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THE PEASANTRY IN ENGLAND
BEFORE THE INDUSTRIAL REVOLUTION.
A MYTHICAL MODEL?

Alan Macfarlane

Abstract

There is a general consensus among historians and sociologists that England between the thirteenth and eighteenth century was a 'peasant' nation. This paper examines recent studies of peasantry and takes as the central definition a particular relationship between family and land. It is shown that England in general in the sixteenth and seventeenth centuries appeared to depart in almost every feature from other 'peasant' societies which historians, sociologists and anthropologists have described. There is therefore a case for a detailed examination in order to see how far the stereotype fits. A seventeenth-century villager, Ralph Josselin, who left a detailed diary is studied and is shown to depart in every respect from the features of a typical peasant. The village in which Josselin lived, Earls Colne, is then surveyed and it becomes clear that the pattern of landownership and production for the market removes it very far from a peasant situation. A general discussion of the nature of property rights in the early modern period, particularly in relation to the rights of women and children, shows that the basic and intimate ties characteristic of peasantry are absent in the system of individualistic English ownership. Further examination of the patterns of geographical and social mobility in Earls Colne confirm that it will not fit into the model of a relatively static peasant society. Finally it is shown from studies conducted by other historians that Essex is not exceptional; many areas of England by the start of the sixteenth century were no longer inhabited by peasants. Since this places England in a category different from almost every other non-industrial society of which we know, it poses the further problem of when this unusual pattern began.

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It is generally agreed by historians and sociologists alike that England was a 'peasant' nation between the eleventh and eighteenth centuries. In this respect it is broadly comparable to other 'peasant' civilizations both in the past and in the present. Thus geographers, anthropologists, archaeologists or historians examining England during any part of this period will bring to their analysis implicit or explicit analogies to other 'peasant' societies, whether in the Mediterranean, China, India, Russia or Latin America. Furthermore, those interested in contemporary change in the Third World will look to England as perhaps the best documented case study of a progression from a 'peasant' to an industrial society (Dalton, 1971:385). It will be argued

here that this is a powerful, yet incorrect and hence mythical, charter of social development, which distorts the analysis undertaken in the disciplines listed above.

Among historians of both the medieval and early modern period there is a consensus of opinion that we are dealing with a 'peasant' society. One or two books or articles may be cited as examples of the view, but since it is invidious to mention names, it should be said that almost every historical work on the period assumes the presence of peasantry. Furthermore, it is a view which I myself have accepted for a number of years. For the medieval period, we may note that the major works by Postan do not question the 'peasantness' of English society. Thus in The Medieval Economy and Society, (1972) as both index and text shows, 'peasant' is used interchangeably with other terms for ordinary villagers and smallholders. Or again, a recent article by Britton (1976), nowhere questions Homans' implicit assumption (1941) that a medieval peasantry existed. The furthest medievalists go is to ask whether any lessons can be learnt from 'Medieval Peasants' (Hilton, 1974). We might have expected historians to have become uneasy about the concept by the time we reach the seventeenth century, for there had been a very considerable increase in international trade, markets, the use of money, geographical mobility and literacy. Yet those who are most knowledgeable about rural dwellers continue to believe that they are dealing with 'peasantry'. They title their books The Midland Peasant (Hoskins, 1957) or English Peasant Farming (Thirsk, 1957). They continue to assume, along with Tawney (1912) that countrymen were 'peasants'. Few would disagree with Thirsk's generalization that 'English society until the mid-eighteenth century was a predominantly rural and a peasant society' (Thirsk, 1957:1).

If the experts are agreed, it is not surprising that national historians (Laslett, 1971:12-13) or sociologists who rely on their works should be equally unanimous. Cast into a receptive frame of mind by the well documented studies of French peasants (Le Roy Ladurie, 1974) or east European peasantries (Thomas and Znaniecki, 1958), comparative sociologists readily believe in the English peasantry. Moore assumes the presence of an English peasantry (1966:20-9) as do Redfield (1960:66-7) and Dalton, who lumps together the whole of 'Europe', including England, as a 'peasant' society up to the nineteenth century (Dalton, 1972). The map of 'the major peasant regions of the world' in Wolf's authoritative text-book shows England as 'peasant' (Wolf, 1966:2) and Thorner includes the feudal monarchies of thirteenth century Europe as 'peasant' (in Shanin, 1971:204, 217). Shanin avoids any direct comment on the English situation, but accepts the general developmental model which states that 'small producers' society falls historically in the intermediate period between tribal-nomadic and industrializing societies' (Shanin, 1971:247). This would encompass England between the Anglo-Saxons and the eighteenth century and mean that the 'pattern-transformation of the peasantry' which is 'clearly seen in most parts of North-Western Europe' (*ibid*:250) also occurred in England.

It has become increasingly clear over the last fifteen years that England and parts of north-western Europe exhibited certain features in the sixteenth century which sets this area off from the other 'classical' peasantries of which we know. Among these features were a 'non-crisis' demographic pattern (Wrigley, 1969:ch. 3; Macfarlane, 1976a:ch. 16), a curiously late age at

marriage and high proportion of never-married persons (Hajnal, 1965) very small and simple households (Laslett, 1972:ch. 4) and high geographical mobility (Rich, 1950; Laslett and Harrison, 1963). It is therefore time to re-assess the conventional wisdom within the framework of recent analytic discussions of peasantry and its characteristics.

One major difficulty in this task lies in the continued dispute over the definition and meaning of 'peasant'. It is probable that a number of those who employ the term merely use it in the common-sense or dictionary meaning of 'countryman, rustic, worker on the land' (Concise Oxford Dictionary). Used in this way, the term is practically synonymous with 'non-industrial'; hence the great contrast is between 'industrial' and 'peasant' nations. This dichotomy can be elaborated and quantified. Thorner suggests that two of the five criteria which a society must fulfil to be called 'peasant' are that 'half the population must be agricultural' and 'more than half of the working population must be engaged in agriculture' (in Shanin, 1971:203). By these criteria, England was clearly a 'peasant' society until the middle of the nineteenth century. It fits well into the definition of peasantry given by Firth: 'by a peasant economy one means a system of small-scale producers, with a simple technology and equipment often relying primarily for their subsistence on what they themselves produce. The primary means of livelihood of the peasant is cultivation of the soil' (Firth quoted in Dalton, 1972:386). But anthropologists, who have to differentiate their objects of study not only from industrial nations, but also from societies at the other end of the continuum of complexity cannot be satisfied with such a crude dichotomy which would, as Dalton states, encompass New Guinea, Africa, India, Latin America, as well as pre-industrial England.

In order to separate off what are often lumped as 'tribal' societies, a new set of criteria were added to the old ones, principally by Kroeber (1948:284) and Redfield. They stated that peasants formed a 'part society': 'the culture of a peasant community, on the other hand, is not autonomous. It is an aspect of dimension of the civilization of which it is a part. As the peasant society is a half-society, so the peasant culture is a half-culture' (Redfield 1960:40). This is elaborated by Thorner in the form of two further criteria. One is that a peasantry can only exist where there is a State, in other words a ruling hierarchy, an external political power sovereign over the particular community of 'peasants'. The second is that there are almost inevitably towns with markets, the culture of which is substantially different from that of the countryside (in Shanin, 1971:203-4). Wolf summarizes the position when he states that 'the State is the decisive criterion of civilization... which marks the threshold of transition between food gatherers in general and peasants' (Wolf, 1966:11). Yet here again, even taking these more precise definitions, it would seem that England would fall into the category 'peasant' from the twelfth century onwards, for it was noted for its powerful centralised State and the growth of important towns.

Building on earlier work, economists and sociologists have recently tried to provide a sharper definition of peasantry. While accepting the preceding criteria as necessary prerequisites for the presence of a peasant society, a number of writers argue that they are not sufficient in themselves. One added criterion makes it possible to distinguish between rural nation states which

before would all have had to be lumped together as 'peasantry' but which clearly exhibit very divergent demographic, economic and social patterns. This criterion has been elaborated by Chaianov and those influenced by him, among them Shanin, Thorner and Sahlins. The feature is described by Thorner as follows:

"Our fifth and final criterion, the most fundamental, is that of the unit of production. In our concept of peasant economy the typical and most representative units of production are the peasant family households. We define a peasant family household as a socio-economic unit which grows crops primarily by the physical efforts of the members of the family. The principal activity of the peasant households is the cultivation of their own lands, strips or allotments... In a peasant economy half or more of all crops grown will be produced by such peasant households, relying mainly on their own family labour..." (In Shanin, 1971, 205)

Above all, the stress is on the nature of the particular unit of consumption, production and ownership: "The family farm is the basic unit of peasant ownership, production, consumption and social life. The individual, the family and the farm, appear as an indivisible whole... The profit and accumulation motives rarely appear in their pure and simple form..." (Shanin, 1971:241). Among the consequences of this situation is the fact that 'the head of the family appears as the manager rather than proprietor of family land', that marriage of children is essential to increase labour power, that peasant villages or communities are usually more or less self-sufficient (Shanin, 1971: 242-4). These writers are developing and expanding Chaianov's earlier discussions where, for example, as quoted by Wolf, he states that

"The first fundamental characteristic of the farm economy of the peasant is that it is a family economy. Its whole organization is determined by the size and composition of the peasant family and by the coordination of its consumptive demands with the number of its working hands. This explains why the conception of profit in peasant economy differs from that in capitalist economy and why the capitalist conception of profit cannot be applied to peasant economy..." (Wolf, 1966:14).

This central feature, namely that we are not just talking about rural 'part-societies', but those which have a specific basic unit of production and consumption, has earned the category the title of the "Domestic Mode of Production" (Sahlins, 1974 chs. 2, 3). This prompts a further question as to whether there is a type of society which we can negatively define as non-tribal, non-peasant and non-industrial? To my knowledge, no very convincing examples of this anomalous class have yet been documented. We may therefore turn to the English evidence to see whether in the sixteenth and seventeenth centuries England fits into a previous category, or belongs to this newly isolated type.

It is impossible here to give more than a preliminary answer to the questions that have been raised. If we are attempting to discover whether England can be lumped with traditional China, India, Eastern and Southern Europe, and Latin America, two main strategies are open to us. One is to examine the situation in England in the sixteenth and seventeenth centuries at a very general level. Peasant civilizations tend to have associated with them a set of features

which appear to be intimately linked to their particular social structure. These may be summarized in Table 1. We may then observe whether, generalizing from the data, and speaking mainly of the sixteenth and seventeenth centuries, England manifested these symptoms of 'peasantness'. If it did not do so, we have a prima facie case for delving deeper. These 'pattern variables' have been elaborated from general works already cited, as well as from monographs primarily concerned with India. For the present, the generalisations will have to remain unsubstantiated.

Further variables in the realm of culture, thought and religion could be elaborated. But there is probably enough here to enable us to decide whether England was similar to a model 'peasant' society, without pointing out differences in the attitudes towards ancestors, towards the ritualization of religion and social life, towards time and accumulation and many other topics. It would also be foolish to continue since there is probably enough in the table to rouse many peoples' ire. Demands for proof of some of the characterizations are inevitable, since some do not conform to the generally accepted wisdom. For example, some may still believe in the strong 'communities' of pre-industrial England, though I have elsewhere tried to show that these are also a myth (Macfarlane, 1977). Others may still subscribe to the idea that this was a 'patriarchal' society (Laslett, 1971:3, 4, 17-9 and passim), a view which it would take a separate article to refute. But even if some of the assessments listed in the table are challenged and turn out to be mistaken, we do know that enough of them are right to give us grounds for believing that England was already far from being a model 'peasant' society. The only way in which the case will be proved, however, is to undertake detailed studies of particular areas of the country, to see whether the extensive documents support the model of peasantry.

We may look at the situation in two very different parishes, that of Earls Colne, near Colchester, in Essex, and the parish of Kirkby Lonsdale in Cumbria.¹ From the very earliest times it is known that England showed enormous regional variations in agriculture and social structure, reflecting its history and settlement, as well as physical differences. It is therefore necessary to pick two areas which are as different as possible. In this article we will describe the parish of Earls Colne, with a population of about a thousand persons in the middle of the seventeenth century, a parish that was relatively near to London, in the economically precocious and religiously radical area of East Anglia. Enclosed before the period with which we are concerned, it seems to have combined arable corn production, cattle farming, and a considerable production of hops and fruit. In every respect it can be contrasted with the upland parish of Kirkby Lonsdale on the edge of the Yorkshire moors which will be examined in a companion essay to this one.² The two parishes were originally chosen not only for the contrast, but because

Table 1
Features usually associated with peasantry

Variable	Situation in 'model' peasant society	England, C16-17
Basic unit of production	extended household	manor, estate
Basic unit of consumption	extended household	man, wife & small children
Link between land and family	very strong indeed	weak (except gentry)
Village self-sufficiency	almost entirely	far from
Production mainly for	immediate use	exchange
Ownership of resources	by village, household	by individual
Degree of market rationality	little	great
Individual inheritance of land	no	yes
Children remain at home	in most cases	most children leave home
General household structure	ideal of multi-generation household	ideal of nuclear household
Fertility rate	high	controlled
Social mobility pattern	'cyclical'	spiralling, families split
Long-term economic differentiation	little	a great deal
Female age at first marriage	soon after puberty	delayed for ten or more years
Mortality pattern	periodic 'crises'	relative absence of 'crises'
Growth rate of population	rapid, then crash	moderate or no growth
Children regarded as economic asset	yes	no
Adoption widely favoured	yes	no
Degree of geographical mobility	little	great
Strength of 'community' bonds	great	little
Method of tracing descent	unilineal	cognatic
Kinship terminology	does not separate off nuclear family	separates off individual and nuclear family
Marriages	arranged by kin	individual choice
Patriarchal authority	great	little

they are each covered by at least one particularly useful and unusual historical source. In the case of Earls Colne, this is the recently published diary of one of the villagers, the farmer and vicar Ralph Josselin (Macfarlane, 1976b). This allows us to see into the mind of one of the inhabitants over a period of forty years in a way that is unique in England. From his Diary and the very rich set of manorial documents, we may see whether this area exhibits 'peasant' characteristics in any sense. Kirkby Lonsdale, a parish with over twice the population, was chosen because a listing of the inhabitants in 1695 has recently been discovered.

It is difficult to envisage anyone further from the ideal-type 'peasant' than Ralph Josselin. On almost every one of the criteria listed in Table 1 above he departed from the normal peasant. Only in the fact that he was engaged in agriculture to a considerable extent, and hence subject to the uncertainties of weather and prices, does he come near to the stereotype. His extremely detailed Diary makes it clear that the basic unit of production in his case was not the extended family; he did not co-operate in economic affairs with his parents, and his siblings and children did not work the farm with him. It was Josselin, his wife, servants and labourers who constituted the unit of production. Nor was the basic unit of consumption the household. His children left home in their early teens and henceforward fended for themselves, eating and earning elsewhere (Macfarlane, 1970: appdx B, chs. 3,4). Nor was the link between his family and a particular landholding strong. His paternal grandfather was a wealthy yeoman who farmed in Roxwell, but Josselin's father sold off the patrimony in 1618 and went to farm in Bishop's Stortford, where he lost most of his estate. Josselin then settled in Earls Colne and built up a farm there. As for the purpose of Josselin's farming, it appears to have been mainly in order to sell produce for cash, rather than for use and home consumption. Other parts of his estate he let out for rent. Thus he estimated that in the years 1659-1683 his landholdings brought in a total of approximately £80 p.a. Given the cost of foodstuffs in the period, less than one quarter of this could have been consumed directly as food.

Turning to the crucial question of who 'owned' the land in Josselin's family, the Diary leaves no doubt whatsoever that this was a situation of complete, absolute, and exclusive private ownership. Josselin was not, as he would have been in a traditional peasant society, merely the head of a small corporate group who jointly owned the land. The land held in his name in deeds and court rolls was not family land, but his land. It seems unlikely that he would have been able to comprehend, and certainly would not have agreed with, the idea central to Russian peasantry, that lands "are regarded as the property not of the person legally registered as the proprietor, but of all the members of the family, the heads of the household being only the household representative" (Shanin, 1972:220, quoting the Court of Appeal). The difference can best be illustrated by taking the two extreme situations which can occur. In Russia the head of a household could be removed from his headship for mismanagement or misbehaviour (Shanin, 1972:221). In Josselin's case, on the contrary, he threatened on several occasions to disinherit his only surviving son. He was finally driven to such distraction that he wrote:

"John declared for his disobedience no son; I should allow him nothing except he tooke himsele to bee a servant, yet if he would depart and

live in service orderly I would allow him 10 li. yearly: if he so walkt as to become gods son. I should yett own him for mine". (Macfarlane, 1976b:582)

In a peasant society, birth or adoption, plus participation in the basic tasks of production, give people an inalienable right to belong to the small property-owning corporation. Disinheritance for misbehaviour is inconceivable. In Josselin's case, his children's rights in his property were non-existent. Since this is such a crucial matter, and it might be thought that Josselin was exceptional, we will return to it when considering the pattern of landholding in the parish as a whole. We will also expand on the question of inheritance, closely linked to ownership. We are told that in Russia, "Inheritance, as defined in the Civil Code, was unknown in peasant customary law, which knew only the partitioning of family property among newly emerging households" (Shanin 1972:222). There were no written wills, since it was clear that all males should receive an equal share of what was in nature theirs. It was a matter of splitting up temporarily a communal asset, the shares returning to the common pool when the demographic situation had changed. In contrast, Josselin's own will and the provision for his children recorded in the Diary and court rolls shows that we have a fully developed system of post-mortem and pre-mortem inheritance, in which each child was given a part largely at the discretion of the parents (Macfarlane, 1970:64-7). Again, as we shall see, Josselin was by no means exceptional in this respect.

It would be possible to continue in this fashion through all the major indices of peasantry; noting that Josselin's economic behaviour was highly 'rational' and market-oriented, that he did not suffer from the 'Image of Limited Good', at least in relation to his neighbours (Foster, 1969), that his own marriage and those of his children were not arranged by kin, that his family life was far from the patriarchal stereotype both in relation to his wife and his children, and that his children were not an economic asset to him. For those who seek proof, it would be instructive to read some of the classic accounts of peasantry cited above, and then to read Josselin's own Diary. Yet even if we accepted unequivocally that Josselin was not a 'peasant', though he farmed, it would be possible to dismiss him as exceptional on several grounds. Firstly, he kept a Diary, which suggests that he was an unusual man. Secondly, he was University educated and hence moved in a broader intellectual world than most of his neighbours. Thirdly, he was a devout Puritan and a vicar. He thus belonged to the 'intelligentsia' rather than to the 'peasantry' if there was one. Some counter-arguments can be brought forward from the Diary. Although his Diary shows strong divisions between the wealthy and the poor, it nowhere gives an impression nearly as strong as that obtained in India or Russia of a great split between the 'Great' and 'Little' traditions, between the 'intelligentsia' and the 'mere peasants'. Secondly, it is clear that Josselin's horizons and mentality were very different from the ideal-type peasantry long before he had been to University or thought of being a minister. One early account of his youthful musings describes a mind that hardly fits the peasant stereotype, although he was at that time merely the son of a failing Essex farmer.

"I made it my aime to learne and lent my minde continually to reade historyes: and to shew my spirit lett mee remember with griefe that which I yett feele: when I was exceeding yong would I project the

conquering of kingdoms and write historyes of such exploits. I was much delighted with Cosmography taking it from my Father. I would project wayes of receiving vast est(ates) and then lay it out in stately building, castles. Libraryes: colledges and such like". (Macfarlane, 1976b:2)

He wrote this describing the time when he was aged twelve. Yet, even with these counter-arguments, the case cannot be proved from the life of a single individual. The records describing Josselin's neighbours and parishioners help to fill this gap.

We may select four of the central characteristics of peasantry in order to test them against the evidence for Earls Colne; the patterns of land ownership, transmission of wealth, geographical and finally social mobility. We have seen that peasantry is basically an economic and social order founded on household and for village ownership. Thorner states that, as a result,

"In a peasant economy half or more of all crops grown will be produced by such peasant households, relying mainly on their own family labour. Alongside of the peasant producers there may exist larger units: the landlord's demesne or home farm tilled by labour extracted from the peasants, the hacienda or estate on which the peasants may be employed for part of the year, the capitalist farm in which the bulk of the work is done by free hired labourers. But if any of these is the characteristic economic unit dominating the countryside, and accounting for the greater share of the crop output, then we are not dealing with a peasant economy." (In Shanin, 1971:205)

If we look at Earls Colne at any point from the time the records start, in 1400, onwards, it was not a peasant economy. It was dominated by large landlords, in the early period by the Priory and the Earl of Oxford, later by the Harlakendens. In 1598 a detailed set of maps and a survey were made of the parish, showing the ownership of land.³ From these the area of demesne land farmed and owned directly by the lord of the manor can be estimated and it is evident that approximately two — thirds of the parish was demesne.

It can be seen that approximately two-thirds of the parish was held by one person. Most of the rest was copyhold land which, in practice, was held by about twenty individuals. In effect this means that about three-quarters of the people in the parish held nothing beyond a house and garden. By the definition quoted above, this was clearly far from a peasant economy, not composed of self-sufficient small farming households. The fact that the large manorial estate was a rational, modern, capitalist enterprise, run for economic profit, is shown by the detailed account books of the family which survive for the late sixteenth and early seventeenth centuries.⁴ A certain number of the landless were employed as casual labour on other's land, but numerous documents show that there was a very great deal of non-agricultural activity in the town. As well as baking, brewing, butchering and tailoring, there was considerable employment in the East Anglian cloth industry.

The lord's Account Book and Josselin's Diary both show that the bulk of the food production, particularly the growing of fruit and hops, was not for local consumption, but for cash sale in nearby markets at Colchester and

Braintree, from where it found its way to London and other parts of the country. This is not an area of subsistence agriculture, but cash cropping. Thus what at a preliminary glance looks like a rural village filled with small yeomen families, turns out on closer inspection to be one dominated by a few large landowners, with a multitude of small producers, agricultural and otherwise. The parish was fully involved in a capitalist and cash marketing system and differed as much from a traditional peasant society as do modern Kent, Somerset or Essex.

One central feature of peasantry is the absence of absolute ownership of land, vested in a specific individual. The property-holding unit is a 'corporation', to use Maine's term, which never dies. Into this an individual is born or adopted, and to it he gives his labour. In such a situation, as described, for example, for Russia (Shanin, 1972), women have no individual and exclusive property rights and individuals cannot sell off their share of the family property. It would be unthinkable that a man should sell off land if he had sons, except in dire necessity and by common consent. There is unlikely to be a highly-developed land market. As we have already seen in the case of Josselin's threatened disinheritance of his only son, the inhabitants of Earls Colne lived in a different world. The transfers in the manor court rolls, the deeds concerning freehold property, the lengthy cases from the village in Chancery, and all other sources bearing on economic life in the parish suggest that by the later sixteenth century ownership was highly individualized. Land was held in their own right by women, men appearing to do suit of court 'in the right of their wife'. Land was bought and sold without consideration for any wider group than husband and wife. It was, in fact, treated as a commodity which belonged to individuals and not to the household. There is no hint, for example in the statements concerning transfers in the court rolls, that a plot was passed to a family rather than an individual. Examination of the manor court rolls back to their origin in 1400 does not suggest that family or household ownership had ever been practised from that date. Since this appears to be the crucial foundation of the difference between a peasant and non-peasant social and economic structure it is worth digressing briefly to consider whether the situation in Earls Colne was abnormal.

In discussing the question of family and individual ownership in this period three distinctions need to be made; between 'chattels' and 'real estate', between freehold tenure and other kinds of tenure, and between the rights of wives and the rights of children. The legal and practical situation concerning goods or chattels was very different from that concerning real estate. By common law, the wife had rights to one third of her husband's estate, including goods, but the children had no rights in their parent's goods (Pollock and Maitland, 1968:ii, 348-355). By ecclesiastical law, during the sixteenth and seventeenth centuries "by a Custom observed, not only throughout the Province of York, but in many other Places besides" (Swinburne, 1728:204-5), if there was only a wife, the husband could only dispose of one half of his goods by will, if there were children, only one third. Thus, assuming that he had not sold his goods and bought land, or given the goods away during his lifetime, within certain parts of England up to the repeal of the custom by an Act of 1692, wives and children had a certain stake in the man's goods. The heart of the matter lies in the question of real estate, principally land, for it is here that we will see whether the family and the landholding were identified.

A simplified summary of the position of women in relation to real estate shows that unlike the situation in peasant societies, women could be true land-holders. In the case of freehold land, a woman could hold and own such property. During her marriage or 'couverture', the husband "gains a title to the rents and profits", but he may not sell or alienate it (Blackstone, 1829:ii, 433). If the man holds the title and marries, the woman has an inalienable right to at least one third of his estate for her life by common law. She had a right to this 'dower' even if she re-married or the couple were divorced (*a mensa et thoro*) for adultery (Blackstone, 1829:ii, 130; Pollock and Maitland, 1968:ii, 419). There was no way of excluding a woman from her common-law dower, though it might be increased, or the particular share of the estate specified, by a 'jointure' which set up formally a joint estate for husband and wife for life. The situation with regard to non-freehold land, and particularly copyhold land, was very different. Except when an heir was under fourteen years of age, and only until he or she reached that age, a married woman did not automatically obtain any rights over the real estate of her husband (Order, 1650:36). Copyhold estates were not liable to 'freebench' as it was known, unless by the special customs of the manor it was stated to exist (Blackstone, 1829:ii, 132). Although it would appear that most manors in England did have such a custom up to the eighteenth century, as Thompson has pointed out (in Goody *et al.*, 1976:354), there were a minority of cases where no freebench was allowed. Earls Colne was one of these, for in the court roll for June 1595 it was stated:⁵

"At this court the steward of the manor by virtue of his office commanded an inquisition to be made whether women are indowerable of the third part of the customary lands of their husbands at any time during the marriage between them. And now the homage present that they have not known in their memory nor by the search of the rolls that women ought to have any dowry in the customary tenement of their husbands but they say that in times past diverse women have pretended their dowries but have always been denied and therefore they think there is no such custom".

In such a situation, a woman could be made a joint owner with her husband by a surrender to their joint use in the manor court, or the estate could be bequeathed to her by will. Both these devices were used. In other areas of England her position was much stronger; by the custom of 'tenant right' or 'border tenure' which encompassed our other parish of Kirkby Lonsdale, a widow had the whole estate for her widowhood (Bagot, 1962:238). But here, as elsewhere, the right was far less than that in freehold estates, for the widow usually lost her freebench if she re-married or 'miscarried', in other words had sexual intercourse. Women could also hold copyhold property in their own person, either by gift, purchase, or through inheritance for example when there were no male heirs. To a very limited extent, therefore, we can view husband and wife as a small co-owning group. We may wonder whether we can add any further members of the family to this corporation.

The situation with regard to freehold property seems abundantly clear. Maitland stated that, "In the thirteenth century the tenant in fee simple has a perfect right to disappoint his expectant heirs by conveying away the whole of his land by act *inter vivos*. Our law is grasping the maxim *Nemo est*

heres viventis" (Pollock and Maitland, 1968:ii, 308). Although Glanvill produced some rather vague safeguards for the heir, Bracton in the thirteenth century omitted these and the king's Courts did not support a child's claim to any part of his parent's estates. The only major change between the thirteenth and sixteenth centuries was that by the Statute of Wills in 1540 a parent could totally disinherit his heirs not only by sale or gift during his lifetime, but also by leaving a will devising the two-thirds of his freehold estate which did not go to his widow (Swinburne, 1728:119). Swinburne, a leading authority on testamentary law, nowhere mentions the children's right to any part of the real estate of their parent's. This had been formalized in the Statute Quia Emptores of 1290 which stated that 'from henceforth it shall be lawful for every freeman to sell at his own pleasure his land and tenements, or part of them ...', with the exception of sales to the church or other perpetual foundations (Simpson, 1961:51). In this crucial respect, English common law took a totally different direction from continental law. As Maitland put it,

"Free alienation without the heir's consent will come in the wake of primogeniture. These two characteristics which distinguish our English law from her nearest of kin, the French customs, are closely connected Abroad, as a general rule, the right of the expectant heir gradually assumed the shape of the restraint lignager. A landowner must not alienate his land without the consent of his expectant heirs unless it be a case of necessity, and even in a case of necessity the heirs must have an opportunity of purchasing." (Pollock and Maitland, 1968:ii, 309, 313)

Thus children have no birth-right from the thirteenth century onwards, they can be left penniless. Strictly speaking it is not even a matter of 'disinheritance'; a living man has no heirs, he has complete seisin or property. As Bracton put it, 'the heir acquires nothing from the gift made to his ancestor because he was not enfeoffed with the donee' (Simpson, 1961:49), in effect he has no rights while his father lives, they are not co-owners in any sense. This is illustrated by the fact that in the thirteenth century, and to a certain extent later, the heir has no automatic 'seisin' in his dead ancestor's property. We are told that 'If a stranger "abates" or "intrudes" upon land whose owner has just died seized, he has committed no disseisin. The lawful heir cannot say that he was disseised unless he had in fact been previously seized. In other words, the heir does not inherit his ancestor's seisin. Like everyone else, an heir cannot acquire the privileges of seisin unless he enters, stays in, and conducts himself like the peaceful holder of a free tenement.' (Plucknett, 1956:722-3; Pollock and Maitland, 1968:ii, 59-61). Again there was nothing comparable to the French custom, equivalent to the principle of le roi est mort:vive le roi, whereby le mort saisit le vif (Plucknette, 1956:723). In the case of freehold real estate from the thirteenth century, the children had no automatic rights. The custom of primogeniture might give the eldest child greater rights, where the estate was not disposed of, than other children. But ultimately even the eldest son had nothing except at the wish of his father or mother, except where the inheritance had been formally specified by the artificial device of an entail. Even such entails could be broken. As a result, as Chamberlayne put it in the seventeenth century, "Fathers may give all their Estates un-intailed from their own children, and to any one child" (Chamberlayne, 1700:337).

Children had no stronger rights in the non-freehold property of their parents. Originally most of this land was held 'at the will of the lord', which meant that at a person's death his heirs had no security. But gradually over time in many areas of England copyhold estates became hereditary. In practice, as we see in Earls Colne by the later sixteenth century, a copyholder could sell or grant away his land, or he could surrender it to the lord 'to the use of his will'. In this will he could specify his heirs. Thus up to the sixteenth century a man could alienate his land from his children while alive. After the Statute of Wills of 1540, all socage tenures, including copyhold, became freely devisable by will, (Swinburne, 1728:119). We have seen that a widow might have a free-bench, but children had no inalienable rights, no birth rights. Children had no legal claim against a person to whom their parent's land had been granted or given. In sum, neither in the case of freehold or non-freehold, except where an entail was drawn up, did a child have any rights. Even entails were contrary to the idea of 'family estates', since they could take the land away from children, as easily as ensuring them a portion.

It has been necessary to spend some time on this topic in order to show that what we find in Josselin's Diary and in Earls Colne was only a particular instance of a central characteristic of English law and society. The family as the basic resource-owning unit which characterizes peasant societies does not seem, in law at least, to have existed in England from about 1200 onwards. England was here not only very different from the Third World societies where the introduction of English common law in the nineteenth and twentieth centuries caused such dislocation (Boserup, 1965:90; Myrdal, 1968:ii, 1036-7), but also from Europe at that time. If the essence of peasantry is the identification of the family with the ownership of the means of production, it is difficult to see how England can have been a peasant society in the sixteenth century, or long before. The consequences of this situation are apparent in the records for Earls Colne.

From 1540-1750 there survive over three hundred written wills for inhabitants in Earls Colne, indicating a fully developed system of individual inheritance. They included land, houses and goods. This is in direct contrast to the situation in a traditional peasant society, where the agricultural assets are not being bequeathed, but partitioned, usually before death, and where, consequently, a will would be a violation of children's rights. For example, in relation to Russian peasantry we are told that 'Inheritance by will did not exist as far as land and agricultural equipment were concerned, and, in other cases, was extremely limited and open to challenge as unjust before the peasant courts' (Shanin, 1972:223). Furthermore, if we look at the principal land registration record, the manor court roll, we find a fully developed land market with the sale and mortgaging of land to non-kin. At least half of the transfers of land registered during the sixteenth and seventeenth centuries were between non-kin. For example, during the five-year period 1589-1593 on the manor of Earls Colne, fifty-one parcels of copyhold land were transferred. At least twenty-one of these were sales of copyhold land to non-kin for cash, while a number of others were surrenders at the end of mortgages or leases. Just under half the transfers were by 'inheritance' between kin.⁶ Detailed examination of this period shows that this can not be

explained by suggesting that the vendors were heirless individuals, or very poor individuals 'falling off' the bottom of the economic ladder. What we are witnessing is a continual process of amalgamation, exchange and accumulation, in which estates were constantly changing shape, ownership and value. They were not tied to specific families.

Although a man could give away, sell or devise any or all of his real estate, excepting the widow's share, either in his life or by will, if he did not do so, then the estate would by custom descend to a particular child. In Earls Colne, as in most of England, the first-born male would inherit the estate by law. Although no written statement to this effect has been discovered for Earls Colne, detailed study of wills and court rolls shows this to be the case. It also shows that the severity of male primogeniture was modified by the giving of 'portions' to younger sons and to the daughters. In general, however, from the start of the court rolls in 1400, the major share of the landholding went to one child. Maine has pointed out that this "Feudal Law of land practically disinherited all the children in favour of one" (Maine, 1890:225). In essence, primogeniture and a peasant joint ownership unit are diametrically opposed. The family is not attached to the land, one favoured individual is chosen at the whim of the parent, or by the custom of the manor. It has already been suggested that primogeniture and complete individual property in real estate are intimately interlinked, both apparently firmly established in England by the thirteenth century (Pollock and Maitland, 1968:ii, 274). If peasantry and primogeniture are in principal opposed, we would expect the rule to be limited to parts of western Europe. This seems to have been the case. Lowie long ago noted that 'the widespread European dominance of primogeniture' marked it off from Africa and Asia (Lowie, 1950:150) and a recent sweeping survey of property rights states that primogeniture among the upper classes "has been a great rarity in the world" (Kiernan, in Goody *et al.*, 1976:376). Yet even within Europe, England seems to have been by far the most extreme in its application of this principle, as contemporary commentators quoted by Thirsk show (in Goody *et al.*, 1976:185). Indeed, while primogeniture among the gentry and aristocracy was fairly widespread in Europe, further research may show that England was the only nation where primogeniture was widespread among those at the lower levels in society, in other words amongst those who might have constituted a 'peasantry'. Although there were considerable regions where partible inheritance was common, and younger children could be provided with cash or goods, it is clear that a custom such as this would have profound consequences.

One of these consequences was that England during the sixteenth and seventeenth centuries witnessed very high rates of geographical mobility. Taking Earls Colne, this would mean that the families present in, for example, 1560, were different from those present in the same parish in 1700. Even in a peasant society with little disruption by war or famine, there is likely to be considerable change in families as they die out in the male line. But the situation is more dramatic in Earls Colne. For example, of 274 pieces of property listed in a rental for the two Earls Colne manors in 1677, only twenty-three had been held by the same family, even if we include links through females, some two generations earlier in 1598. A massive shift can be seen in even shorter periods. Comparing two sixteenth century rentals

for Earls Colne manor we find that of 111 pieces listed in 1549, only thirty-one were owned by the same family some forty years later in a rental of 1589, again including the links through women.⁷ The result is that individuals appear, build up a holding, and then the family disappears, all in a generation or two. It also seems to have been the case that most people, especially younger sons, and daughters, would end up in a parish other than the one in which they were born. A parish or village, far from being a bounded community which contained people from birth to death, was a geographical area through which very large numbers of people flowed, staying a few years, or a lifetime, but not settling with their families for generations.

Another effect of the particular land-holding situation was on social mobility. It has been demonstrated by Shanin that the Russian peasantry were characterized by two major features in their system of mobility. At the level of the individual peasant family, the family as a whole underwent what he calls 'cyclical mobility', a pattern which he portrays as an undulating wave-like motion over time (Shanin, 1972:118). There were certain negative and positive feedback mechanisms which kept it oscillating about a mean. For example, as it gets richer, the number of children increases and the estate has to be partitioned among more households, so that each is individually poorer, while poorer households amalgamate their holdings and so become richer. One corollary of this is that over long periods no permanent 'classes' appear; the 'middling' peasants predominate, and there is no spiralling accumulation whereby the rich continue to get richer and the poor to get poorer. The contrast between the two systems and the reasons for the two patterns have been discussed at some length with an independent, but curiously parallel, model to that of Shanin (Macfarlane, 1976a:191-200), where it was suggested that Tudor and Stuart England was already witnessing a different phenomenon, with spiralling accumulation. The records from Earls Colne and elsewhere suggest that certain individuals rose, and then one of their children likewise did so. Families did not move in a block, but shed some of their younger or less talented children. As a result, after several generations, as for example noted by Spufford,⁸ grandchildren of the same person could be at extreme ends of the hierarchy of wealth. One long-term effect of this pattern is the well-known general phenomenon by which England is characterized between the fifteenth and eighteenth centuries, a growing split between a wealthy minority of landowners and an impoverished labouring force. One of the central themes of much of the social history written since Tawney (1912) has been the way in which absolute divisions grew so that by the eighteenth century it is possible to speak of 'classes' rather than estates. The process of differentiation which failed to materialize in Russia in the first years of this century had occurred. In Earls Colne, comparisons of the distribution of land at the start of the sixteenth and end of the eighteenth century support this idea of increasing differentiation. This contrasts with the situation in parts of Asia where temporary increases in production are invested in demographic or social expansion, rather than being accumulated and hoarded by one heir.

It seems abundantly plain that we are not dealing with a 'peasant' village in Earls Colne in the sixteenth to eighteenth centuries. Comparison with the records of other Essex villages, particularly the neighbouring parish of Great Tey and those of Hatfield Peverel, Boreham and Little Baddow, suggests that

Earls Colne was not exceptional within Essex. Yet it could be argued that Essex was exceptionally advanced. We may briefly look at some published studies of other parishes in ecologically different areas in England.

The open-field parish of Wigston Magna in Leicestershire has been described by Hoskins (1957). Although the turnover of family names was not quite as great as that in Earls Colne, of 82 family names in 1670, 44% had been present one hundred years before, 20% two hundred years before (*ibid.*, 196), in other respects the pattern of social mobility and the land market seem to have been of the same order as in Essex. We are told that there 'always had been, as far back as the records go, a good deal of buying and selling of land between the peasant-farmers of Wigston, (*ibid.*, 115), but by the later seventeenth century 'the fines, conveyances, mortgages, leases and marriage settlements alone for this period, in such an incessantly active land-market as Wigston are bewildering' (*ibid.*, 194-5). It is also clear from the inventories that the farmers were producing for the market. The pattern of social mobility was one which led to the opposite situation to that described for Russia. There was a growing cleavage between rich and poor. Wigston witnessed, as did the whole of the Midlands, the emergence of a group of farmers in the late fifteenth century who were above the average in wealth, as can be seen in the Lay Subsidy of 1524 (*ibid.*, 141-3). During the later sixteenth century and seventeenth century there was a growing problem of poverty, while a few families accumulated almost all the land in the village. By the time of a survey of 1766 the village had become completely polarized between a rich few and numerous landless labourers (*ibid.*, 217-9). The cyclical mobility of the Russian peasantry had not been present.

The same splitting apart of the village combined with an active land market is documented for the Cambridgeshire village of Chippenham studied by Spufford (1974). This parish in the sheep and corn area of Cambridgeshire witnessed a build up of larger than average holdings even in the fourteenth and fifteenth centuries (*ibid.*, 65). But the author argues that the crucial period in which the small farmers were pushed out was between 1560-1636. Economic polarization meant that a roughly egalitarian distribution of 1544, as shown in a survey of that year (*ibid.*, 67), was replaced by one where absentee large landowners held almost all the land in the map of 1712 (*ibid.*, 71). During the crucial period of division, over half the transactions in the manor court were sales of property — presumably to non-kin. The author also believed that there was a good deal of emigration (*ibid.*, 90), which helped to keep the population from growing during most of the period.

A more extensive survey of village monographs would show that there were some areas where geographical and social mobility were less pronounced in the seventeenth century or earlier (Hey, 1974; Howell, in Goody *et al.*, 1976). Yet in no study of Tudor and Stuart England have I come across the traces of anything approaching a real 'peasantry'. The area where one would most expect to find one would be the 'upland' area on the northern and western fringes. It is generally accepted by those familiar with such regions that kinship and family were more important there than elsewhere and that there, if anywhere, we will be dealing with a domestic economy, based on family labour. Of all the areas within this general regional type, the archetypal family farm appears to be in the hills of southern Cumbria where it is known that a special form of social structure, based on small family 'estates', was

present, where manorialism was weak, and where, we are often told, the economically backward and socially closed communities of the northern hills were inhabited by a real peasantry. I have examined this claim in relation to the parish of Kirkby Lonsdale in a complementary paper to this one (in Smith, 1978) and it appears to be as mythical as the claim for peasantry in Essex. The highly individualized, geographically and socially mobile, situation we found in Essex meets us in the Lune valley also. Property is held by individuals, children leave home at an early age, the basic unit of production, consumption and ownership is not the family. We still await an example of a peasant community.

The discovery that England was not, in the terms of the more precise definition advanced at the start of this paper, a peasant society in the sixteenth to eighteenth centuries raises as many questions as it solves. A minor one is terminological; we do not have a word to characterize this social structure, except negatively or in relation to earlier or later 'states'. Thus to call it 'non-peasant', 'post-feudal', 'early modern' and so on is hardly satisfactory. Another problem is the extent to which England was different from other areas of Europe in that period; were there any other non-peasant rural societies? We also need to know more about when the pattern emerged. If there was no peasantry in sixteenth century England, when had it disappeared? One recent suggestion is that while there was clearly a peasant social structure in the later fourteenth century, as argued by Hilton (1975), there is evidence to suggest that it disappeared by the middle of the fifteenth century (Blanchard, 1977). Since there was no obvious and traumatic break between 1380 and 1450, this leaves Blanchard and us puzzled. It is clearly time that someone considered the proposition that there never had been a peasantry in England.

Finally, we return to the question of how to characterize this highly idiosyncratic society; rural and agrarian, yet different in almost every respect from the other large agricultural civilizations which we know of through anthropological, archaeological or historical investigation. This essay has been devoted to suggesting that England cannot be described as 'peasant'. Upon this demolished site it is necessary to erect an alternative model of the society. If it was not peasant, or industrial or feudal, what was it?

Footnotes

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2. See Smith, 1978.
3. E(ssex) R(ecord) O(ffice), Chelmsford: D/DSm/P1; Temp. Acc. 897.
4. E. R. O. Temp. Acc. 897/8.
5. E. R. O. D/DPr/76.

6. E. R. O. D/DPr/76.
7. E. R. O. D/DPr/99, 110.
8. In a talk given to King's College Social History Seminar, February 1974.

Bibliography

Place of publication of books is London, unless otherwise specified.

- Bagot, A., 1961. "Mr Gilpin and manorial customs", Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society, new series, lxii:224-245.
- Blackstone, Sir W., 1829. Commentaries on the Laws of England. 18th edition.
- Blanchard, I., 1977. Review of R. H. Hilton, "The English peasantry in the Later Middle Ages". Social History, 5:661-664.
- Boserup, E., 1965. The Conditions of Agricultural Growth. Chicago.
- Britton, E., 1976. "The Peasant Family in Fourteenth-Century England". Peasant Studies v: (2):2-7.
- Chamberlayne, E., 1700. The Present State of England, 19th Impression.
- Dalton, G., 1972. "Peasantries in Anthropology and History". Current Anthropology, 13(3-4):385-415.
- Foster, G., 1965. "Peasant Society and the Image of Limited Good". Amer. Anthropol., 67(2):293-315.
- Goody, J., Thirsk, J. and Thompson, E. P., (eds.), 1976. Family and Inheritance. Cambridge.
- Hajnal, J., 1965. 'European marriage patterns in perspective'. In D. V. Glass and D. E. C. Eversley, (eds.), Population in History:101-143.
- Hey, D. G., 1974. An English Rural Community; Myddle under the Tudors and Stuarts, Leicester.
- Hilton, R., 1974. "Medieval Peasants — Any Lessons?", Jornal of Peasant Studies, i, (2):207-219.
- Hilton, R., 1975. The English peasantry in the later Middle Ages. Oxford.
- Homans, G. C., 1941. English Villagers of the 13th Century. New York.
- Hoskins, W. G., 1957. The Midland Peasant; the Economic and Social History of a Leicestershire Village. Leicester.
- Kroeber, A. L., 1948. Anthropology. New York.
- Laslett, P. and Harrison, J., 1963. "Clayworth and Cogenhoe" In H. E. Bell and R. L. Ollard, (eds.), Historical Essays, 1600-1750, presented to David Ogg:157-184.

- Laslett, P., 1971. The World we have lost. 2nd edn.
- Laslett, P., (ed.), 1972. Household and Family in Past Time. Cambridge.
- Le Roy Ladurie, E., 1974. The Peasants of Languedoc. English translation.
- Lowie, R. H., 1950. Social Organization.
- Macfarlane, A., 1970. The Family Life of Ralph Josselin. Cambridge.
- Macfarlane, A., 1976a. Resources and Population. Cambridge.
- Macfarlane, A., (ed.), 1976b. The Diary of Ralph Josselin 1616-1683.
- Macfarlane, A., 1977. "History, Anthropology and the Study of Communities". Social History, 5:631-652.
- Maine, Sir H., 1890. Ancient Law. 13th edn.
- Moore, B. Jr., 1966. Social Origins of Dictatorship and Democracy. Harmondsworth.
- Myrdal, G., 1968. Asian Drama.
- Order, 1650. The Order of Keeping a Court Leet & Court Baron. Facsimile reprint.
- Plucknett, T., 1956. A Concise History of the Common Law. 5th edn.
- Pollock Sir F. and Maitland, F. W., 1968. The History of English Law Before the Time of Edward I. 2nd edn., Cambridge.
- Postan, M. M., 1972. The Medieval Economy and Society.
- Redfield, R., 1960. Peasant Society and Culture. Chicago.
- Rich, E. E., 1950. "The Population of Elizabethan England", Economic History Review, 2nd series, 2(3):247-265.
- Sahlins, M., 1974. Stone Age Economics. London.
- Shanin, T., (ed.), 1971. Peasants and Peasant Societies. Harmondsworth.
- Shanin, T., 1972. The Awkward Class. Oxford.
- Simpson, A. W. B., 1961. An Introduction to the History of the Land Law. Oxford.
- Smith, R. M., (ed.), 1978. Land, Kinship and Life Cycle. Forthcoming.
- Spufford, M., 1974. Contrasting Communities; English Villagers in the Sixteenth and Seventeenth Centuries. Cambridge.
- Swinburne, H., 1728. A Treatise of Testaments and Last Wills. 5th edn.
- Tawney, R. H., 1912. The Agrarian Problem in the Sixteenth Century.
- Thirsk, J., 1957. English Peasant Farming.
- Thomas, W. I. and Znaniecki, F., 1958. The Polish Peasant in Europe and America. New York.
- Wolf, E., 1966. Peasants. Englewood Cliffs, N. J.
- Wrigley, E. A., 1969. Population and History.