

COMPULSORY SERVICE IN LATE MEDIEVAL ENGLAND*

In June 1349, as the plague wreaked its first and worst havoc on the people of England, Edward III and his councillors issued the Ordinance of Labourers, a set of rules about service, labour and prices which was revised two years later in the Statute of Labourers. Although born of short-term crisis, these labour regulations flourished in the decades and centuries that followed. They were honed in the later parliaments of Edward, Richard II and the three Henrys who came after; they were digested in the Statute of Artificers in 1563; they were still enforced, at least in part, in the eighteenth century; and only after heated debate were they removed from the statute books in 1814. The English economy became more pastoral, more commercial, and more industrial over these centuries, and its labour markets were transformed accordingly, but the shadow cast by late medieval labour legislation stretched almost half a millennium to the dawn of the nineteenth century. By that time, its effects had spread well beyond England itself, shaping employment law throughout the British Empire and touching, by one estimate, about a quarter of the world's people.¹ It all began when Edward III and his advisers worried in the summer of 1349 about a harvest threatened by the

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¹ Douglas Hay and Paul Craven (eds.), *Masters, Servants, and Magistrates in Britain and the Empire, 1562–1955* (Chapel Hill, 2004), 1 (editors' intro.). See also Paul Craven and Douglas Hay, 'The Criminalization of "Free" Labour: Master and Servant in Comparative Perspective', *Slavery and Abolition*, xv (1994).

‘many people, and especially workers and servants, now dead in this pestilence’.²

The earliest decades of this labour regulation (to 1400) are richly documented and well studied. Legal historians have puzzled over the evidence of labour law and its enforcement — from the magisterial work of Bertha Haven Putnam in 1908 to, more recently, Chris Given-Wilson’s reconstruction of continuing parliamentary innovation after 1351; L. R. Poos’s demonstration that petty as well as grand employers benefited; and Robert Palmer’s contention (challenged by Anthony Musson) that labour regulation signalled a new royal interest in law as social control.³ Economic historians have sought from these same sources data on wages (and to a lesser extent, prices), in work that stretches from James Thorold Rogers in the 1880s, through William Beveridge in the 1950s, to Christopher Dyer, Simon Penn, David Farmer and Sandy Bardsley in the 1980s and 1990s. These scholars have produced impressive runs of wages for some types of workers and a rough consensus that wage rates were highly variable, differentiated by gender, and trending upward from the 1360s.⁴

² *Statutes of the Realm*, 11 vols. in 12 (1810–28), i, 307–8 (23 Edw. III). Here and elsewhere, I have silently translated and modernized.

³ Bertha Haven Putnam, *The Enforcement of the Statutes of Labourers during the First Decade after the Black Death, 1349–1359* (New York, 1908); Chris Given-Wilson, ‘The Problem of Labour in the Context of English Government, c.1350–1450’, in James Bothwell, P. J. P. Goldberg and W. M. Ormrod (eds.), *The Problem of Labour in Fourteenth-Century England* (York, 2000); Chris Given-Wilson, ‘Service, Serfdom and English Labour Legislation, 1350–1500’, in Anne Curry and Elizabeth Matthew (eds.), *Concepts and Patterns of Service in the Later Middle Ages* (Woodbridge, 2000); L. R. Poos, ‘The Social Context of Statute of Labourers Enforcement’, *Law and History Rev.*, i (1983); Robert C. Palmer, *English Law in the Age of the Black Death, 1348–1381: A Transformation of Governance and Law* (Chapel Hill, 1993); Anthony Musson, ‘New Labour Laws, New Remedies? Legal Reaction to the Black Death “Crisis”’, in Nigel Saul (ed.), *Fourteenth Century England I* (Woodbridge, 2000).

⁴ James E. Thorold Rogers, *Six Centuries of Work and Wages: The History of English Labour*, 2 vols. (London, 1884); Lord [William Henry] Beveridge, ‘Westminster Wages in the Manorial Era’, *Econ. Hist. Rev.*, 2nd ser., viii (1955); Simon A. C. Penn and Christopher Dyer, ‘Wages and Earnings in Late Medieval England: Evidence from the Enforcement of the Labour Laws’, *Econ. Hist. Rev.*, 2nd ser., xliii (1990); Simon A. C. Penn, ‘Female Wage-Earners in Late Fourteenth-Century England’, *Agric. Hist. Rev.*, xxxv (1987); David Farmer, ‘Prices and Wages, 1350–1500’, in Edward Miller (ed.), *The Agrarian History of England and Wales*, iii, 1348–1500 (Cambridge, 1991); Sandy Bardsley, ‘Women’s Work Reconsidered: Gender and Wage Differentiation in Late Medieval England’, *Past and Present*, no. 165 (Nov. 1999), and subsequent debate with John Hatcher in *Past and Present*, no. 173

(cont. on p. 9)

In all this research on the first half-century of labour legislation, one part has fallen almost out of view: the stipulation that idle men and women could be forced into employment. This provision for compulsory service has been passed over quickly, misinterpreted, and sometimes forgotten outright by historians, but in 1349 it had pride of place. The ordinance of that year opened by providing:

That each man and woman (*homo et femina*) of our realm of England — of whatever condition, free or bond; able in body; under 60 years of age; not living by trade; nor exercising a particular craft; nor having assets with which to live or land to cultivate; nor serving another — shall be bound to serve anyone who requires his/her services, as long as the service is appropriate to his/her estate. And they shall take only the wages, liveries, rewards or salaries which were paid in their localities in the 20th year of our reign [1346], or were usual in the five or six years before then; provided that lords and ladies (*domini*) are to have preference in retaining the service of their villeins or land tenants, although they should not retain more than they need. And if any such man or woman (*vir vel mulier*), being thus required to serve, refuses to do so, and this is proved by two worthy men before the sheriff, bailiff or constable of the vill where this shall happen, he/she shall forthwith be taken and committed to the closest gaol, there to remain in close custody until he/she finds surety to serve in the form aforesaid.⁵

This order compelled any able-bodied but idle person under 60 years of age to submit to employment as a servant. It could be any sort of reasonable service; it could be any master or mistress; it could be any time of year, not just harvest-time; and the employment was service, not occasional wage-labour. The ordinance spoke in other sections of workers (*operarii*) generally, but here only of service (various derivatives of the verb *servire*). The distinction between wage-labourer and servant was sometimes blurred in the late fourteenth century, but even then ‘service’ had characteristics it would long retain: it was often a life-cycle employment of young women and young men; it commonly entailed dependence within a household as well as work; it was usually contracted by the year, commonly after harvest; and its remuneration consisted of room and board, as well as (often, but not always) a cash stipend paid at contract’s end. The ordinance

(n. 4 cont.)

(Nov. 2001). See also Nora Kenyon, ‘Labour Conditions in Essex in the Reign of Richard II’, *Econ. Hist. Rev.*, iv (1934); Nigel R. Goose, ‘Wage Labour on a Kentish Manor: Meopham, 1307–75’, *Archaeologia Cantiana*, xcii (1976); Elaine Clark, ‘Medieval Labor Law and English Local Courts’, *Amer. Jl Legal Hist.*, xxvii (1983).

⁵ *Statutes of the Realm*, i, 307–8 (23 Edw. III).

clearly intended, in other words, that the compulsory employment of idle people was not to be casual or short-term, but was to entail dependence and durability.⁶ In 1351, the preamble to the Statute of Labourers again gave top priority to compulsory service, insisting, this time in the French of England, that ‘servants, men as well as women (*servantz, sibien hommes come femmes*) should be bound to serve’. Later legislation reinforced this order for compulsory service and elaborated on it in various ways; it was repeated, *mutatis mutandis*, in sections 3, 5, 15 and 17 of the 1563 Statute of Artificers.⁷

This essay explores the case for reinstating compulsory service as a critical component of labour regulation for the three generations that survived and then immediately followed the Great Pestilence of 1347–9. Combing a documentary base that is strong before 1400 and sparse for a century thereafter, I aim here not to exhaust the subject, but instead to place it on our archival and interpretative agendas. This is a necessary beginning that is necessarily preliminary. My argument begins by setting out what we currently know about the history of compulsory service, both before 1349 and in the five decades thereafter; it then turns to the gendered history of this practice, which seems to have been imposed on women more often than men; and it concludes by considering how the histories of labour and labouring women look different when compulsory service is given a more prominent place in our understanding of late medieval England.

I

COMPULSORY SERVICE

The Great Pestilence of 1347–9 devastated Europe generally and England specifically, killing between a third and a half of the population. This catastrophe ravaged the social and political fabric of villages, manors, towns and realms, and subsequent revisitations stymied recovery. In the new world of Europe after

⁶ See, especially, P. J. P. Goldberg, ‘What Was a Servant?’, in Curry and Matthew (eds.), *Concepts and Patterns of Service*; Madonna J. Hettinger, ‘Defining the Servant: Legal and Extra-Legal Terms of Employment in Fifteenth-Century England’, in Allen J. Frantzen and Douglas Moffat (eds.), *The Work of Work: Servitude, Slavery, and Labor in Medieval England* (Glasgow, 1994); and *servaunt* in the *Middle English Dictionary*, online at <<http://quod.lib.umich.edu/m/med>>.

⁷ *Statutes of the Realm*, i, 311–13 (25 Edw. III); iv, pt 1, 414–26 (5 Eliz. I).

1350, some matters righted themselves quickly (vacant landholdings were quickly reoccupied), but others see-sawed wildly (with prices falling and wages rising, peasants did relatively well and their social betters relatively worse). Everywhere, magnates, mayors and monarchs struggled to maintain the status quo.⁸ Control of labour and its costs was one part of this struggle, although the pattern is a patchy one — no such attempts in Scotland or the Low Countries; some labour legislation in Paris and Provence; some in Florence and also, although less stringently, in other Italian city-states; some efforts in Castile, Catalonia and Aragon. Much of this legislation was short-lived, was focused more on urban than rural labourers, and was of uncertain effectiveness. England stands out from the rest, as Samuel Cohn has put it, for ‘steadfastness in its impositions against rural labour’.⁹

English governments were persistent as well as steadfast, for labour and its regulation long remained subject to parliamentary discussion and statute, a ‘favourite child’ of parliament in Trevelyan’s telling phrase.¹⁰ Every third parliament between 1351 and 1430 addressed the issue. Some merely confirmed the Statute of Labourers; some tweaked regulation or enforcement; and some, especially the parliament that met at Cambridge in 1388, created substantive new law.¹¹ After 1430, parliamentary innovation slackened, but enforcement continued apace, as Jane Whittle has shown in her analyses of the first extant sixteenth-century quarter sessions.¹² When Elizabeth and her second parliament turned to the problem of labour later in that century, they noted that many of these medieval laws were both active (‘remain and stand in force’) and appropriate (‘meet to be continued’). Compiling rather than innovating, the Statute

⁸ See, especially, John Hatcher, ‘England in the Aftermath of the Black Death’, *Past and Present*, no. 144 (Aug. 1994). The aetiology of the plague is now uncertain: Samuel K. Cohn Jr, ‘The Black Death: End of a Paradigm’, *Amer. Hist. Rev.*, cviii (2002).

⁹ Samuel Cohn, ‘After the Black Death: Labour Legislation and Attitudes towards Labour in Late-Medieval Western Europe’, *Econ. Hist. Rev.*, 2nd ser., lx (2007), 476; see also Robert Braid, ‘“Et non ultra”: politiques royales du travail en Europe occidentale au XIV^e siècle’, *Bibliothèque de l’École des Chartes*, clxi (2003).

¹⁰ George Macaulay Trevelyan, *England in the Age of Wycliffe* (London, 1899), 189.

¹¹ Given-Wilson, ‘Service, Serfdom and English Labour Legislation’; Given-Wilson, ‘Problem of Labour in the Context of English Government’.

¹² Jane Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk, 1440–1580* (Oxford, 2000), 275–305.

of Artificers (1563) cleaned up what had become a messy hotch-potch of regulations which were medieval in origin but still meaningful.¹³

Whether medieval, Elizabethan or later, the regulation of labour in England was closely tied to concerns about beggary, vagrancy and mobility. The 1349 ordinance concluded with an exceptionally harsh proscription against soft-hearted almsgiving to unworthy beggars. The 1351 statute sought to regulate transient labour. The Statute of Cambridge in 1388 required letters of authorization for any worker or beggar who travelled away from home. The Statute of Artificers similarly mingled control of labour with control of begging, vagrancy and migration. So, too, did local regulation; Londoners in the late fourteenth century, for example, seem to have worried about able-bodied but unwilling workers only when they resorted to false begging.¹⁴ Although I focus here on the regulation of labourers, and especially those who were compelled to serve, the control of such people was always, already, and also about poverty, charity and transience. This control fed on categorizations that were moral as well as factual, so that a so-called 'vagrant' might, in fact, be a local resident, and an 'idle' person might be working for daily wages but refusing long-term contracts.

When the councillors and commons of Edward III pondered the problem of labour in 1349 and 1351, they justified their responses by speaking about mortality, a 'scarcity of servants', and the problem of labourers who would not work unless paid 'excessive' wages.¹⁵ Perhaps, as they claimed, their new laws were driven by new demographic and economic imperatives, but perhaps, as Cohn has recently suggested, their motivations were more anxious than economic, driven primarily by 'fears of the greed and supposed new powers of subaltern classes'.¹⁶ Whatever their motives, their legislation benefited employers of all sorts, not just owners of large estates but also ordinary farmers who needed hired help, especially at harvest-time.¹⁷ These laws empowered

¹³ *Statutes of the Realm*, iv, pt 1, 414–26 (5 Eliz. I), quotations at p. 414.

¹⁴ Frank Rexroth, *Deviance and Power in Late Medieval London*, trans. Pamela E. Selwyn (Cambridge, 2007), ch. 3. The most telling text (transcribed *ibid.*, 335–6) is London Metropolitan Archives, Letter Book G, fo. 78 (1359).

¹⁵ *Statutes of the Realm*, i, 307–8 (23 Edw. III), quotations at p. 307.

¹⁶ Cohn, 'After the Black Death', 457.

¹⁷ Poos, 'Social Context of Statute of Labourers Enforcement'.

employers, petty as well as grand, in three basic ways: (1) people who were not otherwise occupied were to be compelled into service; (2) wages and prices were to be kept at modest levels; and (3) labour contracts were to be public, long-term and unbreakable.

The latter two provisions were new in extent but not conception — that is, they applied on a larger scale local practices that antedated the Great Pestilence. Wages had long been regulated by both civic order and village by-law; so, too, had prices, especially as administered locally under the assizes of bread and ale; and also time-hallowed were remedies for breach of contract in labour cases. In all these respects, the new labour legislation built on the past, bringing what was once mostly a local matter under the purview of the king, his parliaments and his courts.¹⁸

The 1349 provision for compulsory service was different: it had no clear antecedents, local or otherwise. Compelled labour was not new in 1349, but older methods — slavery, estate service by *famuli* (manorial servants), serfdom and the many grey areas among these three — were distinct from what the ordinance then provided. Slaves, whose very persons were property, had been common in Anglo-Saxon times, but their numbers were declining before the Conquest, and slaves were rare — and associated particularly with alien households — by the fourteenth century; slavery was therefore an unlikely inspiration for the men who devised compulsory service in 1349.¹⁹ So, too, was the example provided by *famuli*, some of whom held cottages or

¹⁸ Musson, 'New Labour Laws, New Remedies?', traces many antecedents. For wages, see also Sarah Rees Jones, 'Household, Work and the Problem of Mobile Labour: The Regulation of Labour in Medieval English Towns', in Bothwell, Goldberg and Ormrod (eds.), *Problem of Labour in Fourteenth-Century England*, 138; W. O. Ault, 'By-Laws of Gleaning and the Problems of Harvest', *Econ. Hist. Rev.*, 2nd ser., xiv (1961). For prices, see also Judith M. Bennett, *Ale, Beer and Brewsters in England: Women's Work in a Changing World, 1300–1600* (Oxford, 1996); Gwen Seabourne, *Royal Regulation of Loans and Sales in Medieval England: Monkish Superstition and Civil Tyranny* (Woodbridge, 2003). For contracts, see also Putnam, *Enforcement of the Statutes of Labourers*, 162–3.

¹⁹ David A. E. Pelteret, *Slavery in Early Mediaeval England: From the Reign of Alfred until the Twelfth Century* (Woodbridge, 1995); David Wyatt, 'The Significance of Slavery: Alternative Approaches to Anglo-Saxon Slavery', in John Gillingham (ed.), *Anglo-Norman Studies XXIII* (Woodbridge, 2001); Ross Samson, 'The End of Early Medieval Slavery', in Frantzen and Moffat (eds.), *Work of Work*; Wendy Davies, 'On Servile Status in the Early Middle Ages', and Christopher Dyer, 'Memories of Freedom: Attitudes towards Serfdom in England, 1200–1350', both in M. L. Bush (ed.), *Serfdom and Slavery: Studies in Legal Bondage* (London, 1996); Michael Ray, 'A Black Slave on the Run in Thirteenth-Century England', *Nottingham Medieval Studies*, li (2007).

land in return for which they worked; the compulsion to serve in such cases was tenurial, not personal, and in any case, the circumstances of *famuli* were improving by the later fourteenth century.²⁰ Serfdom — a personal status, a tenurial condition, or both — was still a vital source of involuntary labour in 1349, with many manors continuing to rely on servile week-works and boon-works. But the framers of the 1349 ordinance did not build from serfdom to compulsory service. They justified their new law by economic crisis, not ancient seigneurial prerequisites. They considered free folk to be as liable for compelled service as serfs. And they even understood compulsory service as competing with manorialism. By providing that lords and ladies had priority in compelling the service of tenants (free as well as unfree), the ordinance protected seigneurial power over serfs, extended that power to the labour of free tenants, *and* restricted its demands on unfree and free (since an idle tenant not employed by lord or lady could henceforth be compelled to serve elsewhere). Extracting labour from the poor and weak was not new in 1349, but the provisions of that year added a new method to an old repertoire.

The provisions of 1349 were also distinctly new to rural culture itself. Peasants had long regulated harvest-labour, particularly by insisting that local people work locally and that able-bodied labourers reap rather than glean. These rural by-laws offered precedents for regulating labour, but not for compelling service. Gleaning proscriptions have sometimes been understood by historians as a sort of compelled work: by denying the charity of gleaning, it has been argued, these by-laws forced the able-bodied to labour.²¹ But gleaning was then part of harvesting, not a charitable by-product of it. Because grain was still usually reaped with sickles (rather than, as would later be the case, mowed more efficiently with scythes), gleaners picked up a considerable part of the harvest. Reaping was first, more pressing, and more difficult, but gleaning was critical work too. By-laws negotiated this two-stage harvest by directing able-bodied workers towards reaping until all the grain had been harvested once;

²⁰ David Farmer, 'The *Famuli* in the Later Middle Ages', in R. H. Britnell and John Hatcher (eds.), *Progress and Problems in Medieval England: Essays in Honour of Edward Miller* (Cambridge, 1996).

²¹ For example Christopher Dyer, 'Work Ethics in the Fourteenth Century', in Bothwell, Goldberg and Ormrod (eds.), *Problem of Labour in Fourteenth-Century England*, esp. 32–3.

thereafter, they could join the young, old and infirm in the secondary work of gleaning.²² If the framers of the 1349 ordinance were aware of how peasants organized labour at the climax of the agricultural year, they found in rural by-laws a readiness to regulate wage-labour, but no antecedent for compelling wage-work, much less compelling long-term service.

Compulsory service was new not only in conception but also in enforcement, for the ordinance further innovated by allowing recalcitrant workers to be *summarily* punished. Only two witnesses to a refusal to serve were required; on the basis of their testimony alone, an unwilling worker could be imprisoned by a sheriff, constable or other officer — or, as the 1351 statute later allowed, placed in stocks. The accused was to have no day in court to answer charges put to him or her. Guilt was quickly established, and punishment swift and firm; the unwilling worker was to be released only once he or she had agreed to serve, as originally ordered. As John Bellamy has shown, from these provisions in 1349 and 1351 derive the many powers of examination and summary justice that were to be so intrinsic to the authority of justices of the peace in the sixteenth and seventeenth centuries. But at the time, these orders were new, and they were also unique, for it was several decades before another king and parliament ventured again to truncate judicial procedure.²³

The men who crafted the labour laws of 1349 and 1351 extended tried-and-true local rules to the entire realm when they sought to regulate wages, enforce labour contracts, and restrict labour mobility. But experience and precedence guided them less surely in the matter of allowing able-bodied but unemployed people to be compulsorily placed in service. Neither slavery nor serfdom provided a model whereby a would-be employer could command the service of an idle worker, and rural by-laws for the harvest were not much help either. Nor was there

²² As Warren Ault has put it, the distinction between reaping and gleaning was pressure of time ('gleaning can wait, but reaping cannot') and the difficulty of the task (gleaning 'was considerably less onerous'), although a gleaner could earn almost as much as a reaper. Warren O. Ault, *Open-Field Husbandry and the Village Community: A Study of Agrarian By-Laws in Medieval England* (Trans. Amer. Phil. Soc., new ser., lv, 7, Philadelphia, 1965), 13; Ault, 'By-Laws of Gleaning and the Problems of Harvest', 212.

²³ John G. Bellamy, *Criminal Law and Society in Late Medieval and Tudor England* (Gloucester, 1984), ch. 2; also, Faramarz Dabhoiwala, 'Summary Justice in Early Modern London', *Eng. Hist. Rev.*, cxxi (2006).

precedence in English law for the swift, rough justice the ordinance allowed. In compelling the service of unoccupied workers, the framers of the 1349 ordinance and 1351 statute broke new ground, and they perhaps knew quite clearly what they were doing: in both pieces of legislation, the matter of providing sufficient labour through coerced service was the first order of business.

Yet — and this is a central conundrum of the subject — infractions against compulsory service appear much less frequently in late fourteenth-century enforcement records than do problems with wages, prices or labour contracts. As an immediate consequence of the ordinance and statute, specially appointed justices of labourers focused on enforcing wage regulations, and they produced some remarkably detailed records. One list of 7,556 offenders survives for Essex in 1352 alone; accounting for probably one in every seven adults in the county, this list suggests both extensive non-conformity and extensive punishment thereof.²⁴ By the 1360s, the duplication created by special justices of labourers, many of whom were also justices of the peace, had been eliminated, and labour indictments were brought before JPs, sitting in quarterly sessions for each county. Few full records of these sessions survive; instead we have reports on pending cases that were passed up to the higher jurisdiction of King's Bench. In some instances, almost no labour cases survived as 'unfinished business' for review by King's Bench.²⁵ In other instances, economic infractions were passed up, but mostly those involving wages and prices. Even these dwindle in number once King's Bench ceased to be itinerant at the end of the fourteenth century and sat permanently at Westminster; the activities of the JPs were then, as Putnam put it, 'greater than ever before', but their peace rolls do not survive, in whole or part.²⁶ And because most cities and towns had their own separate sessions which have not survived, even for the late fourteenth century, we know much

²⁴ L. R. Poos, *A Rural Society after the Black Death: Essex, 1350–1525* (Cambridge, 1991), 241.

²⁵ *Rolls of the Gloucestershire Sessions of the Peace, 1361–1398*, ed. Elisabeth G. Kimball (Trans. Bristol and Gloucs. Archaeol. Soc., lxii, Kendal, 1942), 47.

²⁶ Bertha Haven Putnam, *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries: Edward III to Richard III* (London, 1938), pp. lxiv–lxxi, quotation at p. lxix; *Essex Sessions of the Peace, 1351, 1377–1379*, ed. Elizabeth Chapin Furber (Essex Archaeol. Soc., Occas. Pubns, iii, Colchester, 1953), 10–14; John B. Post, 'Some Limitations of the Medieval Peace Rolls', *Jl Soc. Archivists*, iv (1973).

more about rural than urban enforcement.²⁷ What we know about medieval enforcement of the labour laws, in other words, is mostly from the late fourteenth century, mostly rural, mostly focused on wage infractions, and just a tip of the iceberg, although how large a tip (or iceberg) is anybody's guess.

We know even less about compulsory service because, even in the relatively flush 1350s, its infractions rarely merited record-keeping. The summary powers attached to compulsory service rendered its enforcement largely unrecorded. Most would-be employers, unwilling servants, and constables fought their battles on local terrain, without recourse to the juries or justices whose deliberations produced written records. Some of our best glimpses of this peremptory system at work derive from occasional details in the back-and-forth of *civil* suits. In spring 1377, for example, William Cothull sued John son of Thomas Egger for breach of contract and told this story: Cothull had found Egger wandering (*vagentem*) and able in body (*potens in corpore*); he offered to employ Egger as a ploughman for a full year; when Egger utterly refused (*omnino recusavit*), Cothull had him arrested by the constable and put in the stocks until he agreed to serve (*quousque ipsum iusticiari voluit*); Egger soon relented, and the constable took him directly to Cothull's house, where Egger agreed that he would serve as ordered.²⁸

Although few indictments survive, king and parliament certainly remained intent on enforcing compulsory service after 1349; in 1352, for example, a royal commission to Norwich explicitly reiterated earlier provisions for compulsory service,

²⁷ Elisabeth G. Kimball, 'Commissions of the Peace for Urban Jurisdictions in England, 1327–1485', *Proc. Amer. Phil. Soc.*, cxxi (1977). Late fourteenth-century urban records contain remarkably little information about the enforcement of the labour laws. For London, see Rexroth, *Deviance and Power in Late Medieval London*, 68–125; for Colchester, see R. H. Britnell, *Growth and Decline in Colchester, 1300–1525* (Cambridge, 1986), 134–5; for Norwich, see Philippa Maddern, 'Order and Disorder', in Carole Rawcliffe and Richard Wilson (eds.), *Medieval Norwich* (London, 2004); on the matter generally, see Rees Jones, 'Household, Work and the Problem of Mobile Labour'.

²⁸ National Archives, London, Public Record Office (hereafter PRO), CP 40/465, fo. 206. For similar cases, see David J. Seipp, *Medieval English Legal History: An Index and Paraphrase of Printed Year Book Reports, 1268–1535*, at <<http://www.bu.edu/law/seipp>>, cases 1365.053; 1373.051; PRO, CP 40/445, fos. 102 and 221^d (York), and CP 40/461, fo. 345 (Surrey).

stressing the crown's wish that the 1349 ordinance be observed in all respects.²⁹ But infractions brought before the justices were few and far between. I have located more than a hundred late fourteenth-century indictments that invoked the compulsory service clause in some fashion, but many bundled the language of compulsory service with other labour offences, especially the taking of excessive wages. In 1374, for example, a Lincolnshire jury reported that:

Roger Gedeney of Stainton, a common thatcher, although required (*requisitus*) by John Haldayn of Stainton and other good men of the same village to serve in his trade (*ad serviendum de artificio suo*) at Stainton, according to the ordinance, refused to do so, and went off through the countryside to get better and excessive wages.³⁰

Gedeney was a skilled workman; his neighbours wanted him to ply his craft locally; he went elsewhere for better wages; and as a result, he was indicted for both refusing to serve as ordered and taking excess wages. Although the case against him was flawed, because the 1349 ordinance excluded skilled workers (*certum exercens artificium*) from compulsory service, it did not fail on this technicality, and it thus illustrates a point to which I return later — that employers, constables, jurors and justices broadened the compulsory service clause to constrain labour of all sorts, even skilled labour and day-labour. The spectre of refused compulsory service was invoked against many sorts of recalcitrant workers: those who took wages deemed excessive, or proved uncooperative at harvest-time, or spurned the obligatory oath to obey the labour laws, or refused to work generally, rather than for a specific master or mistress. In some of these cases, compulsory service was central to the indictment, but in other cases, it seems more ancillary, an add-on to an accusation that was really about excessive wages or some other offence.³¹ This bundling of refusals of compulsory service with other labour offences renders most of my hundred-odd cases somewhat suspect. Gedeney, for example, seems never to have been subjected to compelled service, despite the language of his indictment. I have found no sure method that

²⁹ PRO, C 66/236, m. 10^d, available in *Cal. Pat. Rolls, 1350–1354*, 283–4.

³⁰ *Some Sessions of the Peace in Lincolnshire, 1360–1375*, ed. Rosamund Sillem (Lincoln Record Soc., xxx, Hereford, 1936), 46.

³¹ Putnam similarly commented on the 'difficulty of determining the specific statutory clause on which indictments for economic offences are based': see her *Proceedings before the Justices of the Peace*, 342.

can distinguish his easily excluded case from other ‘bundled’ indictments, some of which address compulsory service more directly.³²

A handful of indictments, however, stand out from the rest. Applying more strictly the compulsory service provisions of the 1349 ordinance, these cases address compulsory service *only*; they apply to long-term service, not the short-term labour requirements of harvest-time; and each tells of a specific able-bodied person who refused to serve a specific master or mistress. I have located twenty of these ‘strict’ cases (involving twenty-four people), scattered through several dozen different peace rolls between 1350 and 1400 (see Appendix). The cases range across the half-century after the Great Pestilence, the first in 1350 and the last in 1395. Most are taken from Lincolnshire sessions, but this reflects record-keeping more than practice. The strict cases extant from other counties — Lancashire, Derbyshire, Suffolk, Cheshire and Oxfordshire — show the practice was not peculiar to any one region, and to this list can be added Herefordshire, Cambridgeshire and Yorkshire, where civil cases reveal compelled servants, even though indictments do not.³³ Some other counties — especially Norfolk, Essex and Somerset — have extensive late fourteenth-century records of labour enforcement but no cases of compulsory service; but even here the practice was probably common, obscured by unrecorded summary procedure. In Norfolk, for example, when the extant records resume in 1532, after a long fifteenth-century gap, they reveal a vigorous system of compelled labour managed by constables, a system that appears to be continuous with practices stretching back to the 1349 ordinance.³⁴

It is not always clear why these twenty-four instances of unwilling servants were not fully handled by the summary actions of would-be employers, witnesses and local officers. Some cases seem to have passed up the legal hierarchy because they involved dramatic resistance, escape or rescue. Presumably, others just

³² Compelled service was even bundled with outlawry actions: see *Inquests and Indictments from Late Fourteenth Century Buckinghamshire: The Superior Eyre of Michaelmas 1389 at High Wycombe*, ed. Lesley Boatwright (Bucks. Record Soc., xxix, [Aylesbury?], 1994), 144 (item 339).

³³ Herefordshire: PRO, Just 1/312, m. 8^d; Cambridgeshire: PRO, CP 40/418, fo. 86; Yorkshire: PRO, CP 40/445, fos. 102 and 221^d.

³⁴ Whittle, *Development of Agrarian Capitalism*, 275–301.

slipped through. Whatever the genesis of their recording, these two dozen forced servants constitute a mere handful among the thousands of workers indicted for other infractions of the labour laws. I am confident that more strict applications of compulsory service are to be found. But given the broad sweep of my survey, additions might alter little the overall patterns suggested by the instances to hand.

The most detailed case, from Oxford in 1394, carefully reiterates the stipulations of the 1349 ordinance:

Mathew Ruthin tailor of Oxford came before the king's justices of the peace in Oxford and its suburb and sought the service of Christine Hinksey, otherwise Truelove, who in the presence of the justices refused to serve. She confessed that she was born ten years or more before the first pestilence, and by the sworn testimony of the said Mathew and Thomas Wariner and Michael Hulot, it was proved that the same Christine was a wanderer and vagrant, not living by trade, nor exercising a particular craft, nor possessing anything by which she might live, nor having her own land in whose cultivation she could busy herself, nor serving anyone. Therefore let her be committed to prison until she finds surety to serve, as above.³⁵

This provides a textbook application of the compulsory service clause, some forty-five years after it was first instituted. Christine Hinksey's suitability is established: she is under 60 years of age; without craft, other resources or land; and not in service. She is publicly offered employment and refuses it. Two men confirm these facts. Hinksey is imprisoned until she agrees to serve.

Mathew Ruthin's proposal that Hinksey enter his service was altogether different from the usual process of thrashing out a new contract between employer and servant. Theirs was not a negotiation. Ruthin demanded Hinksey's service, and when Hinksey refused she was imprisoned. Servants were not the social equals of their employers; they could be younger, poorer and more humble, and they lived under their employers' domestic authority. But at the moment of contracting to serve, servants were able to negotiate, bargain *and* walk away if any of the terms — length of service, type of service, remuneration — proved unacceptable. At this negotiating juncture, a prospective servant briefly stood, as Jeremy Goldberg has characterized it, 'in a position of equality with the prospective employer'.³⁶ Hinksey did not have these

³⁵ *Mediaeval Archives of the University of Oxford*, ed. H. E. Salter, 2 vols. (Oxford Hist. Soc., lxx, lxxiii, Oxford, 1920–1), ii, 118.

³⁶ Goldberg, 'What Was a Servant?', 10.

choices when Ruthin thrust employment at her; she had to concede to what he demanded or face imprisonment. Even if she had bowed to his demand, her lack of negotiating power meant she was liable to enter Ruthin's employ with critical details either unstated or stated to her disadvantage — how long she was obliged to serve, what work she was to do, and what recompense she could expect. Thus, compulsory service could not comfortably shift into ordinary, contracted service because, even if Hinksey had chosen Ruthin's service over imprisonment, her concession did not make a free contract.

Other cases are not as detailed as Hinksey's, but as the Appendix shows, they also tell of idle women and men, often characterized as vagrants (*vacans*, *vacabundus/a*), forced into service. These people were arrested (*arestare*) and their possessions were attached (*attachiare*). They were assigned (*assignare*), required (*requirere*) and ordered (*precipere*), and one woman was delivered (*agistare*) into compulsory service with a term more often used for sheep and cattle than humans. Their labour was consistently described as service (*servire*), not as work or wage-labour (*laborare*).

The intervention of officers added another level of coercion. Unlike the direct confrontation of Ruthin and Hinksey, many compelled servants were matched with would-be employers by intermediaries, most often constables but also jurors or justices, who detained vagrants or other idle persons and placed them in the service of local householders. Thus, for example, Joan Busker was to be delivered into service by a chief constable and his sub-constables (case 5); John West found himself attached by a constable to serve another (case 8); and Agnes Lang was similarly apprehended and assigned by a constable (case 16). In the tight labour market of the late fourteenth century, employers must have eagerly welcomed these official deliveries. For their part, some vagrants and unemployed persons might have thought these officers offered good as well as bad, for when officers conveyed people into service, they often explicitly specified conditions — such as type of work and its length — that could be less clear when a would-be employer directly demanded that a vagrant enter his or her service (see, for examples, cases 14, 16 and 17). Officers sometimes even assisted the poor in finding or improving employment. Matilda Gamel relied on just such help, when she left the employment of John Brownaleynson of Goxhill

(Lincolnshire) in the 1370s; the constable assigned her back into Brownaleynson's service, but at a better salary (case 13). Gamel might have ingeniously manipulated this summary system for her own benefit, but constables were not employment agents in disguise. In enforcing this clause of the labour laws, their primary task was to detain the idle poor and place them in service with a reputable householder.

This detention-and-delivery was not always easily accomplished. Some labourers, like Christine Hinksey, simply refused to serve; others refused in more intemperate terms (case 9: *ominino recusavit*); others were downright rebellious (*quasi rebelles*); and some were so likely to abscond that they were locked up by their employers.³⁷ Many others submitted but served grudgingly, and their unwilling service was so commonplace that one early fifteenth-century sermon evoked coerced servants (and serfs) as a caution to those who love God only in troubled times:

Your servant or your bondman is false and unkind to you, that will not serve you, but runs away to your most [i.e. greatest] enemy and serves him, until you put him in prison or in stocks, and then he turns to you and serves you awhile. This is for no love but for dread. For when he is loose, soon after he runs away again. Right so, when you are healthy, you are false and unkind to your God and serve his most enemy, the fiend, in sin.³⁸

Officers themselves were sometimes so unhappy about the labour laws that they applied them loosely or even declined to apply them at all. In 1365, the bailiff of Eton was sued for releasing a woman and man who had been delivered into his custody for refusing to serve, and in 1378, the constables of Dunmow (Essex) were indicted for their general failure to enforce the labour regulations.³⁹

Public protests were not unknown. In 1350, in the immediate wake of the first order for compulsory service, two sub-constables in Preston (Suffolk) faced stiff opposition. While in the parish church, they had tried to assign Richard Digg, a common labourer, to serve various men in the village. The vicar strenuously intervened, demanding to know by what authority they presumed to order Digg into service. Not satisfied by their

³⁷ *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 6 (item 18); *Records of Some Sessions of the Peace in Lincolnshire, 1381–1396*, ed. Elisabeth G. Kimball, 2 vols. (Lincoln Record Soc., xlix, lvi, Hereford, 1955–62), ii, 95 (items 278, 279 and 280).

³⁸ *Jacob's Well: An English Treatise on the Cleansing of Man's Conscience*, ed. Arthur Brandeis (Early English Text Soc., cxv, London, 1900), 186.

³⁹ Seipp, *Index*, online, case 1365.053; *Essex Sessions of the Peace*, ed. Furber, 169.

claim to be backed by king and justices, the vicar excommunicated the sub-constables, presumably in front of some astonished parishioners. Digg, encouraged by the vicar's support, refused the order to serve, thereafter working only at his own will (that is, as a wage-labourer).⁴⁰ The vicar's views on compulsory service were not unique to him or to Digg's specific circumstance. Just as importantly, his opinions were effectively and repeatedly broadcast — the initial challenge to the constables; the drama of excommunication; the daily reminder provided by Digg's continued status as a day-labourer, unsupervised by a master and able to idle or wander at will; and, of course, all the talk that must have enlivened many a meal, meeting and market in central Suffolk that year. Whether by dramatic confrontation, stubborn refusal or quiet mumbling, the legitimacy of compelling idle men and women into service was regularly questioned in the late fourteenth century. In the Rising of 1381, the rebels had it very much in mind when they, according to one chronicler, demanded not only that serfdom be abolished but also that 'no one should serve anyone except by his/her own will and by means of a drawn covenant'.⁴¹

What rebels demanded, others tried to achieve by law, developing ingenious arguments against compulsory service. One tactic was to pit one master against another, sometimes two genuine masters who had employed the same person, but sometimes just a shadow master: in 1364, one man tried to dodge compulsory service by claiming he already served another, although it seems that his supposed master might have been as humble as he — only a *garçon* (that is, a landless labourer), without sufficient land to employ anyone, and merely an accomplice in a

⁴⁰ Putnam, *Enforcement of the Statutes of Labourers*, 410*. Clergy might have been especially vociferous opponents of the labour laws. See case 11 in the Appendix; G. O. Sayles, *Select Cases in the Court of King's Bench under Edward III*, vi (Selden Soc., lxxxii, London, 1965), case 72; Putnam, *Enforcement of the Statutes of Labourers*, 187–9; David Aers, 'Justice and Wage-Labour after the Black Death: Some Perplexities for William Langland', in his *Faith, Ethics and Church: Writing in England, 1360–1409* (Woodbridge, 2000), 63–4.

⁴¹ 'qe nulle ne deveroit servire ascune homme mes a sa volunte de mesme et par covenant taille': see *The Anonimale Chronicle, 1333 to 1381*, ed. V. H. Galbraith (Manchester, 1927), 144–5. A large section of this chronicle is translated in *The Peasants' Revolt of 1381*, ed. R. B. Dobson (London, 1970), 155–68. I am grateful to Mark Ormrod, Christopher Whittick and Jocelyn Wogan-Browne for their advice on translating 'covenant taille'.

clever fraud.⁴² (That the defendant claimed to serve this supposed master as a carver might have added witty insult to injury.) Another tactic was to dodge through apprenticeship: in 1394, a father in Moulton (Lincolnshire) tried to save his 12-year-old son from compelled service by placing him as an apprentice at King's Lynn.⁴³ And another tactic was to declare possession of sufficient assets as to be ineligible for compulsory service. In 1373, a man claimed to possess a messuage, two acres, a cow and sheep to the value of £20; the abbot of 'Walton' (probably Waltham in Essex), who had thrown him in the stocks on his refusal to serve, scoffed that the man possessed merely a cottage and had no land or trade with which to support himself.⁴⁴ The tensions in this case — a man who claimed he could live of his own; an abbot who was certain he could not; a day in the stocks for the man; a suit for false imprisonment against the abbot — might have been common, for several parliaments received petitions complaining that labourers used smallholdings as justification for refusing compulsory service.⁴⁵ If the poor of England had petitioned parliament, they probably would have retorted that rapacious employers were trying to compel them into service and prevent them from living, as best they could, from what little land, goods and animals they possessed.

The most startling tactic, especially during a time when serfdom was in decline and under attack, was to embrace serfdom in order to escape compulsory service. In February 1352, William Merre of Merrow (Surrey) resisted when Peter Semere tried to compel his service. Brought to court, Merre defended himself by declaring in no uncertain terms that he was the serf of the prior of Boxgrove (*fuit seisisus de eo ut de nativo suo*), that his ancestors had been serfs, time out of mind, and that, as a serf, he could not be asked to labour for another master. The justices, possibly taken

⁴² Seipp, *Index*, online, case 1364.053.

⁴³ *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, i, 75–6 (item 103).

⁴⁴ Seipp, *Index*, online, case 1373.051.

⁴⁵ 'Edward III: Parliament of 1354, Text and Translation', ed. W. M. Ormrod, v, 110 (item 44, no. XXVIII), and 'Richard II: Parliament of 1377, Text and Translation', ed. Geoffrey Martin and Chris Given-Wilson, vi, 36 (item 54, no. XIII), both in *The Parliament Rolls of Medieval England, 1275–1504*, ed. Chris Given-Wilson, 16 vols. (Woodbridge, 2005); also available online at <<http://www.sd-editions.com/PROME>>.

aback that Merre would so willingly embrace servile status, doubted his claim, but when he swore its truth on a book (presumably, the Bible), they awarded him the suit. He was released into the custody of his manorial bailiff and returned to Merrow as a serf — but not, to his apparent satisfaction, as a compelled servant.⁴⁶ A similar claim was made in 1366 by a tenant of the bishop of London; he asserted that he could not be compelled into another's service because he owed labour services to his lord.⁴⁷

These affirmative claims of serfdom speak to the legal shrewdness of defendants, who must have known that one lowly status could offset another. But they also speak to the opprobrium with which these men — and presumably their families, friends and neighbours — viewed compulsory service. Freedom was in the air in late fourteenth-century England, particularly in the south, where these two cases were recorded. Only fifteen years after the second, the rebels of 1381 rallied against serfdom, reportedly demanding of the king at Mile End that 'no one should be a serf or make homage or any type of service to any lord'.⁴⁸ William Merre did not have good alternatives when Peter Semere confronted him on a cold February day, two witnesses to the transaction at his side, with a demand for his service, but it is telling that Merre preferred serfdom — placed in a bailiff's custody to be returned to his manor — to working for Semere as a compelled servant.

It is also telling that compulsory service seems to have eased the labour woes of lords and ladies at the very time that their serfs were slipping away, day by day. Some landowners used the new law to control their tenants — the bishop of Winchester did so in 1351, as did the abbot of Pipewell in 1358.⁴⁹ Others, frustrated by the difficulties of recovering fugitive serfs, might have made up the difference with compelled servants. As Putnam observed in her brief comments on compulsory service, reclaiming runaway serfs was so difficult that some landowners might have made

⁴⁶ Putnam, *Enforcement of the Statutes of Labourers*, 249–50*. The text is translated in *Peasants' Revolt*, ed. Dobson, 71–2.

⁴⁷ Scipp, *Index*, online, case 1366.098.

⁴⁸ *Anonimale Chronicle*, ed. Galbraith, 144.

⁴⁹ For Winchester, see *Cal. Pat. Rolls, 1350–1354*, 161. For Pipewell, see Putnam, *Enforcement of the Statutes of Labourers*, 217–18* (redress ordered for the abbot, whose tenants had been assigned to work elsewhere).

up their losses by compelling service from serfs on the run from elsewhere. From the crown's perspective, compulsory service provided what Putnam terms a 'remedy' for the decline of serfdom.⁵⁰ From a seigneurial point of view, the swap — compelled servants for serfs — was an efficient one. From the labouring point of view, it must have seemed ironic and pernicious that fugitive serfs were especially vulnerable to being detained for this new sort of compelled work.

Today, we can rarely trace the stories of those who were too vulnerable to resist compulsory service. But we can listen to one of the greatest poets of the age — and its most thoughtful commentator on work. When William Langland turned, in what is conventionally considered an autobiographical addition to the final version of *Piers Plowman* (C text, Passus V, ll. 1–104), to exploring the value of Will's work, he laid the groundwork with the standard criteria set for compulsory service.⁵¹ Closely mimicking how a constable empowered under the 1349 ordinance would have interrogated a candidate for compulsory service, Reason questions Will (see facing page). These questions introduce a rich and much-studied passage, and my purpose is not to explore what Langland might reveal therein about himself or his opinions on work. What matters here is the cultural currency of his dialogue, for it tells us, more than hundreds of court cases ever could, that the first clause of the ordinance of 1349 expressed more than the empty hopes of Edward III and his councillors. Langland could use these questions because they were not dead-letter law; he knew that his audience had heard them and seen them put into action. Are you able to work? Are you working? Do you have other means of support? Would-be employers embraced these criteria; constables judged workers

⁵⁰ Putnam, *Enforcement of the Statutes of Labourers*, 205–6, 222–3, quotation at p. 222. See also Palmer, *English Law in the Age of the Black Death*, 17.

⁵¹ Lawrence M. Clopper, 'Need Men and Women Labor? Langland's Wanderer and the Labor Ordinances', in Barbara A. Hanawalt (ed.), *Chaucer's England: Literature in Historical Context* (Minneapolis, 1992). But see Anne Middleton, 'Acts of Vagrancy: The C Version "Autobiography" and the Statute of 1388', in Steven Justice and Kathryn Kerby-Fulton (eds.), *Written Work: Langland, Labor, and Authorship* (Philadelphia, 1997); in my view, this essay insufficiently considers how the questions echo the original 1349 criteria rather than criteria new to the 1388 statute. See also David Aers, 'Piers Plowman: Poverty, Work and Community', in his *Community, Gender, and Individual Identity: English Writing, 1360–1430* (London, 1988).

Criteria set in 1349 ordinance

*C text, Passus V*⁵²

Able in body?

‘Or perhaps you are crippled, maybe, in body or limb,
Or maimed through some accident, and that’s your excuse?’ (ll. 33–4)

Not living by trade; nor exercising a particular craft; . . . nor serving another?

‘Can you serve at mass’, he said, ‘or sing in church,
Or pile hay for my haycock-makers or pitch it in the cart,
Mow or stack the mown swathes or make the straw binding for the sheaves,
Reap or be a head-reaper and get up early,
Or have a horn and be the hedge-ward and lie out a night
And keep my corn in my field from pilferers and thieves?
Or make shoes or cloth, or keep sheep and cattle,
Make hedges or harrow the land, or drive pigs and geese,
Or do any other kind of job that is needful to the community,
Whereby you might improve the life of those who provide for you?’ (ll. 12–21)

Nor having property with which to live?

‘Then have you got income from land’, said Reason, ‘or rich relations That provide you with a living?’ (ll. 26–7)

according to them; and wage-labourers, smallholders, vagrants and other working people dreaded the hard choices — compelled service or detention — that could follow in their wake.

Compulsory service is easy to overlook in the first half-century of English labour law, for it produced in our written records only a handful of clear cases among the many thousands that punished workers for excessive wages, high prices and broken contracts. It is also easy to misconstrue. When Poos encountered some instances of compulsory service in 1983, he refused to believe what they said. ‘Taken at face value’, he wrote with seeming astonishment, ‘the terminology of these cases implies that local

⁵² I have used the translation provided by Derek Pearsall, in Justice and Kerby-Fulton (eds.), *Written Work*, 13–21. The five essays in this book address various aspects of this autobiographical addition to the C text.

officials were actually assigning labourers to particular employers'.⁵³ I suggest that we take these cases at face value: Christine Hinksey and her like were hauled before the king's justices because, as the record clearly tells us, they had refused compulsory service. I further suggest that their cases are the leavings of a much richer harvest of forced service. The able-bodied poor were a mobile and vulnerable group. Many might have thought it wise — some, even advantageous — to acquiesce to the imposition of forced service, at least until they could depart unobserved. Others refused and moved on before they could be placed in stocks or gaol. Many others were summarily punished by constables or other officers, without their cases ever having been reviewed by justices, much less the judges of King's Bench. Compelled service was rarely recorded in the surviving records of late fourteenth-century courts, but this does not mean it was rare at the time. Compulsory service was so unprecedented that priests challenged the authority of constables to impose it; so humiliating that some preferred the status of serf to that of compelled servant; so resented that the rebels demanded its elimination at Mile End in 1381; and so familiar that Langland could be confident his audiences would hear its strong echoes in the questions he had Reason put to Will.

II

WOMEN AND COMPULSORY SERVICE

This is a lot to claim on little evidence, and perhaps some readers will not want to go so far with me. But thin evidence is inherent to studying people as poor and vulnerable as those subject to compulsory service, and my explanation has the virtue of Ockham's simplicity. Certainly, the evidence tells us that after 1349 compelled service was allowed, imposed and opposed. We might disagree about how common it was, but it certainly existed. The matter to which we now turn is even more thinly documented and, again, understandably so. There is some evidence to suggest and much reason to suppose that women, a group chronically

⁵³ Poos, 'Social Context of Statute of Labourers Enforcement', 33. Poos suggests instead that 'constables were simply attempting to enforce employment agreements into which the parties themselves had previously entered'.

under-reported in late medieval documents, were especially vulnerable to compelled service.

In most records of labour enforcement before 1400, women constitute a small but variable proportion of reported offenders. Courts sometimes reported no female offenders at all (as in Essex in 1389) or astonishingly few (six of 184 in Essex in 1377–9). Women were most prominent in some Herefordshire returns from the 1350s, in which they — working mostly as servants, cloth-workers and reapers — accounted for 28 per cent of offenders. From 0 to 28 per cent is a broad range, and the best workable guideline might be the extensive Essex returns of 1352, where women constituted 20 per cent of more than seven thousand offenders.⁵⁴ But a guideline of 20 per cent does not mean that roughly one woman sold her labour for every four men who did so; it means merely that this is the rough proportion we see in presentments of all-male juries before all-male panels of justices.

It is possible that the men of Essex in 1352 were particularly outraged by female offenders and eager to haul them before the justices. But it is more likely that women's labour, which was concentrated in low-skilled, poorly paid, periodic employments, not only contravened the labour laws less often but also was not noticed so much when it did. Even in the improved labour market of the late fourteenth century, most women found employment only as part of a 'motley crew of workers considered second-rate'; they earned only about three-quarters of the wages of men; they found employment less often than men; and their best opportunities came at harvest-time when everyone could get good work.⁵⁵ Many women worked for wages when they could, but most found such work irregularly and were not 'workers' in the same way as many men. The poll tax returns of 1377–81 sometimes explicitly speak to this distinction, identifying male taxpayers as workers (singular: *laborarius*), but offering no occupation at all for equivalent female taxpayers.⁵⁶ The enforcement of the labour laws, in

⁵⁴ Poos, *Rural Society after the Black Death*, 220–6; *Essex Sessions of the Peace*, ed. Furber, cases B60, B73, B74, B75, B76, B112; Penn and Dyer, 'Wages and Earnings', 360–1; see also Penn, 'Female Wage-Earners', 4–5. Brewsters are sometimes also cited in these records, but for price infractions rather than labouring ones.

⁵⁵ Bardsley, 'Women's Work Reconsidered', 29.

⁵⁶ See, for example, the 1381 return for Felsted (Essex): most men (including labourers) are identified by occupation; only one woman (a servant) merits an occupational note. Carolyn C. Fenwick, *The Poll Taxes of 1377, 1379, and 1381*, i, *Bedfordshire-Leicestershire* (Brit. Acad. Records of Social and Econ. Hist., new ser.,

(cont. on p. 30)

other words, skimmed off the cream of the labour market: the workers — mostly male and in the prime of life — who could demand high wages for their labour and improve their lot by breaking contracts with old employers in favour of new ones. The Essex figures suggest that about one woman was able to rise into this labour elite for every four men who did so.

Among those who refused compulsory service, however, women were much more prominent, appearing in roughly equal numbers to men. Of the twenty-four persons named in cases that strictly applied the 1349 provisions on compulsory service, thirteen were women (see Appendix).⁵⁷ Women were similarly represented in another dozen indictments in which compulsion to serve was mingled with oaths to serve well; half of these involved female labourers. And women were also numerous in the related context of compelled harvest-work: of fifty-eight such persons, women accounted for twenty-eight.⁵⁸ These are small but striking numbers. Medieval law courts rarely gave such close attention to women, and resistance to compulsory service joins a small group of offences (brewing infractions; scolding and verbal abuse; sexual misbehaviour) of which women were accused as often as, or sometimes more often than, men.⁵⁹

Since there was no case against a woman who acquiesced to compulsory service, any woman hauled into court had resisted, in

(n. 56 cont.)

xxvii, Oxford, 1998), 208. See also Cordelia Beattie, 'The Problem of Women's Work Identities in Post-Black Death England', in Bothwell, Goldberg and Ormrod (eds.), *Problem of Labour in Fourteenth-Century England*.

⁵⁷ I have included in this count the two maidservants in case 12; if they are excluded, the proportions are not much changed: eleven out of twenty-two were women. The numbers are too small to show any secular trend: women accounted for ten out of seventeen compelled servants before 1375, and three out of seven thereafter.

⁵⁸ It is least surprising to find large numbers of women indicted for harvest-work, as it was a time of high but temporary employment. I have found fewer women in two other 'bundled' categories, both of which tilt towards workers privileged in the labour market: labourers who refused to serve *and* earned excessive wages (three women, twenty-seven men); and those who refused to work in general terms, with no specific employer named (five women, twenty-three men). I have not considered proportions of women and men in the dozen or so civil cases involving compulsory service because this category also tilts towards men who, as plaintiffs, had the resources to pursue such cases and, as defendants, possessed labour sufficiently valuable to merit pursuit.

⁵⁹ In a survey that included manorial, civic and royal courts, Matthew Stevens has found that women accounted for roughly 25 per cent of citations c. 1320 and less than 20 per cent c. 1420: paper entitled 'London Women and the Economy before and after the Black Death', presented at the Tenth Anglo-American Seminar on the Medieval Economy and Society, Univ. of Durham (July 2010).

some form, the orders put to her. Resistance can be perceived as much as intended, and some women (and men, too) might have hoped would-be employers or constables would shrug at their refusals and walk away. But these employers and constables had the law on their side, and their offers of employment were demands, not proposals. Did able-bodied, unemployed women try to dodge such demands as often as did able-bodied, unemployed men? I think not, and that, therefore, behind each indictment of a woman who resisted compulsory service stand more women who conformed to such orders than was the case with men. If this surmise is correct, equal numbers of women and men brought before King's Bench under the compulsory service clause speak to a different reality outside the courtroom: many more women compelled into service and fewer men.

My argument rests on three factors, each of which suggests that the extant records have imposed a disorienting filter on the gendered history of compulsory service. First, more women than men had good reason to accept the employment furnished by compelled service. As disadvantaged workers, women were more likely to find themselves under-employed, even in a buoyant labour market. This meant that women not only were more *vulnerable* to demands of compulsory employment but also were more willing to *accept* the work, despite the compulsion with which it was presented to them. For able-bodied men, in other words, compulsory service threatened to limit opportunities on the labour market; for able-bodied women, it might often have been the best they could get.

Second, whenever women did *not* welcome compelled service, they were nevertheless more likely to comply, for as we know from other legal contexts, women much less readily than men challenged stewards, jurors, constables, justices and other authorities (or, at least, were reported as so doing). In Essex in 1377–9, for example, the sessions reported fourteen men rebellious or disrespectful towards constables, and only one woman; in fifteenth-century Kent, local courts charged eighty-eight men with insulting court officers, but only eleven women.⁶⁰ These numbers need not surprise us. Obedience and deference were

⁶⁰ *Essex Sessions of the Peace*, ed. Furber, 47 (for the woman, see B153); Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460–1560* (Woodbridge, 2006), 111. See also Sandy Bardsley, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia, 2006), 101. These differences were
(cont. on p. 32)

generally valued medieval traits, but they were especially valued in women. Some women doubtless grumbled about officialdom; others undermined commands in subtle ways; and some outrightly resisted arrest, harassed tax-collectors and shouted derisively in court. But it was usually men who dared to express public disobedience and disrespect — or, were perceived by the courts as daring to do so. In the specific instance of compulsory service, in fact, women's public passivity is written into the extant record, sparse as it is. Women's resistance to compulsory service was much more often described as aided, incited or even enacted by others (cases 4, 5, 6, 12 and 17 for women; case 11 for men).

Third, even if a labouring woman dared resist compulsory service, she had particularly good reason to resolve the matter quickly — either out of court altogether or expeditiously once it got there. Courts were male venues in which women had relatively little clout, and as Christine de Pizan advised widows in the early fifteenth century, it was, therefore, best for women to 'avoid suits and legal proceedings if you possibly can'.⁶¹ Women who resisted compulsory service, in other words, were less likely than men to pursue the matter to the extent that it came before justices of the peace, much less the judges of King's Bench. We cannot document this phenomenon in the late fourteenth century, but the more extensive records of sixteenth-century enforcement clearly show women reported more fully in lower jurisdictions than higher ones.⁶² Thus, because our evidence for the late fourteenth century derives from cases selected for review by King's Bench, its reported gender ratios are almost certainly skewed.

(n. 60 cont.)

situational as well as cultural; men dealt more often with officialdom, and men's speech might have been more readily construed as threatening.

⁶¹ Christine de Pizan, *The Treasure of the City of Ladies*, trans. Sarah Lawson (London, 2003), 141. For women in various English courts, see Judith M. Bennett, *Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague* (New York, 1987), 28–32; Emma Hawkes, "[S]he will . . . protect and defend her rights boldly by law and reason . . .": Women's Knowledge of Common Law and Equity Courts in Late-Medieval England', in Noël James Menuge (ed.), *Medieval Women and the Law* (Woodbridge, 2000); Jones, *Gender and Petty Crime*, 111; Shannon McSheffrey, *Marriage, Sex, and Civic Culture in Late Medieval London* (Philadelphia, 2006), 110–20.

⁶² A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560–1640* (London, 1985), 216 (table III); Whittle, *Development of Agrarian Capitalism*, 260 (table 5.5).

It is always hard to deduce behaviours from legal presentments and even harder to deduce conformity from the stories of those who did not conform, but at every stage of the process that produced the information we have today, more women were winnowed out than men. Because women likely responded more agreeably than men to demands of compelled service or resolved their disagreements more quickly, the written record of women's *resistance* has to be recalibrated to estimate its actual *imposition*. Equal numbers of women and men in presentments probably translated, in the world outside the courtroom, into a practice of compulsory service that was predominantly, perhaps overwhelmingly, female.

How many women were silently dragooned into service is impossible to guess, but we need not venture any guesses at all about the gendered intent of provisions for compulsory service. From its first authorization in 1349, compulsory service was understood to be particularly applicable to women. In the 1349 ordinance, women are mentioned twice (*homo et femina; vir vel mulier*) in the compulsory service clause — and nowhere else. The 1351 statute does the same (*hommes come femmes*), even though it borrows neither its language nor its phrasing from the ordinance. In all the other prolix clauses of both pieces of legislation, orders about servants, labourers, harvest-workers, victuallers and even beggars are expressed in gender-neutral terms — that is, terms that rely on masculine forms to include women. The 1388 Statute of Cambridge also expressly mentions women in two clauses — those restricting geographical and occupational mobility — that build on the coercive foundations laid in 1349 and 1351.⁶³

'Women' were on the minds of king, council and parliament when they formulated the first provisions for compulsory service, but in practice, some women were targeted more than others. Almost all women who refused compulsory service in the late fourteenth century stood alone before the court without husbands mentioned or present. Most seem to have been 'single-women', a new word in late medieval England that described

⁶³ *Statutes of the Realm*, i, 307–8 (23 Edw. III), and 311–13 (25 Edw. III). Orders deriving from this legislation continue to mention women explicitly in the context of compulsory service (see, for example, n. 29 above). *Statutes of the Realm*, ii, 55–60 (12 Rich. II). Women were also explicitly mentioned in 1388 with regard to a specified wage rate: a *femme laborer* was to receive 6s. a year.

sole women, especially women who had never taken husbands (as distinct from widows, who were also sole). Some of these singlewomen were only briefly single, living independently for a few years before they married; others never married at all; both sorts — that is, both life-cycle and lifelong singlewomen — seem to have been more common in the late fourteenth century than before.⁶⁴ The labour of these singlewomen, many of whom were young and strong, might have been particularly valuable, but they also predominated among compelled servants for the simple reason that their labour was more easily prised away from families. Although some were true vagrants, already torn from family and kin, others were local women whose labour might have been as much desired by their families as by the neighbours to whom constables assigned them (see, especially, cases 1, 5, 7 and 10). In such tugs-of-war over women's labour, husbandly claims, backed by customs of coverture, probably counted for more than paternal ones. Thomas Crake had no hesitation in reclaiming his wife from compelled service (case 4), but no fathers did the same for their daughters, at least in the cases now known. (As for widows, no women are so identified, but it is likely that a few of these stand-alone women had, in fact, once had husbands.)⁶⁵ Singlewomen made easy marks for compulsory service for reasons beyond the relatively easy extraction of their labour from their families. Young never-married women were more

⁶⁴ On singlewomen, see, especially, P. J. P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c.1300–1520* (Oxford, 1992); Maryanne Kowaleski, 'Singlewomen in Medieval and Early Modern Europe: The Demographic Perspective', in Judith M. Bennett and Amy M. Froide (eds.) *Singlewomen in the European Past, 1250–1800* (Philadelphia, 1999); Kim M. Phillips, *Medieval Maidens: Young Women and Gender in England, 1270–1540* (Manchester, 2003); Cordelia Beattie, *Medieval Single Women: The Politics of Social Classification in Late Medieval England* (Oxford, 2007).

⁶⁵ Six women were identified as daughters or servants (cases 1, 7, 10, 12 and 17); two were designated as wives (cases 4 and 12); and five were named without any indication of marital status, a designation common for singlewomen, less common for widows, and least common for wives (cases 5, 6, 13, 16 and 19). Although most of these women were never married, others might have been informally married or divorced, and still others widowed: Cordelia Beattie, '“Living as a Single Person”: Marital Status, Performance and the Law in Late Medieval England', *Women's Hist. Rev.*, xvii (2008). Coverture seems to have exempted most wives from compulsory labour. The 1349 ordinance ignored the special circumstances of married women — most of whom were busy workers, but did not live by a trade or craft or possess assets sufficient to support themselves — and apparently assumed that the labour of wives, as *femmes couvertes*, would be determined by their husbands.

active in the labour market than wives and widows;⁶⁶ they were especially prominent in service, an employment of the young and never-married, males as well as females;⁶⁷ and they made particularly suitable compelled servants for four additional reasons worth exploring at greater length: they were poor, unsupervised, sexualized and menial.

There is, in a sense, nothing specifically medieval about the poverty of young, unmarried women, which can still be observed in many communities today. In late medieval England, single-women fell on hard times for many reasons — low wages, poor employment and even, for some, the burden of children born out of wedlock. But for many young women, poverty began at home. Medieval peasants did not neglect their daughters. Most trained girls carefully in housewifery and other skills; endowed daughters at marriage with cattle, cash or sometimes even land; and, if necessary, helped daughters pay the manorial fines of *leyrwite* (for fornication) and *merchet* (for marriage). Nevertheless, most parents did better by their sons, or at least some of their sons. Inheritance customs varied, but sons were always preferred heirs, whether eldest son, youngest son, or all sons. Daughters inherited only if they had no brothers, and the difference created a wide gender gap: one daughter inherited land for every three or four sons who did so.⁶⁸ Parental gifts did not close this divide, for although parents sometimes gave daughters *inter vivos* gifts of land, cash, cattle or goods, these also fell short of what was given outright to sons.⁶⁹ Moreover, parental gifts to daughters often came in the form of dowries, so until a young woman married, she took little from her parents, and if her parents were too

⁶⁶ Poos, *Rural Society after the Black Death*, 226: of the 1,559 women named among Essex labourers in 1352, only 235 (15 per cent) were identified as married.

⁶⁷ Goldberg, 'What Was a Servant?'

⁶⁸ Richard M. Smith, 'Coping with Uncertainty: Women's Tenure of Customary Land in England, c. 1370–1430', in Jennifer Kermod (ed.), *Enterprise and Individuals in Fifteenth-Century England* (Stroud, 1991), 47 (table 2); John Mullan and Richard Britnell, *Land and Family: Trends and Local Variations in the Peasant Land Market on the Winchester Bishopric Estates, 1263–1415* (Univ. of Herts. Studies in Regional and Local Hist., viii, Hatfield, 2010), 104 (table 7.1).

⁶⁹ Bennett, *Women in the Medieval English Countryside*, ch. 4; Sandy Bardsley's unpublished analysis of land transfers in Sutton (Lincolnshire), 1329–65, shows daughters less frequently than sons received parental land, especially through co-acquisitions of land by parent and child. For similar patterns later, see Jane Whittle, 'Inheritance, Marriage, Widowhood and Remarriage: A Comparative Perspective on Women and Landholding in North-East Norfolk, 1440–1580', *Continuity and Change*, xiii (1998).

poor or miserly, she had to manage without any endowment and perhaps any husband. Starting out with less than their brothers, young women also earned less and found fewer employments. Poorly supported by their parents and disadvantaged in the labour market, singlewomen were often so poor that they came to hold a distinctive place in charity; from the late fourteenth century, more and more testators began to direct bequests towards dowries for poor maidens.⁷⁰

The second characteristic that rendered these singlewomen especially liable to compulsory service — their unsupervised lives — had more resonance in medieval times than ours. A woman was then seen as a natural subordinate, someone who should always be guided and governed by a superior. Women were not the *only* such people — children, youths and serfs were also seen as naturally incapacitated — but women were one of the largest groups in need of supervision, and they, of course, could neither mature beyond dependency nor be emancipated from it. ‘In woman is no law’, as Paul matter-of-factly admonished Mary Magdalene in the Towneley Cycle.⁷¹ Yet singlewomen often lived without men to provide them with law or governance — no fathers, no masters, no husbands. Although some young women stayed at home until marriage, others struck out on their own, finding employment near or far, in service, wage-work,

⁷⁰ I am grateful to Kate Staples for information that bequests of dowries for poor maidens first appear among wills registered in London’s Court of Husting in 1361. Such bequests quickly became a common part of the charitable repertoire and remained so until the mid sixteenth century: J. A. F. Thomson, ‘Piety and Charity in Late Medieval London’, *Jl Eccles. Hist.*, xvi (1965); Ian W. Archer, ‘The Charity of London Widows in the Later Sixteenth and Early Seventeenth Centuries’, in Norman L. Jones and Daniel Woolf (eds.), *Local Identities in Late Medieval and Early Modern England* (Basingstoke, 2007), 192. Dowries for poor girls were also a prominent form of charity in Florence after 1348, a trend that John Henderson has attributed primarily to the poverty of these young women and secondarily to a possible interest in repopulating the city: see his *Piety and Charity in Late Medieval Florence* (Oxford, 1994), esp. 313–21, 342–4.

⁷¹ *The Towneley Plays*, ed. George England, re-ed. Alfred W. Pollard (Early English Text Soc., extra ser., lxxi, London, 1897), 339, ll. 44–5. The absence of women from tithings — peace-keeping groups to which all adult males had to belong — reflects the assumption that females would be supervised by fathers, husbands or sons. For more on ideals of maidenly behaviour, see Phillips, *Medieval Maidens*; see also Cordelia Beattie, ‘Governing Bodies: Law Courts, Male Householders and Single Women in Late Medieval England’, in Cordelia Beattie, Anna Maslakovic and Sarah Rees Jones (eds.), *The Medieval Household in Christian Europe, c.850–c.1550: Managing Power, Wealth, and the Body* (Turnhout, 2003).

piecework and, sometimes, prostitution.⁷² Some lived on the margins — physical, but also social and economic — of their villages, and they were common enough to be known in East Anglia as *anilepiwomen*.⁷³ Some were expelled altogether, a penalty to which poor women might have been particularly subject.⁷⁴ And others left voluntarily, settling elsewhere or simply moving about the countryside, occasionally noted in the documentary record as *vacabunda*, a category that again could include more daughters than sons.⁷⁵ Some, perhaps many, ended up in towns, for the poll taxes of 1377–81 reveal a preponderance of women in urban areas (roughly ten women for every nine men), an

⁷² P. J. P. Goldberg, 'Migration, Youth and Gender in Later Medieval England', in P. J. P. Goldberg and Felicity Riddy (eds.), *Youth in the Middle Ages* (York, 2004). As Goldberg notes (p. 95 n. 43), wealthier parents were better able to retain their daughters. See also comments on the especially marked mobility of young women in Christopher Dyer, 'Were Late Medieval English Villages "Self-Contained"?', in Christopher Dyer (ed.), *The Self-Contained Village? The Social History of Rural Communities, 1250–1900* (Hatfield, 2007), 27; Jane Whittle, 'Population Mobility in Rural Norfolk among Landholders and Others, c.1440–c.1600', in Dyer (ed.), *Self-Contained Village?*, 30.

⁷³ East Anglian manorial records speak of both *anilepimen* (a term applied to both sexes) and tellingly, *anilepiwomen*. The terms derive from the Old English *onlepi* for 'single' or 'just one', but these people were usually landless and enserfed, as well as not-married; for examples, see the 1221 and 1251 Ely surveys: British Library, London, Cotton Tiberius Bii and Cotton Claudius Cxi. As the female form of the term suggests, women often predominated among *anilepimen*; in Horsham St Faith (Norfolk) in the 1280s, for example, the *anilepimen* numbered twenty women, seven men and three children. About half shared their hard lives with siblings, and almost all caused trouble for village and manor — slandering neighbours, refusing boon-works, damaging property, refusing to repay debts, resisting parish collections, stealing hay, sheaves and wood, and bearing more than their share of bastards. I am grateful to Elaine Clark for facilitating my labours on the Horsham rolls: Norfolk Record Office, Norwich, 19495–505; 14154; 12475; 19506–8.

⁷⁴ Expulsions are better recorded in the late thirteenth century than after. Of fifteen adults driven out of Horsham between 1285 and 1290, nine were women; my figures match those reported by Elaine Clark, 'Social Welfare and Mutual Aid in the Medieval Countryside', *Jl Brit. Studies*, xxxiii (1994), 398. Of eighteen persons unwelcome in Halesowen in the 1290s, fourteen were women: *Court Rolls of the Manor of Hales, 1270–1307*, ed. John Amphlett, 2 pts (Worcs. Hist. Soc., li, liii, Oxford, 1910–12); *Court Rolls of the Manor of Hales*, pt 3, *Containing Additional Courts for the Years 1276–1301*, ed. Rowland Alwyn Wilson (Worcs. Hist. Soc., lxxiii, Oxford, 1933).

⁷⁵ E. D. Jones, 'Some Spalding Priory Vagabonds of the Twelve-Sixties', *Hist. Research*, lxxiii (2000). Jones reports the emigration of nineteen daughters and thirteen sons; given the under-reporting of daughters in the survey generally, these manors might have been exporting twice as many daughters as sons. Dyer, 'Were Late Medieval English Villages "Self-Contained"?', reports that women constituted one-third of 346 serfs emigrating from the estates of Worcester Cathedral Priory in the late fourteenth century (p. 14); this figure would need to be adjusted upward to compensate for the under-reporting of women.

imbalance created by a countryside that was shedding its daughters and keeping its sons.⁷⁶

Any poor and mobile person was troubling to more settled folk, but these singlewomen generated particular worry because they lacked proper male supervision. As Langland bluntly put it, maidens ‘lack sense and must have direction’ (so, too, did infants, poor widows, idiots and the insane).⁷⁷ One solution was to find official guidance for such women, as was done in Singleton (Lancashire), where every woman without a husband paid 3d. annually as *avowry* or *advocatio* — that is, for the protection of the court.⁷⁸ Another solution was to get them married, a scheme promoted by private benefactors who left dowries for poor maidens. And the ordinance of 1349 provided yet another solution: compelling a free-standing woman into service not only put her to work but also put her under supervision. It is perhaps not accidental, in this regard, that with only one exception (case 1), all employers of compelled servants were male.

Third, compulsory service also held the promise of better regulating the sexuality of singlewomen. Maidens were not always maidenly. Christine Hinksey, for example, was tellingly also known as Truelove, an epithet that suggests that although she lacked a husband she did not lack sexual experience. Unmarried women were not the only adults who indulged in irregular intercourse in medieval England, but their activities

⁷⁶ P. J. P. Goldberg, ‘Urban Identity and the Poll Taxes of 1377, 1379, and 1381’, *Econ. Hist. Rev.*, 2nd ser., xliii (1990), esp. table 2.

⁷⁷ I have substituted ‘sense’ for ‘inwit’, but otherwise relied on the transcription and translation in William Langland, *Piers Plowman*, ed. Elizabeth Robertson and Stephen H. A. Shepherd (New York, 2006), 132–3. In the B text, this is found in Passus IX, ll. 72–3.

⁷⁸ *Lancashire Inquests, Extents, and Feudal Aids*, pt 3, AD 1313–1355, ed. William Farrer (Record Soc. of Lancs. and Cheshire, lxx, [Manchester], 1915), 128, 173. For other examples, see David Postles, ‘Migration and Mobility in a Less Mature Economy: English Internal Migration, c.1200–1350’, *Social Hist.*, xxv (2000), 294; and the Halesowen cases of Amicia Bonde in 1279 and possibly Sybil daughter of Nicholas Faber in 1281: *Court Rolls of the Manor of Hales*, pt 3, ed. Wilson, 59, 90. I welcome further examples from readers, as I wish to explore this practice at further length. It probably derives from fines imposed in Wales and Cheshire on the entry of strangers to new communities: see R. Stewart-Brown, ‘The Avowries of Cheshire’, *Eng. Hist. Rev.*, xxix (1914); see also brief discussion and further bibliography in H. S. A. Fox, ‘Exploitation of the Landless by Lords and Tenants in Early Medieval England’, in Zvi Razi and Richard M. Smith (eds.), *Medieval Society and the Manor Court* (Oxford, 1996), 529.

drew much more attention, anxiety and punishment. Many manors punished sexually active singlewomen with fines called *leyrwite* (or sometimes *childwite*). Their male lovers were almost never mentioned, much less punished, and although these fines sometimes also fell on widows and wives, they weighed most heavily on poor women who had not yet married.⁷⁹ By the late fourteenth century *leyrwite* and *childwite* were slowly disappearing, along with other perquisites of seigneurialism, but we can continue to trace — through ecclesiastical records — the special oversight directed at the sexuality of singlewomen. Although late medieval church courts even-handedly punished nearly as many men as women for sexual error, they also focused particularly on never-married women; in the visitation of the Hereford diocese in 1397, for example, singlewomen and bachelors outnumbered all others cited for sexual misconduct (68 per cent of women and 63 per cent of men).⁸⁰ Did the never-married actually engage in more wayward sex than wives and husbands, widows and widowers? Quite possibly, although we cannot be sure. We can, however, be sure that anxieties about sexual misbehaviour focused on the never-married and particularly on never-married women (whose deviance raised related worries about bastardy, poverty and social welfare). Much the same is true of prostitution: it was the source of much regulation and anxiety; female prostitutes were punished much more often than male clients; and singlewomen were so closely associated with the trade that fifteenth-century ordinances for the regulation of the brothels of Southwark use ‘singlewoman’ as a synonym for ‘prostitute’.⁸¹ By placing singlewomen in secure and supervised settings, compulsory service held out the hope of limiting such sexual irregularities. In one manorial court, this link was explicitly made: in 1353, the court of Walsham le Willows ordered Christine

⁷⁹ Judith M. Bennett, ‘Writing Fornication: Medieval Leyrwite and its Historians’, *Trans. Roy. Hist. Soc.*, 6th ser., xiii (2003).

⁸⁰ Katherine L. French, *The Good Women of the Parish: Gender and Religion after the Black Death* (Philadelphia, 2008), 212–16. In terms of raw numbers, singlewomen predominated over any other marital group, even incurring slightly more accusations than bachelors.

⁸¹ Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York, 1996); Ruth Mazo Karras, ‘Sex and the Singlewoman’, in Bennett and Froide (eds.), *Singlewomen in the European Past*.

Springold to pay 32d. for giving birth to a bastard and then peremptorily assigned her to serve the lord as a winnower.⁸²

Compulsory service also neatly responded to a fourth characteristic of singlewomen — that is, the menial service with which they were especially associated. Slavery was mostly a memory in late medieval England, but Italian merchants who settled in Southampton and London brought with them slaves, mostly women, who were, in the words of Alwyn Ruddock, ‘bought and sold at will as merchandize’. The distinction in such households between female servant and female slave was so subtle that in the late fifteenth century, Maria Moriana, who had worked for two decades in the free service, as she thought, of a Venetian merchant, found herself offered for sale to a Genoese one.⁸³ Her experience was not entirely unknown, for the English had their own traditions of exceptionally debased female service, as suggested by the term *ancilla* that distinguished some female servants from other servants (*serviens*, *famulus/famula*). In some cases, an *ancilla* seems to have been a personal servant, a handmaiden to a better-born lady, but in other contexts, *ancilla* clearly suggested exceptional dependence, bond servitude, and service without remuneration. As John Trevisa unhesitatingly put it in his widely read translation (1388–9) of Bartholomew Anglicus, an *ancilla* was someone ‘held low under the yoke of thralldom and servitude’.⁸⁴ This humble *ancilla* was also, almost by definition, a maiden.

As the cases in the Appendix show, compelled service was imposed on wives as well as singlewomen, and on men as well as women. Constables had good cause to coerce unemployed

⁸² *The Court Rolls of Walsham le Willows, 1351–1399*, ed. Ray Lock (Suffolk Records Soc., xlv, Woodbridge, 2002), 40. Springold responded by paying 10s. for permission to marry her lover, John Spileman.

⁸³ Alwyn A. Ruddock, *Italian Merchants and Shipping in Southampton, 1270–1600* (Southampton, 1951), 126–9. Ruddock mostly noted male slaves from Africa and the East, but she would have been unaware of the preponderance of women among slaves in late medieval Italian households: see Susan Mosher Stuard, ‘Ancillary Evidence for the Decline of Medieval Slavery’, *Past and Present*, no. 149 (Nov. 1995).

⁸⁴ *On the Properties of Things: John Trevisa’s Translation of Bartholomaeus Anglicus, ‘De proprietatibus rerum’: A Critical Text*, ed. M. C. Seymour, 2 vols. (Oxford, 1975), i, 305–6 (vi. 11: *De ancilla*). See also *ancilla* and related words in the *Dictionary of Medieval Latin from British Sources*, and the more positive assessment of the term in Goldberg, ‘What Was a Servant?’, esp. 1–6. The word’s meaning has been debated for the early Middle Ages: see Alice Rio, ‘Freedom and Unfreedom in Early Medieval Francia: The Evidence of the Legal Formulae’, *Past and Present*, no. 193 (Nov. 2006), esp. 20–1.

men into service, for men's labour was especially valuable and their masterless state was cause for worry. But in the late fourteenth century, constables probably found that fewer men were liable to the imposition of forced service and that, when confronted with such demands, men proved less tractable. By virtue of their docility, singlewomen were more suitable for the humble and, indeed, humiliating experience of compulsory service, and they were also, by virtue of their poverty and rootlessness, especially vulnerable to such demands. For the sharp-eyed officers and prospective employers who found singlewomen to be such ready and suitable targets, compelling their service offered still other benefits: once coercively placed with an employer, these women were returned to their role-appropriate dependency within households, from whence, it might be reasonably expected, they would be less likely to go astray, sexually or otherwise. With one simple order of compelled service, a constable could hope to reinstate not only economic but also social and gender hierarchies: a poor person was put to work; a needy employer got labour; a woman 'at her own hand' was placed again under the hand of a man. Compulsory service was always about more than labour shortage, for it was imbued from the outset with anxieties about not only uppity workers and false beggars but also women on their own.

III

IMPLICATIONS

In the last century, the compulsory service enabled by the ordinance of 1349 has been treated in muddled ways, ignored in favour of econometric data, and dismissed as an actual practice.⁸⁵ Yet compulsory service was clearly authorized in 1349; known, discussed and imposed in the decades thereafter; and still thriving in the Elizabethan era and beyond.⁸⁶ In the topsy-turvy labour

⁸⁵ For muddled, see the cases cited for compulsory service in Putnam, *Enforcement of the Statutes of Labourers*, 73–4; for ignored, see n. 4 above; for dismissed, see Poos, 'Social Context of Statute of Labourers Enforcement', 33.

⁸⁶ We know little about enforcement in the fifteenth century. King's Bench was sitting permanently at Westminster by 1400, so reports on troublesome cases, including labour enforcement, were no longer generated by itinerant visits. Some labour infractions appear in fifteenth-century rolls of King's Bench and gaol delivery, but very few. To Penn and Dyer, this suggests that 'by the early fifteenth century those enforcing the law had begun to lose interest in an outdated piece of legislation': see their 'Wages

(cont. on p. 42)

market of the late fourteenth century, compulsory service — and the new summary procedures by which it was enforced — offered employers the means not only to replace the sagging controls of serfdom but also to constrain all workers, whether compelled into service or not. We saw earlier how Roger Gedeney's attempts to maximize his earnings as a thatcher prompted a Lincolnshire jury to indict him in terms redolent of compulsory service. His was not an isolated experience, for employers and jurors readily deployed compulsory service as a tactic to control labourers for whom it was never intended. In 1391, for another example, John Bingham wanted to increase his earnings by working as a day-labourer for any available employer, but his neighbours demanded that he serve them collectively as a ploughman and for a lower wage. When he refused, they hauled him before the justices of the peace, characterizing him as a vagrant who had refused compulsory service.⁸⁷ As Gedeney, Bingham and others found, the threat of compulsory service shadowed *all* workers — wage-labourers as well as servants, employed as well as idle, serf as well as free, local as well as vagrant, men as well as women. For these people, the so-called 'golden age of labourers' in England after 1350 was made of fool's gold.⁸⁸

For the women and especially the singlewomen on whom compulsory service seems to have fallen with particular force, this innovation by king and council in 1349, confirmed by parliament in 1351, suggests that Susan Mosher Stuard's argument about the

(n. 86 cont.)

and Earnings', 358. But given that parliament continued to revise labour legislation and that records of quarter sessions do not survive, the more likely scenario is that enforcement continued apace but cannot be traced in extant records. In either case, of course, most challenges to compulsory service would have continued to be summarily resolved.

⁸⁷ *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, i, 30 (case 115). The language of compulsory service also seeped into other sorts of indictments; see, for example, the outlawry of the brothers William and John Hore in 1390: *Inquests and Indictments from Late Fourteenth Century Buckinghamshire*, ed. Boatwright, 144 (case 339). It was also applied to offenders in lesser courts, as in the Walsham le Willows case cited in n. 82 above.

⁸⁸ This characterization stretches back to the nineteenth century, but remains a staple of current interpretation: see, for example, Christopher Dyer, *Standards of Living in the Later Middle Ages: Social Change in England, c.1200–1520* (Cambridge, 1989), 216; Poos, *Rural Society after the Black Death*, 210; Hatcher, 'England in the Aftermath of the Black Death'. For the wider context, see Jeffrey Fynn-Paul, 'Empire, Monotheism and Slavery in the Greater Mediterranean Region from Antiquity to the Early Modern Era', *Past and Present*, no. 205 (Nov. 2009), esp. 31–4.

revival of slavery — in the form of *female* slavery — in the cities of late medieval Italy might have a muted analogue in England.⁸⁹ Compelled servants could not be bought and sold as chattels, nor were they tied to the land as serfs, but they had not freely contracted their labour, they could not freely negotiate its terms, and they were unable to move on until their obligations were fulfilled. This practice probably affected more women than those on whom it was directly imposed. Just as skilled workers such as Gedeney and Bingham found their work recast in the gloomy light of compulsory service, so too might better-employed women have found their labour devalued by comparison with others compelled into service.

Compulsory service also reminds us that labouring, poverty and vagrancy were not the all-male affairs that they can sometimes appear in our histories. In 1996, for example, when Harold Fox wrote movingly about medieval labourers who were condemned ‘by their landlessness to the low-paid jobs of youth’, his story was a resolutely male one.⁹⁰ In Fox’s case, and some others, there is a respectable empirical basis behind this male focus, for many pre-modern records about migrant workers, rural wage-labourers and vagrants report mostly on the doings of men. Yet, as the matter of compulsory service reminds us, we must push beyond the boundaries of what the documentary record explicitly says. There is a marvellous illogic to the notion that the landless poor were mostly men, given that men inherited more land than women ever did, were more often gainers than losers in the land market, found employment more readily than women, and, of course, earned higher wages. We seem to have assumed that either fond parents or well-heeled husbands somehow insulated women from these economic inequities. As for fond parents supporting their daughters until marriage, this lovely idea is simply not supported by what we now know about marriage, service, inheritance and work. As for the getting of husbands, simple arithmetic renders this scenario unlikely; if sex ratios were, as we think, equal or nearly so, every landless man unable to marry was matched by a woman who also had to manage on her own. These not-at-home, not-married women

⁸⁹ Stuard, ‘Ancillary Evidence for the Decline of Medieval Slavery’.

⁹⁰ Fox, ‘Exploitation of the Landless by Lords and Tenants in Early Medieval England’, 521; see also Beier, *Masterless Men*.

were more fully exposed than their brothers (or would-be husbands) to hard service, landlessness, poor wages and poverty.

The matter of women and compulsory service also requires us to rethink what has been emerging as the dominant understanding of working women in later medieval England. In the 1980s, Jeremy Goldberg and Caroline Barron argued for an upbeat assessment of women's work in the later fourteenth and fifteenth centuries, depicting the era, as Barron once put it, as a brief 'golden age' when women worked at more occupations than ever before (or after) and at better remuneration.⁹¹ In the years since, Christopher Dyer has confidently stated that 'the Black Death liberated the women who asserted themselves in a male-dominated economy'; Marjorie McIntosh has averred that she 'believes that the period between 1348 and around 1500 offered women more desirable economic options than were to be available in the decades around 1600'; and Tine de Moor and Jan Luiten van Zanden have breezily agreed that the later Middle Ages were a 'golden age' for labouring women in the North Sea region generally.⁹² This purported upturn in women's opportunities between 1350 and 1500 is now such a consensus view that its explanatory power is evoked in other contexts and disciplines — from marriage formation and household governance to wicked women in Arthurian literature.⁹³ I remain outside of this consensus, still sceptical of evocations of late medieval glory days for women.⁹⁴

⁹¹ Caroline M. Barron, 'The "Golden Age" of Women in Medieval London', in Malcolm Barber (ed.), *Medieval Women in Southern England* (Reading Medieval Studies, xv, Reading 1989); and further comments in Caroline M. Barron, 'Introduction: The Widows' World in Later Medieval London', in Caroline M. Barron and Anne F. Sutton (eds.), *Medieval London Widows, 1300–1500* (London, 1994), p. xiv; P. J. P. Goldberg, whose 1987 dissertation was incorporated into *Women, Work, and Life Cycle in a Medieval Economy*.

⁹² Christopher Dyer, *Making a Living in the Middle Ages: The People of Britain, 850–1520* (New Haven, 2002), 280; Marjorie Keniston McIntosh, *Working Women in English Society, 1300–1620* (Cambridge, 2005), 40; Tine de Moor and Jan Luiten van Zanden, 'Girl Power: The European Marriage Pattern and Labour Markets in the North Sea Region in the Late Medieval and Early Modern Period', *Econ. Hist. Rev.*, lxiii (2010), 26–7.

⁹³ McSheffrey, *Marriage, Sex, and Civic Culture in Late Medieval London*, 7–8; Heidi Breuer, *Crafting the Witch: Gendering Magic in Medieval and Early Modern England* (London, 2009).

⁹⁴ Judith M. Bennett, 'Medieval Women, Modern Women: Across the Great Divide', in David Aers (ed.), *Culture and History, 1350–1600: Essays on English Communities, Identities and Writing* (London, 1992); see also Mavis E. Mate, *Women in Medieval English Society* (Cambridge, 1999).

One of the stumbling blocks in this debate has been the variability of documentation across centuries, and the consequent difficulties of assessing whether something newly *reported* was actually new at the time. Thus, for example, does a new regulation restricting women's work within a guild necessarily demonstrate that 'the *status quo ante* allowed women a much fuller scope'?⁹⁵ Or might such a regulation falsely seem 'new' just because its antecedents are undocumented today or unrecognized by us? Compulsory service provides a particularly telling lesson on this point. In 1492, the Coventry leet issued an order that has since struck many historians as original and even revolutionary. The jurors told able-bodied women who were single and under the age of 50 to stop living on their own and to go into service:

Also that no singlewomen, being in good health and mighty in body to labour, within the age of 50 years, take or keep from henceforth houses or chambers by themselves, nor that they take any chamber with any other persons, but that they go into service until they be married. Upon the pain whoever does the contrary to lose at the first default 6s. 8d., and at the second default to be committed to prison, there to abide until they find surety to go into service.⁹⁶

In the context of the under-documented history of medieval women, this is a meaty text, and it has yielded a virtual feast of interpretation: that it seeks to control prostitution; that it reflects anxieties about self-supporting women; that it is part of a Lollard-inspired reform movement that sought, among other things, to domesticate women. Whatever the specifics, each interpretation has used this text to signal the end of good times for women, placing the seemingly innovative actions of Coventry's governors in 1492 within a narrative of newly declining opportunities for women. For prostitution, the 1492 rules have been understood as 'a further pointer to women's worsening employment prospects in the early modern period'.⁹⁷ For masterless women living on

⁹⁵ P. J. P. Goldberg, 'Coventry's "Lollard" Programme of 1492 and the Making of Utopia', in Rosemary Horrox and Sarah Rees Jones (eds.), *Pragmatic Utopias: Ideals and Communities, 1200–1630* (Cambridge, 2001), 98.

⁹⁶ Mary Dormer Harris, *The Coventry Leet Book or Mayor's Register: Containing the Records of the City Court Leet or View of Frankpledge, AD 1420–1555*, 4 vols. (Early Eng. Text Soc., cxxxiv, cxxxv, cxxxviii, cxlvi, London, 1907–13), iv, 545. This ordinance was slightly revised three years later (p. 568). Harris understood these rules as being aimed at curbing prostitution (p. xxviii). Charles Phythian-Adams agreed: see his *Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages* (Cambridge, 1979), 87.

⁹⁷ Jennifer Ward, *Women in England in the Middle Ages* (London, 2006), 97.

their own, these orders respond, as McIntosh has put it, to an issue that had ‘not come up before’ and that would be echoed in later orders in Worcester (1568), Southampton (1579), Manchester (1588–9) and Liverpool (1596).⁹⁸ And for Lollards and the domestication of women, these regulations have been characterized by Goldberg as ‘unique’, ‘radical’ and central to a ‘revolutionary’ programme of moral reform that anticipated by a generation or two the concerns of godly magistrates in sixteenth-century cities.⁹⁹ Not so. This order reworks for Coventry the compulsory service clause that had already been part of English law for almost 150 years. The circumstances of Coventry in 1492 were unique to its own declining economy and skewed sex ratios, and its governors responded with an ordinance that stressed living arrangements as much as service. Yet, in ordering able-bodied women to work in service rather than wage-labour, and in compelling them to give up independent lodgings, they were relying on tried-and-true precedent, not inaugurating some newly modern, more patriarchal regime.¹⁰⁰

This is not the place to revisit in full the debate about a supposedly late medieval golden age — or even a silver one — for working women. But it is difficult to place compelled service, a regime that was imposed with particular force on singlewomen, within a narrative of expanding opportunities for late medieval women. The evidence that women’s prospects were *not* suddenly improved by the Great Pestilence of 1347–9 is steadily adding up: the stability of women’s relative wage rates in the late fourteenth century; a similar stability for female tenants of urban dwellings; the withdrawal of single and widowed brewsters from the burgeoning market in ale and beer; the new popularity of charitable bequests for poor maidens; the static, and sometimes falling, proportions of rural heiresses; the withering access of singlewomen to credit; and now, the vulnerability of women to compelled service.¹⁰¹ Compulsory service indicates that the

⁹⁸ Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998), 110–11.

⁹⁹ Goldberg, ‘Coventry’s “Lollard” Programme of 1492 and the Making of Utopia’, 97, 106.

¹⁰⁰ Phythian-Adams, *Desolation of a City*.

¹⁰¹ For wage rates, see Bardsley, ‘Women’s Work Reconsidered’; for urban tenancies, see Sara Rees Jones, ‘Women’s Influence on the Design of Urban Homes’, in Mary C. Erler and Maryanne Kowaleski (eds.), *Gendering the Master Narrative: Women and Power in the Middle Ages* (Ithaca, 2003), 204–10; for brewing, see Bennett, *Ale*,

(cont. on p. 47)

labour of women, especially singlewomen, was valued after 1349, perhaps even a site of struggle between families and neighbours. But valued labour is not necessary empowered labour, and, for some women, the labour shortage of the late fourteenth century was more trap than opportunity.

Much remains to be done on the matter of compulsory service, both in the late fourteenth century and thereafter. Summarily imposed on the most inarticulate of the king's subjects, it was not a richly documented practice in 1350, nor would it be much better documented in 1550 or 1750.¹⁰² But compulsory service, no matter how dimly we can perceive it today, asks us to rethink much more than we have thought we could clearly see: workers and labour markets, the decline of serfdom, the status of women, the worlds of vagrants and beggars, even perhaps the resurgence of slavery. Edward III and his councillors responded to immediate and pressing problems in June 1349 — unprecedented mortality, social disorder, and a hay-harvest that would rot within weeks if mowers could not be found. By seeking solutions in compulsory service and ad hoc procedure, they affected much more than that year's crop and many more than those who lived through the first plague. The summary imposition of forced service proved to be a remarkably enduring institution, and in ways we have yet to appreciate fully, it has echoed through centuries of class and gender relations in England and beyond.

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(n. 101 cont.)

Beer and Brewsters in England; for bequests, see n. 70 above; for inheritance, see Phillips, *Medieval Maidens*, 123–7; also Sandy Bardsley's unpublished paper entitled 'Peasant Women and Inheritance of Land in Fourteenth-Century England', presented at the Tenth Anglo-American Seminar on the Medieval Economy and Society, Univ. of Durham (July 2010); for credit, see Chris Briggs, 'Empowered or Marginalized? Rural Women and Credit in Later Thirteenth- and Fourteenth-Century England', *Continuity and Change*, xix (2004).

¹⁰² For later compelled service, see, especially, R. Keith Kelsall, *Wage Regulation under the Statute of Artificers* (London, 1938); Paul Griffiths, 'Masterless Young People in Norwich, 1560–1645', in Paul Griffiths, Adam Fox and Steve Hindle (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996); Whittle, *Development of Agrarian Capitalism*, 225–304.

APPENDIX

Listed below are summaries of the twenty indictments (involving twenty-four people) that strictly apply the provisions of the compulsory service clause of the 1349 ordinance. These cases address compulsory service only; they concern long-term service, not day-work or harvest-work; and they involve specific service with a single employer (case 11 is an exception to this last criterion, but I have included it because the stipulation of annual service implies a specific employer). This list does not exhaust the extant cases that address compulsory service. I have also located twenty-five cases (involving thirty people) that mingle compulsory service with excessive wages; twelve cases (twelve people) that mingle compulsory service with refusal to take the oath required of labourers by the 1351 statute; seventeen cases (twenty-eight people) that involve a general refusal to work; and twenty-seven cases (fifty-eight people) that address compulsory service at harvest-time. In addition, I have found mentions of compulsory service in other legal and administrative records, especially cases in the court of common pleas.

In compiling this list, I worked through the following printed editions: Bertha Haven Putnam, *The Enforcement of the Statutes of Labourers during the First Decade after the Black Death, 1349–1359* (New York, 1908); Bertha Haven Putnam, *Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries: Edward III to Richard III* (London, 1938); *Yorkshire Sessions of the Peace, 1361–1364*, ed. Bertha Haven Putnam (Yorks. Archaeol. Soc., c, n.p., 1939); *Rolls of the Warwickshire and Coventry Sessions of the Peace, 1377–1397*, ed. Elisabeth Guernsey Kimball (Dugdale Soc., xvi, London, 1939); *Rolls of the Gloucestershire Sessions of the Peace, 1361–1398*, ed. Elisabeth G. Kimball (Trans. Bristol and Gloucs. Archaeol. Soc., lxii, Kendal, 1942); *Records of Some Sessions of the Peace in Lincolnshire, 1381–1396*, ed. Elisabeth G. Kimball, 2 vols. (Lincoln Record Soc., xlix, lvi, Hereford, 1955–62); *The Shropshire Peace Roll, 1400–1414*, ed. Elisabeth G. Kimball (Shrewsbury, 1959); *Sessions of the Peace for Bedfordshire, 1355–1359, 1363–1364*, ed. Elisabeth G. Kimball (Beds. Hist. Record Soc., xlvi; Historical Manuscripts Commission, xvi, London, 1969); *Oxfordshire Sessions of the Peace in the Reign of Richard II*, ed. Elisabeth G. Kimball (Oxfordshire Record Soc., liii, [Oxford], 1983); 'Offenders against the Statute of Labourers in Wiltshire, AD 1349', ed. E. M. Thompson, *Wilts. Archaeol. and Nat. Hist. Mag.*, xxxiii (1904); *Mediaeval Archives of the University of Oxford*, ed. H. E. Salter, 2 vols. (Oxford Hist. Soc., lxx, lxxiii, Oxford, 1920–1); *Some Sessions of the Peace in Lincolnshire, 1360–1375*, ed. Rosamund Sillem (Lincoln Record Soc., xxx, Hereford, 1936); *Some Sessions of the Peace in Cambridgeshire in the Fourteenth Century, 1340, 1380–83*, ed. Mary Margaret Taylor (Cambridge Antiq. Soc., lv, Cambridge, 1942); *Essex Sessions of the Peace, 1351, 1377–1379*, ed. Elizabeth Chapin Furber (Essex Archaeol. Soc., Occas. Pubns, iii, Colchester, 1953); *Inquests and Indictments from Late Fourteenth Century Buckinghamshire: The Superior Eyre of Michaelmas 1389 at High Wycombe*, ed. Lesley Boatwright (Bucks. Record Soc., xxix, [Aylesbury?], 1994). I also reviewed the following archival materials: National Archives, London, Public Record Office, Just 1/312 (Herefordshire, 1355–7); Just 1/773 (Somerset, 1358–9); KB 9/115 (Suffolk, 1361–4); KB 9/80 (Norfolk, 1375–9); KB 9/131 (Wiltshire, 1355–6); KB 9/54a (Lancaster, 1350).

1. Lancaster, 1350. Agnes widow of John, son of Ellis of Chorley, hired Emma daughter of Adam Wright of Chorley to be in her service (*conduxit . . . essendi in servicio suo*) for half a year. Emma was unwilling to enter her service and wholly refused (*in servicio suo intrare noluit set omnino contradixit*). Putnam, *Enforcement of the Statutes of Labourers*, 192*.
2. Derby, 1350. John Schad, William Cottok and Adam Woods were offered work at 4s. per year (*oblatis . . . quemlibet eorum iiii solidis*) by a servant of Sir Thomas Latham; they refused to accept the offer; they were imprisoned. Putnam, *Enforcement of the Statutes of Labourers*, 194*.
3. Cheshire, 1356. Henry the son of Simon Muleward was unwilling to serve (*noluit servire*) Hugh Sherd, and he was a vagrant (*vacans*). Putnam, *Enforcement of the Statutes of Labourers*, 147*.
4. Lincolnshire, 1360–1. Thomas Levelance, recently a justice of labourers, and the (unnamed) constable of Malmeton attached Denise the wife of Thomas Crake and assigned her to labour for Sir Philip Neville (*attachiaverunt D . . . et assignaverunt eam ad laborandum cum domino PN*), who was seised of her labour. Thomas Crake forcibly broke the attachment and took her out of Neville's service (*extra servicium*); he is a rebel against the king's law. (This is the only case which uses the language of labour as well as service.) *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 6 (case 18).
5. Suffolk, 1361. Joan Busker of Hoxne was assigned by the chief constable and sub-constables of Hoxne to John Ellis, clerk (*agistata . . . domino JE, clerico*); by that assignment (*per dictum agistamentum*) she was to be delivered (*deliberandum*) to John Ellis, and to that end, a sub-constable took her and attached her; then Richard Cross of Hoxne forcibly rescued her from the sub-constable. Cross is a common wrongdoer (*communis malefactor*). Putnam, *Proceedings before the Justices of the Peace*, 352.
6. Lincolnshire, 1368–75. William Jay took Joan Brack out of the service of the abbot of Swineshead, against the assignment of the constable (*extra servicium abbatis de S contra assignacionem constabularii cepit*), and kept her in contempt of the king. *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 226 (case 32).
7. Lincolnshire, 1368–75. Alice the daughter of Robert Cutte of Moulton resisted Richard de Welby, the chief constable, when he required her to serve Henry Catelyn of Moulton (*fecit rescussum RW . . . sic quod recistata fuit ad serviendum HC per dictum R*). *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 222 (case 12).
8. Lincolnshire, 1373–5. The constable at Fellingham had attached John West of Frisby, living at Fellingham, to serve Thomas Toft (*attachiasset JW . . . ad serviendum TT*). West resisted him (*fecit rescussum constabulario*). *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 23–4 (case 54).

9. Lincolnshire, 1373–5. Richard Baward of Carlton is a common labourer and idle vagrant (*communis laborarius et vagans circumquaque ossiosus*); William Shadwood offered him appropriate service with John Percy, knight (*optulit eidem RB servicium ad commorandum cum JP in officio pro statu suo congruo*); Richard wholly refused to do this (*R hoc facere ominino recusavit*). *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 90 (case 404).
10. Lincolnshire, 1373–5. Felicity the daughter of John Dameson of West Keal was recently retained in the service of William Davie, by the order and assignment of the constable there, as is the custom (*in servicio WD nuper retenta per preceptum et assignacionem constabularii eiusdem ville prout moris est*). She was to serve for one full year from Martinmas. She withdrew herself from that service without reasonable cause or his permission. *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 48 (case 185).
11. Lincolnshire, 1373–5. In December 1373, when Stephen Reddings and John Line, constables of Wyberton, placed in the stocks Richard Rote, a vagabond, because he had refused to serve by the year (*vacabundum pro eo quod noluit servire per annum*), they were assaulted by Stephen, the rector of Wyberton; John Candler, chaplain; Robert Chamberlain; and John, servant of the rector. *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 241 (case 105).
12. Lincolnshire, 1373–5. Agnes the wife of Thomas, himself the shepherd of John the vicar of Langston by Wragby, was required by John Maltby to stay with him during hoeing time to hoe his corn (*requisita fuit . . . ad commorandum . . . tempore sarclacionis ad blada sua sarclanda*). She refused; she also did not permit her two maidser-vants to do this work. (In the preceding entry, Thomas is cited for refusing to work except at excessive wages.) *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 46 (case 176).
13. Lincolnshire, 1373–5. Matilda Gamel, labourer (*laboraria*), withdrew from the service (*recessit a servicio*) of John Brownaleyson and was assigned back to him (*assignata fuit ei*) by the constable of Goxhill at a better salary. *Some Sessions of the Peace in Lincolnshire*, ed. Sillem, 33 (case 97).
14. Lincolnshire, 1383. John son of Henry of Wickham of Glentham was attached by the constables to serve John Tornay as a ploughman and carter at Caenby, because he was a vagrant (*attachiatus fuit . . . ad serviendum JT . . . quia inventus vacabundus*). He left after two days. He was outlawed for failure to appear before the justices. *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, ii, 18 (case 525).
15. Lincolnshire, 1383. William Bret offered to hire William Milner, vagrant (*vacabundo*), to serve him (*optulit servicium*) as a ploughman and carter, as he used to serve (*sicut solebat servire*). Milner refused; he was outlawed for failure to appear before the justices. *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, ii, 181 (case 507).

16. Lincolnshire, 1383. Agnes Lang of Kirmington, vagrant (*vacabunda*), was required by John Bailey, the constable there, to serve William of Kirmington as a garthwoman (*requisita fuit . . . ad serviendum . . . in officio garthwoman*). She refused. She was outlawed for failure to appear before the justices. *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, ii, 180 (case 506).
17. Lincolnshire, 1387. John Cotes of Snarford required Matilda daughter of Richard Neville of Snarford, because she was a vagrant, to serve him for a year as a spinster (*requisit M filiam RN tanquam vagibundam ad serviendum ei in officium filatricis*). She entered his service, but at the instigation (*per procuracionem*) of John Shipman of Lincoln, skinner, she left JC and entered the service of JS. *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, ii, 49–50 (case 138).
18. Lincolnshire, 1388. William de Kele of Great Cotes now living in Scartho was a vagrant (*vacabundus*) in Michaelmas 1387 and out of service (*extra quolibet servicium*). He was required by John Alas bailiff of Edmund Iperound to serve him as a ploughman (*requisitus fuit per JA . . . ad serviendi ei*). William was arrested by the constable of Great Cotes, but he left the village and broke his arrest (*arestatus fuit . . . devillavit et fregit arestum*). *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, ii, 66 (case 194).
19. Oxford, 1394. Christine Hinksey, otherwise Truelove, a wanderer and vagrant (*vagrans ac vagabunda*) with no means of support, refused to serve Mathew Ruthin when he offered her employment (*MR peciit servicium CH . . . que renuit servire*). She was imprisoned until such time as she would agree to serve. *Mediaeval Archives of the University of Oxford*, ed. Salter, ii, 118.
20. Lincolnshire, 1395. A cancelled entry. Robert Wyotson constable of Croft arrested John Hudson, vagrant, and placed him in his own service (*arestavit JH vacabundum et eum posuit in servicio suo*). *Records of Some Sessions of the Peace in Lincolnshire*, ed. Kimball, ii, 228 (case 665).