

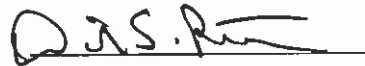
“Distributism and Medieval English Peasant Life: Testing the Historical Vision of Hilaire Belloc”

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INTRODUCTION

In 1891, as class tensions and socialism were growing throughout the industrialized world, Pope Leo XIII (1878 – 1903) issued his encyclical “Rerum Novarum” to address the economic challenges of the time. The encyclical begins, “That the spirit of revolutionary change, which has long been disturbing the nations of the world, should have passed beyond the sphere of politics and made its influence felt in the cognate sphere of practical economics is not surprising.”¹ This encyclical sparked the distributist movement that commanded some prominence particularly among Catholics in England until World War II. Since then, distributism has lost its influence in political discourse, although parallels to distributist thought are apparent in writers like Alexander Solzhenitsyn, Whittaker Chambers, Richard M. Weaver, and E.F. Schumacher. The Industrial Revolution and the resulting effects on capital and labor provided the immediate context for the encyclical. Leo XIII writes,

“On the one side there is the party which holds power because it holds wealth; which has in its grasp the whole of labor and trade; which manipulates for its own benefit and its own purposes all the source of supply, and which is not without influence even in the administration of the commonwealth. On the other side there is the needy and powerless multitude, sick and sore in spirit and ever ready for disturbance.”²

Leo XIII recognized the same difficulties that were recognized by the Marxists, and the new capitalist order was intolerable to him. His solution, however, looked to the past and found a solution in the tradition of the West instead of a utopia of the future. This encyclical, therefore, was an attempt to combat both capitalism and socialism, or as Pope Pius XI would say in 1931, “individualism” and “collectivism.”³

¹ Leo XIII, “Rerum Novarum,” Vatican Website, http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html (accessed 5 Mar. 2012), ¶ 1.

² *Ibid.*, ¶ 47.

³ Pius XI, “Quadragesimo Anno,” Vatican Website, http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html (accessed 5 Mar. 2012), ¶ 46.

In response to this economic crisis, Leo XIII declared the right to private property and sufficient wages, under the name of distributive justice. He affirmed that “every man has by nature the right to possess property as his own,”⁴ and that “each one has a natural right to procure what is required in order to live.”⁵ In the first case, he condemned Marxism and socialist movements that sought the abolition of property. In the second case, he condemned the contemporary state of capitalism and its failure to provide adequate wages. This system of rights he termed “that justice which is called distributive.”⁶ From these premises about the demands of justice, Leo XIII affirmed certain economic truths, particularly that “capital cannot do without labor, nor labor without capital.”⁷ The interdependence of capital and labor became a central theme of later distributist thought. Not only did the pope approach this from moral and economic perspectives, but he even proposed a sort of philosophy of labor as something that can be spiritually fulfilling, in which the laborer leaves “the impress of his personality” on the land which he works.⁸ The conclusion of this moral, economic, and philosophic consideration of the nature of labor and capital was that “The law, therefore, should favor ownership, and its policy should be to induce as many as possible of the people to become owners.”⁹ Forty years later and two years after the beginning of the Great Depression, in recognition of the influential encyclical, Pope Pius XI released *Quadragesimo Anno*, reaffirming the previous encyclical while raising the pitch of the warning. Pius XI reiterated the right to private property, inheritance,¹⁰ and a sufficient wage,¹¹ according to the “law of social justice.”¹² In line with “*Rerum Novarum*,” he confirmed that the path forward was to make workers into owners.¹³ However, he spoke with even more urgency, for “the ‘capitalist’ economic regime” had spread around the world during the previous forty years, creating class conflict on which “human society cannot be

⁴ Leo XIII, “*Rerum Novarum*,” ¶ 6.

⁵ *Ibid.*, ¶ 44.

⁶ *Ibid.*, ¶ 33.

⁷ *Ibid.*, ¶ 19.

⁸ *Ibid.*, ¶ 9.

⁹ *Ibid.*, ¶ 56.

¹⁰ Pius XI, “*Quadragesimo Anno*,” ¶ 49.

¹¹ *Ibid.*, ¶ 71.

¹² *Ibid.*, ¶ 57.

¹³ *Ibid.*, ¶ 63.

founded.”¹⁴ Moreover, Pius XI declared that the economy was in a state of “grave evil which is plunging all human society to destruction.”¹⁵

While the popes were writing encyclicals, lay English Catholics, particularly G.K. Chesterton (1874 – 1936) and Hilaire Belloc (1870 – 1953), were advocating distributism in the public sphere. These two thinkers developed the principles established in “Rerum Novarum” into a political, economic, and historical creed. Chesterton, who famously summarized his philosophy with a call for “three acres and a cow” for all,¹⁶ developed distributism as a romantic notion. In his popular 1926 distributist work, *The Outline of Sanity*, he writes, “There is nothing in front [of us] but a flat wilderness of standardization either by Bolshevism or Big Business” and advocated a return to an older economic order.¹⁷ Hilaire Belloc had already provided the economic and historical grounding of distributism in his 1912 book *The Servile State*, in which he divided historical economic systems into three groups: the servile state, the distributive state, and the capitalist state. The servile state characterized ancient society, in which “there was a mass dispossessed of the means of production and compelled by positive law to labour at command.”¹⁸ From this state, at the instigation of the Church, and “very slowly emerging from the Pagan world,” the distributive state came to be in Europe.¹⁹ By the early Middle Ages, Belloc describes the farmer as “already nearly a peasant,”²⁰ and by the end of the fourteenth and beginning of the fifteenth centuries, the distributist state had nearly come to perfection. In nearly all areas “the Servile institution had totally disappeared.”²¹ The laborer, Belloc writes,

“could not be evicted from [his land]. The dues which he was customarily bound to pay were but a fraction of its total produce. He could not always sell it, but it was always inheritable from father to son; and in general, at the close of this long process of a thousand years the Slave had

¹⁴ Pius XI, “Quadragesimo Anno,” ¶ 103, 88.

¹⁵ *Ibid.*, ¶ 83.

¹⁶ G.K. Chesterton, *What’s Wrong with the World* (Mineola, New York: Dover, 2007), 51.

¹⁷ G.K. Chesterton, *The Outline of Sanity* (Norfolk, VA: HIS Press, 2001), 36.

¹⁸ Hilaire Belloc, *The Servile State* (New York: Henry Holt and Company, 1946), 34.

¹⁹ *Ibid.*, 38.

²⁰ *Ibid.*, 47.

²¹ *Ibid.*, 51.

become a free man for all the ordinary purposes of society. He bought and sold. He saved as he willed, he invested, he built, he drained at his discretion, and if he improved the land it was to his own profit.”²²

However, when the English monarchy seized the monastic lands and sold them during the Reformation, it destroyed the long, gradual process that had been leading to peasant freedom by the sudden re-empowerment of the lords. Belloc describes how a fifth of the land in England was immediately transferred into the hands of the lords, making them “at a blow the owners of *half* the land!”²³ The English Reformation ended the slow transition into distributism and replaced it with the capitalist order. Belloc writes, “There was no reason why this state of affairs should not gradually have led to the rise of the Peasant and the decay of the Lord,” and he even specifies the mechanism, writing that the “peasantry eager to purchase might have gradually extended their holdings at the expense of the demesne,” the land directly farmed by the lord using either servile obligations or wage labor.²⁴ His claims, however, lack documentation and his interpretation of economic history has been subject to very little investigation.

This thesis seeks to test Hilaire Belloc’s vision of the economic history of medieval England, particularly two of his claims. First, the servile state was abolished and the distributist state nearly fully completed by the fifteenth century. Second, this process was accomplished through a gradual and natural process, rather than by revolution or any single historical event. Further, this thesis will seek to uncover the causes of the growth of the distributive system, which will shed light both on the nature of the process and the economics of distributism. Belloc’s claims will be compared to the records of manorial courts in medieval England. These courts, overseen by elected officials from the villages, judged legal conflicts between lords and peasants as well as between two or more peasants and recorded relevant information like the number of tenants or the legal status of peasants.

We are fortunate to have dozens of collections of court rolls, records of sessions of court, many of which are translated into English. This thesis relies upon the court rolls that scholars have translated into

²² Belloc, *The Servile State*, 48.

²³ *Ibid.*, 64.

²⁴ *Ibid.*, 61.

English from the rural manors of Walsham le Willows, Tooting Beck, Carshalton, Elmley Castle, Ingoldmells, Bruces, Dawbeneys, Pembrokes, Ramsey, Hepmangrove, and Bury. These manors together encompass the East and West Midlands, Eastern England, and the London area, and therefore provide a strong foundation for a study of the well-populated regions of medieval England. (See *Figure 1.*) This essay, however, does not use the above sources to reconstruct a new interpretation of the period, but rather to demonstrate the general nature of the transformation of medieval England already established in the scholarship. One exception to this is the use of debt records from Walsham le Willows in Chapter Two, which will shed light on claims made by the Marxist historiographical school. Chapter Two, in addition to this discussion of debt, will compare Belloc's characterization of the economic history of medieval England mostly with modern scholarship on the subject.

This thesis will demonstrate that the medieval court rolls and a synthesis of the modern historiographical schools support Belloc's conclusion, both about the establishment of a distributist society by the fifteenth century and the gradual nature of its emergence. The manorial system, and with it the servile system, were in the process of disintegration as early as the twelfth century and had nearly ceased to exist by the end of the fifteenth century. Through the leasing of the demesne lands, productive property was distributed to the peasantry, which both gave peasants independence and weakened the power of the lords over them. This transformation had been underway over the course of the three preceding centuries; however, the overpopulation of the late thirteenth and early fourteenth centuries temporarily delayed its effects by increasing the demand, and therefore economic cost (including servile obligations), for land. Once population returned to sustainable levels after the Black Death, the fruits of the disintegrating demesne came into effect. The lords made a brief attempt to prevent the collapse of their own power, particularly with the Ordinance of Laborers in 1349 and Statute of Laborers in 1351. However, they were unable to enforce these regulations and all attempts to reinstitute servility were effectively ended by the Peasant Revolt of 1381. After this date, and increasingly by the end of the fifteenth century, the servile system was weakened and a distributist system was nearly established. Peasants, however, remained tenants throughout this entire period. While the direct farming of the

demesne lands ended, lords remained the owners of peasant lands, and for this reason, distributism was never fully achieved in England. Moreover, this thesis suggests that the cause of the leasing of the demesne lands was that centralized farming was less productive than decentralized farming. In other words, labor and capital were more productive when united than when separated, a theme of distributism. Therefore, the history of the English peasantry demonstrates that distributism was nearly realized in fifteenth century England, that the transformation occurred gradually, and that it may have occurred because of its efficiency, thereby confirming two of Belloc's descriptive claims and possibly his prescriptive claim about the strength of distributed property.

CHAPTER ONE: SERFDOM, ITS CHARACTER, AND ITS DEMISE

To begin a study of the medieval peasant, it is necessary to understand the peasant family and its place within the village community. The central economic unit in the village was not the individual, but the family. Men and women usually married between their late teen years and early twenties, depending on the economic circumstances of the time.²⁵ Until they were married, men and women worked as servants and day laborers for the wealthier peasant families of the village or continued to contribute to their family's income. These servants did not usually live with the family by whom they were employed, and although about one out of every eight families had servants, this number likely fell after the Black Death when available land greatly increased.²⁶ After marriage, couples would continue to work and live with a family or receive land from their parents. The amount of land possessed by a family was the primary measure of prosperity, larger even than the degree of freedom they enjoyed, particularly in the late fourteenth and fifteenth centuries. Recent research has demonstrated that extended families did not live in the same house, as was previously thought; instead, the family unit was flexible. It would be incorrect to look at the medieval village and assume it aimed at a certain size family unit; rather, families made rational decisions to ensure a sufficiency of food and goods based on the size of the family and their economic circumstances.

Just as the nature of the family economic unit depended on the circumstances and was adaptable to changing conditions, so was the exact nature of the family's income. Different types of land yielded different amounts of profit. Meadowlands and pastures were typical holdings, while waste areas were less common because they were less profitable. Peasants shared pastures and used them to hold and feed livestock. Each tenement, the area of land inhabited by a tenant, included a house and usually a garden, where families could grow vegetables and supply themselves with additional nutrition. Also within their tenement lived small livestock like pigs and chickens, which often wandered into the houses and

²⁵ Barbara Hanawalt, *The Ties That Bound: Peasant Families in Medieval England* (New York: Oxford University Press, 1986), 96.

²⁶ *Ibid.*, 165.

occasionally mauled children.²⁷ Peasants could fish and hunt in areas of the manor that were allowed them by the lord, and they could also risk doing so in areas banned by the lord. In addition, they could trade with other members of the village and borrow money or goods. The poorest members of the community were allowed to glean from the sides of plots of land that they did not own. Further, religious fraternities existed in many villages and some provided an economic safety net to their members. Thus, there was a variety of sources of nutrition and income open to the peasant, and each family, based on its circumstances and economic well-being, pursued some balance of these options. If a peasant family did not own enough land to provide for itself, it could either sell its labor to wealthier peasants and help them tend to their land or practice a craft, such as weaving or brewing.

The fundamental assets of each peasant family were land, labor, and capital. Land produced a given amount of food, some of which was consumed, and some of which could be sold to pay fines and rent. The amount of food produced per acre depended on technology, labor quality, and weather. Mere ownership of capital could not be another direct source of income because usury was illegal. However, a sufficient amount of capital did allow for increased investment and increased future profit. Labor was the asset that was most flexible. As Barbara Hanawalt describes, peasants could receive wages for field work for other families, produce goods through cottage industries, supply lodging to outsiders, or hunt and gather.²⁸ Furthermore, they could resort to theft or rely on the assistance of others in the village. If a family wanted to increase its economic standing, it could lease more land or change its farming technique. In the case of the latter decision, though, it could often gain more income in the short-term future only by losing it in the long-term. A change in rotation pattern to use more land each year would eventually deplete the land of nutrients and render it less profitable in the future. The family could also add to its wealth through marriage. When a woman joined a household she brought both a dowry of capital and extra labor that could be used towards supplemental economic production. Parents could send a child off for education; however, this required a substantial fine to be paid to the lord which, depending on the

²⁷ Hanawalt, *The Ties That Bound*, ch. 2.

²⁸ *Ibid.*, 115-120.

family, could be more or less onerous. Peasants could hold offices at the lords' manor, earning an extra income. However, this was not a desirable option because it often pitted the officeholder against the rest of his community. Finally, peasants could sue one another for money.

The tenements were all situated together in the village, which was surrounded by the fields. The number of members in an average village ranged from fifty to a few hundred. The close proximity of the houses forced continual interaction between neighbors, fostering a communal political and economic life. These villages were part of a larger manorial agrarian system, overseen by lords, who owned all the land and leased it at will to the peasants. Multiple villages could share the same lord and, therefore, the same courts in which officials administered justice according to the custom of the manor.

SERFDOM AND FREEDOM

Much of medieval peasant life was endured in serfdom, also recorded as *naifty* or *villeinage*. It is helpful to divide serfdom into two different aspects – legal and practical bondage. Legally, serfs were almost the chattel of their lords; a portion of their goods and labor belonged to the lords, who could extract capital and labor from the peasants while restricting their freedom of movement. Flight from the lords' manor was a crime because the lords owned the serfs' labor. However, this harsh legal condition could not be fully realized because of the actual balance of power and the custom of the manor. When researchers like Paul Vinogradoff began to study medieval legal documents with greater interest in the late nineteenth and early twentieth centuries, they initially came to the conclusion that serfs were essentially enslaved.²⁹ This encouraged the Marxist interpretation of history during the early twentieth century that has emphasized rivalry between the lord and peasant. Researchers like J. A. Raftis and the Toronto School, especially in the past few decades, have established that legal serfdom differs from practical serfdom, and this is particularly evident in the court rolls, which record the implementation of the law. Practical serfdom, therefore, is the relevant aspect of serfdom for this essay, which is not

²⁹ Paul Vinogradoff, *Villainage in England; Essays in English Mediaeval History* (Oxford: Clarendon Press, 1892).

concerned with how lords desired the peasants to live (nor how the peasants desired the lords to live), but with how the peasants actually lived.

During any given time from the Domesday Book of 1086 through the fifteenth century, England had a population of both serfs and freemen. Regardless of their degree of freedom, however, all men and women lived within the manorial system. Therefore, a court might fine a man for fishing in the lord's pond, but this does not make him a serf, merely a trespasser. Furthermore, a man might be fined for letting his house fall into disrepair, but this does not make him a serf, merely a tenant. Many of the fines and legal issues within the court rolls do not reflect aspects of serfdom, but merely a manorial society in which the lords own all the land and lease it to tenants as they see fit. However, serfdom did add numerous capital and labor burdens to the peasant's lot, which certainly did constitute some level of unfreedom. The collapse of this institution, therefore, marked a step towards peasant freedom and a distributist society.

Serfdom had certain features that courts used to determine the status of a peasant, including *merchet*, a marriage fine, and *tallage*, a tax that could be extracted by the lord. If the serfs did not pay the *merchet*, they were subject to further fines. The Court Rolls of Ramsey, Hepmangrove and Bury record an example of this, when William Sculle, "naif of Warboys" married "a certain woman at Ramsey without license."³⁰ The fact that a serf needed the permission of his lord to marry provides an example of the difference between legal and practical serfdom. Legally, the lord could refuse or accept marriages as he saw fit and thus had total control over marriages on his manor; practically, he had neither reason nor power to do so. An accurate description of the peasant's life in medieval England requires local examination within the context of the law rather than isolated legal interpretation. The activities of the town, recorded in the court rolls, reveal what the lord could and could not do practically, and therefore the extent of his effective power over the serfs. However, the lords often extracted an amercement in cases of

³⁰ Edwin B. DeWindt, ed., *The Court Rolls of Ramsey, Hepmangrove, and Bury 1268-1600* (Toronto, Canada: Pontifical Institute of Medieval Studies, 1990), 10.

out-of-wedlock birth.³¹ The Walsham le Willows court rolls record that “Christiana Springold gave birth outside wedlock, childwite 32d...and ordered to attach her to serve the lord as winnowe...John Spileman was ordered not to cohabit with Christiana in future...Afterwards Christiana came and paid 10s. fine for leave to marry Jon.”³² This case demonstrates another important fact to consider when interpreting the court rolls; the rolls do not tell the reader the back-story, only the legal aspects of the story. Were Christiana and John living as married, though not, so as not to pay the fine, indicating that the fine was burdensome? Or was this an accident that was solved through marriage to prevent Christiana’s having to work as a winnowe for the lord? In 1236-7, “Bracton’s Notebook” records the importance of *merchet* and *tallage* for establishing the servile status of a peasant. The Jurist Henry of Bracton writes, “And because he does no service save the aforementioned money payment and the services named, nor gives merchet for a daughter, nor is tallaged, therefore it is awarded that he held freely and that he recover his seisin, and Thomas and others are in mercy.”³³ Further, after the death of a serf, the lord could collect a *heriot*, which in some regions meant that he would take the finest cattle and in other areas a quantity of money. The lord could waive any of these fines due to poverty, but theoretically he could not raise them above the customary limit. The lord also required a yearly *chevage* from those serfs living off the manor, often being trained as apprentices in a city. From 1396 through 1401, the Court Rolls of Ramsey, Hepmangrove, and Bury record six years of 12d. *chevage* payments from “Thomas, son of William Freman, naif of the lord, for license to live at St. Ives, at the will of the lord, and practice the tanner’s art.”³⁴ The opportunity to practice a trade provided a way off of the manor and into the city; however, only the wealthiest members of a village community could afford to send away a child.

In addition to the various fines, lords also required serfs to perform a series of services throughout the year. The quantity and nature of these services varied from region to region and were particular to the

³¹ An *amercement* was a fine collected by the lord after an illegal action.

³² Ray Lock, ed. and David Dymond, ed., *The Court Rolls of Walsham le Willows, 1351-1399* (Woodbridge, Suffolk; Rochester, NY: Boydell, 2002), 40.

³³ Alfred E. Bland, Philip A. Brown, and R. H. Tawney. *English Economic History: Select Documents* (London: G. Bell and Sons, 1937), 93.

³⁴ DeWindt, *The Court Rolls of Ramsey, Hepmangrove, and Bury 1268-1600*, 595.

needs of each manor. The record of Richard Jamys' required services on the Tooting Beck manor provides some examples and a rough idea of what the average serf had to do for the lord. Jamys held ten acres of land, a large quantity on most manors, and paid nine pence per year for "fixed rent" and two shillings per year "for day-works part commuted." Serfs could pay the lord a fine that would excuse them from some of their obligations, which would then be listed as "commuted." In this case, the yearly fine paid for commutation is nearly three times the yearly rent. If Jamys paid for these works to be commuted for economic reasons alone, it is likely that the profit made laboring on his land during those commuted days was at least three years worth of rent per year. However, not all works were commuted, and he still "owes to mow and lift one acre and 3 roods of meadow." On the first day of this work he shall be given breakfast. During the autumn, "he owes to reap...with one man for 8 days," and on these days, "he shall be at the lord's table at dinner and supper." He must "weed the lord's grain with one man for one day without food," and if he has the equipment, he owes two days of plowing at the winter and Lent sowing. He "owes to harrow for one day" if he has a horse or perform some other work for the lord if he does not. While he has a wife, "he shall give one cock and one hen" to the church and one cock only if he does not at the "festival of St. Thomas the apostle." He "owes a heriot" at death, "owes suit at Court every 3 weeks," and must keep his tenement "without neglect or injury."³⁵ In summary, he owes two shillings for commuted works, ten to twelve days of work, to mow and lift one acre and three roods, a cock and maybe a hen once a year, *heriot* upon death, and suit at court. Lords required most of the work at harvest, which of course is the time of year when the serfs would have most needed their own labor. However, assuming that he had a family, Richard Jamys had multiple people who he could send to perform these services. Even with a small-to-average family of four able-bodied workers, this reduces the number of days lost per person to three in addition to the mowing and lifting of one acre and three roods. For the larger and presumably wealthier landowners like Richard Jamys, the work services would not have been particularly onerous when they could be commuted and split among family members. However, for the poorer families of the village, the services may have been more difficult for fulfill.

³⁵ London City Council, *Court Rolls of Tooting Beck Manor* (London, 1909), 3.

Finally, use of the lord's mill was required of all serfs of the manor. Mills, which became widespread in the Middle Ages because of the innovation of monks, allowed for greater efficiency in the grinding of corn. This increased productivity also made mills large profit-makers for the lords, who pursued a monopoly over them when they were able. The competition for control over the mills reveals something of the balance of power on the manor. At Walsham le Willows in 1398, the court rolls record that "Nicholas Patel and John Spicer villeins amerced 3d. because they did not grind their corn at the lord's mill, and have not done so for two years."³⁶ For two years they did not pay *multure*, which often amounted to one tenth of the corn being ground,³⁷ yet they were only required to pay three pence as an amercement. The monopoly of the management of mills and the *multure* was a product of seigniorial power, yet once again it is evident that legal power did not perfectly translate into actual power.

In addition to the fines and services associated with villeinage, broader regulation of production existed throughout England. Royal regulations on the production of beer and bread in the villages, the Assize of Bread and Ale, were enforced by the manorial courts, which fined peasants for breaking the assize. Technically, this breaking of the assize was breaking legal regulation, placing the peasant at the mercy of the lord, who received an amercement. In practice, however, this amercement was actually a fine, or in modern terminology a tax, that the lord levied for additional income while allowing the peasants to make their profit. The court rolls are filled with amercements for breaking the assize. In 1360 on the Manor of Carshalton, the court rolls record that "all the brewers broke the assize of ale and sold by cups and dishes against the proclamation and by unsealed measure, except Thomas Boweyer and Thomas Baker."³⁸ Nor is this example an exception.

Three consecutive court rolls preserved from the Elmley Castle manor demonstrate that the amercement was actually treated as a fine. On June 6, 1375, fifteen peasants were amerced for breaking

³⁶ Ray and Diamond, *The Court Rolls of Walsham le Willows*, 204.

³⁷ John Langdon, *Mills in the Medieval Economy* (New York: Oxford University Press, 2004), 279.

³⁸ *Court Rolls of the Manor of Carshalton From the Reign of Edward the Third to That of Henry the Seventh* (London: Roworth, 1916), 21.

the assize of ale. Four months later on October 18, 1375, eight of those fifteen were once again amerced. Five months later on May 14, 1376, seven of the twelve peasants amerced in October were once again at the mercy of the lord. Furthermore, six of the fifteen peasants amerced in June were amerced again in both October and May³⁹. As D. L. Powell explains, “Of all the offenses visited by fines at the Views of Frank Pledge [a required meeting of tenants in court], the breaking of the Assize of Ale is the most common and lucrative. So common that it was probably lucrative to break the assize at the expense of the fines.” Moreover, after three breaches of the assize, offenders should have been sent to jail, but they rarely were.⁴⁰ This is a strong demonstration of manorial pragmatism. The lord of a manor had a set of laws that he could chose to enforce or not and a series of fines, the amount of which was up to his determination. The lord could use the law rationally for his own interest, which did not always involve squeezing the peasant into economic oblivion. In the case of breaches of the assize, the crime is condoned and becomes a taxable economic activity. Again, at Elmley Castle, eighteen peasants were amerced between one and ten pence each for keeping their animals in the lord’s park, and the same was recorded at the court two months later.⁴¹ This reflects either a prolonged and massive revolt of the peasants against the laws of the lord or, more likely, an extralegal agreement between the lord and his tenants that effectively legalized an illegal act, changing an amercement into a tax. Therefore, the lord, like the peasant, was in a flexible economic position, with many different economic opportunities for increased profit.

In addition to the difficulty that the economic flexibility of both the lord and peasant introduces into the interpretation of the records, the law itself was sometimes ambiguous and complex, making the institution of serfdom much more difficult to define. Sometimes disputes arose about the precise nature of a certain peasant’s position on the manor. In such a case, the request for information is recorded in the court rolls. In 1313 at Ingoldmells, the rolls record, “The inquisition between the lord earl and John ad

³⁹ Robert K. Field, ed., *Court Rolls of Elmley Castle, Worcestershire 1347-1564* (Worcestershire, England: Worcestershire Historical Society, 2004), 21, 25, 29-30.

⁴⁰ *Court Rolls of the Manor of Carshalton From the Reign of Edward the Third to That of Henry the Seventh*, xiii.

⁴¹ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 4-5.

Castel concerning his naifty is in respite until the next court unless the council of the lord comes first.”⁴²

These inquisitions sometimes occurred because a tenant had not been performing services and paying fines and, when requested to do so, he appealed to the fact that by custom he did not owe these things to the lord, thus demonstrating that he bore none of the marks of serfdom. His servile status was sometimes established through recourse to the court rolls, which often bore witness to the freedom or unfreedom of his parents. Because serfdom was inherited through the blood line, this sometimes indicated the peasant to be a serf even if he had previously been treated as free. On occasion, the court found it necessary to restate a law, as in 1319 on the same manor, when the roll records, “The township presents that the custom of the manor is that if any free man begets any [child] by a ‘native’ (woman) of the lord that a ‘native’ he ought to remain for ever.”⁴³ In 1328, Alan and Matilda Goderik pushed the limits of the court’s legal knowledge when they produced a piece of writing that showed that they, serfs, had purchased free land. The court roll reads, “And because it is not known whether free land thus purchased by any bond tenant ought to be arrent [due] to the lord, therefore concerning the arrenting nothing at present etc.” The month afterwards at the next session of court, the court made its decision, “And upon this the lord seizes it by reason of their naifty. And the said Alan and Matilda give to the lord for license to hold it at will, as is aforesaid” 40 pence.⁴⁴

There are two different manifestations of serfdom on the manor: bond tenancy and bond land. A bond tenant was himself in part property of the lord and, as demonstrated in this case, owed his labor and capital even if he worked on free land. A free tenant if he lived on bond land might have owed additional unfree services and fines to the lord on top of the rent already due to him. Furthermore, some peasants owned both free and unfree land, as in the case of Agnes Catte who held “three roods of bond land, and three roods of free land” at Ingoldmells.⁴⁵ As peasants sought to increase their land holding, which was

⁴² *Court Rolls of the Manor of Ingoldmells in the County of Lincoln* (London, England: Spottiswoode & Co., Ltd., 1902), 32-3.

⁴³ *Ibid.*, 69.

⁴⁴ *Ibid.*, 100-102.

⁴⁵ *Court Rolls of the Manor of Ingoldmells in the County of Lincoln*, 88.

the primary way to increase their wealth and standard of living, serfs married freemen or bought free land, and freemen married serfs or bought bond land. In one case recorded in the Ingoldmells court rolls, William atte Brig took a complaint to court that Robert Catte was not allowing him to sell corn outside of the lordship. Robert informed the court that William was a freeman, “and that it is not the custom of the bondmen that any freeman shall carry corn growing on bond land outside the lordship.” Neither could his wife claim the right to carry the corn because she was a free woman because she was illegitimate. William demanded an inquisition, which found that until ten years previously, “any bastard man or woman could acquire to themselves lands and tenements of the bond tenants of the manor of Ingoldmells.” Therefore William, by right of his wife, won the case against Robert.⁴⁶ This case demonstrates the importance of custom (even when the custom of the past decade has been different) and, more importantly, it shows that there was no clear line between the good life of freedom and the oppressed life of serfdom. In this case, a husband fought for economic gain that was being withheld from him because of his free status.

THE TRANSFORMATION OF SERFDOM

Between the middle of the thirteenth century and the time of the Black Death, lords began to exact these labor services and eventually money payments as well from the serfs, although at the same time large numbers of free tenures were emerging. Around the turn of the fourteenth century, the life of the customary tenant was the most unfree that it had been for over a century. The lords began to rebuild their demesnes because with the increasing economic growth and population size, prices were rising and the lords wanted to increase their revenue. As the lords’ demesne once again grew in size, its cultivation required increased labor from the serfs. Thus, on the whole, by the first wave of the plague in 1348, heavy labor services and moderate money payments were prominent in most parts of England. Alongside

⁴⁶ *Court Rolls of the Manor of Ingoldmells in the County of Lincoln*, 111-112.

of this, a free peasantry was developing.⁴⁷ As the economic conditions continued to improve, lords cleared woodlands to bring even greater amounts of land under cultivation. These new lands required new tenants to work them, and lords began to create free tenures to attract tenants. As opposed to customary tenure, free tenure could not devolve into the same level of servitude that was at that point being exploited by the lords. As the European economy grew and more land came under cultivation, much of Europe saw this same growth of free tenures. Many serfs were gaining personal wealth as well, and some were even able to purchase their own freedom. In 1086, at the time of the Domesday Book, Cambridgeshire had the highest percentage of free tenants in the region, which was four percent. By 1280, forty percent of the peasants who held tenure in the area covered by the Hundred Rolls, an English census, were free tenants. The exact percentage varied between twenty and seventy percent depending on the region.⁴⁸ By the thirteenth century, free tenure in the form of “gavelkind” holdings was the norm in Kent.⁴⁹ The rich Kentish tenants were able to reject the lords’ attempt to increase their power during that century as they did elsewhere, and thus remained free with only very slight labor services required. Sussex and Wales were also largely free by the end of the thirteenth century. However, freedom did not necessarily correspond to wealth; in fact, court rolls show that some peasants actually fell into poverty in the process of buying their freedom. By the time of the Black Death, many servile workers were living at a time of novel new forms of subjection, surrounded by a class of free tenants, who may have made up a little under half of the population.

Because of the sudden reduction in population and thus labor supply, the Black Death in 1348 transferred a great amount of power into the hands of the serfs, and the nobility responded immediately with labor laws to restrict the newfound power of the peasantry. Historians generally estimate that the

⁴⁷ Phillipp R. Schofield, *Peasant and Community in Medieval England, 1200-1500* (New York: Palgrave-Macmillan, 2003), 29.

⁴⁸ Rodney H. Hilton, *The Decline of Serfdom in Medieval England* (London and Basingstoke: Macmillan, 1969), 19.

⁴⁹ *Ibid.*, 22.

Black Death killed between one third and one half of the population of England.⁵⁰ This left the lords with large portions of their demesnes and tenant lands uncultivated, giving serfs great bargaining power for both higher wages and more freedom. Lords immediately saw what was happening, petitioned Parliament and, within a year, the royal government instituted a reactionary labor law to keep wages low. Before 1348, local law and custom had governed peasant wages. However, in 1349 the government took a radical step by instituting the Ordinance of Laborers, which gave lords increased power not merely over serfs but over free tenants as well. The Ordinance required all able-bodied people under sixty years of age to labor for a set maximum wage. Lords were given the power to jail those who refused to work, and were banned from offering higher wages. Likewise, peasants could not accept higher wages and were forbidden to give alms to healthy beggars.

Eventually, it became clear that private prosecution was unable to address the growing amount of lawbreaking, and government officers began to enforce the law as well. This, too, did not succeed in stopping the transformation, and in 1351, the royal government instituted the Statute of Laborers. Many peasants were demanding day-long contracts so that they could bargain, each day, for the highest wage offered. The Statute set the minimum terms of hiring, just wages, and local officials required oaths from the peasants.⁵¹ None of this, however, was able to slow the pace of the change, and peasants often resisted these laws, as the court rolls show. As recorded in the rolls of Ramsey, Hepmangrove, and Bury, the court ordered various amounts of money, all greater than four pence, to be paid by 10 people in 1391 as fine “for agreeing amongst themselves, at their own instigation, against the law and custom of the realm, that none of them would take less than 4d. for digging a millenaria of peat, when the proper wage is 2 ½ d.⁵²” This case also demonstrates how peasants, when they attempted to resist seigniorial power, generally acted in groups to ensure that they could not be singled out for punishment. It is of course

⁵⁰ A.R. Bridbury, “The Black Death,” *The Economic History Review* 26, no. 4 (1973): 588, doi:10.2307/jstor.org/stable/2593699.

⁵¹ Robert C. Palmer, *English Law in the Age of the Black Death, 1348-1381: A Transformation of Governance and Law* (Chapel Hill: University of North Carolina Press, 1993), 17-23.

⁵² DeWindt, *The Court Rolls of Ramsey, Hepmangrove, and Bury 1268-1600*, 562.

impossible to determine how many peasants broke the statute and evaded punishment; however, it was in the end unsuccessful in maintaining the pre-Black Death wage level.

Despite the Ordinance and Statute of Laborers, the mobility, income, and freedom of the English peasantry continued to rise in the aftermath of the plague. The opinions of historians of the plague over the past century have frequently changed, as the intellectual climate has shifted. Many scholars have argued that real wages rose only a small amount after the Black Death, and some have even claimed that they fell. This latter claim has proven to be economically incomprehensible, considering the degree to which the labor supply had fallen after the plague. However, these arguments focus purely on wages, which were likely to be suppressed because of the labor legislation. The increase in income did occur elsewhere in order to avoid the regulation because payment in kind was less difficult to detect. The Statute complained that serfs were refusing to work “unless they have payments of food and money two or three times as great as they used to take in [1346-7] or earlier.” Henrici Knighton wrote that the laborers were “so arrogant and obstinate that they did not heed the king’s mandate, but if anyone wanted to have them he had to give them what they asked.”⁵³ The new labor legislation was accomplishing nothing to stem the rise of income, which was made up of both wages and food. Gower and Langland tell us in their poetry that the peasants were “demanding extremely high wages,” “extravagant fringe benefits,” “fine clothes,” and “the best food and drink,” were “lazy,” sought day-long contracts, broke their contracts, and drank too much.⁵⁴ While none of these benefits have any explicit relationship to legal serfdom, they demonstrate two things. First, it would be wrong to think of the economic condition of the English peasant as being entirely dependent on his free or servile status; economic status was just as important, and as time went on it eventually overshadowed the importance of legal status. Secondly, there must have been a great amount of migration and negotiation, and if income could be negotiated, so could servile status.

⁵³ John Hatcher, “England in the Aftermath of the Black Death,” *Past & Present* no. 144 (1994): 11, doi:10.2307/jstor.org/stable/651142.

⁵⁴ *Ibid.*, 14.

Serfs in great number began to flee their servile tenures in search of lower rents, higher wages, and greater freedom. At the manor of Elmley Castle, the rolls record, “The bailiff and the whole homage were ordered at the preceding court that Walter Hoges and Adam Hoges, neifs of the lord and fugitives, [be] here at this court, under penalty of paying 100s. to the lord. And the aforesaid Walter and Adam have not come. Therefore the penalty is imposed etc.”⁵⁵ The harsh penalty here demonstrates how seriously the lords understood peasant flight to be; it was an easy route to peasant freedom, and thus a route to a weakening of the lords’ power. Nor were these serfs who chose to flee the manor necessarily poor. At the same manor in 1462, the court rolls record that “Thomas Hamond, who held of the lord according to the custom of the manor there one messuage and a half-yardland of land there called ‘Ballas’, withdrew outside the lordship at night, and he left behind the said messuage and land to remain unoccupied.”⁵⁶ Not only does this demonstrate that freedom was a strong enough incentive for some to leave behind sizable amounts of land, but also that this process continued into the second half of the fifteenth century. Many serfs gained their freedom through this process, and the percentage of free tenures continued to rise to over fifty percent. This did not come without danger, however. Lords sometimes tracked down their fugitive serfs, forcibly returning them to the manor and sometimes jailing them. Yet, searching for the serfs often proved to be too costly to be worthwhile, and a great number of serfs successfully fled from their manors. On the manor of Dawbeneyes in 1382, Thomas and William Habaraham (later recorded as Abraham) and Richard Page were outside the manor and were ordered to be taken. This order was repeated several times each year, until the issue was finally dropped after 1385 for the Habrahams and 1387 for Richard Page.⁵⁷ On the manor of Bruces, the court issued a similar order in

⁵⁵ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 15.

⁵⁶ *Ibid.*, 155.

⁵⁷ Frank H. Fenton, *Court Rolls of the Manors of Bruces, Dawbeneyes, Pembrokes (Tottenham), 1 Richard II to 1 Henry IV (1377-1399)*, trans. Richard W. Oram (Tottenham, England: Libraries and Museum Dept., 1961), 120, 124, 126, 129, 130, 132, 141, 152, 156.

1367 for Geoffry and John Malger, who had fled to London. After 1371, the issue is no longer recorded in the rolls.⁵⁸

Throughout the fourteenth century, serfs also staged organized refusals to work, in which they did not perform the work services that custom required of them. After the Black Death, when opportunities opened up for wage labor, serfs began to ignore the customary services that they were obligated to perform for their lords. At the same time that these opportunities were opening up, the lords were losing power and found it more difficult to enforce the servile customs. In 1353, 46 serfs of the manor of Walsham le Willows staged an organized refusal to work.⁵⁹ The rolls reveal that the ten reapers were amerced “because in the autumn they were summoned to reap with the lord for money and refused to come, but reaped with other men for money.” In economic terms, the supply of labor fell, and the price of labor naturally increased. This led not only to increased wages, but also to increased scarcity of tenants. As wages and demand for tenants increased, so did the power of the peasant. The lords knew that as they increased the burdens on the serfs, flight would become more attractive to them. After the Black Death, flight became even more beneficial because of the opportunities available outside the manor, which forced the lords to decrease their demands on the serfs. In the case presented above, the serfs judged it more worth their time to be paid a higher wage by another employer than be paid a lesser wage by the lord. Thus, the lords were presented with two options over the long-term. First, they could try to enforce the customs as they were recorded; this they boldly attempted with the Ordinance and Statute of Laborers, which failed by the close of the fourteenth century. Second, they could acknowledge the newfound power of the peasants and allow their own power to diminish; this occurred during the fifteenth century after the failure of the first strategy, and it led to the eventual disintegration of serfdom and the manorial system.

In 1377, inspired in part by the Domesday Book, some of the English peasantry rose up in revolt, demanding everything from lowered rents and services to free tenure. This initial uprising was not

⁵⁸ Fenton, *Court Rolls of the Manors of Bruces, Dawbeneyes, Pembrokes (Tottenham), 1 Richard II to 1 Henry IV (1377-1399)*, 2, 3, 8, 10, 12, 14, 17, 20, 22.

⁵⁹ Lock and Dymond, *The Court Rolls of Walsham le Willows, 1351-1399*, 40-41.

successful, though it was especially revealing of the ideology behind the Peasant's Revolt of 1381. The uprising took place in several regions, including Wiltshire, Hampshire, Surrey, Sussex, and Devon, but remained limited in its scope. The revolt began when a mysterious group of violent criminals began counseling serfs on their rights according to the Domesday Book. The book, written in 1086 at the time of the Norman Conquest, recorded the political and economic organization of the country. The counselors had advised the peasants to acquire records of the relevant sections of it to determine if they were guaranteed certain rights and liberties. The peasants told the lords that they were living on ancient royal demesne land, and thus had certain rights as "villain sokemen."⁶⁰ Legally, this meant that they would only have to pay tallage when all of the king's tenants did, that they had access to helpful legal forms, and that their rents and services were fixed. Parliament responded by declaring that the Domesday Book had no relevance to them and appointed special commissions to look into the unrest. Dozens of towns inquired into their status according to the Domesday Book, but very few of these towns' claims were determined to be legitimate.⁶¹ Several manors took their demands even further, showing that the peasants on their land had enjoyed free status before the king gave the land to the abbot. The peasants were indeed correct, and their historical research was impressive, for the event took place in the late seventh century. There was also a general and incorrect opinion that any services required of the serfs would have been recorded in the book, leading many to the conclusion that they should be free from services. In a petition to Parliament in 1377, the lords wrote that the serfs "have withdrawn . . . the customs and services due to their lords, holding that they are completely discharged of all manner of service both from their persons and their holdings."⁶² Serfs in these regions had, for the first time, made the claim that they had access to certain rights, not because of any natural law but because of ancient tradition.

⁶⁰ Rodney H. Hilton, and T. H. Aston, *The English Rising of 1381* (Cambridge: Cambridge University Press, 1987), 48.

⁶¹ *Ibid.*, 50.

⁶² *Ibid.*, 58.

The uprising of 1377 exposed a radically conservative sentiment among the peasantry, which was dedicated to the king and tradition. Though originally prompted by a group of violent criminals, this uprising, compared to the much larger and nearly successful revolt in 1381, was essentially populist. Because there was no ideological leader in the front of this first uprising, the nature of the peasants' aims and attitudes at the end of the fourteenth century can be more clearly discerned. The fact that they did not share the Christian egalitarianism of the leaders in 1381 is clear from the local and limited demands of those peasants who actually came to political power. There were three ideas inherent in this rumor of freedom. First, a tenant on royal land had protection from rising services and dues and possibly even personal freedom. Second, documents held some secret stipulation of freedom that had been kept from the peasant. In 1381, the abbot of St. Albans was forced to forge the non-existent charter of liberties that was being demanded by the rioting peasants. Third, peasants revered ancient freedoms and regional traditions because they were based on documents from a better time of peasant freedom. Although the demands were radical, they were inspired by a very conservative vision. Rosamond Faith writes, "It was conservative to the point of archaism, and the book that largely inspired it was not the Bible, but the Domesday Book."⁶³ This desire for ancient rights was also expressed in a reverence of the king, who the peasants saw as an honorable and praiseworthy man surrounded by conniving advisors. In 1381, the password of the rebels was, "With King Richard and the true commons," and the St. Albans rebels flew the banner of St. George.⁶⁴ The revolutionaries of the late fourteenth century rebelled against recent tradition, the government, and ecclesiastical authorities; however, they honored and revered ancient tradition, the king, and God. The attitude of the serf population after the Black Death was one of radical traditionalism, and although the royal government quickly rescinded the general manumission of all serfs declared by the government after the events of 1381 was quickly rescinded, the lords understood that they could no longer maintain their former power over their serfs.

⁶³ Hilton and Aston, *The English Rising of 1381*, 44.

⁶⁴ *Ibid.*, 69.

From this point on, the eventual disintegration of serfdom was unstoppable. This is visible immediately after the revolt, when the government captured the rebels and returned them to the manor. At the manor of Dawbeneys, the court rolls record,

“...and the aforesaid Richard Abraham, jun. and John Abraham were taken to Shordych and were imprisoned for their rebellion, and in the presence of good and lawful men viz. William Saloman bailiff of the Bishop of London acknowledged themselves to be the lord’s villeins and the lord gives them grace and allows them to go to their home.”⁶⁵

Although the rebellion failed to succeed in its immediate goals, it did indicate that the balance of power had shifted from the lords to the peasants. It marked a warning for the lords; their attempts to maintain their power against the newfound power of the peasants was not going to be sustainable. In the case presented above, the lord gave clemency to the rebels because he would rather have had them as tenants than prisoners. By the end of the fourteenth century, the destruction of the manorial system and the erosion of serfdom were visible on the horizon. Once again, however, it is important to emphasize that the disintegration of serfdom is not the same as the liberation of the peasant. Beginning in the thirteenth century and ending in the fifteenth century, free tenures were increasing, and a smaller and smaller percentage of the population was remaining unfree.

After 1381 and continuing throughout the fifteenth century, a series of processes unfolded that moved more serfs from servile tenure onto free tenure, including large-scale migration, frequent commutations, and increasingly sympathetic decisions by the public courts. Given the many empty lands needing cultivation after the plague, a large number of serfs left their land seeking better pay and greater freedom. Often, the serfs remained undiscovered in their locations, gaining freedom for themselves and their descendents. If they moved to certain protected towns, they could gain a right of domicile, which meant that they would cease to be serfs after one year and would be protected from any attempts by their

⁶⁵ Fenton, *Court Rolls of the Manors of Bruces, Dawbeneys, Pembrokes (Tottenham), 1 Richard II to 1 Henry IV (1377-1399)*, 128.

lords to reclaim them. One legal writer of the time remarked, “Likewise if any serf shall have remained quietly in a privileged town for a year and a day, so that he shall have been received like a citizen into their common guild, he will be liberated from villainage by that very fact.”⁶⁶ The lords of the manors often were not making the necessary concessions, and for many serfs it was no longer beneficial to remain on the manor. Sometimes, a serf would not even come forward to claim his father’s servile land because he was so confident of finding work or land elsewhere. Peasant mobility continued to increase into the fifteenth century.

Manumissions also increased during this time, instantly releasing serfs into freedom. Sometimes, serfs purchased their own freedom as in the case of Gileman and Alexander de Assebech in 1280, who “are naifs and make themselves free.”⁶⁷ Other times, a manumission would be given out of Christian piety, as is possible in the case of Robert the Abbot of Stoneleigh, who granted that “Geoffrey son of the late William Austyn of Wottonhull be free of his body with all his brood and his chattels hereafter forever.”⁶⁸ As the services required by the serf to the lord diminished, peasants acquired manumission by making “fine with the lord to have license to marry whoever she wishes, within the lordship or outside, without impediment.”⁶⁹ By the late fourteenth century in some areas, and by the fifteenth century in all areas, restrictions on marriage became the last vestige of serfdom, and thus its dissolution signals the dissolution of legal serfdom. This fact is made explicit in the court rolls of Elmley Castle, in which the scribe wrote “manumission” next to a case similar to the one above.⁷⁰ Moreover, the fine for this manumission decreased over time, as the legal title of serf, neif, or villein became less relevant to practical peasant life. Thus, in the case mentioned above, William Gybbes paid the lady of the manor a

⁶⁶ Edward P. Cheyney, “The Disappearance of English Serfdom,” *The English Historical Review* 15, no. 57 (1900): 28, doi:10.2307/jstor.org/stable/548409.

⁶⁷ DeWindt, *The Court Rolls of Ramsey, Hepmangrove, and Bury 1268-1600*, 16.

⁶⁸ Bland et al., *English Economic History: Select Documents*, 97-8.

⁶⁹ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 37.

⁷⁰ *Ibid.*, 124.

fine of 2 shillings in 1449. Thirteen years later in 1462, Margaret Hondy paid only twenty pence. In addition, there was a “steady persistent influence in favour of liberty exerted by the royal courts.”⁷¹

When the issue of peasant freedom came up in royal courts, the legal process first required the lord to request a writ giving him possession of his serf. After this, the serf could ask the lord to prove his servile status. This was very difficult to do because the qualifications for serfdom were so unclear. Evidence included the status of one’s family and ancestors and whether or not labor services were required of the peasant. Often, the determination was hazy, and generally if there was any uncertainty, the peasant would be declared free. In addition, men whose fathers were unknown were always set free. The royal court seems to have had a greater fear of turning a free man into a serf than of setting a serf free. Yet sometimes peasants produced written testimonies of their freedom, for example when “William of Baggepathe, a tenant of Bricklehampton, has shown charters of ancient enfeoffment by which hold freely.”⁷² However, all of these influences were scattered and only further increased the number of free men in proportion to serfs; they did nothing to end the actual institution of serfdom, only the quantity of its subjects.

THE DISSOLUTION OF THE DEMESNE AND THE COLLAPSE OF SEIGNIORIAL POWER

The disintegration and final abandonment of the demesne after the Black Death did not end legal serfdom, but brought it to resemble free status. The demesne was the key institution upon which the burdens of serfdom were dependent. When the demesne disappeared, so did the necessity for labor services, and with that the importance of legal serfdom. The history of serfdom followed the history of the demesne in both France and England. The first manifestation of this demise was the commutation of labor services for money payments. Because they needed less labor as their demesnes were disappearing, lords allowed serfs to pay them in order to avoid a day’s labor. While this practice was applied to ordinary work throughout the week, it generally could not be done for “boon works” during the

⁷¹ Cheyney, “The Disappearance of English Serfdom,” 29.

⁷² Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 6.

harvesting season. The second manifestation of serfdom's decline was the leasing of the demesne to peasants as free tenure. As prices fell and the wages of the peasants increased, it became economically unfeasible for the lord to continue to oversee the farming of the demesne. This not only increased the number of free tenures, but it made the existing servile tenures unnecessary because labor services were no longer required. Those who rented portions of the demesne often sublet them as well, which led to the total break up of large farms. With the break up of large-scale farming came the disintegration of the basis of powerful lordship. The peasants who lived on the manor during the leasing of the demesne did not lose their servile legal status; instead, their status simply became useless to the lord and therefore irrelevant.

The court rolls during this time are filled with records of the leasing of the lords' land, including but not limited to the demesne. Sometimes, lords let out the manors early, as in the case of the manor of Hemingford, which entrepreneurs leased for seven years at forty pounds sterling per year in 1279.⁷³ Through the fourteenth and fifteenth centuries, lords began to lease many different parts of their manors to wealthy peasants. The mills, which formerly were a sign of the lords' oppression, permanently fell into the hands of the peasants. At Elmley Castle, the rolls record, "Walter has come and [taken] from the lord the lord's water-mill at Elmley (Elmel') to hold to the same for the term of his life."⁷⁴ Walter must have either died or broken the lease by 1391, when "the lord [granted] to Richard Eveshim' the lord's water mill to hold to the same Richard for the term of 7 years."⁷⁵ The progressive letting of England's mills took place at the same time as the letting of the lords' other manorial lands. Lords let out marshes,⁷⁶ warrens,⁷⁷ fisheries, and meadows⁷⁸ individually on various manors to entrepreneurial peasants, who often held land co-operatively. While these transactions all signal the further loss of the lord's power, the

⁷³ Bland et al., *English Economic History: Select Documents*, 79.

⁷⁴ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 38-9.

⁷⁵ *Ibid.*, 55.

⁷⁶ *Ibid.*, 94.

⁷⁷ *Ibid.*, 161.

⁷⁸ *Ibid.*, 56.

letting of the demesne sealed the fate of the English manorial system. Less than three decades after the Black Death, the court rolls of Elmley Castle record,

“10 acres of demesne land which lie at ‘Benhull’, which Edmund Beuchaump held for the term of his life [and] for which he was accustomed to pay 10s. each year, now remain in the lord’s hands. And the said land is being leased to other tenants of the lord with demesne land, to cultivate.”⁷⁹

The letting of demesne land, although perhaps first intended as a temporary remedy to financial difficulties, became a permanent feature of the fifteenth century English agrarian system, characterized by decentralized farming.

Occasionally, a lord let out his entire manor to wealthy peasants, which marked both the collapse of the lord’s power and the rise of a wealthy peasant class. In 1435 at Elmley Castle, the court rolls record,

“To this court have come Richard Hamond, William Dernell, Thomas Gibbes, John Dawbeneye of ‘Netherende’, William Gibbes and John Hamond [and] they have taken from the lord the site of the manor of Elmley Castle at farm with all the lands, meadows, pastures, right of pasture and other appurtenances pertaining to the same farm, together with all the buildings within the said site of the manor existing in the hands of the lord, except one chamber called ‘Revynchambr’ and 1 parcel of land within the said site for making a pinfold there reserved to the lord...[for] as long a time as it pleases the lord to let at farm.”⁸⁰

Of course, the letting of an entire manor such as this was not normal at the beginning of the fifteenth century. Elmley Castle from early on was unusually free, but the fact that the lord had been reduced to being a mere landlord by this time is remarkable, even if it was rare. Further, six men came forward to

⁷⁹ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 29.

⁸⁰ *Ibid.*, 98.

lease the farm co-operatively. For the first time in medieval English history, the power of the lords had collapsed and an ambitious peasant class had emerged.

In addition to the explicit letting of the lord's property, there are throughout the court rolls more subtle signs of the diminishing power of the lords. Lords ceased to enforce the Ordinance and Statute of Laborers, as in the case of Stephen Pykeler, who went "outside the vill to work for a salary higher than permitted by the statute," in 1400 and was given no amercement.⁸¹ This decision not to amerce a peasant for breaking the ordinance was repeated again in 1414 and 1428.⁸² By the fifteenth century at Elmley Castle, the lord frequently waived the required entry fines for lands when first leased, a fine which had been universal a century earlier, further demonstrating the need of lords for peasant tenants.⁸³ Much of this newfound peasant power was a result of the reduction in the supply of labor after the Black Death, as population did not return to its early fourteenth century level until well after the close of the Middle Ages. After the sudden population drop, the court rolls describe pieces of land, which "have remained in the lord's hands for the past seven years, because nobody was willing to receive them."⁸⁴ So great was the lords' need for tenants that they often extended clemency to the rebels of 1381 in order to put land to productive use, as noted earlier.⁸⁵

The continual empty threats made by the lord of Elmley Castle demonstrate the weakening of seigniorial power. After the Black Death, the drop in population led not only to a surplus of land, but a surplus of houses as well. The court rolls are filled with instances, particularly in the fifteenth century, of deteriorating houses, likely extra houses assumed by families that had gained the wealth to lease more than one tenement and the attached land. The peasants allowed the houses that they were not living in to deteriorate, thus injuring the lord's property. The lord, quite reasonably, expected the peasants to

⁸¹ DeWindt, *The Court Rolls of Ramsey, Hepmangrove, and Bury 1268-1600*, 631-2.

⁸² *Ibid.*, 733.

⁸³ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 127.

⁸⁴ Ray and Diamond, *The Court Rolls of Walsham le Willows*, 80.

⁸⁵ Fenton, *Court Rolls of the Manors of Bruces, Dawbenneys, Pembrokes (Tottenham), 1 Richard II to 1 Henry IV (1377-1399)*, Section IX.

maintain his property while leasing it, and threatened them with fines for not doing so. At Elmley Castle, the lord continually threatened harsh fines, yet always when the peasant failed to fix his tenement, asked only for very small payments. *Figure 2* shows the amount certain peasants were fined at several consecutive courts, and the fine they were threatened with at the ensuing sessions of court. In February 1411, John Kynges was fined two pence, and the lord threatened that at next court, if he had not fixed his tenement, he would fine him half of a mark (40 pence). At the next court, he was fined six pence, about a seventh of what had been threatened. The threat was then increased to 20 shillings (240 pence), yet at the next session of court he was fined only four pence, one sixtieth of the threat. The threat remained the same, yet in January 1412, he paid only two pence, one one-hundred-and-twentieth of the threat. The threat was reduced to forty pence, though at the next court he paid nothing. The fine remained the same and only one pence of it was paid at the next court. After this court, the issue was dropped; either the peasant finally fixed his tenement or, more likely, the lord gave up. Furthermore, the peasants may have not even paid the miniscule fines demanded by the lord, because the lord's power had shrunk so much that he often could not even force peasants to pay him his due.

The balance of power changed so drastically that peasants simply ceased to make the money payments that were still required of them without any punishment. The leasing of the demesnes destroyed the first feature of serfdom – labor services. The refusal of the peasants to adhere to the lords' wishes destroyed the second feature of serfdom – money payments. Throughout the fifteenth century, manorial rolls show increasing arrears, backlogs of money owed to the lord. For a variety of reasons including the peasants' general reluctance to serve as the lords' money collectors, it is clear that the arrears were not the product of corruption but of the peasants' refusal to pay what they legally owed to their lords. This was not due to great poverty among the serf population, either, for the court rolls record large sums of money floating around in the communities in the form of loans from one peasant to another. When, in 1435, five guardians took control of a manor after a lord's death and requested thirty-eight pounds for "recognition" that was due upon the arrival of new lords, not a single person paid any

money.⁸⁶ In Withington, serfs refused to pay *tallage*, the annual tax distinct from rent, after 1444. Accounts of payments that cannot be collected fill the court rolls, including *tallage*, payments for commuted labor services, amercements, *heriot*, and fines for assault and poaching. John Scotarde, who “insulted the steward in open court” refused to pay his fine as well. Between 1455 and 1456 in Bredon, only slightly over one eighth of the payments due made it to the lord.⁸⁷ Although tenants usually paid rent, they were often very late, and although lords had the right to evict tenants who paid their rent late, this almost never happened. There are records of tenants paying rent dozens of years late; sometimes, they never paid at all. In addition, rents were falling because the peasants were increasing pressure on the lords through rent strikes. All of this was possible because lords feared above all that peasants would abandon their land, leaving even more land barren and unprofitable. On some occasions, lords were so worried about the disappearance of their tenants that they would simply free serfs or give a small payment to a tenant for no specific reason. By the end of the fifteenth century, money and labor services disappeared, rents were low, and peasant wealth and holdings were increasing. Serfdom as a legal construct may have still existed at least in the beginning of the century, but it became entirely irrelevant to the lives of nearly all peasants by the end of it. Economic status replaced legal status as the main indicator of peasant welfare.

As peasants increasingly began to hold back fines and rents from their lords, the numerical value of these payments decreased as well. *Figures 3 through 6* show data from the manor of Ingoldmells. Each data set includes every item of data in the court rolls that contained sufficient information without ambiguity. The 27 instances in which the rolls record both the rent and size of the lease show a declining cost for leasing land. During the first half of the fourteenth century, rents ranged from eight pence per acre to slightly under two. However, after the Black Death, lords consistently set rents at or below two pence. The *merchet*, a fine paid for marriage, fell from an average of six to seven shillings at the

⁸⁶ Christopher Dyer, “A Redistribution of Incomes in Fifteenth-Century England?,” *Past & Present* no. 39 (1968), 19-20, doi:10.2307/jstor.org/stable/649853.

⁸⁷ *Ibid.*, 26.

beginning of the fourteenth century to an average of two shillings during the last decades of the record, falling at approximately three shillings per century. Four values are excepted from the chart for ease of viewing, all in the first half of the record, at 20, $26\frac{1}{3}$, 30, and 40 shillings. The entry fines reveal the economic forces of the time. The value of entry fines on pieces of land between one and three acres collapses with the Black Death in 1348 and remains below two shillings per acre for about three decades. Fines then began to increase as the economy began to recover, but remained below previous levels. On the whole, fines dropped at a rate of about one shilling per century. Fewer records exist of entry fines on pieces of land between three and ten acres, but they do appear to be dropping at a rate of about one shilling per century as well. Once again, some values were excepted from the charts because their values were far higher than any other entry fines and they must have constituted a special case.

Throughout the fifteenth century, as servile status was losing its importance, legal serfdom became copyhold, which created a formal and permanent way of dismantling the servile status of the remaining serfs. While many serfs were gaining freedom through leasehold, making contracts with their lords to work on their demesne lands, many were left in a state of legal serfdom but customary freedom. Copyhold began with the creation of copies of the court rolls indicating the free or servile status of each peasant. Peasants requested these not because they could gain freedom, but because they could gain security in their status. As the practical freedom of the serf became predominant throughout the century, his legal freedom followed suit and was legally expressed in the copies. The court rolls of Tooting Beck provide an early example of this. In 1397, the rolls record that after Thomas Craft's death, the lord took no heriot "because Johanna his wife claims that she holds conjointly. And she showed her copy rolls, which bear the same witness."⁸⁸ Although this example does not demonstrate how the copy rolls worked for the liberation of the peasant, it does show how they helped the peasant when defending his claim. He could never again lose freedom merely at the will of the lord, but had in his own possession evidence of the custom of the manor. By the middle to late fifteenth century, all references to servility or bondage

⁸⁸ London City Council, *Court Rolls of Tooting Beck Manor*, 17.

disappeared from Ramsey Abby's court rolls. Throughout the century, terms on copyhold leases became increasingly free, and it was this process that recorded the destruction of servile villeinage.

However encouraging these trends seem for the peasant, progress was often slow and varied greatly from region to region. At the uniquely free manor of Elmley Castle, the rolls record that even in 1435, "Robert Cole, neif of the lord, comes to this court and gives the lord for chevage 12d. each year for having license to stay outside the lord's domain...."⁸⁹ Another peasant, John Tucker, comes to court for the same reason as late as 1455.⁹⁰ Furthermore, in 1483, the rolls record John Cole at court, paying 12d. "for license to marry off Isabella his daughter."⁹¹ No single event or edict ended serfdom; instead, it was abolished through a long process with both advances and setbacks along the way. The precise causes of this process will be explored in the next chapter.

SUMMARY

The liberation of the peasant from the bonds of serfdom began in the twelfth century and had come to completion by the end of the fifteenth century. During the twelfth century, lords were leasing demesnes, which caused labor services to decrease, and had for the most part ceased to collect money payments. In the thirteenth century, lords saw the transformation that was occurring at their expense and with the extra incentive given by rising prices, restored villeins into serfdom. As villeinage was becoming serfdom, an increasing number of villeins were becoming free, at least one third of the peasant population by the turn of the fifteenth century. After the Black Death, peasants gained greater bargaining power, which the lords attempted to suppress with the Ordinance and Statute of Laborers. The peasantry reacted against this attempted repression in the revolt of 1381 with a strong traditionalism that sought to return to the somewhat imaginary conditions of ancient freedom. From this point on, lords did not attempt to prevent the unstoppable increase in peasant power. Labor services collapsed as the lords let

⁸⁹ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 99.

⁹⁰ *Ibid.*, 143.

⁹¹ *Ibid.*, 194.

out the demesnes, money services disappeared as serfs refused to pay them, and legal rights as recorded on court roll copies began to recognize the already realized practical freedom of the serf. By the first half of the fifteenth century, serfdom was no longer relevant; instead, economic distinctions determined the welfare of the peasant. By the second half of that century, even legal distinctions for the most part did not exist.

CHAPTER TWO: THE ECONOMIC TRANSFORMATION AND DISTRIBUTISM

Before making any judgment on the nature of medieval English peasant life in relationship to distributism, it is necessary to understand not only the external changes in peasant life, but the very nature of the system and the reasons for its transformation. The causes of the historical development towards distributism are as important as the historical development itself. Belloc claims for distributism a basis in history as a natural and logical development within the medieval world. Therefore, if distributism occurred simply due to the Black Death or the Peasant's Revolt of 1381, it would be historical, though not because of its inherent virtues but because of independent variables outside of the economy acting on it. Distributism is not an economic theory detached from history, but instead something that is lodged inside history, coherent with a Catholic vision of world history, in which just economic systems naturally (almost unconsciously) arise from a strong, religious society rather than from plagues, famines, wars, or revolts. Therefore, the claim of the distributist is two-fold. Medieval England approached distributism and did so because it was the natural and productive development from the manorial system.

Several schools of thought have developed since the nineteenth century concerning the late medieval English economic transformation, the most prominent of which include the Marxist and Malthusian schools. During the closing decades of the twentieth century, the "Toronto school" emerged, led by J.A. Raftis, who put more emphasis on understanding the nature of village life through the court rolls and the role of the market economy. Each of these schools has its own framework for understanding the causes of the late medieval transformation of landholding in England, but they generally agree with each other on its broad nature. They do not contradict each other on every point and there is room for agreement among the theories. This chapter will address the Marxist analysis, discuss its difficulties (drawing on the work of the Toronto school), propose an alternative interpretation, use neo-Malthusian research on the economic influence of population levels, and synthesize an alternative outlook on both serfdom and the causes of its demise. The purpose of this chapter is to test Hilaire Belloc's claims against the primary sources and secondary scholarship.

THE MARXIST THEORY

The thesis of class conflict is important not only because of its implications for the causes of the decline of serfdom, but because if it were true, it would decrease the manorial system's resemblance to distributism. If serfdom was a distributist system, then it must not have been founded on class conflict but on class cooperation. Catholic social teaching is clear on this issue. Pope Pius XI wrote, "Because order, as St. Thomas explains, is unity arising from the harmonious arrangement of many objects, a true, genuine social order demands that the various members of a society be united together by some strong bond."⁹² He continues on to explain that this "unity of human society cannot be founded on an opposition of classes."⁹³ According to the neo-Marxist tradition, which constitutes a significant amount of twentieth century scholarship on the medieval English peasant, lords were continually attempting to exploit the peasant population, which actively attempted to resist this power. Even the rather moderate Marxist historian Rodney Hilton goes as far as to say that "village life was a continuous series of guerilla actions by the tenants" in the thirteenth century.⁹⁴ The incidents of refusal to work discussed in the previous chapter fit directly into this Marxist historiography. Other Marxists like Dobb, Kosminsky, and Brenner, in the words of Hatcher and Bailey, argue, "The crisis of feudalism, therefore, unlike the succeeding decline of feudalism, was hastened not by direct destructive confrontations between the classes, but instead by the inability of unfree peasants to defend their interests against the rising demands of their lords."⁹⁵ Regardless of the ability of peasants to resist the power of their lords, the Marxist interpretation insists that the medieval economic system was based on class conflict. The distributist movement was in part caused by a reaction against the class conflict evident in the late nineteenth and early twentieth century. If serfdom contained the same fault, then it is in essence in opposition to distributism.

⁹² Pius XI, "Quadragesimo Anno," ¶ 84.

⁹³ *Ibid.*, ¶ 88.

⁹⁴ Rodney H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (London: Weidenfeld & Nicolson, 1966), 154-5.

⁹⁵ John Hatcher and Mark Bailey, *Modeling the Middle Ages* (New York: Oxford University Press, 2001), 84.

This Marxist description of the economic relationships in medieval England is part of a broader crisis theory of the progress of history, inherited from Georg Wilhelm Friedrich Hegel. Maurice Hobb provides an interpretation of the medieval English economy in terms of the Marxist crisis theory. Nils Hybel summarizes his work, “It was first and foremost the inefficiency of feudalism as a mode of production, paired with the ruling class’s growing need for earnings, that were responsible for the decay of the system, because this growing need caused increased exploitation of the primary producers.”⁹⁶ As the lords extracted more capital and labor from the peasants through servile obligations, they decreased peasant investment and thus future profit. This not only undermined the basis of the peasants’ economic life, but the lords’ economic well-being as well because their success was dependent on the success of the peasants. This theory is consistent with the high rents and severe servile obligations of the thirteenth century explored by Postan and Kosminksy. These moves by the lords, however, merely highlighted the internal contradiction of the manorial system. Lords extracted capital from the peasants, peasants reduced investment, production fell, and lords were therefore able to extract less capital from the peasants than they did originally. On the surface, this theory is appealing, particularly given a cursory glance at the court rolls, a primary purpose of which is to record conflicts between peasants and lords. However, the existence of conflicts between two classes does not indicate that the foundation of the economic system is class conflict; on the contrary, it may reflect imperfections of a system based on cooperation or some mix of conflict and cooperation.

The Marxist school interprets the dissolution of serfdom as the result of the crisis caused by the inherently inefficient and self-destructive nature of the feudal system. According to Marxist historians, the lords served no useful economic purpose, but were instead a burden on the peasant economy. As Rodney Hilton writes,

“We therefore have a landowning class whose very existence depended on the transfer to it of the surplus labour and the fruits of surplus labour of a class which was potentially independent of it,

⁹⁶ Nils Hybel, *Crisis or Change* (Denmark: Aarhus University Press, 1989), 152.

over which it exercised political, military and juridicial power, but in relation to which it fulfilled no entrepreneurial function.”⁹⁷

In order to fund war and consumption, lords drew revenue out of the peasant economy at such a rate that it injured economic development. This not only lowered the average standard of living and the calorie consumption of peasants, but it also threatened “the funds necessary to refurbish the peasant’s holding and to prevent the long-term decline of its productivity.”⁹⁸ Postan estimates that the lords seized something near fifty percent of the peasants’ total product.⁹⁹ Much of the Marxist argument, however, is entirely speculative. For example, was the collective strike of 46 serfs on the manor of Walsham le Willows described in the last chapter evidence of class warfare or a rare assertion of the serfs’ independence against their lords who were asking too much? Although much of the evidence lends itself to several interpretations, it is possible to compare the hypothesis that the lords exploited their power to squeeze capital out of the peasantry with the data.

“CAPITAL-SQUEEZING” AND RATIONALITY

If the lords were squeezing all available capital out of the peasantry, then there should not have been large pools of capital in the villages. The court rolls, however, are filled with accounts of peasants prosecuting other peasants in cases of debt, evidence that the village community was not without capital to lend and invest. Peasants frequently brought cases of debt litigation to court, accusing another party of owing a certain amount of money that had gone unpaid. Elaine Grav Clark explains, “Litigants might rely on arbitration, compurgation, juries of inquest; they might request leave to settle (*licencia concordandi*) or withdraw a suit.”¹⁰⁰ The same author calculates that in Essex and Norfolk between 1270

⁹⁷ T.H. Aston and C.H.E. Philpin, *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge: Cambridge University Press, 1985), 127.

⁹⁸ *Ibid.*, 31.

⁹⁹ M.M. Postan, Vol. 1 of *The Cambridge Economic History of Europe* (Cambridge: Cambridge University Press, 1996), 603-4.

¹⁰⁰ Elaine G. Clark, “Medieval Debt Litigation: Essex and Norfolk, 1270-1490” (PhD diss., University of Michigan, 1977), 279, UMI Dissertation Services.

and 1490, the average claim was about five shillings. Not much is known concerning this credit market in the villages. Because usury was illegal, peasants either did not charge interest on these loans, or concealed it from the knowledge of the court.

The number and nature of debt litigation cases recorded on the manor of Walsham le Willows in the second half of the fourteenth century, although they were somewhat later than the peak of servile obligations, does provide some insight into the amount of capital available within a servile system. I calculated the following statistics based on my documentation of every debt case recorded in the court rolls of this manor between 1360 and 1399. At the “First Court of lord Robert de Ufford, earl of Suffolk” on July 13, 1361, 37 freemen and 27 serfs are recorded as tenants.¹⁰¹ In total, approximately 64% of these tenants were involved in a debt litigation case between 1360 and 1399. This number is possibly an underestimation, given the likelihood of several missing court rolls during this period. Moreover, many of the tenants were surely involved in debt cases before 1360, so the percent of tenants involved in debt cases at some point in their life is likely somewhat larger than 64%. The average freeman found himself at court involved in a debt-related lawsuit twice during this forty year period, and the average serf three times. For the purpose of this analysis, it may be helpful and plausible to assume that if a tenant sued more than he was sued, he was a net lender, and if he was sued more than he sued, he was a net debtor. Therefore, among the freemen, there were ten net-lenders, eight net-borrowers, and eighteen who either borrowed as much as they lent or did neither. Among the serfs, there were twelve net-lenders, eight net-borrowers, and seven who either borrowed as much as they lent or did neither. Among freemen, 43% prosecuted at least one debt case, 30% were prosecuted, and 19% did both. Among serfs, 63% prosecuted, 52% were prosecuted, and 41% did both. At the “First Court of Sir Henry Green and other people” on March 30, 1391, 36 freemen and 36 serfs are recorded as tenants.¹⁰² In total 64% of these tenants were recorded as being involved in a debt litigation case during the same period. Both the average freeman and serf found themselves at court involved in a debt-related lawsuit about three times

¹⁰¹ Ray and Diamond, *The Court Rolls of Walsham le Willows*, 59.

¹⁰² *Ibid.*, 170-1.

during this period. Among the freemen, there were fifteen net lenders, seven net borrowers, and fourteen who either borrowed as much as they lent or did neither. Among the serfs, there were thirteen net lenders, nine net borrowers, and fourteen who either borrowed as much as they lent or did neither. Among freemen, 58% prosecuted, 36% were prosecuted, and 28% did both. Among serfs, 50% prosecuted, 44% were prosecuted, and 31% did both.

This data demonstrates not only that large amounts of capital circulated throughout the village economy, but that the village community was economically decentralized and the lives of individual peasants were economically interrelated. If 64% of the tenants were involved in loans that went poorly during the forty year period, it would appear that loaning would have involved too much risk in the village, particularly if little or no interest could be extracted. Yet, these loans are not part of a temporary experiment, but a permanent feature of the medieval village. The number of loans that went to court must have been much less than those that were paid back on time; otherwise, any incentive to make loans would have been impossible, particularly given that many debt cases lasted over a year. The number of loans that ended poorly is therefore, paradoxically, evidence that a great number more ended well. This suggests a very large, fluid capital market within the village, evidence that villages, at least during late fourteenth century serfdom, were not being squeezed for capital from above. Furthermore, the debt cases are evidence of other distributist qualities of the medieval village. The amount of capital that must have circulated within the village would have created a communal economic life based on mutual-dependency. As Clark writes, “The more complex the web of exchanges between creditors and debtors became, the more likely it was for creditors to understand that their own economic well-being was interdependent with that of their clients.”¹⁰³ Furthermore, the number of tenants prosecuting debt cases demonstrates that there was no monopoly on capital. Of all tenants recorded in both 1361 and 1391, more tenants prosecuted debt cases than were prosecuted. This widely-distributed capital economy within the village

¹⁰³ Clark, “Medieval Debt Litigation: Essex and Norfolk, 1270 – 1490,” 279.

indicates not only that the manorial economy was gradually decentralizing, but that the village itself, taken as a whole, was distributist.

In addition, serfs and freemen appear to have shared similar economic conditions. Of the peasants recorded in the court of 1361, the serfs tended to be more involved in debt cases than the freemen. 20 percent more serfs prosecuted, 22 percent more defended, and 22 percent more both prosecuted and defended. As a whole, therefore, this early generation of serfs was slightly more active in loaning capital than the freemen. With the later generation recorded in 1391, however, this distinction no longer appears in the records. Were it true that the lords were squeezing capital out of the hands of the serfs, then the freemen would dominate as lenders, and the serfs would dominate as debtors. Yet this is not the case according to the data. Nor did the serfs have a monopoly on lifelong debtors. John Manser, a freeman, was prosecuted in twelve separate debt cases during these decades. The two groups appear to have been in much the same economic condition, suggesting that the lords were not using their legal dominance over the serfs for capital exploitation.

Moreover, there is little evidence of the squeezing of peasants to begin with. Particularly, unfree rents failed to rise at the same rate as free rents during times of rising land values because custom protected the peasants from increased demands from the lords, according to the research of Junichi Kanzaka. In his words, “villein rent did not increase to the same extent as the competitive rents which some freeholders paid.”¹⁰⁴ In the same vein, Raftis argues that the servile obligations of the peasants were, on the whole, not severe. He estimates that the serf owed only ten percent of his labor resources of to the lord’s demesne at Ramsey Abbey. Modern historiography, according to Raftis, has suffered under modern ideological influences when analyzing the servile obligations of medieval serfs. The study of medieval serfs became popular during the late nineteenth century, a time of harsh labor conditions. The interest, then, of historians immediately focused on the element of the peasant life that sounded most

¹⁰⁴ Junichi Kanzaka, “Villein Rents in Thirteenth-Century England: An Analysis of the Hundred Rolls of 1279-1280,” *The Economic History Review* 55, no. 4 (2002): 617, doi:10.2307/jstor.org/stable/3091958.

similar to the prime social problem of their day, exploitation in the workplace. Raftis writes, “The sentiment became entrenched in the discipline of economic history that burgeoned from the end of the century to such a degree that no adequate attention was given to the more fundamental question: what percentage of his annual labour resources was required of the customary tenant?”¹⁰⁵ The theory of Raftis and the Toronto school therefore opens up much room for a distributist view of the institution of serfdom. The Marxist theory of class warfare seems less plausible than a theory of class cooperation, and the extent of the servile burdens on the serf seems to have been limited.

Another key assumption of the Marxist school is that the lords were not economically rational. The claim that the feudal system was inherently self-destructive rests on the idea that when the lords attempted to raise revenue, they destroyed their revenue base. However, this is no more problematic for the feudal economy than for the modern system of federal taxation. Of course, if a lord extracted too much capital from the peasantry on his manor, he would destroy his capital base. Yet, there existed a level of servile burdens and rent that maximized his profit. Brenner writes that “the lord’s most obvious mode of increasing income was not through capital investment and the introduction of new techniques, but through squeezing the peasants...”.¹⁰⁶ While it may have been the most obvious, it does not take a twentieth century economist to see that there exists such a thing as over-taxation. Nor did medieval rulers fail to take note of this. Early scholarship assumed that the royal government made arbitrary and irrational economic decisions, particularly in regards to taxation. J. H. Round describes the assessments for taxation as “not objective, but subjective,” and “not fixed relatively to area or to value.”¹⁰⁷ The amounts of these assessments, according to H. C. Darby, “were artificial in the sense that they did not reflect geographical and economic realities.”¹⁰⁸ Recent research, however, suggests the very opposite. In 1985, John McDonald and G. D. Snooks, encouraged by the unlikelihood of “an arbitrary taxation system

¹⁰⁵ J.A. Raftis, *Peasant Economic Development within the English Manorial System* (Quebec City: McGill-Queen’s University Press, 1986), 62.

¹⁰⁶ Aston and Philpin, *The Brenner Debate*, 31.

¹⁰⁷ John H. Round, *Feudal England: Historical Studies on the Eleventh and Twelfth Centuries* (Westport, CT: Greenwood Press, 1979), 49.

¹⁰⁸ H.C. Darby, *Domesday England* (Cambridge: Cambridge University Press, 1997), 10.

surviving for almost two hundred years,” published a paper that overturned this assumption. They ran a regression analysis on “the relationship between tax assessments and the capacity of manors to pay this tax (measured in terms of both their resource endowments and revenues).”¹⁰⁹ Their research overturned the assumption that the government taxed a region, or “hundred,” based on total arable land rather than income and resources. The authors conclude, “By 1086, England was governed by a sophisticated and highly able administration.” Although this study only directly relates to royal taxation, it does suggest that previous assumptions about medieval economic irrationality are highly suspect. Britnell and Campbell further bolster the argument for a rational economy with their reconstruction of GDP growth per capita beginning in 1086 that reveals an economy experiencing historically substantial growth between 1086 and the Black Death.¹¹⁰

If the lords’ economic activities were not aimed at exploiting the peasants, but at encouraging capital development on the manor, then the crisis theory of serfdom in England is false. Although it is not a foregone conclusion that the lords always acted rationally, the conclusion that the lords consistently acted irrationally for a century or more (leading to their own destruction) is even less self-evident. J. A. Raftis and the Toronto School have made this exact argument, and their study and emphasis on understanding the local relationships within manors suggests that the system of serfdom was based on rational cooperation. Raftis concludes,

“The result [of this study] has been a striking reversal of traditional historiography, in that customary tenure becomes no longer a block to economic development but an instrument for such development. To say this does not in any way idealize the manorial system as a mode of economic organization. Rather it elucidates another chapter in the history of the role of capital in

¹⁰⁹ J. McDonald and G.D. Snooks, “Were the Tax Assessments of Domesday England Artificial? The Case of Essex,” *The Economic History Review* 38, no. 3 (1985): 352, doi:10.2307/jstor.org/stable/2596992.

¹¹⁰ R.H. Britnell and B. M. S. Campbell, *A Commercialising Economy: England 1086 to c. 1300* (Manchester: Manchester University Press, 1995), 52.

economic development. Peasant progress occurred despite the limitations of the manorial system.”¹¹¹

The manorial system was neither the enemy of peasant freedom nor its realization, but a malleable institution that allowed for the development of the free peasantry. The customary law generally prevented any move by a party to reduce the welfare of another party beneath the customary level. However, if a change could be made between two parties that benefited one and either did not affect the other or benefited the other, the parties would make the change. Therefore, in theory, custom acted as a form of buffer for the peasant, only allowing for the improvement of his economic condition. Furthermore, Raftis challenges the assumption of the economic ignorance of the peasants and lords. He writes, “Indeed, the lords had the acumen to recognize that the economic performance of their manors was strengthened by the very entrepreneurial scope given to their tenants.”¹¹² Donald N. McCloskey and Carl Dahlman have recently provided research that suggests that the economic decisions of the medieval English peasant were in fact rational, contrary to traditional thought.¹¹³

However, the error of the Marxist theory of capital squeezing and economic irrationality does not suggest that class conflict did not exist in medieval England, and some moderation of the Marxist position does explain much. The lords and peasants cooperated in the sense that they, understanding the balance of power, came to a free agreement on a particular economic decision over a period of time. However, that balance of power itself is a manifestation of the inequality of the two classes, the lowering of total peasant welfare for the sake total seigniorial welfare. The difference between the potential welfare of the peasantry given no seigniorial exactions and the actual welfare therefore represents the burden that the peasantry bore and from which it would presumably have liked to free itself. Because the difference between the power of the lords and the peasant conditioned the peasant’s welfare, this power differential

¹¹¹ Raftis, *Peasant Economic Development within the English Manorial System*, 118.

¹¹² *Ibid.*, 121.

¹¹³ Donald McCloskey, “English Open Fields as Behavior towards Risk,” *Research in Economic History* 1 (1976): 124-170; Carl J. Dahlman, *The Open Field System and Beyond: A Property Rights Analysis of an Economic Institution* (Cambridge: Cambridge University Press, 1980).

was proportional to the desire of the peasantry to throw off their servile burdens. However, the greatest moment of class warfare, the Peasant Revolt of 1381, occurred not when the power of the lords was greatest but when the lords were attempting to increase their welfare at the expense of the peasants through the law and against the actual balance of economic power. The medieval English economy, therefore, was based on cooperation insofar as the lords acted as economically rational agents, and in this sense the Marxist critique is false. However, the economy was based on conflict insofar as the lords held economic power over the peasants. Peasants cooperated with the lords when they knew, consciously or unconsciously, that there was no possibility of improving their lot; they refused to cooperate when they knew that the lords were artificially oppressing them even though the balance of power had shifted, as in 1381. Each class sought an improvement in its welfare; however, the peasants only engaged in conflict when it was rational to do so, that is, when they sensed that they could succeed. Large-scale conflict only arose when the medieval system experienced an abrupt change after the Black Death to which the system was still struggling to adjust. Moreover, this more moderate position is actually nearer to the position of Marx himself than is the neo-Marxist synthesis.¹¹⁴

In summary, the Marxist account of the inherently competitive nature of the feudal economy is in error because the lords were economically rational, large amounts of capital existed within the village economy, and customary tenure prevented an increase in exploitation. However, the thesis of class conflict is correct insofar as capital, and therefore economic power, was centralized and controlled by the lords. Yet, class conflict alone cannot provide the conditions necessary for a change in the balance of power. Some movement within the economic structure must occur before the conditions for economic transformation through conflict can come into being. For example, in 1381 the peasantry understood that the lords were failing to recognize their newfound power, still attempting to enforce servile burdens. It was at this moment that class conflict transformed the economic structure – not at the height of servile duties, but after the Black Death. This form of class conflict was therefore a means by which the

¹¹⁴ Bailey and Hatcher, *Modeling the Middle Ages*, 105-6.

transformation occurred, but it could not have been the cause itself, as the crisis theory would suggest.

Therefore, the transformation of the fourteenth century that destroyed the manorialism and serfdom of the thirteenth century and built the freedom and decentralization of the fifteenth century did not have its source in class warfare or an internal conflict within the fundamental nature of the feudal economy.

NEO-MALTHUSIAN POPULATION THEORY

M. M. Postan and the Neo-Malthusian school have posited a theory that places great emphasis on the change in population of medieval England. The claims of the school are twofold. The first is simply that there are “recurrent two-phase ‘Malthusian cycles’” throughout history. The first phase is a period of overpopulation, which increases competition for “land, food, and employment,” thereby creating a subsistence crisis. This crisis is resolved through a population decline due to a lowering of the birth rate and an increase of the death rate.¹¹⁵ According to this interpretation, England was experiencing a period of overpopulation and its consequences in the late thirteenth and early fourteenth centuries. The famines and starvation between 1315 and 1322 are evidence of this crisis, as is the increased level of assarting (forest clearing) in the wasteland in the North and West, which peaked around 1300.¹¹⁶ Furthermore, the population pressure which would have led to an attempt to gain increased productivity per acre, would likely have reduced the long-term output of the land. Eventually, two-field systems were replaced by three-field systems, which led to even further depletion of nutrients in the soil and a long-term decline in productivity.

Moreover, the size of landholdings was declining to dangerous levels even as output per hour of labor was declining. Harry Kitsikopoulos estimates that 18 acres are “the minimum size necessary to ensure subsistence of basic investment goods.” Bennett, Kosminsky, Titow, Howell, and Langdon, on the

¹¹⁵ Bailey and Hatcher, *Modeling the Middle Ages*, 26.

¹¹⁶ *Ibid.*, 38.

other hand estimate the necessary size of holdings to have been between 10 and 12 acres.¹¹⁷ Although Kitsikopoulos' conclusion that "approximately half [of the English population] struggled to keep itself alive between harvests" may be at the extreme end of recent scholarship on peasant welfare, more mainstream estimates remain worrisome. Mark Bailey points to the famine of 1315-7, which killed approximately ten percent of the population, as further evidence that peasants were living on the brink.¹¹⁸ Although the famine and peasant budget models on the whole lead to very pessimistic conclusions about the English peasantry during this time, difficulties with the theory remain. The peasants were economically versatile and could easily adapt to changing economic (or climatic) conditions. As noted in Chapter One, tenants usually farmed gardens on their tenements, just outside their homes, and this type of activity is difficult to account for in the models. The close outside the house and the garden contained fruit trees and vegetables, supplementing the peasant diet.¹¹⁹ Fraternities often provided economic security to members who had fallen on difficult times.¹²⁰ Gary Richardson estimates that four villages on average would have one to six fraternities each.¹²¹ These risk-sharing institutions were buttressed with legalized gleaning by the poor and, according to recent research, grain storage.¹²² Furthermore, Bailey asks,

"If the years of crisis, and famine in particular, were so severe, then why did landlords have little difficulty in finding tenants and collecting rent? Why is there no explicit evidence of urban grain

¹¹⁷ Harry Kitsikopoulos, "Standards of Living and Capital Formation in Pre-Plague England: A Peasant Budget Model," *The Economic History Review* 53, no. 2 (2000): 248-9, doi:10.2307/jstor.org/stable/2598697.

¹¹⁸ Mark Bailey, "Peasant Welfare in England, 1290-1348," *The Economic History Review* 51, no. 2 (1998), 238, doi:10.2307/jstor.org/stable/2599376.

¹¹⁹ Hanawalt, *The Ties That Bound*, 56.

¹²⁰ Miri Rubin, *Charity and Community in Medieval Cambridge* (Cambridge: Cambridge University Press, 1987), 252.

¹²¹ Gary Richardson, "The Prudent Village: Risk Pooling Institution in Medieval English Agriculture," *The Journal Of Economic History* 65, no. 2 (2005): 404, doi:10.2307/jstor.org/stable/3875066.

¹²² Gary Richardson, "What protected peasants best? Markets, risk, efficiency, and medieval English agriculture," *Research in Economic History* 21 (2003): 299 – 356.

rioting in famine years, or of widespread prohibition of the sale or export of grain, both of which are features of later centuries?"¹²³

Without evidence of these reactions, the Malthusian historians seem to suggest that the peasantry was perfectly content to continue to pay their obligations to the lords and make no trouble as they and their families were starving.

Even so, critics acknowledge the fall in the population, and indeed, they generally accept the fact that it began before the Black Death; the question is whether overpopulation or bad harvests and the plague were the fundamental reasons for the decline. Postan writes: "But a tendency which began to be felt for another hundred years cannot be accounted for by pestilence alone. Other causes, hidden in the very foundations of medieval existence, may have to be drawn upon to explain what pestilences cannot."¹²⁴ Although the lack of a rebound in population levels in the fifteenth century, after the burden of the plague had been lifted, could contradict the Malthusian population-cycle theory, a limited version of the Malthusian theory actually gives credibility to the distributist theory, as will be seen in the next section. The new population balance achieved in the fifteenth century suggests that the plague was a means by which population was corrected to a sustainable level, and the lack of a population rebound suggests that the sustainable population level was well below that of the early fourteenth century. Regardless of the exact nature of peasant welfare during the period of peak population, it does appear likely that England was overpopulated. In particular, the enormous death rate between 1315 and 1317 suggests that the English peasants were living very near to subsistence levels.

A POSSIBLE SYNTHESIS

This brief critique of two of the leading interpretations of medieval English history has come to two chief conclusions. First, the lords acted as economically rational agents, and for that reason did not

¹²³ Bailey, "Peasant Welfare in England, 1290-1348," 248.

¹²⁴ M.M. Postan, *Essays on Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge: Cambridge University Press, 1973), 213.

simply squeeze capital out of the peasant economy but looked at the national market and the economic forces within the peasantry to inform their economic decisions. Second, England was likely overpopulated during the first half of the fourteenth century, and the Black Death was therefore a means to return to a sustainable population level. These two conclusions, along with economic and historical logic, provide a possible analytical framework for describing the decline of serfdom, which had its roots in the population collapse of the fourteenth century. The fall in the supply of labor forced lords to lower the price of total rent, which included servile burdens. To attract tenants, lords decreased the net obligations, particularly rents and servile payments and services. Lords reacted this way precisely because they were economically rational. In order to take advantage of the massive, post-Black Death peasant flight, they needed to provide the best economic deal for the migrating peasants. A return to normal population levels therefore weakened serfdom. On top of this, the lords lost the power to enforce servile obligations and high rents as the mounting arrears discussed earlier demonstrate.

However, the decline of legal serfdom also required the gradual destruction of the demesne. During the thirteenth century, serfs slowly began to commute their labor services for individual payments. By the time of the Black Death, lords largely used wage labor to farm their demesnes. Meanwhile, beginning in the thirteenth century, the lords began the slow process of letting out demesne lands in small pieces to ambitious tenants and in large pieces to wealthy peasants, as shown earlier. This process continued through the fourteenth century and essentially completed itself by the close of the fifteenth. Because the sudden reduction in population during the Black Death caused lords to lower total rents, and therefore servile obligations, the cost of direct farming increased as wage labor became the primary mode of farming the demesne. Although the Black Death surely hurried the process by creating a scarcity of labor and therefore difficulty for the lords, the process took place over three centuries.¹²⁵ This process, therefore, was not the product of a Malthusian or Marxist crisis in the fourteenth century; nor was it due to any other single event or decision. Rather, the transformation may have had at its source something

¹²⁵ Pauline Gregg, *Black Death to Industrial Revolution: A Social and Economic History of England* (New York: Barnes & Noble Books, 1976), 88.

deep within the medieval economic framework and the laws of economics. A person is more productive when the fruit of his labor is his own rather than another's.

The total economic output, therefore, increased as possession of the demesne changed hands into the peasantry. The shift of possession of the means of production into the hands of the peasantry, therefore, has its roots in the very laws of economics, which needed time to work themselves out. E. M. Halcrow approaches this argument when he writes,

“By renting out the demesne the landlord avoided all the problems connected with labour management. He could check the figures of the responsible manorial official without difficulty, for rents, unlike stock and grain production, were not affected by the hazards of weather and the risk of plagues of diseases.”¹²⁶

The laws of economics provided an incentive for the lords to decentralize capital in medieval England, thereby helping to end manorialism and thus servile obligations. A peasant whose profit is proportionally related to his own productivity will be more productive than a peasant whose profit is unrelated to his own productivity. As Pope Leo XIII wrote in *Rerum Novarum*, “Men always work harder and more readily when they work on that which belongs to them; nay, they learn to love the very soil that yields in response to the labor their hands, not only food to eat, but an abundance of good things for themselves and those that are dear to them.”¹²⁷ The extent to which a person's profit is a function of his labor will determine his productivity, assuming that he wishes to maximize his profit. Furthermore, Raftis suggests another reason why the tenants were able to use the demesne lands better than the lords. He writes that the “reproductive process for animals favored the smaller scale, less dependent upon major cycles of

¹²⁶ E.M. Halcrow, “The Decline of Demesne Farming on the Estates of Durham Cathedral Priory,” *The Economic History Review* 7, no. 3 (1955): 348, doi:10.2307/jstor.org/stable/2591158.

¹²⁷ Leo XIII, *Rerum Novarum*, ¶ 47

reinvestment.”¹²⁸ The very nature of the agrarian economy favored small-scale production and investment.

The constant economic tendency towards the devolution of direct farming into the hands of the peasantry is apparent not only given the long-term, continual nature of the letting of the manor, but in the letting of the lords’ other resources. This same trend towards the decentralization of capital is apparent in other areas of the lords’ economic activities. Langdon confirms that no crisis brought about the dissolution of the lords’ monopoly over the milling industry, describing it instead as a “gradual fragmentation . . . over the course of the later Middle Ages.”¹²⁹ The Black Death may have briefly intensified this process due to the lords’ attempts to increase their security through yearly rents rather than agricultural profits that required finding labor, which was already scarce. Speaking about the effects of the Black Death, Nils Hybel writes, “In other words, whether the big landlords carried on with demesne cultivation or let out the land, they were losers. They were the victims of the market fluctuations that had their roots in the population decline.”¹³⁰ Hybel is here correct that the lords were the victims of the population decline; the primary cost to the lords lay not in the necessary leasing of the demesne, but in the general reduction in profits regardless of leasing. Leasing may have become a temporarily necessary decision to keep the manor financially afloat; the Black Death, however, could not have made leasing in the long term more efficient than it already was. Therefore, the cause of the letting of the manors must be elsewhere, particularly in the claim set forward already: it is more efficient for a man to farm his own land than someone else’s.

However, the importance of the demesne is sometimes not appreciated in contemporary discussions on the decline of serfdom. E.B. Fryde writes that the serfs persistently resisted servile obligations after 1381 “until the point was reached when it became wiser not to mention serfdom at

¹²⁸ Raftis, *Peasant Economic Development within the English Manorial System*, 78.

¹²⁹ Langdon, *Mills in the Medieval Economy*, 231.

¹³⁰ Hybel, *Crisis or Change*, 220.

all.”¹³¹ While it is true that peasant resistance made serfdom increasingly unprofitable and difficult, a point was reached not only when it was not wise to mention serfdom, but when the loss of the demesne made serfdom useless. The lords stopped enforcing servile duties because they lost both the power and the incentive. In summary, the return to a sustainable population level and the gradual working out of economic laws led to the disintegration of serfdom and manorialism.

THE POPULATION-ECONOMIC SYNTHESIS AND DISTRIBUTISM

The work of Raftis and other recent scholars, for the reasons explained, has put to rest the Marxist interpretation of medieval England that refuses to recognize any cooperation or economic rationality on the part of lords, while leaving open the possibility of class conflict due to the power of the lords. The manorial system, a system of centralized capital, was a barrier to distributism and to peasant possession of the means of production. Serfdom, the product of overpopulation and the manorial system, was therefore an effective obstacle to distributism. This problem is evident in the records of peasant life. At Ingoldmells in 1313, the rolls read, “Also that Peter son of Renigold Safron was ordained without license, therefore let him be attached [his presence be demanded in court].”¹³² This entry must remind the historian of medieval England that the lords owned the bodies of the serfs because they owned a portion of their labor. The fact that the lords still had a claim on the body of a peasant even if he became a priest serves to highlight the difficulty of serfdom for the Catholic distributist. The next record perfectly demonstrates the subservience, and thus the anti-distributist nature, of serfdom. In 1382, the rolls read, “William Veisye <4d.> [is] in mercy because he has not carted the lord’s dung to the lord’s land as by right he should. Walter [C]ole <4d.>, John Hoelbury <4d.>, Richard Adecock <4d.> [are] in mercy for the same etc.”¹³³ Servile duties, no matter how small, are signs of subservience to a greater, centralized

¹³¹ H.P.R. Finberg and Joan Thirsk, vol. 2 and 3 of *The Agrarian History of England and Wales* (London: Cambridge University Press, 1967), 768.

¹³² *Court Rolls of the Manor of Ingoldmells in the County of Lincoln*, 31.

¹³³ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 40.

power. Although the severity of these duties may have been overestimated in the past, their existence does demonstrate the fundamental lack of freedom of serfs.

These conclusions about the nature of serfdom, its decline, and the causes of its demise are important because, in addition to demonstrating that medieval English history progresses towards distributism as Hilaire Belloc claimed, they show that the reason that this progression occurred is because of the inherent economic strength of distributism given sustainable population levels. As Pope Leo XIII wrote, “The law, therefore, should favor ownership, and its policy should be to induce as many as possible of the people to become owners.”¹³⁴ The medieval system was distributist insofar as peasants earned their livelihood through farming their own land. As long as the manorial system and direct farming of the demesne through wage labor survived, there was a barrier to distributism because capital and labor were to some degree divided from one another. However, this division was always rather weak. Few peasants gained all of their wages from labor, particularly once they reached adulthood. Laborers would have included both full-time servants of wealthy peasant families and day-laborers, signing contracts for a specified time or work. Only 54 percent of servants were married, suggesting that “the period of service was probably a temporary one, but the evidence is hardly overwhelming.”¹³⁵ When lords leased out the demesne, they essentially leased out capital to labor. The demesne represented the obstacle to a distributist society, for it enabled centralized capital, authority, and the artificial need for wage labor. Leo XIII wrote of his own age,

“On the one side there is the party which holds power because it holds wealth; which has in its grasp the whole of labor and trade; which manipulates for its own benefit and its own purposes all the sources of supply, and which is not without influence even in the administration of the commonwealth. On the other side there is the needy and powerless multitude, sick and sore in spirit and ever ready for disturbance. If working people can be encouraged to look forward to

¹³⁴ Leo XIII, “Rerum Novarum,” ¶ 46.

¹³⁵ Hanawalt, *The Ties That Bound*, 164.

obtaining a share in the land, the consequence will be that the gulf between vast wealth and sheer poverty will be bridged over, and the respective classes will be brought nearer to one another.”¹³⁶

The pope’s portrayal of the industrial capitalist economy is an extreme version of the English manorial system. The difference is only one of degree. The average man at the time of *Rerum Novarum* possessed no productive capital of his own, gaining wealth only through labor. The average man at the height of English serfdom possessed (yet, did not own) the means of production, though he also may have labored for a wage and owed labor services as long as the demesne survived. Even at this peak of serfdom and manorialism, the English economy was more distributist than the capitalist economy of which Pope Leo XIII spoke. However, the destruction of the demesne and the return to a sustainable population led to the collapse of manorialism, and with it the dissolution of serfdom.

Yet, the process remained incomplete, because the peasant even at the end of the fifteenth century remained a tenant. On the manor of Elmley Castle, the rolls record, “Also it presents that Robert Depyng has felled 1 pear tree to the value [of] 2s. in his tenement without license, to the prejudice of the said tenement, which it [is] ordered to raise for the benefit of the lords. And the same Robert remains in mercy for the offense raised.”¹³⁷ To be unable to fell a tree is a clear indication of a lack of freedom and shines light on the difference between possessing and owning productive capital. Never, even in the fifteenth century, did peasants legally own their land. The land remained in the hands of the lords, and although evictions were rare and rent fell to low levels, the distinction remained and is apparent in the aforementioned case. Although they were able to achieve security through the possession of the means of production, they were unable to rise to the dignity of legally owning land. Therefore there remained the possibility that in the future the lords might once again exercise their power against them if the right conditions arose. There is a real difference between possession and ownership of the means of

¹³⁶ Leo XIII, “*Rerum Novarum*,” ¶ 47.

¹³⁷ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 84.

production, and the erosion of peasant independence during the sixteenth century may very well have its roots in this fact, though that is a topic outside the realm of this paper.¹³⁸

In summary, medieval England gradually grew more distributist, though the progress was hindered by late thirteenth and early fourteenth century overpopulation, and the fundamental causes of this transformation lay in the fact that the manorial system was less profitable than a distributist system. Given normal and sustainable population levels, the economy naturally tended to distribute property into the hands of many. Therefore, medieval English history vindicates Hilaire Belloc's three claims: distributism nearly came to fulfillment in England (by the end of the fifteenth century), did so by a natural process (because of economic laws working through sustainable population levels), and is an economically strong system (because the process was voluntary and economically rational). Moreover, this conclusion is a synthesis of the past century of scholarship, uniting neo-Malthusian overpopulation theory, a moderation of the Marxist framework, and the recent findings of the Toronto school in regards to peasant capital and seigniorial rationality.

¹³⁸ Robert Brenner, "The Agrarian Roots of European Capitalism," *Past & Present* no. 97 (1982): 84, doi:10.2307/jstor.org/stable/650630.

CONCLUSION

The first and most certain conclusion of this essay is that distributism nearly came into existence in England. Marxist, Malthusian, and Toronto scholarship, supported by the court rolls, all agree that peasant freedom was nearly established by the end of the fifteenth century. Servile obligations to the lord were rare, land was abundant, and rent was low. Of course, the peasant remained a tenant, and thus the system never came to completion. Although the peasant never established legal ownership over his land, he maintained practical possession, and therefore, the society was essentially distributist. The existence of a distributist society in England is important for distributism because it establishes it as historical and therefore possible, at least in an agrarian society.

The second conclusion of this essay is that distributism came into existence in England gradually. No revolution or disease created distributism. Rather, it was brought about by the gradual dissolution of the demesne, which was the source of seigniorial power, peasant servility, and the division between capital and labor. The gradual nature of the transformation demonstrates that distributism is not a fluke of history that will come into existence at unexpected moments given particular combinations of events external to the system. Rather, distributism was the natural outgrowth of the Middle Ages. Moreover, England approached distributism while England was Catholic, and the longer it remained such, the closer it approached distributism. The fact that these two periods overlap provides coherence to Belloc's thought. Moreover, if Catholics are to take the economic teachings of its Church seriously, they must consider and respect the Middle Ages, at least in this regard.

The third and least certain conclusion of this essay is that distributism came into existence because it was more economically productive than the manorial system. To a certain extent, this is pure speculation; there are no records in which the lords list their reasons for letting portions of the demesne and the peasants their reasons for taking the land into their own hands. Instead, there exists the historical fact of a trend towards the dissolution of the manor and the economic law that a man is more productive when the fruits of his labor are his own. If this conclusion is true, then it establishes that peasant possession of the means of production is a productive system, in fact more productive than one that

separates capital from labor. However, medieval English history only demonstrates this to be the case in an agrarian society. Therefore, this study provides no definite answers about the possibility of a distributist industrial society.

Nor does this analysis indicate anything certain about the economic history of Europe as a whole. Eastern Europe experienced the very opposite trend, as lords strengthened the institution of serfdom as time progressed. France, according to Belloc, did not experience the same revolutionary events of the sixteenth century as did England; therefore, the society finished the distributist development that was cut short in England. Nor is there a lack of scholarship about the historical economics of other European nations. Mark Bloch, in particular, has accomplished much research on the economic history of continental Europe. A careful study of the economic transformations and their causes on the continent would provide a better understanding of the historical and economic basis for distributism.

Because of the limitations of time and space, this study did not address an equally important aspect of Belloc's historical thesis – his argument that actions of the crown after the Reformation permanently altered the shape of English society and the balance of power between the lords and peasants. Belloc's economic thesis was essentially that from Catholic Europe came a stable, strong, and free economic order, and that from the Protestant Reformation came a fundamentally inferior economic order. Therefore, the argument taken as a whole is in a way an argument for the Catholic Church through its influence on history. For Belloc's historical thesis to be fully tested, the analysis must continue through the sixteenth and possibly seventeenth centuries.

Moreover, this essay does not address many aspects of distributism praised by Chesterton, Belloc, and the papal encyclicals. Belloc and Leo XIII both speak of the benefits that the guild system provided for European civilization, and the latter specifically mentions confraternities as well.¹³⁹ Moreover, a system of welfare existed within the village, providing sustenance to the poor. The tenants of Elmley Castle in 1439 recorded the regulation in the court rolls that villagers who were able to earn less than one pence and a day's worth of food could glean corn during harvest time, but only after "12 selions of

¹³⁹ Leo XIII, "Rerum Novarum," ¶ 49, 53; Belloc, *The Servile State*, 49.

sheaves have been cleared and carted.”¹⁴⁰ Records like this demonstrate that, particularly in the fifteenth century, the village functioned as a sort of local democracy, promulgating laws whose abridgement would require payment to the lord. Seven years later on the same manor, the rolls record, “It is ordained by common agreement of all the lord’s tenants that no one of them henceforth should brew more ale than any of his neighbors and that no one of them should have ale in his house to sell more than 4 days after the brewing of the ale, under penalty of paying 3s.4d. to the lord.”¹⁴¹ Market regulations and poor laws were accomplished through the local authority of the manorial court, according to the will of the peasants and enforced by the lord. This system of localized government within fifteenth century England is another example of historical distributism, as it avoids centralized public power, while maintaining a government role in the economy.

In summary, this analysis confirms Hilaire Belloc’s description of the decline of servility and the growth of distributism into the close of the fifteenth century in England. Furthermore, the cause of this transformation may lie in the economic productivity of the distributist system, demonstrating not only that distributism is historical but that it is economically strong at least in an agrarian society. An analysis into legislation at the manorial court of the fifteenth century would likely further indicate the distributist nature of the century, particularly in regard to economic regulation and social welfare. A critique of Belloc’s historical thesis about the end of distributism and the rise of capitalism would, combined with this work, provide a total critique of the distributist vision of economic history, which is vindicated only in part in this essay.

¹⁴⁰ Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*, 104.

¹⁴¹ *Ibid.*, 116.

FIGURES

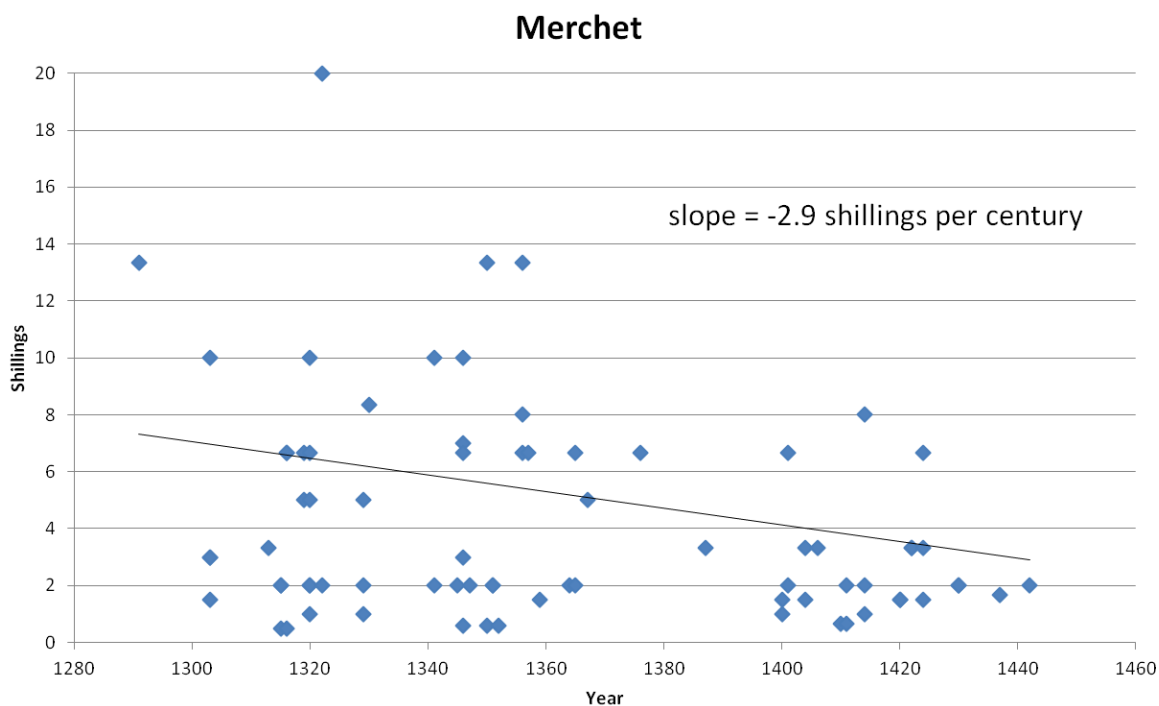
Figure 1¹⁴²

¹⁴² England, United Kingdom [map], 2012, generated by Carl Wolk; using "Google, Inc.," accessed 27 March, 2012, maps.google.com.

Figure 2¹⁴³

Fines for Deteriorating House and Property (Elmley Castle)								
		Feb 1411	Aug 1411	Oct 1411	Jan 1412	May 1412	July 1412	Jan 1413
Simon Thoury	fined	2d.	6d.		2d.			
	threat	1/2 mk.	20s.		40d.			
John Kynges	fined	2d.	6d.	4d.	2d.	0d.	1d.	
	threat	1/2 mk.	20s.	20s.	40d.	40d.	40d.	
John Shypston	fined	2d.	6d.	0d.			0d.	0d.
	threat	1/2 mk.	20s.	20s.			40d.	40d.
John Bonde	fined		6d.	4d.				
	threat		20s.	20s. *				
John Westmancote	fined	2d.	6d.	4d.	3d.			
	threat	1/2 mk.	20s.	20s.	40d.			
Thomas Sturmyn	fined	2d.			2d.	0d.	1d.	
	threat	1/2 mk.			40d.	40d.	40d.	

Figure 3¹⁴⁴



¹⁴³ Data gathered from court rolls between February 1411 and January 1413: Field, *Court Rolls of Elmley Castle, Worcestershire 1347-1564*.

¹⁴⁴ Figures 3-6 rely on data throughout *Court Rolls of the Manor of Ingoldmells in the County of Lincoln*.

Figure 4

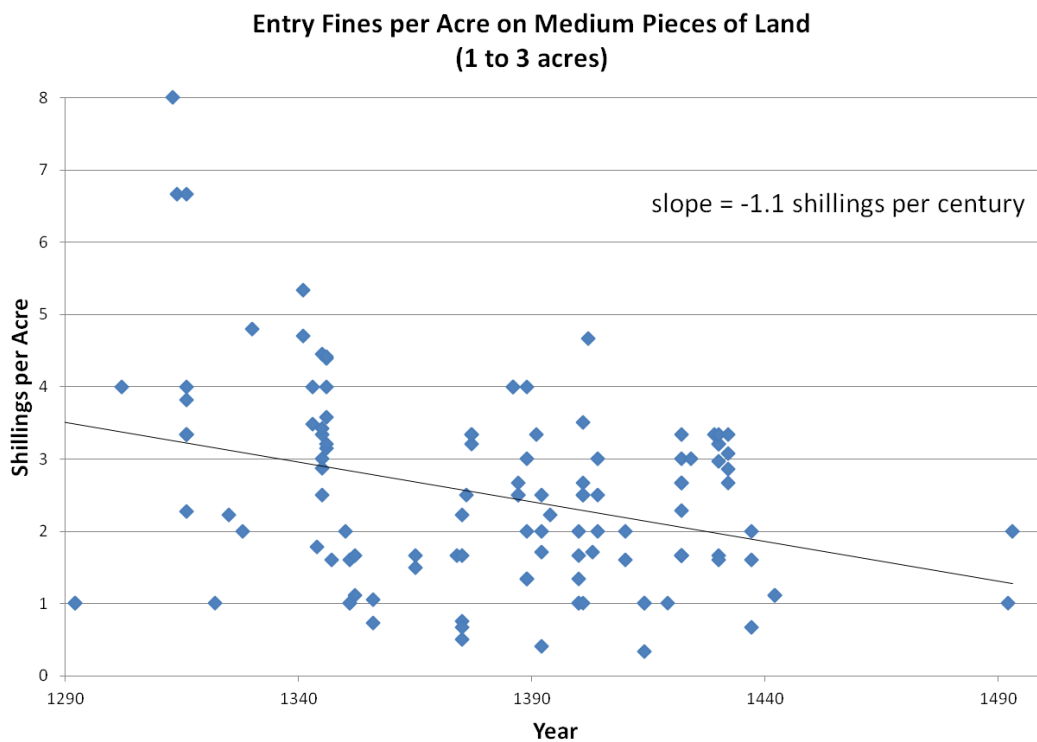
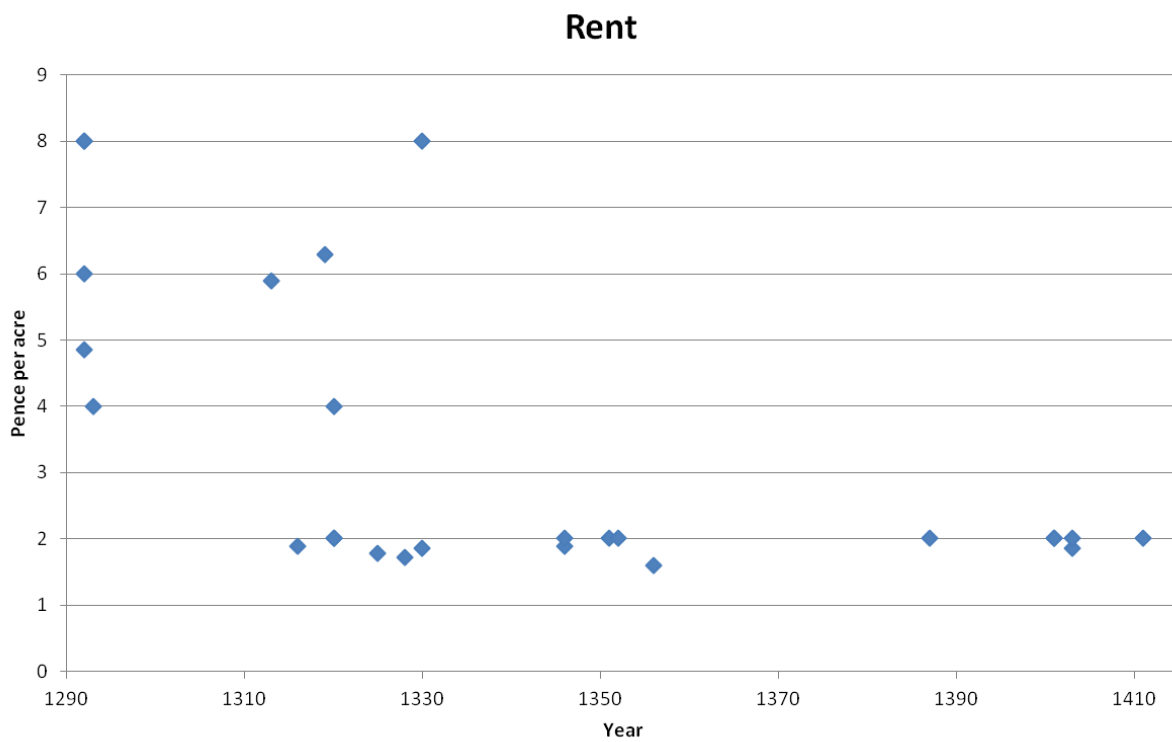


Figure 6



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