



RESEARCH ARTICLE

# The regulation of the rural market in waged labour in fourteenth-century England

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## Abstract

This article reconstructs the size and organisation of the rural market in hired labour in fourteenth-century England, providing a comparative reference point for arrangements elsewhere in medieval Europe. Quantitative assessment of 1,445 manorial court sessions from six manors casts new light on the English labour market, which was larger and less regulated than previously assumed and the government's wide-ranging labour legislation in the wake of the Black Death was novel in its scale and provisions. Contrary to received wisdom, manorial authorities made few efforts to regulate labour. The older view had placed an over-reliance on the early work of W.O. Ault and had ignored the significance of nil returns. The reasons for the lack of regulation, and its implications for our understanding of the complex interaction between pandemics, labour markets, and legal responses are explored. Finally, the study illustrates how legal responses to pandemics can have inadvertent yet profound consequences.

## 1. Introduction

Markets for waged labour, that is labour based on consensual transactions in exchange for wages or some other form of compensation, have attracted a great deal of historical attention. The main foci have been their relative size and changes over time, and the purchasing power of workers' wages, because these provide historians with two broad measures of wider processes of economic and social development.<sup>1</sup> First, the size of the labour market at a given time offers a reliable yardstick for measuring the progress of any given society along the road from feudalism to capitalism. Bas van Bavel has argued that under feudalism labour markets tended to be small and immature because the institution of serfdom stifled their development by binding the peasantry into compulsory labour services on seigniorial demesnes and into subsistence agriculture on their own holdings. In contrast, large labour markets imply freedom to participate among a mobile labouring workforce, and they are a defining element of capitalism.<sup>2</sup> Hence the decline of serfdom was a necessary prerequisite for the expansion of a labour market and the

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emergence of capitalism.<sup>3</sup> Historians identify c.1200 to c.1600 as the period when serfdom dissolved and labour markets emerged in many areas of northwest Europe.<sup>4</sup> Second, the changing levels of remuneration in the labour market – especially day wages – and their purchasing power over time – ‘real wages’ – are deployed as a proxy for measuring the welfare of ordinary people, and for comparing levels of economic development from one region to another, over long historical periods. Such data are relatively abundant in the source material, and so can be readily extracted in large quantities and subjected to statistical analysis.<sup>5</sup>

In a more recent development, historians are exploring the ways in which labour markets responded and adapted to supply-side shock waves following high death rates in major pandemics.<sup>6</sup> Guido Alfani and Tommy Murphy observe that successive plague pandemics did not affect labour markets across Europe in the same manner, and divergent regional responses determined whether plague had a positive or negative long-term impact on levels of income per head and on reducing wealth inequality within society.<sup>7</sup> In some places, the sudden conditions of labour scarcity encouraged lords to deploy their coercive powers to reimpose or strengthen serfdom to ensure a sufficient supply of tenants and a cheap supply of labour on their landed estates, thus reinforcing pre-existing inequalities.<sup>8</sup> In other places, labour scarcity resulted in serfdom being bargained away under pressure from market forces, with a consequential expansion of the labour market and a reduction in wealth inequality.<sup>9</sup> In a similar vein, Nico Voigtlander and Hans-Joachim Voth, and Tine de Moor and Jan Luiten van Zanden, are the latest in a long line of economic historians to explore how labour scarcity after the Black Death (1346–1353) drew women into the labour market in the North Sea region to a far greater extent than in other parts of Europe, and to argue that these higher levels of participation were crucial in driving superior economic growth and the emergence of the European Marriage Pattern.<sup>10</sup>

Why did labour markets across Europe respond so differently to a broadly similar demographic shock? One explanation is their relative size and maturity when plague first struck, while another is their institutional framework: in other words, how they operated, the nature and extent of any regulation, and cultural influences on the participation of various groups within society. This underlines the key point that few labour markets operated freely according to frictionless market forces, but instead were hedged about by legal restraints and non-economic compulsion to varying degrees. As van Bavel states, wage labour markets are rarely totally ‘open and free’, but tend rather to be ‘coupled with unequal power relationships, artificially fixed low wages, or all kinds of restrictions’.<sup>11</sup> For Robert Steinfeld, the imposition of government controls over the English labour market in the later Middle Ages constituted ‘an oppressive regime of legal regulation’, irrespective of their effectiveness.<sup>12</sup> Labour markets operated differently from place to place and over time, because the institutional framework in which they operated – the complex combination of laws, habits, culture, customs, beliefs, and the balance between market forces and non-market compulsion – varied spatially and temporally.<sup>13</sup> Hence it was not just the size of the labour market that varied, but also the institutional and regulatory framework: that operating in fourteenth-century England was different to that in fourteenth-century Italy, and also to that in seventeenth-century England.

The differential responses of regional labour markets all over Europe to outbreaks of epidemic disease were also a function of whether, how, to what extent, and how effectively ruling elites reacted to shortages of labour, inflationary pressures on wages and anxieties about social change.<sup>14</sup> Did governments, city authorities and local lords react with new legislation or more zealous enforcement of existing practices? Were the effects of such regulatory interventions short-lived or did they reverberate for centuries? In this context, the decisive legislative intervention of the English government in response to the Black Death of 1348–1349 – first the Ordinance (1349) and then Statute of Labourers (1351) – has attracted special attention because of its far-reaching and long-term consequences.<sup>15</sup> According to Catharina Lis and Hugo Soly, the ‘English legislation merits special consideration, because it gave rise to government measures that became increasingly consistent and lasted for centuries, coinciding with the rise of agrarian capitalism.’<sup>16</sup> In a similar vein, Robert Palmer regards the legislative response as ‘a lasting change to governance in England’, the crucial turning point when social relations became more ‘economic’ than ‘feudal’.<sup>17</sup> It was ‘revolutionary’ for its time with no direct comparisons in western Europe according to Jane Whittle, and Judith Bennett emphasises that its fundamental tenets persisted ‘to the dawn of the nineteenth century...shaping employment law throughout the British Empire and touching, by one estimate, about a quarter of the world’s people’.<sup>18</sup>

The purpose of this article is to reconstruct the basic features of the labour market in early fourteenth-century England, and especially its regulatory framework. This mundane and largely descriptive task is an essential pre-requisite for assessing the novelty (or otherwise) of the new government labour legislation in 1349 and 1351. It will also provide a reliable reference point for comparisons with the structure and regulation of labour markets elsewhere in medieval Europe, which in turn might inform a closer understanding of why responses to labour shortages after 1350 were so varied.<sup>19</sup> Another reason for undertaking this task is to address a prevailing uncertainty among historians over exactly how the English rural labour market operated in the pre-plague era. Most historians accept that manorial authorities already exercised some regulatory controls, which pre-figured and largely shaped the legislation introduced in 1349 and 1351.<sup>20</sup> In which case, the latter’s basic provisions were not novel, although the scale and means of the government’s intervention certainly were. This widely-held view has been challenged, however, on the grounds that its evidentiary base relies almost exclusively on the work of Warren Ault, yet a re-examination of his research reveals flaws in both the evidence and the ways in which it has been represented subsequently.<sup>21</sup> If this challenge is correct, then the pre-plague labour market was, in reality, virtually *unregulated* by any authority, and so the English government’s response to plague was entirely novel in both its underlying principles *and* its mechanisms of enforcement. In which case, the Black Death becomes a major turning point in the regulation of the English labour market, and it poses new questions about why the government chose to intervene in the labour, but not the land, market and why it intervened in this particular way.

This article addresses these issues by reviewing the arguments and evidence for the view that before the Black Death manorial authorities closely regulated the rural labour market. It then presents the findings of detailed case studies between 1274

and 1422 from three contrasting regions of England, involving six manors and 1,445 court sessions, to reconstruct the regulatory arrangements in these places, which provides a basis for assessing the novelty of the government's post-plague intervention.

## 2. The rural labour market in fourteenth-century England

Modern scholarship has confounded the traditional image of an English peasantry bound to the manor through labour services and seigniorial controls over their mobility. By c.1300, such controls were limited and largely ineffective, labour services were relatively uncommon and absorbed a small proportion of productive labour, and many landlords depended on large inputs of casual and seasonal labour to run their manorial demesnes.<sup>22</sup> Consequently, many peasants engaged partially or fully in a rural waged labour market, either as live-in servants paid partly in board and lodging as well as cash or as wage labourers paid by day or piece rates.<sup>23</sup> Servants tended to be young and single, and contracted for the year. The majority of labourers were smallholders, the remainder were landless cottagers, paupers or vagrants: waged labour was usually irregular, brief and piecemeal.<sup>24</sup> We can never know definitively the size of this labour market on the eve of the Black Death, although recent estimate – drawing on the research of the most informed medieval historians – suggests that family-based activities absorbed around 60 per cent of productive labour, labour services absorbed 10 per cent, and the hired labour market absorbed the remainder, mainly on day-, task- or piece- rates, and the remainder as servants.<sup>25</sup>

Around 1300, the problem facing ordinary people was not a lack of freedom to access the labour market, but rather a lack of sufficient work to go round: there was widespread under-employment and low real wages. From the early thirteenth century, real wage data are abundant from England, and, whichever series is used, they point to an historic low point in purchasing power in the early fourteenth century.<sup>26</sup> One plausible estimate reckons that at this time one third of the population was below the poverty line, and that an unskilled labourer had to work for at least 180 days to obtain enough money to buy a 'bare-bones' basket of goods for a family of four: assuming of course that they could actually secure that many days of paid work.<sup>27</sup> This situation changed dramatically following the loss of approximately half the population in the plague outbreak of 1348–1349 and subsequent epidemics, when earning capacity, the availability of work and disposable income all rose immediately, reaching a peak in the early fifteenth century.<sup>28</sup>

The received view is that peasants who entered this labour market were subjected to close regulation through various private and public mechanisms. The main private mechanism was litigation between two parties in a variety of accessible local courts to resolve disputes over unpaid wages or broken contracts of employment.<sup>29</sup> As the vast majority of employment contracts were informal and oral, so testimonies on oath and the presence of witnesses to covenants were essential to settling such disputes.<sup>30</sup> The main subject of these private lawsuits was non-payment of wages, although some dealt with breach of service contracts, whereby servants had left employment before the end of the agreed term. The cost of this litigation was relatively low, a matter of pennies, and could be pursued in local

seigniorial courts. On the basis of a small sample of manorial and borough courts, Elaine Clark argued that by the mid-fourteenth century these lawsuits 'were no longer exceptional in local courts' and placed particular emphasis on the prominence and significance of contract breaches, whose language 'prefigures, almost exactly, statutory enactments of the later fourteenth century'.<sup>31</sup> In other words, the contract clause of the Ordinance of Labourers was not novel.<sup>32</sup>

The main public mechanism was communal regulation through the manorial court, whereby representatives of the village community and the manorial lord acted jointly to regulate the market in favour of employers via a framework of customs, by-laws and ordinances designed principally to cap wages and ensure a sufficient supply of labour.<sup>33</sup> Eugene Kosminsky asserted that 'lords had to resort to compulsion' when dealing with wage-labourers, and Robert Braid summarises the general sense among historians that village courts 'controlled the mobility [of] and forced labour upon both free tenants and bondmen'.<sup>34</sup> Similarly, Anthony Musson states that in the pre-plague era by-laws concerning wage labour 'appear to have been in force countrywide...already effectively in existence in many areas...significantly anticipating the post-plague legislation'.<sup>35</sup> These widely-held views draw heavily on the work of Ault, who during the mid-twentieth century published a succession of papers sketching how throughout pre-plague England village by-laws, promulgated and enforced in manorial courts, provided landlords with the first option to hire labour within the community; forced the able bodied to reap; restricted labourers from leaving the village, especially during the harvest period; and fixed the wages of labourers during the harvest, regardless of their gender or personal status.<sup>36</sup>

If manorial authorities throughout pre-plague England really were already regulating the operation of the labour market in the localities, and if private labour disputes were already common in local courts, then in the wake of the Black Death the government simply adopted an existing framework.<sup>37</sup> Thus the Statute of Labourers in 1351 merely extended and formalised the existing local arrangements through statutory provisions and a new judicial framework in a bid to restrict the movement of workers, to force the able bodied to work, to fix wages at pre-plague maxima, to enforce contracts of employment, and to legalise employers forcibly returning absent servants: in this interpretation, only the compulsory labour clause was a novel provision in the government's legislation, and the government's main innovation was a new judicial framework for enforcement.<sup>38</sup> It also meant that for the first time responsibility for regulating labour was transferred to the state: after the Black Death local courts might be active in regulating labour, but with nothing like the vigour of the royal justices.<sup>39</sup>

There are, however, two major objections to accepting this widely held view. First, when its supporting evidence is closely re-examined, there are very few concrete examples of the regulation of the pre-plague labour market. Indeed, too often the presentation of the evidence is not segregated rigorously enough into the pre- and post-plague periods, even though maintaining a disciplined chronology is essential to the argument. For example, Clark supports her dual assertion that labour lawsuits were common in pre-plague local courts and their language prefigured the 1349 and 1351 legislation by reference to a sample of courts in eight places.<sup>40</sup> Yet the earliest court in this sample dates from 1357, and most of her

court roll series do not begin before 1380.<sup>41</sup> Subsequent research has shown that breaches of contract comprised only a small proportion of the inter-personal litigation recorded in rural manorial courts (the overwhelming majority were debt and trespass cases).<sup>42</sup> Clark may well be correct in her assertions, but does not supply convincing proof.

The second objection is the heavy reliance on Ault's research on village by-laws for evidence of manorial authorities regulating the pre-plague rural labour market, because subsequent scholars cite him repeatedly as their principal – in fact, their only – source.<sup>43</sup> Some of his key claims are problematic, however (see below), but in any event most of his examples are from heavily-regulated common field communities which are taken to be typical of arrangements elsewhere. After forty years of studying pre-plague manorial courts, this historian has been most struck by the *absence* of any regulation of the rural labour market. When the significance of such 'nil returns' is considered, it becomes apparent that manorial authorities exercised hardly any controls over the pre-plague labour market, and therefore the government legislation was novel. This view echoes the caution expressed long ago by Bertha Putnam, who presumed that before 1351 local courts did regulate agricultural wages but admitted that she could find no evidence for either 'the promulgation of a definite rate' or restrictions on the movement of free labour.<sup>44</sup>

### 3. Re-assessing the regulation of the rural labour market before 1348

Ault's basic premise is that village by-laws enabled the community in general, and local lords in particular, to secure waged labour during the vital six weeks or so of the annual grain harvest, when labour was scarce and expensive.<sup>45</sup> Crucially, however, he did not argue that these restrictions applied at other times of the year, he did not evaluate the typicality of his examples, and he was not disciplined about separating the latter chronologically into the pre- and post-plague periods.<sup>46</sup> Yet historians citing his work subsequently have tended either to miss these flaws or over-amplified his claims. Two examples will suffice to illustrate this point.

The first is Clark's unequivocal statement in 1983 that 'village by-laws, even in the thirteenth century, commonly gave priority in the hiring of labour to manorial lords'.<sup>47</sup> If true, then rural dwellers were not free to seek paid employment until their lord had either exercised or waived this first claim, which would have represented a significant obstacle to clear before they could participate in the labour market. Clark supports this major assertion with one reference to a single page in Ault's 1972 essay on open-field farming, but what Ault actually stated there is that this lordly prerogative applied for the duration of the grain harvest only, and he provided just three unambiguous examples of the practice (one of which is probably post-plague).<sup>48</sup> So Clark's statement is not an accurate reflection of Ault's own point, and Ault certainly did not provide enough evidence to prove the practice was commonplace.

The second example relates to ordinances on wage-fixing in the harvest period. Christopher Dyer cites Ault exclusively when arguing that wage fixing in the harvest was widespread in pre-plague England.<sup>49</sup> He states that 'for more than sixty years' before the Black Death manorial courts enforced by-laws relating to wage-fixing and compelling the able-bodied to accept employment, practices which

therefore ‘anticipated’ many of the provisions of the Statute of Labourers.<sup>50</sup> To quote fully:

‘by-laws were announced and enforced in *many villages* across lowland England in the late thirteenth and fourteenth centuries, ordering labourers to accept payment in the harvest at a fixed rate, often a penny a day with food...this legislation must have developed during the thirteenth century and then spread from place to place as *every village* experienced common problems of securing labour. The effectiveness of the local legislation would gain solidarity among neighbouring communities, which *all* agreed to fix wages at the same rather low rate’ [my italics].<sup>51</sup>

Dyer, no less than Clark and Musson, assumes from Ault’s work that evidence for such by-laws and their enforcement were widespread in pre-plague England.

Ault had indeed claimed explicitly that before the Black Death wage-fixing for reapers during the harvest was widespread: ‘thirteenth century by-laws...set wages of reapers at 1d. a day with food or 2d. without and may well have been the market price’.<sup>52</sup> Upon closer scrutiny, however, Ault’s supporting evidence is wanting. First, and most importantly, nowhere in the entire cadre of Ault’s published work is there a single pre-plague by-law that explicitly orders labourers to accept payment at fixed rates in the harvest.<sup>53</sup> This is sufficiently important to bear reiteration: contrary to his own explicit claim, Ault does not cite one pre-1348 by-law fixing maximum wage rates for tasks in the harvest. Instead, his claim is based on his very particular interpretation of the provisions of a handful of identical by-laws relating to *gleaning*. For example, a by-law from Newington (Oxon) in 1348 stated that no resident can harbour ‘a gleaner who is able to earn 1d. a day and food’: an earlier version of this by-law links this rate of pay explicitly to reaping.<sup>54</sup> Ault also cites similar by-laws from three Buckinghamshire manors, again inferring that communities were fixing reaping wages at 1d. per day plus food.<sup>55</sup> Likewise, Musson interprets them to mean that every able bodied person was required to reap in the harvest, and that wages were paid at a fixed maximum per day.<sup>56</sup> But this interpretation is incorrect. The only unambiguous meaning of these by-laws is that 1d. per day was a minimum wage for an able-bodied reaper, and its only unambiguous purpose was to prevent any person competent to reap (i.e. able-bodied adults) from gleaning, reserving the latter to the elderly, infirm and children: reaping and binding was the most exacting and urgent work, while gleaning was lighter work that could wait.<sup>57</sup> Second, these gleaning by-laws are all drawn from four common field communities in close proximity (Newington in Oxfordshire, and Great Horwood, Halton and Newton Longville in Buckinghamshire), so the sample is very small and geographically restricted to villages operating within the same, very particular, agricultural regime. Third, Ault’s unequivocal examples of harvest wage fixing from manor courts are all post-1349, so they follow – they do not anticipate – the provisions of the Statute of Labourers.

Ault’s final claim was that all able-bodied people were required to work within their own communities if required during the harvest period. Certainly, this provision appeared in the Statute of Labourers of 1351, where no labourer is to ‘go out of the vill where he dwelleth in winter to serve in summer, if he may serve in the same

vill'.<sup>58</sup> The key question is whether there is any evidence for this requirement in pre-plague manorial courts. In fact, Ault provides just three examples of such a provision, and all his other examples post-date the 1351 Statute.<sup>59</sup> As yet, there is no evidence of a village by-law from the pre-plague era explicitly prohibiting residents from leaving the harvest if work is available, although, without doubt, *after* the Black Death some communities did enact such by-laws and punished labourers for leaving the vill for higher harvest wages elsewhere. In other words, when faced with the conditions of post-plague scarcity of labour, some communities chose to follow a major provision in the Statute of Labourers.

Thus, Ault's original claims and evidence do not offer much support to the view that manorial authorities across pre-plague England intervened in the rural labour market either to enforce a seigniorial first option on hired labour, or to impose fixed maximum wages, or to compel peasants to work.<sup>60</sup> Ault does not cite a single pre-1348 by-law that specifically and unequivocally sets wages or puts the able bodied to work, and, instead, his evidence is derived from a contentious interpretation of comparable by-laws relating to gleaning from a handful of common field communities.<sup>61</sup> While he supplies more clear-cut evidence of rural communities introducing labour laws after 1351, their universality and effectiveness remain unclear. It is one thing to pass statutes and by-laws, and another to enforce them robustly. Scholarly opinion is currently assured that the Statute of Labourers was ineffective after its initial enforcement wave in the 1350s.<sup>62</sup> What does the evidence from rural court rolls indicate?

#### 4. Three regional case studies

Having raised serious questions about the extent of communal regulation of the rural labour market, this section presents the findings from three regional case studies. The contents of court rolls from six rural manors are systematically analysed to quantify whether or how rural communities regulated their labour markets in the fourteenth century, with a particular emphasis on any changes over time. The six manors were selected on the grounds that they provide a good regional spread throughout England, and they possess sufficient extant court rolls to capture and analyse the regulation of the labour market over time. These yielded a grand total of 1,445 court sessions from the period 1274 to 1422, containing tens of thousands of individual entries, which were scrutinised for every private labour lawsuit and for any evidence relating to the communal regulation of the labour market. The findings are summarised in [Tables 2](#) and [3](#). The geographical spread of the case studies, and the methodological rigour involved in careful quantification and attention to chronology, constitute a robust empirical assessment.

##### 4.1 *The Midlands: Newton Longville (Bucks.)*

Newton Longville was selected as a case study for three reasons. First, it lay in the classic region of common field agriculture and its manorial court routinely issued communal by-laws. Second, Ault cited many examples from Newton, so it provides an opportunity to re-evaluate his work. Finally, a very good series of 228 court rolls are extant between 1327 and 1422, containing thousands of individual entries.<sup>63</sup>



**Table 1.** Presentments against harvest by-laws at Newton Longville 1327 to 1354

Year	Livestock transgression	Grain transgression	Labour transgression	Unspecified	Nothing to report
1327					X
1328		1			
1329		7			
1330					
1331	1				
1332				1	
1333					X
1334				6	
1335					X
1336					X
1337				13	
1338					X
1339		4			
1340				8	
1341					
1342				6	
1343		10			
1344				10	
1345					
1346		1			
1347					
1348		1		32	
1349					
1350		1			
1351					
1353					
1354					X

Sources: NCO 3872 and 3873. Blank return signifies that at least one court is extant from that year, but the surviving rolls contain no record of either any presentments or any explicit statement of nil returns. 1352 is omitted because no courts are extant.

These courts contain regular and full statements of the community's harvest by-laws – such as in 1329, 1330, 1331 and 1339 – including amendments and updates.<sup>64</sup> Hence Newton provides an excellent example of a rural community that regulated the harvest closely, and updated its by-laws according to local conditions: if any English community intervened in the open labour market, then Newton is a prime candidate.

**Table 2.** Summary of local ordinances regulating labour in the court rolls of six English manors

Provision	Newton	Walsham	Walsham High Hall	Lakenheath	Layham	Wakefield
Adults not to leave the vill to work	No	No	No	No	No	No
Adults not to leave the vill to work in the harvest	No	Rarely	No	No	No	No
Lordly first claim	No	No	No	No	No	No
Lordly first claim in harvest	No	No	Rarely	No	No	No
Able adults to reap	Yes	No	No	No	No	No
Wage-fixing of reapers	No	No	No	No	No	No
Gleaners regulated	Often	Occasionally	Occasionally	Occasionally	No	Rarely
Use of Statute of Labourers provisions post 1349	No	Rarely	No	N/A	No	Rarely

Sources: Newton, see [Table 1](#); Walsham and High Hall, R. Lock, ed., *The court rolls of Walsham-le-Willows, volume 1, 1303 to 1350*, Suffolk Records Society, 41 (1998) and R. Lock, ed., *The court rolls of Walsham-le-Willows, volume 2, 1350 to 1396*, Suffolk Records Society, 45 (2002); Lakenheath, see note 88; Layham, see note 96; Wakefield, see notes 99–101, 104.

**Table 3.** Summary of private pleas relating to labour disputes in the court rolls of five English manors

Category	Newton	Walsham	Walsham High Hall	Layham	Wakefield
Withholding wages (pre-1348)	0	0	2	0	12
Leaving service (pre-1348)	0	1	0	0	1
Incomplete task (pre-1348)	0	0	0	0	3
Withholding wages (post-1349)	3	0	0	0	15
Leaving service (post-1349)	1	1	0	0	5
Incomplete task (post-1349)	0	0	0	0	2

NB these relate to recorded pleas, not whether the plea was settled.

Sources: see [Table 2](#).

Ault published a translation of the most complete and detailed list of harvest ordinances contained within the Newton court rolls, although he dated it to 1290 when it actually dates from 1344.<sup>65</sup> Of the thirteen ordinances in this list, three relate to gleaning and the remainder to the management of livestock and the stubble, and to the timing of access to the fields and sheaves of grain. None relate explicitly to controlling the movement or the wages of the hired labour force. The only reference to labour occurs within one of the statutes regulating gleaning, which forbids anyone to glean if they are capable of being hired to work for 1d. a day plus food, or 2d. a day without food.<sup>66</sup> This is directly comparable to the four by-laws discussed above, and is more reliably interpreted to mean that able-bodied adults must reap and bind as their priority, and only the infirm, elderly, poor and children could glean.<sup>67</sup>

Of course, it is one thing to pronounce ordinances for the harvest, and another to enforce them. The Newton court took this matter seriously, electing annually between four and eight men to serve as ‘custodians of the harvest’, who swore an oath to present anyone who had breached the ordinances.<sup>68</sup> The elections took place in the court immediately preceding the harvest, and presentments for breaches routinely followed in the first court after the harvest. For example, the manor court held on 3 July 1338 pronounced that ‘all tenants of the lord are to observe all the statutes of the harvest ordained in the previous year’ and elected eight named custodians to enforce the statutes. The same eight custodians duly presented to the court held on 30 September 1338, on this occasion swearing that there had been no transgressions.<sup>69</sup> These elected officials were held to account: in 1339, the messor reported the custodians for not presenting accurately, and in 1331 John Henry claimed that the messor had erroneously charged him with breaking the ordinances.<sup>70</sup>

The presentments are summarised in [Table 1](#). In most years the exact nature of the breaches is not stated. In some years more information is provided, and on these occasions the breaches often relate to the removal of sheaves or the collection of grain, and the latter phrase could refer either to moving reaped corn at the wrong time or to illegal gleaning. The highest number of presentments (33) is recorded in 1348, when one person was amerced for harbouring a gleaner from outside the vill and 32 people were amerced 6d. each for unspecified breaches, although 26 of these

were women described variously as ‘wife of...’, ‘servant of...’, or ‘daughter of...’, which is suggestive of illegal gleaning.<sup>71</sup>

Before the Black Death the Newton community issued and enforced by-laws routinely, but none related to labour (Tables 1 and 2): instead, the focus was on the management of cattle or fields. There is not a single lawsuit explicitly involving labour, although the manifold personal pleas in the court rolls are usually coy about the source of the dispute (Table 3).

After the Black Death, the community continued to update and enforce the harvest by-laws but did not adopt any of the provisions of the Statute of Labourers. The nature of the by-laws changed little, and any amendments focused primarily upon installing additional controls over wandering livestock.<sup>72</sup> Indeed, between 1378 and 1389 the Newton court rolls again record detailed information about the enforcement of the harvest statutes, although the frequency of presentments was lower than in the pre-plague period, and the standard amercement for a single breach had fallen from 6d. to 2d.<sup>73</sup> The nature of breaches is not specified at all, although in 1387 the locations of three breaches are recorded, which is suggestive of livestock transgressions.<sup>74</sup> After 1389 there are no recorded presentments for breaching harvest by-laws, though fresh elections to the role of custodian of the harvest continued episodically until 1406.<sup>75</sup> Thus the community was less assiduous in enforcing its harvest rules after 1349, and it made no attempt to regulate the labour force. Private lawsuits included more detail, but just four related to labour disputes (Table 3). Of these, three were for withholding wages and one breach of service. For example, in 1382 John Pemyprest successfully sued William Everyndon for non-payment of his stipend of 8s. 4d. for tending animals.<sup>76</sup> In 1382, John Roberd withdrew from the lord’s service, but no action against him is recorded.<sup>77</sup>

Despite the Newton community’s energetic issuing and implementing of harvest by-laws, there is no evidence whatsoever for either wage-fixing, or restricting movement, or seigniorial prior claim, or any adoption of the provisions in the Statute of Labourers. The able-bodied were required to reap not glean. Private labour disputes were rare and mainly involved non-payment of wages. After 1349, the community’s enforcement of its harvest statutes became more lax. The significance of these findings is considerable, given that Newton was one of Ault’s core case studies and a common field community most likely to be regulating labour. One implication is that a systematic reworking of the material from Ault’s other core sample of south Midland communities will reveal a similar nil return.

#### ***4.2 East Anglia: Walsham (Suffolk), Walsham High Hall, Lakenheath (Suffolk) and Layham (Suffolk)***

Agricultural arrangements in East Anglia were more informal and flexible than in the two- and three-common field systems of the Midlands, so manorial court rolls from this region contain fewer regulations relating to the harvest and to communal pasturing and sowing. Similarly, few East Anglian courts record any communal by-laws before the fifteenth century. This did not mean, however, that communal pronouncements or regulations did not exist in such communities or that they could not act as a self-governing body upholding and enforcing custom. The by-laws were known to contemporaries but no written record of them has survived,

and the jurors in these courts still had various responsibilities to present breaches of a range of communal regulations, from elections to office to harvesting transgressions and ensuring the proper functioning of various agricultural activities. In other words, these communities possessed the authority and machinery to regulate hired labour – whether during the harvest or the rest of the year – within their jurisdiction if they chose to do so. The absence of listings of by-laws in court rolls does not mean that none existed: courts were unquestionably empowered to uphold unstated customary and communal regulations, and the manorial court was the principal medium for punishing any breaches.

### 4.3 *Walsham*

A total of 83 court sessions are extant for this manor between 1317 and 1348, and a further 92 between 1349 and 1399. Not one contains any formal and explicit statement of a communal by-law or ordinance, although the court did enforce a range of communal regulations. A few of these related to the harvest period, such as the storage of reaped corn in the fields and gleaning badly, although such references are infrequent.<sup>78</sup> The courts also monitored proper attendance at and performance of harvest labour services. Much more frequent are presentments relating to breaches of common rights, especially illegal grazing of livestock on local pastures, digging for marl or building materials, and maintaining sheep folds on the fallow arable.

Before 1349, there are no by-laws or presentments for either wage-fixing at any time of the year or compelling residents to accept employment within the vill or seigniorial first claim (Table 2). After 1349, the Walsham courts provide evidence for four attempts to regulate the hired labour force, all occurring in the 1350s and the 1360s. These had no precedent in any of its pre-plague customs, practice, or by-laws, so must have followed some of the provisions of the Statute of Labourers of 1351. These initiatives were, however, partial and abortive. The first, and most striking, example occurred in 1353, when eleven people were amerced for refusing to reap for the lord for cash, and for working as hired reapers for others instead.<sup>79</sup> This was a clear attempt to impose the provision in the Statute of Labourers that the able-bodied should work within their vill during the harvest if work was available, and the lord's eagerness to secure reapers was heightened in this year because this was the first good harvest after four back-to-back failures.<sup>80</sup> However, all eleven were immediately excused their fines on condition of future good behaviour, which implies the lord was keen to assert his prerogative yet careful to be pragmatic. At the same court session, three women were presented for failing to winnow for the lord at a fixed rate, two of whom were amerced 3d. each, which must have followed the wage clause in the Statute of Labourers.<sup>81</sup> These two episodes in 1353 represent the clearest attempts by the lord of Walsham to fix wages and to compel labourers to accept employment, although the enforcement was pragmatic not punitive. There are only two other examples. In 1350, Nicholas Godfrey was presented for refusing to serve the lady of the manor as a thresher, then promptly condoned, and in 1366 the court noted that Peter of Thurlow, a roofer, had committed himself 'in open court' to work for others in the village.<sup>82</sup> No action followed in either case. No other attempts to regulate the hired workforce are recorded.

The Walsham court rolls contain hundreds of private pleas, but the source of the dispute is not commonly detailed. Prior to 1348, there is just one case involving labour (Table 3), when in 1336 Thomas of the Beck withdrew (*recessit*) from the service of William Clevehog in an obscure dispute over William's sheep: Clevehog – the employer – lost the case.<sup>83</sup> The sole post-1349 labour lawsuit is recorded in 1389, when the bailiff was amerced 6d. for allowing a member of the demesne plough team to be absent for six months.<sup>84</sup>

#### 4.4 Walsham High Hall

A succession of minor gentry lords held the medium-sized manor of Walsham High Hall. A total of 60 court sessions are extant between 1316 and 1348, and a further eighteen between 1351 and 1381, when it was absorbed within the main manor of Walsham. Before 1349, there are no by-laws or presentments relating to wage-fixing at any time of the year or compelling residents to accept employment within the vill at Walsham High Hall. The lord did, however, have some prior claim to the labour of his serfs. In 1327, Richard Gotherlard and John de Angehale were amerced 12d. and 40d. respectively for contempt, because they refused to serve the lord and instead worked for others.<sup>85</sup> There are two other cases of refusals to work for the lord of High Hall, in 1330 and 1345, the latter explicitly relating to the harvest period.<sup>86</sup> There were no post-plague attempts at all to regulate the workforce at High Hall, which means that the practice of seigniorial prior claim in the harvest either had ceased or, improbably, was being observed impeccably (Table 2).

The High Hall court rolls contain some private pleas for debt, detinue, trespass and breach of contract, but, again, the source of the dispute is rarely detailed in any of them. Labour features in two pre-1348 lawsuits, both claims for non-payment of wages. For example, in 1335 Margaret Sadwine agreed with John Man to perform his harvest labour services for a cash wage of 20d., which she claimed had not been paid a year later.<sup>87</sup> There are none post-1349 (Table 3).

#### 4.5 Lakenheath

Lakenheath was a very large manor in northwest Suffolk, held by the Prior and Convent of Ely, encompassing heathland, fenland and a relatively small area of arable. It was selected because of its large size and conventional structure, which covered most of the medieval vill and parish (and therefore more typical of the Midland than the East Anglian manor) and its high-status landlord, both attributes which strengthened manorial authority. It is also well-endowed with pre- (though not post-) plague court rolls: around 220 court sessions are extant between 1310 and 1348.<sup>88</sup> Its open field system was not subject to tight communal arrangements over cropping, although the manorial court did regulate access to the post-harvest stubble and the grazing of sheep through the foldcourse.<sup>89</sup> By-laws are not explicitly recorded in the courts, but they undoubtedly existed: people who, for example, pastured their livestock on the stubble at the wrong time, or without common rights, or who failed to make their strip of arable land available for communal grazing for the appointed season of the year, were presented for breaching by-laws.<sup>90</sup> Likewise, presentments were made against those who reaped against the by-law, gleaned badly, or collected sheaves incorrectly during the harvest period, although such presentments

were very infrequent.<sup>91</sup> The court rolls testify to the close regulation of access to the resources of heathland and, especially, to the fisheries, turbaries and sedge of the fenland, once again citing (unstated) by-laws and ordinances to justify presentments: for example, digging more turves than common rights allowed, removing them at the wrong time of year, mowing more sedge or reeds than allowed by custom, use of illegal fishing nets, transgressions by outsiders with no common rights, and so on.<sup>92</sup>

Thus, while ordinances are not stated explicitly in the pre-plague court rolls of Lakenheath, the manorial court routinely enforced communal regulations and transgressions against edicts and ordinances. In short, the manorial authorities were highly active in regulating a wide range of resources for the communal good. Yet this did not extend to the labour market. Pre-1349 there is not a single by-law, ordinance or presentment relating to either the fixing of wages, or the movement of workers in the harvest, or offering first refusal of local labour to the lord (Table 2).

#### 4.6 Layham

The manor of Layham was a medium-sized manor in southwest Suffolk, held by non-resident aristocratic lords.<sup>93</sup> The village was situated next to Hadleigh, an important centre of textile manufacture, whose population rose from an estimated 1,500 people in 1327 to 2,500 in 1377.<sup>94</sup> The striking expansion of Hadleigh during a period when the national population halved in size could only have been achieved by immigration, which means that the rural communities within its immediate vicinity were likely to have been sensitive to any shortages and movement of workers, and to have powerful reasons to exercise any controls it possessed over its labour force. Likewise, the aristocratic lords and ladies of the manor possessed the standing and authority to direct the court to regulate labour if they were so inclined, especially after 1349. A total of 23 court sessions are extant between 1330 and 1348, and 64 between 1349 and 1375, providing high coverage of the business of the manor over this period of exceptional change in the local labour market.<sup>95</sup>

There is not a single by-law, ordinance or presentment relating to either the fixing of wages, the movement of workers in the harvest, or first refusal of local labour to the lord. No provisions of the Statute of Labourers were adopted after 1351. There were no communal presentments relating to the management of the harvest (Table 2). No private pleas for debt or breach of contract relate explicitly to disputes over wages or personal service (Table 3). Furthermore, there are no labour ordinances or presentments in 92 extant court sessions of the main manor of Hadleigh itself between 1272 and 1374.<sup>96</sup>

#### 4.7 The North: Wakefield (Yorkshire)

The manor of Wakefield was one of the largest in medieval England, and it is represented by one of the best series of extant court rolls. It comprised part of the estate of the Warennes, earls of Surrey, a powerful aristocratic landlord. The manor covered some 39,000 hectares and was sub-divided for administrative purposes into eighteen rural graveships, based in the east on Wakefield and its surrounding settlements and reaching as far west as Holmfirth and Halifax. Courts met every three

weeks, organised around the separate graveships, supplemented with twice yearly tourns when the latter's representatives came together to report business similar to that found in leet courts elsewhere in England. Extant court rolls are plentiful from the 1270s, some of which have been translated and published. This case study is based on the latter, and so covers courts held between 1274 and 1362. While these represent only a minority of the extant courts for the fourteenth century, they are still a formidable corpus of documents, and certainly large enough to provide a reliable indication of the workings of the labour market: this study draws on a grand total of 659 court sessions, mostly from the pre-plague era.<sup>97</sup>

The network of Wakefield courts handled a wide variety of business, including a high volume of personal pleas that sometimes included a high level of detail about the subject of the dispute.<sup>98</sup> The courts do not contain any proclamations or explicit recitals of by-laws, although these certainly existed because individuals were amerced for breaching the custom of the manor or acting contrary to some public prohibition.<sup>99</sup> Likewise, the court acted on matters of communal importance and responsibility, for example fining individuals who blocked communal paths and roads.<sup>100</sup> They also regulated access to common pastures, including fallow arable.<sup>101</sup> References to the harvest are rare, however, and confined to timing infringements, such as releasing cattle into the stubble too soon or taking sheaves of grain away at the wrong time.<sup>102</sup> There is just one reference to gleaning.<sup>103</sup> In general, breaches of communal agricultural customs and rights are infrequent, which must in part reflect the upland and pastoral nature of local agriculture, where outcrops of arable land were small and usually enclosed. Communal rights over the arable were largely confined to the lowland settlements around Wakefield, which in c.1300 were relatively densely settled.<sup>104</sup>

There is no evidence at all for any form of community or seigniorial regulation of the pre-plague labour market (Table 2). The only post-plague evidence is from a tourn held at Halifax – one of the administrative sub-divisions of the manor – on 5 June 1352, where reporting juries from five individual villis listed nine males and eight females described as 'servants who will not serve in the parish or vill where they belong and have left against the ordinance'.<sup>105</sup> This was clearly a local response to the lead recently provided by the Statute of Labourers. Two other contemporaneous tourns held at the other proximate administrative centres of Brighouse and Kirkburton did not address this issue, which further suggests this was an initiative undertaken at Halifax alone rather than a centralised directive to the whole manor.<sup>106</sup>

The Wakefield courts yield sixteen private lawsuits prior to 1348, twelve for withholding wages and three for failure to complete contracted tasks, such as ploughing a given number of acres for another tenant (Table 3). A single case of breach of service contract involved Margery Strekeyse's claim for 3s. 6d. in six months' wages as servant of William Withir: she lost the claim, because William proved that she had left his service for a fortnight, forcing him to hire another servant instead.<sup>107</sup> After 1349, withholding wages continued to dominate lawsuits, and private cases of breaking a service contract remained rare (just two cases, Table 3). For example, John Watson of Wakefield claimed to have contracted Joanna de Lane as a servant from Pentecost 1350 to the same feast in 1351 for 7s. plus food, but Joanna only served until 5 August. Joanna did not deny this, but claimed that she left under licence (i.e. with John's permission) and waged law: however, she



did not appear at the next court, so the court awarded in John's favour.<sup>108</sup> Overall, the grand total of thirty-eight labour lawsuits is a low strike rate given the 659 courts in the Wakefield sample, around one case every seventeen courts, although the majority (35 out of 38) are recorded between 1330 to 1360.

## 5. Conclusion

This article has reconstructed the basic features of the rural labour market in fourteenth-century England and the extent of its regulation by manorial authorities, which in turn has enabled a re-assessment of the novelty of the government's labour legislation in the wake of the Black Death. Furthermore, this description of the size and regulatory framework of the English labour market can provide a reliable point of comparison for scholars working on labour markets elsewhere in medieval Europe. A better understanding of the relative size, composition and regulatory frameworks of different labour markets is essential to understanding why labour responses to the vast mortality were so varied across Europe.

An original feature of this article is the systematic and quantitative analysis of 1,445 court sessions from six geographically dispersed rural manors to establish precisely the nature and extent of private and communal regulation of the labour market across the whole of the fourteenth century. This generated two important findings. First, private litigation involving breaches of the service element of employment contracts were rare, and most lawsuits relating to labour involved debt cases for non-payment of wages. Second, the conventional depiction of the rural labour market – that manorial authorities heavily regulated its operation before 1349 and thereafter the government built on those foundations to increase further the degree of elite control – does not withstand critical scrutiny. Consequently, the government legislation is cast in new light: most of its provisions, as well as its scale, were novel.

What, then, were the basic traits of the rural hired labour market in fourteenth-century England? We can never know its size definitively, but in the immediate pre-plague period the most informed recent estimate suggests it was already sizeable, absorbing perhaps 30 per cent of productive labour, over half of which comprised irregular and discontinuous work for day wages or piece rates and the remainder comprised servants on half-yearly or annual contracts. Real wages and the availability of work were at their lowest level at any point in the last seven hundred years. Contracts of employment were overwhelmingly oral, and probably imprecise on points of detail. Disputes were occasionally resolved through inexpensive private lawsuits in local manorial courts, but the majority must have been resolved through processes of mediation that have left no traces in the records: or, of course, the injured party simply opted not to pursue the matter. Most of these private lawsuits related to non-payment of wages, and breaches of contract rarely featured. A handful of rural communities gave their lord first claim over hired labour in the harvest period only, but this was unusual and the vast majority of labourers were free to roam and strike contracts where they could. There is no evidence whatsoever for wage fixing, and very little evidence for regulating the movement of workers in the harvest. Hence, on the eve of the Black Death there were very few restraints on free market forces in the English rural labour market.

After the Black Death the mass mortality and failure of the population to recover meant that the aggregate number of people in the labour market had fallen, but in *relative* terms the size of the market had, if anything, expanded. The use of labour services contracted further, releasing more time for people to work on their own holdings or for wages, and demand for labour now outstripped its supply, driving up wages and real wages. An informed best guess is that in c.1400 40 per cent of productive labour was now absorbed in the waged labour market, of which around 25 per cent was contracted in piece- or day-work and 15 per cent as servants.<sup>109</sup> Not only was the labour market proportionately larger, but it had become more closely regulated. Private lawsuits relating to labour feature more prominently in rural courts, without ever becoming commonplace, and non-payment of wages (in other words, debt) remained the main source of dispute. Employers were now more likely to sue servants for leaving their employment before the contracted term, although, again, such cases remained uncommon in manorial courts.<sup>110</sup> Private litigation for breach of contract appears to have been more common in the Court of Common Pleas, an area of research that would reward attention.

The aggressive and novel intervention of the government after the Black Death constituted the most prominent and widespread regulation of the rural labour market. In 1351, the Statute of Labourers sought to fix maximum wages, to prohibit the movement of the able-bodied if work was available in their home vill, and to criminalise the breaking of employment contracts: and to hand the principal responsibility for enforcing these provisions to the state. The state was most effective in imposing these new restrictions during the 1350s, but thereafter was incapable of preventing either wages from rising or workers from wandering. Some rural communities adopted and enforced selected provisions from the Statute through their manorial courts, but these were unusual, occasional, abortive and largely confined to the 1350s. Overwhelmingly, the royal courts were the main medium of enforcement.<sup>111</sup>

These findings raise a number of wider issues, which can only be considered fleetingly here. The first is methodological. Ault's publication of a handful of examples of the communal regulation of the rural labour market were widely assumed to be typical of arrangements throughout England. Yet Ault and the historians who subsequently cited his work had overlooked the absence of any such examples from dozens more manors: the nil returns were neither documented nor their wider significance grasped. Hence the methodology deployed in this article has been designed to illustrate the importance of quantifying, and the problem of ignoring, nil returns. Ault had cherry-picked by-laws from Newton Longville as a prime example of a community with a tightly regulated labour market, but when every by-law relating to labour in Newton's extant court rolls is closely analysed, and when their actual implementation is assessed meticulously, the most striking aspect is their *rarity*. The rarity or absence of labour regulation in the six detailed case studies is underlined by citing the number of extant courts, so that the failure to find examples in a very large corpus of material is graphically illuminated. This is not to promote our six detailed case studies as 'typical' of arrangements throughout England. Their purpose is to prove the absence of pre-plague labour regulation in rural communities located in very different regions (including Ault's Midland heartland) through a robust and quantitative

methodology. In doing so, they illustrate how an indifference to documenting nil returns can be a weakness of historical research. Nil returns yield low research output for high effort: weeks of work on the Wakefield rolls yielded no more than four short paragraphs for this article. The indifference is understandable. After all, which historian wants to find nothing? How many PhDs, and how many research grants from funding bodies, would be awarded for documenting the presence of absence? Historical research methods and funding are understandably inimical to recording nil returns but ignoring them seriously distorts our perspective on the past.

The second point is that the findings raise the question of why the pre-plague rural labour market was so little regulated?<sup>112</sup> The answer probably lies in the chronic over-supply of labour, confirmed by the pitifully low real wages of the period, which rendered regulation unnecessary. Because the market was so favourable to employers, manorial authorities had little practical need to regulate it formally, and wronged or disgruntled employees often reckoned that maltreatment was better than no work at all. Formidable market forces loaded the scales of equity heavily against the worker. After 1349, market forces threw the balance against the employer, which the major and novel government intervention sought to redress. The government was driven not only by an economic motivation to increase the supply of casual labour and to suppress wage rises, but also by an ideological determination to maintain the social order by holding the lower orders to their divine duty to labour to the benefit of employers in general, and the church and nobility in particular. It did not intervene in the land market to redress the balance in favour of landlords, however, because property was already closely regulated through common and customary law. The very fact that the labour market was so unregulated rendered it suitable and open territory for rapid intervention through statute law.

Third, the findings force us to reconsider the nature of the regulatory response to the Black Death. The labour laws in 1349 and 1351 were a striking, bold and novel attempt to wrestle control of the market in favour of employers and to impose conditions to invert the forces of supply and demand, but, as we have shown, most of their provisions were novel in rural communities. So, what was their origin? Braid's suggestion that they may have been formulated in London, building on existing albeit partial urban regulations, looks convincing.<sup>113</sup> Whatever the reason, the introduction of novel legislation on such an ambitious scale is a breath-taking example of the confidence and competence of Edward III's government. Yet, by the end of the 1350s the new labour legislation was already ineffective in capping wages and restricting movement. Why? The failure owes something to the framework of the market when plague struck, which was simply too large, too well established and too unregulated for the government's intervention to make any real headway. The challenge of imposing any grip over such a sizeable market was exacerbated by the state's weak enforcement capabilities because it relied on unpaid and elected officials rather than a large standing bureaucracy and police force. Intriguingly, our six case studies suggest another reason by exposing a lack of enthusiasm among rural communities for implementing the Statute of Labourers in their own courts: the few documented attempts were piecemeal and abortive. Historians usually portray the legislation as instituted at the behest of the lordly class, but if this is correct then why did lords not adopt it zealously in their own manorial courts?<sup>114</sup> Perhaps lords faced opposition from manorial jurors and

officials, drawn from the community, or perhaps they all preferred the legislation to be implemented at arm's length through the legal framework of the royal justices. The inference is that the imposition of the legislation was more top down than bottom up.

Fourth, this study offers some insights into the complex interaction between pandemics, labour markets and legal responses. The fact that a market was already well established, sizeable and largely unregulated when plague struck rural England helps to explain why the government's novel and highly ambitious legislation was ineffective in the medium to long term. Crucially, this in turn explains why the sudden conditions of labour scarcity resulted in an immediate rise in income per head and earnings among the lower orders because market forces – not seigniorial power – prevailed.<sup>115</sup> In this, it has more in common with the Dutch labour market than previously realised.<sup>116</sup> Although the population of England had halved in 1348–1349, the hired labour market had not contracted, and had probably expanded, proportionately. This is potentially an important point of comparison with other regions of Europe. The impressive resilience of the English hired labour market under the shock of mass mortality helps to explain the enhanced work opportunities available to women there, with potentially transformative effects on household size and formation. Did the reimposition of serfdom elsewhere in Europe under similar demographic conditions cause the hired labour market to shrivel, thus denying opportunities for economic agency to women?<sup>117</sup>

Finally, the study illustrates how legal responses can have inadvertent consequences. The intention of the English government's legislation was to ensure a supply of workers for employers by turning the clock back to the labour conditions of the 1340s. Although it had failed in this primary objective as early as the late 1350s, its intervention was not inconsequential. It had altered the framework of the labour market through raising the operating costs of workers through fines, sharpening the contractual terms between parties, providing employees with enhanced powers to enforce contracts, and creating some obstacles to worker movement.<sup>118</sup> Above all, however, it had one unintended, but profound and enduring, consequence. The government had now established its authority to direct labour policy, which it was never to relinquish, and which by the 1380s had been refined and narrowed to target the able-bodied poor: effectively, the genesis of the English poor laws, whose effects reverberated for centuries.<sup>119</sup>

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## Notes

- 1 See, for example, the surveys in B. van Bavel, 'The transition in the Low Countries: wage labour as an indicator of the rise of capitalism in the countryside, 1300–1700', *Past and Present* 195, Supplement 2 (2007), 286–303; B. M. S. Campbell, 'Factor markets in England before the Black Death', *Continuity and Change* 24 (2009), 82–8; and J. Humphries and J. L. Weisdorf, 'The wages of women in England, 1260–1850', *Journal of Economic History* 75 (2015), 405–47; J. Humphries and J. L. Weisdorf, 'Unreal wages?: real income and economic growth in England, 1260–1850', *The Economic Journal* 129, 623 (2019), 1–21.
- 2 van Bavel, 'Transition', 286.

- 3 van Bavel, 'Transition', 286–8; B. van Bavel, *Manors and markets: economy and society in the late-medieval Low Countries, 500–1600* (Oxford, 2010), 200–2; T. de Moor and J. L. van Zanden, 'Girl power: the European Marriage Pattern and labour markets in the North Sea region in the late medieval and early modern period', *Economic History Review* LX (2010), 3–4, 11–6.
- 4 van Bavel, 'Transition', 289–94; van Bavel, *Manors and markets*, 202–4; J. M. Bennett, 'Compulsory service in late-medieval England', *Past and Present* 209 (2010), 7; de Moor and van Zanden, 'Girl power', 12–3; C. Lis and H. Soly, *Worthy efforts: attitudes to work and workers in pre-industrial Europe* (Leiden, 2012), 319–20.
- 5 See, for example, R. C. Allen, 'The Great Divergence in European wages and prices from the Middle Ages to the First World War', *Explorations in Economic History* 38 (2001), 411–47; G. Clark, 'The long march of history: farm wages, population, and economic growth, England 1209–1869', *Economic History Review* LX (2007), 97–136; Humphries and Weisdorf, 'Unreal wages?', 1–21; S. Broadberry, B. M. S. Campbell, A. Klein, M. Overton and B. van Leeuwen, *British economic growth 1270–1870* (Cambridge, 2015), figs. 1.02 and 2.03.
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- 9 D. Acemoglu and A. Wolitzky, 'The economics of labour coercion', *Econometrica* 79 (2011), 5550–600.
- 10 N. Voigtlander and H.-J. Voth, 'How the West "invented" fertility restriction', *American Economic Review* 103 (2013), 2227–64; de Moor and van Zanden, 'Girl Power', 1–33. See also P. J. P. Goldberg, *Women, work and life cycle in a medieval economy* (Oxford, 1992), 333–45; S. Pamuk, 'The Black Death and the origins of the Great Divergence across Europe, 1300–1600', *European Review of Economic History* 11 (2007), 309–13; N. Voigtlander and H.-J. Voth, 'The Three Horsemen of riches: plague, war, and urbanization in early modern Europe', *The Review of Economic Studies* 80 (2013), 774–811; J. Foreman-Peck and P. Zhou, 'Late marriage as a contributor to the industrial revolution in England', *Economic History Review* LXXI (2018), 1073–99.
- 11 van Bavel, *Manors and markets*, 205–10, quote at 205.
- 12 R. J. Steinfeld, *The invention of free labor: the employment relation in English and American law and culture, 1350–1870* (Chappell Hill, 2002), 8–9; see also Bennett, 'Compulsory service', 13, 15.
- 13 J. P. Jacobsen and G. L. Skillman, 'Introduction', in J. P. Jacobsen and G. L. Skillman eds., *Labour markets and employment relationships: a comprehensive approach* (Oxford, 2004), 9–11; van Bavel, *Manors and markets*, 205–10.
- 14 S. K. Cohn, 'After the Black Death: labour legislation and attitudes towards labour in late-medieval western Europe', *Economic History Review* LX (2007), 457–85.
- 15 The two best introductions are C. Given-Wilson, 'Service, serfdom and English labour legislation, 1350–1500', in A. Curry and E. Matthew eds., *Concepts and patterns of service in the later Middle Ages* (Woodbridge, 2000), 21–37; J. Whittle, *The development of agrarian capitalism: land and labour in Norfolk, 1440–1580* (Oxford, 2000), 275–300. For a recent summary, M. Bailey, *After the Black Death: economy, society and the law in fourteenth-century England* (Oxford, 2021), 77–83.
- 16 Lis and Soly, *Worthy efforts*, 307.
- 17 R. C. Palmer, *English law in the age of the Black Death, 1348–1381: a transformation of governance and law* (Chapel Hill, 1993), 11–2, 17–20. In a similar vein, M. Bennett, 'The impact of the Black Death on English legal history', *Australian Journal of Law and Society* 11 (1995), 203.
- 18 Whittle, *Agrarian capitalism*, 296; Bennett, 'Compulsory service', 7.
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- 20 E. Clark, 'Medieval labour law and English local courts', *American Journal of Legal History* 27 (1983), 334–5; Musson, 'New labour laws', 78; C. Dyer, 'Work ethics in the fourteenth century', in J. Bothwell, P. J. P. Goldberg and W. M. Ormrod eds., *The problem of labour in fourteenth-century England* (Woodbridge, 2000), 33; A. J. Musson, 'Reconstructing English labour laws: a medieval perspective', in K. Robertson and M. Uebel eds., *The Middle Ages at work: practising labour in late medieval England* (Basingstoke, 2004), 114; L. R. Poos, *A rural society after the Black Death. Essex 1350–1525* (Cambridge, 1994), 199–202; Whittle, *Agrarian capitalism*, 289.

21 Bailey, *After the Black Death*, 35–8.

22 For a general summary and references, see Bailey, *After the Black Death*, 26–34. For the relative freedom of serf mobility, see C. Briggs, 'English serfdom, c.1200–c.1350: towards an institutionalist analysis', in S. Cavaciocchi ed., *Serfdom and slavery in the European economy 11th–18th centuries* (Florence, 2014), 28–31; M. Bailey, *The decline of serfdom in late-medieval England* (Woodbridge, 2014), 16–20, 37–56, 110–2, 116, 124, 129, 140, 161, 204. For the light burden of labour services and reliance on waged labour, see B. M. S. Campbell and K. Bartley, *England on the eve of the Black Death: an atlas of lay lordship, land and wealth, 1300–1349* (Manchester, 2006), 253 and map 14.2; J. Hatcher, 'English serfdom and villeinage: towards a reassessment', *Past and Present* 90 (1981), 10–2; B. M. S. Campbell, 'The agrarian problem in the early fourteenth century', *Past and Present* 188 (2005), 36–40; Campbell, 'Factor markets', 84; B. M. S. Campbell, *English seigniorial agriculture 1250–1450* (Cambridge, 2000), 55–6, 357, 420–1.

23 Poos, *Rural society*, 201–2, 207; Whittle, *Agrarian capitalism*, 297.

24 Broadberry et al., *British economic growth*, table 8.02; J. Hatcher, 'Unreal wages: long run living standards and the golden age of the fifteenth century', in B. Dodds and C. Liddy eds., *Commercial activity, markets and entrepreneurs in the Middle Ages: essays in honour of Richard Britnell* (Woodbridge, 2011), 8–13.

25 This draws on the estimates and citations in Bailey, *After the Black Death*, figure 2.1 and 35; see also van Bavel, 'Transition', 288. For workers on annual contracts, see P. J. P. Goldberg, 'Life and death: the ages of man', in R. E. Horrox and W. M. Ormrod eds., *A social history of medieval England* (Cambridge, 2006), 419–21, 425–6; J. Claridge and J. Langdon, 'The composition of *famuli* labour on English demesnes', *Agricultural History Review* 63 (2015), 187–220.

26 Summarised in Broadberry et al., *British economic growth*, figs. 1.02 and 2.03; and Humphries and Weisdorf, 'Unreal wages', fig. 2.

27 Broadberry et al., *British economic growth*, 312–20.

28 See the range of estimates for the fourteenth century in Humphries and Weisdorf, 'Unreal wages', fig. 2.

29 Clark, 'Medieval labour laws', 331–6; Musson, 'Reconstructing', 122–3; Poos, *Rural society*, 201–2.

30 B. H. Putnam, *The enforcement of the Statutes of Labourers during the first decade after the Black Death, 1349–1359* (New York, 1908), 157–60.

31 Clark, 'Medieval labour law', 334–5; Musson, 'New labour laws', 78.

32 Whittle, *Agrarian capitalism*, 289.

33 Clark, 'Medieval labour law', 332–5; Musson, 'New labour laws', 75–81; Musson, 'Reconstructing', 114; Dyer, 'Work ethics', 31–3.

34 E. A. Kosminsky, *Studies in the agrarian history of England in the thirteenth century* (Oxford, 1956), 357; R. Braid, 'Behind the Ordinance of Labourers: economic regulation and market control in London before the Black Death', *Journal of Legal History* 34 (2013), 28. See also P. R. Hyams, *King, lords and peasants in medieval England: the common law of villeinage in the twelfth and thirteenth centuries* (Oxford, 1980), 258: lords had 'extra powers in the competition for labour long before the introduction of the Statute of Labourers'. The belief that manorial authorities regulated the rural labour market before the Black Death is also repeated in L. R. Poos, 'The social context of the Statute of Labourers enforcement', *Law and History Review* 1 (1983), 36; E. B. Fryde and N. Fryde, 'Peasant rebellion and peasant discontents', in E. Miller ed., *The agrarian history of England and Wales, volume III* (Cambridge, 1990), 755–6; Bennett, 'Impact of the Black Death', 199; K. Robertson, *Labourer's two bodies: literary and legal productions in Britain 1350–1500* (Basingstoke, 2006), 14–5; Lis and Soly, *Worthy efforts*, 301–2; Bennett, 'Compulsory service', 13, 15; Campbell, 'Factor markets', 88; Briggs, 'English serfdom', 23.

35 Musson, 'New labour laws', 76–7.

36 W. O. Ault, 'Open-field husbandry and the village community: a study of agrarian by-laws in medieval England', *Transactions of the American Philosophical Society* 55, 7 (1965), 12–6.

37 Putnam, *Statute of labourers*, 154–7; Musson, 'New labour laws', 75–6; Musson, 'Reconstructing', 114; Dyer, 'Work ethics', 33; Bennett, 'Compulsory service', 15.

38 Musson, 'Reconstructing', 117–8; Clark, 'Medieval labour laws', 332–4; Lis and Soly, *Worthy efforts*, 307–10.

39 Putnam, *Statute of labourers*, 160–5; Clark, 'Medieval labour laws', 332–42. For an excellent summary of the post-plague labour legislation, see Whittle, *Agrarian capitalism*, 296–301.

40 'By the mid-fourteenth century labor disputes are no longer exceptional among the general run of lawsuits in local courts (see Table 1)', Clark, 'Medieval labour laws', 335.

- 41 Clark, 'Medieval labour laws', 337. Furthermore, boroughs and manors of the royal demesne dominate her sample, so ordinary rural communities are under-represented.
- 42 C. Briggs, 'Manor court procedures, debt litigation levels, and rural credit provision in England, c.1290–c.1380', *Law and History Review* 519 (2006), 524–6. For example, 8 per cent of litigation at Wakefield and 2 per cent at Lakenheath: C. J. Watson ed., *The court roll of the manor of Wakefield 1360 to 1361*, Yorkshire Archaeological and Historical Society (201), 6–8, and J. Williamson, 'Dispute settlement in the manorial court: early fourteenth-century Lakenheath', *Reading Medieval Studies* 11 (1985), 36–8.
- 43 See, for example, Clark, 'Medieval labour laws', 332; Musson, 'New labour laws', 76–7; Musson, 'Reconstructing', 114; Dyer, 'Work ethics', 32–3.
- 44 Putnam, *Statute of labourers*, 154–7. Musson, 'New labour laws', 76 dismisses these doubts, citing Clark and Ault.
- 45 The fullest statements are W. O. Ault, 'Some early village by-laws', *English Historical Review* 45, 178 (1930), 212–6; W. O. Ault, 'By-laws of gleaning and the problems of harvest', *Economic History Review* XIV (1961), 210–7; Ault, 'Open-field husbandry', 13–6.
- 46 The subsequent work of other scholars also tends to be drawn from the post-plague period, Clark, 'Medieval labour laws', 332.
- 47 Clark, 'Medieval labour laws', 332, citing W. O. Ault, *Open-field farming in medieval England: a study of village by-laws* (London, 1972), 29. Also Campbell, 'Factor markets', 82.
- 48 In 1317, a woman from Abbots Ripton 'was unwilling to be hired in the harvest as it was enacted by the by-law', Ault, 'By laws of gleaning', 211. The two other examples are from Ault, 'Open-field husbandry', 13, repeated in Ault, *Open-field*, 29. The first, a by-law from Cockerham (Lancashire) in 1326, states that the lord has first claim over hired labour at the time of haymaking and reaping; the second, from the Fountains abbey (Yorkshire) estate, states that lords have first call over hired labour, and labourers cannot leave the vill if required to work there, although its dating is imprecise and could date from anytime in the period 1305 to 1430.
- 49 Dyer, 'Work ethics', 32–3, citing Ault, *Open-field*, 27–34, 82–3.
- 50 Dyer, 'Work ethics', 33.
- 51 *Ibid.*, 32.
- 52 Ault, *Open-field*, 32. Elsewhere, 'much more is seen of attempts to compel every able-bodied labourer to work during harvest for whoever will hire him and for a fixed wage', Ault, 'Some early', 213. Finally, 'it will have been noted that the early by-laws set the wages of reapers at a penny a day with food or two pence without', Ault, 'Open-field husbandry', 15.
- 53 Hence, he states that 'the wages of reapers, as set forth in thirteenth-century by-laws, were a penny a day with food or two pence without', Ault, 'By laws', 213, without citing a single thirteenth-century by-law: instead, he cites a thirteenth-century treatise on estate management, and all his other examples of wage-fixing *post-date* the Statute of Labourers.
- 54 Ault, *Open-field*, 102. The context of this phrase is clear from a 1286 ordinance, where 'no-one in the aforesaid time shall accept anyone as a gleaner who is capable of doing the work of a reaper', *ibid.*, 82.
- 55 The comparable by-laws from Great Horwood (Bucks.), one from 1305 and the other from 1306, are quoted verbatim: '*item concessum per eosdem quod nullus eat pro blada coligenda in autumpno qui possit capere per diem obolum et prandium suum*'; and '*concessum est per totam villatam quod nullus tenet aliquem extraneum ad blada coligenda in autumpno nec aliquem uel aliquam ad coligenda blada qui potent capere denarium per diem cum cibo*', Ault, 'Open-field husbandry', 58. The third comparable example, from Halton (Bucks.), is cited in Ault, 'Some early', 212–3.
- 56 Musson, 'New labour laws', 76.
- 57 Ault, 'Some early', 214–6, but both Bennett, 'Compulsory service', 14–5, and Braid, 'Before the Ordinance', 28, comment that these gleaning by-laws do not introduce wage capping.
- 58 R. E. Horrox ed., *The Black Death* (Manchester, 1994), 313.
- 59 One example in Ault, 'Some early', 213–4, and two more in Ault, 'By-laws', 214–5.
- 60 There is no implication here that these three excellent historians have manipulated the material: simply that inferences have been made, extended and repeated, yet on much closer scrutiny the conclusions are not supported by the original evidence cited.
- 61 See, for example, Ault, 'Some early', 213–4.
- 62 For a recent summary of the literature, Bailey, *After the Black Death*, 79–80.

63 Ault cited examples from the 1280s and 1290s, but these courts are wrongly dated to the reign of Edward I in the catalogue of the archives of New College, which acquired the manor in 1441. See en. 65 below. There are 116 courts extant between 1327 and 1355, New College, Oxford (hereafter NCO) 3872 and 3873, and 112 courts from 1373 to 1422, NCO 3873 to 3876.

64 NCO 3873, courts held July 1327; July 1329; August (St Lawrence) 1330; July 1331, and July 1339. NCO 3874, court held August 1387. See Ault, *Open field*, 92–4, 96, 109.

65 Ault, *Open field*, 82–3. This is taken from NCO 3872, a large roll in which all the courts have regnal years recorded in the form *XX Edwardus* – and so, in this specific case, ‘18 *Edwardus*’ – and therefore have been understandably catalogued as belonging to the reign of Edward I. In fact, all the courts in this roll date from the reign of Edward III, an error identified and now rectified by Dr Jennifer Thorp, the College Archivist.

66 This is, of course, the same formula as the Great Horwood, Halton and Newington examples, discussed above. The same ordinance is routinely repeated in other courts, although one adds ‘no one shall be admitted to glean who is able to earn his food and 1d. a day, if it is found that there is someone who wishes to hire him’, meaning that the unemployed able-bodied may glean, Ault, *Open field*, 94, 154.

67 Ault ‘Open-field husbandry’, 12–3.

68 Discussed in Ault, *Open field*, 61, 96–7.

69 NCO 3872.

70 NCO 3873, courts held January 1331 and October 1339.

71 NCO 3873, court held September 1348.

72 See Ault, *Open-field*, 108–9, 113, 122–3, 126, for updates and amendments in 1387–8, 1401, 1422, 1426, 1436.

73 NCO 3874.

74 NCO 3874, see court held 15 November 1387.

75 See Ault, *Open-field*, 113 and 116; NCO 3875, court held July 1406, and NCO 3876.

76 NCO 3784, court held 16 October 1382. See also NCO 3873, case of Agnes Daye, court held October 1350; NCO 3875, case of John Harry junior, court held 1401.

77 NCO 3874, court held April 1382.

78 Lock, *Walsham I*, 99 (grain storage), 103, 265 (gleaning), and 274 (gleaning); Lock, *Walsham II*, 68 (gleaning badly), 113, 139–40 (illegal grain carriage).

79 Lock, *Walsham II*, 40–1.

80 Bailey, *After the Black Death*, 76–7.

81 Lock, *Walsham II*, 41.

82 Lock, *Walsham I*, 335; Lock, *Walsham II*, 86.

83 This was a case of trespass, and damages were assessed at 12d. William owned a sizeable flock of sheep, so perhaps Thomas was his shepherd, Lock, *Walsham I*, 204, 207.

84 Lock, *Walsham II*, 163.

85 Lock, *Walsham I*, 102. Neither case states that the refusal related to the harvest period, but it seems likely given that the court was held on 29 August.

86 Lock, *Walsham I*, 136, 284.

87 *Ibid.*, 202. The other is 1339, case of Olivia Isabell, Lock, *Walsham I*, 238.

88 Cambridge University Library (CUL) EDC 7/16/II/1/2 to 7/16/II/1/15. The post-plague rolls are fragile and in need of conservation, so were unavailable for study.

89 M. Bailey, *A marginal economy? East Anglian Breckland in the later Middle Ages* (Cambridge, 1989), 40–96.

90 For example, ‘damage with sheep on the stubble against the bylaw’, court held June 1327, CUL EDC 7/16/II/1/10 m.1; ‘not opening closes after the feast of [the Purification] of Mary’, court held March 1328, CUL EDC 7/16/II/1/8, m. 23; ‘depasturing Northfield with sheep against the common ordinance’, court held September 1336, CUL EDC 7/16/II/1/9, m. 41.

91 See, for example, reaping badly, court held June 1331, CUL EDC 7/16/II/1/8, m.5; gleaning badly, courts held May 1331 and August 1333, CUL EDC 7/16/II/1/6, m.54 and CUL EDC 7/16/II/1/9, m. 21.

92 See, for example, CUL EDC 7/16/II/1/6.

93 The overlordship and devolution of the manor in W. A. Copinger, *The manors of Suffolk*, III (Manchester, 1905), 190–3 is incorrect. Margaret Woods’ research has revealed that this, the main manor in the medieval vill, was simply known as Layham, and from 1331 to 1349 it was held by



Margaret, dowager countess of Kent; from 1349 to 1360 by Thomas de Holland, earl of Kent; then from 1360 to 1389 by Joan, dowager countess of Kent. The other manor in the vill was called Overbury.

**94** M. Bailey, *Medieval Suffolk: an economic and social history 1200 to 1500* (Woodbridge, 2007), 285–6; M. Woods, *Medieval Hadleigh* (Chattisham, 2018), 96–102.

**95** Suffolk Archives/Bury St Edmunds, E3/1/2.1-2.7 and HD526/92/1.

**96** Canterbury Cathedral Priory Archives, U15/16/1-42, as confirmed by Margaret Woods.

**97** Comprised of 32 courts and tourns in 1274–7, 25 in 1284–5, 56 in 1296–8, 86 in 1306–9, 55 in 1315–7, 199 in 1322–33, 60 in 1338–40, 72 in 1348–50, 43 in 1350–2, and 31 in 1360–1.

**98** See, for example, C. J. Watson ed., *The court roll of the manor of Wakefield from 5 October 1360 to 28 September 1361*, Yorkshire Archaeological and Historical Society (2019), 6–9.

**99** See, for example, S. S. Walker ed., *The court rolls of the manor of Wakefield from October 1331 to September 1333*, Yorkshire Archaeological Society, Wakefield Court Roll Series **3** (1983), 9, 16, 19, 25, 28, 55, 92, 222–3; Watson, *Court roll for 1360–1361*, 6–10; K. M. Troup ed., *The court rolls of the manor of Wakefield from October 1338 to September 1340*, Yorkshire Archaeological Society, Wakefield Court Roll Series **12** (1999), 234.

**100** For example, W. P. Baildon ed., *The court rolls of the manor of Wakefield, 1274–1297*, Yorkshire Archaeological and Historical Society **29** (1901), 113; J. W. Walker ed., *Court rolls of the manor of Wakefield, V, 1322–1331*, Yorkshire Archaeological Society **109** (1944), 8, 30, 40, 55, 66, 70, 89–90, 113; Walker, *Court rolls 1331–1333*, 127, 139, 186, 200.

**101** Baildon, *Court rolls for 1274–1297*, 91, 117, 189, 247; W. P. Baildon ed., *The court rolls of the manor of Wakefield, 1297–1309*, Yorkshire Archaeological and Historical Society **36** (1906), 11, 116, 129, 131, 191; Walker, *Court rolls 1322–1331*, 144; Walker, *Court rolls 1331–1333*, 2–3, 17, 92, 131, 142, 146.

**102** Baildon, *Court rolls 1297–1309*, 99; Walker, *Court rolls 1322–1331*, 143–4; Walker, *Court rolls 1331–1333*, 222–3. By-laws were common enough on upland manors in northern England, though they seldom mentioned harvest or labour regulations, A. J. L. Winchester, *The harvest of the hills: rural life in northern England and the Scottish borders, 1400–1700* (Edinburgh, 2000), 37–40, 150–74.

**103** The only reference is from 1331, when two men were amerced 6d. each ‘for gleaning’, Walker, *Court rolls 1331–1333*, 23.

**104** Walker, *Court rolls 1322–1331*, 72–3; J. Lister ed., *Court rolls of the manor of Wakefield, Series IV, 1315–1317*, Yorkshire Archaeological Society **78** (1930), 116–24.

**105** M. Habberjam, M. O’Regan, B. Hale and C. M. Fraser eds., *The court rolls of the manor of Wakefield from October 1350 to September 1352*, Yorkshire Archaeological Society, Wakefield Court Roll Series **6** (1985), 91–2.

**106** Habberjam et al., *Court rolls 1350–1352*, 89–90, 96–7.

**107** Walker, *Court rolls 1322–1331*, 158, 160.

**108** Habberjam et al., *Court rolls 1350–1352*, 10.

**109** Bailey, *After the Black Death*, 35, 295, 297.

**110** Whittle, *Agrarian capitalism*, 294, 297.

**111** Whittle, *Agrarian capitalism*, 287–96.

**112** A similar question might well be extended to urban centres: even in London, where civic power and control was greatest, the authorities ‘maintained a relatively laissez faire policy regarding labour’, Braid, ‘Before the Ordinance’, 24.

**113** Braid, ‘Behind the ordinance’, 17–28.

**114** For a summary of this view, see Bailey, *After the Black Death*, 77–9, 188–9, 198–200.

**115** Humphries and Weisdorf, ‘Unreal wages’, figs. 1 and 2.; Alfani and Murphy, ‘Plague and lethal epidemics’, 336.

**116** B. van Bavel, J. Dijkman, E. Kuijpers and J. Zuiderduijn, ‘The Organisation of markets as a key factor in the rise of Holland, fourteenth–sixteenth centuries: a test case for an institutional approach’, *CGEH Working Paper Series* (Utrecht University, 2011), 10–4, show that the Dutch waged labour market was large and unregulated after the Black Death, and assume that the English market was constrained by serfdom and punitive labour laws.

**117** For the rise of serfdom after the Black Death, see M. Peters, ‘Government finance and imposition of serfdom after the Black Death’, *European Review of Economic History* **26** (2022), figure 1.

**118** Bailey, *After the Black Death*, 77–83.

119 M. K. McIntosh, *Controlling misbehaviour in England 1370–1600* (Cambridge, 1998), 88–93; Whittle, *Agrarian capitalism*, 275–301; C. Given-Wilson, 'The problem of labour in the context of English government, c.1350–1450', in Bothwell et al. eds., *Problem of labour*, 85–100; Bennett, 'Compulsory service', 7, 47; M. Bailey, 'The ploughman', in S. H. Rigby and A. J. Minnis eds., *Historians on Chaucer: the General Prologue to the Canterbury Tales* (Oxford, 2014), 353–8, 364–7; M. Bailey, 'Peasants and the Great Revolt', in S. H. Rigby and S. Echard eds., *Historians on John Gower* (Woodbridge, 2019), 173–82; Bailey, *After the Black Death*, 266–8.

### French Abstract

Cet article restitue la dimension et l'organisation du marché rural de la main-d'œuvre salariée en Angleterre du XIV<sup>e</sup> siècle, apportant un point de référence comparatif pour les situations observées ailleurs au sein de l'Europe médiévale. L'étude quantitative analyse 1 445 sessions de tribunaux seigneuriaux pour six manoirs. Elle éclaire d'un jour nouveau le marché du travail anglais, qui se révèle plus vaste et moins réglementé qu'on ne le pensait antérieurement. L'abondante législation du travail émise par les autorités, à la suite de la peste noire, était nouvelle par son ampleur et ses dispositions. Contrairement aux idées reçues, les autorités seigneuriales faisaient peu d'efforts pour réglementer le travail. On s'est trop référé au point de vue issu des travaux précoces de Warren O. Ault, ignorant l'importance des rendements nuls. On explore ici les raisons de l'absence de réglementation, avec les conséquences qui en découlent pour notre compréhension de l'interaction complexe entre pandémies, marchés du travail et réponses juridiques. Enfin, l'article illustre comment les réponses juridiques aux épisodes pandémiques peuvent avoir des conséquences involontaires et cependant profondes.

### German Abstract

Dieser Beitrag rekonstruiert den Umfang und die Organisation des ländlichen Marktes für Lohnarbeit im England des 14. Jahrhunderts und bietet damit zugleich einen Vergleichsrahmen für die Regelungen in anderen Teilen des mittelalterlichen Europas. Die quantitative Auswertung von 1.445 Gerichtssitzungen in sechs Grundherrschaften wirft ein neues Licht auf den englischen Arbeitsmarkt, der größer und weniger reguliert war als bislang angenommen. Zugleich war die weitreichende Arbeitsgesetzgebung, die im Anschluss an den Schwarzen Tod verabschiedet wurde, vom Umfang und ihren Bestimmungen her absolut neuartig. Im Gegensatz zur herrschenden Lehrmeinung unternahmen die grundherrschaftlichen Obrigkeiten wenig, um Arbeit zu regulieren. Die ältere Auffassung hatte sich zu sehr auf die frühen Arbeiten von W.O. Ault verlassen und die Bedeutung von Fehlanzeigen vernachlässigt. Die Studie fragt ferner nach den Gründen für die mangelnde Regulierung und nach den sich daraus ergebenden Implikationen für unser Verständnis der komplexen Zusammenhänge zwischen Pandemien, Arbeitsmärkten und juristischen Reaktionen. Sie illustriert schließlich, wie gesetzliche Antworten auf Pandemien unbeabsichtigte, aber gleichwohl tiefgreifende Konsequenzen haben können.