

The peasant landmarket in medieval England

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[Bibliographic](#)

This historiographical survey of the medieval landmarket is concerned mainly with the contributions of historians working in Britain, or those working within the traditions of British historical writing. This means that not all of the contributions come from British historians, as they include the work of an Israeli and a number of historians from the USA. Before the 1960s the landmarket did not figure prominently among the preoccupations of historians of the economy and society of medieval England. Areas of research included agricultural methods, field systems, the relationship between lords and tenants, and systems of inheritance, all of which had implications for the landmarket. However, the landmarket was not a major area of historical enquiry. There was some interest in transfers of aristocratic land. Historians of the aristocracy like K.B. McFarlane had shown that the fortunes of noble families had been built up by the purchase of land, as well as by inheritance and political patronage. One pattern of transfer in the thirteenth century involved the growth of the fortunes of magnate families, and of greater monastic houses, by purchasing land that was sold by impoverished members of the lesser nobility. Knights and gentry, embarrassed by debt, were forced to sell to those who had spare cash. It is no longer believed that this resulted in a general redistribution of landed wealth from the lesser nobility towards the greater landowners, but it was still a significant tendency within landlord society. Indeed the study of sales of land by the aristocracy goes back to the earliest period of documentation. We have a little evidence for land sales in the seventh, eighth and ninth centuries, and a considerable number of charters recording purchases of land by monastic landholders in the tenth and eleventh centuries in eastern England.

Our concern here is with the development of a landmarket among the peasantry. This could only become a major area of study when historians adopted a peasant-centred approach to medieval society. This depended on the systematic study of manorial court records, which provided the means for investigating the lives and activities of peasants, so that they could be seen as significant figures in their own right, not just as adjuncts of lordship. This peasant-centred approach has sometimes been claimed as the unique achievement of the group of historians based at Toronto in Canada, and they did make an important contribution, but in fact the method was being pursued by historians at Birmingham, Cambridge, Durham, Leicester and Oxford from the 1960s. I will discuss this research firstly by looking at the central debate on the nature of the peasant landmarket - was it commercial or not? Then I will turn to look at some more recent preoccupations among students of the landmarket: the landmarket's role in the origins of capitalism; and in the development of social security.

A suitable starting point in considering historical writing about the landmarket is the work of M.M. Postan. He fitted the transfer of parcels

of land by peasants into his overarching theory of a population-driven expansion in the thirteenth century followed by a crisis in the fourteenth. Postan, making one of his rare visits to the archives, noticed in the library at Peterborough Cathedral a manuscript volume on the cover of which was written the title *Carte Nativorum* (The charters of the serfs). This was surely a contradiction because serfs could not own charters? In fact when the contents of the book were examined it was clear that the monks of Peterborough allowed their servile tenants to buy free land as long as they surrendered their charters to their landlord. A landmarket was allowed by the monks provided that they supervised it. Postan explained the economic significance of these transfers of free land in two ways. Firstly, he conceded that the market in land was influenced by the increased market in agricultural produce in the thirteenth century. Peasants bought land in order to profit from its cultivation. They had the means to buy land, because they could sell their grain, wool and other products at advantageous prices. If this was the whole story this would mean that the landmarket began in the thirteenth century, in the age of rising prices and expanding markets. Secondly, however, he gave special emphasis to the permanent and enduring character of peasant society which would lead to a constant exchange of land between households. Some large families would need more land to feed their members, and could cultivate it because they had the resources of labour. Other households, such as those of elderly people or widows, lacked both labour and the need for large quantities of foodstuffs. And so parcels of land would constantly move from the holdings of those who did not require it, towards those with a greater capacity to cultivate it and to consume its produce. There was nothing new about the landmarket in the thirteenth century, just the documents that recorded it. For Postan, who was so concerned with the changing balance between land and people both on the small scale and the large scale, the landmarket was an enduring 'natural' feature of a peasant society.

Postan's interpretations were challenged by Hyams, who found that in the royal courts, disputes over sales of land began in the thirteenth century and were most frequently found in the most commercialised region, East Anglia. This suggested that the landmarket had a commercial origin, and was a relative novelty in the thirteenth century.

Further work on the Peterborough Abbey estate by King shed new light on the landmarket. He found that it was mainly rich peasants who were acquiring the free land recorded in the 'charters of the serfs'. Their motive was not so much to expand their own holdings, but to provide land for their daughters and for their younger sons who were not allowed to inherit the customary land of the main holding. Therefore the landmarket had a commercial origin because it reflected the wealth of the emerging kulak class, and it also showed the desire of these wealthy peasants to achieve the non-commercial end of endowing members of the family with land. The initial flurry of interest in the landmarket preceded the systematic study of manorial court rolls. A good deal of the initial work on these records was done by research students, and their conclusions appeared in rather specialist articles. Their initial findings eroded some traditional

assumptions. Jones showed, using Bedfordshire examples from the thirteenth century, that in an area under some urban influence the market in land led to a great deal of sub-tenancy. This meant that the formal surveys of land holdings had misled historians. Lists of standard holdings of virgates or half-virgates, (also known as yardlands or half-yardlands which contained usually 30 or 15 acres) are found in the surveys compiled by the great church estates, or by the state in the Hundred Rolls of 1279-90. These imply a rather uniform and static landholding structure, but the use of other sources gives a dynamic and varied picture. Faith, working on Berkshire evidence, found that inheritance after the Black Death was a rather rare occurrence. More land was transferred through the market than within the family, though inheritance within the family predominated before the Black Death. Debates were going on in the 1960s and 1970s, and a great deal of new research was being carried out on court rolls, but all of this effort had a delayed reaction and the results did not arrive fully in published form until 1984 and 1985. Two books were published that made non-specialists aware of the activities of the previous decade. Harvey's book on the peasant landmarket in medieval England was based on PhD theses written much earlier by Faith, Jones, Lomas and Williamson. Smith's book, with its more pretentious title of *Land, Kinship and Life-Cycle* contained essays presented to a conference held in 1975 on the influence of life-cycles on tenant landholding. Both books contributed to the debate between those who argued that the landmarket was primarily a reflection of commercial growth, and those who said that the impositions of lords, or family sentiment, or even attitudes within peasant communities, had a strong influence on the transfer of land. By now Chayanov's ideas had been translated into English and had become known to English scholars. Chayanov analysed Russian peasants in about 1900 and argued that the peasant economy was cut off from conventional market forces. The labour used on the peasant holdings came from within the family, and the produce was mainly used for consumption by family members. Peasants gave the highest priority to subsistence and auto-consumption, not trade. Families might acquire land when the head of the household was young and his children were growing up, but then in their decline as the parents became older, the holdings would be reduced in size and accumulations of land would be broken up. Postan knew of these ideas, and they had influenced him when he wrote about the charters of the serfs. Some historians of medieval England regard the family as an important influence on landholding. Razi, in his study of the very well documented manor of Halesowen in the west midlands, pointed out the high proportion of transfers in the period 1270-1348 which were made from one relative to another, so that 63% of transactions were between family members and 80% of land was transferred within the family. Razi's great achievement was to use court rolls for research into demography, and he showed that there was a strong relationship between family size and the size of holdings. Tenants with a virgate or yardland (30 acres) had on average 5 children, whereas cottagers often had only 2. Razi was able to detect in the court rolls evidence of a strong family sentiment in which fathers looked after the offspring who had no formal claim to the inheritance, and old people could expect to be

supported in their retirement by the younger generation. Families had a strong attachment to a holding so that in the event of a failure of the main line, remote relatives, even those living away from the manor, would return to claim their family's land. At Halesowen, the density of kin was very marked. Relatives tended to live near one another, and supported each other.

Razi's interpretation found support from other investigations of the landmarket within the midlands. Jones established that two-thirds of transfers in Bedfordshire villages were within the family and consequently the landmarket between families was less active before the Black Death. Howell, working on Kibworth Harcourt in Leicestershire, argued that family and inheritance were still important influences on the transfer of peasant land as late as the fifteenth century. Barbara Harvey worked on the records of Westminster Abbey's extensive estates and recognised that the landmarket was a threat to the larger family holding of a yardland or virgate and indeed helped to persuade the lord to allow them to be subdivided into half or quarter virgates by the thirteenth century. But in that century a halt was called by the lords and possibly by the peasants themselves, lest holdings became over fragmented, and ceased to provide a stable basis for a family's maintenance. The villagers influenced the landmarket, as Hilton showed that the community as a whole had a prejudice not just against excessive sub-division of holdings, but also expressed its dislike of the accumulation of land in the hands of a few individuals. Finally, in my own research on the estates of the bishopric of Worcester, I found evidence of transfers of land between families, in the fifteenth century, resembling the pattern defined by Chayanov. Many peasants in later life held smallholdings, but had accumulated larger quantities of land in their 20s, 30s and 40s, presumably in response to family need. In this case the market and the ambitions of families, were not necessarily opposed to one another, as those with growing families acquired pieces of land by purchase from their neighbours. Those historians who worked on eastern England described a different situation. They first of all found that the landmarket was much more active. The traditional tenements of the type found in the midlands had ceased to exist on many East Anglian manors, and had broken down into many small parcels. Therefore the transfer of tiny parcels often of an acre or less dominates the records of manorial courts in East Anglia. The landmarket appears to be dominated by individuals rather than by families. For example, in Redgrave in Suffolk, 9% of transfers took place within the family, though as each transfer tended to contain larger quantities of land, 42% of land was in fact inherited. The comparable figures at Coltishall in Norfolk, studied by Campbell, were that 13% of the transactions and 50% of the land that was transferred passed within the family. The different percentages arise from the tendency of peasants to sell land in small parcels, but to leave larger holdings to be inherited by the next generation.

In his summing up of research into the landmarket Smith concluded that Chayanov's ideas were not applicable to England or even to western Europe. Medieval English peasants were market orientated, and employed much wage labour. In Russia, land was the only source of income but in England people could pursue a range of occupations. They could for

example involve themselves in brewing and retail trade, or be employed as wage earners in agriculture or industry, or they could become craftsmen. The whole society was much more mobile, with a great deal of migration from village to village or from village to town. A younger son who could not acquire land by inheritance could often find a rich widow, and by marrying her he could become a tenant in his own right. As well as emphasising the market, Smith also played down the role of institutions. He believed that the use of partible or non-partible inheritance did not produce radically different landholding patterns. When younger sons inherited a fraction of a holding in eastern England, they often then sold it. And in the areas of impartible inheritance, younger sons could often gain access to land, sometimes because they or their fathers bought it. Smith doubted the importance of family sentiment, and also expressed scepticism about the influence of the village community on the behaviour of individuals. Differentiation among peasants in eastern England was promoted by the bad harvests of the 1290s and early fourteenth century which gave opportunities to the more prosperous and ruthless tenants to take over the land of their poorer neighbours. However, Smith allowed for some non-economic factors such as systems of patronage within village society, which enabled wealthier families to exercise influence over their poorer neighbours. We can see therefore that a great landmark was reached in studies of the medieval peasant landmarket in 1984 and 1985. No general survey of the subject has appeared since then. The study of the landmarket was given a new impetus by the debate about the origins of capitalism. The 1975 conference on 'Life Cycles' was attended by a historian who was also an anthropologist, Alan Macfarlane. He had studied village society in the sixteenth and seventeenth centuries, and was very impressed when he heard from medieval historians about the evidence for an active commercial landmarket in the thirteenth century. He wrote an iconoclastic book in 1979 on the origins of English individualism in which he argued that peasants in nineteenth-century Russia or in twentieth-century Nepal were dominated by family loyalties, but in thirteenth-century England there was a lack of family sentiment. He denied therefore that the English rural population can be described as peasants, and instead he believed that they were individualists and had a capitalist mentality. They bought and sold land like any other commodity. Land did not belong to the family; it belonged to the individual. For Macfarlane the family acted as an obstacle to economic development, and he was reluctant to assign much importance either to landlords or to the village community as a brake on enterprising individuals. The American historian Brenner had offered a completely different view also in the late 1970s. He was also an early modernist, who believed that the gentry were the dynamic class behind capitalist development. The English peasants, unlike their French counterparts, had little security of tenure and could be evicted and removed by their landlords. The gentry did this in the late fifteenth and sixteenth centuries and this process marked the first stage of agrarian capitalism. Those involved in landmarket studies accepted neither of these extreme and incompatible positions. These have rejected Brenner's view that peasants formed a barrier to capitalism, and had to be removed to make way for the

ambitious and modernising gentry. Razi has argued that in the thirteenth and fourteenth centuries, contrary to Macfarlane, families kept land to themselves. He believes that they felt a moral obligation to pass their inheritance on to heirs. Also, all members of the family had a claim for support. Hence fathers bought land for their non-inheriting children. The accumulation of land by individuals did not lead to a long-term differentiation because land was often spread out among the family. This was not an irrational attachment to family land, and in a crisis, like the great famine of 1315-17, the land was sold. The strong family attachment to land was, however, tenacious and survived the impact of the Black Death. In 1351-1430 a great deal of land was still transferred within the family, though often remote relatives came into the village to claim the land because sons and other direct heirs were not available. After 1430 inheritance declined; families became more nuclear, and there was a narrower, more selfish outlook among peasants. So Razi is saying that the Black Death and the social and cultural changes of the 80 years after the plague epidemic created the preconditions for the development of a capitalist mentality. A number of researchers - Glennie, Mate, Hoyle and Whittle - all see the land market as providing opportunities for the accumulation of land by peasants in the fifteenth and sixteenth centuries. In other words, unlike Brenner, the peasants are seen as actors, having some control over their own destiny, and not just as the victims of their social superiors. Whittle's main work was in Norfolk, an eastern county with a very lively market in small parcels of land among peasants. As was typical in East Anglia around 1300, most transfers took place outside the family, though as at Redgrave and Coltishall, about half of the land was transferred within the family because inherited holdings tended to be larger than those bought and sold. Whittle argued that there was no lack of family feeling in the late middle ages, but sons often did not need their father's land because they could acquire it for themselves. Peasants were pragmatic about land. If it was scarce and expensive they favoured inheritance. If it could be bought, they went to the market. By the sixteenth century peasant holdings had grown to a considerable size, often 50 acres or more. They were producing a market surplus with considerable profits, and were more likely to keep holdings in the family. The gentry should not be excluded from this picture; they were also active in production and technical innovation. When they expanded their land holding, it was often through the purchase of holdings, including peasant holdings. Brenner greatly exaggerated their ability to expropriate peasant land and underestimated the market forces which allowed gentry and thriving kulaks to buy land from peasants. Gentry felt no shame in acquiring 'copyhold' land that still carried some vestigial characteristics of servile tenure. A related problem is the institutional and legal basis of the landmarket. Did peasants develop a sense of ownership and control of their land? We know that in the thirteenth century it was being said that servile peasants owned nothing, and lords claimed the right to control their goods: they could demand tallage 'at will' and they could take animals and other goods on the death of a tenant. Everyone who acquired a new holding, whether by purchase or by inheritance, paid an entry fine that could be high or low

as the lord wished. How could a landmarket operate in such circumstances? Surely the peasants could not alienate land as it was under seigniorial control?

In his introduction to his 1984 book, Paul Harvey argued the striking case that holdings were rather fluid concepts until the twelfth and thirteenth centuries. Holdings were shares in the land of the manor, and they were not given territorial definition with proper boundaries until perhaps 1150 or even later. This explains why assarts only make their appearance in the records at a late stage. If you cleared new land in the early twelfth century, you just added it to your share of the village's resources. By 1200 holdings had been defined so the assarts were regarded as separate, with their own form of tenure and rent obligation. Similarly a landmarket, or at least transfer and exchange of parcels, could have operated informally before 1150, but by 1200 each holding had fixed parcels and transfers had to be formally registered.

In the thirteenth and fourteenth centuries the concept of peasant property continued to develop, most recently discussed by Bonfield and Poos. Whatever lawyers said about lords' control of customary land, in practice servile peasants owned their holdings and could alienate them. Customary law was regulated by courts which developed their procedures in parallel with the royal courts. Tenants were given a copy of the entry in the court roll and the rolls could be checked in matters of disputes. There were regular procedures for making a sale and registering it in the manorial court. The most important of these was the *ad opus* transfer which protected the interests of the lord, because the transfer was reported to his court, but also protected the interests of both the buyer and the seller, because there was a public and open record of the transfer of the tenancy from one person to another. Lords very rarely evicted tenants, and respected the inheritance rights even of notorious rebels. The lord's interest was to be able to discipline and perhaps expel a difficult tenant, but a smooth flow of rents and services was best achieved by having a well-established community of tenants who had a long-term stake in the land. The danger was that such ownership would give the peasants ambitions for independence. We find peasants anxious to sub-let, and indeed to convey their land by charter rather than through the manor courts. Lords attempted to regulate sub-tenancy and opposed the presumptions of peasants who wished to use charters. Under pressure from peasants the lords allowed new ways of conveyancing. These included the conditional grant, such as the agreement by which an elderly peasant would be maintained on the holding when it was granted to a new tenant. But the most important development in the fourteenth century was the death-bed transfer. Wills were a controversial matter for lords who wanted to prevent customary peasants from making bequests which might lead to land escaping from the control of the lord. The compromise was to allow death-bed grants made before witnesses, preferably including the lord's bailiff, which could be reported and approved at the next court. Another development favoured women who, from about 1300, were commonly receiving land jointly with their husbands, which gave them full rights over land if the husband died. And it also became common to give women the right to object if their husband proposed a transfer of land without their consent

(women's rights to land have been explored by Smith). The landmarket is visible in the manor court records as a change of tenancy. Lords liked to think that the registration of surrenders and new tenancies in the courts kept them in control of tenant land. However, to the parties involved it was a sale of property in which the lord had to be consulted, and eventually the intervention of the lord became a mere formality.

Lastly, Schofield, Smith and Clark have discussed the role of the landmarket as a means of providing social security. There are three distinct ways in which this can be observed. Firstly, in times of adversity, particularly in the period of poor harvest and general crisis between 1290 and 1340, the number of transfers rises greatly. When harvests were bad and corn expensive, poor peasants sold land to buy food. More often, one suspects that this use of the landmarket was closely connected with the system of credit. Those who had borrowed money or obtained mortgages on their land, were forced to sell in hard times. Whatever the mechanisms that were involved, selling land helped peasants over hard times. Secondly, at all times, retiring peasants used their land to obtain maintenance from their successors by selling or transferring their land with the condition that they received an allowance of grain, a share of the house, and other means of living in retirement. Some historians would argue that this was simply a commercial exchange - in other words, property was sold to buy an annuity. Others see it as a customary social duty which normally fell on children, but could be extended to non-relatives who took over an old person's holding. Finally, institutional charities could gain from the sales of land. Peasants would make a small-scale contribution to a local almshouse or fraternity by leaving land to such institutions, or by requiring in their wills that land be sold to be distributed to charity. Lastly, we must return to the central concerns of the landmarket and the work that still needs to be done to extend our knowledge of this important economic and social activity. A priority must be given to understanding regional differences. There was clearly an important east-west divide, but we still do not understand the reasons for the contrasts. We also need to understand the landmarket in relation to other parts of the market. For example, the relationship between land values and the prices of agricultural produce, and the ways in which fluctuations in the market for grain, wool and other products might influence trends in the buying and selling of land. Finally, we need to do more work on the vexed question of the relationship between families and the market. The rather simple idea that strong families are associated with peasant society and that individualism is a feature of capitalist society must be regarded with scepticism.

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