which yielded rent at almost double the rate of freehold land. On those Church manors recorded by the Hundred Rolls, Kosminsky's figures suggest that 70 per cent of tenanted land was held by villein tenure and 30 per cent by free tenure.⁸⁶ Whether equivalent proportions prevailed at a national scale is a moot point. On the assumption, however, that one-third of all tenanted land nationwide had the tenurial characteristics of the Church manors recorded by the Hundred Rolls, and the remaining two-thirds of tenanted land (including that held by the Crown) had the tenurial characteristics of the lay estates documented by the IPMs (see Table 4), it can be estimated that almost half of all tenanted land (that is, 48–50 per cent) was probably held by free tenants and just over half (that is, 50–52 per cent) by servile tenants (in practice there was some overlap, since some villein land was held by free tenants, and serfs could and did hold free land).⁸⁷ Given the smaller mean size of free holdings, the number of free tenants is likely to have equalled or even exceeded the number of servile tenants. Significantly, this proportion falls midway between Hatcher's tentative estimate of 40 per cent and the figure of 60 per cent offered by Edmund King.⁸⁸

If to the free population of the countryside is added the free population of the towns, it follows that 'households holding by unfree tenure may well have constituted little more than a third of total households'.⁸⁹ Moreover, a dwindling number of these servile tenants performed labour services on a regular basis and labour rent accounted for a small and shrinking share of total rents.⁹⁰ On lay manors recorded by the Hundred Rolls, just

⁸⁶ Calculated from Kosminsky, *Studies in the Agrarian History of England*, 91, 109.

⁸⁷ Raftis, *Tenure and Mobility*, 77–92; P. D. A. Harvey (ed.), *The Peasant Land Market in Medieval England* (Oxford, 1984), 22–3 ('Introduction').

⁸⁸ Hatcher, 'English Serfdom and Villeinage', 251; King, *England*, 50.

⁸⁹ Hatcher, 'English Serfdom and Villeinage', 251.

⁹⁰ H. L. Gray, 'The Commutation of Villein Services in England before the Black Death', *Eng. Hist. Rev.*, xxix (1914); M. M. Postan, 'The Chronology of Labour Services', *Trans. Roy. Hist. Soc.*, 4th ser., xx (1937), repr. in W. E. Minchinton (ed.), *Essays in Agrarian History*, 2 vols. (Newton Abbot, 1968), i, and in M. M. Postan, *Essays on Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge, 1973).

under half of the rent per acre was owed in the form of labour.⁹¹ Nationally, however, on lay manors recorded by the IPMs, the equivalent share was only a fifth, although the true value of these labour services may have been liable to underestimation (see Table 4). On Church manors the proportion was undoubtedly much higher. Two-thirds of all villein rents were owed as labour services on Church manors recorded by the Hundred Rolls.⁹² Nationally, therefore, perhaps a quarter to a third of all villein rents were owed in labour. In practice, many of these services were not performed and increasing numbers of them were commuted for cash as hired workers, with their lower costs and superior efficiency, were substituted for a servile workforce.⁹³ By the early fourteenth century, possibly half of all services may have been paid in cash rather than labour. Indeed, raising and paying the cash may have been more irksome than performing the service, especially as tenants forfeited the food that lords were usually obliged to provide to their week workers.⁹⁴ Conceivably, therefore, only a sixth to an eighth of villein rents may actually have been paid in labour. If so, landlords as a class would have received 90 per cent of their rents in the form of cash.

Labour services may have been a hard reality for many tenants but their economic significance should not be exaggerated. Certainly, they were far from ubiquitous (see Map 4). On many manors there were no villein tenants and therefore no services at all, with the result that lords had to rely on waged labour to work their demesnes. On others there was no obligation upon servile tenants to perform the onerous service of ploughing the

⁹¹ Kanzaka, 'Villein Rents in Thirteenth-Century England', 602–3.

⁹² *Ibid.*

⁹³ Gray, 'Commutation of Villein Services in England before the Black Death'; M. M. Postan, *The Famulus: The Estate Labourer in the XIIth and XIIIth Centuries* (Econ. Hist. Rev. Supplements, ii, Cambridge, 1954); Postan, 'Chronology of Labour Services'. On the supervision costs of customary labour, see Christopher Thornton, 'The Determinants of Land Productivity on the Bishop of Winchester's Demesne of Rimpton, 1208 to 1403', in Bruce M. S. Campbell and Mark Overton (eds.), *Land, Labour and Livestock: Historical Studies in European Agricultural Productivity* (Manchester, 1991), 201–7. On the relative efficiencies of customary and waged labour, see David Stone, 'The Productivity of Hired and Customary Labour: Evidence from Wisbech Barton in the Fourteenth Century', *Econ. Hist. Rev.*, 2nd ser., 1 (1997).

⁹⁴ Rigby, *English Society in the Later Middle Ages*, 75.

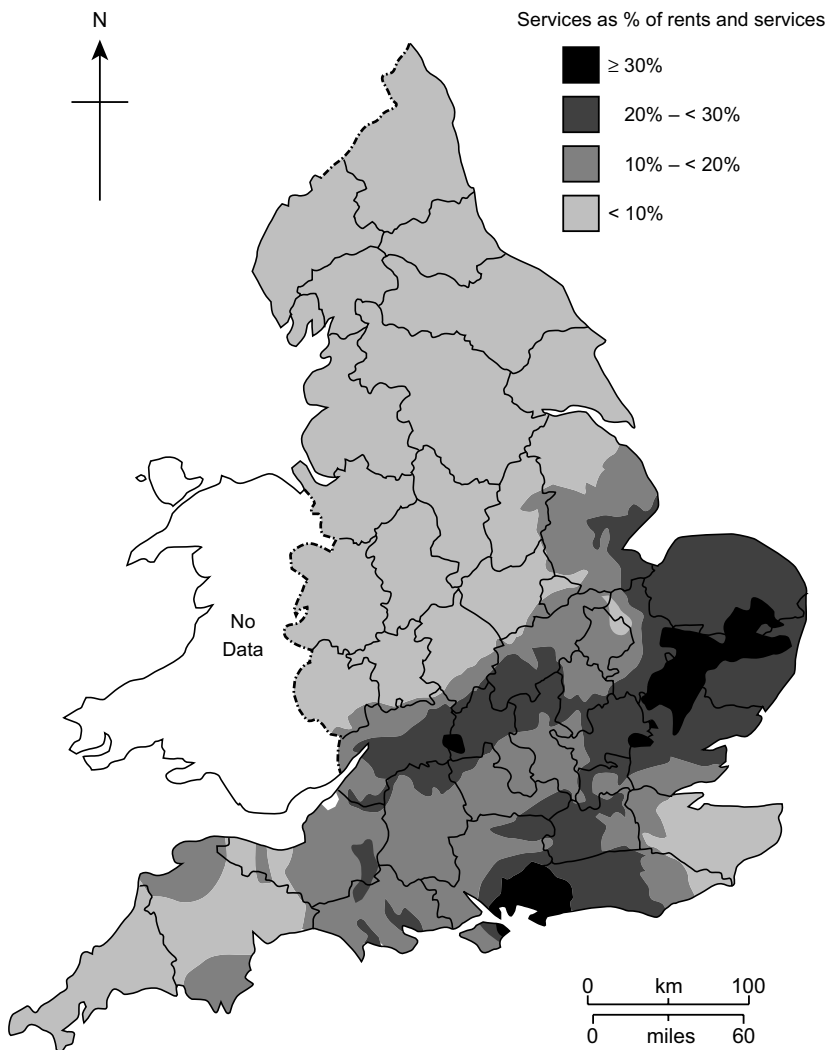
demesne with their own ploughs.⁹⁵ In fact, a clear majority of demesnes were inadequately supplied with labour services.⁹⁶ Instead, permanent farm servants known as *famuli* discharged the key agricultural tasks. North of the rivers Trent and Severn, in the extreme south-west, and in most of Kent, money rents were at least twelve times more valuable than labour rents. Here, except on some episcopal manors, labour services scarcely existed. Only in parts of East Anglia, the coastal plain of West Sussex and Hampshire, and south-west Oxfordshire does labour rent show up as of any significance (see Map 4).

No doubt many tenants found the performance of these services burdensome and degrading, a public demonstration of their servile status. Those who could probably sent substitutes. Yet, for all the attention that supplying labour to the lord's demesne has attracted from historians, it had long since ceased to be either the *raison d'être* of serfdom or the principal form of rent. The more conservative landlords — such as the bishop of Norwich, the bishop of Winchester and the monks of Glastonbury — may still have relied upon their servile tenants to operate their manors and cultivate their demesnes, but estates run on these lines were anything but the norm.⁹⁷ By the early fourteenth century, tenants were mostly paying their rents in cash and lords were hiring the bulk of their workers. It was when extra labour was needed to bring in the wool, hay and corn harvests that servile tenants were most likely to be required to labour on the demesne. This was when they performed boon works and lords reciprocated by providing them with meals.

⁹⁵ On the modest contribution of customary ploughing services to demesne ploughing, see Campbell, *English Seigneurial Agriculture*, 124–5, 133–4.

⁹⁶ Kosminsky, *Studies in the Agrarian History of England*, 284–92; Campbell, *English Seigneurial Agriculture*, 2–3; Campbell and Bartley, *England on the Eve of the Black Death*.

⁹⁷ Campbell, *English Seigneurial Agriculture*, 420–1; *The Pipe Roll of the Bishopric of Winchester, 1301–2*, ed. and trans. Mark Page (Hampshire Record Ser., xiv, Winchester, 1996); Bruce M. S. Campbell, 'A Unique Estate and a Unique Source: The Winchester Pipe Rolls in Perspective', and Christopher C. Thornton, 'The Level of Land Productivity at Taunton, Somerset, 1283–1348', both in Richard Britnell (ed.), *The Winchester Pipe Rolls: Studies in Medieval English Economy and Society* (Woodbridge, 2003); Ian Keil, 'The Estates of Glastonbury Abbey in the Later Middle Ages: A Study in Administration and Economic Change' (Univ. of Bristol Ph.D. thesis, 1964); Ian Keil, 'Farming on the Dorset Estates of Glastonbury Abbey in the Early Fourteenth Century', *Proc. Dorset Nat. Hist. and Archaeol. Soc.*, lxxxvii (1966).



MAP 4

SERVICES AS A PERCENTAGE OF THE VALUE OF ALL RENTS AND
SERVICES ON LAY MANORS 1300–1349

Source: IPM Database

The persistence even on a modest scale of labour rent serves as a reminder of the feudal powers possessed by lords. Nevertheless, serfdom did not give lords a free hand in dealing with their tenants. Servile tenants were certainly in a more vulnerable position than free tenants and, on average, they paid substantially higher rents, but by the early fourteenth century even villein rents usually fell short of what the land was worth. 'Landlords were hindered in their attempts to realize the value of their land by the power of village custom which kept the level of rents and services below their market values'.⁹⁸ Much as lords may have chafed at the loss of income thereby incurred, there was little, realistically, they could do about it. As well as custom, tenants had weight of numbers on their side and, through passive resistance, non-cooperation, and, occasionally, outright protest, they could make life very difficult for their lords.⁹⁹ Lords could retaliate and take a tough line with their tenants but for both parties this tended to be counterproductive. As in the prisoners' dilemma, each had most to gain from mutual co-operation.¹⁰⁰ The problem was that in inflationary times the economic imperatives facing lords were often at odds with those facing tenants.¹⁰¹

Some of the more determined lords did succeed in redefining and raising villein rents, but these were usually one-off renegotiations and were rarely adequate to close the gap between what servile tenants paid and what their holdings were worth. Any rental increase was begrudged and patently any attempt by lords to deviate from established custom was regarded as both unjust and unacceptable. Increased seigniorial demands, justified though they may have been by higher land values and higher prices, were invariably resisted and resented. Tenant opposition could be out of all proportion to the nature and magnitude of the actual rental increase at

⁹⁸ Rigby, *English Society in the Later Middle Ages*, 109.

⁹⁹ *Ibid.*, 107–10.

¹⁰⁰ Raftis, *Peasant Economic Development within the English Manorial System*, ch. 7; Dyer, *Making a Living in the Middle Ages*, 137–45.

¹⁰¹ Dyer, *Standards of Living in the Later Middle Ages*, 37–40; Dyer, *Making a Living in the Middle Ages*, 148–9; Peter Coss, *Lordship, Knighthood and Locality: A Study in English Society, c. 1180–c. 1280* (Cambridge, 1991), ch. 8; Coss, *Origins of the English Gentry*, 82–7.

issue.¹⁰² So long as institutions rather than markets determined tenures and rents there was little that lords could do to alter this status quo. The very concept that tenants should pay their lords a competitive market rent was foreign and would remain so until relations between landlords and tenants were placed on an exclusively contractual footing. To achieve this required tenurial reform on a scale that was as unimaginable as it was impracticable at this time.

Lords were not wholly bereft of ways of redressing the rental deficit. They could charge higher entry fines, sanction and profit from their servile tenants' natural desire to buy and sell land, impose heavier and more frequent tallages, enforce suit of court and suit of mill, and police their seigniorial rights and prerogatives with greater vigilance.¹⁰³ Yet here, too, they did not have an entirely free hand. For every manor where entry fines were freely negotiable there was another where they were fixed by custom.¹⁰⁴ Moreover, entry fines were usually only freely negotiable for non-inheriting tenants. As pugnacious a landlord as the Premonstratensian abbot of Halesowen had to content himself in the thirteenth century with merely doubling the entry fines for inheriting sons, when, in the absence of custom, these fines could have been increased several times over, as was the case with fines paid by non-inheriting tenants.¹⁰⁵ Dyer believes that entry fines were usually three times the annual rent, which was hardly punitive if spread over a normal adult lifetime.¹⁰⁶ It was certainly not enough to keep pace with the inflation in land values.¹⁰⁷ Contrary to the claims of some

¹⁰² Kosminsky, *Studies in the Agrarian History of England*, 338–52; H. E. Hallam, 'The Life of the People', in H. E. Hallam (ed.), *The Agrarian History of England and Wales*, ii, 1042–1350 (Cambridge, 1988), 845–53; Rigby, *English Society in the Later Middle Ages*, 104–19; Dyer, *Making a Living in the Middle Ages*, 178–82.

¹⁰³ Hilton, 'Rent and Capital Formation in Feudal Society', 199–200; Hilton, 'Lord and Peasant in Staffordshire in the Middle Ages', 231–6.

¹⁰⁴ Miller and Hatcher, *Medieval England*, 45–9.

¹⁰⁵ Christopher Dyer, 'Changes in the Link between Families and Land in the West Midlands in the Fourteenth and Fifteenth Centuries', in Smith (ed.), *Land, Kinship and Life-Cycle*, 306; Zvi Razi, *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen, 1270–1400* (Cambridge, 1980), 29–30; Rigby, *English Society in the Later Middle Ages*, 109.

¹⁰⁶ Dyer, *Making a Living in the Middle Ages*, 141.

¹⁰⁷ L. R. Poos and R. M. Smith, '“Shades Still on the Window”: A Riposte', *Law and History Rev.*, iv (1986), repr. in Razi and Smith (eds.), *Medieval Society and the Manor Court*, 345–6; Kanzaka, 'Villein Rents in Thirteenth-Century England', 612–14.

historians, tallages, too, could rarely be levied at will.¹⁰⁸ This limited the capacity of these supplementary sources of revenue to compensate for the low level of rents.¹⁰⁹

Whereas on as great an estate as that of the bishop of Winchester in 1300–1 cash rents alone accounted for 31 per cent of gross revenues, court fines and profits (including entry fines) contributed only 10 per cent and mill revenues a further 3 per cent of gross income.¹¹⁰ Remarkably, villein rents on the Winchester estate had remained effectively fixed since at least 1208; the same was true of villein rents on the estate of Westminster Abbey after 1225 and that of Peterborough Abbey after 1231.¹¹¹ These great ecclesiastical magnates did what they could to turn their seigniorial rights and prerogatives to profit but these were no substitute for rents that were low and effectively immutable. On lay estates, too, if the valuations given in the IPMs are to be believed, the profits from banalities were mostly too small to compensate for the income forgone from rents.¹¹² This was particularly the case in the more crowded parts of England where courts, mills and markets were in competition for business.

Lords, no doubt, were keen to exercise and display their seigniorial authority and were jealous of their rights and privileges. Very likely the maximization of status was at least as important to them as the maximization of profits. As a privileged elite they also had a vested interest in maintaining social control and the manorial institutions that sustained it. To achieve this they needed the co-operation of the leading servile tenants. Pragmatism

¹⁰⁸ Martin, *Feudalism to Capitalism*, 42; Dyer, *Making a Living in the Middle Ages*, 141.

¹⁰⁹ 'Villeins held land on highly advantageous tenure, even if tallage, heriot, and merchet are taken into account': Kanzaka, 'Villein Rents in Thirteenth-Century England', 613.

¹¹⁰ *Pipe Roll of the Bishopric of Winchester*, ed. and trans. Page, p. xxii.

¹¹¹ Hatcher, 'English Serfdom and Villeinage', 266–7; Kathleen Biddick, *The Other Economy: Pastoral Husbandry on a Medieval Estate* (Berkeley and Los Angeles, 1989), 58–60.

¹¹² But see the criticism of Hilton, 'Lord and Peasant in Staffordshire in the Middle Ages', 233, who considers banalities to be seriously undervalued by the IPMs. Nevertheless, systematic analysis of the component value of the temporalities of religious houses in the diocese of Norwich, as recorded by the *Taxatio* of 1291, endorses the results from the IPMs: it confirms that the income from banalities was inferior to that from demesne lands and the rents of free and servile land. I am grateful to Richard Holtz for this information.

consequently dictated that most lords and their agents worked with rather than against the occupying tenantry. Hence the predominance of accounting techniques more concerned with preventing fraud and embezzlement than with calculating profits. Hence, too, the stickiness of rents and general reluctance to evict tenants who got into arrears. Harsh lords there must certainly have been. For all their Christian piety, many were callously indifferent to those whose lot was both hard and deteriorating. As a class their welfare response to dearth and famine was woefully inadequate. Yet few were guilty of extorting exorbitant rents from their tenants.

Feudal lords were neither capitalist entrepreneurs nor enlightened philanthropists, but nor, contrary to their historical reputation, were they rack-renters.¹¹³ When it came to extracting rent, their capitalist successors would do a much more efficient job (see Table 2), but only after they had substituted contractual for customary tenancies and dispossessed many who had traditionally occupied the soil. It was the persistence of these customary tenures, both free and unfree, that enabled tenants in the thirteenth and early fourteenth centuries to resist and contain the economic impositions of their lords, and they would continue to do so for as long as customary rents remained lower than competitive rack rents.¹¹⁴ This may have been a commercializing world, but market forces rarely determined the rents that head tenants paid their lords.¹¹⁵ Those most protected from seigniorial interference and generally paying the lowest rents were the free tenants. At the beginning of the fourteenth century, although free tenants probably made up a majority of the population, they held just under half of all tenanted land and contributed little more than a third of total rental income.

When it came to deriving income from their estates, lords had to be content with what they could get. They obtained their best economic returns from their demesne lands, their

¹¹³ 'older notions of harshly exploitative ecclesiastical landlords can no longer be sustained': Raban, *Second Domesday?*, 137.

¹¹⁴ For the situation after 1375, when rack rents began to sink below customary rents, see Bruce M. S. Campbell, 'The Land', in Mark Ormrod and Rosemary Horrox (eds.), *A Social History of England, 1200-1500*, Cambridge Univ. Press, forthcoming.

¹¹⁵ Britnell, *Commercialisation of English Society*; Robert Brenner, 'The Agrarian Roots of European Capitalism', *Past and Present*, no. 97 (Nov. 1982), repr. in Aston and Philpin (eds.), *Brenner Debate*, 248-9.

worst returns from their free tenants, and probably half or less of their total income from their servile tenants. The disappointing return from their tenanted lands possibly encouraged lords to become proactive as producers, processors and investors. They themselves engaged in agricultural production, preferring to manage rather than lease their demesnes.¹¹⁶ They invested in major capital projects, notably the construction of mills and barns and the implementation of large-scale reclamation schemes.¹¹⁷ They promoted the improvement of commercial infrastructure, through the construction of bridges and foundation of markets, fairs and boroughs.¹¹⁸ Whether these investments were adequate and appropriate to the needs of the economy is another matter. Seigniorial mania for mills and markets certainly seems to have resulted in a degree of overinvestment in both. In part, this was for want of viable alternatives. For instance, it is difficult to see what investments they could have made that would have alleviated the increasingly congested state of the land and the obstacle this presented by the early fourteenth century to continued agricultural productivity growth. Evicting tenants and clearing people off the land seem not to have been considered and, besides, would merely have relocated the problem of wholesale poverty from the countryside to the towns, where there were already social and economic problems enough.¹¹⁹

¹¹⁶ Campbell, *English Seigniorial Agriculture*.

¹¹⁷ Richard Holt, *The Mills of Medieval England* (Oxford, 1988); Niall Brady, 'The Gothic Barn of England: Icon of Prestige and Authority', in Elizabeth Bradford Smith and Michael Wolfe (eds.), *Technology and Resource Use in Medieval Europe: Cathedrals, Mills, and Mines* (Aldershot, 1997); R. A. L. Smith, 'Marsh Embankment and Sea Defence in Medieval Kent', *Econ. Hist. Rev.*, x (1940); H. E. Hallam, *Settlement and Society: A Study of the Early Agrarian History of South Lincolnshire* (Cambridge, 1965).

¹¹⁸ D. F. Harrison, 'Bridges and Economic Development, 1300–1800', *Econ. Hist. Rev.*, 2nd ser., xlv (1992); R. H. Britnell, 'The Proliferation of Markets in England, 1200–1349', *Econ. Hist. Rev.*, 2nd ser., xxxiv (1981); Richard H. Britnell, 'Commercialisation and Economic Development in England, 1000–1300', in Britnell and Campbell (eds.), *Commercialising Economy*, 17–19; Maurice Beresford, *New Towns of the Middle Ages: Town Plantation in England, Wales and Gascony* (London, 1967).

¹¹⁹ For example Elizabeth Rutledge, 'Immigration and Population Growth in Early Fourteenth-Century Norwich: Evidence from the Tithing Roll', *Urban History Yearbook* 1988.

V

RENT SEEKING AND RACK-RENTING BY TENANTS

Within the countryside, the sub-economic rents charged by most lords were a rent-seeker's charter which allowed others to take advantage of the residuum of economic value that landlords failed to extract. How tenants exploited the pecuniary and economic opportunities thus offered depended upon the strength of demand for land (itself a function of demographic trends), the market demand for agricultural products, the availability of capital and credit, the nature and terms of tenure, and the policies of lords and their officials. Outcomes could differ between free and villein land on the same manor as well as between manors on the same estate, and estates within the same region. Generalizations are therefore difficult to make and quantification of the phenomena more hazardous still. Usually it is only by detailed micro-study that it is possible to penetrate the complex reality behind the artificial screen of tenurial fictions presented by so many of the documents, with their formal emphasis upon the allocation, recording and collection of rents.¹²⁰ Much hinged upon whether lords were determined to maintain holding sizes, at least outwardly, or whether they were prepared to countenance an active market in villein land and condone subletting (over freehold land they had little control). Peasants, too, could influence outcomes. Whether or not there was a strong family-land bond, whether peasants were intent upon maintaining their holdings intact, and whether they were prepared to dispossess and displace their children were all-important.¹²¹

For a privileged minority of substantial head tenants cheap land bestowed a measure of genuine material prosperity. By the end of the thirteenth century, sinecure rents in combination with high prices and low wages placed servile yardlanders in a

¹²⁰ Most recently, Jane Whittle and Margaret Yates, 'Pays réel or pays légal? Contrasting Patterns of Land Tenure and Social Structure in Eastern Norfolk and Western Berkshire, 1450-1600', *Agric. Hist. Rev.*, xlviii (2000).

¹²¹ Zvi Razi, 'Family, Land and the Village Community in Later Medieval England', *Past and Present*, no. 93 (Nov. 1981), repr. in Aston (ed.), *Landlords, Peasants and Politics in Medieval England*.

highly advantageous economic position.¹²² Provided that lords respected their entitlement to enjoy the fruits of their own labours, with fixity of tenure and fair rents such tenants could hardly go wrong. For free tenants paying even lower rents for holdings of this size, economic prosperity was assured. Serfs and freemen farming on this scale — of whom there were probably at least 150,000 — invested in their holdings, produced surpluses for sale, could afford to hire labourers and servants, and, in the case of villeins, must often have sent substitutes to perform their labour services.¹²³ To landlords, such privileged tenants offered a number of advantages. First, the cost of collecting and policing rents was relatively low, since such men could generally be relied upon not to get into arrears. Second, these tenants had a vested interest in maintaining and improving their holdings and ensuring that any commonfield arrangements functioned smoothly. Third, they had much to gain from preserving a co-operative working relationship with the manorial authorities. Many occupied positions of trust and responsibility within manorial society, acting as jurors, chief pledges and heads of tithings, and serving as hayward and reeve.¹²⁴ Lords typically depended upon them to keep their manors and demesnes functioning.¹²⁵

Tawney long ago pointed out that serfdom was by no means incompatible with a good deal of economic prosperity.¹²⁶ More recently, Hatcher and Raftis have both argued that in the crowded countryside of the early fourteenth century a villein yardland typically held in return for a sub-economic rent was

¹²² 'The customary conditions of tenure of the unfree made them a protected, even privileged, tenurial group': Hatcher, 'English Serfdom and Villeinage', 268. 'Relatively few outsiders entered Ramsey customary lands because local tenants themselves could generate adequate capital': Raftis, *Peasant Economic Development within the English Manorial System*, 125.

¹²³ H. S. A. Fox, 'Exploitation of the Landless by Lords and Tenants in Early Medieval England', in Razi and Smith (eds.), *Medieval Society and the Manor Court*, 539–60; Raftis, *Peasant Economic Development within the English Manorial System*, 34–5.

¹²⁴ Edwin Brezette DeWindt, *Land and People in Holywell-cum-Needingworth: Structures of Tenure and Patterns of Social Organization in an East Midlands Village, 1252–1457* (Toronto, 1972), 242–63, 281.

¹²⁵ For instance, Robert Oldman served Merton College Oxford as reeve of its manor of Cuxham in Oxfordshire for thirty-eight years: see P. D. A. Harvey, *A Medieval Oxfordshire Village: Cuxham, 1240–1400* (London, 1965), 63–74.

¹²⁶ Tawney, *Agrarian Problem in the Sixteenth Century*, 83.

an attractive proposition.¹²⁷ On the estate of Ramsey Abbey, even with high entry fines, there was no shortage of men prepared to take on these holdings. In fact, the abbey, by insisting on the maintenance of holding sizes, keeping head rents moderate, guaranteeing security of tenure and monitoring the take-up of holdings, created the tenurial conditions most likely to encourage tenants to invest in their holdings. The intention seems to have been to ensure that only capable men with adequate capital resources were able to take up any holdings that became vacant. This policy was evidently deliberate, to judge from the consistency with which it was maintained. It was also successful. The most substantial of the abbey's servile tenants proved to be demographically and economically resilient, took a responsible interest in the functioning of their manors, and made significant contributions to the successive lay subsidies of the late thirteenth and early fourteenth centuries.¹²⁸

Tenurial regimes such as this created the preconditions that fostered investment by tenants. Much agricultural technology tended to be highly site-specific; hence individual producers were better placed than lords to invest in those techniques most suited to their own particular factor endowments.¹²⁹ This, no doubt, is why tenants were more active investors in horsepower than lords.¹³⁰ Provided that their tenurial security and affluence did not lull them into complacency, indolence and inertia, substantial tenants paying fixed rents were probably the most active investors and innovators in medieval agriculture. For prudent lords, like the abbots of Ramsey, devoting resources to the proper management of tenure was the most effective form of agricultural investment. It also had the double advantage that the tenants thus nurtured and encouraged were the pillars of manorial society and therefore key agents of social control.

¹²⁷ Hatcher, 'English Serfdom and Villeinage', 268; Raftis, *Peasant Economic Development within the English Manorial System*, 125, 131.

¹²⁸ Raftis, *Peasant Economic Development within the English Manorial System*, chs. 1-2.

¹²⁹ Joel Mokyr, *The Lever of Riches: Technological Creativity and Economic Progress* (Oxford, 1990), 32.

¹³⁰ John Langdon, *Horses, Oxen and Technological Innovation: The Use of Draught Animals in English Farming from 1066 to 1500* (Cambridge, 1986), 253, 255, 283-4.

The Hundred Rolls testify to the existence of a great many substantial head tenants in the nucleated, manorialized, commonfield villages of the midland counties. Here, as the IPMs confirm (see Maps 1–2 and 3), villein tenure was relatively strongly represented and lordship correspondingly strong. That villein tenure and strong lordship were entirely consistent with material prosperity is borne out by contemporary tax returns. In the 1330s in much of the east midlands, and in the vales of Oxford and the Upper Thames, above-average numbers of taxpayers were assessed at above-average levels of movable wealth.¹³¹ Often there were as many as twenty to forty taxpayers per vill, including numbers of substantial villein tenants. These prosperous tenant households were a major source of demand within the rural economy for buildings, implements, livestock, labour, and such everyday household goods as pottery and textiles.¹³²

On the figures derived by Kanzaka from the Hundred Rolls, 60 per cent of all tenanted land was occupied by holdings of at least thirty acres.¹³³ These were the top 20 per cent of holdings. A further 20 per cent of holdings contained between fifteen and thirty acres and accounted for an additional 30 per cent of tenanted land. In other words, the largest 40 per cent of holdings occupied 90 per cent of the entire tenanted area. Half of these holdings were standard villein holdings of a yardland or half-yardland, which implies that they were deliberately maintained at this size by the manorial authorities. By so doing, lords were effectively restricting access to land (although this may have been counteracted by illicit subletting).¹³⁴ According to Kanzaka, such seigniorial regulation of holding sizes was especially characteristic of ecclesiastical manors in Cambridgeshire and Huntingdonshire, where it is all the more conspicuous because of the fragmentation of free

¹³¹ Campbell and Bartley, *England on the Eve of the Black Death*.

¹³² Dyer, *Standards of Living in the Later Middle Ages*, ch. 6.

¹³³ Kanzaka, 'Villein Rents in Thirteenth-Century England', 599.

¹³⁴ 'Villeins could not sublet legally. What they did was to sublet illegally, usually for short periods. Even the Hundred Rolls will not tell us about this illegal land-market. We can only learn about it by studying the lists of convictions in the records of the manor courts': R. H. Hilton, *Social Structure of Rural Warwickshire in the Middle Ages* (Dugdale Soc., Occasional Papers, ix, Oxford, 1954), repr. in his *English Peasantry in the Later Middle Ages*, 131.

holdings on these same manors.¹³⁵ Seigniorial control therefore had its limits.

On most manors these large holdings coexisted with a plethora of much smaller units. Typically, the latter were held by tenants who made little or no contribution to the lay subsidies. Successful Ramsey serfs, for instance, devoted part of the profits from their yardlands to the purchase of cottages and smallholdings for their non-inheriting children, who thereby experienced a process of downward social displacement.¹³⁶ Zvi Razi has documented the demographic aspects of this process on the large Worcestershire manor of Halesowen, belonging to the Premonstratensian abbey of that name.¹³⁷ On the manors of Glastonbury Abbey in Somerset and Dorset, Harold Fox has argued that young adults were displaced into servanthood by the abbey's refusal to allow villein holdings to be divided or sublet.¹³⁸ Analogous arrangements also appear to have prevailed on Merton College's manor of Cuxham in Oxfordshire, where customary tenants had farm servants but not subtenants.¹³⁹ On the bishop of Winchester's great Somerset manor of Taunton, where widows inherited their husbands' villein holdings outright, non-inheriting younger sons used marriage with widows as a means of obtaining a holding.¹⁴⁰ That substantial villein holdings were at a premium on this manor is revealed by the dramatic inflation in the entry fines that the bishop's officials were able to charge for them.¹⁴¹ Nor was there a shortage of men with the necessary capital and/or credit willing to come forward and take these holdings on these terms. No doubt proximity to the bustling borough of Taunton

¹³⁵ Kanzaka, 'Villein Rents in Thirteenth-Century England', 598-600; see also Ralph Evans, 'Merton College's Control of its Tenants at Thorncroft, 1270-1349', in Razi and Smith (eds.), *Medieval Society and the Manor Court*, 236-7.

¹³⁶ Raftis, *Peasant Economic Development within the English Manorial System*, 28-33.

¹³⁷ Razi, *Life, Marriage and Death in a Medieval Parish*, 94-8.

¹³⁸ Fox, 'Exploitation of the Landless by Lords and Tenants', 535-6.

¹³⁹ Harvey, *Medieval Oxfordshire Village*, 134-5.

¹⁴⁰ J. Z. Titow, 'Some Differences between Manors and their Effects on the Condition of the Peasant in the Thirteenth Century', *Agric. Hist. Rev.*, x (1962), 6-13. Marriage with widows was also a common means of acquiring land on Crowland Abbey's Cambridgeshire manor of Cottenham: see Jack Ravensdale, 'Population Changes and the Transfer of Customary Land on a Cambridgeshire Manor in the Fourteenth Century', in Smith (ed.), *Land, Kinship and Life-Cycle*.

¹⁴¹ Titow, 'Some Differences between Manors and their Effects on the Conditions of the Peasantry', 4-6.

encouraged investment in real estate, as townsmen either advanced credit or themselves acquired rural property.

Seigniorial regulation of holding sizes therefore had significant demographic and social repercussions. Where control was tight, tenant populations grew but slowly, since new household formation was limited by the supply of holdings. Such conditions seem to have prevailed in the south Warwickshire hundred of Kineton (a classic area of nucleated commonfield villages) between 1086 and 1279.¹⁴² Maintenance of this tenurial stability can only have been achieved by expelling surplus population from these communities. Out-migrants moved to local towns or to localities where holdings were easier to obtain. Within the west midlands, Stratford-upon-Avon and other newly founded boroughs recruited much of their populations from their rural hinterlands.¹⁴³ Similarly, encouraged by the commercial vitality of Coventry, the colonizing hundred of Stoneleigh in the wooded Arden district of Warwickshire grew vigorously in population, possibly from a combination of in-migration and the high rates of natural increase that prevailed in the absence of strong seigniorial control.¹⁴⁴ Restrictions upon subdivision and subletting in one area, or among one tenurial group, may therefore have stoked subdivision elsewhere, or relocated the dispossessed and their problems from the countryside to the towns.

So great was the desire for land, in this world where there were such limited opportunities for making a living outside of agriculture, that subdivision of holdings was a natural response to population growth wherever institutional control of tenure was weak. Subdivision was especially characteristic of areas of active reclamation and colonization due to the cheapness of the

¹⁴²Harley, 'Population Trends and Agricultural Developments from the Warwickshire Hundred Rolls of 1279'; Trevor John, 'Population Change in Medieval Warwickshire: Domesday Book to the Hundred Rolls of 1279-1280', *Local Population Studies*, lix (1997).

¹⁴³E. M. Carus-Wilson, 'The First Half-Century of the Borough of Stratford-upon-Avon', *Econ. Hist. Rev.*, 2nd ser., xviii (1965); R. H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (Cambridge, 1966), 183-7; Christopher Dyer, 'Medieval Stratford: A Successful Small Town', in Robert Bearman (ed.), *The History of an English Borough: Stratford-upon-Avon, 1196-1996* (Stroud, 1997), 44, 48.

¹⁴⁴Harley, 'Population Trends and Agricultural Developments from the Warwickshire Hundred Rolls of 1279'; John, 'Population Change in Medieval Warwickshire'.

land, the looseness of institutional controls, the openness of social structures and the buoyant demand for holdings created by sustained in-migration. Elsewhere, it was holdings held by free tenure that were most prone to fragmentation. The lower rents paid by most free tenants subsidized subdivision and allowed free holdings to be reduced to a size below that at which villein holdings, with their higher rents, ceased to be viable.¹⁴⁵ Within the area encompassed by the Hundred Rolls, 59 per cent of free holdings were smaller than six acres, compared with 36 per cent of villein holdings; and 33 per cent of free holdings were smaller than one acre, compared with 22 per cent of villein holdings.¹⁴⁶ As the warden and fellows of Merton College Oxford discovered on their manor of Thorncroft in Surrey, whatever influence they may have exercised over their villein holdings did not extend to those held by their free tenants, whose disintegration they were powerless to prevent.¹⁴⁷ On manors such as this, sub-economic rents served both to lower the threshold to new household formation and to trap excess population on the land. Even so, some lords may actually have welcomed the fracturing of free holdings because of the opportunities that this presented for raising freehold rents.

Nor were villein holdings immune to the subdivision to which so many free holdings were so susceptible, and in many parts of eastern and south-eastern England the wholesale fragmentation of holdings appears to have become almost universal by the end of the thirteenth century.¹⁴⁸ In Norfolk, partly because of the presence of a great many free tenants, even powerful lords such as the prior of Norwich Cathedral Priory seem early to have abandoned much attempt to preserve the integrity of ancient villein and socage tenements in more than name.¹⁴⁹ The same was true of the Suffolk lands of

¹⁴⁵ *Survey of Archbishop Pecham's Kentish Manors*, ed. and trans. Witney, pp. lxxvii-lxxx.

¹⁴⁶ Kanzaka, 'Villein Rents in Thirteenth-Century England', 599.

¹⁴⁷ Evans, 'Merton College's Control of its Tenants at Thorncroft', 236-7.

¹⁴⁸ Hallam (ed.), *Agrarian History of England and Wales*, ii, 594-634.

¹⁴⁹ Rev. W. Hudson, 'Traces of Primitive Agricultural Organization, as Suggested by a Survey of the Manor of Martham, Norfolk (1101-1292)', *Trans. Roy. Hist. Soc.*, 4th ser., i (1918); David C. Douglas, *The Social Structure of Medieval East Anglia* (Oxford Studies in Social and Legal Hist., ix, Oxford, 1927), 17-67, 205-7.

Ely Cathedral Priory and Bury St Edmunds Abbey.¹⁵⁰ Instead of optimizing tenant numbers, lords appear to have resigned themselves to maximizing them, with all the difficulties that this incurred of collecting rents from a larger number of much poorer tenants more likely to default and get into arrears.¹⁵¹ Some compensation was provided by the licence fees paid by tenants for registering their land transactions at the manor court, as an active market in villein land developed in parallel with the market in free land to which many thousands of extant charters pay testimony.¹⁵² Through sale, tenants, at least in theory, were able to realize the full competitive market value of their land.¹⁵³ In practice, however, those who provided the credit that financed this market in land probably expropriated any profit rent via high interest charges.¹⁵⁴ At times of economic hardship it was those who were most heavily indebted

¹⁵⁰ Miller, *Abbey and Bishopric of Ely*, 138–51; Richard M. Smith, 'Families and their Land in an Area of Partible Inheritance: Redgrave, Suffolk, 1260–1320', in Smith (ed.), *Land, Kinship and Life-Cycle*, 139–49; Mark Bailey, *A Marginal Economy? East-Anglian Breckland in the Later Middle Ages* (Cambridge, 1989), 48–51.

¹⁵¹ Bruce M. S. Campbell, 'Population Change and the Genesis of Common-fields on a Norfolk Manor', *Econ. Hist. Rev.*, 2nd ser., xxxiii (1980).

¹⁵² On the profits to be made from licensing inter-peasant land transfers, see Smith, 'Some Thoughts on "Hereditary" and "Proprietary" Rights', 115–17. See also P. R. Hyams, 'The Origins of a Peasant Land Market in England', *Econ. Hist. Rev.*, 2nd ser., xxiii (1970); Harvey (ed.), *Peasant Land Market in Medieval England*, 19–28 ('Introduction').

¹⁵³ Explicit evidence of the purchase price of small plots of land is extremely rare. In the Isle of Ely the price of arable ranged between 15s. and 44s. per acre: see Miller, *Abbey and Bishopric of Ely*, 131 n. In Suffolk, on the abbey of Bury St Edmunds' manor of Rickingham in the early fourteenth century, villein land 'fetched prices varying from 24s. to 44s. per acre, and as such represented an asset that possessed a "real value" greatly in excess of "customary charges" whether placed upon inheritances at 2s. per acre or on *inter vivos* transactions at 4s. per acre': Poos and Smith, 'Shades Still on the Window', 346–8. Prices in the fertile and densely populated east of Norfolk were even higher. In 1263–4 the prior of Norwich spent 43s. 4d. per acre at Plumstead and 59s. 3d. per acre at Hemsby purchasing small amounts of arable: Norfolk Record Office, Norwich, DCN 1/1/1. In 1284–5 an average price of 34s. 9d. per acre was paid for a further eight separate small purchases of land in four villis: Norfolk Record Office, DCN 1/1/8.

¹⁵⁴ Schofield, *Peasant and Community in Medieval England*, 144–6. For an analysis of inter-peasant credit arrangements at Writtle in Essex at the end of the fourteenth century, see Elaine Clark, 'Debt Litigation in a Late Medieval English Vill', in J. A. Raftis (ed.), *Pathways to Medieval Peasants* (Toronto, 1981). Evidence of the high interest rates prevailing in the early fourteenth century is given in Epstein, *Freedom and Growth*, 19–23.

who often displayed the most conspicuous manifestations of distress as creditors foreclosed on loans.¹⁵⁵

The primary impetus to subdivision was, of course, provided by the need to accommodate an increased population on the land. Partible and impartible inheritance could both cause the fission of holdings, although partible inheritance tended to do so at a higher rate.¹⁵⁶ An active peasant land market lent further momentum to the process.¹⁵⁷ Although a few individuals were able to exploit the land market to build up their holdings, on many manors the net trend over time was one of attrition, as almost all holdings shrank in size.¹⁵⁸ The lower the head rents, of course, the smaller the size to which holdings could be reduced. Life for those struggling to make a livelihood from ever-smaller amounts of land became less and less secure. Occupiers of these smallholdings tended to be deficient in capital, overburdened with debt, and unable to make full and effective use of available labour supplies. As poverty mounted, this substratum of poor tenants featured with growing prominence in the business and records of manorial courts, where they were typically amerced for the lowest rates of fine.¹⁵⁹

In this deteriorating situation debt rather than investment appears to have been the principal outcome of sub-economic head rents, as peasants borrowed against the security of property to acquire land and pay entry fines. Any attempt by impecunious landlords to improve their own incomes by raising rents and fines spelled ruin for those whose budgets were far more precariously balanced. Tenants warded off this threat by clinging ever more tenaciously to custom. Lower commodity prices could further compound this volatile situation by devaluing scanty peasant surpluses and thereby making it harder to

¹⁵⁵ Campbell, 'Population Pressure, Inheritance, and the Land Market'; Schofield, 'Dearth, Debt and the Local Land Market'.

¹⁵⁶ Alan R. H. Baker, 'Open Fields and Partible Inheritance on a Kent Manor', *Econ. Hist. Rev.*, 2nd ser., xvii (1964).

¹⁵⁷ Campbell, 'Population Change and the Genesis of Commonfields on a Norfolk Manor', 186-8.

¹⁵⁸ *Ibid.*; Bruce M. S. Campbell, 'The Extent and Layout of Commonfields in Eastern Norfolk', *Norfolk Archaeology*, xxxviii (1981).

¹⁵⁹ Alfred N. May, 'An Index of Thirteenth-Century Peasant Impoverishment? Manor Court Fines', *Econ. Hist. Rev.*, 2nd ser., xxvi (1973); J. B. Post, 'Manorial Amercements and Peasant Poverty', *Econ. Hist. Rev.*, 2nd ser., xxviii (1975); Smith, 'Some Thoughts on "Hereditary" and "Proprietary" Rights', 105-6.

pay rents and honour debts. The years after 1333 were especially problematic in this regard.¹⁶⁰ Pressure upon the land, as a result of weak control of tenure by landlords, had created a dangerous situation. Once these congested conditions had come into being there was little that even the most enlightened and well-intentioned lords could do to alleviate them. Most lords simply acquiesced with the status quo and did what they could to turn it to financial advantage.

Eventually, where conditions of land hunger prevailed, subdivision was invariably accompanied by subletting. The bigger the difference between head rents and potential rack rents the more powerful the incentive to head tenants to subdivide, sublet and live partially or wholly off profit rents.¹⁶¹ In this situation it was tenants rather than lords who were best placed to take advantage of market forces and extract the full rental value from those who actually occupied and worked the soil. Without institutionalized welfare, land and family were the principal buffers against adversity. Moreover, access to land was usually a precondition for family formation. Those lacking land and unable to purchase it had no alternative but to lease it and must often have been obliged to pay dearly for the privilege.¹⁶² Certainly, tenants generally hired labour and sold land for the going equilibrium market price and there is nothing to suggest that leasing arrangements between tenants were any less mercenary, especially given the high premium placed upon small plots of land in those parts of eastern and south-eastern England where

¹⁶⁰ David L. Farmer, 'Prices and Wages', in Hallam (ed.), *Agrarian History of England and Wales*, ii, 791.

¹⁶¹ The fate of land tenure and farm structure in late eighteenth- and early nineteenth-century Ireland provides a clear analogy: see K. Theodore Hoppen, *Ireland since 1800: Conflict and Conformity* (London, 1989), 35–8; F. M. L. Thompson and D. Tierney, 'Introduction', in *General Report on the Gosford Estates in County Armagh, 1821, by William Greig* (Belfast, 1976). Historiographically, too, landlords have borne the brunt of the blame for the worsening situation on the land, although this view derives its ideological inspiration from nationalism rather than Marxism and recently has been subject to much revision: S. J. Connolly, 'Eighteenth-Century Ireland', in D. George Boyce and Alan O'Day (eds.), *The Making of Modern Irish History: Revisionism and the Revisionist Controversy* (London, 1996).

¹⁶² Entry fines, pleas of debt and suits over broken agreements occasionally hint at the sums involved: see Raftis, *Tenure and Mobility*, 75–7, 80–1.

competition for holdings was greatest.¹⁶³ Small-scale subletting, possibly for a year at a time and on a share-cropping basis, provided substantial tenants with a means of recruiting labourers to help work their holdings and assist in the performance of labour services.¹⁶⁴ Such a strategy may actually have been cheaper than retaining and deploying family labour.¹⁶⁵ Where conditions of land hunger were most acute, desperation may have led labourers seeking such annual tenancies to bid up rents to exorbitant levels, driving up the profit rents that head tenants could charge and promoting further rent-seeking behaviour.¹⁶⁶

Court rolls demonstrate that rural society's leading families pursued social and economic strategies that reinforced the subordinate position of those with inferior resources and standing, with whom they showed little inclination to exchange places.¹⁶⁷ Head tenants may have resisted paying more than a customary, sub-economic rent to their lords but they probably expected to receive a full competitive market rent from their subtenants. Those with the lowest head rents had the strongest incentive to sublet, sit back and let others toil on the land. Consequently,

¹⁶³ Fox, 'Exploitation of the Landless by Lords and Tenants', 559–62; Smith, 'Some Thoughts on "Hereditary" and "Proprietary" Rights', 115–18; see also n. 154 above. Letting and subletting property for profit was normal in towns at this time: see Elizabeth Rutledge, 'Landlords and Tenants: Housing and the Rented Property Market in Early Fourteenth-Century Norwich', *Urban Hist.*, xxii (1995); Richard Goddard, *Lordship and Medieval Urbanisation: Coventry, 1043–1344* (Woodbridge, 2004), 234–46.

¹⁶⁴ Tawney, *Agrarian Problem in the Sixteenth Century*, 80–1; George C. Homans, *English Villagers of the Thirteenth Century* (Cambridge, Mass., 1941), 202, 210–12; M. M. Postan, 'The Charters of the Villeins', in his *Essays on Medieval Agriculture and General Problems of the Medieval Economy*, 121; Fox, 'Exploitation of the Landless by Lords and Tenants', 536–7.

¹⁶⁵ Richard M. Smith, 'Some Issues Concerning Families and their Property in Rural England, 1250–1800', in Smith (ed.), *Land, Kinship and Life-Cycle*, 23–7; Fox, 'Exploitation of the Landless by Lords and Tenants', 559–60.

¹⁶⁶ In the analogous circumstances of early nineteenth-century Ireland land was typically let to the highest bidder at either a rack or an exorbitant rent: Joel Mokyr, *Why Ireland Starved: A Quantitative and Analytical History of the Irish Economy, 1800–1850* (London, 1985), 126–7. In the case of conacre, let for eleven months in return for labour, the lessors were typically tenant farmers: see Cormac Ó Gráda, *Ireland: A New Economic History, 1780–1939* (Oxford, 1994), 130.

¹⁶⁷ Edward Britton, *The Community of the Vill: A Study in the History of the Family and Village Life in Fourteenth-Century England* (Toronto, 1977), 82–6, 94–130; R. M. Smith, 'Kin and Neighbors in a Thirteenth-Century Suffolk Community', *Jl Family Hist.*, iv (1979); Rigby, *English Society in the Later Middle Ages*, 47–8; Fox, 'Exploitation of the Landless by Lords and Tenants', 539–60.

the standard villein holdings of the Hundred Rolls and manorial extents very likely screen a host of subtenants.¹⁶⁸ Subletting could also enable successful tenants to expand and contract the scale of their enterprise as their family and economic circumstances changed. Without resort to either subletting or the employment of farm servants it is difficult to envisage how widows, in particular, could have maintained their economic independence and discharged their customary obligations.¹⁶⁹

Provided that lords continued to receive the rents and services which they were due from their servile tenants, there was no reason why they should not have been content to condone subletting. Others forbade it because subletting threatened the unity of standard customary holdings and thereby compromised the allocation and collection of rents and services.¹⁷⁰ It also divorced the lord from those who actually occupied and worked the land and was hard to eradicate once established. Much of it must have been both informal and illicit and it is certainly under-recorded in the available sources, with their primary focus on the relationship between lords and their head tenants.¹⁷¹ Some lords insisted that inter-tenant leases should be sanctioned by their manor courts and recorded in the court rolls upon payment of a fine, but usually this only applied to leases for more than a few years and especially to leases of

¹⁶⁸ 'Upon Ramsey manors it was a common custom to permit subletting of the villein tenement, or parts of the tenement, for one, two, or three years': Raftis, *Tenure and Mobility*, 74; DeWindt, *Land and People in Holywell-cum-Needingworth*, 47–8. See also Hilton, *English Peasantry in the Later Middle Ages*, 131; Harvey (ed.), *Peasant Land Market in Medieval England*, 22–7 ('Introduction'); Dyer, *Making a Living in the Middle Ages*, 143, 175; Schofield, *Peasant and Community in Medieval England*, 20.

¹⁶⁹ Tim Lomas, 'South-East Durham: Late Fourteenth and Fifteenth Centuries', in Harvey (ed.), *Peasant Land Market in Medieval England*, 300.

¹⁷⁰ Fox, 'Exploitation of the Landless by Lords and Tenants', 535; Barbara Harvey, *Westminster Abbey and its Estates in the Middle Ages* (Oxford, 1977), 206–13; Harvey (ed.), *Peasant Land Market in Medieval England*, 346–8 ('Conclusion').

¹⁷¹ Paul Vinogradoff, *Villainage in England: Essays in English Mediaeval History* (Oxford, 1892), 330–2; Postan, 'Charters of the Villeins', 122; John Hatcher, *Rural Economy and Society in the Duchy of Cornwall, 1300–1500* (Cambridge, 1970), 16; Andrew Jones, 'Caddington, Kensworth, and Dunstable in 1297', *Econ. Hist. Rev.*, 2nd ser., xxxii (1979), 316; Harvey (ed.), *Peasant Land Market in Medieval England*, 24 ('Introduction'); Janet Williamson, 'Norfolk: Thirteenth Century', in Harvey (ed.), *Peasant Land Market in Medieval England*, 54.

villein land to freemen.¹⁷² Short leases are mostly masked from sight. Exceptionally, on Ramsey Abbey's manor of Godmanchester the chance survival of three subletting lists dating from the first quarter of the fourteenth century exposes a plethora of 'short-term, perhaps yearly (one harvest)' leases, none of which is recorded in the contemporary court rolls.¹⁷³ Such short leases offered head tenants the advantage of keeping rents competitive through regular renegotiation (something which few landlords were able to do). They also spread the occupancy of land much wider than most official records reveal.

If the subletting of villein land was hard to police, monitoring freehold land was even more hopeless.¹⁷⁴ Moreover, the lower level of most freehold rents meant that the economic imperative to sublet was all the more powerful. M. A. Barg has demonstrated that much freehold land in the Hundred Rolls was in the possession of gentry, ecclesiastics, craftsmen and tradesmen who did not cultivate it themselves but acted as 'middlemen', subletting it piecemeal to peasants mainly for terms of years.¹⁷⁵

¹⁷² A. Elizabeth Levett, 'The Black Death on the Estates of the See of Winchester', in Paul Vinogradoff (ed.), *Oxford Studies in Social and Legal History*, v (Oxford, 1916), 28–9; B. M. S. Campbell, 'Field Systems in Eastern Norfolk during the Middle Ages: A Study with Particular Reference to the Demographic and Agrarian Changes of the Fourteenth Century' (Univ. of Cambridge Ph.D. thesis, 1975), 128–31; Campbell, 'Population Pressure, Inheritance, and the Land Market', 120 n.; Rosamond Faith, 'Berkshire: Fourteenth and Fifteenth Centuries', in Harvey (ed.), *Peasant Land Market in Medieval England*, 125–6. Until 1355 on the manors of St Albans Abbey tenants were entitled to lease land without enrolment, provided that the lease was for less than two years: Ada Elizabeth Levett, *Studies in Manorial History* (Oxford, 1938), 188. A similar custom prevailed on Ramsey Abbey's Huntingdonshire manors: J. Ambrose Raftis, *Warboys: Two Hundred Years in the Life of an English Medieval Village* (Toronto, 1974), 167; Andrew Jones, 'Bedfordshire: Fifteenth Century', in Harvey (ed.), *Peasant Land Market in Medieval England*, 193. On the leasing of villein land to freemen, see Raftis, *Tenure and Mobility*, 77–80; DeWindt, *Land and People in Holywell-cum-Needlingworth*, 48.

¹⁷³ J. A. Raftis, *A Small Town in Late Medieval England: Godmanchester, 1278–1400* (Toronto, 1982), 119–33.

¹⁷⁴ Hilton, *Social Structure of Rural Warwickshire in the Middle Ages*, 130–1; Miller, *Abbey and Bishopric of Ely*, 132–3; Jones, 'Caddington, Kensworth, and Dunstable in 1297', 322–4.

¹⁷⁵ M. A. Barg, 'The Social Structure of Manorial Freeholders: An Analysis of the Hundred Rolls of 1279', *Agric. Hist. Rev.*, xxxix (1991); J. Ambrose Raftis, 'The Land Market at Godmanchester, c.1300', *Mediaeval Studies*, I (1988), 330–2. See also Hatcher, *Rural Economy and Society in the Duchy of Cornwall*, 252–3; *Survey of Archbishop Pecham's Kentish Manors*, ed. and trans. Witney, pp. xlvii–xlvi. On the merits and demerits of subletting through 'middlemen', see David Dickson, 'Middlemen', in Thomas Bartlett and D. W. Hayton (eds.), *Penal Era and Golden Age: Essays in Irish History, 1690–1800* (Belfast, 1979).

John le Squier of Shudy Camp in Cambridgeshire, for example, had seven subtenants holding between them one messuage and six and a quarter acres.¹⁷⁶ On the lands of one indebted free tenant at Bishops Cleeve in Gloucestershire there were no fewer than twenty-one individual subtenants.¹⁷⁷ Such cases are very likely the tip of an iceberg.¹⁷⁸ With a population of 4¼ million, probably at least a quarter of a million households must have eked out a tenuous and anonymous existence as the tenants and tied labourers of other men.¹⁷⁹ The higher medieval population estimate of 5 to 6 million favoured by some historians implies an even greater submerged mass of subtenants.¹⁸⁰ Although the least visible, these were probably the most numerous occupiers of the land, especially in those crowded parts of eastern and south-eastern England where rural population densities exceeded four hundred persons per square mile by the opening of the fourteenth century.

A rare opportunity to glimpse the full extent of subletting is provided by the ancient demesne manor of Havering in Essex, where land once sublet became permanently alienated.¹⁸¹ Successive surveys of 1251 and 1352/3 record a class of tenants called 'undersettles' holding mostly very small amounts of land from other men.¹⁸² The juxtaposition of leases for lives, leases for years, and short-term leases for one or two years or less sometimes gave rise to chains of subtenancy, as each tenant in the chain took advantage of their individual tenurial circumstances in order to extract profit rents from the subtenant

¹⁷⁶ Kanzaka, 'Villein Rents in Thirteenth-Century England', 610–12.

¹⁷⁷ Dyer, *Standards of Living in the Later Middle Ages*, 120.

¹⁷⁸ For example H. E. Hallam, 'Some Thirteenth-Century Censuses', *Econ. Hist. Rev.*, 2nd ser., x (1957–8), 351–2.

¹⁷⁹ Campbell and Bartley, *England on the Eve of the Black Death*; Campbell, 'Complexity of Manorial Structure in Medieval Norfolk'.

¹⁸⁰ Campbell, *English Seigniorial Agriculture*, 403. Postan, who championed a high population estimate of 6 million, stressed the existence in many villages of 'a category of men who were tenants of the lords' tenants': Postan, 'Charters of the Villeins', 121. For the tendency of subletting to increase with the growth of population, see Rutledge, 'Landlords and Tenants', 11–14.

¹⁸¹ McIntosh, *Autonomy and Community*, 109–11.

¹⁸² On undersettles, see also Homans, *English Villagers of the Thirteenth Century*, 211–12; Miller, *Abbey and Bishopric of Ely*, 145; Postan, 'Charters of the Villeins', 121.

below them.¹⁸³ By implication it was those at the end of these chains who paid the most exorbitant rents, so that it was tenants not lords who were the real rack-renters. That these chains were able to develop in the first place was because the sub-economic head rents charged by lords proved so conducive to rent-seeking, inviting tenants to pass on to those below them the exactions practised by those above.¹⁸⁴ This, after all, was how the urban property market functioned at the time.¹⁸⁵ Short of squatting, there were no other means or better terms by which the poorest and most marginalized groups within rural society could obtain at least a foothold on the land.¹⁸⁶ A minority thereby benefited at the expense of the majority, as, by implication, significant transfers of rent occurred between tenants.

Once subdivision and subletting had occurred on any scale there was very little that landlords could do to reverse it. The agricultural treatises of the period gave advice on how to improve yields rather than how to raise rents, although raising rents would undoubtedly have contributed more to landlord incomes.¹⁸⁷ Had landlords attempted to consolidate holdings they would in no time have encountered major political and humanitarian obstacles. Even in less populous times, engrossing and enclosure provoked tenants into furious and sometimes

¹⁸³ Similar chains are also a feature of the Godmanchester subtenant listings (Raftis, *Small Town in Late Medieval England*, 123), and the 1279 Hundred Roll return for Hevingham in Norfolk. For example, at Hevingham the free tenant Henry le Blunt held one acre from William son of Walter, who held it from William le Cat, who held it from Henry de London, who held it from Thomas Jurdon of Letheringsett, who held it from the earl of Gloucester, who held it in chief from the king: Campbell, 'Complexity of Manorial Structure in Medieval Norfolk', 240, 243.

¹⁸⁴ Rigby, *English Society in the Later Middle Ages*, 48–9.

¹⁸⁵ Derek Keene, 'The Property Market in English Towns, AD 1100–1600', in Jean-Claude Maire Vigueur (ed.), *D'une ville à l'autre: structures matérielles et organisation de l'espace dans les villes européennes (XIII^e–XVI^e siècle)* (Collection de l'École Française de Rome, cxxii, Rome, 1989), 207–13, 218; Rutledge, 'Landlords and Tenants'; Goddard, *Lordship and Medieval Urbanisation*, 242–3. Mills, too, were similarly prone to chains of subletting. 'The paring-down of the profit margin of each of the parties in the chain is obvious . . . the position of a sub-lessee was often very precarious': John Langdon, *Mills in the Medieval Economy: England, 1300–1540* (Oxford, 2004), 216–17.

¹⁸⁶ These are the 'undersettles' and 'anilepimen' of the documents: see Douglas, *Social Structure of Medieval East Anglia*, 31; Homans, *English Villagers of the Thirteenth Century*, 136–7, 210–12; Miller, *Abbey and Bishopric of Ely*, 144–8.

¹⁸⁷ Dorothea Oschinsky (ed.), *Walter of Henley and Other Treatises on Estate Management and Accounting* (Oxford, 1971).

violent reaction.¹⁸⁸ Cocooned by custom and overtaken by profound demographic and economic changes, the 'system' of land tenure had degenerated too far to be rectified by a few bold managerial decisions and liberal doses of landlord capital. Immiserated peasant smallholders could not be transformed at a stroke into successful tenants of substantial farms. Not until population decline broke this deadlock would significant progress be possible, in the form of a halt in the process of subdivision, a slow and piecemeal enlargement of farms as and when the opportunities for consolidation arose, and the gradual replacement of villein and freehold tenures with leasehold, over which tighter control could be exercised.¹⁸⁹ Achievement of these aims was contingent upon the elimination of subtenancies and the establishment of direct tenurial relations between landlords and those who occupied the soil. The lax tenurial regime that had created these conditions needed to be replaced with something tighter. Custom needed to give way to competition and landlords needed to adopt a more economic approach in their dealings with their tenants. They needed, in fact, to get tougher.

VI

RURAL CONGESTION

Peasants desired land holdings of their own because of the limited opportunities for making a living outside agriculture. Not only was occupation of the land the single best guarantee of securing a livelihood, it also granted tenants standing in their communities, could be used as security to raise credit, and could be either leased or sold to pay off debts. Smallholdings also gave labourers and craftsmen something to support them through slack seasons and hard times, and a respite from the drudgery of mechanical labour. In a society without public welfare, land

¹⁸⁸ Maurice Beresford, *The Lost Villages of England* (Gloucester, 1983), 76-7; Martin, *Feudalism to Capitalism*, 121, 143; S. T. Bindoff, *Ket's Rebellion, 1549* (Hist. Assoc. Pamphlet, general ser., xii, London, 1949).

¹⁸⁹ Campbell, 'Population Change and the Genesis of Commonfields on a Norfolk Manor'; Campbell, 'Extent and Layout of Commonfields in Eastern Norfolk'; Whittle, *Development of Agrarian Capitalism*, 64-82; Margaret Spufford, *A Cambridgeshire Community: Chippenham from Settlement to Enclosure* (Dept. Eng. Local Hist., Occasional Papers, xx, Leicester, 1965), 32-46.

was an insurance against risk, but it was landlords who regulated access to it. Had landlords exercised tight control of tenure the supply of holdings would have been inelastic; competitive rents and entry fines would also have debarred those with inadequate capital and credit from taking them on. Such a policy, if effectively enforced, would have prevented subdivision, removed much of the incentive to sublet, and might have maintained holdings at a size sufficient to ensure that available land, labour and capital were all deployed to most productive effect. It would also have discouraged the multiplication of peasant households and thereby have acted as a brake upon population growth.

Denying peasants access to land was, however, contrary to the tide of the times. Landlords who attempted to do so during the expansionist thirteenth century courted unpopularity and rarely avoided making some concessions. The most determined, such as the abbots of Glastonbury, prohibited subdivision and subletting by their servile tenants.¹⁹⁰ Nevertheless, as the dean and chapter of St Paul's Cathedral, London, discovered at Caddington and Kensworth in Bedfordshire, imposing such a policy upon their freehold tenants was quite another matter (and almost half of all tenanted land was freehold).¹⁹¹ Through a combination of subdivision, subletting and piecemeal colonization, free holdings therefore multiplied more rapidly than villein holdings. Very likely this reinforced high rates of natural increase among freeholders with the result that the number of free tenants gained relative to the number of servile tenants until by c.1300 the former were probably in the majority.

Among villeins, too, there was a strong demand for additional holdings. Where the availability of land permitted, the more fortunate of the younger children of substantial villeins were settled by their fathers in cottages and on smallholdings on the same manor.¹⁹² Others were displaced into servanthood, from which marriage to a widow or heiress or a windfall inheritance might eventually provide an escape.¹⁹³ Many left, unable

¹⁹⁰ Fox, 'Exploitation of the Landless by Lords and Tenants', 535-6.

¹⁹¹ Jones, 'Caddington, Kensworth, and Dunstable in 1297', 322-3.

¹⁹² Raftis, *Peasant Economic Development within the English Manorial System*, 28-33.

¹⁹³ Homans, *English Villagers of the Thirteenth Century*, 210-11; Fox, 'Exploitation of the Landless by Lords and Tenants', 522-39; Titow, 'Some Differences between Manors and their Effects on the Conditions of the Peasantry', 6-13.

to secure land on their closely regulated native manors. Typically, they either sought out opportunities where institutional controls were weaker and the frontier of settlement was still advancing or drifted into the towns, whose populations, by the early fourteenth century, were becoming swollen by an influx of dispossessed rural poor.¹⁹⁴ By so doing they gained their freedom, which further shifted the demographic balance in favour of those who were free.

All manors were characterized by a net turnover of tenants and families but a distinction can usefully be drawn between 'open' manors of weak lordship and 'closed' manors of strong lordship. In the former, burgeoning populations of small free and servile tenants competed ever more desperately for land and employment. In the latter, standard villein holdings were maintained intact and manorial populations grew far more slowly.¹⁹⁵ Nevertheless, by 1300, even 'closed' manors had accumulated a substantial underclass of servants, smallholders, subtenants and commoners, whose scanty socio-economic profiles in surviving manorial records contrast strikingly with those of the privileged tenants holding a yardland or half-yardland whose surpluses were large enough to render them liable to pay tax.¹⁹⁶ It is the sheer number of smallholdings, both villein and free, that is the single most arresting feature of the pattern of tenant property holding revealed by the Hundred Rolls: 60 per cent of tenants were crammed onto just 5 per cent of the land.¹⁹⁷ Nor do these figures take account of the large but unspecified number of minor subtenants.¹⁹⁸

¹⁹⁴ Raftis, *Peasant Economic Development within the English Manorial System*, 33–46; Rutledge, 'Immigration and Population Growth'; Carole Rawcliffe, 'Sickness and Health', in Carole Rawcliffe and Richard Wilson (eds.), *Medieval Norwich* (Hambledon and London, 2004), 307–8.

¹⁹⁵ For example Harley, 'Population Trends and Agricultural Developments from the Warwickshire Hundred Rolls of 1279'. For definitions of 'open' and 'closed' villages, see Dennis Mills, 'English Villages in the Eighteenth and Nineteenth Centuries: A Sociological Approach. Part 1: The Concept of a Sociological Classification', *Amateur Historian*, vi (1965).

¹⁹⁶ For example J. A. Raftis, 'Social Structure in Five East Midland Villages', *Econ. Hist. Rev.*, 2nd ser., xviii (1965), 90–8; Razi, *Life, Marriage and Death in a Medieval Parish*, 94–8; Fox, 'Exploitation of the Landless by Lords and Tenants'.

¹⁹⁷ Calculated from Kanzaka, 'Villein Rents in Thirteenth-Century England', 599. For a case study, see Raftis, 'Land Market at Godmanchester', 312–13.

¹⁹⁸ Barg, 'Social Structure of Manorial Freeholders', 113–15. Conversely, allowance needs to be made for the fact that many tenants undoubtedly held land by multiple tenures and in multiple townships: Campbell, 'Complexity of Manorial Structure in Medieval Norfolk', 243–5.

That many parts of the countryside were so crowded with smallholders was the legacy of the inadequate control of tenure, the over-vigorous growth of population, and the inability of towns, commerce, industry and manufacturing to provide sufficient alternative employment to alleviate the pressure on the land.¹⁹⁹ Over the forty years that followed compilation of the Hundred Rolls, conditions within the countryside degenerated further as populations continued to grow and economic opportunities outside of agriculture contracted rather than expanded. By 1327–32 at least two-thirds of rural households lacked 12 shillings' worth of movable goods and consequently were deemed too poor to pay tax.²⁰⁰ International commercial recession was an important component of the worsening agrarian situation.²⁰¹ So, too, was the onset of unstable environmental conditions.²⁰² Everywhere, at the height of the agrarian crisis of 1315–22, there was acute distress on the land, most particularly among the swollen and indebted ranks of the rural poor.²⁰³ Further crises followed over the next twenty-five years. At a time when they could least be afforded, taxation and the purveyance of provisions to finance a succession of costly and destructive military campaigns sapped the rural economy of vital

¹⁹⁹ Campbell, *English Seigniorial Agriculture*, 424–30. See also Patrick K. O'Brien and Gianni Toniolo, 'The Poverty of Italy and the Backwardness of its Agriculture before 1914', in Campbell and Overton (eds.), *Land, Labour and Livestock*, 405–9.

²⁰⁰ The extant 1327 and 1332 lay subsidy returns indicate that c.1330 there were potentially 283,000 households with movable goods worth 12s. or more, of which at least 240,000 were rural non-seigniorial households: Campbell and Bartley, *England on the Eve of the Black Death* (calculated from data supplied by R. E. Glasscock). With a total population of 4.5 million, this implies at least a further 560,000 rural non-seigniorial households (i.e. 70 per cent of the rural non-seigniorial total) below the minimum tax-paying threshold of wealth. With a higher population estimate of 5.0 million, the equivalent proportion of non-taxpaying rural non-seigniorial households rises to 75 per cent.

²⁰¹ Munro, 'Industrial Transformations in the North-West European Textile Trades', 121–30.

²⁰² Campbell, *English Seigniorial Agriculture*, 22–4; Baillie, 'Putting Abrupt Environmental Change Back into Human History'.

²⁰³ Ian Kershaw, 'The Great Famine and Agrarian Crisis in England, 1315–22', *Past and Present*, no. 59 (May 1973), repr. in R. H. Hilton (ed.), *Peasants, Knights and Heretics: Studies in Medieval English Social History* (Cambridge, 1976); William Chester Jordan, *The Great Famine: Northern Europe in the Early Fourteenth Century* (Princeton, 1996); Barbara A. Hanawalt, *Crime and Conflict in English Communities, 1300–1348* (London, 1979), 238–60.

resources.²⁰⁴ By 1340, as both the *Nonae* Rolls and the IPMs demonstrate, rural producers in widely separate parts of the country were in conspicuous difficulties.²⁰⁵ Eventually, it was the massive and fortuitous loss of life in the Black Death of 1348–9 that took the demographic tension out of the equation and thereby broke the deadlock on the land.

To a remarkable extent, English peasants in the early fourteenth century had gained the near-universal access to land that they so much desired, but this was achieved at a high economic price. Substantial head tenants may have constituted a significant body of demand, for in most cases they enjoyed heritable holdings, paid reasonable rents, and profited from high prices and low wages, but they were outnumbered at least two to one by smallholders encumbered with debt and subtenants burdened with rack rents. The presence of so many small and impoverished tenants on the land was an economic dead weight. They possessed little purchasing power, lacked capital and were averse to risk.²⁰⁶ No doubt they lavished labour, which they possessed in relative abundance, upon cultivation of their smallholdings but they were rarely able to deploy their labour resources to the full. Consequently, under- and unemployment were rife.²⁰⁷ When employed, labourers in 1300 may have discharged their agricultural tasks as productively as would labourers in 1800, with the result that output per worker in

²⁰⁴ J. R. Maddicott, *The English Peasantry and the Demands of the Crown, 1294–1341* (Past and Present Supplements, no. 1, Oxford, 1975), repr. in Aston (ed.), *Landlords, Peasants and Politics in Medieval England*; W. M. Ormrod, 'The Crown and the English Economy, 1290–1348', in Campbell (ed.), *Before the Black Death*; Bruce M. S. Campbell, 'Ecology Versus Economics in Late Thirteenth- and Early Fourteenth-Century English Agriculture', in Del Sweeney (ed.), *Agriculture in the Middle Ages: Technology, Practice and Representation* (Philadelphia, 1995), 94–6.

²⁰⁵ Alan R. H. Baker, 'Evidence in the "Nonarum Inquisitiones" of Contracting Arable Lands in England during the Early Fourteenth Century', *Econ. Hist. Rev.*, 2nd ser., xix (1966), repr., with a supplementary note, in Alan R. H. Baker, John D. Hamshire and John Langton (eds.), *Geographical Interpretations of Historical Sources: Readings in Historical Geography* (Newton Abbot, 1970); Maddicott, *English Peasantry and the Demands of the Crown*; Livingstone, 'Nonae', ii, 320–61; Campbell and Bartley, *England on the Eve of the Black Death*.

²⁰⁶ Bailey, 'Peasant Welfare in England', 246.

²⁰⁷ Hatcher, *Rural Economy and Society in the Duchy of Cornwall*, 219. 'Either agricultural workers were under- or unemployed for much of the year, including much of the harvest period, or they were less efficient at performing farm tasks than workers in 1561 and later': Gregory Clark, 'Labour Productivity in English Agriculture, 1300–1860', in Campbell and Overton (eds.), *Land, Labour and Livestock*, 232.

grain production on large demesnes could rival that of eighteenth-century capitalist farms.²⁰⁸ The problem was that there were not enough tasks to keep everyone gainfully and fully employed.

Gregory Clark has estimated that the marginal productivity of male agricultural labour fell by 60 per cent between 1209 and 1309 and was lower between 1270 and 1329 than at any other time between 1209 and 1869.²⁰⁹ He also estimates that average agricultural output per agricultural worker was only half in 1300 what it would become by 1800.²¹⁰ What depressed labour productivity in English agriculture in the early fourteenth century was the excessive ratio of labour to land on so many holdings that were far too small to make optimal use of resources.²¹¹ Because labour productivity was so low the incomes of a large and growing proportion of rural households were also low. This was structural poverty of the most intractable kind. With little disposable income, these households were obliged to consume leisure rather than goods and thereby contributed to the general failure of aggregate demand that had become such a brake upon further market-generated economic progress.²¹²

In so far as lords had aided and abetted this deteriorating situation, it was by abdicating control of the land and its tenure. This had been unintentional. It had probably happened by degrees during the century after the Conquest, when lords' seigniorial powers had been (if anything) stronger, the common law that gave Crown protection to freeholders had yet to be formulated, and before there could have been any anticipation that agriculture would become so commercialized and that commodity prices and land values would undergo such a sustained

²⁰⁸ Overton, *Agricultural Revolution in England*, 124; Clark, 'Labour Productivity in English Agriculture', 225; Eona Karakacili, 'English Agrarian Labor Productivity Rates before the Black Death: A Case Study', *Jl Econ. Hist.*, lxiv (2004).

²⁰⁹ Gregory Clark, 'The Long March of History: Farm Laborers' Wages in England, 1208–1850', <<http://www.iga.ucdavis.edu/clarkpapers.html>> (accessed 30 May 2005).

²¹⁰ This supersedes his previous estimate of a fourfold difference: Clark, 'Labour Productivity in English Agriculture', 219–21.

²¹¹ On the possible relationship between farm size and labour productivity after 1500, see Overton, *Agricultural Revolution in England*, 127; Robert C. Allen, *Enclosure and the Yeoman: The Agricultural Development of the South Midlands, 1450–1850* (Oxford, 1992), ch. 11.

²¹² Campbell, *English Seigniorial Agriculture*, 424–30.

inflation.²¹³ Customs set down in writing at that time proved binding upon lords as well as their tenants. Thereafter, as circumstances changed, lords found it difficult to negotiate higher rents. Nor were tenurial concessions — made when land was cheap, tenants scarce, and enticements to migrate tempting — easily rescinded. Indeed, it would take many centuries, much effort and considerable struggle before lords regained control of tenure. During the interim the initiative mostly remained with their tenants, with the result that lords had to rest content with monitoring, recording and profiting from the relatively unrestrained *post-mortem* and *inter vivos* transfer of land between peasants. Although a minority of tenants gained from this process, the net outcome was a process of attrition that reduced more and more tenants to the lowest economic denominator. To oppose that trend required radical action: lords needed to evict, consolidate and enclose, but they rarely chose to do so.²¹⁴ Acute as was the economic need for tenurial reform, its social cost was too high and as yet there was no clear concept of what was required or how to bring it about. In later centuries, as the merits of engrossment and enclosure became apparent, a new class of commercially minded lords would deal more harshly with their tenants.

In all of this Norfolk is the case county par excellence. No other county was more congested. In the 1330s it supported the highest density of taxpayers in the country and would still do so in 1377, even though its losses in the Black Death were well above average.²¹⁵ Much land within the county was held

²¹³ Chibnall, *Anglo-Norman England*, 184–91. For a case study of the active subinfeudation and alienation that took place during this period, see Edmund King, *Peterborough Abbey, 1086–1310: A Study in the Land Market* (Cambridge, 1973), 18–34. I am grateful to Barbara Harvey for alerting me to this example.

²¹⁴ Hatcher, 'English Serfdom and Villeinage', 254.

²¹⁵ In the 1330s it supported 13.7 taxpayers per square mile compared with the national average of 5.6 taxpayers per square mile (equivalent, perhaps, to 220 people per square mile, compared with a national average of 90 people per square mile): Campbell and Bartley, *England on the Eve of the Black Death*. In 1377 Norfolk supported 48 poll-tax payers per square mile compared with the national average of 27 poll-tax payers per square mile: calculated from Sir Charles Oman, *The Great Revolt of 1381* (Oxford, 1906), 162–6. At their peak, population densities in the most congested parts of the county may have exceeded 400 people per square mile: Bruce M. S. Campbell, 'Agricultural Progress in Medieval England: Some Evidence from Eastern Norfolk', *Econ. Hist. Rev.*, 2nd ser., xxxvi (1983), 28. For evidence of plague mortality in Norfolk, see J. F. D. Shrewsbury, *A History of the Bubonic Plague in the British Isles* (Cambridge, 1970), 94–9.

by free and socage tenure and was therefore largely beyond the regulation of lords. Attempts by lords to maintain standard villein holdings also lapsed early. It was therefore in Norfolk that subdivision and subletting of both free and villein holdings most got out of hand. There is a wealth of evidence to demonstrate both the extent to which holdings became eroded in size and the ingenuity with which tenants coped with this predicament.²¹⁶ They cultivated their holdings with intensity, hired themselves out as labourers, engaged in a whole array of by-employments, earned what they could from commercial textile manufacture, and begged, borrowed and stole.²¹⁷ By the 1330s the county possessed the highest density of relatively poor taxpayers in the country. The thin but wide social spread of movable wealth testifies to the profound dependence of this rural economy upon commerce.

Norfolk was in the vanguard of agricultural advance. Stimulated by demographic pressure and market opportunity, many of the county's demesnes had evolved a form of integrated mixed husbandry that delivered sustained high levels of physical productivity and anticipated the technology of the so-called agricultural revolution.²¹⁸ Well-managed tenant holdings probably delivered even more impressive results. The county's ports handled a lively trade in agricultural products and other commodities, and Norwich, the county town, had grown to become one of the three or four largest cities in the realm.²¹⁹ Yet, for all

²¹⁶ Campbell, 'Extent and Layout of Commonfields in Eastern Norfolk'; Campbell, 'Population Change and the Genesis of Commonfields on a Norfolk Manor'; Williamson, 'Norfolk'; Campbell, 'Agricultural Progress in Medieval England', 39–41.

²¹⁷ Anne F. Sutton, 'The Early Linen and Worsted Industry of Norfolk and the Evolution of the London Mercers' Company', *Norfolk Archaeology*, xl (1989); *Crime in East Anglia in the Fourteenth Century: Norfolk Gaol Delivery Rolls, 1307–1316*, ed. Barbara Hanawalt (Norfolk Record Soc., xlv, [Norwich], 1976).

²¹⁸ Campbell, 'Agricultural Progress in Medieval England'; John P. Power and Bruce M. S. Campbell, 'Cluster Analysis and the Classification of Medieval Demesne-Farming Systems', *Trans. Inst. Brit. Geographers*, new ser., xvii (1992), 233–6; Bruce M. S. Campbell and Mark Overton, 'A New Perspective on Medieval and Early Modern Agriculture: Six Centuries of Norfolk Farming, c. 1250–c. 1850', *Past and Present*, no. 141 (Nov. 1993).

²¹⁹ E. M. Carus-Wilson, 'The Medieval Trade of the Ports of the Wash', *Medieval Archaeology*, vi–vii (1962–3); Anthony Saul, 'English Towns in the Late Middle Ages: The Case of Great Yarmouth', *Jl Medieval Hist.*, viii (1982); Rutledge, 'Immigration and Population Growth'; Bärbel Brodt, '(d) East Anglia', in Palliser (ed.), *Cambridge Urban History of Britain*, i, 642–56; Elizabeth Rutledge, 'Economic Life/Norwich before the Black Death', in Rawcliffe and Wilson (eds.), *Medieval Norwich*.

these conspicuous achievements, Norfolk was not a county of 'wealth, but of scarcely controlled poverty', more because of the excessive build-up of population on the land than the excessive rental exactions of its lords.²²⁰ In fact, few lords succeeded in charging their head tenants with full rack rents and inter-tenant relations were often more fraught than those between tenants and lords.²²¹

Norfolk therefore provides a classic example of a system of land tenure that had gone to rack and ruin, the baleful consequences of which were not counteracted by high levels of personal freedom, technological advance, commercial vigour and substantial urban growth.²²² Studies of the peasant land market in the county have revealed the frenetic exchange of pathetically small parcels of land. From the 1290s good and bad harvests produced surges of buying and selling due to their differential impact upon the capacity of smallholders to feed themselves, pay their rents and meet their credit obligations.²²³ In hard times peasants sacrificed the very means of their livelihoods. When deprivation was greatest the resort to crime was so great that it verged upon a wholesale breakdown of

²²⁰ The phrase is taken from B. H. Slicher Van Bath, 'The Rise of Intensive Husbandry in the Low Countries', in J. S. Bromley and E. H. Kossmann (eds.), *Britain and the Netherlands: Papers Delivered to the Oxford-Netherlands Historical Conference, 1959* (London, 1960), 153. For an alternative verdict on Norfolk's economy at this time, see Pamela Nightingale, 'The Lay Subsidies and the Distribution of Wealth in Medieval England, 1275-1334', *Econ. Hist. Rev.*, 2nd ser., lvii (2004).

²²¹ Hanawalt, *Crime and Conflict in English Communities*. Inter-tenant disputes have been little studied: see Rigby, *English Society in the Later Middle Ages*, 48. Notable exceptions include: Smith, 'Kin and Neighbors in a Thirteenth-Century Suffolk Community', 247-9; Britton, *Community of the Vill*, 115-23.

²²² Northern and eastern Kent provide a close parallel: R. A. L. Smith, *Canterbury Cathedral Priory: A Study in Monastic Administration* (Cambridge, 1943), chs. 9-10; F. R. H. Du Boulay, *The Lordship of Canterbury: An Essay on Medieval Society* (London, 1966), 114-59; Baker, 'Open Fields and Partible Inheritance on a Kent Manor'; Campbell *et al.*, *Medieval Capital and its Grain Supply*.

²²³ Rev. W. Hudson, 'The Prior of Norwich's Manor of Hindolveston: Its Early Organisation and Rights of the Customary Tenants to Alienate their Strips of Land', *Norfolk Archaeology*, xx (1921); Campbell, 'Population Pressure, Inheritance, and the Land Market'. Similar stresses and strains are reflected in the payment of heriots on the bishop of Winchester's estate in southern England: see M. M. Postan (with J. Titow), 'Heriots and Prices on Winchester Manors with Statistical Notes on Winchester Heriots by J. Longden', in Postan, *Essays on Medieval Agriculture and General Problems of the Medieval Economy*, repr. from *Econ. Hist. Rev.*, 2nd ser., xi (1958-9); Barbara F. Harvey, 'Introduction: The "Crisis" of the Early Fourteenth Century', in Campbell (ed.), *Before the Black Death*, 8-9.

social order.²²⁴ During the agrarian crises of 1315–22 and 1346 seigniorial and Crown courts were swamped with business. Norfolk peasants may have been ‘rampant individualists, highly mobile both geographically and socially, economically “rational”, market-oriented and acquisitive, ego-centred in kinship and social life’ but this had not resulted in the creation of agrarian capitalism.²²⁵ Inefficiencies and internal contradictions within prevailing socio-property relations had thwarted such an outcome. Instead, the land had become congested with a smallholding tenantry whose existence it was beyond the power and inclination of lords to remove.

The problem, therefore, was the inverse of that diagnosed by Postan, Brenner and so many others. At this stage in England’s agrarian development tenants rather than lords largely had the upper hand and they maintained it by asserting the array of institutions, rights and values that collectively constituted custom. As Hatcher crucially diagnosed, and Kanzaka has since confirmed, by 1300 most head tenants, both freemen and villeins, were paying less than a competitive market rent for their land.²²⁶ On the evidence of the IPMs, the amount of freehold land and numbers of freeholders — over both of which lords had little control — were also far greater than is commonly acknowledged. As a result, lords as a class were prevented from realizing the full economic value of their estates and the occupying tenantry retained a disproportionately large share of rural income. What has not hitherto been appreciated sufficiently is that this created irresistible rent-seeking opportunities for tenants, particularly freeholders, the exploitation of which bred farm fragmentation, rural congestion and indebtedness. Low agricultural labour productivity and chronic poverty were the inevitable results. Moreover, the problem was self-perpetuating, in so far as the relative ease of obtaining holdings facilitated the

²²⁴ *Crime in East Anglia*, ed. Hanawalt, 14–15. Although less extreme, the resort to crime is also evident in Yorkshire, Essex, Northamptonshire and Somerset: see Hanawalt, *Crime and Conflict in English Communities*, 241–9.

²²⁵ Campbell, ‘Population Pressure, Inheritance, and the Land Market’, 91. The phrase is taken from Alan Macfarlane, *The Origins of English Individualism: The Family, Property and Social Transition* (Oxford, 1978), 163. For a definition of agrarian capitalism, see Whittle, *Development of Agrarian Capitalism*, 7–9.

²²⁶ Hatcher, ‘English Serfdom and Villeinage’; Kanzaka, ‘Villein Rents in Thirteenth-Century England’.

formation of new households and thereby maintained the momentum of population growth.

Only the disproportionate expansion of non-agricultural employment could have alleviated this situation but there was little prospect of that happening at a time when international trade was entering a deep recession.²²⁷ The upshot was an impasse on the land. Lords lacked the leverage and probably the will to dispossess the occupying tenantry and any attempt to do so would undoubtedly have met with both passive and active resistance.²²⁸ The mass of petty peasant holdings could not be reconstituted at a stroke into a smaller number of substantial farms held by contractual rather than customary tenure and paying competitive market rents. In fact, it would take centuries to bring about this transformation and the economic achievement would be purchased at a high social cost, since it depended upon progressive displacement of many from occupation of the land and from the welfare and security that this bestowed.²²⁹ To achieve this required reform and removal of the array of social and property institutions which had created the agrarian problem in the early fourteenth century. It was the tensions created by this accelerating process of reform which, in turn, constituted the agrarian problem in the sixteenth century.²³⁰

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²²⁷ Norwich, for instance, presented the spectacle of 'a city whose rapid physical expansion was not being matched by economic growth', moving, during the course of the early fourteenth century, 'from being a prosperous city with a wide industrial and commercial base to a city with a far greater proportion of urban poor heavily dependent upon a single industry': Rutledge, 'Economic Life/Norwich before the Black Death', 187–8.

²²⁸ That tenants were active in defending their own interests is well documented: see R. H. Hilton, 'Peasant Movements in England before 1381', *Econ. Hist. Rev.*, 2nd ser., ii (1949), repr. in Rodney Hilton, *Class Conflict and the Crisis of Feudalism: Essays in Medieval Social History*, 2nd edn (London, 1990); Rigby, *English Society in the Later Middle Ages*, 104–10.

²²⁹ Bruce M. S. Campbell, 'England, 1086–c.1540: Land and People', in S. H. Rigby (ed.), *The Blackwell Companion to the Later Middle Ages* (Oxford, 2002), 5–9, 16–19, 22.

²³⁰ Tawney, *Agrarian Problem in the Sixteenth Century*.