

# 'Closing' and the Later Middle Ages

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*THE RELEVANCE of 'closure theory' to archaeology is discussed, and it is argued that the role of material culture in shaping medieval group identities was enhanced by taxation on movable property during the 13th century. Emphasis on monetary value led to concepts of ranking expressed in sumptuary laws and the use of symbols in late medieval contractual society.*

According to the *Middle English Dictionary*, 'closen', to close, had fifteen shades of meaning. The word and its compounds now seem well on their way to having just as many when used in the theoretical constructs of medieval historians and archaeologists. Although the different usages are not mutually exclusive, they need to be identified before they start to obscure rather than to illuminate debate.<sup>1</sup>

'Closing' was probably first applied within social theory to post-medieval settlements. 'Closed' villages of the 17th and later centuries were carefully controlled, and often built, by estates which owned all the freeholds; 'open' villages had multiple ownership and therefore residents who could not be manipulated by a single landlord, so that in them rural entrepreneurs were not restricted in their pursuit of profit, nor could the feckless be turned from their pursuit of indolence. The physical difference between an orderly row of uniform houses for estate labourers, forbidden to sub-let, and the sprawl of different property sizes, buildings and functions in an open village with no rules of exclusion, expresses the prevention of challenge to the social order sought by many landowners.<sup>2</sup>

Many medieval villages were 'closed' in the sense that they were the property of a single manor, and some medieval historians have wondered if conditions of tenure might have been stricter in those. As yet, no definite evidence of any such differences has been recognized in the archaeological record. At Wharram Percy, for instance, two-manor ownership in the 11th century is not seen as having been an impediment to replanning of the settlement, though it could explain minor differences in plot sizes and layouts. Later change to single ownership led to the loss and building over of one of the two manor houses, but it would be difficult to attribute other physical changes to the ownership factor.<sup>3</sup> In general, where owners

<sup>1</sup> This paper was prepared for the Theoretical Archaeology Group conference, held at the University of Birmingham in December 1998. I am grateful to Professor Matthew Johnson for reading a draft and for making many valuable comments to promote discussion.

<sup>2</sup> Summarized by B. K. Roberts, *The Making of the English Village* (Harlow, 1987), 206–07.

<sup>3</sup> M. Beresford and J. Hurst (eds.), *Wharram Percy: Deserted Medieval Village* (London, 1990), 45–46, 80, 84.

had estates in different parts of the country, they followed the local customs and had no concept of seeking to impose a uniform system of control.<sup>4</sup>

More recently, the 'closed' and 'open' terminology has been applied to medieval manors which offered different ranges of opportunity despite being in the same ownership. L. A. Gates has contrasted two neighbouring Glastonbury Abbey estates in Wiltshire which produced similar profit levels for their owner, and has shown that while Longbridge Deverill practised a mixed-farming economy in the later 13th and 14th centuries, Monkton Deverill concentrated on rearing sheep, a specialism determined by the topography of its location in a narrow valley. Consequently Longbridge had small tenements and a large population, and was therefore 'open' to opportunism in terms of land transfers and brewing, the former bringing in outsiders, the latter creating employment predominantly for women. Monkton had fewer working units and was 'closed' to outsiders who could not get a toe into its holdings and to women who were excluded from a male-dominated form of agriculture.<sup>5</sup> This convincing dichotomy loses a little of its appeal because the Ordnance Survey map marks strip-lynchets at Monkton, which a visit reveals to be well-preserved and clearly medieval!

In medieval studies, 'open' and 'closed' are not words only applied to settlements. 'Closure theory' is a structuralist approach to social relations very clearly explained by S. H. Rigby,<sup>6</sup> who has examined its applicability as a framework for the study of the later Middle Ages. People in medieval England practised 'exclusionary closure' in a variety of ways, many familiar to archaeologists; through aristocratic groups who limited access to the dais end of their halls and excluded other ranks from the privileges of the chase; through wealth-based groups such as guilds which excluded non-members from participation in their 'mystery' and the communality of their halls; or groups such as the clergy who might achieve their position on an individualistic basis through education and who thereafter excluded seculars from the institutions and higher learning of the Church. Dichotomies, or binary opposites, such as rich-poor can be criticized as being too simplistic, but they provide a focus for discussion, such as that created by 'the Brenner debate'.<sup>7</sup>

Archaeologists have looked for binary opposites in such aspects of social behaviour as the separation of public and private space, as with access to London gardens,<sup>8</sup> or of 'clean' areas from 'dirty' — a distinction not very well maintained.<sup>9</sup> Other forms of exclusion might be based on gender, as in male control of female heirs, or on ethnicity, as in 13th-century persecution of Jews. 'Exclusionary closure'

<sup>4</sup> P. D. A. Harvey, 'Initiative and authority in settlement change', 31–43 in M. Aston, D. Austin and C. Dyer (eds.), *The Rural Settlements of Medieval England* (Oxford, 1989), pp. 41–42.

<sup>5</sup> L. A. Gates, 'Widows, property and marriage: lessons from Glastonbury's Deverill manors', *Albion*, 28 (1996), 19–35; for another discussion of this terminology, see R. Faith, *The English Peasantry and the Growth of Lordship* (London, 1997), 202–06.

<sup>6</sup> S. H. Rigby, *English Society in the Later Middle Ages* (Basingstoke, 1995).

<sup>7</sup> Summarized in T. H. Aston and C. H. E. Philpin (eds.), *The Brenner Debate* (Cambridge, 1985); see also J. A. Raftis, *Peasant Economic Development within the English Manorial System* (Stroud, 1997), 128–29.

<sup>8</sup> J. Schofield, 'Social perceptions of space in medieval and Tudor London houses', 188–206 in M. Locock (ed.), *Meaningful Architecture: Social interpretations of buildings* (Aldershot, 1994), 202–03.

<sup>9</sup> *Ibid.*, 203–04.

is bolstered by control of power, which ultimately in medieval England meant royal power, except for the Church courts. When peasants revolted or journeymen rioted against their masters, they were practising 'usurpatory closure', taking direct physical action in attempts to wrest at least part of the control of power for themselves.<sup>10</sup>

'Dichotomic closure' seeks polarities; another form of closure is hierarchical, in which the criterion applied may be something measurable and graded, such as money wealth. Within England, social class was increasingly equated with annual income: £20 was the qualification for a Justice of the Peace, for instance.<sup>11</sup> Another form of graded hierarchy could be the ability to recognize different layers of meaning, such as those that could be read into symbols. The badges and ampullae worn on their hats by pilgrims like Chaucer's, 'that men might see, and know by his signs, whom he had sought', could work at three levels: general recognition of a pilgrim as someone who had attained an alternative social classification and an association with the fellowship of the Church; wide recognition of the 'sign' of a popular shrine, creating a social bond with many others who had also visited it, either personally or vicariously by contributing to the expenses of another's journey; and recognition of an obscure shrine by another pilgrim, setting up a more esoteric closed group, 'a local confraternity dedicated to a chosen shrine'.<sup>12</sup> These badges could therefore be both a public proclamation and a reinforcement of social closure.

A different 'closure theory' has been proposed by Matthew Johnson in what he has called 'the umbrella term of "closure" . . . a different way of relating to the landscape as a whole',<sup>13</sup> which he sees as a mindset of property, ownership and social intercourse arising because enclosure of open fields was mirrored in the enclosing of space within houses.<sup>14</sup> Other examples could be suggested: from the 14th century, costume, at least among the upper classes, became more close-fitting, tailored to the body.<sup>15</sup> Marginalia disappeared from manuscript paintings, with images firmly enclosed within frames.<sup>16</sup>

Even more recently, 'closing' has appeared in what at first glance seems a non-theoretical application, the title of a book by R. H. Britnell, *The Closing of the Middle Ages? England 1471-1529*, in which 'closing' is a synonym for 'end'. But the question-mark is important, as Britnell seeks to identify anything that presaged the changes of the 1530s and later, and whether the period is clearly either 'an epilogue

<sup>10</sup> Rigby, op. cit. in note 6, 9-10.

<sup>11</sup> R. H. Britnell, *The Closing of the Middle Ages? England, 1471-1529* (Oxford, 1997), 190.

<sup>12</sup> B. Spencer, *Pilgrim Souvenirs and Secular Badges: Salisbury and South Wiltshire Museum Medieval Catalogue Part 2* (Salisbury, 1990), 10.

<sup>13</sup> M. H. Johnson, 'Rethinking houses, rethinking transitions: of vernacular architecture, ordinary people and everyday culture', 145-54 in D. Gaimster and P. Stamper (eds.), *The Age of Transition: The Archaeology of English Culture 1400-1600* (Soc. Medieval Archaeol. Mon. 15/Oxbow Mon. 98), p. 152. Johnson usually refers to 'closing' rather than to 'closure', and that distinction in terminology will be used in the rest of this paper for convenience.

<sup>14</sup> M. H. Johnson, *An Archaeology of Capitalism* (Oxford, 1996), esp. 75-79.

<sup>15</sup> K. Staniland, 'Getting there, got it: archaeological textiles and tailoring in London 1330-1580', 239-50 in Gaimster and Stamper (eds.), op. cit. in note 13, 239-41, shows, however, that this 'revolution' was foreshadowed in earlier costume.

<sup>16</sup> M. Camille, *Images on the Edge* (London, 1992), 153-60.

or a prologue.<sup>17</sup> A comparable question, about the extent and recognition of change, was asked in the new volume jointly published by the Societies for Medieval and for Post-Medieval Archaeology by contributors who mostly looked at a longer timespan, as archaeologists usually do.<sup>18</sup> Britnell does not ignore the physical evidence of technology, buildings and tombs that fit within the shorter chronology, but he doubts whether cultural changes recognizable in the short timespan before the 1530s were so fundamental as to make transformation inevitable. He does not argue that late medieval society was closed to outside influences, but does not see significantly changing attitudes being created despite changes to national and local government, a reviving economy and other developments.

Medieval people, for whom craft monopolies, price controls and imposed wage restraints were part of daily life, and who wrote extensively on the Three Orders, or on the peasants as the feet upon which everyone else in the body politic walked, would have understood 'closure theory'. They might have understood 'closing theory' as an example of it, for the dichotomy between open and closed was expressed in many ways, throughout the Middle Ages. The most obvious example is the cloister, a word derived from the Latin *claustrum* which is formed from a participle of *claudere*, to close,<sup>19</sup> and the even more isolated *clausus*, used as early as the 8th century of St Cuthbert's cell.<sup>20</sup> The 'Close Rolls' were sealed letters, and specifically therefore private; a 'close' was an enclosed piece of land; both usages were in currency by the 13th century.<sup>21</sup> The use of words and language sets up a form of closure, particularly obvious in the Middle Ages because only the learned had access to Latin, and only the aristocracy used French. 'Closet' appears first in French in 1309, arriving in England as a loan word at the end of the 14th century.<sup>22</sup> Another, earlier, loan was *fermail* for brooch or clasp, from *fermer*, because it served to prevent a garment 'from gaping open', a concept expressed in inscriptions and in texts, some with overtones of male possessiveness.<sup>23</sup>

Regulation of garments and dress was a primary aim of medieval sumptuary legislation, which usually sought to limit certain types of consumption to particular groups, a subject on which 'closure' and 'closing' theory converge in discussing. Sumptuary legislation may have 'represented a way of looking at the world in terms of fixed ranks',<sup>24</sup> but it was not intended to fix them immutably; wealth had

<sup>17</sup> Britnell, *op. cit.* in note 11, 1.

<sup>18</sup> Gaimster and Stamper (eds.), *op. cit.* in note 13.

<sup>19</sup> *The Dictionary of Medieval Latin from British Sources* musters nine different shades of meaning for this verb.

<sup>20</sup> B. Colgrave, *The Two Lives of St Cuthbert* (Cambridge, 1940), 129.

<sup>21</sup> *Cal. Close Rolls, 1307-13*, preface; H. Kurath et al. (eds.), *Middle English Dictionary* (Ann Arbor, 1952-), hereafter *MED*.

<sup>22</sup> I am grateful to the Editor for this point: see J. Godefroy, *Dictionnaire de l'Ancienne Langue Française* (Paris 1883); *MED*; J. Schofield, *Medieval London Houses* (New Haven, 1995), 81. Johnson, *op. cit.* in note 13, cites a paper by A. Stewart on this topic. 'Privy' was in use earlier; neither word had its later associations, but meant what it said. 'Solar', in currency from much earlier, does not, *contra* N. J. G. Pounds, *The Culture of the English People: Iron Age to the Industrial Revolution* (Cambridge, 1994), 419, derive from Latin *solus*, alone, but from *solarium*, a sunny part of the house. Despite this negative comment, there is much of interest in Pounds's book.

<sup>23</sup> M. B. Deevey, *Medieval Ring Brooches in Ireland* (Wicklow, 1998), 63-69.

<sup>24</sup> Johnson, *op. cit.* in note 14, 192.

become 'an essential prerequisite of promotion into the noble order'.<sup>25</sup> The laws were not a mechanism for preventing upward mobility, but for controlling behaviour:<sup>26</sup> retaining social closure by restricting groups to those who could afford the duties that went with rank as well as the appropriate trappings.<sup>27</sup>

The first English sumptuary law applied only to food, and was couched in terms of national well-being: lesser folk were impoverishing themselves by imitating the great, whose self-indulgence was in turn reducing their ability to serve their sovereign. In 1337, legislation was extended to dress. The law of 1363 set out a detailed hierarchy, and what was appropriate to each group; by stating income levels and trying to make equivalence between land and other income, it was echoing contemporary taxation. It was repealed after a year, and national legislation was not reintroduced until the following century.<sup>28</sup> Some cities had by-laws, however, such as London's which were promulgated so that 'all folks, natives and strangers, may have knowledge of what other ranks are', including recognition of prostitutes, an example of the way in which such laws were often a means of trying to enforce male dominance by control of women's costume and appearance.<sup>29</sup> Other expressed intentions might be to restrict expenditure on luxuries generally, to save money or souls, to prevent the export of bullion, and to protect native production from foreign opposition, another sort of 'closure', more usually thought of as protectionist mercantilism.<sup>30</sup>

In England, no prosecution for breach of sumptuary laws is recorded until the early 16th century,<sup>31</sup> so 'closure' was not directly enforced through them. They expressed an expectation of what was correct, rather than a draconian intention to prosecute. Chaucer's gently mocking eye may have tacitly noted flouting of sumptuary laws when he recorded of the five burgesses who sat on the dais in their guildhalls:

Hir knives were chaped noght with bras  
But al with silver, wrought ful clene and weel,  
Hir girdles and hir pouches everydeel.

According to the 1363 Statute, only burgesses with goods worth over £500 should have had a 'knife . . . of gold or silver'.<sup>32</sup> Did each of these guildsmen really have enough in 'wisdom', goods and rents to sustain the status of alderman? The very existence of the sumptuary laws may have encouraged excess, by showing what was permitted to the rank to which someone belonged. The burgesses wore their

<sup>25</sup> Rigby, *op. cit.* in note 6, 200.

<sup>26</sup> R. Horrox, 'Introduction', 1–12 in *ead.* (ed.), *Fifteenth-century Attitudes* (Cambridge, 1994), 4.

<sup>27</sup> In the Middle Ages, the purpose of sumptuary legislation was usually stated as being to preserve the monarchy and the 'feudal' hierarchy, though in 13th-century Italian city-states it sought in part to prevent any group from using royal and aristocratic symbols, in order to preserve republicanism, a reminder that it must always be seen in context: D. O. Hughes, 'Sumptuary law and social relations in renaissance Italy', 69–99 in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), 73–74.

<sup>28</sup> N. B. Harte, 'State control of dress and social change in pre-industrial England', 132–65 in D. C. Coleman and A. H. Johns (eds.), *Trade, Government and Economy in Pre-industrial England* (London, 1976).

<sup>29</sup> A. Hunt, *Governance of Consuming Passions: A history of sumptuary law* (New York, 1996), 109, 263–65.

<sup>30</sup> *Ibid.*, 124; Britnell, *op. cit.* in note 11, 205–06.

<sup>31</sup> Harte, *op. cit.* in note 28, 163.

<sup>32</sup> A. R. Myers (ed.), *English Historical Documents IV, 1327–1485* (London, 1969), 1154.

guild liveries and 'Full fresh and new hir geere apiked was'; 'apiked' means adorned, and may indicate that the five were dressed in clothes spangled with the metal mounts and pendants found in profusion in London.<sup>33</sup> Access to dyes may also have encouraged excess, instead of the sombre clothing normally considered respectable.<sup>34</sup>

Social emulation is often advanced as the explanation of change in material culture, but Johnson has warned that it should not be taken for granted.<sup>35</sup> 'Closure theory' indeed encourages the view that social relations should be seen as operating both vertically and horizontally — people might seek to distance themselves from those below them in the hierarchy, or to emulate their superiors (or even very occasionally vice versa, as apparently with some dances),<sup>36</sup> but they were also very aware of their position in relation to those on the same level with whom they interacted in everyday life. Classes set their own standards in such 'transformative' processes.<sup>37</sup> At a much lower social level, the poor might keep their standards of expectation low, with a preference for working no more than necessary for a basic living, giving a lower priority to self-advancement or acquisition of goods than to increased leisure, known to their employers as 'idleness' and to modern anthropologists as 'task-orientation'.<sup>38</sup>

One example of the way that emulation is more often assumed than demonstrated can be seen in the medieval hall. It may be true that they were built 'to impress equals and inferiors alike',<sup>39</sup> but the degree to which inferiors sought halls of their own as a consequence of occasional experience of their superiors' is not likely to be stated in documents. There were occasions when even the poor were entertained in a gentry hall provided that they knew their place: 'the more civil poor neighbours . . . were entertained at my grandfather's board'.<sup>40</sup> In some cases the manor courts were held in them,<sup>41</sup> and repair works on the lord's *aula* were a standard customary service.<sup>42</sup> But that need not have led to emulation; there may have been some 'apeing',<sup>43</sup> but much of a peasant's use of an *aula* was functionally different.<sup>44</sup> Nevertheless, part of the message to be 'read' by contemporaries was that the man who sat in his own chair was master in his own

<sup>33</sup> G. Egan and F. Pritchard, *Dress Accessories: Medieval Finds from Excavations in London* (London, 1991), 162–227; cf. bezants: R. W. Lightbown, *Medieval European Jewellery* (London, 1992), 365–72.

<sup>34</sup> R. Mellinkoff, *Signs of Otherness in Northern European Art of the Late Middle Ages* (Berkeley, 1993).

<sup>35</sup> M. Johnson, 'The Englishman's home and its study', 245–58 in R. Samson (ed.), *The Social Archaeology of Houses* (Edinburgh, 1990), 247. See also C. Campbell, *The Romantic Ethic and the Spirit of Modern Consumerism* (Oxford, 1987); I am grateful to Matthew Johnson for this reference.

<sup>36</sup> Mellinkoff, *op. cit.* in note 34, 19.

<sup>37</sup> Hunt, *op. cit.* in note 29, 60.

<sup>38</sup> I. Blanchard, 'Labour productivity and work psychology in the English mining industry', *Econ. Hist. Rev.*, 31 (1978), 1–24, at 1–3; M. Bailey, 'Rural society', 150–68 in Horrox (ed.), *op. cit.* in note 26, 162–67.

<sup>39</sup> S. Pearson, *The Medieval Houses of Kent* (London, 1994), 95.

<sup>40</sup> Quotation taken from E. Duffy, *The Stripping of the Altars: Traditional Religion in England c. 1400–1580* (London, 1992), 138; see also F. Heal, *Hospitality in Early Modern England* (Cambridge, 1990), 21, 52, 58–75.

<sup>41</sup> F. W. Maitland himself was exercised by this question, in (ed.), *Select Pleas in Manorial and other Seigniorial Courts*, Vol. 1 (Selden Soc. 2, 1889), lxxvi–lxxvii.

<sup>42</sup> E.g. at Povington, Dorset: M. Chibnall (ed.), *Select Documents of the English Lands of the Abbey of Bec* (Camden Soc. 3rd ser. 73, 1951), 62.

<sup>43</sup> A favourite medieval metaphor: Camille, *op. cit.* in note 16, 24–26, 30.

<sup>44</sup> E.g. M. W. Thompson, *The Medieval Hall* (Aldershot, 1995), 137–42. L. R. Poos, *Rural Society after the Black Death: Essex 1350–1525* (Cambridge, 1991), 84–86, has some rare details of the social use of peasants' halls.

house, a statement to those at the same social level.<sup>45</sup> There may be no written texts to support that interpretation, but that does not make it incorrect. The extraordinary blend of conservatism and innovation demonstrated in the recently published contract between a Bury St Edmund mason and a village carpenter drawn up in the 1460s shows how many statements a building might make. On the one hand, even the word 'hall' was not used, replaced by 'parlour' for a ceiled room; yet at the same time, it had to contain a 'high dais', which would seem to be completely anachronistic in the new space being created.<sup>46</sup> As David Dymond points out,<sup>47</sup> the naming of other houses in Bury as exemplars shows how conscious people were of their contemporaries' houses.

Another example of the way in which social emulation is more easily assumed than demonstrated is provided by jewellery. So it is worth noting that costly brooches were copied in base metals and pastes, for instance, and the cheaper ones do not seem to have developed an idiom of their own.<sup>48</sup> A copper-alloy brooch would not have impressed anyone who could afford a gold one, but it would be noted as a small luxury by those with whom the wearer had everyday contact. Chaucer's guildsmen's silver knife chapes and embroidered belts and purses were designed to be noticed by those in the same social bracket, for they might not have meant much to the knight, but sent a strong signal to other townsfolk.

Sumptuary laws could only have been meaningful in the 14th century because people observed and set a value upon property, on which they were taxed. Attempts to raise taxation on the basis of hides and plough-teams apparently failed in the 1190s and 1200, and tax on movable property was substituted.<sup>49</sup> Social status, of course, continued to depend heavily on the possession of estates, but valuation of commodities became part and parcel of everyone's life; the very poor were excluded from lay subsidy payments, but even their paltry possessions were presumably subject to scrutiny. The level of detail shown in the few surviving 13th-century local assessment lists leaves no doubt that inspections were made (even if valuations were often wildly favourable to the richer tax-payers); in Lynn, even hand-mills were costed — at 1s., two at 3s., and three at 2s. 8d. — so presumably someone had judged them for size and wear;<sup>50</sup> in Bedford, John Wymer's property included four silver spoons worth 2s. and a mazer worth the same.<sup>51</sup>

The use of money values for commodities reflects increased use of coin generally in the 13th century.<sup>52</sup> Another change in attitudes is reflected in

<sup>45</sup> P. Eames, *Medieval Furniture in England, France and the Netherlands from the Twelfth to the Fifteenth Century* (Furniture Hist. Soc., 1977), xviii-xix, 180.

<sup>46</sup> D. Dymond, 'Five building contracts from fifteenth-century Suffolk', *Antiq. J.*, 78 (1998), 269-87, at 274-75. The expectation of a dais in a mason's house is intriguing: did even a peasant have some sort of platform?

<sup>47</sup> *Ibid.*, 281.

<sup>48</sup> Egan and Pritchard, *op. cit.* in note 33, 247-71.

<sup>49</sup> M. Jurkowski, C. L. Smith and D. Crook, *Lay Taxes in England and Wales 1188-1688* (Public Rec. Office Handbook 31, 1998), xiii-xix; M. T. Clanchy, *From Memory to Written Record: England 1066-1307* (Oxford, 2nd ed. 1993), 72.

<sup>50</sup> D. M. Owen, *The Making of King's Lynn* (Brit. Acad. Rec. Soc. Econ. Hist. new ser. 8, 1984), 235-47.

<sup>51</sup> A. T. Gaydon, *The Taxation of 1297* (Bedfordshire Hist. Rec. Soc. 89, 1959), 97.

<sup>52</sup> N. J. Mayhew, 'Population, money supply, and the velocity of circulation in England', *Econ. Hist. Rev.*, 18 (1995), 238-57; A. W. Crosby, *The Measure of Reality: Quantification and Western Society, 1250-1600* (Cambridge, 1997), 69-72.

increasing commutation; kings ceased to rely upon the 'feudal host' not only for crossbowmen and archers, who had long received wages, but for mounted knights as well, especially after the 1220s.<sup>53</sup> Although service labour was still used on demesne lands, the better value that cheap, waged labour provided meant that it was often preferred.<sup>54</sup> In these ways, 'bastard feudalism', with social relations based on contract, may be said to have spread more rapidly in the 13th than in any other century.<sup>55</sup>

Because supplies of gold and gems were greater in the 13th century and later, it may just be coincidental that the greatest paucity of personal display items occurred in the late 11th and 12th centuries when 'feudo-vassalic' relations were at their height.<sup>56</sup> Nevertheless, there were plenty of ecclesiastical finger-rings,<sup>57</sup> so the increasing number of precious jewels, particularly after the middle of the 13th century,<sup>58</sup> may be strongly linked to social demands, particularly the gift-giving that is recorded, and was carefully graded, at Christmas and New Year. Parallels with the gift-giving societies of the Sutton Hoo era are valid up to a point, as is the importance of the halls and the feasts held in them, with seating precedence articulating the social hierarchy.<sup>59</sup> Memberships of early-medieval war-bands and of late-medieval affinities needed to be regularly renegotiated, whereas a feudal act of commendation was, at least in theory, for life; the gift of land made the gift of gold less important.<sup>60</sup>

The 'feudal pyramid' mostly dependent upon birth created one set of groups, 'bastard feudalism' another. The great lords of the later Middle Ages constructed retinues as a way of manipulating power, tied together by contracts or promises of preferment. In the physical record are some of the badges used to symbolize these aristocratic affinities; they range from triumphs of the jeweller's art, such as the Dunstable Swan,<sup>61</sup> to mass-produced lead alloy.<sup>62</sup> Presumably therefore their significance was widely enough understood for a swan to be 'read' as Bohun or an elephant and castle as Beaumont, even though the underlying reasons for the choice of motif might be the 'secret knowledge' of a few. The badges had layers of meaning, so much so that many of them are not fully understood today; every device on the Wilton Diptych is so allusory that it is disputable whether there was not an inner, secret clique around King Richard II so exclusive that its members defy 20th-century recognition.<sup>63</sup> Complaints about liveries and badges rose steadily

<sup>53</sup> K. Faulkner, 'The transformation of knighthood in early thirteenth-century England', *Eng. Hist. Rev.*, 111 (1996), 1-23.

<sup>54</sup> D. Stone, 'The productivity of hired and customary labour: evidence from Wisbech Barton in the fourteenth century', *Econ. Hist. Rev.*, 50 (1997), 640-56.

<sup>55</sup> M. Hicks, *Bastard Feudalism* (London, 1995).

<sup>56</sup> The phrase is used by S. Reynolds, *Fiefs and Vassals* (Oxford, 1994).

<sup>57</sup> G. Zarnecki, J. Holt and T. Holland (eds.), *English Romanesque Art 1066-1200* (London, 1984), 289-93.

<sup>58</sup> J. Alexander and P. Binski (eds.), *The Age of Chivalry 1200-1400* (London, 1987), 481-88.

<sup>59</sup> M. Rubin, 'Small groups: identity and solidarity in the late Middle Ages', 132-50 in J. Kermode (ed.), *Enterprise and Individuals in Fifteenth-century England*, (Stroud, 1991), 138-41.

<sup>60</sup> D. A. Hinton, 'Late Anglo-Saxon metalwork: an assessment', *Anglo-Saxon England*, 4 (1974), 171-80.

<sup>61</sup> J. Cherry, *Goldsmiths* (London, 1992), pl. 34.

<sup>62</sup> Spencer, *op. cit.* in note 12, 95-106.

<sup>63</sup> C. M. Barron, 'An introduction', 1-25 in D. Gordon, L. Monnas and C. Elam (eds.), *The Regal Image of Richard II and the Wilton Diptych* (London, 1997), 12-13.

throughout the 14th century, as the 'closed groups' who wore them were increasingly likely to challenge the rule of law by physical violence.<sup>64</sup>

Jewellery could be as much a drain on late medieval aristocratic resources as building works,<sup>65</sup> another sphere in which the aristocracy constructed its self-images, with castles giving visibility to its military ethos. Roberta Gilchrist has made a pertinent analogy between sumptuary laws and 13th-century and later licences to crenellate, as an example of the medieval use of material culture to construct social identities.<sup>66</sup> Like the laws, the licences are often couched in terms that disguise their social purpose; Bodiam Castle was not so much for 'the defence of the local neighbourhood' as for the personal satisfaction of Sir Edward Dalington, but was that a distinction that he would have made himself?<sup>67</sup> His need for a 'castle' was to emphasize his social position, acquired largely through military success in France, the spoils of war having given him the income necessary to maintain it. He was typical of many who were 'upwardly mobile', and sumptuary legislation in England should be seen as a reaction to the volatility of late medieval conditions which could take such a man far beyond his place at birth.

Sir Edward Dalington is just one example of a man who had made his way largely by his own efforts; such people could be the beneficiaries of 'bastard feudalism', with social relations based on contracts. The cost of failure in volatile societies is likely to be violent death; just as most early Anglo-Saxon kings died of violence, so too in the 14th and 15th centuries were Edward II, Richard II and Henry VI (probably) murdered — in the interim, only William II may have suffered such a fate, and even his death may have been an accident. More to the point, rebellion by aristocrats no longer led to loss of royal favour, temporary exile and a pardon the following year, but to execution for treachery, ritualized murder. The Wheel of Fortune was a favourite late medieval image for good reason.<sup>68</sup>

For the aristocracy, therefore, Lancastrian England was very different from Norman. To what extent is the same true for other groups? 'Closing theory' proposes that the great majority were affected much more by changes that took place from the 14th century onwards, because changes in the physical environment changed attitudes to property and to social relations. Yet although the ceiling-over of open halls in 'vernacular' houses in the 15th century and later was a major change, such houses were already well-divided internally by bay divisions, with lofts and partitions. Similarly, as Johnson acknowledges,<sup>69</sup> enclosed fields were not a new feature of the later Middle Ages, but had always been a part of everybody's landscape, and open fields were to remain a part of many people's until the 18th

<sup>64</sup> N. Saul, 'The Commons and the abolition of badges', *Parliamentary Hist.*, 9 (1990), 302–15.

<sup>65</sup> D. A. Hinton, review of Lightbown, *op. cit.* in note 33, *Medieval Archaeol.*, 37 (1993), 327–29.

<sup>66</sup> R. Gilchrist, 'Medieval bodies in the material world: gender, stigma and the body', 43–61 in S. Kay and M. Rubin (eds.), *Framing Medieval Bodies* (Manchester, 1994), 45.

<sup>67</sup> D. J. Turner, 'Bodiam, Sussex: true castle or old soldier's dream house?', 267–77 in W. M. Ormrod (ed.), *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium* (Woodbridge, 1986).

<sup>68</sup> Horrox, *op. cit.* in note 26, 11; the image was first used in England at the end of the eleventh century: E. Mason, 'Magnates, curiales, and the Wheel of Fortune: 1066–1154', *Proc. Battle Abbey Conf. Anglo-Norman Stud.*, 2 (1979), 118–40.

<sup>69</sup> Johnson, *op. cit.* in note 14, 21–30.

century and beyond. Important though such changes were, therefore, would people have perceived a spatial connection between two-dimensional enclosed fields and three-dimensional roofed buildings?<sup>70</sup> It is debatable whether 'closing theory' reveals the emergence of a whole new 'mindset' and thus provides a framework in which to view the late Middle Ages and the early modern period.

Another criticism of 'closing theory' is that it may underestimate the level of commercialism and awareness of property rights of the 13th century, even amongst those who laboured on their tenanted strips in the open fields.<sup>71</sup> For a few historians, the profit motive was a new factor in the later Middle Ages, created by changes to the peasant mindset as the link between family and land was broken by the volatility of the Black Death era, and emphasis came to be placed on the nuclear not the 'functionally extended' family.<sup>72</sup> Such evidence as exists from before the 14th century, however, indicates that even partible land was normally divided only between direct heirs, not amongst cousins, so that stem-family descent was the norm throughout the Middle Ages;<sup>73</sup> inheritance by cousins did sometimes occur, but only if there were no sons or daughters.<sup>74</sup> Furthermore, taxing was done through vills, social control through tithings, and legal support through pledging, none of which depended upon the family.<sup>75</sup> There is a little 12th-century urban evidence that kin should be given first refusal when a tenement was sold and the same sentiment occurs in some rural records but in the 15th and 16th centuries, not before the Black Death.<sup>76</sup> So any bond between land and family seems to have survived the 14th century, and may have been the product of reluctance to rely too much upon the waywardness of the market rather than any sentiment of tradition.<sup>77</sup> Family ties may have been stronger before the Black Death, but their dilution seems not to have been revolutionary, but part of an on-going process.

The flourishing market for land and other sales recorded in the 13th century causes many to doubt whether there was any change to the peasant mindset, at least as expressed in its economic goals. 'No one has yet given any reason for supposing that investment in sheep in the period was any more distinctively capitalist than the build-up of sheep flocks, with corresponding conflicts concerning

<sup>70</sup> *Ibid.*, 83.

<sup>71</sup> Harvey, *op. cit.* in note 4, 8–24; R. H. Britnell, *The Commercialisation of English Society, 1000–1500* (Cambridge, 1993), 145–46.

<sup>72</sup> Z. Razi, 'The myth of the immutable English family', *Past and Present*, 140 (1993), 3–44, at 42; J. Bolton, '“The world upside down”: plague as an agent of economic and social change', 17–78 in W. M. Ormrod and P. Lindley (eds.), *The Black Death in England* (Stamford, 1996), 49, 59–61, 74–76. (That a gulf still exists between some historians and archaeologists is shown by Bolton's remark, *ibid.*, 55, that 'our information on buildings and housing is often drawn from what has survived, which may or may not be typical'; why buildings should be different from court rolls or any other sort of evidence is not explained. For a more sensible use of all the available sources, see Poos, *op. cit.* in note 44, chapter 4.)

<sup>73</sup> Faith, *op. cit.* in note 5, 134–37.

<sup>74</sup> Z. Razi, 'Interfamilial ties and relationships in the medieval village: a quantitative approach employing manor court rolls', 368–91 in *id.* and R. Smith (eds.), *Medieval Society and the Manor Court* (Oxford, 1996), 371.

<sup>75</sup> P. D. A. Harvey, 'Conclusion', 328–56 in *id.* (ed.), *op. cit.* in note 4, 353–56; Raftis, *op. cit.* in note 7, 239–45; D. Postles, 'Personal pledging: medieval "reciprocity" or "symbolic capital"', *J. Interdisciplinary Hist.*, 26 (1996), 419–35.

<sup>76</sup> R. W. Hoyle, 'The land-family bond in England', *Past and Present*, 146 (1995), 151–73.

<sup>77</sup> C. Dyer, 'History and vernacular architecture', *Vernacular Architect.*, 28 (1997), 1–8, at 4–5.

the use of common pasture, in the late 12th and 13th centuries.<sup>78</sup> Investment is only part of the matter, however; expenditure is the other, and here the archaeological record shows that peasants were acquiring more substance, in their buildings, their pottery and their fittings.<sup>79</sup> The new taxation upon movable goods must have been fundamental in changing attitudes to property and commodity. The need to pay at least part of their rent in cash had already drawn all producers into the market; taxation changed the significance of what they could acquire through it. If there was a revolution in the medieval peasant mindset, it was in attitudes to material culture, a change that can be identified in the 13th century, long before the Black Death.

<sup>78</sup> Britnell, *op. cit.* in note 11, 254.

<sup>79</sup> E.g. D. A. Hinton, *Archaeology, Economy and Society* (London, 1990), 150, 158, 163.