Introduction

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The articles in this collection were published in *Past and Present*
between 1970 and 1984. They are concerned with various aspects of
landed property in medieval England, with those who owned it and
those who worked it. It continues (as in the case of the articles by
R. A. Dodgshon and John Hatcher) some of the themes already
reprinted in a previous Past and Present Publication, *Peasants,
Knights and Heretics*. Here, however, there is a considerable
emphasis on those owners – or feudal tenants – of landed estates who
made up the ruling class, Anglo-Norman or English, between the
Norman Conquest and the end of the thirteenth century. Vital
problems are posed, some are left on one side, as is inevitable in a
group of articles by different scholars, focused on issues of
particular interest at particular moments. Among the contributions
concerning those who worked the land, we are very pleased to be
able to reprint J. R. Maddicott's now classic "The English Peasant-
ry and the Demands of the Crown, 1294-1341", the first of the *Past
and Present* Supplements, which appeared in 1975. And, most
recent, John Langdon's innovative contribution to our understand-
ing of agrarian technology in the middle ages, which appeared in
1984.

As can be concluded from J. C. Holt's study of "Politics and
Property in Early Medieval England", one of the conditions for the
stabilization of a landowning aristocracy was the preservation of the
family patrimony by a system of inheritance by a single heir, so that,
as on the European continent even earlier than in England, a family
lineage could be established. Unfortunately, even if primogeniture
was recognized (and, as will be seen, Holt's suggestion about the
chronology of its establishment is challenged by Stephen D. White),
the problem of what to do with younger sons, not to speak of
daughters, was always present. It is clear that a neat division
between a heritable patrimony and disposable acquisitions did not
solve the problems. Demographic factors, such as the failure of male
heirs, further complicated matters, as did the existence of collateral
lines with possible claims. With these and other natural uncertain-
ties, the intervention of political interests would inevitably contrib-
ute still further to the instabilities of a class whose position in many
respects seemed so dominating.

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Holt attributes an accentuation of the landed class's problems after the death of William the Conqueror to the complex issues of loyalty presented to the Anglo-Norman barons when the Norman ducal patrimony and the English royal acquisition were allotted to different heirs. Tenurial crises developed, accentuated by the conflict between Stephen and Mathilda. This provided an ample opportunity for the manipulation by rulers of an uncertain system of heritability, by supporting those whom they considered politically loyal, even though their family status might be weak. Edmund King considers that Holt overemphasizes this political manipulation and that the baronage managed to cope with problems arising from divided lordship and loyalties. Nevertheless, as Holt has noticed, manipulation in the interests of royal power did not cease when the particular political difficulties of the late eleventh and twelfth centuries were over. Edward I, as K. B. McFarlane pointed out, was quite capable of operating in a manner analogous to that described for the earlier period – showing "an unscrupulousness" in pursuing his dynastic aims.[1] No doubt the problems of the baronage in the twelfth century were very acute, but it would be a mistake to assume that, even under the control of a strong and unchallenged king, a landed feudal aristocracy could ever become a stable ruling class; still less if the king, as one should expect, was behaving with the self-interest of a landed magnate, which he undoubtedly was. Was stability ever achieved by the English aristocracy during the whole of the middle ages?

Other articles in this collection pose the problem not only of the stability, but of the homogeneity of the medieval ruling aristocracy. The barons, who are the concern of Holt and his commentators, by no means constituted the effective totality of the landed class. If the medieval peasantry was stratified (an issue obliquely posed in the Russian historiography described by Peter Gatrell), so was the class which ruled them. If it was the nature of a peasant economy that it should require "kulaks", middling peasantry and a group of smallholders providing wage labour, was it not also the case that an aristocracy of great barons must have depended for its effective power – whether military, political or social – in the counties, on a sub-class of tenants and retainers, some well-to-do knights, other lesser families of gentle status? But as Edmund King and P. R. Coss both show, this group too is by no means stable. King is mildly sceptical of the suggestion that there was a crisis of this "knightly/gentle" class in the thirteenth century, that some families fell in status because of the increasing costs of a "gentle" or "knightly"

[1] K. B. McFarlane, "Had Edward I a Policy towards the Earls?", in his *The Nobility of Later Medieval England* (Oxford, 1973), p. 266.

style of life, so that they had to borrow on the security of their lands and in some cases lose them. Nevertheless both he and Coss produce actual evidence of the double process of promotion and of demotion. Instability, in an era of demographic, social and economic change, seems to have been as much a characteristic of the lesser as of the higher aristocracy.

A dimension that is sometimes lacking in studies of the problems of the landed class, is the economic. It is proper to concentrate on legal issues of inheritance and tenure in a political context. But what made an estate valuable enough to be disputed or even fought for? No doubt there were aesthetic and sporting pleasures to be found on their estates by barons, knights, gentry and their ladies. But what mattered most was the value of the estate, universally expressed at this period in cash terms. King, when considering rising and declining families in the Soke of Peterborough, raises the question as to where the money came from to invest in the land market. Coss, in fact, faces up to the question. Obviously much of Geoffrey de Langley's success comes from his career as a royal official, but it is suggested too that, like so many contemporary landowners, he was intensifying his pressures on his peasant tenants for rents. At the same time he was acquiring land from the losers on the property market and concentrating his estates for the purpose of better management.

Estates would have been valueless without peasant tenants to work the land. One has only to analyse the account rolls of the manors which were the basic units, however variable in structure, of these estates, to appreciate this fact. Rents, the sale of demesne produce and the profits of manorial jurisdiction – all ultimately derived from peasant labour – constituted the principal values which sustained the aristocracy, great and small. This will seem obvious to those who are well read in the long line of English manorial and estate histories. Unfortunately, while we know much about the economies of the great lay and ecclesiastical, especially monastic, estates, there is much less evidence for the working of the properties of the middling and lesser landowners. R. H. Britnell's study of some small Essex properties is therefore apposite in connection with the questions posed by King and Coss. Britnell's article is written in the context of E. A. Kosminsky's analysis of the Hundred Rolls of 1279-80. He supports Kosminsky's general conclusions about the structure of small manors as being dominated by the demesnes worked by wage labour, producing mainly for the market and with relatively low rent income. Unfortunately the accounts analysed are half a century later than those described in the Hundred Rolls. But this does not necessarily invalidate Britnell's conclusion, opposed to that of Kosminsky, that the smaller land-

owners, in spite of being market-oriented, were no more entrepre-
neurial than the owners of big estates, even though their level of
investment might be higher.

In a sense we return again to the political dimension when
considering landowner incomes from the estates. Was the level of
peasant rents and services determined largely by market and
demographic forces, the land/labour ratio, the supply of and the
demand for land, as Hatcher is inclined to argue? In the era covered
by most of the articles in this collection, there was a very heavy
population pressure on scarce resources. Probably, as suggested by
Guy Bois for Normandy at the same time, there was a fall, not
necessarily of the total rent revenue on particular estates, but of the
rate of extraction.[2] The demographic and economic context of rent,
whether paid by villeins, leaseholders or free tenants, must not be
minimized. But does this mean that there was no "political" as
distinct from "economic" element in the taking of rent? By
"political" is meant a relation between lords and peasants where the
balance of forces is by no means expressible solely in terms of supply
and demand on a land market. The private jurisdictional power of
the lords, their ability to manipulate at the regional level the
procedures of the royal courts, their influence on, if not control of,
royal officials, have to be balanced against the extraordinary tenacity
and potential rebelliousness of peasant communities, however
stratified (see Zvi Razi's vivid description of such a community in
this collection). And to this must be added peasant skills in
defending their perceived rights by calling on custom – as the lords
did for opposite reasons.[3] An unequal balance, no doubt, but
political as much as economic.

If surplus extraction at the level of manor and estate may be
debated in terms of the relative importance of the "economic" and
the "political", it hardly seems debatable that the demands of the
crown – the greatest power in English feudal society even when it
seemed weak and divided – constituted a purely political form of
extraction. As Maddicott shows, the operations of the royal
purveyors and tax-collectors must have added a terrible burden,
additional to seigneurial rents and services, on to the English
peasantry. In no sense was there an economic quid pro quo between
the taxed and the taxer. The peasants had no voice in tax bargaining;
the profits of the tax (in so far as they were not appropriated by the
tax-collectors) were mainly spent on aggressive wars and in no way

[2] Guy Bois, *The Crisis of Feudalism: Economy and Society in Eastern Normandy, c.
1300-1550* (Cambridge, 1984).
[3] These matters are discussed in J. R. Birrell, C. C. Dyer and R. H. Hilton, "La
société paysanne et la loi en Angleterre au moyen âge", *Etudes rurales*, nos. 101-2
(1987).

for the protection of the people, as contemporary estate theory would have it. And in so far as there was any downward dissemination, through the networks of patronage, of crown income, derived quite considerably from tax, it would stop short at the landed aristocracy.

The tradition of purely political history, whether of medieval or of modern times, has quite rightly been eroded. But it would be foolish not to recognize the significance of the "political", in the sense of power relationships both lateral and horizontal, at all levels of medieval society.

1. *The landholding foundations of the open-field system*

ROBERT A. DODGSHON

THE DISPOSITION OF LANDHOLDING ON A SUB-DIVIDED[1] OR STRIP-FIELD basis represents a vital ingredient of any open- or common-field system. Without it, other ingredients, such as the communal regulation of cropping, the practice of common grazing across the arable after harvest or the open, unenclosed character of the system, lose much of their meaning. Indeed, at a time when so much doubt is being expressed as to whether all the various regional types of field system incorporated these other ingredients,[2] the fragmentation and intermixture of holdings stands out as the one indisputable characteristic which all open-field systems worthy of the name did possess. However, in spite of its importance, little agreement exists over how such an arrangement first developed. In fact, four quite separate interpretations can be recognized in the literature, each invoking a single factor or process — the techniques of early ploughing, the method of land colonization, the effects of partible inheritance or the nature of early land tenure — to explain the problem. This paper proposes to examine the merits of these four interpretations and, on the basis of the points so made, to formulate a view of the problem which relies on the integration of three of them.

I

Among historians, the most popular interpretation seems to be that developed by the Orwins.[3] The Orwins put forward the view that the first appearance of sub-divided fields dated from the introduction of the heavy mould-board plough. Early versions of this plough were equipped with a non-reversible mould-board, a facility which

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[1] "Sub-divided fields" is a phrase coined by A. R. H. Baker in his "Some Terminological Problems in Studies of British Field Systems", *Agric. Hist. Rev.*, xvii (1969), p. 139. It refers to the organization of landholding in the form of intermixed strips or parcels without implying that such strips or parcels were unenclosed or that they were overlaid with rights of common grazing.

[2] See, for instance, the debate between J. Thirsk, "The Common Fields", *Past and Present*, no. 29 (Dec. 1964), pp. 3-25, and J. Z. Titow, "Medieval England and the Open-Field System", *ibid.*, no. 32 (Dec. 1966), pp. 86-102. Relevant comment can also be found in G. C. Homans, "The Explanation of English Regional Differences", *ibid.*, no. 42 (Feb. 1969), pp. 18-22.

[3] C. S. and C. S. Orwin, *The Open Fields* (Oxford, 1938), ch. iv.

restricted it to throwing the soil in one direction only, normally to the
plough's right.   Inevitably, this created problems as the ploughman
worked his way back and forth across a field.   The solution which
early communities devised involved the division of the field into
narrow strips called "lands".   The ploughman then moved along
either side of each "land" turning the furrow in towards the centre of
the "land".   As the Orwins made clear, the movement of soil in
towards what became the crown of each "land" led to the formation
of a "succession of ridges and furrows", a feature that many would
regard as something of a *leit-motif* of sub-divided fields.   However,
the creation of a ridge-and-furrow system did not on its own lead
automatically to a pattern of intermingled shares or selions based on
such a system.   To explain this aspect, the Orwins referred to the
practice of collective ploughing which, they argued, was widespread
among early communities and which carried with it an implicit need
for a division of land between the members of each ploughing
partnership.   Having defined what they considered to be the
essential issues — the use of a mould-board plough and collective
ploughing — they then suggested that as each "land" was ploughed,
it was only logical, not to say convenient, for it to be allocated to the
various landholders in turn.   Needless to say, the overall effect was
the formation of sub-divided fields.

The reaction of many historians to their argument has been similar
to that of Professor H. R. Loyn and Professor M. M. Postan, both of
whom accepted it as a common-sense explanation, a practical antidote
to the abstract notions of primitive equality with which an earlier
generation of historians had explained the problem.[4]   However,
despite this impressive stamp of approval, the Orwins' interpretation
is open to serious criticism.   Quite apart from its dubious assumption
that the logic and convenience of doling out strips as they were
ploughed outweighed the considerable and permanent inconvenience
of having intermixed property, its power as an explanation is greatly
weakened by the fact that it receives little support from the available
evidence.   In fact, except for a questionable fragment of support
culled from early Welsh laws,[5] the Orwins were unable to cite a single
example in which the allocation of "lands" was combined with the

[4] H. R. Loyn, *Anglo-Saxon England and the Norman Conquest* (London, 1962),
p. 152; M. M. Postan, *The Medieval Economy and Society* (London, 1972),
p. 129.
[5] Orwin and Orwin, *op. cit.*, p. 41.   For a critical discussion of this evidence,
see G. R. J. Jones, "Field Systems of North Wales", in A. R. H. Baker and
R. A. Butlin (eds.), *Studies of Field Systems in the British Isles* (Cambridge,
1973), p. 436.

process of ploughing. Their inability to do so cannot be attributed to any basic lack of evidence regarding early land-division, since evidence of this kind does exist. Their difficulty was that it points towards the use of methods quite different from that which they proposed.

In Scotland, for instance, an area which affords ample opportunity for looking closely at methods of land-division, the ploughing and allocation of strips invariably appear as two separate acts with the latter being achieved by means of a lot division.[6] Where descriptions are sufficiently explicit, they suggest that the procedure followed involved the laying out of strips with the use of a measuring rod or rope. The group of strips comprising each person's share was then identified, both on the ground and in the lottery, by means of a mark or token.[7] A mark system of particular interest was that based on the use of a sun-division. If sixteenth- and seventeenth-century charters for the north-east of Scotland are examined, one sometimes finds landholders possessing the sunny or shadow portions of a particular farm or township. Early legal texts, such as Sir Thomas Craig's *Jus Feudale*, make it abundantly clear that shares so designated were meant to be divided after the fashion of a sun-division, with the person holding the sunny share being given the strips which lay in the east or south of each furlong or sequence of allocation and the person holding the shadow share being given those which lay to the west or north.[8] In some cases, more elaborate systems of apportionment were achieved by having a mid-share or by having the sunny and

[6] *The Commissioners of Inquiry into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland*, Parliamentary Papers, 1884, i, app. xcix, pp. 451-73; J. Robertson, *General View of the Agriculture of the County of Inverness* (Edinburgh, 1813), p. 335; G. L. Gomme, *The Village Community* (London, 1890), pp. 144-5 and 201; J. H. Romanes, "The Land System of a Scottish Burgh", *Juridical Rev.*, xlvii (1935), pp. 117-18; *Dictionary of the Older Scottish Tongue*, ed. W. Craigie (Chicago, 1962), p. 174; *The Records of Elgin 1234-1800*, ed. W. Cramond (Aberdeen, 1869), p. 130; R. A. Dodgshon, "Towards an Understanding and Definition of Runrig: the Evidence for Roxburghshire and Berwickshire", *Trans. Inst. Brit. Geographers*, lxiv (1975), p. 19.

[7] See esp., *Commissioners of Inquiry into the Condition of the Crofters and Cottars*, pp. 456-8; Robertson, *op. cit.*, p. 335.

[8] *Sir Thomas Craig's Jus Feudale 1655*, ed. J. Baillie (Edinburgh, 1732), p. 425. Baillie's edited version is in the original latin. Interestingly, a more recent translation by J. A. Clyde (Sir Thomas Craig, *Jus Feudale*, 2 vols. [Edinburgh, 1934]) loses much of the meaning in Craig's reference to sun-division. For a more sympathetic translation of Craig's point, see the relevant sections of J. Erskine, *The Principles of the Law of Scotland*, 2nd edn. (Edinburgh, 1757). Erskine's text was, in fact, based on Craig's. A fuller discussion of this and other evidence for sun-division in Scotland can be found in R. A. Dodgshon, "Scandinaviar Solskifte and the Sun-Wise Division of Land in Eastern Scotland", *Scottish Studies*, xix (1975), pp. 1-14.

shadow portions further sub-divided into sunny and shadow sub-portions so that a landholder might hold the sunny portion of the shadow half of a farm or township. Like those methods of land-division which employed less formal systems of laying out and identifying shares, the "kenning of a landowner to his share" in a sun-division was achieved by means of a lottery: "be cavillis drawine & in Judgement cassine".[9] Altogether, the use of a lot system for allocating shares can be extended back to at least the early fifteenth century. The *Liber Melros*, for example, provides a detailed description of a lot division at Hassington (Berwickshire) in 1428.[10] The fact that this and other early references involve divisions presided over by the local sheriff court[11] suggests that the use of a lot division was accepted legal procedure in Scotland and not just an archaic folk practice confined to areas like the Hebrides.

Conditions in England were, of course, different in the sense that the laying out of sub-divided fields had largely ceased by the end of the medieval period. Information on the precise method used, therefore, tends to be scarce. However, the scraps of evidence which can be gleaned indicate methods similar to those used in Scotland.

Thus, unequivocal evidence for the use of a lot-based division occurs in Bracton's thirteenth-century law text. Commenting on the division of land "equally" between co-heirs, Bracton declared that it should not be carried out in

> such a way that each may choose his share in order, but rather, so that fortune is made the judge of such distribution, that each may have the portion that falls to him by lot. Therefore let the names of the co-heirs and their parcels be written in separate schedules and the several schedules of parcels placed without warning in the hands of a layman unable to read, he is to give each parcener one of the schedules and each of them to remain content with the portion contained in the schedule, whether he likes it or not.[12]

Also productive of evidence are those townships which faced the continuing need to allocate land as part of a shifting system of outfield cultivation. Their approach is perhaps typified by the practice

[9] See, for instance, *Illustrations of the Topography and Antiquities of Aberdeen and Banff*, ed. J. Robertson (Aberdeen, 1861), iii, pp. 33 and 419.
[10] *Liber Sancte Marie de Melros*, ed. C. Innes, 2 vols. (Bannatyne Club, Edinburgh, 1837), ii, p. 521.
[11] This is particularly well illustrated by *The Sheriff Court Book of Fife 1515-1572*, ed. W. C. Dickinson (Scottish Hist. Soc., 3rd ser., xii, Edinburgh, 1928), pp. 237, 257 and 343.
[12] Bracton, *On the Laws and Customs of England* (*De Legibus et Consuetudinibus Angliae*), translation by S. E. Thorne of the latin text edited by G. E. Woodbine, 2 vols. (Cambridge, Mass., 1968), ii, p. 220.

followed at Cowpen in Northumberland.   A late sixteenth-century survey of Cowpen explains how

> at the layenge forth of any decayed or wasted corne feilde, and takinge in any new feildes of the common wastes in liewe thereof, everie tenaunte was and is to have so much lande in everie new feilde as everie of them layde forth in everie wasted or decayed corne fielde, or accordinge to the rents of everie tenaunte's tenement . . . as did befall everie of them by their lot.[13]

An entry in the Black Book of Hexham relating to the township of East Maften provides us with a fifteenth-century example.   The entry records that:

> if the present lord of Fenwick and lord of Maften wish to bring under the plough the waste land in the said common, then the said prior and convent shall receive their share for their portion in such plough land by lot; as they did before in the other arable land; namely, by the old intakes, in each place a third.[14]

Elsewhere in England, references to the allocation of land by lot are more difficult to find but by no means non-existent.   Mr. G. E. Elliot, for instance, has suggested that it was the method used to allocate outfield land in Cumberland.[15]   G. H. Tupling hinted at its use in Rossendale.[16]   In Lincolnshire, evidence is available showing that arable land on the Isle of Axholme was "cavelled out" by lot during the sixteenth century.[17]   Professor M. W. Beresford has described a system of lot acres which existed on the manor of Sutton Coldfield in Warwickshire.[18]   C. I. Elton reported in 1886 that at least one manor near London contained land called "terra lotabilis".[19]   Lastly, G. L. Gomme documented the use of a lot division by commoners at Malmesbury in Wiltshire.   The example he provides is especially interesting for, like a number of townships in the west of Scotland and Ireland, it involved the use of twigs to identify shares both on the ground and in the lottery.   The actual

[13] H. H. E. Craster, *A History of Northumberland*, ix (Newcastle, 1909), p. 324.
[14] M. Hope Dodds, *A History of Northumberland*, xii (Newcastle, 1926), p. 366.   See also, *The Priory of Hexham*, ii, ed. J. Raine (Surtees Soc., xxxxvi, Durham, 1865), p. 50.
[15] G. E. Elliot, "The System of Cultivation and Evidence for Enclosure in Cumberland Open Fields in the Sixteenth Century", *Géographie et Histoire Agraires. Annales de l'Est*, xxi (1959), pp. 127-9.
[16] G. H. Tupling, *The Economic History of Rossendale* (Manchester, 1927), pp. 103-4.
[17] I. F. Grant, *The Social and Economic History of Scotland before 1603* (Edinburgh, 1930), p. 102.
[18] M. W. Beresford, "Lot Acres", *Econ. Hist. Rev.*, xiii (1943), pp. 74-9.
[19] C. I. Elton, "Early Forms of Landholding", *Eng. Hist. Rev.*, i (1886), p. 435.