

Chapter 1

MEDIEVAL FOUNDATIONS OF MARKET EXCHANGE



As late as the 1970s and 1980s, the dominant opinion in economic history was still that England's early modern upturn had been preceded by a stagnating medieval economy. Significant social changes had not taken place, productivity had been low, and most of the rural population had laboured for their own subsistence.¹ These assumptions have proven to be unfounded; rather, during the High Middle Ages, the English economy experienced a considerable upswing. In the area of agriculture, efforts were made for the first time to coordinate farming and livestock breeding, regional specialization developed, and the population grew. In a parallel development, the number of both cities and their residents rose, as did the price of labour, land and capital. Against this background, the amount of money in circulation increased, and a rudimentary system of credit developed.² The trans-European plague epidemic of 1348/49 interrupted this development only temporarily.

One can observe similar processes at this time on the European continent. However, it is clear that the demographic and economic crises caused by the plague in the mid-fourteenth century were overcome more quickly and easily in England than in the north, south or west of Europe (with the exception of the Netherlands).³ In England, the plague-related labour shortage led to permanent wage increases despite the fact that the collapse of the system of bonded labour towards the end of the fourteenth century added a great number of new workers to the workforce. A further indication that the crisis was successfully overcome was that landowners gave some of their former bondsmen posts and entrusted them with administrative duties, with the effect that knowledge of trade, laws and management methods were further spread.⁴ The sustainability of the postpestilential upswing is attested to not least by the observation that while extraction

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methods remained the same, coal production steadily increased into the sixteenth century due solely to the fact the additional demand for it existed.⁵

These findings give us occasion to suspect that in England, communication structures and behavioural routines were in place that enabled contemporaries to take advantage of economic changes flexibly and productively. Two observations underline this assumption and simultaneously point to possible explanations.

For one, with the exception of London, English cities – in comparison with southern Germany and northern Italy, for example – had relatively small populations of about five thousand inhabitants, a particularity that can be explained not only in terms of the relative unimportance of foreign trade at that time, but also and above all of the high level of market integration locally. Unlike in Germany, where cities were isolated ‘islands’ amidst the surrounding countryside that [raised] themselves above the general barter economy’, to quote the historian Georg Brodnitz from a 1914 publication, English cities were market locations engaged in brisk trade with the equally market-oriented rural areas. If they wanted to survive as ‘centres of economic exchange’, they had to respond to impulses from the surrounding countryside.⁶

For another, one could argue that already with the Norman Invasion in the eleventh century, a specific form of feudalism developed in England that was more encouraging of the emergence of market-supported (and therefore flexible) trade than were the comparable governance and economic structures on the European continent. In the following, this English type of feudalism shall be discussed at greater length, since it is safe to assume that it created the preconditions for the formation and establishment of processes of commercialization.⁷

Both particularities – the size of English cities and their feudal governance structures – were interrelated, and both developed in the wake of the political upheavals triggered by the Norman Invasion of 1066.

Institutions and Law

After his victory at the Battle of Hastings, William the Conqueror, Duke of Normandy, not only made England into a colony of the West Frankish Kingdom, but also into a uniformly occupied territory. In contrast to comparable invasions by the Normans elsewhere in Europe, for example in Sicily or the Kiev region, there was no cooperation with the old ruling elites. Rather, in subsequent battles of conquest, William liquidated or drove out nearly all of the four thousand to five thousand members of the Anglo-Saxon aristocracy. He divided the conquered territory up among 189 of his followers, whom he elevated to the status of lords and upon whom he imposed tax duties and military service obligations.⁸

These feudal obligations might in themselves be an extension of the Anglo-Saxon tradition; the experts are not of one mind on this point. The centralist

administration of the new state, which was tailored to the King, can, however, be regarded as an innovation in terms of governance, even if on the local level, the old Anglo-Saxon administrative organization into 'shires' and 'hundreds' was preserved.⁹ In all of the shires, William and his successors set up courts of law. As local office holders, the aldermen represented the King's interests, while the sheriffs and bailiffs served as the forces of order. The King's Court, established in the early thirteenth century as the central court of law, was responsible for major cases. A central tax authority, the Exchequer, received the account statements and earnings of the King's agents from all corners of the empire and audited them. In the Chancery, official state documents were issued and stored. Such writs documented, among other things, the modalities of tax collection and the changes in the distribution of land ownership.¹⁰ Cities had a subordinate status within this centralized system. Neither military nor political competencies were granted to them by the King or his successors.¹¹

The new state was stable: the emergence of dynasties, with the associated subdivision of territories into ever-smaller sovereignties observable elsewhere in Europe, did not take place here. This was surely due in part to England's literal insularity, which offered a certain measure of protection from invasion, as well as to the modest size of the territory, which made internal integration easier. Thus it was possible for the King and his travelling judges to regularly visit all parts of the country, despite the difficult conditions of travel in the Middle Ages.¹² However, there were also other small dominions in Europe, e.g., Scotland and Sicily, that did not achieve as high a degree of integration as England. This speaks in favour of regarding the early development of a unitary state and the associated monopoly of power by the King as particular stabilising factors.

Within the framework of the present study, this thoroughgoing centralism is relevant primarily because it gave the country a considerable push towards commercialization. Of foremost significance is the side effect that it resulted in the creation a contiguous economic and juridical area without any significant internal tariffs¹³ and that free persons could, with the aid of royal justice and of professional legal experts, take action against swindlers, bankrupts, bad debtors and contract breakers. By 1362, they could even do so in the vernacular tongue, as English became the official language of justice in that year.¹⁴ Furthermore, in a continuation of Anglo-Saxon conventions, unitary weights and measures as well as a single currency were used. The



Figure 1.1. Coin of William of Conqueror, 1068.

Normans gradually replaced the old penny coins with ones of sterling silver, and thenceforth value was measured in pounds sterling.¹⁵

Secondly, William the Conqueror and his successors introduced a reorganization of the market for agricultural land. As this market calls for a state framework, one could presumably even say that they ‘introduced’ this type of market. The lords were permitted to sell the use rights to the land allotted to them to anyone they chose, or to purchase or lease land, so long as no contiguous territories resulted that might have called into question the direct dominion of the King. As is documented in the famous *Domesday Book* (1086), which William commissioned to gain and maintain an overview of the distribution of property and to avoid a concentration of acreage in the hands of individuals, the number of landholders had grown to several thousand within twenty years of the Conquest.¹⁶ When the King’s Court placed the purchasers of land, the so-called freemen, under its jurisdiction in the course of the thirteenth century so that they could emancipate themselves from the lords by means of royal writs and then work the land as they pleased, the number of market participants increased once again.¹⁷

Thirdly, the institutionalization of a land market gave impetus to the capital market. Land could henceforth stand as a security, and in turn loans were entered into to purchase land. Furthermore, feudal dues and leaseholds were generally rendered in cash, and for this, as well, it was often necessary to borrow money.¹⁸

Fourthly, the Crown monopoly on foreign currency trading – yet another aspect of royal centralism – favoured the early and universal establishment of a credit system. That the Royal Exchanger and his functionaries rigorously confiscated coins in foreign currencies to take them to the Tower Mint to be melted down and reminted as sterling coins contributed significantly to the English peculiarity that neither deposit banks nor a system of monetary trading, which elsewhere in Europe emerged out of currency trading in the Middle Ages, were founded. Instead, in England – and at this early point in time only there – bills of exchange, bonds and other commercial papers were acknowledged in payment transactions.¹⁹ While such papers did carry a certain amount of risk, they had the advantage that they were transferable and could be freely reproduced independently of the right of coinage. This increased the range and speed of capital circulation, reduced the loss of value through currency exchange and averted the necessity of the risk-laden transport of coins. Furthermore, it helped circumvent the church ban on interest, as bills of exchange allowed the interest on borrowings to appear as a fee or to be hidden in the exchange rate. Above all, however, in view of the notorious shortage of coins in the Middle Ages, the economy of bills of exchange increased the number of market actors and the volume of transactions. As Matthew Rowlinson notes, it also stimulated professional trading because it ‘sets a price not only on the abstractions of time and place, but also on that of money itself’.²⁰

That a society of owners and acquisition emerged out of the system of ‘distributive feudalism’ (*Verteilungsfeudalismus*, Günther Lottes) was an effect of,

rather than the motivation behind, the state-building efforts of William the Conqueror and his successors. What was of primary concern to these kings was the securing of their rule and the assurance of the cooperation of the lords that this demanded.²¹ The former could never, however, be entirely certain of the latter's loyalty, and this led to further measures of enforcing their sovereignty, which had commercial side effects.

The financial side of rule was comparatively unproblematic. It was possible where necessary to enforce the collection of agricultural dues and taxes directly from all tax-paying subjects so as to reduce the financial dependence of the King upon the lords.²² With respect to military service, however, such (precautionary) measures were not so easy to implement, as the troops led by the lords could abandon the battlefield at any time. The solution to the problem consisted for the King in replacing military service requirements with shield money (also known as scutage) and, in times of war, hiring armies of mercenaries – a measure that was apparently motivated by the experience that '[o]f all demands, the demand for money is the demand whose fulfilment is the least dependent on the good will of the obligated person' (Georg Simmel).²³ This step towards the submission of the relationship of dependence between the King and his lords under the cash nexus, which already took place in the twelfth century and was then reaffirmed in the fourteenth century, was described by the medievalist K.B. McFarlane as the transition to 'bastard feudalism'.²⁴ The negative connotations of the term refer to the associated emergence of a purely civilian class of rentiers devoted to wealth and pompous display – in a certain sense, the forerunners of the gentry – who were bound to the King as the highest feudal lord only through an impersonal contract.

The significance of this brand of feudalism for future historical development becomes clear when one calls to mind the much-cited formula of the legal historian Sir Henry Maine 'from status to contract'. It does not do justice to the English case outlined here. Maine had coined the phrase around 1860 to describe a centuries-long process that allegedly encompassed every country on earth. Later on, ennobled by the classical social-scientific theorists, it was to become a building block of social-scientific theories of modernization. However, the specificity of feudal rule in England consisted in the fact that both poles, 'status' and 'contract', were already part of the system in the Middle Ages and opened up new courses of action.²⁵ It is therefore not surprising that early on, the lords saw themselves as contract partners of the King and endeavoured to have the details of their obligations to him put down in writing. The Magna Carta, an agreement with some rebellious lords signed by King John in 1215, testifies to this.

Over time, the development towards written contracts also made itself felt in relations between the lords and their tenants. The King's Court served them as a conflict mediator and notary.²⁶ Several of these agreements also encompassed extra-economic service and fealty obligations, e.g., marriage authorizations for villeins. However, the military duties of the tenants towards the lord could not

be the subject of a contract, nor could their performance be sworn to through an oath. In the centralized system of rule tailored to the King, such agreements would have been regarded as treason. The tenants and the common folk were allowed (and indeed obligated) to serve exclusively under royal officers – a clear breach of the feudal principle of layered obligations, which continued to develop on the European continent.²⁷ This characteristic reveals particularly clearly that in England, the feudal era ended scarcely after it had begun.²⁸

That the landowning class of the lords was allowed to settle a large number of matters itself and yet was subject to a uniform, national law underlines this finding. This law was the Common Law.²⁹ It even applied to the King, who, while he may have stood above his subjects, was not above the law and in extreme cases might ‘violate’ it. In 1649, this global understanding of the law would contribute to Charles I being executed.³⁰

While Common Law, which also applied in the English communities of Wales and Ireland and significantly influenced Scottish law, had been established under the reigns of Henry II (1154–1189) and Edward I (1272–1307) with the particular needs of the monarchy in mind, in some respects it represented a continuation of ancient Anglo-Saxon law. Roman law, which generally applied on the Continent, was adopted only selectively, having not yet been modernized or adapted to English conditions and thus not demanding serious consideration as an alternative.³¹ As a result, over time, a number of deviations of English from Continental law took root, which would also prove significant for the economic development of England.

In particular, one specific formal quality of English law would have lasting effects. While Roman law was laid out systematically, Common Law was based on precedence. It opened up the possibility of honouring individual cases without having to apply overriding principles so as to promote unconventional solutions, experimentation and the autonomy of individual thought and behaviour. Against a background of upheavals in which economic and political conditions were rapidly changing and the extent to which previous experience could be drawn upon was limited, a procedurally orientated kind of law that also served as social practice was extraordinarily expedient. Moreover, it provided a high level of legal certainty, since the judges tended to pay scrupulous attention to judicial precedent.³² The structural deficits of case law – its pronounced inability to dispose of outdated decisions and the increasing murkiness of the legal situation associated with this³³ – would not, at this early stage in the development of Common Law, have been perceived as troublesome.

In terms of the content of the provisions, Common Law had implications above all for property relations. It stated that everyone – men, women and children – could own property. Even bondsmen could purchase and sell land subject to the consent of their lord.³⁴ Furthermore, with some kinds of property, be it in the form of land or moveable goods, certain use rights and duties were associ-

ated, which were binding even for the owner. Thus landless people had the right to graze their animals on land belonging to others, and landowners could collect fees from those wishing to enter or traverse their property. The former practice reduced the number of poor people, while the latter proved to be an effective incentive for the expansion of streets and canals and was an important precondition for the regional specialization of the production of goods and commodities in the late Middle Ages.³⁵

A further characteristic of Common Law was its openness to individual arrangements in financial matters. Of primary importance here is 'merchant law' or *lex mercatoria*, which made it possible for merchants and other persons engaged in trade – Englishmen and foreigners alike – to pursue legal claims outside of the customary legal avenues. The framework conditions for trade having already been outlined in the Magna Carta in 1215, special staple courts for commercial dealings were set up in London and fifteen other port cities and market towns towards the end of the thirteenth century. Like all courts of law, they were subordinate to the King; nevertheless they practised a comparatively uncomplicated form of jurisprudence in which they dispensed with certain time-consuming procedures, such as the obligation to submit writs with the seal of the King. Instead, bills of exchange, obligations and the written agreements of the signatories (or their authorized agents) were accepted in evidence. Furthermore, consideration was paid to local customs.³⁶

The *lex mercatoria* was therefore not a special body of law but rather an accelerated procedure for the settling of disputes between persons who, due to the nature of their commercial activity, could not afford to linger at the location in question. Although the jury was composed of half local and half foreign merchants, the courts privileged not the status of the merchant, as was customary elsewhere on the European continent, but rather trade dealings as such (thus *lex mercatoria*, not *ius mercatorum*).³⁷ Over four centuries, these accelerated procedures were an important precondition for unimpeded commercial activity; it was only in the late seventeenth century that the customs that had developed in their wake began to be codified, and it was only in 1765 that the commercial courts were integrated into the general jurisdiction of Common Law.

Like the *lex mercatoria*, the legal form of the trust also opened up the possibility for market participants to independently shape their contractual relations, and this possibility would also take on great practical significance in everyday life.³⁸ A landowner would entrust his land to a group of trustees, who were to administer it in his name but in the interest of a third party. At the same time, he named this third party – usually a person or group of persons who were supposed to be endowed by the trust with financial means – or he specified a particular purpose for which the funds were to be used. This gave property owners a way of de facto bequeathing their land, although this was actually forbidden until 1540 out of deference for the direct dominion of the King. Furthermore, they were able to

avoid the charges that would accrue in the event of a bequest – a kind of inheritance tax – and circumvent certain provisions of the inheritance law that forbid them from leaving their property to more than one of their children. In this way, they could bequeath assets to illegitimate children or protect assets intended for a married daughter from being seized by her husband. Such regulations could endure because the group of trustees could replace members when they died.³⁹

The legal form of the trust developed as far back as the fourteenth century. This is noteworthy because the trust emerged out of the transformation of a personal right into property law; that is, independently of the state and the King. It was therefore not a matter of a legal relationship of a contractual nature, nor of a corporation or a legal person that could have appointed itself a ‘state within a state’, as rulers on the Continent might have feared. In England, there were no fundamental problems with the recognition of trusts by the royal courts, and so they could spread more or less unimpededly.⁴⁰

As free associations – which over time also developed on political, sociopolitical, religious and cultural terrain and were able to establish themselves on a long-term basis with their property in land, buildings and assets – trusts are seen as seeds of modern civil society in England.⁴¹ This legal form has stood the test of time, not only in the administration of the assets that collectives and foundations such as the universities of Oxford and Cambridge have accumulated since the Middle Ages, but also in the modern financial world. For the separation of property and usufruct was, with the progressive commercialization of the economy, more and more frequently seen as a necessary framework for collective forms of enterprise outside of agriculture, which is why courts since the late seventeenth century were just as happy to accept trusts of money as trusts of land. Thus it is to some extent idle to investigate under what concrete circumstances legislators since the mid-nineteenth century agreed to codify the law of public or limited liability companies; for the issue had long since evolved on its own, and the multitudinous variations of the concrete organization of trusts served as a legal basis for corresponding agreements.⁴²

Those path-breaking financial institutions that are described in greater detail below – the Bank of England, the London Stock Exchange and Lloyd’s of London – also unquestionably developed within this legal form. They retained it for decades and even centuries, until some of them for a variety of reasons had themselves incorporated.⁴³

Social Structure, Mobility and Social Relations

The rural social structure of the Kingdom of England differed fundamentally from that of other European societies. While on the Continent, in accordance with the general model of feudalism, property was a function of status, in Eng-

land status resulted from property. The internal differentiation among aristocratic landowners also adhered to this pattern.⁴⁴ As a result, apart from the clergy, the rural social structure consisted for the most part of two social groups: landowners producing for the market (i.e., owners and tenants), on the one hand, and servants and landless farmworkers and wage labourers, on the other.

For the entire period of the Middle Ages, the numbers of landowners did not exceed twenty thousand persons. From the King at the top, there descended a hierarchy of roughly one thousand landowners from the aristocracy and the clergy, each one of whom owned less property and land than the King. According to estimates for the early fourteenth century, this small group accounted for nearly half of the total income from landownership. The other half was divided among some nineteen thousand smaller landowners. The majority of these belonged to the gentry, into the ranks of which wealthy townsmen had by this point already risen.⁴⁵ All of these owners cultivated one part of their land and leased the rest. In 1086, when the *Domesday Book* was compiled, the total number of tenants amounted to some 250,000 individuals. Initially, the majority of them were villeins. In the second half of the fourteenth century, when landowners had to compete for tenants, the number of villeins dropped, such that by around 1500 nearly all leaseholders were free 'copyhold' tenants. The process was only finally completed with the dissolution of the monasteries around 1540. And yet even the initially remaining villeins could freely engage in economic activity, for which reason some of them were able to accumulate greater wealth than were freemen. Their status merely prohibited them from taking legal action in the King's courts; they remained under the jurisdiction of their lords.⁴⁶

The second group in the rural social structure – that of the farm and wage labourers – comprised the majority of those workers without whom the landowners and tenants could not have cultivated their land. Here, as well, there were villeins and free labourers, and the number of freemen increased greatly towards the end of the medieval era. As with the tenants, the reason for this was that the supply of labourers shrank after the Black Death of the mid-fourteenth century. The landowners were able to adjust to this because free labourers, being more highly motivated than the villeins, were considered preferable.⁴⁷ Furthermore, the monarchy made concessions to them by issuing laws and edicts that regulated and disciplined the market activity of the freemen and stigmatized self-interested behaviour.⁴⁸ To characterise the free labourers as a rural proletariat would, however, be premature. While it is true that the labourers largely belonged to the ranks of the landless, many of them – including farm hands, maidservants and stable boys – lived in the households of landowners, where their immediate needs were similarly provided for. Most of those who lived exclusively from wages were surplus labourers or the adult children of small tenant households, who had left their parents' home. These 'pure wage labourers' still constituted a minority at the end of the Middle Ages.⁴⁹

A third group within the rural social structure, which one would anticipate based on knowledge of conditions on the Continent – namely that of free peasants cultivating their own land, with the family economy at the centre of production and consumption⁵⁰ – were, in contrast, quite rare, and their numbers grew even smaller over time. This is not due to the fact that England, as an island nation, did not require a large army but rather a navy, and therefore had no need to protect the peasantry, as previous generations of economic historians, e.g., Max Weber, have argued.⁵¹ The decisive factors were rather that after 1066, more or less all of the land suitable for agriculture had already been divided up among the lords, and they preferred to deal with a smaller number of tenants.⁵² Another determining factor was England's characteristically dense infrastructure of integrated regional markets.

This had developed since the second half of the thirteenth century, when the cash-strapped kings began in grand style to sell concessions for town and village markets to individuals, including monasteries and corporate entities – a move that in most other Continental European countries, where market law and municipal law were interconnected, would have been unthinkable. The minimum legal distance that had to be maintained between the more than one thousand new markets and the pre-existing ones, whose economic activity must not be impaired, was 6 2/3 miles. The market owners were obliged to collect consumer taxes for the King and, in exchange, were awarded monopoly rights. They derived revenue not only from the stand fees but also and above all through the collection of tolls. Hence they attempted to attract merchants from further afield, an ambition which, in view of the local and regional markets also developing elsewhere, did not signify a fundamental problem. As the transport of rural products from the surrounding villages to the towns – a distance that in many cases did not exceed twenty miles – was organized by merchants and their middlemen, even small rural producers without the time or means to bring their goods to market could integrate themselves into the economy. In this system, hardly anyone had to rely on subsistence agriculture.⁵³

Without access to markets, small farmers could not have paid the taxes, annuities or penalties demanded of them by the landowners, which were to be rendered in cash. They would not have been able to purchase tools or other objects of everyday use, nor food items, upon which specialized enterprises were particularly dependent. The extent to which even small farmers thought in categories like supply and demand resulted from the willingness of at least the freemen among them to sell everything that they owned and relocate elsewhere if this seemed advantageous. And they did so even when this meant that family traditions would be broken and relatives could no longer be supported.⁵⁴

Among the first scholars to reveal the noteworthy finding that already in the Middle Ages, England was to some extent a country without peasants was the anthropologist Alan Macfarlane in his original book *The Origins of English*

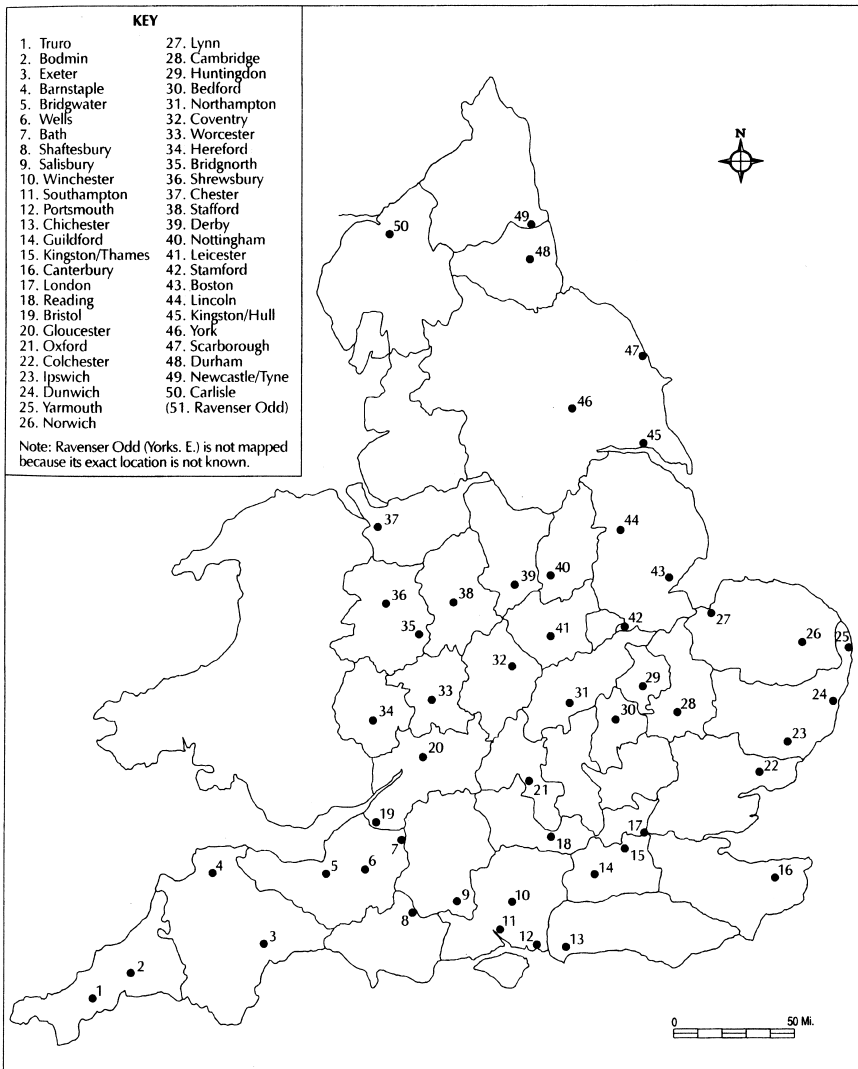


Figure 1.2. Country towns as regional centres in England around 1300

Individualism (1978).⁵⁵ Initially this thesis met with massive criticism among medievalists and was only confirmed by a younger generation of social and economic historians. When, in these more recent studies, published since the 1990s, reference is made to ‘peasants’, this should not be seen as relativizing this finding. Rather, it is a concession to the traditional use of language among medievalists, which is based on a different understanding of the word. The researchers of the younger generation namely use this term to refer to land-poor subtenants, village

tradesmen and both menial and casual labourers who derived additional income from supplemental agriculture work. Nevertheless, the fact remains that until the sixteenth century, the word 'peasant' was not in common use, and it was employed primarily to refer to conditions in foreign countries.⁵⁶

Holders of use rights to common land are also classified by some medievalists as 'peasants'. This is problematic to the extent that in many parts of England around 1500, the 'common land' or 'common fields' available amounted to about one-third of all land used for agriculture⁵⁷ and hence were by no means 'no man's land' or commons in the convention sense. Rather these 'commons' were private property to which people other than the owners also enjoyed use rights. When property relations changed, as happened with increasing frequency in the sixteenth and seventeenth centuries as more and more enclosures were created, these use rights were lost without compensation to the rights holders, and those cottagers who had previously been permitted to graze their animals on the commons were deprived of their livelihoods but not of their property. Against this background, it should not be surprising that in the mental status hierarchy of sixteenth- and seventeenth-century contemporaries, the term 'peasant' no longer figured.⁵⁸

Despite the (viewed from this perspective) relatively undifferentiated social hierarchy in the countryside, the population acquired a considerable degree of social mobility. After all, not only wage labourers but also landowners and tenants were vulnerable to economic cycles, poor harvests and other factors affecting the relationship between supply and demand on the markets: the agricultural land market, capital markets, labour markets and markets for agricultural produce. As a rule, upward mobility took place through the purchase of (additional) land, while downward mobility resulted from economic setbacks. Frequently such setbacks were the result of poor harvests, plagues and other 'acts of God', but just as frequently the cause was insufficient adaptation to changed market conditions, including the failure to transition from crop farming to livestock farming. Altogether, the opportunities and limits of adaptation depended to a large extent on one's prospects of acquiring wealth through marriage as well as access to private loans, but also on one's individual willingness to pursue an alternative career in the clergy, the military or – the most natural option in the case of freed bondsmen – the city.⁵⁹ Although many people were not themselves able to experience social mobility, contemporaries were most definitely aware of the phenomenon as such and often viewed it with suspicion. This is attested to by the sumptuary laws enacted in the late Middle Ages, which gave expression to an unease with the 'pretensions' of social climbers, as well as by aphorisms referring to insensitive behaviour on the part of parvenus, such as 'manners maketh man'.⁶⁰

Social decline was furthermore regularly precipitated by the practice of inheritance according to the principle of primogeniture, which was introduced by William the Conqueror and adopted into Common Law. From the middle of the twelfth century, the consequences became increasingly apparent, when William's

successors failed to add to the existing landmass by conquering additional territory.⁶¹ Primogeniture meant that upon the death of the owner, the inheritance was not divided among all of the children but fell to only one child – usually the oldest son, in exceptional cases also all of the daughters together.⁶² The other children were left empty-handed or, if they were awarded an income, it was usually too small to enable them to start their own family. In contrast to other European countries, in which some form of primogeniture was also known and to some extent practiced, in England it was rigorously enforced, even among the social classes below that of the nobility.⁶³

On the one hand, the principle of primogeniture had the effect that land ownership and wealth were bound together. On the other hand, it permanently created a sizeable number of ‘second sons’, a mechanism that stimulated individual acquisitive strivings among those affected.⁶⁴ Over the long term, these second sons of wealthy families formed a reservoir of well-bred young people in English society, who were suitable for leading positions within the army and navy, the clergy and the mercantile and free professions. Certainly in the Middle Ages, such opportunities were only to a limited extent available. Many of the ‘disinherited’ therefore lived according to knightly ideals and indulged in courtly love or roamed through the land in groups. As late as the English Civil War in the mid-seventeenth century, second sons are believed to have played a leading role in the Leveller Movement, which fought for equality before the law.⁶⁵

It was not only among these downwardly mobile people that social and geographic mobility went hand in hand. The children of menial labourers, farmhands, subtenants and small-scale landowners – sons as well as daughters – were also highly mobile from a young age. Most of them remained within a radius of some five to ten miles from their home village, but some, especially day labourers, managed to cover quite a bit of distance. In general, young people tended to travel until they could afford to start a family. The proportion of those who never married was, however, extraordinarily high, especially among women. In the town of Ealing near London in 1599, for example, some 25 per cent of women aged between forty and seventy were unmarried. Some members of this early rural proletariat spent their entire lives on the road, their standard of living scarcely differing from that of vagabonds, who survived by begging and stealing.⁶⁶

When landless people married, they tended to do so in their mid or late twenties, for women and men, respectively.⁶⁷ For the majority, this step did not involve a return to their place of origin. Instead they tended to settle where they had found work and a marriage partner. Consequently there was generally a high degree of turnover in the populations of English villages, and cross-generational family connections were weak: on the whole, they only played a role in propertied households. This was discovered by demographers in the 1960s and 1970s, who attempted in grand style to advance research on the demographic history of the late medieval and Early Modern periods through so-called family reconstitution

studies. It turned out that the family names in the baptismal registers were very different from those in the marriage and burials registers and that many families that had had their children baptized in one locality had later simply disappeared, i.e., had moved on.⁶⁸

Under these circumstances, farmworkers and servants, at least, cultivated their social relations not primarily among their relatives but rather among their neighbours, preferentially at neutral locations such as alehouses. It was to this network, if any, that one turned for credit or loans, financial support in times of crisis and consolation.⁶⁹ The system functioned on the basis of reciprocity, i.e., one must previously have ‘invested’, either through contributing to poor relief or by participating in the preparations for a festival, as well as by accepting the general ethical and behavioural codes. Group pressure, social control and associated conflicts were common occurrences, and the creation of outsiders was also a necessary result.⁷⁰ Nothing could be further from the truth than to view such social relations in medieval and Early Modern England as representing an intimate *Gemeinschaft* (‘community’), in the sense coined by the German sociologist Ferdinand Tönnies, in contradistinction to the modern *Gesellschaft* (‘society’), with its high degree of anonymity. It was rather the case that already at this time, social relations in England were shaped by *Gesellschaft* and were in this sense extraordinarily modern.⁷¹

Knowledge of this pattern is also necessary to explain the observation that the community network could break down under economic pressure. Already in the late sixteenth century – a time of crop failures, inflation and considerable population growth – this experience led to the enactment of state poor laws. The political elites could no longer ignore that, alongside the ‘deserving’ and the ‘undeserving’ poor, i.e., those who were unable or unwilling to work, there was also a broad stratum of labouring poor, who could not feed themselves and their families because they were unemployed, underemployed or poorly paid. Now – in addition to the old neighbourhood networks – cities, village communities and parishes were also called upon to provide support, such that poor relief, as deficient as it may have been in many cases, was more or less universally established a century later.⁷² The feature that, in contrast to Continental European customs, the system was also open to nonlocals was in a certain sense an official acknowledgement that England had become a society of individuals on the move.⁷³

It is only possible to understand the behaviour of both these individuals and the administrative authorities if one accepts the finding that anthropologist Alan Macfarlane first made in the late 1970s: namely, that since the waning of the Middle Ages, England, both economically and socially, possessed important attributes of a modern commercialized society:

[T]here were already a developed market and mobility of labour, land was treated as a commodity and full private ownership was established, there was very considerable

geographical and social mobility, a complete distinction between farm and family existed, and rational accounting and the profit motive were widespread. This has generally been obscured by an over-emphasis on technology or *per capita* income.⁷⁴

This diagnosis is consistent with the more recent medieval research finding outlined above on the special character of feudalism in England. Important bases for the market economy were already laid down in England in the eleventh century, and from that time forward the development progressed unimpededly. That economic slumps periodically limited economic growth does not contradict this overall assessment, as such crises are inherent to a market economy; they therefore need not be addressed in detail in this study.⁷⁵ The question this raises is rather that of what new structures were formed in the Early Modern period that followed the Middle Ages. Did the English market economy at this time achieve new quantitative dimensions? Did it assume a new quality?

Notes

1. That was the common ground between the opposing sides in the so-called Brenner controversy of the 1970s, which shall not be discussed here. On this, see T. H. Aston and C. H. E. Philpin (eds). 1985. *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, Cambridge: Cambridge University Press.
2. Cf. C. Dyer. 1995. 'How Urbanized was Medieval England?', in J.-M. Duvosquel and E. Thoen (eds), *Peasants and Townsmen in Medieval Europe. Studia in honorem Adriaan Verhulst*, Gent: Snoeck-Ducajn and Zoon, 169–83; Britnell, *Commercialisation*, 102–25 and passim; idem. 2003. 'England: Towns, Trade and Industry', in S. H. Rigby (ed.), *A Companion to Britain in the Later Middle Ages*, Oxford: Oxford University Press, 47–64; S. H. Rigby. 2006. 'Introduction: Social Structure and Economic Change in Late Medieval England', in R. Horrox and W. M. Ormrod (eds), *A Social History of England, 1200–1500*, Cambridge: Cambridge University Press, 24; Bailey, 'Historiographical Essay', 298–99; M. Allen. 2004. 'The English Currency and the Commercialisation before the Black Death', in D. Wood (ed.), *Medieval Money Matters*, Oxford: Oxbow Books, 31–45.
3. Cf. S. Pamuk. 2007. 'The Black Death and the Origins of the 'Great Divergence' across Europe, 1300–1600', *European Review of Economic History* 11, 189–317; see also J. Walter and R. Schofield. 1989. 'Famine, Disease and Crisis Mortality in Early Modern Society', in J. Walter and R. Schofield (eds), *Famine, Disease and the Social Order in Early Modern Society*, Cambridge: Cambridge University Press, 68–73.
4. Cf. Britnell, *Commercialisation*, 115–17, 299; C. Dyer. 1994. *Everyday Life in Medieval England*, London: Hambledon Press, XII–XVI, 4–7, 173.
5. Cf. Bailey 'Historiographical Essay', 298–99 (with valuable evidence).
6. Quotation from G. Brodnitz. 1914. 'Die Stadtwirtschaft in England', *Jahrbücher für Nationalökonomie und Statistik* 102, 36; see also 21–22. In addition, see R. Britnell. 1991. 'The Towns of England and Northern Italy in the Early Fourteenth Century', *Economic History Review* 44, 21–35; idem. 2006. 'Town Life', in Horrox and Ormrod, *A Social History of England*, 145–46.
7. The 'almost completely spontaneous course of evolution' of feudalism in England was already noted by M. Bloch. 1964. *Feudal Society*, trans. by L. A. Manyon, vol. 2, Chicago: University

- of Chicago Press, 181. However, on this topic Bloch's account is unspecific and cryptic in equal measure, and therefore no further use of it will be made in this study. The same applies to his work *Seigneurie français et manoir anglais*, which was based on lecture notes.
8. Cf. H. R. Lyon. 1962. *Anglo-Saxon England and the Norman Conquest*, London: Longman, 320. For a general European perspective, see Rowley's *The Normans* as well as C. Harper-Bill and E. van Houts (eds). 2003. *A Companion to the Anglo-Norman World*, Woodbridge: The Boydell Press. In addition, see K. Heller. 1993. *Die Normannen in Osteuropa*, Berlin: Duncker and Humblot.
 9. K.-F. Krieger. 2002. *Geschichte Englands von den Anfängen bis zum 15. Jahrhundert*, Munich: Beck, 89, points to the fundamental difference to Germany, 'where much of the land was held by the aristocracy as an allod and thereby formed the basis for an autogenous aristocracy, deriving its sovereignty from no one, not even the King'.
 10. Cf. J. R. Strayer. 1970. *On the Medieval Origins of the Modern State*, Princeton, NJ: Princeton University Press, 34–49.
 11. Cf. Brodnitz, 'Stadtwirtschaft', 36–38.
 12. See the reflections on the size of the territory and its consequences for the exercise of power in N. Elias. 1994. *The Civilizing Process: the History of Manners and State Formation and Civilization*, Oxford: Blackwell, 195 ff.
 13. For details, see J. Masschaele. 2007. 'Tolls and Trade in Medieval England', in L. Armstrong et al. (eds), *Money, Markets and Trade in Late Medieval Europe. Essays in Honour of John H.A. Munro*, Leiden: Brill, 175–78.
 14. Cf. S. R. Epstein. 2000. *Freedom and Growth. The Rise of States and Markets in Europe, 1300–1750*, London: Routledge, 68. On the 'legal professions', see S. Walker. 2006. 'Order and Law', in R. Horrox and W. M. Ormrod (eds), *A Social History of England 1200–1500*, Cambridge: Cambridge University Press, 99, 103.
 15. This measure served to enforce the state monopoly of coinage and establish better control of foreign exchange trading; see P. Nightingale. 1983. 'The Ora, the Mark, and the Mancus: Weight-Standards and the Coinage in Eleventh-Century England (Part 1)', *Numismatic Chronicle* 143, 248–57.
 16. Cf. M. Chibnall. 2003. 'Feudalism and Lordship', in C. Harper-Bill and E. van Houts (eds), *A Companion to the Anglo-Norman World*, Woodbridge: The Boydell Press, 130. On the development of the land market, see also B. L. Anderson. 1986. 'Entrepreneurship, Market Process and the Industrial Revolution in England', in idem and A. J. H. Latham (eds), *The Market in History. Papers Presented at a Symposium Held 9–13 September 1984 at St George's House, Windsor Castle, under the Auspices of the Liberty Fund*, London: Croom Helm, 182.
 17. Cf. D. C. North and R. P. Thomas. 1973. *The Rise of the Western World. A New Economic History*, Cambridge: Cambridge University Press, 64.
 18. Cf. B. M. Campbell. 2009. 'Factor Markets in England before the Black Death', *Continuity and Change* 24, 92, 97; idem. 2006. 'The Land', in R. Horrox and W. M. Ormrod (eds), *A Social History of England, 1200–1500*, Cambridge: Cambridge University Press, 213.
 19. Cf. J. H. Munro. 2000. 'English "Backwardness" and Financial Innovations in Commerce with the Low Countries, 14th to 16th Centuries', in P. Stabel et al. (eds), *International Trade in the Low Countries (14th–16th Centuries). Merchants, Organisation, Infrastructure*, Leuven-Apeldoorn: Garant, 143. This resulting backwardness in the banking sector could only begin to be offset in the 1640s, when merchants of the goldsmiths' guild exploited the weakening of the monarchy through the Civil War to establish themselves as illegal currency traders and bankers. On the uncommonness of bills of exchange on the other side of the Channel, see O. Volckart. 2009. 'Regeln, Willkür und der gute Ruf: Geldpolitik und Finanzmarkteffizienz in Deutschland, 14. bis 16. Jahrhundert', *Jahrbuch für Wirtschaftsgeschichte*, 117–18.
 20. Cf. N. Jones. 1989. *God and the Moneylenders. Usury and Law in Early Modern England*, Oxford: Blackwell, 140–41. Quotation in M. Rowlinson. 1999. "The Scotch Hate Gold":

- British Identity and Paper Money, in E. Gilbert and E. Helleiner (eds), *Nation-States and Money. The Past, Present and Future of National Currencies*, London: Routledge, 49.
21. Cf. R. C. Palmer. 1985. 'The Origins of Property in England', *Law and History Review* 3, 1–50; idem. 1985. 'The Economic and Cultural Impact of the Origins of Property: 1180–1220', *Law and History Review* 3, 375–96. Quotation: G. Lottes. 1995. 'Von "tenure" zu "property"'. Die Entstehung des Eigentumsbegriffes aus dem Zerfall des Feudalrechts', in G. Lottes (ed.), *Der Eigentumsbegriff im englischen politischen Denken*, Bochum: Brockmeyer, 7.
 22. See A. Macfarlane. 2002. *The Making of the Modern World. Visions from the West and East*, Houndmills: Palgrave, 48 (with reference to the legal historian Frederic Maitland).
 23. *The Philosophy of Money*, 398. On the problem of disciplining the barons on the battlefield, see M. Mann. 1994. *Geschichte der Macht, vol. 2: Vom Römischen Reich bis zum Vorabend der Industrialisierung*, Frankfurt, Main: Campus, 234; for a more extensive account: M. Powicke. 1962. *Military Obligation in Medieval England. A Study in Liberty and Duty*, Oxford: Clarendon Press. See also H. M. Thomas. 2008. *The Norman Conquest: England after William the Conqueror*, Lanham, MD: Rowman and Littlefield, 80–83.
 24. K. B. McFarlane. 1944. 'Parliament and Bastard Feudalism', *Transactions of the Royal Historical Society* 4(26), 53–79. For an overview of the state of the ensuing discussion, see M. Hicks. 1995. *Bastard Feudalism*, London: Longman; P. Coss. 2002. 'From Feudalism to Bastard Feudalism', in N. Fryde et al. (eds), *Die Gegenwart des Feudalismus*, Göttingen: Vandenhoeck and Ruprecht, 79–107. It should be noted here that the mounting of private armies only definitively ceased at the beginning of the sixteenth century, when Henry VII was able to push through a corresponding statute.
 25. An explanation for Sir Henry Maine's failure to account for the English situation presumably lies in the fact that while he was an expert on Roman law (and India) who was inspired by the German legal tradition, he was relatively unversed in English Common Law; see R. Graveson. H. 1941. 'The Movement from Status to Contract', *Modern Law Review* 4, 261–72; K. Dockhorn. 1950. *Der deutsche Historismus in England. Ein Beitrag zur englischen Geistesgeschichte des 19. Jahrhunderts*, Göttingen: Vandenhoeck and Ruprecht, 177. On the reception of Maine in the social sciences, see E. Shils. 1991. 'Henry Sumner Maine in the Tradition of the Analysis of Society', in A. Diamond (ed.), *The Victorian Achievement of Sir Henry Maine. A Centennial Reappraisal*, Cambridge: Cambridge University Press, 143–78. The above-cited formulation is from H. S. Maine. 1965 (1861). *Ancient Law*, New York: Dutton, 100.
 26. Cf. S. L. Waugh. 1986. 'Tenure to Contract: Lordship and Clientage in Thirteenth-Century England', *English Historical Review* 101, 811–39.
 27. Cf. A. Macfarlane. 1988. 'The Cradle of Capitalism: The Case of England', in J. Baechler et al. (eds), *Europe and the Rise of Capitalism*, Oxford: Blackwell, 185–203 (in relation to the legal historian Frederic Maitland); idem, *Making of the Modern World*, 47–48. See also Krieger. 2002. *Geschichte Englands*, 89.
 28. See C. W. Hollister. 1963. 'The Irony of English Feudalism', *Journal of British Studies* 11, 1–26.
 29. Cf. Strayer. *On the Medieval Origins*, 47. An excellent overview of the key structural elements of Common Law can be found in H. Weber. 1988. 'Common Law', in R. Sheyning (ed.), *Ergänzbare Lexikon des Rechts* 1(270), 29 February 1988, Neuwied: Luchterhand, 1–4.
 30. Cf. A. Cromartie. 2006. *The Constitutionalist Revolution. An Essay on the History of England, 1450–1642*, Cambridge: Cambridge University Press.
 31. Cf. R. C. van Caenegem. 1973. *The Birth of the English Common Law*, Cambridge: Cambridge University Press, 99–110. However, the connections to experts on Roman law were never completely severed; see J. H. Baker. 2002. *An Introduction to English Legal History*, 2nd ed., London: Butterworths, 27–29; R. Zimmermann. 1993. 'Der europäische Charakter des englischen Rechts: Historische Verbindungen zwischen Civil Law und Common Law', *Zeitschrift für europäisches Privatrecht* 1, 4–51.

32. Cf. A. L. Goodhart. 1934. 'Precedent in English and Continental Law', *Law Quarterly Review* 50, 40–65; D. Lieberman. 1995. 'Property, Commerce, and the Common Law. Attitudes to Legal Change in the Eighteenth Century', in J. Brewer and S. Staves (eds), *Early Modern Conceptions of Property*, London: Routledge, 148.
33. 'In a case-law system the initiative [for change] rests with the litigants, and it is only when the advantage to be gained in the instant case by doing something different is large enough to outweigh the loss that the well-advised litigant will take the risk and depart from the well-trodden path.' D. J. Ibbetson. 1999. *A Historical Introduction to the Law of Obligations*, Oxford: Oxford University Press, 299; see also *ibid.*, 294–302.
34. Villeins, however, were still denied the right to appeal to the Royal Court; they remained subject to the jurisdiction of their lord. Cf. Campbell, 'The Land', 210. Also see P. Coss. 2006. 'The Age of Deference', in R. Horrox and W. M. Ormrod (eds), *A Social History of England, 1200–1500*, Cambridge: Cambridge University Press, 32–33.
35. Cf. P. Stein. and J. Shand. 1974. *Legal Values in Western Society*, Edinburgh: Edinburgh University Press, 212–14; R. Szostak. 1991. *The Role of Transportation in the Industrial Revolution: A Comparison of England and France*, Montreal: McGill-Queen's University Press, 88–90.
36. Cf. Baker, J. H. 1979. 'The Law Merchant and the Common Law before 1700', *Cambridge Law Journal* 38, 300–04, 316–22. References to the strategic significance of the *lex mercatoria* for the representation of merchants by authorized representatives can be found in P. R. Milgrom et al. 1990. 'The Role of Institutions in the Revival of Trade: The Law Merchant, Private Judges, and the Champagne Fairs', *Economics and Politics* 2, 4–6. The stipulations of the Magna Carta are cited in C. Kerr. 1929. 'The Origin and Development of the Law Merchant', *Virginia Law Review* 15, 359–60.
37. A. Cordes. 2005. points to this difference in 'The Search for a Medieval *Lex mercatoria*', in V. Piergiovanni (ed.), *From lex mercatoria to Commercial Law*, Berlin: Duncker and Humblot, 61.
38. The word 'trust' did not yet exist in the Middle Ages. The corresponding term was 'use'; it referred to the same subject matter. The presentation below follows F. W. Maitland. 1905. 'Trust und Korporation', *Grünhuts Zeitschrift für das Privat- und öffentliche Recht der Gegenwart* 32, 1–76; Baker, *Introduction to English Legal History*, 290–93, and D. B. Parker and A. R. Mellows. 1994. *The Modern Law of Trust*, ed. A. J. Oakley, London: Sweet and Maxwell, 1–25.
39. Even in the eighteenth and nineteenth centuries, 'trusts' proved to be a flexible legal form. They were well-suited, among other things, to alleviating the undesirable effects of the institution of 'strict settlement' that had emerged around 1660, which – much like the entailed estates (*Fideikommiss*) of Continental Europe – prevented the sale of lands out of consideration for the family of the landowners; cf. R. Harris, 2004. 'Government and the Economy, 1688–1850', in R. Floud and P. Johnson (eds), *The Cambridge Economic History of Modern Britain, vols I: Industrialisation, 1700–1860*, Cambridge: Cambridge University Press, 229.
40. Cf. W. Hartmann. 1956. *Der Trust im englischen Recht*, Zürich: Juris-Verlag, 23–24.
41. Cf. Macfarlane, *Making of the Modern World*, 269–72.
42. Cf. R. Harris, 2000. *Industrializing English Law: Entrepreneurship and Business Organization, 1720–1844*, Cambridge: Cambridge University Press, 21–22, 147–58.
43. Cf. B. L. Anderson, 1975. 'Law, Finance and Economic Growth in England: Some Long-Term Influences', in B. M. Ratcliffe (ed.), *Great Britain and Her World 1750–1914. Essays in Honour of W. O. Henderson*, Manchester: Manchester University Press, 103ff.; M. R. Chesterman. 1984. 'Family Settlements on Trust: Landowners and the Rising Bourgeoisie', in G. R. Rubin and D. Sugarman (eds), *Law, Economy and Society, 1750–1914. Essays in the History of English Law*, Abingdon, Oxon.: Professional Books Ltd., 124–68.
44. Cf. H. Perkin. 1981. *The Origins of Modern English Society, 1780–1880*, London: Routledge 38; H.-C. Schröder, 1988. 'Der englische Adel', in A. von Reden-Dohna and R. Melville (eds), *Der Adel an der Schwelle des bürgerlichen Zeitalters 1780–1860*, Stuttgart: Steiner, 31–32.

45. Cf. Campbell, 'The Land', 201, 213.
46. Cf. *ibid.*, 206–07, 210–11, 213, 237; Rigby, 'Introduction', 15.
47. Cf. D. Stone. 1997. 'The Productivity of Hired and Customary Labour: Evidence from Wisbech Barton in the Fourteenth Century', *Economic History Review* 50, 640–56. See also R. Britnell. 1993. 'Commerce and Capitalism in Late Medieval England: Problems of Description and Theory', *Journal of Historical Sociology* 6, 364; Campbell, 'Factor Markets', 84–86.
48. Cf. F. Rexroth. 2007. *Deviance and Power in Late Medieval London*, Cambridge: Cambridge University Press, 68–125.
49. Cf. Campbell, 'The Land', 219; N. Mayhew. 2007. 'Wages and Currency: The Case in Britain up to c. 1600', in J. Lucassen (ed.), *Wages and Currency. Global Comparisons from Antiquity to the Twentieth Century*, Berne: Peter Lang, 212–14.
50. The definition goes back to A. V. Chayanov. 1966. *The Theory of Peasant Economy*, ed. D. Thorner, Homewood, IL: Irwin. See also R. E. F. Smith (ed.). 1986. *A. V. Chayanov on the Theory of Peasant Economy*, Madison, WI: University of Madison Press.
51. Cf. M. Weber. 1927. *General Economic History*, trans. Frank Knight, New York: Greenberg Publishers, 164.
52. Cf. J. Gillingham. 1996. 'Some Observations on Social Mobility in England between the Norman Conquest and the Early Thirteenth Century', in A. Haverkamp and H. Vollrath (eds), *England and Germany in the High Middle Ages*, Oxford: Oxford University Press, 340–41, 353.
53. Cf. Masschaele, J. 1997. *Peasants, Merchants, and Markets. Inland Trade in Medieval England, 1150–1350*, New York: St. Martin's Press, 57–73. See also the older essay by R. H. Britnell. 1981. 'The Proliferation of Markets in England, 1200–1349', *Economic History Review* 34, 209–221.
54. Cf. Campbell, 'The Land', 208; P. R. Schofield. 2003. 'England: The Family and the Village Community', in Rigby, *A Companion to Britain*, 26–46.
55. *The Origins of English Individualism. The Family, Property and Social Transition*, Oxford: Blackwell. See also A. Macfarlane. 1984. 'The Myth of the Peasantry; Family and Economy in a Northern Parish', in R. M. Smith (ed.), *Land, Kinship and Life-Cycle*, Cambridge: Cambridge University Press, 333–49; *idem.* 1987. 'The Peasantry in England before the Industrial Revolution – a Mythical Model?', in A. Macfarlane, *The Culture of Capitalism*, Oxford: Blackwell, 1–25.
56. Cf. J. V. Beckett. 1994. 'The Peasant in England. A Case of Terminological Confusion', *Agricultural History Review* 32, 117. For a review of the literature on which the terminology used in this study is based, see Smith, R. M. 1998. 'The English Peasantry, 1250–1650', in T. Scott (ed.), *The Peasantries of Europe from the Fourteenth to the Eighteenth Centuries*, London: Macmillan, 339–71.
57. Cf. Campbell, 'The Land', 196.
58. Cf. Overton, M. 1996. *Agricultural Revolution in England. The Transformation of the Agrarian Economy 1500–1850*, Cambridge: Cambridge University Press, 42; see also 22–30, 176–77.
59. Cf. P. C. Madder. 2006. 'Social Mobility', in R. Horrox and W. M. Ormrod (eds), *A Social History of England, 1200–1500*, Cambridge: Cambridge University Press, 113–33.
60. Cf. R. Horrox. 2006. 'Conclusion', in R. Horrox and W. M. Ormrod (eds), *A Social History of England, 1200–1500*, Cambridge: Cambridge University Press, 475–76.
61. On the dating, see Gillingham, 'Some Observations', 340–41. According to Cecil, this principle of inheritance was introduced by the Norman kings. He cites considerations of military policy as an explanation. Presumably, the expectations of the entourage of William the Conqueror and his successors also played a role. Cf. E. Cecil. 1895. *Primogeniture. A Short History of its Development in Various Countries*, London: John Murray, 1–25.
62. Cf. J. H. Baker, *Introduction to English Legal History*, 227.

63. Cf. J. Thirsk. 1976. 'The European Debate on Customs and Inheritance, 1500–1700', in J. Goody et al. (eds), *Family and Inheritance. Rural Societies in Western Europe 1200–1800*, Cambridge: Cambridge University Press, 184.
64. 'The result was insecurity and constant acquisitive striving, each generation remaking itself through acquisitive activity. ... From very early on, a child is being trained to be an independent entity, for he or she will leave home and never return.' A. Macfarlane. 1992. 'On Individualism. Radcliffe-Brown Lecture in Social Anthropology', *Proceedings of the British Academy* 82, 179–80.
65. Cf. J. Thirsk. 1969. 'Younger Sons in the Seventeenth Century', *History. The Journal of the Historical Association* 54, 369.
66. Cf. Z. Razi, 1980. *Life, Marriage and Death in a Medieval Parish: Economy, Society and Demography in Halesowen, 1270–1400*, Cambridge: Cambridge University Press, 209. The example comes from B. Coward. 1988. *Social Change and Continuity in Early Modern England 1550–1750*, London: Longman, 20–21, who also cites additional relevant literature.
67. Cf. Rigby, 'Introduction', 16–17; Coward, *Social Change*, 20.
68. Cf. Coward, *Social Change*, 6. More recent studies confirm this research; cf. Dyer, *The Self-Contained Village*.
69. Cf. C. Muldrew. 1998. *The Economy of Obligation. The Culture of Credit and Social Relations in Early Modern England*, London: Macmillan, on the significance of the 'web of credit' for the formation and consolidation of community. See also P. Clark. 1983. *The English Alehouse: a Social History, 1200–1830*, London: Longman; as well as K. E. Westhauser, 1994. 'Friendship and Family in Early Modern England: the Sociability of Adam Eyre and Samuel Pepys', *Journal of Social History* 27, 517–36.
70. Cf. Schofield, 'England', 26–46; Coward, *Social Change*, 26.
71. F. Tönnies. 2001 (1887). *Community and Civil Society*, ed. J. Harris, trans. M. Hollis, Cambridge: Cambridge University Press. The best overview of the literature on this topic is T. Sokoll. 1983. 'Zur Rekonstruktion historischer Gemeinschaftsformen. Neuere sozialgeschichtliche Gemeindestudien in England', *Zeitschrift für Volkskunde* 79, 15–41; see also P. Withington and A. Shepard. 2000. 'Introduction: Communities in Early Modern England', in A. Shepard and P. Withington (eds), *Communities in Early Modern England. Networks, Place, Rhetoric*, Manchester: Manchester University Press, 1–15; C. Muldrew. 2000. 'From a 'Light Cloak' to an 'Iron Cage': Historical Changes in the Relations between Community and Individualism', in A. Shepard and P. Withington (eds), *Communities in Early Modern England. Networks, Place, Rhetoric*, Manchester: Manchester University Press, 156–77.
72. Cf. P. Slack. 1988. *Poverty and Policy in Tudor and Stuart England*, London: Longman, 122–37; idem. 1990. *The English Poor Law 1531–1782*, Basingstoke: Macmillan; S. Hindle. 2004. *On the Parish? The Micro-Politics of Poor Relief in Rural England c. 1550–1750*, Oxford: Clarendon Press. P. M. Solar and R. M. Smith emphasize the almost welfare state-like quality of the comprehensive Poor Law in 'An Old Poor Law for the New Europe? Reconciling Local Solidarity with Labour Mobility in Early Modern England', in P. A. David and M. Thomas (eds), *The Economic Future in Historical Perspective*, Oxford: Oxford University Press, 463–78.
73. Cf. E. A. Wrigley. 2004. 'City and Country in the Past: a Sharp Divide or a Continuum?', in E. A. Wrigley, *Poverty, Progress, and Population*, Cambridge: Cambridge University Press, 266.
74. A. Macfarlane. 1978. *Origins*, 195–96.
75. The current scholarly discussion among medievalists dedicated to such economic slumps and crises tends to blow them up into fundamental problems; cf. Britnell, 'Commerce and Capitalism', 359–76; Campbell, 'Factor Markets'.