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The Politics of Waste in Later Medieval

England, c.1270-1490

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Abbreviations

AND – *Anglo-Norman Dictionary (AND Online Edition)*, Aberystwyth University [<https://anglo-norman.net/> accessed: 07/09/2022]

CCR – *Calendar of the Close Rolls Preserved in the Public Record Office*, multiple volumes

CPR – *Calendar of the Patent Rolls Preserved in the Public Record Office*, multiple volumes

DMLBS – Ashdowne, R. K., Howlett, D. R. and Latham, R. E. (eds) *Dictionary of Medieval Latin from British Sources* (British Academy: Oxford, 2018), online edition.
[<https://logeion.uchicago.edu/> accessed: 01/04/2020]

MED – Lewis, R. E. (ed.), *The Middle English Dictionary*, Online edition
[<https://quod.lib.umich.edu/m/middle-english-dictionary/dictionary/MED51853> accessed: 07/09/2022]

PROME – *The Parliament Rolls of Medieval England*, ed. C. Given-Wilson *et al.* Internet version, Scholarly Digital Editions (Leicester, 2005) [<http://www.sde-ditions.com/PROME/home.html> accessed: 12/05/2023]

Abstract

The politics of waste in later medieval England, c. 1270-1490 investigates the concept of waste in relation to the politics and culture of England from around the start of the reign of Edward I until the very early years of the Tudor era. Drawing from a variety of sources including petitions, chancery records, manor court rolls, political and legal treatises, legislation, chronicles, and verse romances, it shows how the concept of waste was intertwined with institutional standards of equity, justice and property-holding. Whereas waste has generally been associated with a lack or loss of material value by historians of this period, this thesis argues instead that the concept was useful as a tool of political rhetoric at multiple levels of society, on account of the benefits and detriments that cases of waste could bring to different parties in the same instance. Waste lands could be seen as sought-after sites of potential settlement or resource extraction, as both manorial records and chronicles show, and yet they could also be seen as the consequence of the decline or devastation of a settled area. Similarly, to devastate a land or 'make waste' with regard to another's property could often be profitable to those carrying it out, be it the recycling of a disused seigneurial tenement or the goods seized by an army from enemy territories. Waste could at times be legitimised, such as in the destruction and resource-stripping of the property of enemies and felons at the behest of the Crown, and

cases where this legitimacy was challenged or questioned show how understandings of waste were constantly subject to negotiation. Waste was, therefore, a highly contested concept, with different actors at various points trying to define and deploy it to suit their own agendas.

Introduction: Waste matters

"Yee, Wynnere," quod Wastoure, "thi wordes are hye:

Bot I schall tell the a tale that tene schall the better.

When thou haste waltered and went and wakede alle the nyghte,

And iche a wy in this werlde that wonnes the abowte,

And hase werpede thy wyde howses full of wolle sakkis -

The bemys benden at the rofe, siche bakone there hynge,

Stuffed are sterlynges undere stelen bowndes -

What scholde worthe of that wele if no waste come?

Some rote, some ruste, some ratons fede.

Let be thy cramynge of thi kystes for Cristis lufe of heven!

Late the peple and the pore hafe parte of thi silvere;

For if thou wydwhare scholde walke and waytten the sothe,

Thou scholdeste reme for rewthe, in siche ryfe bene the pore.

For and thou lengare thus lyfe, leve thou no nother,

Thou schall be hanged in helle for that thou here spareste;

For siche a synn haste thou solde thi soule into helle,

And there es ever wellande woo, worlde withowtten ende.” (246-62).¹

The above passage is taken from the second fitt of the fourteenth-century alliterative poem *Wynnere and Wastoure*, in which two protagonists representing competing styles of lordship argue with one another in the presence of the king. Scholars have identified numerous ways in which the poem addresses the controversies and clashes of ideas that were taking place in fourteenth century England: war, enclosure, taxation, royal justice, labour and sumptuary laws, social stability, the proper conduct of lords and kings, seigneurial engagement with the market, and the moral and spiritual implications of how one uses their wealth all being among them.²

While much has been written about how the poem uses the concept of waste to address political issues, less attention has been given to what it reveals about the term *waste* and the political implications of the concept themselves. *Wynnere and Wastoure* suggests that waste was sometimes a more ambivalent concept than the modern reader would assume. Though Winner claims that Waster ‘wastes thurgh pryde’ (230) the same resources that Winner strives to obtain, in the passage quoted above Waster retorts that without a certain amount of what his peers call ‘waste’,

¹ ‘*Wynnere and wastoure*’ and the ‘*Parliament of the Three Ages*’, ed. W. Ginsberg (Kalamazoo MI, 1992).

² The following is only a small selection of this scholarship to give an idea of this breadth of subject matter: G. Stillwell, ‘Wynnere and Wastoure and the Hundred Years’ War’, *ELH: A Journal of English Literary History*, 8/4 (1941), pp. 241-7; T. Thurlac-Petre, *The alliterative revival* (Ipswich, 1977), pp. 2-4; S. Trigg, ‘The rhetoric of excess in “Winner and Waster”’, *The Yearbook of Langland Studies*, 3 (1989), pp. 91-108; L. Roney, ‘“Winner and Waster”’s “Wyse Wordes”: teaching economics and nationalism in fourteenth-century England, *Speculum*, 69/4 (1994), pp. 1070-1100; B. L. Bryant, ‘Talking with the taxman about poetry: England’s economy in ‘Against the King’s Taxes’ and “Wynnere and Wastoure”,’ *Studies in Medieval and Renaissance History*, 5 (2008), pp. 219-48; D. Sweeten, ‘“Whoso wele schal wyn, a wastour moste he fynde”: interreliant economies and social capital in “Wynnere and Wastoure”’, in C. E. Bertolet and R. Epstein (eds), *Money, commerce, and economics in late medieval English literature* (London, 2018), pp. 31-46; W. M. Ormrod, ‘*Winner and Waster*’ and its contexts: chivalry, law and economics in fourteenth-century England (Cambridge, 2021).

goods would decay and be wasted regardless, to nobody's benefit. The poem hereby draws attention to the fact that *waste* is a term laden with subjective value judgments: what can appear as waste to one observer can to another be something useful or valuable. Cara Hersh has argued that the poem's conscious use of linguistic and semantic ambiguities enhanced its effectiveness as a tool of political critique.³ It is the view of this thesis that a similar case can be made for the concept of waste itself. This thesis sets out to prove that the history of waste as a cultural construct is of importance not only to the study of medieval language and culture, but also to the history of power relationships between medieval individuals and institutions, and to that of medieval English attitudes regarding property and resources. Using a variety of textual evidence, from court records and petitions to political treatises and legendary histories, this thesis will simultaneously identify some of the many meanings of *waste* in these texts and show how the term was used as a means of advancing various economic and political interests.

This project is a social and cultural history of waste covering the years c.1275 to c.1490, although sources from earlier periods are cited where they have a bearing on the events and ideas being discussed. The period dating from the last quarter of the thirteenth century to the end of the fifteenth century seemed particularly apt for the study of pre-modern waste for three reasons. First, it saw several significant events and trends that had a clear and dramatic impact on the kinds of waste covered by this thesis, and the conflicts surrounding them. The thirteenth century had seen a steady rise in England's population, considerable commercial and economic expansion, and a

³ C. Hersh, "Wyse wordes withinn": private property and public knowledge in "Wynnere and Wastoure", *Modern Philology*, 107/4 (2010), p. 510.

growing shift in the balance of power toward the lords within the feudal economy.⁴ Population growth had put pressure on supplies of arable land, leading to a greater demand for waste land to be taken under the plough. Land pressure became particularly acute during the famine years, and this is where we see both a spike in the demand for waste as well as conflict over its use in manorial records, each of which will be addressed in the first chapter of this thesis.⁵ This trend was sharply reversed by the arrival of the Black Death in 1348 and the subsequent plague outbreaks that followed. This produced a dramatic fall in population and the creation of large swathes of waste land and tenements up to the end of the fifteenth century, as well as a much more mobile workforce and a shift in the feudal power balance in favour of tenants as lords struggled to keep their holdings occupied.⁶ In the manor of Wakefield which serves as one of the case studies of Chapter 1, court rolls from the years immediately following the arrival of the plague mention large swathes of land left to become waste with no rent being paid for it, some of which was eventually demised to tenants for much lower rents than had previously been paid.⁷ Much waste land as well as a considerable amount of arable land was gradually converted to pasture, leading to an increase in the engrossing and enclosing of fields and tenements. This led to the abandonment of agricultural tenements and of the open field system, which

⁴ R. Britnell, *The commercialisation of English society, 1000-1500* (2nd edn., Manchester and New York, 1996), pp. 79-101, 141-52.

⁵ For an overview of debates surrounding the importance of land hunger, climate, feudal exactions, and tenant subdivisions of holdings, among other factors, in causing the economic and demographic slumps of the early fourteenth century, see: B. M. S. Campbell, 'The agrarian problem in the early fourteenth century', *Past & Present*, 208 (2005), pp. 3-70 (pp. 3-10).

⁶ B. M. S. Campbell, *The great transition: climate, disease and society in the late-medieval world* (Cambridge, 2016), pp. 307-17, 351-55.

⁷ *The court rolls of the manor of Wakefield from September 1348 to September 1350*, Volume II (Second series), ed. and trans. H. M. Jewell (Leeds, 1981), pp. 260-1; *The court rolls of the manor of Wakefield from October 1350 to September 1352*, Volume VI (Second series), ed. and trans. M. Habberjam, M. O'Regan and B. Hale (Leeds, 1987), pp. 23-4, 34, 44, 64, 78, 90.

had been the backbone of the feudal economy, as settlements were depopulated in favour of enclosed sheep pasture. Efforts made in parliament to correct this trend and prevent the promulgation of 'wasted' houses and agricultural buildings throughout the realm are discussed in Chapter 2 of this thesis. The declining national population also had a considerable effect on urban centres, with cities such as York and Winchester repeatedly writing to the crown requesting relief from fee farms on account of their falling rents and decaying infrastructure. Efforts to raise money through lay subsidies resulted in claims from many towns and cities that they were too impoverished to pay the requested amount. As the subsequent chapters will show, the term *waste* with its various connotations was employed time and time again in these communications between the central government and the periphery.

These economic trends were exacerbated by England's military entanglements. The Hundred Years War with France lasted from 1337 to 1453 and saw intermittent continental conflict between England and France as the former pressed dynastic claims to French territory, seizing lands and devoting considerable resources to defending them. To fund these ventures the English crown resorted to forcing increasingly onerous financial obligations upon its citizens, which is a subject that will come under focus in chapter 2 of this thesis.⁸ This period also saw regular conflict at and around the Scottish border from 1296 through to the start of the fifteenth century. The impact of Scottish raids on the infrastructure, economies, literary culture,

⁸ T. K. Moore and A. R. Bell, 'Financing the Hundred Years War', in A. Curry (ed.), *The Hundred Years War revisited* (London, 2019), pp. 57-84 (pp. 63-72); For more detailed narrative and analysis of the different stages of the conflict as well as their impact on English society, see: A. Curry, *The Hundred Years War* (2nd edn., Basingstoke, 2003). For an overview of its cultural impact, and of the debates surrounding the degree to which these conflicts fostered a sense of 'national' identity among the English, see: D. Green, 'National identities and the Hundred Years War', in C. Given-Wilson (ed.), *Fourteenth Century England*, VI (Woodbridge, 2010), pp. 115-30.

and local identities of northern English communities, as well as on the crown's policies and revenues, is attested to by a variety of sources. These include official documents such as petitions, legislation, financial records and diplomatic communications, as well as literary works such as chronicles, songs and poems.⁹

This brings me to the second key reason this period is of particular interest for the study of the politics of waste: that there is an abundance of surviving documents from this period that pertain not only to waste but to the political struggles surrounding it. This is the result of not only rising literacy levels across different social strata, but also of developments in how documents were disseminated and preserved.¹⁰ These trends were accompanied by an increase in the means by which individuals who lacked literacy in a specific language to make use of another's literacy on their behalf.¹¹ As well as the many complaints of devastation by the Scots, I have found many extant petitions from all over the country complaining of property becoming waste or being wasted. These are comparatively scarce from earlier periods. This is a consequence of the considerable growth of the administrative state, and with it, more fastidious record-keeping.¹² At the local level, manorial records are also more abundant from the mid-thirteenth century onwards. This enabled me to draw parallels and identify

⁹ A. King and M. A. Penman, 'Introduction: Anglo-Scottish relations in the fourteenth century – an overview of recent research', in A. King and M. A. Penman (eds), *England and Scotland in the fourteenth century: new perspectives* (Woodbridge and Rochester NY, 2007), pp. 1-13 (pp. 2-6). For a broader overview of these conflicts from a military history perspective, see: A. King and D. Simpkin (eds), *England and Scotland at War, c.1296-c.1513*, *History of Warfare* 78 (Leiden and Boston, 2012). A useful resource for understanding the effect of Scottish raids in a particular area on multiple fronts is Richard Lomas' study of South Tweedside from the 1290s to the Tudor period: R. Lomas, 'The impact of border warfare: the Scots and South Tweedside, c.1290-c.1520', *The Scottish Historical Review*, 75/200, Part 2 (1996), pp. 143-67.

¹⁰ For a more detailed overview of these trends, see: M. T. Clanchy, *From memory to written record: England 1066-1307* (2nd edn, Oxford, 1993).

¹¹ F. H. Bäuml, 'Varieties and consequences of medieval literacy and illiteracy', *Speculum*, 55/2 (1980), pp. 237-265 (pp. 242-5).

¹² G. Harriss, 'Political society and the growth of government in late medieval England', *Past & Present*, 138 (1993), pp. 28-57 (pp. 34-6).

differences between the ways that waste was written about in different sets of manor court rolls. This period also saw the rise of literature of complaint and critique which lambasted the depredations and excesses of powerful institutions, and it is here we see various meanings of *waste* take shape as they are deployed to identify and censure the misuse of resources and the violation of customs and proper conduct. Vernacular history writing meanwhile was also growing in popularity, helping us to see how waste was conceptualised by those who wrote and read chronicles.

The third main reason I chose this timeframe is that previous work that focuses on waste itself tends to cover either the periods prior to or after the later Middle Ages, and the small amount of research there is on waste in this period has tended to have a narrow focus. Where scholars have explored the subject they have tended to make use of a limited range of evidence, either relying entirely on literary texts to explore some of the meanings of the terms or the values associated with them, or on administrative texts to examine waste land in a socio-economic context. There has yet to be any research that draws on all of this material alongside other kinds of texts in order to produce a cultural history of the concept.

By examining a wider range of evidence I hope to draw links between meanings of waste in different contexts that have either been ignored by historians or treated in isolation to one another. Though the texts I focus on belong to very different genres, there are several overarching themes or purposes common to all of them that make them particularly suited to examining the politics of waste in a variety of social contexts. One core theme shared by each is a preoccupation with ideas of justice and fairness. Manor court rolls and the rolls of parliament are both records of conflicts

which played out within institutions tasked with resolving disputes and dispensing justice. Legal and political treatises meanwhile were concerned with questions of what constitutes justice and how it should be enacted. Petitions to the crown and bills presented to be debated in parliament meanwhile point to alleged injustices that require correction, appealing both to procedural precedent and the common political rhetoric of the day. Chronicles, romances, and legendary histories frequently contain examples of divine justice playing out over long periods of time with strong emphasis on cause and effect. Other recurring themes that emerge from analysis of these sources together include the practice of lordship and kingship, and the ideology of seigneurial landholding. The discourse of parliamentary rolls and that of British legendary history both address the role of the king and the crown in adjudicating fairly during disputes between subjects, in protecting the lives and livelihoods of the people, and in exercising the crown's rights and prerogatives. Similarly, while manor court rolls were used to safeguard seigneurial rights to claim, shape, and profit from the lands used by people from every part of the medieval social strata, historical accounts of England's development reinforce these rights by presenting the emergence of Britain as one of expanding agricultural settlement of waste land under the supervision of rightful and benevolent rulers. Politics sits at the intersection of conflict, hierarchy and power, and in medieval England these various institutions of justice – legal, seigneurial, customary, divine – would be appealed to in order to settle disputes and uphold existing power structures. These texts, while very different in their forms and purposes, help to show the relationship between waste and various struggles to attain influence and financial gain.

To understand the politics of waste in medieval England, we must first understand what waste meant to the people who lived in it. When a person living in late medieval England uttered or wrote down the word *waste*, or its Anglo-Norman and Latin equivalents *vastus/vastum* and *gast*, what did they mean? What was its significance to different groups and individuals in different contexts? What did medieval English people think about the different kinds of waste they encountered in their lives, be it waste lands, wasted property, the act of wasting land or property, the using-up of a resource or dissipation of its value? Though waste is today associated with either absent or negative value – an empty area of land, a piece of refuse, a waste of time or money – that does not preclude it from being seen as something that matters to people on a societal or individual level. Present-day debates over what to do with the waste produced by industrial processes, with resources squandered or used inefficiently, reveal how unwanted by-products and inefficiencies that accompany necessary processes can be of as much concern to the public, to lawmakers, and to businesses as the processes themselves. And just as it does today, waste mattered to the people of medieval England too, being the subject of debate and conflict between various groups and individuals.

A cultural history of waste and of the politics of waste in late medieval England requires us to understand waste on medieval rather than modern terms. As waste today is associated with an absence of value, be it value squandered or lost or that which never existed in the first place, it is easy for the modern reader to project these attitudes back onto medieval England when encountering the term in medieval sources. Instead, this thesis will demonstrate that waste, in its various forms, mattered to the people of later medieval England in multiple ways. Devastation

caused by Scottish incursions had a profound effect on the physical and economic landscapes of England; laws were passed that stipulated who could 'waste' a piece of property by neglect or deliberate damage, as well as the penalties for illegitimate waste; land dubbed waste surrounded most settlements and this waste land played an important role in the village ecosystem and economy; depopulation of villages, towns and cities and the proliferation of wasted buildings that came with it could be taken into consideration when it came to the amount to be paid to the crown in taxes and fee farms; and biblically-inspired depictions of a society crumbling into a wasteland reminiscent of a chaotic wilderness or barren desert were used to paint a dark picture of the consequences of political failings. Waste mattered when it came to the governance of society and differences in social status. Questions of who was permitted to cause, access, buy and sell, improve, remove, censure and define waste affected the lives of countless people. Waste was a contested concept, and, as will become apparent, the means of deciding what constituted waste was frequently a source of conflict.

While this thesis is concerned primarily with the history of waste as an imagined and cultural construct, this cannot be separated from the history of the events and things with which the idea was associated, nor from the term *waste* and its later medieval counterparts that were used to signal that association: *vastum*, *gast*, *wast*, and other derivatives of these. For the sake of clarity, I shall use the non-italicised 'waste' when talking about waste in the abstract or to refer to a specific place, object or action (such as a waste of goods or an acre of waste land), and use the italicised *waste* (or *vastum*, *gast*, etc) when I am referring to the term itself.

The history of waste: an overview of past scholarship

Before outlining the full scope of the thesis in detail, it is worth discussing some previous work within this field. Though various kinds of waste have been the subject of plentiful research and discussion across numerous disciplines, medieval history remains an exception. Here I shall summarise how the topic has been analysed by scholars in a variety of disciplines, before discussing how this thesis will provide a more holistic understanding of waste that engages with the societal changes that were occurring at this time.

The study of waste among medieval and modern historians

There is a considerable discrepancy in the amount of scholarly analysis that medieval concepts of waste have received compared with those of the modern and early-modern eras. It should come as no surprise that, in an age of increasing concern with environmental and 'green' issues, the history of waste matter and wasted resources in the modern world has become an ever more popular field of study.¹³ There has also been research into the idea of waste in the sense of improper use or frivolous

¹³ See for example: C. E. Colten, 'Creating a toxic landscape: chemical waste disposal policy and practice, 1900-1960', *Environmental History Review*, 18/1 (1994), pp. 85-116; J. T. Cumbler, 'Whatever happened to industrial waste?: Reform, compromise, and science in nineteenth century southern New England', *Journal of Social History*, 29/1 (1995), pp. 149-71; R. D. Oram, 'Waste management and peri-urban agriculture in the early modern Scottish burgh', *The Agricultural History Review*, 59/1 (2011), pp. 1-17; R. Fredericks, 'Disorderly Dakar: The cultural politics of household waste in Senegal's capital city', *The Journal of Modern African Studies*, 51/3 (2013), pp. 435-58; S. Hill, 'Making garbage, making land, making cities: a global history of waste in and out of place', *Global Environment*, 9/1 (2016), pp. 166-95. See also the sub-field of 'discard studies', instigated by Max Liboiron and Robert Nagle to bring scholars from multiple disciplines to analyse discarded or waste matter 'as a process, category, mentality, judgment, an infrastructural and economic challenge, and as a site for producing power as well as struggles against power structures.' M. Liboiron and R. Nagle, 'About'. *Discard Studies*. [<https://discardstudies.com/> accessed: 02/09/2022].

spending of resources, and yet despite the medieval origins of this sense of the word *waste*, discussion of this topic has been confined to debates concerning the modern era, albeit with reference to historical antecedents.¹⁴ Studies have also been done on relationships between human societies and the lands they deem to be ‘waste land’, focusing on a variety of places and time periods.¹⁵ Bar a few exceptions which will be covered shortly, these are again largely confined to early-modern and modern history. Where authors do address waste in a medieval context it is not unusual to find sweeping generalisations and mistaken assumptions. In her study of metaphorical waste in the western literary canon, Susan Signe Morrison defines waste as much the same way as one would imagine a person in Britain today would. ‘In the earliest usages in English,’ Morrison writes, ‘waste was whatever is not or [is] no longer utilitarian, something squandered, empty or barren, or lacking purpose. Waste has meant desolation, pointlessness, and uselessness... void of meaning and immoral.’¹⁶

By the end of this introduction, it should be clear that the meaning of the term *waste*

¹⁴ For recent discussions relating to the history of how this sense of waste shaped the discourse of the law books, see: E. J. McCaffery, ‘Must we have the right to waste?’, in S. R. Munzer (ed.), *New essays in the legal and political theory of property* (Cambridge and New York, 2001), pp. 76-105; and S. B. Richardson, ‘Reframing ameliorative waste’, *The American Journal of Comparative Law*, 65/2 (2017), pp. 335-92.

¹⁵ Early-modern British histories of waste land are usually confined to the topics of land reclamation, enclosure, and the decline in common land. See for example: M. Williams, ‘The enclosure of waste land in Somerset, 1700-1900’, *Transactions of the Institute of British Geographers*, 57 (1972), pp. 99-123; G. Rogers, ‘Custom and common right: waste land enclosure and social change in West Lancashire’, *The Agricultural History Review*, 41/2 (1993), pp. 137-54; W. D. Shannon, ‘The survival of true intercommoning in Lancashire in the early-modern period’, *Agricultural History*, 86/4 (2012), pp. 169-91. Study of the history of waste land is however increasingly moving outside of the realm of Anglo-American history. For example, the past two decades have seen growing interest in the history of waste lands in Asian contexts, often overlapping with colonial history: E. T. Yeh, ‘From wasteland to wetland? nature and mation in China's Tibet’, *Environmental History*, 14/ 1 (2009), pp. 103-37; R. Handique, ‘Colonial wasteland grants and their impact on the ecology and society of Assam’, *Proceedings of the Indian History Congress*, 70 (2009-2010), pp. 733-40; M. Brinkhurst, ‘In the shadow of the anticommuns: the paradox of overlapping exclusion rights and open-access resource degradation in India's wastelands’, *Journal of Economic Issues*, 44/1 (2010), pp. 139-62; D. Biggs, ‘Clearing, “wasting,” and greening: an environmental history of Bare Hills in Central Vietnam’, *The Journal of Asian Studies*, 77/4 (2018), pp. 1037-58.

¹⁶ S. S. Morrison, *The literature of waste: material ecopoetics and ethical matter* (New York, 2015), p. 8.

has not remained constant from the start of the Middle Ages through to the present day. However, little progress has been made so far by medievalists to set the record straight.

One study of waste in a modern context that is pertinent to this present one is Vittoria di Palma's *Wasteland: A History*, which largely addresses attitudes to wild or barren environments from the seventeenth to the nineteenth century.¹⁷ Di Palma traces the development in attitudes to wastes from radical ideas of waste land as a common resource that provided for the ordinary man during controversies surrounding enclosures, to the waste land as a place of danger, wildness and lack of aesthetic beauty fit only for animals and those considered savage or uncivilised. Though her period of study is too late to be of much relevance here, this thesis will show that some of her conclusions have parallels with my own in terms of waste being a more ambivalent and ambiguous term than its modern usage implies. And while she only makes scant reference to medieval wastes, she correctly identifies a quality of medieval waste land that many historians appear to have overlooked or taken for granted without providing explanation:

During the medieval and early modern periods, land was thought of in dichotomous terms: there was cultivated land, and wasteland. Cultivated land included arable and pasture; wasteland (or waste land, as it was also written) was everything else. Wasteland included forests and chases, heaths and moors, marshes and fens, cliffs, rocks, and mountains. It was a category that accommodated a variety of ecologies united primarily by

¹⁷ V. di Palma, *Wasteland: A History* (New Haven CT and London, 2014). For a similar cultural history of Russia's changing mythology of waste land (*pustyr*) as it entered the Soviet era, see chapter five of M. Erley, *On Russian soil: myth and reality* (Ithaca NY, 2021), pp. 91-112.

their wildness, by their resistance to domestication, by their dearth of conventional signs of civilization such as villages, cottages, farm animals, or cultivated fields.¹⁸

While this dichotomy is far too simplistic and, as will become apparent, her portrayal of the relationship between cultivation and waste is inaccurate, she makes a salient point about the diversity in how waste lands would have appeared to the medieval observer. As the next chapter will show, this waste was a category that encompassed a variety of different types of land which people made use of to varying degrees and in different ways. This to me is one of the key points regarding waste land that many historians, including medievalists, have neglected, though as the next section will show, there are notable exceptions. By contrast, many scientists, geographers and modern environmental historians have drawn attention to the value of urban wastes as a source of biodiversity.¹⁹ It was certainly not the case that people in the Middle Ages lacked a sophisticated understanding of waste compared to later societies, or that the term was in too infrequent use that detailed study of it is difficult. This introduction will now address what scholarship does exist on both waste and the texts that pertain to it, and show that the problem is less one of lack of evidence and more to do with a failure to understand medieval society on its own terms.²⁰

¹⁸ Di Palma, *Wasteland*, p. 22.

¹⁹ M. Gandy, 'Marginalia: Aesthetics, ecology, and urban wastelands', *Annals of the Association of American Geographers*, 103/6 (2013), pp. 1301-16.

²⁰ I have chosen to use the term 'waste land' over 'wasteland' as, while some historians have used the two interchangeably, the latter is more strongly associated with the modern romantic notions of wilderness that Di Palma discusses in her work.

Prior scholarship on waste in medieval England

Among historians of the Middle Ages, most references to waste concern waste land and the act of making or causing waste. The most extensive discussion of these concepts prior to the twentieth century can be found in Pollock and Maitland's *The history of English law before the time of Edward I*, published in 1895. As this work covers the development of the laws regarding waste up to the very beginning of my period of study, its findings are worth summarising. There are repeat mentions of the offence known as 'committing waste' and the penalties imposed for it in different contexts, yet no definition or description of what this constituted is provided save for one example of a hypothetical tenant who 'lets his house go out of repair'.²¹ The act of committing or making waste is an antecedent to the modern legal definition of waste in the field of property law. The Oxford University Press *Dictionary of Law* defines waste as 'any alteration of tenanted property that is caused by the tenant's action or neglect'.²² It appears that Pollock and Maitland have traced the origins of the modern legal definition of waste back to its medieval origins, and assumed that the meaning has remained largely the same. The subject of waste land meanwhile is defined with regards to rights and ownership, with some discussion of how it was used. In a section discussing ownership of and access to different types of land within a manorial community, manorial waste land in the thirteenth century is said to have been the property of lords but with tenants frequently holding common rights of pasture over it, and freeholders possessing greater rights of access.²³ Maitland draws

²¹ F. Pollock and F. W. Maitland, *The history of English law before the time of Edward I*, I (2nd edn., Cambridge, 1903), p. 377.

²² waste n., *A Dictionary of Law*, ed. J. Law (10th edn., Oxford, 2022).

²³ Pollock and Maitland, *The history of English law*, I, pp. 617-23.

a distinction between different kinds of waste in towns and boroughs, dividing it into 'extramural waste' (that which lay outside of the boundaries of the township) and 'intramural waste' (that which lay within its boundaries but was not considered 'holden by' the community, including lanes, streets, ditches, market places, and other open spaces used regularly by the community).²⁴ Both kinds of waste were property of the crown and so burgesses had to apply to build on vacant plots within the city, despite the common rights of access that residents had always enjoyed. Other potential uses of extramural waste land were addressed in a 1942 article by Neilson, which discusses both woodland and waste land from the end of the Anglo-Saxon period to the early Norman period, and which draws heavily from the work of thirteenth-century jurist Henry de Bracton. Neilson speculates that, besides potential farmland, these lands were used for pasture, for estovers, and for hunting.²⁵ All of this helps to further reinforce the point raised by Di Palma: that the label *waste* in the medieval period was applied to many different types of land with different uses, though both Nielson and Di Palma discuss only the kinds of waste that Maitland would term extramural. The example of intramural waste shows that the notion of waste as something separate from settled, civilised society must be challenged. As this thesis will demonstrate, the legal and customary definitions and demarcations of waste cannot be separated from the political and cultural milieu that produced those laws and customs. If waste was to some degree defined by legal boundaries, privileges, and precedents, then the question of who these laws favoured is one we must keep in

²⁴ Pollock and Maitland, *The history of English law*, I, pp. 653-4. Further discussion of how each category of waste was used, granted, claimed, and contested by residents of later medieval Cambridge can be found in F. W. Maitland, *Township and borough* (Cambridge, 1898), pp. 82-4.

²⁵ H. Neilson, 'Early English woodland and waste', *The Journal of Economic History*, 2/1 (1942), pp. 54-62.

mind. One of the key aims of Chapters 1 and 2 of this thesis is to explore the roles that law, culture, politics, and economic needs played in the social construction of waste and the debates that surrounded it.

Where more recent research has discussed waste land, it is usually mentioned briefly and in relation to other types of land. In addition to the topic's receiving very sporadic attention since Maitland's work, scarcely any of it has focused on the period studied in the present thesis. When it comes to the place of waste land within the wider agricultural economy, a topic which is addressed in Chapter 1, the only studies of how waste land was traded and used focus on the early-modern period. Joan Thirsk's *The agrarian history of England and Wales* discusses waste only in the context of the forest, suggesting that it occupied the intermediary stage in woodland clearance when an area of wood was cut down or 'wasted' so as to make room for a future assart.²⁶ Richard Hoffman's *An environmental history of medieval Europe* mentions waste almost exclusively in the context of excrement and detritus, things that were not referred to as waste until the end of the period, with the only exceptions being a few scant references to 'waste pasture' and to the classical Latin *saltus*, which he interprets as meaning both scrubland and waste in classical and early-medieval Latin texts.²⁷ In these studies there is little in the way of interrogating these categories, giving the impression of waste as something remote and relatively unimportant, or something fleeting, a stage in a process but not worthy of study in its own right.

²⁶ J. Thirsk, *Agrarian history of England and Wales*, II: 1042-1350 (Cambridge, 1988), p. 192.

²⁷ R. C. Hoffman, *An environmental history of medieval Europe* (Cambridge, 2014), pp. 32, 246.

This had led to the inaccurate identification of waste land with supposedly 'marginal' land, separate from the arable system both geographically and economically.²⁸ In this model, waste is considered purely in relation to the extent of cultivation, as a static staging ground which the frontier moves into.²⁹ An early iteration of this view was put forward by Archibald Lewis in a 1958 article in *Speculum*, describing an 'internal frontier' which divided the settlements with their adjoining fields and managed pasture from the untouched, unsettled environment 'of forest, swamp, marsh, moor and fen.'³⁰ As the supply of land with potential for cultivation ran out during the mid-thirteenth century, Western Europe entered a period of demographic and economic stagnation, affecting 'monastic proprietor, noble landlord, and peasant cultivator alike.'³¹ This view was reinforced in the influential work of Michael Postan, who argued that much of the waste land yet to be colonised by the twelfth century had been left as such due to its lack of suitability for arable cultivation. As population rose the frontier of cultivation extended further into increasingly less fertile wasteland, until the productivity of the land was unable to maintain further population growth, leading to economic and demographic stagnation in the early fourteenth century. According to Postan, as population declined further and faster during the second half of the century, the frontier of cultivation retreated from these

²⁸ M. Bailey, 'The concept of the margin in the medieval English economy', *The Economic History Review*, New Series, 42/1 (1989), pp. 1-17 (pp. 1-4).

²⁹ R. I. Burns, 'The significance of the frontier in the Middle Ages', in J. Muldoon, and F. Fernandez-Armesto (eds), *The medieval frontiers of Latin Christendom* (Farnham and Burlington VT, 2008), pp. 53-76 (pp. 59-61); Turnerism is the name given to the school of thought within the historiography of the American West which posits the existence of a linear frontier dividing settled lands from the wild or wilderness, the most notable early proponent being Frederick Jackson Turner: F. J. Turner, 'The significance of the frontier in American history', *Annual Report of the American Historical Association* (1893), pp. 197-227.

³⁰ A. R. Lewis, 'The closing of the medieval frontier, 1250-1350', *Speculum*, 33/4 (1958), pp. 475-83 (p. 476).

³¹ Lewis, 'The closing of the medieval frontier', pp. 479-80.

unproductive and marginal areas, and they reverted to waste land.³² This theory of waste as marginal in relation to agricultural settlements has been challenged on several fronts, most significantly on the basis that patterns of settlement and abandonment of land do not conform to the model of cultivating the so-called marginal land only when other, closer lands were available. Mark Bailey has demonstrated this across two publications of 1989: an article for *The Economic History Review* that critiques Postan's model using a variety of case studies from across England, and an in-depth local study focusing on the Suffolk Brecklands.³³ Bailey's research has shown that various factors, such as successful local industries, access to river transport, and good quality pasture could easily offset the downsides of remoteness or poor soil quality. Though Bailey does not address the concept of waste in detail in these studies, his conclusions parallel some of those reached by this thesis. Just as the economic health of the so-called marginal Brecklands was not defined solely by soil quality or by proximity to larger settled areas, the value of waste was not defined solely by its potential for conversion to agriculture. Several historians have mentioned its use as pasture land and as a source for gatherable materials, something which will be discussed in the next chapter.³⁴ Waste land need be neither marginal nor unproductive. Yet none of the studies discussed so far has explored the questions of what happened when one function of waste land was at odds with another, when one party's claim to rights and customs regarding waste was challenged by another,

³² M. M. Postan, 'Medieval agrarian society in its prime: England', in M. M. Postan (ed.), *The Cambridge Economic History of Europe, Volume I: The Agrarian Life of the Middle Ages* (2nd edn, Cambridge, 1966), pp. 548-632 (551-8).

³³ Bailey, 'The concept of the margin', pp. 1-17; M. Bailey, *A marginal economy? The East Anglian Breckland in the later Middle Ages* (Cambridge and New York, 1989).

³⁴ C. Lewis, P. Mitchell-Fox, and C. Dyer, *Village, hamlet and field: changing medieval settlement in central England* (Manchester and New York, 1997), p. 55; H. M. Dunsford and S. J. Harris, 'Colonization of the wasteland in County Durham, 1100-1400', *The Economic History Review*, 56/1 (2003), pp. 34-56 (p. 36).

and what these disputes tell us about different groups' attitudes toward waste. These matters will be explored in detail within the first chapter of this thesis, focusing on the relationship between waste land and manorial politics that previous scholarship has neglected.

One subject that has seen some analysis of the political functions of the term *waste* is the presence of large areas of northern England designated *vastum* in the *Domesday Book*. This has been taken as evidence either of lasting devastation caused by the Harrying of the North, or of poor agricultural development. However, an analysis of tax returns by W. E. Wightman in 1975 found that many of the lands and other assets belonging to these purportedly 'waste' manors were still generating income, which was taxed by the crown. He suggested that the term *vastum* was being used by landlords to reduce their tax burden by applying it to productive lands. For instance, when three estates were merged into two, the clerk would list the redundant estate as waste even if the land itself was still under cultivation.³⁵ A subsequent study by David Palliser drew attention to more examples of 'waste' manors that were still populated, equipment and returns listed. He also highlighted the discrepancy between the route taken by the Norman army during the Harrying of the North, and the extensive areas of 'waste' that have traditionally been taken as evidence of its devastation, noting that this could have been the result of Danish or Scottish raids or the movement of tenants by their lords to depopulated vill.³⁶ He speculates that as *vastum* was the generally accepted term in official records for land from which no

³⁵ W. E. Wightman, 'The significance of waste in the Yorkshire Domesday', *Northern History*, 10/1 (1975), pp. 55-71 (pp. 57-9).

³⁶ D. M. Palliser, 'Domesday Book and the 'Harrying of the North'', *Northern History*, 24/1 (1993), pp. 1-23 (pp. 9-11).

tax was forthcoming, or which had had its regular yield damaged or reduced in some way, the term *vastum* therefore served as a tool of tax avoidance for local lords and administrators.³⁷ Chapter 2 of this thesis will examine other kinds of evidence from the later Middle Ages where these sorts of practices may have been taking place, such as petitions for fee farm reductions and an inquisition regarding the returns of a fourteenth-century lay subsidy. While my research does not establish the extent to which the practice of exaggerating losses in income and asset value was prevalent, it does show how waste and the imagery associated with it could be used in this manner. We should take care to treat other records pertaining to waste with similar scepticism, and to avoid letting both modern and medieval constructions of waste – empty, desolate, wild – blind us to the political and economic ends that the terms *waste* and *vastum* served.

While the concept of waste has generally been neglected by medieval historians, it has received considerably more attention from scholars of Middle English literature and language. Most of this research has focused solely on the idea of waste as misused or frivolously expended time, energy, or resources, and it has generally drawn from Middle English prose and verse to explore various attitudes to and critiques of a changing society after 1348. By far the most popular text within this area of study is Langland's *Piers Plowman*, followed by *Wynner and Wastoure*.³⁸ Both are the basis of

³⁷ Palliser, 'Domesday Book', pp. 11-2; For an discussion and counterargument to this assessment with regard to waste recorded in the pipe rolls in the years following the Anarchy of 1138-1153, see: E. M. Amt, 'The meaning of waste in the early pipe rolls of Henry II', *The Economic History Review*, 44/2 (1991), pp. 240-8.

³⁸ See for example: Trigg, 'The rhetoric of excess', pp. 91-108; J. A. Barrow, 'Wasting time, wasting words in *Piers Plowman* B and C', *The Yearbook of Langland Studies*, 17 (2003), pp. 191-202. For a recent exception to this rule, see: C. S. Henson, "'Under a holte so hore': noble waste in 'The Awntyrs off Arthure'", *Arthuriana*, 28/4 (2018), pp. 3-24. Writing from the perspective of literary ecocriticism, Henson ties the concept of excess to that of overabundance in the fifteenth-century poem, with the

a 2012 article by Eleanor Johnson, which draws links between different kinds of waste in these texts to argue that the term itself was regularly used by writers to critique what they saw as ‘an increasingly consumerist, labor-averse, and individualistic world’.³⁹ Johnson identifies three different discourses of waste, which she terms ‘legal’, ‘penitential’, and ‘poetic’.⁴⁰ In each of these discourses waste always pertains to despoliation and profligate expending of energy and resources. She argues that in the legal discourse ideas of waste were tied to disputes over the destruction or misuse of landed resources, whereas the penitential one found in confessional or mystical texts ‘constructs it as a despoliation of the energetic resources of a soul.’⁴¹ The poetic discourse bridges these two genres, and Johnson uses the examples of *Piers Plowman* and *Wynnere and Wastoure* to argue that in these texts ‘the resources of the human soul are not separable from the external world of work, production, and property; they suggest instead a flow between the soul and the physical world, a flow signifying that because no resource can be fully owned by a single person, all resources must be protected against waste.’⁴² The archetype of the waster has also received attention from scholars of Middle English. Ruth Harris notes that around the middle of the fourteenth century the term *waster* emerged and quickly became a tool of satire and social critique, appearing in numerous works including those of Chaucer.⁴³ In *Piers Plowman*, the figure of the waster represents people who consume resources that are

latter being what leads King Arthur’s court to indulge in the former. Neither his overabundance nor the excess and ostentation it produces are sustainable, leading to spiritual and environmental devastation.

³⁹ E. Johnson, ‘The poetics of waste: medieval English ecocriticism’, *PMLA*, 127/3 (2012), pp. 460-76 (p. 473).

⁴⁰ Johnson, ‘The poetics of waste’, pp. 460-1.

⁴¹ Johnson, ‘The poetics of waste’, pp. 462-3.

⁴² Johnson, ‘The poetics of Waste’, p. 463.

⁴³ R. L. Harris, *The meanings of waste in Old and Middle English* (PhD Thesis, University of Washington, 1989), pp. 157-65; E. Edwards, ‘Money and literature’, in R. Naismith (ed.), *Money and coinage in the Middle Ages* (Leiden, 2018), pp. 264-85 (279-80).

produced by others without providing compensation or productivity of their own. In *Wynnere and Wastoure* the waster lord is accused of letting his lands lie fallow alongside the charges of wasteful spending, and the latter is said to have a deleterious effect on the quality of his estate. In this way the poem connects the two definitions of waste as profligate spending and waste as destruction or despoilment.⁴⁴ Johnson's article seeks to establish what *waste* meant in the abstract by studying it across several textual genres, rather than focusing on one particular meaning of waste within a specific genre. Yet Johnson's reliance solely on literary sources limits her findings to the kinds of waste that are commonly mentioned in those specific texts, and so her characterisation of waste as entirely to do with spoiled or squandered resources – physical, financial, or spiritual – does not capture the nuances and ambiguity of the term in broader medieval English society.⁴⁵ One of the key findings of the present thesis is that in other contexts, actions that were labelled waste could at times be beneficial to one party or another, or more frequently, to one party at the expense of another.

Waste as needless excess, rather than as misused or lost resources is explored in the works of Chaucer by Anne McKendry. In her discussion of Arcite and Palamon's entry into Athens in the Knight's Tale, McKendry draws from the philosopher Georges Bataille's idea of the 'economics of waste', the idea that when more energy is expended than what is needed to sustain life, the excess energy is directed toward

⁴⁴ Johnson, 'The poetics of waste', pp. 464-5.

⁴⁵ Dr Johnson has since completed a monograph on this subject which, as of the time that this thesis was submitted, is due to be published imminently. Being unable to access it at the time I cannot say whether there is any considerable overlap between the findings and methodology of her study and mine. However, a cursory reading of the blurb and other material from the publisher indicates that Johnson's focus is on waste in the context of environmental damage, resource management, and early ecological thought: E. Johnson, *Waste and the wasters: poetry and ecosystemic thought in medieval England* (Chicago and London, 2023).

unnecessary luxuries.⁴⁶ She identifies the description of the excessive pomp and ceremony as a coded criticism of Richard II's prodigal and extravagant court.⁴⁷ Furthermore, it was anger at this conspicuous elite prodigality that led to many of the destructive forms of waste – the destruction of the goods and property of the wealthy – that took place during the 1381 Peasants Revolt.⁴⁸ McKendry's work is notable in that it identifies a political dimension of waste, albeit only in one particular context. My own research aims to put the idea of waste into a wider political context, while also moving beyond the definitions of squandering and excess that predominate in the modern world and in the texts that McKendry and Johnson have selected.

Like McKendry, Mark Ormrod draws a connection between discourses around waste in *Wynnere and Wastoure* and the political events and developments that were taking place at the time of its composition. Two points raised both by Ormrod and by the poem itself are pertinent to this thesis. While previous scholarship has tended to favour the view that the poem is concerned largely with disruptions to the social order from the 1350s onwards, Ormrod places the poem within the contexts of contemporary royal court politics, complaints in parliament regarding the financial burden of warfare, and the wider genre of complaint literature that was growing increasingly popular at that time.⁴⁹ Ormrod argues that *Wynnere and Wastoure* was a critique of the extravagant spending and financial exactions from subjects – specifically to raise money for wars and for the expenses of court life – that occurred

⁴⁶ A. McKendry, 'The economics of waste in the *Knight's Tale* and late medieval England', *Exemplaria*, 32/1 (2020), pp. 32-50 (pp. 35-7, 42-5).

⁴⁷ McKendry, 'The economics of waste in the *Knight's Tale*', pp. 39-40.

⁴⁸ McKendry, 'The economics of waste in the *Knight's Tale*', pp. 37-8.

⁴⁹ Ormrod, "*Winner and Waster*" and its contexts, pp. 10-15. For a comprehensive overview of complaint literature, see: W. Scase, *Literature and complaint in England, 1272-1553* (Oxford, 2007).

during the latter part of the reign of Edward III.⁵⁰ He also highlights the poem's central conflict between Winner and Waster as a critique both of knightly violence and of Edward III's inability to bring unruly household retainers to heel and to enforce law and order throughout the realm.⁵¹ Chapter 2 will examine other texts that use the term *waste* to critique royal profligacy and exactions, and as a means of appealing to royal government for support or aid when property had been unjustly damaged or taxes imposed at purportedly ruinous levels. The second and third chapters also examine cases where waste was said to be the result of disorder and discord within a kingdom, in which scenes of devastation are used to reinforce the connection between political fragmentation and the physical destruction of the realm. The last point I wish to address is that which I alluded to at the beginning of this introduction: that some types of waste can be considered acceptable or even praiseworthy, in this case the largesse practiced by Waster. While the wasters in texts such as *Piers Plowman* embody the worst forms of profligacy and irresponsibility, in *Wynnere and Wastoure* the waster is not wholly without merit. Though his conduct receives criticism, he reminds his opponent that what he terms 'wasteful' is actually the kind of liberality concordant with contemporary standards of lordship, and that it is Winner who sins by hoarding wealth (368-83). This poem and the scholarly responses to it raise several key themes that are of particular importance to the present thesis: first, the idea that some forms of waste were seen as acceptable or legitimate; second, that this legitimacy was often based on the circumstances of the situation and the statuses of the individuals involved; and finally, that this legitimacy was often subject to challenge, as is the case when Winner critiques Waster. As the subsequent chapters

⁵⁰ Ormrod, "Winner and Waster" and its contexts, pp. 99-102.

⁵¹ Ormrod, "Winner and Waster" and its contexts, pp. 58-60.

will show, there are many examples in English medieval records of the term *waste* being applied to things and actions that are themselves productive, necessary, or legally sanctioned, from an acre of waste land to the cutting down of a tree to the goods collected from the properties of felons.

To summarise, the subject of waste has been studied extensively by scholars of modern history but received little attention from medievalists, despite its appearance in a wide variety of records. No study of waste in medieval England has yet taken a comprehensive view of the topic that incorporates multiple different meanings and concepts of waste while also making use of both literary and documentary sources. Instead, scholars have focused on specific types or meanings of waste in relation to pre-existing historical debates or subject areas: thirteenth century property law, Domesday records, land colonisation, and the alliterative revival in the context of fourteenth-century social change, as discussed so far. This research has for the most part not considered waste in relation to how people in medieval English society interacted, cooperated, influenced, and came into conflict with one another. The written word shaped medieval England just as it does our society today, and to be able to influence or control the written word provided some degree of power. Each text discussed in this thesis contributed something to the changing meaning(s) of waste in later medieval England, meanings that were contested by those seeking to make use of them. At the same time, these texts when considered alongside supporting evidence can reveal what waste meant to people who were not themselves directly involved in writing or reproducing texts.

From meanings of waste to the politics of waste

This section will provide an overview of the kinds of waste my thesis will address, briefly explain the specific terms among the different languages of later medieval England, and discuss some of the prior scholarly definitions of *waste* that my research builds upon. I will then explain how my own research moves beyond these efforts to catalogue individual meanings of *waste* and toward developing a more comprehensive understanding of the term which takes into account historical change and politics in later medieval England.

The evidence I have examined is written in three languages: Latin, Middle English, and Anglo-Norman. Each has a word group that corresponds to a common set of definitions for *waste*. The English and Anglo-Norman terms *waste* and *gast* both derive from the Latin *vastum* (wild, uncultivated land; devastation) and *vastare* (to make empty or uninhabited).⁵² From these came the adjective *vastus* (deserted, uncultivated, desolate; squandered; destroyed, devastated) and the medieval Latin *vastare* (to ravage, to make desolate, to destroy, to squander).⁵³ The Anglo-Norman *g(u)ast* and the Middle English *wast(e)* also derive from the Latin *vast-* root, though Harris has argued that *wast(e)* seems to have emerged from a combination of the Latin *vastum/vasto* and the Old English *west(e)*, which also referred to uncultivated or barren land.⁵⁴ The noun *gast* is defined by the Anglo-Norman dictionary as ‘damage,

⁵² *vastum*. *Glossarium mediae et infimae latinitatis*, ed. C. du Cange, et al (Niort, 1883-1887) [<http://ducange.enc.sorbonne.fr/VASTUM1> accessed 07/09/2022]; *vasto*. *A Latin Dictionary*, eds C. T. Lewis and C. Short (Oxford, 1879) [<http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.04.0059:entry=vasto> accessed 07/09/2022].

⁵³ *vastus*. *DMLBS*; *vastare*. *DMLBS*.

⁵⁴ Harris, *The meanings of waste*, pp. 27-32, 60-4, 94-6. So far, the etymologies of the Oxford English Dictionary and the Middle English Dictionary are considered the most reliable.

impairment of property; waste (land), wilderness; extravagance, wastefulness', and the adjective form as 'ruined, devastated; deserted, desolate; reduced, diminished', along with less common definitions.⁵⁵ The verb form *gaster*, sometimes *degaster*, has the definitions 'to ravage, destroy, devastate; to waste, use carelessly, squander; to reduce (by boiling); to make use of, exploit', and the intransitive 'to dilapidate, fall into disrepair, to deteriorate'.⁵⁶ The *Middle English Dictionary* defines *wast* as 'uncultivated or uninhabited land; wilderness, desert; consumption, use; the using up, depletion, or wearing out of some concrete thing; improvident, excessive, or unnecessary consumption or use, squandering; extravagant expense, prodigality; futile, ineffectual; worthless, useless; destruction'.⁵⁷ The definitions given for the verb *wasten* include 'to devastate (a land, town, etc.), lay waste; to despoil (a region, tract of land, etc.) through the removal of resources; to reduce by degrees a supply of (goods, money, etc.), deplete, expend; to consume utterly, to burn up; to destroy'.⁵⁸ While helpful for establishing some of the common general meanings of these terms, dictionary definitions do not capture the complexities of meaning that *waste* possessed in specific contexts. By tracing common themes between the uses of the term waste in different types of text, be they chronicles, court rolls, petitions, political treatises, verse romance, or legislation, this thesis will propose a more nuanced and extensive examination of waste in terms of spheres of textual production and in terms of wider medieval English cultures.

⁵⁵ *gast*. *AND*.

⁵⁶ *gaster*. *AND*.

⁵⁷ *wāst*(e n.(1)). *MED*.

⁵⁸ *wāsten* v. *MED*.

While dictionaries produced hundreds of years after the fact are insufficient as a means of understanding the cultural history of a word or term, they do serve as helpful starting points for locating texts for historical analysis through the citations provided for each definition. Another particularly helpful starting point in this regard was the 1989 doctoral thesis 'The meanings of waste in Old and Middle English' by Ruth Harris, which shows how the language and meaning of the term changed from the early Middle Ages to the start of the Tudor era. Harris's study examines hundreds of texts where words with the etymological root *west-* or *wast-* appear, discussing their collocates and broader contexts. She identifies common phrases, conjunctions and alliterations specific to particular uses of *waste* and to particular genres, such as the association of *waste* with specific sins in sermons and didactic literature, and the relationship between the terms *waste*, *wilderness*, and themes of spiritual testing in histories and romances.⁵⁹ Harris is also one of the few researchers I have encountered who acknowledges explicitly that the verb form of *waste* in medieval England did not always carry negative connotations, giving the examples of the devastation of an enemy, the consumption of a resource such as a candle, or the destruction of sin.⁶⁰ However, she acknowledges that her study relies almost entirely on literary sources, and that her conclusions 'should be seen to apply to written, probably fairly learned, forms of the language', whereas 'a truly comprehensive study' of the term *waste* would require analysis of 'unprinted legal documents and other records surviving from the period.'⁶¹ In the present study, analysis of court records such as parliamentary rolls and manor court rolls reveals other meanings of waste that Harris's literature-

⁵⁹ Harris, *The meanings of waste*, pp. 122-32, 141, 151-3.

⁶⁰ Harris, *The meanings of waste*, pp. 113-14, 149.

⁶¹ Harris, *The meanings of waste*, p. 23.

focused study does not address. At the same time, Harris's detailed appendix has been of considerable value in locating valuable literary sources used in my research.

While the meanings of *waste* provided by Harris and by dictionaries serve as helpful starting points, they cannot tell us how this term and its Anglo-Norman and Latin equivalents were interpreted in the context of socio-political disputes. For example, when it comes to waste in the sense of misused wealth or resources, my research has revealed a considerable number of instances where *waste* is used in politically charged discourse to condemn instances where money and goods were being given to unworthy causes or institutions. Similarly, the use of *waste* or *wasted* in the sense of destruction was at times used to paint a dramatic picture of the consequences of some policy, behaviour or unresolved problem that the writer wished to see amended. As for the notion of waste land as 'wild and uncultivated', Chapter 1 will show that, as Maitland suggested more than a century ago, lands dubbed *waste* were not as far removed in an economic and political sense from land directly managed by tenants. By going beyond the search for meanings of *waste*, and instead investigating the uses of the term in contexts of conflict and institutional justice, my research will address the role played by the concept in conflicts over power and resources.

There are several forms of waste, and topics pertinent to the study of waste in medieval England, that will not be covered by this thesis. First, while this study does address the subject of waste as frivolously or pointlessly using up something valuable – wasting time, wasting money – this matter does not feature as prominently as the reader might expect. This is in part because it has already been addressed by scholars such as Johnson and Ormrod, but also because of my view that other definitions –

related, yet different, and perhaps more commonplace – have been largely overlooked.

This thesis will forego entirely any examination of waste in the sense of refuse or other discarded matter. While this kind of waste is certainly worthy of a study in its own right, it only came into use toward the end of the fifteenth century and instances of it are very sparse in the records.⁶² It will also not address the use of the term to denote something ‘wasting away’, like a starving man or a melting candle, this sense of the word being found sparingly in texts from this period. My reasoning for this is that waste in a broader dissipatory or decaying sense is discussed elsewhere, particularly within the scholarship surrounding Langland and *Wynnere and Wastoure*, and while there is overlap with this particular sense of the term and the topics covered in this thesis, there was not enough relevant material to discuss it in detail.

It is for the opposite reason that I chose to omit lengthy discussion of one particular matter relating to waste. The topic of waste within royal forests – that is, the various waste lands and waste offences committed within the bounds of the area covered by the forest laws – was simply too large for this thesis to be able to do it justice. The forest court records are numerous and in Chapter 1 I make the case that the definitions of waste found in other legal and seigniorial texts were influenced at some point in their development by forest law. However, the sheer volume of both primary source material and historiographical debate around the subject made it too large a subject to devote a chapter to. Similarly, while I am aware of many grants of waste land being issued via charters in this period, the bulk of land grants occurred before or

⁶² Harris, *The meanings of waste*, pp. 141-2.

at the very start of my period of study, meaning that a full chapter dealing with that topic would have had to largely confine itself to a small section of the period. In a similar vein, although this thesis does touch upon the use of *waste* in Wycliffite texts and its association with particular clerical sins, I have avoided lengthy discussion of this material because Harris has already covered it in detail, and because it too pertains to only part of the period of study rather than its entirety.⁶³

Finally, the relationship between monastic houses and different forms of waste is one that, as is the case with forest law, would require more attention than can be provided in this thesis to do it justice. There are, however, a few studies worth mentioning that, while not concerned with waste in particular, follow a similar approach to this thesis in making use of both documentary and literary sources to draw general conclusions regarding the interactions, mental and physical, between monastic orders and the lands that surrounded their houses. To paraphrase Johnson as quoted above, spiritual resources do not operate independently from material ones and vice versa. Noël Menuge has shown how Cistercian monasteries in the twelfth and thirteenth centuries produced texts which regularly draw upon a monastic foundation myth, 'where the body and soul struggle against the symbolic physical elements of waste and wilderness in order to achieve the spiritual perfection so symbolised by those images of a landscape tamed, serene and aesthetic, rather than ascetic.'⁶⁴

Catherine Clarke argues that Crowland Abbey made use of Bede's *Life of St Cuthbert* and Felix's *Life of St Guthlac* in order to construct a 'mythologisation of the very real challenges of land reclamation' at a time when much of the local fenlands were being

⁶³ Harris, *The meanings of waste*, pp. 144-56.

⁶⁴ N. J. Menuge, 'The foundation myth: some Yorkshire monasteries and the landscape agenda', *Landscapes*, 1/1 (2000), pp. 22-37.

converted to arable land, while also symbolising the spiritual transformation of an individual through the allegory of the land.⁶⁵ Similar appropriations of these saints' lives in later monastic works occurred in the abbeys of Glastonbury, Ely and Ramsay.⁶⁶ Other studies have drawn from the same sources to explore the cultural history of marshes and fenlands beyond their relationship with monasticism. The history of wetlands and that of land reclamation has received much attention from a variety of disciplinary viewpoints, including a 2009 article by Stephen Rippon which, like the work of Menuge and Clarke, makes use of literary sources alongside archaeological and documentary evidence of fenland drainage in order to show how these environments were thought about, as well as how they were used.⁶⁷ This thesis uses a similar methodology to these pieces of research in its investigation of waste. Chapter 3 in particular makes significant use of legendary histories and the ways that these texts engage with waste as a cultural construct in order to comment on and critique the societies that produced them.

Structure of the thesis

This introductory chapter has outlined the aims of the thesis, discussed earlier research pertaining to medieval waste, and explained how my research will both build

⁶⁵ C. A. M. Clarke, *Literary landscapes and the idea of England* (Cambridge, 2006), pp. 31-5.

⁶⁶ Clarke, *Literary landscapes*, pp. 74-85.

⁶⁷ S. Rippon, "'Uncommonly rich and fertile' or 'not very salubrious'? The perception and value of wetland landscapes", *Landscapes*, 10/1 (2009), pp. 39-60.

upon and move beyond existing understandings of waste. I shall now give an overview of the content and findings of the following chapters. Each chapter focuses on a particular genre of text while highlighting points of comparison and similarity in other genres regarding the ways waste is presented and discussed. I chose this structure as it seemed to be the best way to identify the political and cultural dimensions of waste first in one particular context, and then draw links to other contexts to make broader observations.

Chapter 1 deals with the topic of ‘manorial waste’, that is, the land held by manorial lords which was not under cultivation and to which the label of *vastum* was applied, as well as the offence known as ‘making waste’, where seigneurial income or assets were depleted or damaged by manorial tenants. The chapter relies primarily on manor court rolls, on which the business of the manor court, the primary seigneurial institution which mediated agreements and disputes between tenants and their lords, was recorded. While the manor courts’ primary purpose was to protect seigneurial incomes, these court records reveal much about how those involved in the process – tenants, lords, and officials working on behalf of the lord – regarded and used waste differently. Using the rolls of four different manors – Norton, Wakefield, Alrewas and Walsham le Willows from the late thirteenth to the mid-fifteenth centuries – alongside other primary and secondary evidence, this chapter demonstrates that waste in this context did not merely refer to a type of land or a type of property damage, but was instead a legal construct used to establish the boundaries and integrity of seigneurial property. The label of *waste* thereby indicated that land was the lord’s to do with as he or she saw fit, or that a certain action or lack of action on behalf of a tenant constituted a violation of feudal bonds. I also argue for a link

between tenants' use of and access to waste land and their motives for making waste, with both waste land and waste-making serving similar functions in terms of resource gathering and management.

Chapter 2 addresses the crown's relationship with waste through the examination of parliamentary petitions, statutes, bills, and other documents of state administration. First, it discusses instances where waste was committed by the crown, drawing attention to the fact that some kinds of waste were considered not only permissible but also customary when done on the crown's authority, while others were the target of complaint and protest. It also shows how various parties, including the Crown itself, used the language of waste in two related ways: to seek redress for alleged damages to their resources and incomes; and to utilise the crown's powers to appropriate property and resources that were, it was argued, being used improperly or to the detriment of the realm. Petitions made on behalf of communities for reductions in taxes and fee farms painted a picture of towns and villages laid waste by war, environmental damage, and plague, although the degree to which these accounts reflected the real situation are difficult to ascertain. At various points religious institutions were accused of causing waste by their misuse of money and goods, with petitions and proposed legislation seeking to give the crown the authority to take control of said money or goods. In its responses to these requests the crown was motivated in part by customary norms of kingship and royal landholding that not only kept the power of the monarch in check but legitimised their actions. These responses were also influenced by the political needs of the moment, from the financial pressures of the Hundred Years War to the need to ensure social stability in the wake of the Peasants Revolt and during the Wars of the Roses. During these crises the

concept of waste was fluid and malleable enough that it could be used to justify or condemn many different agendas and actions, with petitioners putting forward whichever view of waste they thought would align with that of the crown at that time.

Chapter 3 is concerned with how different forms of waste were written about by chroniclers, showing how these writers drew from the same discourses studied in the previous chapters while writing their histories to critique, make sense of, and influence the politics of their own times. The chapter uses three verse chronicles from the fourteenth and fifteenth centuries to show the relationship between literary conceptions of waste and those found in these other genres. First it shows how depictions of devastation wrought by and upon kings were used to identify the qualities of good and bad kingship, drawing thematic links between the events described in these chronicles, and the appeals for royal intervention and imagery of the wasted realm and towns discussed in the previous chapter. Next it identifies common recurring themes of settling and cultivating waste land as a mark of civilisation, of moral or political failings at the higher echelons of society bringing about divine or man-made devastation, and of waste being ascribed positive and negative value at different points in these chroniclers' narratives based on the political implications of the events described.

The conclusion to this thesis identifies some common themes that connect the different forms of waste discussed in the previous chapters. By taking the findings of each case study together, this thesis will present a perspective or model to explain the overarching politics of waste as it was understood in later medieval England. While waste has always to some degree been associated with a lack or loss of value, it is also

often tied to the creation of new value out of the thing that is or has become waste. The value of a given kind of waste to some was often to the detriment of others. This meant that any instance of waste could produce different perspectives from, and different impacts upon, various parties. This is what made waste regularly both a subject of conflict and a rhetorical tool to be invoked in conflict over other matters. While something termed waste could be assigned an economic value or benefit in one moment, that same kind of waste could be used in a different context to imply that something of value had been or was being lost, destroyed or squandered. Actions and events that were given the label *waste* meanwhile often produced clear winners and losers, meaning that an aggrieved party could use the term to strengthen their case when trying to obtain redress or retribution.

Chapter 1: Manorial Waste

1.1 – Introduction

This chapter examines the concept of waste as it appears in late medieval manor court rolls. While previous scholarship has either ignored manorial waste or discussed it only in the context of spare land for assarting, the present study seeks to understand what the term meant, how and to what was the label applied, and why this was the case. As well as the uncultivated land which was not considered woodland or common pasture, this thesis also considers the instances of property damage to seigneurial assets which the courts referred to as ‘making waste.’ As this chapter will show, both played an important role in the peasant communities and local economies of later medieval England. Both were fluid and shifting constructs that could be deployed by various parties for a variety of ends, leading to diverging perspectives and conflicts of interest. Waste mattered to the manorial economy in two distinct ways: in that the things called *waste* (uncultivated land, dismantled buildings) provided useful resources, and that the term *waste* itself was used to decide who benefitted from said resources.

The historiography of manorial waste and overview of the present study

Waste in the context of the medieval English manor has been almost entirely neglected by historians in the English-speaking world. As mentioned in this thesis’

introduction, until the late twentieth century it was almost invariably mentioned in terms of spare uncultivated land to be brought under cultivation during times of population growth and rising demand for arable land. Most of the studies that focus on the land market in this period and which rely heavily on manor court rolls simply do not mention waste at all, neither waste land nor waste-making. A select few refer to waste land in the context of assarting, two of which I will summarise briefly as their conclusions too posed a challenge to the monolithic notion of waste promoted by earlier scholarship.

Using charters, tithe maps, place-name evidence, and cartographic data from later periods, Helen Dunsford and Simon Harris have shown that County Durham retained an abundance of land dubbed *vastum* from the twelfth to the fourteenth centuries.¹ The 'frontier model' of waste discussed in the introduction to this thesis is rejected here as settlement occurred sporadically across the landscape, with the result that 'individual villas were likely to appear as islands of cultivated land in a sea of waste.'² In County Durham the manor courts permitted waste land to be brought in and out of cultivation according to the needs of the cultivators, and Dunsford and Harris suggest that a similar pattern could be found in Northumberland and Cumbria, with the caveat that data from those counties is too scant to reach a firm conclusion.³

A process of cycling waste land in and out of cultivation occurred at a much faster rate on the estates of the Duchy of Cornwall in the last two decades of the thirteenth century and first two decades of the fourteenth. John Hatcher has shown how short-term leases of two to five years would be granted to bring waste land under

¹ Dunsford and Harris, 'Colonization of the Wasteland in County Durham', pp.36-8.

² Dunsford and Harris, 'Colonization of the Wasteland in County Durham', p. 35.

³ Dunsford and Harris, 'Colonization of the Wasteland in County Durham', pp. 49-54.

temporary cultivation in line with agricultural demand, with rents varying from 6d to 1s 8d per acre, and usually containing clauses 'which ruled that a reduced rent, or even no rent at all, was payable if the land failed to yield a crop.'⁴ The fluctuating rents of the Cornwall leases are pertinent to the present study in showing that manorial administrators were aware that the characteristics of waste land, and its suitability for arable conversion, were highly variable. The rent reductions for failed or poor crop yields also show that the productivity of a given piece of waste land could not always be ascertained by sight, and that this was taken into consideration by the courts. The fact that formerly 'waste' lands were allowed to become waste again suggests both that the demand for arable land was not uniformly high across the country as the population-resources model suggested, and that there was value in having some land left as waste as opposed to keeping it under cultivation. This idea that waste land had value *in itself*, as opposed to merely the potential value that lay in its ability to be converted into arable, will be explored in greater detail later this chapter. The differences in how waste was used between County Durham and Cornwall, both of which were areas where in general agriculture was practiced less intensively than in the south and midlands, show that communities and courts adopted different strategies toward waste according to local geographic and economic conditions. This certainly applies to the four principal case studies covered by this chapter, each of which had different administrative structures, customs, and physical characteristics.

Neither of the studies mentioned above sought to understand the range of meanings that *vastum* had in various different manorial contexts, and rarely when

⁴ J. Hatcher, *Rural economy and society in the Duchy of Cornwall, 1300-1500* (Cambridge, 1970), pp. 82-4.

manorial waste is mentioned is there any attempt to define the term. This wide range of meanings presents a significant challenge to the study of waste within manor court rolls. There is no extant document telling us the exact material, geographic and administrative criteria for categorising land as *vastum* in a given manor, and as mentioned above, manorial customs varied considerably between vills and regions.⁵ Accordingly, the use of *vastum* by manorial administrators seems to have varied by region with regards to the types of land it was used to denote. For instance, Harold Fox has drawn attention to the use of moorland ‘wastes’ as pasture in south-west England, with the terms *vastum* and *moram* used to refer to these lands.⁶ The free and customary tenants of Dartmoor enjoyed rights of common pasture on the moorlands during the later Middle Ages.⁷ Their lords exploited seigneurial rights over these lands by charging outsiders high fees to graze their animals on the moors.⁸ Comparison of the inquisitions *post mortem* following the deaths of landowners from across the country reveals that the use of *vastum* to denote moorland or heath was more or less confined to south-western England, whereas elsewhere such lands were not referred to as waste.⁹ We must keep in mind that where the term *vastum* is used to denote a certain type of land in one set of records, the term may refer to something different in records from another part of the country. Variation in the character of the landscape between different manors probably played a considerable role in these choices, as areas with large amounts of moorland would require a specific term if that

⁵ L. Bonfield, ‘What did English villagers mean by ‘customary law’?’, in Z. Razi and R. M. Smith (eds), *Medieval society and the manor court* (New York, 1996), pp. 103-16 (pp. 111-14).

⁶ H. Fox, ‘Lords and Wastes’, in R. Goddard, J. Langdon, J. and M. Müller (eds), *Survival and discord in medieval society: essays in honour of Christopher Dyer* (The Medieval Countryside, IV) (Turnhout, 2010), pp. 29-48 (pp. 31-2).

⁷ Fox, ‘Lords and wastes’, pp. 36-7.

⁸ Fox, ‘Lords and Wastes’, pp. 37-42.

⁹ B. M. S. Campbell and K. Bartley, *England on the eve of the Black Death: an atlas of lay lordship, land and wealth* (Manchester and New York, 2006), pp. 139-40.

land were used in a different way to other forms of waste, whereas in areas with very little moorland this land may have been categorised with other lands as *waste* for convenience. This chapter therefore cannot produce a definition of manorial waste applicable to the whole of medieval England. Its purpose is rather to identify some common meanings in specific local contexts, and whose interests those meanings served.

Regarding the physical qualities of waste land, scholars have offered educated guesswork at best. Alan Everitt in his discussion of the difference between waste and common land in early modern England defined 'manorial waste' as 'land that was not intensively exploited for agricultural purposes, and in the main consisted of some kind of moorland, woodland, heathland, rough pasture, boggy land, fen, or scrub.'¹⁰ Such lands could in theory be converted for cultivation, although the ease of doing so and the suitability of each type of land for cultivation varied considerably. Everitt suggests that there was no material distinction between waste and common land despite the difference in terminology in the rolls, and that the majority of common land in medieval and early modern England should be considered a form of 'common waste', distinguished from other waste land only by the rights of access that manorial tenants had over each area.¹¹ Clark and Clark meanwhile point out that common waste did not generally feature in records, unlike parcels of land from the lord's waste, transfers of which were recorded in court rolls.¹² As this chapter will show, examination of these entries reveals other possible uses of waste land besides pasture among manorial

¹⁰ A. Everitt, 'Common land', in J. Thirsk (ed.), *The English rural landscape* (Oxford and New York, 2000), pp. 210-35 (p. 215).

¹¹ Everitt, 'Common land', pp. 214-15.

¹² G. Clark and A. Clark, 'Common Rights to Land in England, 1475-1839', *The Journal of Economic History*, 61/4 (2001), pp. 1009-36 (pp. 1015, 1030-3).

tenants. The research of Clark and Clark also shows how waste functioned as a political label. Though *vastum* almost certainly referred to a variety of terrains, what distinguished it from other types of land were not its physical qualities but the rights and obligations attached to it both by manorial custom and state power. This present study considers waste not only from the point of view of the physical spaces called *vastum* but the actions that were given the label too. Both forms of waste played a significant role in the manorial economy and in manorial politics, meaning that the term *vastum* had real political value as a means of determining who could access, use, or take certain resources.

Manor court rolls

This chapter relies heavily on manor court rolls as a source of information regarding manorial waste. These documents were primarily used to record the business of the manor court, the principal seigneurial institution responsible for allocating land, settling disputes, and imposing fines for breaches of manorial custom. Manor court rolls were ‘living documents’, in that their creation was a continuous process and in that the text itself would shape the outcomes of future negotiations and disputes.¹³ These documents not only reveal what kinds of waste medieval rural communities engaged with, but were actively producing those definitions in the process of their creation.

¹³ According to Mitchell, the term ‘living documents’ is attributed to the nineteenth-century French historian Jules Michelet. D. J. Mitchell, “‘Living Documents’: Oral History and Biography”, *Biography*, 3/4 (1980), pp. 283-96 (p. 285).

Since the mid-nineteenth century, historians have used manor court rolls as a means of reconstructing medieval village life. These records have formed the backbone of socio-economic studies of demographics, debt and credit, inheritance and family structures, crime and punishment, welfare, gender, labour, rebellion, plague, and village politics, among other subjects.¹⁴ Historians have disagreed about the value of the rolls for cultural histories with the intent on understanding later medieval societal norms, with some arguing for them to be treated more cautiously as evidence of local economic and power relations and of the cultural character of individual manors as opposed to using them as gauges of peasant culture or manorial politics on the national scale.¹⁵ While it is true that manorial customs varied considerably, by the late twelfth century there was considerable overlap between the customs of different manors of similar types and with the business of other types of court. Precedent in manorial custom and in common law evolved out of day-to-day practices and given that these courts were increasingly resembling one another in the ways they were run and the kinds of precedents they followed, it stands to reason that they are of some value in telling us about more than just one manor at a time.¹⁶ That being said, these records have two limitations that are pertinent to the present study. Gaps in the records, both in terms of lost rolls and inconsistencies of what was

¹⁴ Z. Razi and S. M. Smith, 'Introduction: the historiography of manor court rolls', in Z. Razi and S. M. Smith (eds), *Medieval society and the manor court* (New York, 1996), pp. 9-23.

¹⁵ See for example the debates between Lloyd Bonfield, John Beckerman and Paul Hyams during the late eighties into nineties, Bonfield claiming that the distinct character of different local customs make the rolls a poor measure of widespread cultural norms, to which Beckerman and Hyams countered by drawing attention to similarities between manorial custom and common law: L. Bonfield, 'The Nature of Customary Law in the Manor Courts of Medieval England', *Comparative Studies in Society and History*, 31/3 (1989), pp. 514-34; J. S. Beckerman, 'Toward a theory of medieval manorial adjudication: the nature of communal judgments in a system of customary law', *Law and History Review*, 13/1 (1995), pp. 1-22; P. R. Hyams, 'What did Edwardian Villagers mean by "Law"?' in Z. Razi and S. M. Smith (eds), *Medieval society and the manor court* (New York, 1996), pp. 69-102.

¹⁶ Beckerman, 'Toward a theory of medieval manorial adjudication', pp. 9-15.

recorded, make it difficult to trace complete case histories in all but the most detailed and complete sets of records.¹⁷ We should not mistake the rolls as windows into the lost voices or mentalities of medieval peasants, even if such things can sometimes be detected when reading between the lines. It is important to keep in mind that these courts were beholden to the interest of their lords, that they were presided over by stewards and bailiffs (or cellarers in the case of monastic landlords) who were answerable to said lords, and that the court rolls therefore record only that which was of the lord's financial detriment or benefit. Transfers of villein land and infractions against manorial custom were opportunities for the lord to extract money or services from the tenants via the authority of the court. The growth in the use of manor courts and of manorial court rolls coincides with the entrenchment of villeinage and the move on behalf of the larger landlords toward the direct management of their demesnes in the thirteenth century. The mid-thirteenth century also saw a shift in manor courts across England toward greater reliance on presentment juries to investigate and summarily punish wrongdoers. This relieved some of the burden from manorial officials who otherwise may have suffered reprisals from their neighbours, while also weakening the position of the tenants.¹⁸ Throughout the later Middle Ages, the amount of agency and power that the tenants could wield within (and against) the court and the lord fluctuated across different manors, and as we shall see, local conditions produced different manorial politics.

Although manor courts all possessed this shared purpose of safeguarding seigneurial income, there was considerable variation between manors in the way that

¹⁷ Razi and Smith, 'The Historiography of Manor Court Rolls', pp. 21, 23-4.

¹⁸ Razi and Smith, 'The Origins of the English Manorial Court Rolls', pp. 52-3.

the business of the courts was conducted. The court's secondary functions – as a means of dispute resolution between tenants, and as the facilitator and supervisor of the peasant land market – produced a variety of manorial customs and by-laws developing across different manors, with courts creating new precedent in response to local events and circumstances.¹⁹ Memory of earlier cases and of events from the manor's history often had considerable influence over the decisions reached in manor courts.²⁰ This meant that manorial custom was being constantly shaped by its interaction with distinct local conditions, with each manor thereby developing its own manorial customs which may resemble, but never match exactly, those of its neighbours. As a result, the different sets of court rolls covered by this chapter show tenants of different manors interacting with various forms of waste in different ways, and using the discourse of *waste* in different fashions.

Overview of case studies

I selected as principal case studies four very different manors from different regions of England to get as broad as possible sample of how the politics of waste could operate on the manor. The manor of Wakefield was very large and with abundant woodland and pasture, and contained several small urban centres. The much smaller manor of Alrewas stands out in terms of its form of villein tenure that prevented lords from raising rents. Norton was typical of an ecclesiastical manor of the period, with a larger-than-average proportion of villein tenants and a reactionary approach by the administration to social tensions that occurred in the wake of the Black Death. Finally,

¹⁹ Bonfield, 'What did English villagers mean by 'customary law'?', pp. 111-14.

²⁰ P. R. Schofield, 'Peasants and the Manor Court: Gossip and Litigation in a Suffolk Village at the Close of the Thirteenth Century', *Past & Present*, 159/1 (1998), pp. 3-42 (pp. 28-37).

Walsham-le-Willows was a small and densely-populated southern manor with comparatively lax lordship. The rolls of these manors were also available in printed editions, which enabled the quick identification of relevant entries to check against the original Latin manuscripts in the archives.

The chapter begins with a study of the ways that tenants and their lords sought to benefit from the colonisation of waste land on the West Yorkshire manor of Wakefield at the turn of the fourteenth century. This section will explore the relationship between waste land as a general, abstract term for a type of land, and ‘the waste,’ that is, the administrative term for the area of land considered to be the purview of the lord to dispense with as he saw fit. This distinction is a crucial one, and one that became increasingly clear over the course of this research. When we consider the first sense of the term, it is likely that the physical boundaries and distinctions between waste and other types of land such as common pasture were quite porous. Yet as this research will show, the second sense of waste was much more defined and much more important to the manor court and to the politics of waste on the manor, as it determined rights, access, boundaries, incomes, and responsibilities of both tenants and their lords. The following section centres on a dispute between the lord of the manor of Alrewas in Staffordshire and his tenants over a plot of waste land. It seeks to explain why access to waste land was fought over by interested parties within the manor, arguing that waste land may have often served as a source of materials not easily obtainable elsewhere, a view supported by evidence from the Wakefield court rolls and by the work of archaeologists. In the next section, the offence known as ‘making waste’ will be placed under the same lens, showing how this term too was deployed by lords and court officials to settle disputes surrounding the use or misuse

of seigneurial property. Finally, this chapter will draw together some common themes from the different types of waste studied, arguing that waste or *vastum* was a fluid category with shifting meanings that made it both useful to and contested by a multitude of different interests. It will also discuss the fact that there was little to no active waste land market in Norton and Walsham and conversely so few cases of waste-making in the rolls of Wakefield and Alrewas, suggesting a relationship between the former and the latter that was pertinent to the politics and economics of waste in later medieval England more broadly.

1.2 – The value of waste land in Wakefield during the late thirteenth and early fourteenth centuries

The first part of this chapter has three interrelated purposes: to identify some potential qualities and uses of the land dubbed ‘waste’ in manorial court rolls; to propose some possible criteria used by the lords, their courts, and village communities for defining waste land; and to establish what this evidence can tell us about the politics of waste in the context of the land market.

Wakefield Manor at the turn of the fourteenth century

Located in West Yorkshire, the Manor of Wakefield was one of the largest in England, extending thirty miles in diameter from Normanton to Halifax.²¹ By 1300 the Earls of Warenne had appropriated much of this land into their own demesne land, which was divided into thirteen graveships for the sake of ease of administration. These graveships effectively functioned as sub-manors, each with its own manorial official called the 'grave', and most were further subdivided into townships.²² Each graveship also contained its own common wood which was shared between the tenants of the different townships.²³ Peasant holdings on the lowland graveships of Alverthorpe, Horbury, Ossett, Sandal, Stanley, Thornes, and Wakefield were relatively small, usually a bovate or less of arable land, while the upland graveships of Hipperholme, Holme, Rastrick, Scammonden, Sowerby, and Warley hosted larger holdings, as well as more woodland, pasture, and waste land.²⁴

The size of Wakefield manor necessitated four separate manor courts being held in the townships of Wakefield, Burton, Rastrick and Halifax at numerous points throughout the year, with each court being responsible for several graveships apiece. The main court at Wakefield tended to be held every three weeks, although sometimes the time between courts could be extended, while the courts at Burton,

²¹ *The Court Rolls of the Manor of Wakefield*, Volume I: 1274-1297 (First series), ed. and trans. W. P. Baildon (Leeds, 1901), p. v.

²² M. L. Faull and S. A. Moorhouse, *West Yorkshire: an archaeological survey to A.D. 1500*, Volume III: The rural medieval landscape (Wakefield, 1981), p. 602.

²³ Faull and Moorhouse, *West Yorkshire*, Vol. III, p. 689.

²⁴ C. H. Harrison, *The role of written records in peasant tenure and litigation: a study of the manor court rolls of Wakefield (Yorkshire) and Alrewas (Staffordshire) before 1381* (PhD Thesis, University of Liverpool, 2012), pp. 47-8; Campbell and Bartley define a bovate as sufficient land for one ox to plough in a single year. Campbell and Bartley, *England on the eve of the Black Death*, p. 35.

Rastrick and Halifax were generally held twice a year.²⁵ The rolls have survived with sporadic interruptions from the late thirteenth century through to the modern period, with significant gaps occurring in the years 1279 to 1283, from 1287 to 1295, from 1299 until midway through 1306, from 1310 to 1311, and from 1318 to 1321.²⁶ The majority of the surviving rolls from the period have been translated across two separate series of printed editions by the Yorkshire Archaeological Society, with the exception of the years 1312, 1334-37, and 1341-47. The wording of select individual manuscript court rolls have been checked both to confirm the accuracy of the edited text and to establish the Latin terminology used.²⁷

The land transfers examined by this section cover the years 1296-1333. The early fourteenth century has been characterised as one of rising population and growing scarcity of available land, exacerbated by outbreaks of famine, which increased demand for new arable land.²⁸ It is, therefore, a useful timeframe for identifying any changes in the value and role of waste land in the Wakefield land market, as it allows us to consider how the politics of waste was affected by these changes. It also falls within a longer period of change in the attitudes of lords and peasants towards land and landholding that had been taking place from the twelfth century. Rising population, commercialisation, and shortages of land led to a rise in pre-mortem land transfers and parcellation of holdings, with individuals and families from across

²⁵ *The Court Rolls of the Manor of Wakefield*, Volume II: 1297-1309 (First series), ed. and trans. W. P. Baildon (Leeds, 1906), p. vii.

²⁶ Harrison, *The role of written records*, pp. 52-3. The roll for 1311 is listed in the University of Leeds Brotherton Library archive, but could not be located by archive staff.

²⁷ University of Leeds Brotherton Library, YAS/MD225/1/24, YAS/MD225/1/32, YAS/MD225/1/33, YAS/MD225/1/34, YAS/MD225/1/37, YAS/MD225/1/38, YAS/MD225/1/40, YAS/MD225/1/48, YAS/MD225/1/49, YAS/MD225/1/50, YAS/MD225/1/51, YAS/MD225/1/52, YAS/MD225/1/54, YAS/MD225/1/55, YAS/MD225/1/56, YAS/MD225/1/57, YAS/MD225/1/58, YAS/MD225/1/59.

²⁸ Postan, 'Medieval agrarian society', pp. 552-5.

the social strata sought to maximise incomes and protect themselves from economic shocks.²⁹ The thirteenth century saw manor courts become ‘an essential premise to a higher level of entrepreneurial activity’ as they allowed the sale of land to be recorded for posterity, a stark break from previous centuries where small-scale land transfers were conducted outside of the purview of the court.³⁰ The effects of these changes are too numerous and complex to discuss in detail, though two are worth mentioning in relation to this study. One is that as the standard peasant holding became increasingly obsolete as an institution to both lords and tenants, more individualistic practices that treated land as a commodity like any other began to take effect. However, historians are divided as to the degree to which this took place, and it certainly did not take place uniformly across England.³¹ This leads to the second consequence of pertinence to this study: that this more flexible and entrepreneurial attitude to land ownership and transfer across England meant that local customs and circumstances could diverge wildly from one another.³² The findings of this section must therefore be taken as representative of Wakefield at this time rather than as a barometer for early fourteenth-century manors more broadly, but may provide starting points for the study of waste land in other contexts, or insight into the roles and meanings of waste land on similar manors.

²⁹ P. D. A. Harvey, ‘Introduction’, in P. D. A. Harvey (ed.), *The peasant land market in medieval England* (Oxford and New York, 1984), pp. 7-28.

³⁰ Hyams, ‘What did Edwardian Villagers mean by “Law”?’, pp. 81-2.

³¹ J. Whittle, ‘Individualism and the family-land bond: a reassessment of land transfer patterns among the English peasantry c. 1270-1580’, *Past & Present*, 160 (1998), pp. 25-63 (pp. 59-63).

³² P. D. A. Harvey, ‘Conclusion’, in P. D. A. Harvey (ed.), *The peasant land market in medieval England* (Oxford and New York, 1984), pp. 340-7.

Waste land colonisation in the Wakefield court rolls

The earls of Warenne seem to have possessed sufficient acreage of waste land within Wakefield Manor for great numbers of their tenants to obtain licences to convert waste into arable land during the last decade of the thirteenth century and first few decades of the fourteenth. The vast majority of 'new land' (*nova terre*, or land newly converted to arable) taken from the earls' wastes (*vasto domini*) came from the upland graveships, and during the thirteenth and early fourteenth centuries the amount of waste land being brought under cultivation in each court increased steadily, bringing in considerable revenues for the earl due to the higher rents the court charged for plots of waste land.³³

Before discussing what this information can tell us about waste land and what it was used for, it is worth briefly mentioning some of the problems with the interpretation of entry fines. Addressing those paid by tenants of the Bishop of Winchester, Page concludes that they were determined by a combination of factors, including 'the length of the last tenancy, the prosperity of the tenant, the age of the new tenant and the probable duration of the next tenancy, and the amount and type of land which made up the holding.'³⁴ Unfortunately, court rolls very rarely offer details about the land in question that could tell us the reasons behind these different entry fines, or what the land may have been used for. This lack of detail, as well as the large number of possible factors at play and inconsistencies in the recording of acreages, led Ravensdale to abandon any attempt at a quantitative analysis of the

³³ Harrison, *The role of written records*, p. 48.

³⁴ M. Page, 'The peasant land market on the estate of the Bishopric of Winchester before the Black Death', in R. Britnell (ed.), *The Winchester pipe rolls and medieval English society* (Woodbridge, 2003), pp. 315-340 (p. 78).

Cottenham land market.³⁵ The sheer number of purchases for waste land recorded in the Wakefield rolls means that we can (tentatively) identify patterns and trends which, when placed within their wider historical context, can be used to propose plausible reasons behind the changing fines. For example, there are enough cases of the same recorded acreages receiving consistently higher entry fines in one location compared to another.

There are a few entries in which the reasons behind the fine are given, such as when it is exceptionally low or high. In a court of February 1309, a clerk, William Filche, paid 12d for 3 acres and 1 rood of land that had lain waste for 30 years 'on account of their poorness' (*propter debilitatem*).³⁶ Meanwhile, a much later roll of 1348 contains the following entry:

Annabel de Smallegh takes 2 acres of the lord's waste in Sowerby to hold to herself and her heirs according to the custom of the manor, rendering thence 4d per acre per year. Entry fine 8d, not more because the land is barren and stony.³⁷

There are other instances of entry fines being lowered or waived for purchases of waste land which would not have been suitable for arable conversion. A Sowerby graveship entry in a court roll of February 1314 notes that an Adam de Midelton 'has licence to take ½ acre of stone waste land in Soland; rent, 3d.'³⁸ The fact that there is no mention of an entry fine may suggest that it was waived on account of the land's

³⁵ J. Ravensdale, 'Population changes and the transfer of customary land on a Cambridgeshire manor', in R. M. Smith (ed.), *Land, kinship and life cycle* (Cambridge and New York, 1984), pp. 197-226 (p. 209).

³⁶ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, p. 197.

³⁷ Jewell, *Court rolls of the manor of Wakefield from September 1348 to September 1350*, Volume II, pp. 4-5.

³⁸ *The Court Rolls of the Manor of Wakefield*, Volume III: 1313-1316, and 1286 (First Series), ed. and trans. J. Lister (Leeds, 1906), p. 29.

unsuitability for arable conversion, perhaps because the court could not otherwise find a tenant willing to hold it. A reduction in the entry fine due to perceived poor quality could also happen in transfers of other forms of land besides waste land. From a court at Brighthouse in October of 1325:

Thomas s. of Roger del green, surrenders $10\frac{1}{2}$ acres and $\frac{2}{3}$ rood in Rastrick; committed to Henry del Okes for 10 years; entry only 18d, because the land is poor and neglected.

William Forester and Agnes his wife, surrender $5\frac{1}{4}$ acres and $\frac{1}{3}$ of a rood in Rastrick; committed to the said Henry for 10 years; entry 8d because as above.³⁹

These findings are typical of manors of the same period. Within the bishopric of Winchester, the manors around Taunton and South Hampshire saw very high entry fines paid in the court, while the soils of Whitney and Wargrave produced poorer yields, meaning that the fines were exceptionally low.⁴⁰ During the thirteenth century these two manors had seen the most colonisation within the entire bishopric, with the majority of the estates' available land having already been taken under the plough by 1300. Periods of high wheat prices led the bishop to raise entry fines considerably on the better quality land, forcing many to take plots of waste with low-quality soil.⁴¹ In this sense the land market of Winchester was very different from that of Wakefield, as

³⁹ *The Court Rolls of the Manor of Wakefield*, Volume V: 1322-1331 (First series), ed. and trans. J. W. Walker (Leeds, 1930), p. 84.

⁴⁰ J. Mullan and R. Britnell, *Land and family: trends and local variations in the peasant land market on the Winchester bishopric estates, 1263-1415* (Hatfield, 2010), p. 74.

⁴¹ Mullan and Britnell, *Land and family*, pp. 22-5.

Wakefield seems to have had no such shortage in the area of waste. Yet both case studies show how lords were able to profit from their control over access to available waste land, with entry fines and rents in Wakefield being dependent on a variety of factors which will now be outlined.

Rents and entry fines for new land from the lord's waste were higher than those take from common land. As discussed above in the present chapter, both common lands and waste lands were used for grazing. Yet land with the same use was given a different value dependent on whether it was held exclusively by the lord compared to areas in which his rights were limited. For example, in a court of July of 1316 a tenant gave 6s for two acres of 'new land', one 'from the waste in Cartworth' and one 'in the common of Thwong'.⁴² Although we cannot establish the proportion of the entry fine spent on each acre, the tenant was ordered to pay 6d per year for the first and 4d a year for the second.⁴³ From the same court, we also find the following entries:

Elias the Bray gives 3s for leave to take 1 acre of new land in Cartworth, to himself & his heirs, rendering therefor 6d per annum.

Adam Strerkeys gives 12d for leave to take ½ an acre of new land in the commons of Alestanley & Thwong, to hold to himself & his heirs rendering therefore 2d per annum.⁴⁴

It is possible that in this instance the land in the first entry was of better quality than the second. But in every instance where the same tenant purchases an equal amount

⁴² *The Court Rolls of the Manor of Wakefield*, Volume IV: 1315-1317 (First series), ed. and trans. J. Lister (Leeds, 1930), p. 132.

⁴³ Lister, *Court Rolls of the Manor of Wakefield*, Volume IV, p. 132.

⁴⁴ Lister, *Court Rolls of the Manor of Wakefield*, Volume IV, p. 132.

of waste and common, or when one tenant purchases waste and the other common, the entry fine and rent for waste was higher than that for common, perhaps because loss of common did not directly affect the income and property of the lord. The lower fines and rents of the latter may have prompted tenants to obtain these purchases to the detriment of the community's access to common land, while ensuring that the lord benefited in either instance. There are also instances of woodland being said to be located within the wastes or wastes within woodland. To give one example, in 1316 one Adam de la Mere purchased an acre 'from the waste land in Fouleston wood' for a fine of 2s.⁴⁵ This demonstrates that land could be simultaneously categorised as woodland and as waste land. Yet, while there are other entries pertaining to lands that are considered both wood and waste, I have found no corresponding examples of land being called both waste and common. This demonstrates that the term 'the lord's waste' (*vastum domini*) functioned as a means of distinguishing non-arable land over which the lord possessed exclusive rights from that to which tenants possessed customary rights of access.

The value of waste to lords and tenants was not only based on its arable potential. Waste land could be converted into mines or quarries for instance, or used for smaller industrial purposes.⁴⁶ One such example was that of 6s 8d paid by Roger son of John the Miller in 1297 for an acre of waste land, half of which was adjacent to his garden and the other half being located at 'le Smythieker' in the graveship of Hipperholme, suggesting that Roger was going to be both mining and using this coal for

⁴⁵ Lister, *Court Rolls of the Manor of Wakefield*, Volume III, p. 113.

⁴⁶ C. Dicken, *Settlement, Landscape and Identity in Medieval Royal Forests: The Impact of Forest Law on Sherwood and the Peak, c. AD 650 to 1348* (PhD Thesis, Nottingham, 2018), p. 67.

metalworking.⁴⁷ ‘Smythieker’ seems to be a variation of the Middle English *smithi*, meaning forge or blacksmith’s shop.⁴⁸ In a court roll of 1316 it is said that two tenants gave the lord 10s ‘for digging a pit of coals on the lord’s waste.’⁴⁹ These particularly high fines are indicative of coal’s value as a fuel source, and so it is possible that other tenants who purchased waste land leases without further elaboration in the rolls did so with the intent of obtaining coal. Demand for coal had risen considerably during the thirteenth century as population rose, being used for metalworking, in lime kilns, to heat homes, and to prepare food and drink.⁵⁰ The area around Wakefield, Leeds, and Pontefract was one of the most abundant in coal within all of Yorkshire, and most coal-mining in the area was done by individual peasant farmers and small-scale group efforts with the coal being sold in local markets.⁵¹ Manorial lords had rights of ownership over all coal found under the grounds of their estates, and so many lords leased out these areas of land for higher-than-average rents or entry fines in order to claim their share of the income from future coal sales.⁵² Manorial waste land could therefore potentially be of great value to any lord wishing to profit from coal and other minerals under their estate. While agricultural and common land would usually have longstanding rights and customs attached to it, which would have stood in the way of the extraction of coal, waste land was the lords’ to do as they pleased.

Another means by which the Earl of Warenne was able to profit from his waste land was by designating a portion of it as the site of a market. This meant that

⁴⁷ Baildon, *Court Rolls of the Manor of Wakefield*, Volume I, p. 276.

⁴⁸ *Smithi n. MED*.

⁴⁹ Lister, *Court Rolls of the Manor of Wakefield*, Volume IV, p. 100.

⁵⁰ J. Hatcher, *The history of the British coal industry*, Volume I: Before 1700: towards the age of coal (Oxford and New York, 1993), pp. 21-7.

⁵¹ Hatcher, *The history of the British coal industry*, I, pp. 122-5.

⁵² R. Goddard, ‘Coal mining in medieval Nottinghamshire: consumers and producers and in a nascent industry’, *Transactions of the Thoroton Society of Nottinghamshire*, 166 (2012), pp. 95-115 (p. 103).

whenever the market expanded he was able to claim considerable revenue from traders. We also see much higher entry fines per acre when a tenant purchased waste land for the purpose of extending their stall in a market, or when they expanded the infrastructure of their holdings. As mentioned in the introduction, the past century had seen considerable growth in trade across England, and as a result lords at this point gained significant financial benefit from the opening of markets and fairs.⁵³ In Wakefield, the earl and the court seem to have anticipated future profits by charging extremely high fines for only a few feet of land at a time.⁵⁴ In a court held at Wakefield in October 1308, one German Philcock paid a 6d entry fine ‘to take a piece of waste land [*unam placeam de vasto*] in Wakefeld market, between his two cloth booths [*inter duas bothas suas drapar’*], 12 feet by 5 feet; rent, ½d.’⁵⁵ This demonstrates the need for greater precision than usual when demarking the boundaries of a waste land lease when the land was within the market, as well as the extremely high price to land ratio such leases attracted. Measurements in medieval European societies were not standardised, and we lack a key to the exact number of feet in an acre used by the tenants of Wakefield. 60 square feet would certainly have constituted a very small fraction of an acre even at the lowest estimates. By contrast, a tenant at the previous court was able to purchase a lease to 1 acre with 6d, while another tenant was able to enlarge his holding by a half-acre for 6d in the court held there the next month.⁵⁶ This is no doubt in part because urban land would almost always be of higher monetary

⁵³ Britnell, *The commercialisation of English society*, pp. 79-90.

⁵⁴ While urban waste areas might not constitute manorial waste in the sense that it is usually envisioned, i.e. that which Maitland termed ‘extramural’ and that is discussed in the studies mentioned earlier in this chapter, it is subject to the same seigneurial rights and institutional controls. Given the thrust of this chapter’s argument that *vastum* was a term of delineation regarding rights to access and use land, it did not make sense to disregard it.

⁵⁵ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, p. 179.

⁵⁶ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, pp. 177, 180.

value than rural land. But despite the more precise area measurements for waste land licences in the market, there is little correlation between the value of the entry fine and size of the piece of market waste land claimed. In a Wakefield court of February 1313 for instance, a tenant paid 6d to claim part 'of the waste in Wakefield market, to enlarge his booth, 15 feet by 1 foot,' and again with annual rent of a halfpenny.⁵⁷ In June of that same year another tenant paid 6d for a 33 by 3 foot enlargement of his booth, albeit for one and ½d rent.⁵⁸ While the entry fines for larger quantities of waste land seem to have been calculated using a complex criteria of acreage, desirability, and the rights and restrictions attached to the land, the entry fines of the market purchases seem to have functioned more as a flat-rate commercial toll based on the estimated future profits to be gained from the enlargement. The earls' rights to this toll were stringently guarded by the court, and tenants who extended their stalls without first obtaining licenses for the waste ground could potentially have their property confiscated. In a Wakefield court of August of 1332, it was ordered to distrain 'all the shoemakers and tanners for erecting stalls on the lord's waste in Wakefield without licence.'⁵⁹ A similar case played out over a series of courts in late 1332 and early 1333, during which one of the accused tenants attempted to prove via an inquisition that the land he had built on was his own.⁶⁰ Wastes designated for market stalls thereby completely defy the modern connotations, and some medieval ones, attached to the term *waste land*. As mentioned in the thesis introduction, the most common feature of a waste land was its lack of population. In Wakefield, the

⁵⁷ Lister, *Court Rolls of the Manor of Wakefield*, Volume III, p. 29.

⁵⁸ Lister, *Court Rolls of the Manor of Wakefield*, Volume III, p. 58.

⁵⁹ *The court rolls of the manor of Wakefield from October 1331 to September 1333*, Volume III (Second series), ed. and trans. S. S. Walker (Leeds, 1983), p. 104.

⁶⁰ Walker, *Court rolls of the manor of Wakefield*, Volume III, pp. 142-50.

intramural waste that the market was built on can hardly be said to have been desolate.

When it came to other structures besides market stalls, these plots sometimes attracted high fines, but the courts were often prepared to show flexibility. In a court of November 1296 two tenants purchased long, 4-foot-wide strips outside of their houses, 'on which to build a wall of paling, paying ½d rent.'⁶¹ There is no entry fine listed. In the court of June 1313, the court granted permission for a tenant 'to make a drying-ground on a waste piece of land outside Kirkgate, as long as he farms the fulling mill from the lord.'⁶² The court also seems to have waived or reduced entry fines in cases of poverty. From a court roll of May 1277:

A piece [*placea*] of new land is given to Robert son of Nelle le Syur to dwell on, in Alvirthorpe, for himself and his heirs for ever, paying an annual rent of 1½d to the Earl; pledge, John son of Walter.⁶³

The word *placea*, sometimes *platea*, was used in medieval Latin to refer to an open space such as a green, courtyard, garden, or other area of indeterminate but usually small size, often in the contexts of boroughs and towns.⁶⁴ In the Wakefield rolls it is normally reserved for amounts of land too small to be measured in acreage, and often it is accompanied by dimensions given in feet. The fact that this land is being given to the tenant, seemingly with no entry fine attached and using a term usually reserved for areas too small to be measured in

⁶¹ Baildon, *Court Rolls of the Manor of Wakefield*, Volume I, p. 253.

⁶² Lister, *Court Rolls of the Manor of Wakefield*, Volume III, p. 58.

⁶³ Baildon, *Court Rolls of the Manor of Wakefield*, Volume I, p. 162.

⁶⁴ *platea*, ~ia; *placea*, ~ia, ~eum, ~ium, senses 1, 2, 3. DMLBS [<https://logeion.uchicago.edu/platea> accessed 17/04/2019].

acres, suggests that the court would give out enough land from the waste for a needy tenant to build a home. Certainly, the earl and the court regarded every foot of land not currently farmed, enclosed, built upon, or part of the common to be waste, and thus any use or entry into it had to see the earl compensated. But manor courts were also flexible institutions, and perhaps were able to settle for below market price in certain circumstances.

It is helpful to conceptualise 'manorial waste' as a legal demarcation of territory, and these territories could contain numerous different types of land which would have fallen under the rubric of *vastum* on account of it being neither demised to a tenant nor being considered common pasture. This meant that any modifications within said area, such as digging for coal or putting up a fence, required rent payments to the lord. And yet in isolated instances the court seems to have relented either by reducing or waiving fines and payments, suggesting perhaps that the politics of waste on the manor were not entirely one-sided in who they favoured. The lands that lay within the lord's waste were, after all, often the only areas available for arable and commercial expansion, and for new dwellings to be built. Waste was therefore of communal interest to the manor as a whole, as well as of private interest to the lords. The following sections will discuss the ways in which these communal and private interests were tested at different points, and the tactics employed by tenants, lords and the court in managing these valuable resources.

Waste land in Wakefield over time: access, acquisition, and tensions

This section of the chapter has so far endeavoured to explain the concept of waste land as it existed within the discourse of the manor court rolls, as well as how it interacted with the politics and economics of the manor. The section will conclude with an analysis of some cases where perceptions of waste seemed to be in conflict, specifically where the court sought to use the concept of *vastum* to appropriate land from tenants who were perceived to be using it incorrectly. It is worth first summarising some of the changes that took place within the waste land market over the course of this period to contextualise the actions taken by the court and the tenants, as well as the disputes that arose as a result. The value and demand for waste land fluctuated during this period, enabling lords to exploit increases in demand and prompting tenants to alter their strategies for managing the distribution of waste land through the court.⁶⁵ For instance, the 1300s saw a steep rise in demand for waste land in Wakefield, which fits with historians' assessments of land hunger during the last decade of the thirteenth century and first decades of the fourteenth.⁶⁶ It is during this time that we start to see large numbers of tenants purchasing access to plots of waste land, usually between 1 and 10 acres per tenant, with each tenant acting as the pledge or surety that the other before them would pay their rent and carry out any other obligations.

⁶⁵ During the 1290s we find infrequent cases of groups of tenants taking on 1-5 acre parcels of waste land and pledging for one another, and much of the land given away was formerly cultivated land. In the 1300s we find much larger groups of tenants pledging for one another, taking on much higher acreages, and taking new land from the lord's waste rather than land that had fallen out of cultivation. The large pledging groups suggest a high degree of coordination.

⁶⁶ Campbell, *The great transition*, pp. 182-3.

The instances of great numbers of purchases of waste land leases by tenants within the same court are especially useful to us for two reasons. First, they suggest a high degree of coordination between tenants both within and outside of the manor court, presumably to ensure that each was able to access sufficient waste land during this period, or close enough. A court of August 1307 saw 59 tenants obtain grants of waste land, the highest of any single court in the surviving records, and all within the upland graveship of Holme.⁶⁷ The acreage of each purchase ranged from one rood (usually a quarter of an acre) to seven acres, with most occupying the lower end of that range.⁶⁸ If tenants had been purchasing these parcels individually then we would expect to see them spread out over several courts; the surviving rolls from the final decade of the thirteenth century show this pattern, with few instances of groups of more than 5-10 tenants purchasing waste land at the same time. It is possible that by the middle of the 1300s, the growing demand for land prompted a collective, community-wide endeavour to ensure that each family within the graveship received a fair share of the available waste, and thus an equal opportunity to enlarge their holdings. This is shown by the fact that in the abovementioned 1307 court roll, each new tenant serves as a pledge of the tenant named in the previous or subsequent entry, making each of them responsible for ensuring that their neighbour pays his or her rent. This had occurred on a smaller scale previously, such as in a Halifax court of November 1296 in which a group of three men acted as pledges for one another's purchases of waste land, and on a somewhat larger scale in a court of Halifax earlier in the summer of 1307.⁶⁹ This suggests either that the administrators of the court assigned each member of the

⁶⁷ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, pp. 102-5.

⁶⁸ Campbell and Bartley, *England on the eve of the Black Death*, p.35.

⁶⁹ Baildon, *Court Rolls of the Manor of Wakefield*, Volume I, pp. 245-6; Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, pp. 86-8.

group a mutual pledge for the sake of convenience (the pledges are not of the same families), or that the group had beforehand decided to organise itself into pledging pairs. The fact that these groups tended to obtain licences to waste land from a single graveship indicates that these were local arrangements that occurred within a given township, vill, or group of nearby settlements. Such coordinated efforts demonstrate the importance of waste land to medieval peasant communities, with political and familial associations working to ensure that this resource was distributed in ways that were mutually beneficial to the community.

Second, the fact that different plots of waste land could fetch different prices per acre in the same court lends further support to the theory that *vastum* served as an all-encompassing moniker for many different types of land that had not yet been rented out. For the 59 grants of waste in the Holme graveship that are recorded in the Halifax court roll entry of August 1307, the amount that tenants paid in entry fines varied from 6d per acre up to 18d per acre. Even within and around the same vill, entry fines could vary drastically. For instance, of the five tenants who purchased waste land in Alstanlay, two paid 12d per acre in entry fines, one paid 14.4d per acre, another paid 10.7d per acre and one 8d per acre.⁷⁰ Rent obligations however were fixed at 6d per acre for every one of the purchases at this court, with the assize rent for old land being 4d per acre.⁷¹ The one-off payment of the entry fine was a way for lords to gain additional profit according to the perceived value of the land in question, turning the increased demand brought on by land hunger among the peasantry into a lucrative opportunity for themselves.

⁷⁰ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, pp. 103-4.

⁷¹ Although rents of assize were usually fixed by custom, slightly higher and lower figures than the 4d and 6d per acre levels were occasionally imposed in other Wakefield courts.

The politics of waste in Wakefield manor shifted during the famine years of the 1310s and beyond, as successive shocks to the system prompted new strategies on behalf of the court and the tenants. As this section will show, the concept of the lord's waste was flexible and ambiguous enough for multiple parties to make use of it in situations where its applicability was in doubt or its boundaries uncertain. It is worth first summarising the effects of famine on the manor to contextualise these developments. The Great Famine of 1315-17 marked the onset of a decade and a half of harvest failures, shortfalls, and low yields.⁷² The harvests of 1315-16 were particularly poor. By Christmas of 1315 the average price across England of a quarter of wheat is estimated to have risen to 10s from 5s 6d before the famine, up to 16s by Easter of 1316 and 24s in July; other crops fared no better, the price of rye rising from 5s per quarter to 18s from September 1315 to August 1316, barley from 4s 10d to 18d, and oats from 2s 9d to 14s 6d.⁷³ The harvest of 1316 was worse, with wheat yields falling to just 16% of the pre-famine average and the price reaching 23s per quarter by summer.⁷⁴ Bruce Campbell has identified a 'surge in crisis-related land sales between 1315 and 1332', leading to rapid fragmentation of holdings as tenants sold off pieces of their land in desperation. On the manors of south and south-eastern England, non-familial land transfers increased between two and five-fold from 1310 to

⁷² Campbell, *The great transition*, p. 191. For a full overview of the causes and effects of the famine in England, see Ian Kershaw's seminal article: I. Kershaw, 'The Great Famine and agrarian crisis in England, 1315-1332', *Past & Present*, 59 (1973), pp. 3-50. For a more up-to-date account of the famine's effects taking into account local variations and more recent historical debates, see: P. R. Schofield, 'Famine in medieval England', in M. Muller (ed.), *The Routledge handbook of medieval rural life* (London, 2021), pp. 138-52.

⁷³ P. Slavin, 'Market failure during the Great Famine in England and Wales (1315-1317)', *Past & Present*, 222/1 (2014), pp. 9-49 (p. 16).

⁷⁴ Slavin, 'Market failure', p. 18. It is worth noting that national price averages and regional ones can differ quite substantially, with local geography trade networks affecting the availability of produce and the strategies of individual economic actors affecting the price. These factors are explored in more detail in Espeel's study of urban Flemish responses to famine: S. Espeel, 'The grain market and preferential trade of large landowners in Flemish cities during the Age of Shocks (1330-1370)', *Mélanges de l'École française de Rome - Moyen Âge* [En ligne], 131/1 (2019), pp. 29-44.

1316.⁷⁵ That Wakefield was badly affected is shown by the increase in the number of people charged with petty crimes during the famine years, which was typical for England in general.⁷⁶ The excess of waste land in Wakefield manor seems to have prompted tenants to bring more waste land under the plough, either to offset the fall in yields, to exploit high prices in the market, or to obtain as much produce as possible before prices rose further. In turn the Earl of Warenne was able to exploit this increase in demand by sharply raising entry fines on grants of new land from his waste. While the frequency of waste land grants fell in the years prior to 1315, the number rose sharply in the autumn of that year. Though entry fines before the famine rarely exceeded 12d per acre, during the famine fines of 2-4s (24-48d) per acre become the norm. This study will now address the effects of this crisis on the use and value of waste land in Wakefield.

First, the famine appears to have led to a fall in cooperation among tenants when allocating waste land through the manor court. There is a notable absence in the famine years of large, coordinated groups of tenants purchasing waste land within the same court as found in 1307 and 1308. Waste land leases are instead spread out over many different courts, with each court of 1316-17 containing between one and twelve waste land grants, usually in numbers of 4-6 per court. This suggests a more individualistic and opportunistic approach to colonisation in contrast to that of the pre-famine period. These years also saw a sharp rise in the frequency of illegal encroachments into the earl's waste land. At one Burton court in April of 1317, 133 tenants in the graveship of Holme were made liable for new rents for their

⁷⁵ Campbell, *The great transition*, pp. 192-6.

⁷⁶ B. A. Hanawalt, 'Economic Influences on the Pattern of Crime in England, 1300-1348', *The American Journal of Legal History*, 18/4 (1974), pp. 281-97 (pp. 288-9).

unauthorised assarts of the earl's waste land.⁷⁷ The court could have evicted the tenants from these illegal plots, as they had done in the past and continued to do in cases of lone tenants enclosing or assarting waste land.⁷⁸ The decision to allow the tenants to pay fines and keep the land was probably motivated by a shift in the priorities of the court officials, away from the strict guarding of the lord's rights and punishment of transgressors thereof and toward the need to ensure adequate food supply in a time of extreme shortage. The rise in illegal encroachments should also serve as a reminder that while the label of *waste* supposedly gave control over an area of land to the lord, in practice the peasants did not necessarily respect or acknowledge these boundaries when the potential benefits of disregarding them outweighed the potential punishment.

After the famine, demand for waste land fell, with average entry fines falling to their 1300s levels and illegal encroachments all but disappearing from the records, though the 1330s did see a small rise in both. By the early 1320s the population of the manor had been reduced by the famine, and this led to an increase in cases of land abandoned, left uncultivated, or otherwise permitted to 'lie waste' (*iacet vastum*) after having previously been demised to a tenant. There was no institutionalised system for rotating plots of waste land in and out of cultivation on a short-term basis as existed in Cornwall and County Durham, and so the court seems to have adopted a flexible strategy of varying lenience and severity in dealing with this problem. This section will now address the ways that the court used its conception of waste, as well

⁷⁷ Lister, *Court Rolls of the Manor of Wakefield*, Volume IV, pp. 88-94.

⁷⁸ Lister, *Court Rolls of the Manor of Wakefield*, Volume IV, p. 150.

as the set of customs that had developed around it, to police tenants' use of their own land.

Waste and the confiscation of idle or neglected land

One significant finding of this study was that tenants of Wakefield who held onto parcels of waste land for too long without converting them to arable, particularly during the period of high land pressure of the late thirteenth and early fourteenth centuries, could have that land confiscated and distributed to other tenants. During the famine years of the early fourteenth century, we find numerous cases of tenants being granted land that had been left waste in the hands of the lord (*manu domini*), yet for each of these cases there are no preceding entries which detail the initial transfer of the land back into the earl's hands. For example, in the court of November 1296, most, if not all, of the nine plots of waste land granted to new tenants had not been considered waste for very long. The first entry notes that a 'Richard son of Alot gives 6d for licence to take a bovat of land of the waste, which William son of Simon held and relinquished', while the second entry has similar wording; the third, fourth and fifth also specify that the plots also contain buildings.⁷⁹ It is clear that these are not plots of virgin soil but land which had already been built on or cultivated but which had been left to fall out of cultivation. Sometimes this appears to have taken place without the knowledge of the heirs to the land in question. For example, in June of 1307 a tenant, Thomas son of Sarah, sued Richard le Syer for 3 acres and 1 rood of land 'which his mother took from the lord as waste land.' The defendant denied that

⁷⁹ Baildon, *Court Rolls of the Manor of Wakefield*, Volume I, p. 245.

the land had ever been left waste, claiming that his grandfather had first assarted it.⁸⁰ In this instance, the court found in favour of the plaintiff. This case in particular shows that the meaning of *vastum* within the manor court was at times contested when interested parties clashed. It also reinforces the point made in the previous section that the distinction between waste and other kinds of land was porous and determined by political structures and norms. The failure to cultivate the land properly led the court to decide that the land had fallen back within the remit of the lord's waste, which was to the benefit of both the lord and the new tenant who claimed it.

Tenants tended to fall afoul of these measures particularly when the need for land among the rest of the community was high. Families that kept large quantities of waste land were liable to have it confiscated. In December of 1315 a William Graffard gave 13s and 4d 'to take 34 acres in Snapethorpe left waste by Adam Besk and his heirs.'⁸¹ In June of 1316 a large number of tenants in Sowerby, Rastrick, Hipperholme and Dewsbury were made to pay high fines for entry onto new land they themselves had enclosed 8 years previously but did not enter.⁸² In this case the tenants may have been punished for accumulating waste land during a time of land pressure; perhaps they intended to make use of as a resource until the time came to bring it under the plough, or they took on more land than they could farm in an effort to pre-empt another increase in entry fines. In any case, these confiscations complicate the picture of a peasant land market directed by individual economic interests and entrepreneurial approaches to land acquisition; while that may have held true in many instances, it is perhaps more accurate to say that crises such as the famine could lead

⁸⁰ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, pp. 90-91.

⁸¹ Lister, *Court Rolls of the Manor of Wakefield*, Volume III, p. 95.

⁸² Lister, *Court Rolls of the Manor of Wakefield*, Volume IV, pp. 115-23.

to both individual opportunism and institutional or community-driven efforts in the opposite direction.

The desire to keep land under cultivation was balanced by the need to uphold inheritance customs. In one court held in March of 1308, one Marjory Wythehundes attempted to sue Emma, daughter of Robert Gunne, over a piece of land which Marjory claimed belonged to her late husband. The court found that as Marjory's husband had allowed the land to lie waste for 24 years, the earl had demised it to Robert Gunne, having first enquired after any heirs to John Wythehundes.⁸³ The need to balance this prerogative of the earl with the inheritance rights of tenants could at times create problems for manorial officials. From a court of 1297:

Adam Migge, Grave of Soureby, gave the Steward to understand that a certain bovate of land in Soureby, held by the son of John le Horton, was left entirely waste [*fuit omnino vasta*], whereupon the Steward gave the bovate to a certain tenant.⁸⁴

In this instance a third of the said land was found to have been held by another tenant in dower, and as a result the grave was fined for his mistake. During times of relatively low demand for new land, such as during the early 1320s, inheritance customs are regularly seen winning out over the need to punish tenants for failing to till the land. In a court of September of 1325, one Richard Withoundes paid to have entry onto half a rood of land which a certain Richard Ruddok had 'left unoccupied [...] for the last 4

⁸³ Baildon, *Court Rolls of the Manor of Wakefield*, Volume II, p. 145.

⁸⁴ Baildon, *Court Rolls of the Manor of Wakefield*, Volume I, p. 283.

years.⁸⁵ However, the scribe has noted that this transaction was voided as Ruddok's heir had since come to claim it. The distinction between waste land and untilled arable land was something that seems to have at times been in doubt, which lords and tenants both took advantage of.

To summarise, the *vastum domini* was a term that encompassed a variety of different types of land which were used for a wide variety of purposes, but which was all understood by manorial custom to be at the lord's disposal to enclose, rent and build upon as he saw fit. All land that was not designated as arable, meadow, park or common was considered, by default, to be part of the lord's waste, including even the strips of land between and around market stalls. However, the fact that land could be labelled waste and then confiscated due to a failure to cultivate demonstrates that the meaning of waste was based not only on the physical qualities of the land or who owned or held rights to it, but on how it was used and in what contexts. The conception of manorial waste as something that the lord held exclusive rights over gained even more importance when a tenant's field could be judged to have become part of that exclusive territory should the land be deemed sufficiently neglected.

The cases of confiscations raise questions concerning the reasoning behind the actions, or inaction, of the tenants. If the court could seize land which was judged to have been left untilled too long, why did tenants purchase waste land leases and fail to convert them? One possibility is that tenants would sometimes take on more land than they could physically maintain. This explanation strikes me as unlikely except in cases in which the household had suffered deaths or declining health of one or more

⁸⁵ Walker, *Court Rolls of the Manor of Wakefield*, Volume V, p. 78.

of its members, which may explain the increase in these cases during the 1320s. Another explanation is that tenants were amassing waste land which they could exchange when the value had increased; this may have been the case during the aforesaid court of June 1316, in which the tenants were fined for taking on waste land and not cultivating it. Yet the ability of the court to punish such offenders would have made this a risky strategy. A third possibility is that these plots of waste land were being maintained as waste due to their value as a productive resource in their own right, by supplying building materials, fuel, and pasture for animals. The next section will consider in more detail this value of waste land as a resource, and how access to this resource could be contested between different interested parties.

1.3 – Manorial waste land as a contested resource

As has been reiterated throughout this chapter, land that was termed *waste* encompassed a range of different types of land with a variety of uses and functions. This section will use evidence from the Wakefield court rolls in conjunction with two other case studies, one from the court rolls of Alrewas in the 1330s and the other from the rolls of parliament in the same decade, to identify some of these functions of waste land and the power dynamics which shaped its use. These power dynamics are particularly apparent in an incident of conflict recorded in the Alrewas Court rolls, making this case study an ideal starting point for this discussion.

In June of 1337, Philip de Somerville, lord of the manor of Alrewas, Staffordshire, appeared *in propria persona* at his manor court. His attendance coincided with the resolution of a long-standing conflict between the lord and his tenants concerning a piece of waste land that Lord Philip wished to profit from, either by conversion to arable or by imposing some restriction or fine on its access. The resolution of this dispute was put into writing on the manor court roll. What follows is my own translation of this entry:

As the lord himself wished to be enriched[improved] concerning a piece of waste land next to Boylake, which Ralph de Walton enclosed [*una placea terre vasti juxta Boylake quam Radulfus de Walton includit*], and was not able to be enriched/profited due to the harm of the villagers [*non potuit approwyari propter nocumentum vicinorum*], for which reason there were many struggles and disagreements between the lord and Ralph on one side and the tenants of the whole manor on the other, eventually the said lord Philip, moved by conscience, seeing that the piece itself was causing great harm to be done to the villagers and tenants [*tantam vicinis et tenentibus suis esse nocivam*], came in full court and granted, for himself and his heirs, that that piece would never henceforth be enriched[/improved] in part or in full by himself nor his heirs [*concessit pro se et heredibus suis quod illa placea per ipsum nec per heredes suos de cetero numquam erit approwiata in parte nec in toto*] [...] saving to the lord himself for this grant and agreement that the tenants of the said manor

grant that they are to pay rent of two silver pence annually to the lord [...]

And for the inquisition, 40 shillings.⁸⁶

While the previous section discussed the value of waste land as something that could be converted into fields or used as a site of industry or commerce, the above excerpt indicates that waste land had value *as waste land*. That the improvement or enrichment of this waste, apparently for Philip's exclusive benefit, would have purportedly caused harm to the tenants is a clear indication that they were gaining something of value from this waste land. Although this entry does not give details about what this land provided, comparison with scholarship on the uses of waste land in other geographic and historical contexts can accommodate for these gaps in the records.

This section will first examine what it meant to 'improve' waste land and outline the lords' and peasants' different perspectives on the matter. Next it will argue that waste land provided medieval rural societies with vital resources, drawing attention to similar cases where people came into conflict over access to the same resources, and making the case that this was the most likely reason for the outcome of the Alrewas dispute. Finally, it will compare the case studies of Alrewas and Wakefield in order to identify some consequences that occurred when medieval rural English communities did not have access to sufficient permanent waste land. For this section I have relied extensively on Christine Kelly's transcriptions of the Alrewas Manor Court Rolls that are held by Stafford County Record Office.

⁸⁶ Alrewas Court Rolls Oct 1333–Sept 1341, Stafford County Record Office D/W/0/3/18-26. Transcriptions by Christine Kelly, 1982 (Box 2), p. 597.

What did it mean to ‘improve’ land?

Although this court roll does not give precise details as to what Lord Philip intended to do with this waste land, comparison with uses of the term in other contexts can provide a good indication of what this probably involved. The word ‘approwyari’ appears to be a corrupted form of the Latin infinitive *approvare*, which the *DMLBS* defines as to enrich, endow, improve, exploit, and enclose (often in the context of enclosing waste), or to acquire at a profit.⁸⁷ The rights of lords to enclose or ‘make their profit/advantage’ (‘comodum suum fac[er]e’) from the pasture and waste lands of their manors was established by the fourth chapter of the 1235 Provisions of Merton, while chapter 46 of the 1285 Statute of Westminster confirmed that they retained the right to ‘approuare se possent de boscis, vastis & pastur[is] illis [...]’ (improve/enrich/exploit those said wastes, woods and pastures).⁸⁸ The *Middle English Dictionary* meanwhile provides a handful of examples, mostly from the fifteenth century, pertaining to the *approvement* of land.⁸⁹ The late fifteenth-century English-Latin dictionary *Catholicon Anglicum* similarly defines *approue* as: ‘Approuare, sicut domini se faciunt de vastis’ (‘as lords enrich themselves from wastes’).⁹⁰ In the *Boke of Noblesse*, a treatise on the virtues of warfare and kingship presented to King Edward IV, the Roman general and consul Marcus Atilius is exalted for his ‘labouragis and approwementis of londes and pastures, to furnissh and store the saide countre withe

⁸⁷ ‘approuare, ~iare.’ R. K. Ashdowne, D. R. Howlett, & R. E. Latham (eds), *Dictionary of Medieval Latin from British Sources* (British Academy: Oxford, 2018). Online edition. [<https://logeion.uchicago.edu/approuare> accessed: 01/04/2020].

⁸⁸ The Statute of Westminster II, 1285. *The statutes of the realm: Printed by command of his majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original records and authentic manuscripts, I*, ed. A. Luders et al (London, 1810-1828), p. 94.

⁸⁹ *approver* (1). *AND*; *approu(e)ment* n. *MED*.

⁹⁰ *Catholicon Anglicum: an English-Latin wordbook dated 1483*, eds S. J. H. Herrtage (London, 1881), p. 12.

plente of corne and vitaille', prior to his assumption of command of the army during Rome's wars with Carthage.⁹¹ The reference to plentiful crops is clear indication that these 'improvements' meant conversion to arable. It must be noted though that the difference of over a hundred years between these examples and that found in the Alrewas court roll means that any conclusions drawn from such a comparison must be tentative.

Alrewas Manor before the Black Death

This section will now address the possible reasons why the tenants of Alrewas were so determined to maintain access to this piece of waste land, by outlining the possible roles that waste land played in the economy of Alrewas during the 1330s. The manor of Alrewas is estimated to have been 4,300 acres, containing a village, three hamlets, and ample woodland.⁹² This made it considerably smaller than Wakefield, although by no means small by the standards of fourteenth-century manors. The crown held the manor from the Conquest until 1204, when it was farmed out to the Somerville family; Lord Philip inherited it in 1319.⁹³ The manor is unusual among Staffordshire manors in that while free tenure was common throughout the county, within Alrewas the vast majority of tenants held their land by customary tenure. These customary tenants benefited from the manor's being considered Ancient Demesne, a status given to manors that were recorded in the Domesday Book as belonging to the Crown.⁹⁴ This meant that tenants enjoyed fixed rents and labour services, exemptions from some

⁹¹ *The Boke of Noblesse*, ed. J. G. Nichols (New York, 2010), pp. 65-6.

⁹² Harrison, *The role of written records*, pp. 56-7.

⁹³ Harrison, *The role of written records*, p. 56.

⁹⁴ Harrison, *The role of written records*, p. 59.

finances and tolls paid by villeins on other manors, and the right to have cases heard in the king's court.⁹⁵ For instance in Alrewas, customary tenants paid rents at a maximum of 2s per virgate per year for ancient tenure and 4s for land that had formerly been the lord's demesne.⁹⁶

As well as enjoying Ancient Demesne privileges, the tenants of Alrewas seem to have enjoyed moderate success in resisting additional obligations from their lords. Jean Birrell has provided an in-depth history of the conflict as it unfolded during the 1330s, as tenants refused to perform increased labour services, resisted increases in heriots by selling their animals, and put forward non-eligible candidates to serve as reeve.⁹⁷ Birrell also notes that the Alrewas tenants were particularly adept at turning the procedure and customs of the court to their own advantage in their disputes with their lord.⁹⁸ While both manor courts and manor court rolls were instruments of seigneurial power, they were not completely beholden to the authorities, as was shown in the case of Wakefield where tenants disputed the designation of their lands as waste, with mixed success.

The lack of detailed acreages given in the Alrewas court rolls precludes a quantitative analysis of the waste land market of the kind provided for Wakefield in the previous section. The few grants of waste land that are recorded in each set of rolls reveal two probable reasons for manorial tenants to maintain permanent areas of waste land: either as pasture sources for animals, or sources of estovers and other

⁹⁵ M. K. McIntosh, 'The Privileged Villeins of the English Ancient Demesne', *Viator: Medieval and Renaissance Studies*, 7 (1976), pp. 295-328 (pp. 296-99).

⁹⁶ Harrison, *The role of written records*, p. 58.

⁹⁷ J. Birrell, 'Confrontation and negotiation in a medieval village: Alrewas before the Black Death', in R. Goddard, J. Langdon and M. Müller (eds), *Survival and discord in medieval society: essays in honour of Christopher Dyer* (The Medieval Countryside, Volume 4) (Turnhout, 2010), pp. 197-211 (pp. 199-201).

⁹⁸ Birrell, 'Confrontation and negotiation', pp. 202-5.

useful resources that could only be obtained from uncultivated land. This next section will discuss the strategies for preserving waste land and these possible reasons for doing so.

Waste land in Alrewas: strategies for the preservation of access

One significant aspect of the politics of manorial waste in Alrewas is that the tenants were willing to intervene in the land market to prevent wealthier tenants from amassing, enclosing, or cultivating waste land when this was deemed to be of harm to the interests of the wider community, just as they did with their lord in 1337. In February of 1335 a free tenant named William de Horsebrok purchased access to an area of waste for a 40 pence entry fine:

Grant to William de Horsebrok forester one piece of waste land to hold to himself and his heirs in perpetuity in the woods [*tenere sibi et heredibus suis in perpetuum unam placeam vasti in forinesco bosco*] [...] In place of one piece of waste land [*una placea terre vasti*] beneath Bagenhale which could not be approved due to the harm of the villagers [*non potest approwyari propter nocumentum vicinorum*].⁹⁹

The language used here is identical to that in the entry pertaining to the waste land that Lord Philip had intended to 'improve' in 1337, and the cases appear to have been very similar. De Horsebrok was among the wealthiest of the free tenants in Alrewas, being by far the most frequent buyer and seller of land in the village as well as a royal

⁹⁹ Transcriptions by Christine Kelly, p. 441.

forester and a notable moneylender in the community.¹⁰⁰ Of the sixteen portions of waste land granted in the manor court between 1332 and 1342, four were to De Horsebrok, while no other tenant is recorded making more than one such purchase. Further evidence of De Horsbrok's financial position can be found in an entry in the calendar of the patent rolls which notes that he was fined 40s for entering without licence 90 acres of freehold land he had purchased from Lord Philip and 10 acres purchased from other tenants.¹⁰¹ De Horsbrok was therefore clearly a tenant of considerable means. Yet the tenants of Alrewas were willing to risk conflict with even the most influential voices within the village community in order to preserve their access to waste land. It is likely that this decision, along with the decision to prevent Lord Philip from enclosing the aforementioned plot, was motivated by a dwindling supply of waste land available to tenants by the 1330s. Indications of this can be found in the high prices per acre, and the decline in the number of grants toward the end of the 1330s. For example, in the court of September 1332 a John le Byker paid a 10 shilling entry fine for just one acre of the lord's waste land.¹⁰² In the next court, four brothers of the Francis family paid 32 shillings for an area (*placea*) of waste of indeterminate size, with their father acting as the pledge.¹⁰³ The use of *placea* in these records means that we cannot even guess as to the acreage of these purchases, and in the following year we find entry fines for *unam placeam vasti* of half a mark and 20 pence. However, 10 shillings were paid for three roods of waste land at a court in

¹⁰⁰ H. Graham, *A social and economic study of the late medieval peasantry: Alrewas, Staffordshire, in the fourteenth century* (Unpublished PhD thesis, University of Birmingham, 1994), pp. 314-15.

¹⁰¹ *Calendar of the patent rolls preserved in the Public record office, Edward III, AD 1343-1345*, ed. and trans. H. C. M. Lyte and R. F. Isaacson (London, 1902), p. 361. From here, the abbreviation *CPR* followed by the date range will be used for all Patent Roll citations. Full references for each volume can be found in the bibliography.

¹⁰² Transcriptions by Christine Kelly, pp. 267-8.

¹⁰³ Transcriptions by Christine Kelly, p. 276.

March 1333. It is possible that this waste land was of variable quality, with some of it possessing coal deposits or an estimated high agricultural yield, yet even the lower fines are higher on average than those paid in Wakefield ten years previously. The high fines charged by the lord for plots of waste land, and the furore that arose following efforts by both the lord and other tenants to take existing waste land under the plough, suggests that waste land in this manor was something of a precious commodity at this point.¹⁰⁴

Another interesting aspect of the Alrewas tenants' relationship with waste is there are numerous instances of Alrewas tenants taking on waste land only to refrain from cultivating it. Given the problems of land hunger reported in this period, land hunger that may at least partially account for Alrewas' high entry fines for waste land, this finding is on the face of it surprising. A court of April 1332 records the heriot entries of Godfrey and Margery de Stretton, followed by the entry of their son and heir William onto their lands. The inheritance includes, as well as a messuage and several acres of meadow and arable, four and a half acres of waste ('iiii acris et dimidia vasti').¹⁰⁵ In May of that same year one Mathilda widow of Richard quitclaimed a substantial amount of land and property, including fourteen acres of waste land, which was inherited by her son and heir John.¹⁰⁶ It is possible that this waste land was originally obtained with the intent of cultivating it, but that these tenants were unable to do so, or that it fell out of cultivation, on account of the tenant's old age or infirmity. Such bequests of waste land are absent from the heriot entries in Wakefield Manor's late

¹⁰⁴ This corresponds with Harrison's findings regarding the growing number of leases and mortgages as a sign of increasing land hunger: Harrison, *The role of written records*, p. 57.

¹⁰⁵ Transcriptions by Christine Kelly, p. 238.

¹⁰⁶ Transcriptions by Christine Kelly, p. 252.

thirteenth- and early fourteenth-century court rolls. It is also possible that these wastes were being used for pasture. This would go some way to explain why there are no plots of waste land left by bequests in Wakefield's rolls: the common pastures and fallow fields of each graveship may have provided sufficient grazing for tenants' animals, while in Alrewas some tenants fulfilled this need with waste land. Given the high proportion of uncultivated land in Alrewas that was woodland, fallow fields and common pastures may not have been able to fulfil tenants' pasture needs.

Pasture use was not the only possible reason why tenants would keep waste land. Waste land effectively provided a 'buffer' zone for the agricultural economy, one that could be converted into arable or pasture land whenever the need arose, and which otherwise served as a source of gatherable materials.¹⁰⁷ Nuts and berries that grew in wastes supplemented the medieval diet, while vegetation from wastes could be used to make bedding and roofing, as well as rope, brooms, and other utensils.¹⁰⁸ In his discussion of peasant exploitation of natural resources in sixteenth-century England, Donald Woodward highlights the use of gorse, broom, sedge, reeds, bracken, heath and straw as sources of fuel for fires as well as thatch for roofs, all of which could be obtained from common or waste lands.¹⁰⁹ Evidence for this type of land use is sparser for later medieval England than for the early-modern period, though we do find occasional references to it. For instance, the fifteenth-century Crowland Abbey chronicle notes that in 1415 the Abbot granted that the villagers of Spalding and Pinchbeck 'shall have and possess common of estovers, that is to say, of gathering of

¹⁰⁷ W. Groenman-van Waateringe, 'Wasteland: Buffer in the medieval economy', *Actes du Ve Congrès international d'Archéologie Médiévale*, 5 (1996), pp. 113-17 (116-17).

¹⁰⁸ Groenman-van Waateringe, 'Wasteland', p. 116.

¹⁰⁹ D. Woodward, 'Straw, bracken and the wicklow whale: The exploitation of natural resources in England since 1500', *Past & Present*, 159/1 (1998), pp. 52-3 (pp. 43-76).

rushes and reeds', from the Abbot's marshland.¹¹⁰ *Estovers* refers to the taking of small quantities of wood, bracken, sticks, or similar such dry vegetation from land belonging to another, the term deriving from the Old French *estover* or *estovoir*, meaning 'what is necessary' or 'one's subsistence.'¹¹¹ While manorial lords could charge a fee for the taking of such resources, in early fourteenth-century England such fees were unlikely to bring in more than a few shillings per year.¹¹² Given the high demand for land in the early fourteenth century, the income Lord Philip could have accrued from enclosing or converting his waste land probably far outweighed the amount he could gain from fining for its use. And yet the ensuing economic loss to his tenants was judged to be severe enough for the court to rule against its own lord. Although there is no surviving written documentation detailing the estover rights of the Alrewas tenants, the balance of evidence suggests the use of waste land as a source of estovers and other gatherable materials, and this communal need is probably why the court chose to rule in the tenants' favour.

Waste and estover rights: two supporting case studies

The importance of waste as a source of estovers is made apparent by another case of conflict between two interested parties over an area of waste land, in this instance involving people much higher in the social strata than the tenants of Alrewas. In a parliament of March 1336 the Prior of Coventry accused the stewards and agents of Isabella of France, Queen Mother of Edward III, of laying waste ('tut ount fait gastyne')

¹¹⁰ *Ingulph's chronicle of the abbey of Croyland with the continuations by Peter of Blois and anonymous writers*, ed. and trans. H. T. Riley (London, 1854), p. 384.

¹¹¹ estover. *AND*; estoverium. *DMLBS*.

¹¹² Campbell and Bartley, *England on the eve of the Black Death*, p. 110.

and causing complete destruction ('pleyne destructioun') of the woods that the Priory had obtained by charter from the previous owners of the manor, Roger and Cecily de Mohaut, during the 1240s.¹¹³ This is said to be the result of an abuse of the estover rights – that is, the right to take small quantities of wood from commons or woodland – which the charter permitted for the heirs of Roger and Cecily, and damage done to new tree shoots by the grazing of animals. The Queen claimed that the estover rights permitted in the charter enabled her to take estovers for fuel, for making charcoal, and to make fencing ('focali et carbonibus et clautura faciendis'). The Prior then responded that the area of the wood from which the Queen ought to take her estovers is a 'waste place' ('placea vasti') that was 'newly planted' ('novo plantata') by the Prior's predecessor ten years since. That a waste land was created or 'planted' suggests that at times, areas of land were set aside to become overgrown with bushes, shrubs, and perhaps some trees to accommodate the estover needs of nearby institutions and households. The above case shows also how these needs could become a source of conflict when the supply of such resources was insufficient to meet them.

It is also likely that waste land was being used as a source of estovers in early fourteenth-century Wakefield, judging by the rise in the number of offences relating to these resources the Wakefield court rolls following the colonisation of much of the manor's waste land. As shown in table 1 below, at the courts held in the late autumn and winter months of 1296-97 we find very few instances of tenants amerced for

¹¹³ S. Phillips (ed.), 'Edward III: Parliament of March 1336, Text and Translation', in *The Parliament Rolls of Medieval England*, ed. C. Given-Wilson *et al.*, item 1. Internet version, Scholarly Digital Editions (Leicester, 2005) [<http://www.sd-editions.com.ezproxy.nottingham.ac.uk/PROME>, accessed on 11/05/2023].

taking brushwood, ferns, broom, vert (green vegetation) and dry wood from the lord's parks and woods. It is during these months that the first small surge in waste land grants occurs in the surviving manorial records. When we compare the rates of these offences in the same period of the following year, a small increase can be observed. It is possible that this increase has nothing to do with the reduction of the amount of unclaimed waste land; a greater attentiveness on behalf of the lord's officials in the following winter would have prompted a similar rise in the number of amerancements. These offences become much more frequent during and after the surge in waste land grants of 1307 and the first half of 1308. Following the gap in our records between 1310 and 1312, these offences become extremely common, with dozens of tenants being amerced at each court. Although there is a slight drop in 1314-15 (again perhaps reflecting a change in the court's ability to police these offences), the total is far higher than it was twenty years previously. This is too steep a rise to be solely due to population increase, although this too would have put further strain on these resources. Not only do we find more individual amerancements in the first and second decades of the fourteenth century compared to the end of the thirteenth, but the amounts by which offenders are amerced also increases, suggesting that they are collecting larger quantities in each offence. During the periods of 1296-98 and 1306-08, the fines for each individual tenant charged with taking dry wood almost never exceeded 6 pence. By contrast, a court of April of 1314 saw two tenants amerced 6 shillings 8 pence, one amerced 10 shillings, and two amerced 13 shillings and four pence 'for dry wood, vert, etc.'

Timeframe	Wood*	Vert*	Brushwood/ broom*	Combination*	Total
Oct 1296 – March 1297	19	12	31	-	62
Oct 1297 – March 1298	70	21	-	-	91
Oct 1306 – March 1307	104	6	-	-	110
Oct 1307 – March 1308	159	7	-	-	166
Oct 1313 – March 1314	293	42	-	141*	476*
Oct 1314 – March 1315	174	30	-	155*	359*

Notes:

1. Wood offences include those charged with 'dry wood', 'underwood', or simply 'wood'.
2. Vert offences also include 'ferns' (rare).
3. Brushwood and broom offences disappear from the records after 1298
4. Under the category of 'combination' I have included all individual amercements where a group of tenants are charged with a combination of offences, whereby it is impossible to tell the proportion of each offence (e.g.: 'John A (3d), Mary B (6d), [...] Thomas Y (4d), Anne Z (2d), for vert and dry wood.' As escapes of animals are sometimes included within these lists for the years 1313 and 1314, the figures for the last 2 rows in the combination column are certainly overestimates and should be treated with caution.

The increasing tendency of the court rolls of the 1320s to group all of their wood, vert, and escapes of animals offences into single undifferentiated lists means that we have no means of telling what proportion of these offences were wood and vert as opposed to escapes, thereby ruling out any quantitative analysis for this decade. Individual courts which do differentiate these amercements indicate that estover offences were even more frequent in that decade than in the 1310s. In the previous section it was noted that after the conclusion of the famine period of 1315-21 the rate of waste land grants rose steadily, while never reaching the frequencies of 1307-08. In a court of March of 1324, upwards of 42 people (the exact total indeterminate as some are listed as 'the handmaids of [tenant]') were charged with taking dry wood.¹¹⁴ In a single court of August of 1327, 41 tenants were charged with 'dry wood, vert, etc'; the

¹¹⁴ Walker, *Court Rolls of the Manor of Wakefield*, Volume V, pp. 62-3.

fact that this took place in the summer, a time which in previous years saw very few of these offences, is a significant indicator that these resources were running scarce.¹¹⁵ All of this suggests that these communities were deprived of legitimate sources of estovers at the same time and just after a considerable amount of available waste land in the manor was taken under the plough. This trend in the short term and at a small scale mirrors a wider one that had been taking place during the twelfth and thirteenth centuries, as population growth and subsequent clearing of woodland placed pressure on the supply of firewood in communities across England.¹¹⁶ So while the land dubbed *vastum* in the court rolls was indeed the property of the lord, it is highly probable that tenants enjoyed some limited rights of access to it for the taking of estovers and other similar resources, that the waste was not considered the sole preserve of seigneurial authority to the degree that woods and parks were.

This section has emphasised several points of conflict over waste within the context of the manor and in manorial court rolls. Tension existed between the lords' desires to maximise their profits, reflected in and enforced by the language of waste land improvement, and the function of waste land as a source of pasture, fuel and building materials for tools and houses; this function made waste land a valuable resource not only for manorial tenants but also for large aristocratic estates such as the Priory of Coventry and the household of Isabella of Castile. Similar tensions existed between the role of waste as a source of fuel and the need among manorial tenants to secure enough food during times of high land pressure, a need which could encourage the conversion of waste into arable land. Depending on which needs were more pressing

¹¹⁵ Walker, *Court Rolls of the Manor of Wakefield*, Volume V, p. 128.

¹¹⁶ Hatcher, *The history of the British coal industry*, I, pp. 19-20.

at the time, manorial waste land thereby served either as a supply of land for cultivation, or as a source of fuel, pasture, and building materials. Conversions to arable put pressure on the remaining supplies of these resources, as reflected by rises in the number of tenants charged with taking excesses of them in the manor court. Through their control over the manor court and the discourse of the court rolls, the lords and their officials sought to ensure that the lords' rights to profit from waste were maintained, regardless of whether that waste was converted or maintained in its current state. The meaning of *waste* in the context of manorial waste land was therefore shaped both by its physical qualities, which in some cases enabled it to function as a resource, and by its legal status as the lords' spare uncultivated land. These contested meanings could be drawn on by parties in disputes such as the one between Lord Philip De Somerville and his tenants. As the following section will demonstrate, these same conflicts of worldview found form in the numerous instances of tenants charged with 'making waste' within manorial court rolls.

1.4 – Making waste

On 4 July 1359, two villein tenants were presented to the manor court of Walsham le Willows, Suffolk, for 'making waste' on the tenement of a deceased neighbour.

According to the records of the court:

Likewise that Agnes, widow of Edmund Lene, made waste [*fecit vastum*] in the messuage of Stephen Cooper, breaking down the wall-spars [*walsshesperres*] of the house. Robert Lene [brother-in-law to Agnes] took away from the tenement Shepherd old timbers and the door and windows, valued at 6s 5d and Agnes received this sum from the sale of the timbers to the prejudice [*prejudicio*] of the heir; ordered to raise [i.e. pay this amount in damages]. Likewise that waste was made [*vastum factum est*] on the said tenement by cutting hedgerows to the value of 12d; ordered etc.¹¹⁷

This case is one among many instances of tenants charged with ‘making waste’ as recorded in the Walsham manor court rolls. This section will define and explain waste-making as it appears in manorial court rolls, identifying the political and rhetorical functions of the term, and its interaction with the various interests that operated within the manor court and the wider physical and social landscapes. First it will investigate the history of the term through the examination of statutes, legal treatises, and forest law from the late twelfth century onwards, giving an idea of how this concept was understood more widely in later medieval England. Next it will examine instances of waste-making in manorial court rolls to show how this label was applied to a wide variety of different actions, suggesting in the process a possible set of criteria that the court used to determine what was and wasn’t waste. Finally, it will use the manors of Walsham and Norton, Hertfordshire as comparative case studies to discuss the reasons why manorial tenants made waste and the methods employed by

¹¹⁷ Walsham Court of Lady Mary de Pakenham, 4 July 1359. [HA504/1/6.2] *The Court Rolls of Walsham le Willows, 1351-1399*, Volume II, ed. and trans. R. Lock (Suffolk Records Society Volume XLV, Woodbridge, 1998), p. 51.

the courts in response, focusing particularly on the impact of the Black Death on the politics of waste-making.

The manors of Norton and Walsham le Willows

Norton was located within the liberty of St Albans, one of the wealthiest landowners in the country at that time, with 90,000 acres of land and 45 different manors and sub-manors in its possession by the year 1438.¹¹⁸ The abbey was typical for a conservative southern monastic landlord of the later Middle Ages, with villeinage continuing into the fifteenth century despite almost disappearing completely in other parts of the south and East Anglia.¹¹⁹ The absence of surveys and manorial accounts make it impossible to reconstruct the landscape of medieval Norton in any detail, or to establish the relative quantities of arable land, pasture, common, woodland, demesne, and the ratio of villein to free land.¹²⁰ The courts baron held at Norton took place twice per year until the last quarter of the fourteenth century, from which point they were reduced to one a year, perhaps due to the fall in the manor's population caused by plague outbreaks. Very few of the court rolls for the period in question have survived, though there are surviving court books for the period of 1244-1460. These consist of entries from the court rolls which were copied onto folios at the behest of the abbey; common transgressions such as trespass with animals and the various disputes between tenants are omitted in favour of those entries pertaining to land,

¹¹⁸ Norton Community Archaeology Group, 'Introduction', in *Records of the manor of Norton in the liberty of St Albans, 1244-1539*, trans. P. Foden, ed. Norton Community Archaeology Group (Hertford, 2014), p. xxviii.

¹¹⁹ Norton Community Archaeology Group, 'Introduction', pp. xxxi-xxxii.

¹²⁰ Norton Community Archaeology Group, 'Introduction', p. xxxvii.

inheritance, and various debts and obligations to the abbey itself.¹²¹ While the court books of some other St Albans manors did not include cases of waste-making (those of the manor of Winslow being one example), in the case of Norton numerous instances of tenants making waste can be found in the court books.

The Suffolk manor of Walsham le Willows is located twelve miles from Bury St Edmunds. Using the 1283 Lay Subsidy, Lock estimates Walsham to have had a population of 1250-1500 on the eve of the Black Death.¹²² Of an adult male population of between 650 and 750, 153 were in possession of land at this time, while female landholders numbered 23. Most of the tenants were of servile status, and few possessed holdings of 9 acres or more prior to the arrival of the Black Death.¹²³ An unusual feature of Walsham's manorial system was that the manor had three courts that operated independently of one another. The main court was held roughly 2-3 times per year and was presided over by a steward, while the second, smaller court, held at High Hall twice a year, and was presided over by the resident lord of High Hall.¹²⁴ The third court was that belonging to the Prior of Ixworth, and none of its records from the fourteenth century survive. The seat of High Hall changed hands several times during this period, eventually passing into ownership of the Earl of Suffolk in 1379.¹²⁵ High Hall Court was a much smaller court than Walsham court general and was customarily administered by the resident lord of High Hall, the eventual absence of which probably led to its almost total discontinuation. Walsham court suffered no similar lapse in the frequency of its sessions. They cover a period of

¹²¹ Norton Community Archaeology Group, 'Introduction', pp. xxi-xxvii.

¹²² R. Lock, 'Introduction', in *The Court Rolls of Walsham le Willows, 1303-1350*, Vol I, ed. and trans. R. Lock (Suffolk Records Society Volume XLI, Woodbridge, 1998), p.1.

¹²³ Lock, 'Introduction', p. 14.

¹²⁴ Lock, 'Introduction', pp. 6-7.

¹²⁵ Lock, 'Introduction', pp. 13-14.

1316-1399, plus a single roll from 1303 that was mistakenly attached to that of 1327, and are almost complete save for a gap in the records of Walsham Manor Court from 1320-1327, and the probable loss of some records from 1367. Of 255 surviving rolls, 176 are from Walsham manor court and 79 are from High Hall court.¹²⁶

The concept of waste-making in the wider legal and social milieu of medieval England

Though there is no surviving example of a manorial document offering precise definitions or a scope of what waste-making entailed, definitions have been provided in a variety of legal treatises that touch upon different legal realms. The thirteenth-century legal scholar and jurist Henry de Bracton provides some commentary on waste in different contexts in his *De legibus et consuetudinibus Angliae*. It is important to note that Bracton's writings pertained to common law, with which there was very often significant overlap with the customs of individual manors, but also many differences. For example, Bracton writes that while waste can be considered interchangeable with destruction ('destructio'), it is a separate category from exile or sale ('exilium'), which involved the selling of timber or of parts of buildings that had fallen or had been pulled down.¹²⁷ As shall become clear, this distinction did not exist in all manor courts. Bracton also distinguishes between waste committed upon one's own property and that committed on the property of another, which Bracton

¹²⁶ Lock, 'Introduction', p. 3.

¹²⁷ Henry De Bracton, *De Legibus et Consuetudinibus Angliae*, III, trans. S. E. Thorne (Cambridge MA and London, 1977), p. 410.

compares this to a kind of robbery ('sit quasi roberia').¹²⁸ As manorial court rolls were seignorial documents, the only kind of waste-making recorded in them falls into the latter category, the aggrieved party being invariably the lord.

One other form of waste identified by Bracton that is relevant to this chapter is the overuse or depletion of a communal resource. The method for deciding whether waste had been committed was to observe whether the overuse of the resource had been 'grave' or 'trifling' ('quid debeat adjudicari ad vastum et quid non propter magnitudinem vel'), which gives an idea of the subjective nature of the offence and the potential to be interpreted according to the interests of the observer.¹²⁹ The dichotomy of legitimate use and waste by overuse had a parallel in the idea of rightful or permissible waste and wrongful waste, a dichotomy that we shall observe throughout the texts examined across this thesis. A 1347 close roll entry describes how John de Sonnynghull demised his manor of Styntesford, Dorset to Sir John de Tydilminton for 5 years. It is said that the new farmer 'will make no waste there except for 'housbote' (i.e. wood to repair houses), 'heybote' (i.e. materials for making hedges) and the amending of ploughs and wagons [...]'¹³⁰ This is significant in showing how waste, in the sense of the destruction or over-taxation of resources, could be acceptable provided the owner permits the person to do so. Richard Fitz Nigel's *Dialogus de Scaccario*, a late twelfth-century handbook of financial administration, applies a similar lens to identifying waste in the forest context: when woods are so severely cut down ('nemora sic excisa sint') that a man, standing on the half-buried

¹²⁸ Bracton, *De Legibus et Consuetudinibus Angliae*, III, p. 410.

¹²⁹ Bracton, *De Legibus et Consuetudinibus Angliae*, III, p. 409.

¹³⁰ *Calendar of the Close Rolls preserved in the Public Record Office: Edward III, Volume VIII, AD 1346-1349*, ed. and trans. A. B. Hinds (London, 1905), p. 275. From here, the abbreviation CCR followed by the date range will be used for all Close Roll citations. Full references for each volume can be found in the bibliography.

stump of an oak or other tree, looking around sees five others felled around him ('in vix extanti succise quercus vel alterius arboris stipite circumspiciens v succidas viderit'), that is counted as waste ('vastum reputant'), or wasted ('vastatum').¹³¹ Fitz Nigel's reasoning for why waste-making in the forest was so serious ('adeo gravis dicitur') was that it deprived wild animals of a safe abode ('tuta ferarum mansio').¹³² By taking too much timber from woodlands within the forest boundaries, the king was denied its value as a source of wild game. Waste here, as it was on the manor, involved a lord or overlord's property being damaged or depleted by someone with only limited rights to use it.

The question of where one drew the line between acceptable use of a resource and overuse to the point of waste was one that different parties would seek to answer in their own favour, and the answers decided upon by all kinds of courts were subject to the social and political disparities of the day. One thing that manorial courts and other legal or judicial institutions had in common when it came to the handling of waste-making was the reliance on testimony and observation. Waste in these cases is framed as something which one knows when one sees it, based on one's own knowledge or memory of the prior condition of the thing wasted. This process of identification was at times abused to serve the interests of those tasked with carrying it out. A 1278-79 petition from Exmoor, Somerset, complained that the royal foresters 'attach likewise the good folk in their demesne woods and in their demesne lands and amerce them grievously', including 'the men who work in their waste ground at making "hoes" to sow corn,' with the foresters claiming 'that they have made waste and purpresture'

¹³¹ Richard Fitz Nigel, *Dialogus de Scaccario: The Course of the Exchequer, and Constitutio Domus Regis: The Establishment of the Royal Household*, ed. and trans. C. Johnson (Oxford, 1983), pp. 60-1.

¹³² Fitz Nigel, *Dialogus de Scaccario*, p. 60.

and demanding ‘the skin of a lamb or a farthing’ from the accused in order to be relieved of the charge.¹³³ It is worth noting that the collecting of estovers in the previous section – in this case, for the making of hoes – was characterised as waste-making by the foresters for the purposes of extortion, showing that even waste lands themselves could be characterised as having been wasted or having waste made within them when their owner or owner’s enforcers perceived their value to have been diminished, or when they saw an opportunity for financial gain by claiming so. We should therefore regard any accusation that someone made waste as fundamentally the product of subjective judgement and underpinned by conflicts of interest.

Each of the examples discussed above highlights two common themes that connect distinct forms of waste-making across different legal spheres. The first theme is the idea that someone with a partial stake in, or rights of use to a piece of property have deprived its rightful owner or inheritor of the agreed-upon value that is owed to them from said property, either by depleting a resource beyond what was deemed reasonable or by causing permanent damage to the asset in question. As shall become clear, the officials responsible for the running of the manor court sought to prevent tenants from making use of resources belonging to their lord in a manner that was perceived to have caused lasting damage to that resource. The second common theme is the idea of waste as something visually recognisable, with the institutions tasked with policing it relying on people with prior knowledge of the area in question and who could testify that some part of it had been wasted. This process can be

¹³³ ‘Grievances against the charters of the forest’ (Somerset, 1278/1279), in C. J. Turner (ed.), *Select pleas of the forest*. Publications of the Selden Society, XIII (London, 1901), p. 128.

observed operating outside the institutional frameworks created to enforce it, as seen in a late fifteenth-century letter from one Sir William Sandes to his friend Sir William Stonor, c.1478-81. In it, Sandes warns Stonor that the farmer of his manor of Penton Mewsey has made waste in the manor's woods:

‘And as y undyrstonde sumtyme as y walke yn my recreacon y may see that yn yowr wodys he hathe made grete waste and destruccon, the whych shuld cause a grete displeasour to me yf hyt were y-doo yn my wodys as hyt ys yn yowre [...]’¹³⁴

As the analysis of waste-making in manor court rolls will show, manorial courts relied upon members of the community to bring such cases to their attention, and even had the authority to punish entire communities collectively who failed to do so. The study of waste-making must therefore consider the interests and motives of three distinct parties involved: the party who made waste, the party who owned that which had been wasted, and those tasked with reporting and verifying it. The manor court was no exception, with its officials reliant on the cooperation of the homage (the collective noun for all of the tenants in attendance) and jurors for identifying and verifying instances of waste-making; as the remainder of this section will show, this cooperation was not always guaranteed.

¹³⁴ Sir William Sandes to his friend Sir William Stonor (c.1481), in C. L. Kingsford (ed.), *The Stonor letters and papers, 1290-1483*, Volume II (London, 1919), p. 132.

The meanings of 'making waste' in manorial court rolls

One question which must be considered is that of how waste-making was distinguished from other forms of damage. Of the manor court rolls covered by this study, the rolls of fourteenth-century Suffolk manor of Walsham le Willows (covering the years 1303 and 1316-1399) are particularly useful in showing the range of different offences which came under the rubric of making waste, as well as the wide variety of means by which the courts could penalise waste-makers and compel them to make amends. The following entries, while lacking in detail regarding the precise nature of each offence, nevertheless serve as a helpful starting point for understanding the nature of waste-making within this set of rolls:

Millicent Qualm amerced 3d for waste made [*pro vasto facto*] in the lord's bondage [*bondagio domini*] [...] ordered to take her tenement into the lord's hands until etc., and to report the profits. [9 August 1317]¹³⁵

John and Alice Goche amerced 2d for waste [*pro vasto*] in the lord's bondage, ordered to make good [*perficere*] the said messuage. [4 December 1329]¹³⁶

John Spileman, son of John, amerced 3d because he made waste [*fecit vastum*] on the lord's bondage [...] ordered to distrain him to make good

¹³⁵ Walsham Court, 9 August 1317 [HA504/1/1.6]. *The Court Rolls of Walsham le Willows, 1303-1350*, Volume I, ed. and trans. R. Lock (Suffolk Records Society Volume XLI, Woodbridge, 1998) p. 57; From here on I will cite both the manuscript reference and the printed edition wherever I have consulted the Latin originals alongside the translations.

¹³⁶ High Hall Court of Nicholas de Walsham, 4 December 1329 [HA504/1/3.11]. *Court Rolls of Walsham le Willows*, Vol. I, p. 130.

the waste [...] [27 April 1363]¹³⁷

There are two key points to keep in mind here. First, in each of these examples the waste is said to have been made on the lord's bondage, i.e.: upon villein land or tenements. Tenants presented to the court for making waste on their holdings were invariably villeins, as their property belonged exclusively to the lord and so they were liable for any damage to it. Manorial lords in the high and later Middle Ages were concerned with preserving the integrity of villein holdings as a means of ensuring that services and dues rendered would be passed on from generation to generation, and so actions that severely depreciated a holding's value could in theory lead to its disintegration or render it unfit to be inherited by the next heir.¹³⁸ The concept of waste-making was, therefore, as much determined by who was doing it as it was by the actions that had taken place. This is made clear by a dispute that took place across several courts held in the manor of Norton between 1352 and 1354. In April of 1352 a John le Neweman was accused of making waste in his tenement, but John denied this on the grounds that he held the tenement freely by charter.¹³⁹ In the next court held in October, Neweman produced his charter, only for the court to declare him a villein by blood, at which point an inquiry by jury was established to settle the matter.¹⁴⁰ In the next court of April 1353 the jurors confirmed his free status, only for the court to order the tenement seized during the following session.¹⁴¹ Neweman died in 1354,

¹³⁷ Walsham Court, 27 April 1363 [HA504/1/6.11]. *Court Rolls of Walsham le Willows*, Vol. II, p. 69.

¹³⁸ E. Miller and J. Hatcher, *Medieval England: rural society and economic change, 1086-1348* (Abingdon and New York, 2014), pp. 131, 138.

¹³⁹ Court of Norton, 26 Apr 1352. *Records of the manor of Norton in the liberty of St Albans, 1244-1539*, trans. P. Foden, ed. Norton Community Archaeology Group (Hertford, 2014), p. 150.

¹⁴⁰ Court of Norton, 9 Oct 1353. *Records of the manor of Norton*, p. 151.

¹⁴¹ *Records of the manor of Norton*, pp. 152-3.

and in the same court which announced his death there is another order to seize the tenement.¹⁴² Waste-making in the manorial context was therefore inextricably tied to the politics of serfdom. To use the framework established above, the lord was the rightful owner of the property with the villeins holding rights to use it, rights that did not include any action that physically altered it or lowered its overall value. One of the benefits gained by villeins who succeeded in obtaining copyhold tenure in the years following the Black Death was the right to make waste on their tenements, as was the case in late medieval Upholland.¹⁴³ From this, we can conclude that waste was made when the integrity of a holding or piece of seigneurial property was compromised by someone who did not have full rights of ownership over it, and that it could thereby only be permissible if that individual had the blessing of its actual owner.

Second, these entries demonstrate the flexibility of the manor court in its approach to the problem of waste: imposing a mixture of monetary penalties, distraint of goods, and even the confiscation of a tenement (perhaps in this instance owing to multiple offences). Bonfield has drawn attention to the flexibility and inconsistency of decision-making processes that can be found within the court rolls of a single manor, and to their tendency to introduce new rules and customs to settle particular cases when legal precedent either could not be found or did not produce the outcome the court wanted.¹⁴⁴ He proposes that medieval manor courts were concerned primarily with the facts of each case and finding resolutions that best served the wider community, regardless of proper procedure, and that they 'perhaps valued fairness over the

¹⁴² Court of Norton, 8 Dec 1354. *Records of the manor of Norton*, p. 155.

¹⁴³ A. P. Coney, *On the fringe: landscape and life in Upholland, c.1300-1599* (PhD Thesis, University of Liverpool, 1998), pp. 135-36.

¹⁴⁴ Bonfield, 'Customary law', pp. 107-8.

creation of a body of substantive principles of law to uniformly adjudicate disputes.’¹⁴⁵

This flexibility in procedure must not blind us to the fact that the officials responsible for running manor courts were answerable to their lords, and that as an institution the court was designed to protect the lord’s income, rights and assets. In the case of Neweman, the manor court of Norton persisted in using the discourse of waste to secure advantage for the lord even if that meant violating longstanding village customs regarding freedom and servitude.

Before further examining the politics of waste in the manor courts of Norton and Walsham, it is worth establishing what tenants were accused of doing that prompted each charge of making waste. Besides the reference to the message in the 1329 example cited above, these entries do not provide clues regarding the specific actions the tenant or tenants took which led to their being charged with waste-making. Yet a significant number of examples, particularly from the latter half of the century, do tell us what the tenant in question did when they made waste. The fourteenth-century Walsham court rolls contain 117 cases of tenants charged either with making waste or failing to repair waste.¹⁴⁶ Of these, 52 refer simply to waste made or wasted tenements without any reference to how the waste came about. Fifteen cases involved buildings that had been allowed to fall into ruin, while eleven involved cases of buildings being demolished, and one involved the destruction of a building by a

¹⁴⁵ Bonfield, ‘Customary law’, p. 108.

¹⁴⁶ The accuracy of this figure is complicated by instances of the same defendants appearing in separate rolls charged with failure to comply with the court’s judgement on an earlier waste offence. There is therefore always some doubt as to which original case a ‘failure to repair’ refers to. For convenience I have categorised repeat failures to repair as the same case. For example, when a defendant appears in court for making waste, followed by a second appearance for failure to repair, followed by a third for continued failure to repair, I have classed the second and third as the same instance of waste made.

storm. Eight involved the cutting down of trees or hedges, while just one case involved a tenant charged with taking too much firewood from a communal resource.

From these entries we can observe that waste-making in fourteenth-century Walsham was generally applied to the following actions: the deliberate demolition of a building, either partially or fully; permitting a building to decay or fall down; the felling of trees; the dismantling of fences, hedges or walls; and the improper use of a communal resource to the detriment of one's neighbours. Yet the Walsham court rolls reveal that many of these offences were not always referred to as waste. For example, the felling or removal of trees is referred to as waste in less than half of all recorded instances. Similarly, the defendant is said to have made waste in just over half of all cases of buildings being demolished in the Walsham court rolls, with some entries stating instead that the building is ruined (*ruinosam*) or has been pulled down (*prostrata*).¹⁴⁷ However, partial demolitions or dismantling of buildings such as the case of Agnes and Robert are always referred to as waste, with the exception of one case in which a tenant took three doors and four windows from a tenement that he did not occupy.¹⁴⁸ In this last case, it is possible that because the doors and windows were removed but not damaged, substantial repairs were not required as they were in the case of the Cooper holding, where parts of the wall had been removed.

If waste-making was defined at least in part by the requirement of physical reparation, it also seems to have involved some remnant of the asset in question being left behind. This helps to explain why the felling of trees could be referred to as waste even though repair in this instance was impossible. For instance, cases of trees

¹⁴⁷ See for example: Walsham court general, 17 May 1336 [HA504/1/4.1]. *Court Rolls of Walsham le Willows*, Vol. I, p. 198.

¹⁴⁸ Walsham Court, 31 January 1362 [HA504/1/6.7ii]. *Court Rolls of Walsham le Willows*, Vol. II, p. 62.

being uprooted are never called waste.¹⁴⁹ As uprooting could be the result of natural causes, we may be tempted to assume that the lack of deliberate action lay behind the decisions not to label these cases as waste. However, damage to or destruction of the lord's property arising from natural causes could still be considered waste and the tenants liable for repairs; in June of 1335 it was reported that a house in the tenement of William and Robert Cook was laid waste by a storm ('devastatus per tempestate'), and William and Robert were distrained so that they would repair it.¹⁵⁰ This shows that even where the tenant may have not been at fault for the waste, their obligations as villeins made them responsible for its repair. Similarly, the natural decay of buildings was recorded as waste in most instances, and while the verb *facio* (i.e. 'fecit vastum' or 'vasto facto') was often omitted in these entries, the monetary penalty and repair orders were issued just as if the damage had been caused by deliberate action. It is likely that waste-making was identified by the presence of the damaged or destroyed physical remnant, evidence of the waste-maker's failure to maintain the object in good condition. In the case of tree-felling this would be the stump, which could not be repaired but which was still a remnant that needed to be cleared. Meanwhile if a tree were uprooted but left where it had fallen the lord would not be denied the use and value of the timber. Further support for the importance of the wasted remnant can be found in a unique entry from February of 1344:

¹⁴⁹ *Court Rolls of Walsham le Willows*, Vol. I, pp. 220, 242; *Court Rolls of Walsham le Willows*, Vol. II, p. 148.

¹⁵⁰ Walsham Court, 13 June 1335 [HA504/1/3.31]. *Court Rolls of Walsham le Willows*, Vol. I, p. 187.

John of Stonham amerced 1d. for waste in the lord's bondage, on the tenement Goselynges, 4ft. long and 4ft. wide; ordered to take into the lord's hands [...] (3 February 1344)¹⁵¹

This is the only example in the Walsham records of waste being described as having physical dimensions. It suggests perhaps that 'waste made' did not refer just to an action in the abstract but to the end result of that action – that is, the creation of a 'wasted' thing out of something that had once been valuable. This wasted asset could be useless detritus (e.g. a tree stump), a depleted resource (e.g. woods with the underwood removed), or a damaged material asset requiring repair (e.g. a partially-destroyed building), or some combination of the above (e.g. the ruins of a building that must be cleared so that a new one could be built).

To summarise, the term 'making waste' in Walsham's manor courts seems to have primarily been used to refer to actions that a) deprived the lord of some of the income or value provided by one of his assets, b) that required some form of redress or repair, and c) that left some physical remnant of the asset behind. It must be emphasised that this proposed schema of classification must only partially reflect the mentalities of and methods employed by the officials of the manor court. For example, there is no way to tell why ruined buildings are referred to as waste only half of the time. It may be helpful to think in terms of guidelines rather than rules when assessing the language of waste in manorial court rolls, while acknowledging the many common themes that recur across different examples.

¹⁵¹ Walsham Court, 3 February 1344 [HA504/1/4.32.i]. *Court Rolls of Walsham le Willows*, Vol. I, pp. 269-70.

So far, this section has sought to define and explain waste-making from the point of view of the manor court as a seigneurial institution. The remainder of this section will address the possible reasons why tenants made waste in terms of their motives and interests, as well as exploring the relationship between waste-making and the socioeconomic changes that were taking place across England during the later Middle Ages, particularly the demographic collapse caused by the Black Death. Due to the lack of written records besides the court rolls we cannot be sure what the phrase *making waste* precisely meant to a medieval peasant. We can, however, offer some reasons why a person would dismantle part of a building or cut down trees on their tenement, and why the methods employed by the courts to discourage such behaviour so often failed.

The politics and economics of waste-making, 1300-1460: a comparison of Norton and Walsham le Willows

In terms of the methods employed to punish and discourage waste-making, there are significant differences between the court of Norton and those of Walsham. During the latter half of the fourteenth century and throughout the fifteenth century, St Albans Abbey was willing to impose higher amercements for waste made by its tenants than either of the Walsham courts. While the abbey were initially less reluctant than Walsham to evict villein tenants from their holdings, from the start of the fifteenth century onwards it regularly seized tenements to coerce tenants into repairing their wasted buildings. Tenants who failed to do so would see their holdings given away to new occupants, although these transfers would usually come with the condition that

the original tenant or their heir could reclaim the holding should they compensate the lord for the cost of the repairs. An example of this occurred in 1459, when a Robert Bayly committed waste in a tenement that he had recently purchased from a John Blowe, the latter having himself forfeited the tenement due to waste. This tenement was given to Thomas Albreth for a fine of 3s 4d, although Robert's heirs retained the right to recover the tenement so long as they 'shall satisfy the same Thomas his heirs and assigns for all his expenses', John having refused to pay rent or perform services for it.¹⁵² On other occasions the abbey resorted to crueller measures. Upon the death of John Boton in 1409, his holding was granted to a John Colwell instead of Boton's 17-year-old heir William, on account of the wasted condition of the tenement and John's repeated failure to make repairs.¹⁵³ The fact that an heir's rights were overridden due to waste caused by their parent shows that the court of Norton was willing to violate inheritance customs when it perceived the problem of waste-making to be severe enough. Yet this persistent desire on behalf of St Albans to curb the proliferation of wasted holdings also prompted them to make concessions. In October of 1355 Walter Ronhale was given leave to demolish two houses provided that he repaired two decayed ones.¹⁵⁴ In April of 1437 the customary animal heriots were replaced by fixed monetary sums for a period of 60s years on the condition that villeins maintain and repair their tenements.¹⁵⁵ The court of Norton was generally harsher on waste-makers than that of Walsham, but at times it could be more flexible and creative in the methods employed.

¹⁵² 17 Apr 1459. *Records of the manor of Norton*, pp. 267-8.

¹⁵³ 17 May 1409. *Records of the manor of Norton*, p. 222.

¹⁵⁴ 13 Oct 1355. *Records of the manor of Norton*, p. 158.

¹⁵⁵ 18 Apr 1437. *Records of the manor of Norton*, p. 249.

There are also differences in the methods by which the respective courts set about discovering cases of waste-making and the role played by the homage and the jurors. In Norton, tenants who make waste are said to be presented to the court by jury and there is no mention of the entire homage having responsibility for this process. In the rolls of Walsham court and that of High Hall we find evidence of a much greater role of the wider village community in verifying and policing waste (among other infractions), with presentment and inquiries by jury being used in addition to, rather than instead of, those by the homage. In a court of High Hall in November of 1326 for example the jurors are said to have reported William Wodebite and four members of the Kembald family for making waste.¹⁵⁶ But in another court of High Hall in May of the following year, William Wodebite had his goods distrained for failing to repair waste on his tenement, and it was then ordered that the homage, rather than the jury, 'inspect the waste.'¹⁵⁷ Other manor courts during this period seem to have relied either exclusively on presentment by juries for the policing of waste, or presentment by the homage. For example, in the Manor of Tottenham's court rolls instances of waste made are always the result of inquiries and presentments by jury.¹⁵⁸ On the Manor of Daubeneys, which had been split from Tottenham in 1254, the homage played a more active role. For example, in a court of September of 1398 they presented a John Grenford for failing to repair his houses and were tasked with certifying by the next

¹⁵⁶ High Hall Court of Nicholas de Walsham, 17 November 1326 [HA504/1/1.18]. *Court Rolls of Walsham le Willows*, Vol. I, p. 98.

¹⁵⁷ High Hall Court of Nicholas de Walsham, 6 May 1327 [HA504/1/3.1]. *Court Rolls of Walsham le Willows*, Vol. I, p. 101.

¹⁵⁸ See for example: Totynham. Court of Edmund Faukener held there Wednesday before the Feast of Easter in the fifth year of the reign of king Richard II after the conquest (1382). *Court rolls of the manors of Bruces, Dawbeneys, Pembrokes (Tottenham), 1 Richard II to 1 Henry IV (1377-1399)*, trans. R. Oram, ed. F. H. Fenton (Manor of Tottenham Series II, London, 1961), p. 19.

court 'as to the waste done in a tenement late of Isabella Page.'¹⁵⁹ These case studies show that between geographically adjacent manors with a shared institutional history, different strategies and procedures for dealing with waste-making could develop. In the case of Walsham court and High Hall court, the latter seems to have relied on the entire homage to investigate allegations of waste-making, while the former gave this responsibility to the jury.

Both Walsham courts would penalise either the jurors or the entire homage when waste was made but not reported to the court. In one court of January 1319, Walsham court amerced the homage 6s 8d for failing to present seven of their members for making waste on vacant tenements, while High Hall amerced them 9d for a similar offence in April of 1346.¹⁶⁰ In July of that same year Walsham court amerced its jurors the unusually high sum of 10s for failing to report waste made by cutting down trees on two tenements.¹⁶¹ In the same court, John the dairyman was amerced 4s 6d 'because he wasted the firewood in the dairy beyond measure' ('ultra modo'), while the custodian of the firewood, Matthew Tailor, was amerced 6s 8d 'because he permitted the waste to be made, contrary to the lord's orders.'¹⁶² In these cases, those who failed to prevent or report waste caused by others would often suffer harsher penalties than the person who made waste. This responsibility could act as a burden on tenants, but it could also provide them with a means of intra-community

¹⁵⁹ Daubenys. The court of John Norhampton held there Saturday in the octave of St Michael in the 21st year of the reign of king Richard II (1398). *Court rolls of the manors of Bruces, Dawbeneys, Pembrokes (Tottenham)*, pp. 156-7.

¹⁶⁰ Walsham Court general of Sir Edmund de Pakenham, 16 January 1319 [HA504/1/1.11]. *Court Rolls of Walsham le Willows*, Vol. I, pp. 79-80; High Hall Court of Nicholas de Walsham, 1 April 1346 [HA504/1/5.2]. *Court Rolls of Walsham le Willows*, Vol. I, p. 291.

¹⁶¹ Walsham Court General, 28 July 1346 [HA504/1/5.1.ii]. *Court Rolls of Walsham le Willows*, Vol. I, p. 294.

¹⁶² Walsham Court General, 28 July 1346 [HA504/1/5.1.ii]. *Court Rolls of Walsham le Willows*, Vol. I, p. 293.

social discipline. In 1336, 'an enquiry of the whole homage' of High Hall court found John Man and his wife Mathilda guilty of making waste in the tenement Mathilda held in dower, leading to the reeve and the hayward being amerced as well as the Mans, and the seizure of the tenement.¹⁶³ John Man regularly appears in the rolls for debts and for trespasses against both the lord and his neighbours. The seizure of the tenement is said to have been undertaken due to John's failure 'to satisfy the lord and the parties opposing him in many matters' rather than the waste itself. This case could be taken as an example of how medieval rural communities could use manorial courts as a means of punishing belligerent members, in this case by bringing a member's waste-making to the attention of the authorities.

In both Norton and Walsham, waste-making seems to have been an offence that was enforced with variable levels of vigour at different times. The remainder of this section will seek to explain this by analysis first of Walsham le Willows' and then of Norton's court records. In Walsham's main court there was a high number of cases during the late 1310s, the 1330s, and the mid-1360s, but at other times making waste features far less frequently in the rolls than instances of trespass, escaped animals, or unpaid debts. The timings of these increases deserve some consideration: the years 1317-20 immediately followed the Great Famine, when there may have been a higher proportion of empty holdings following the deaths of tenants; the 1330s saw considerable pressure of state taxation upon the peasantry to pay for wars, with lay subsidies levied in 1332, 1334 and 1336; and the 1360s saw plague outbreaks further reduce the English population. Susan Kilby has shown that cases of trespass on arable

¹⁶³ High Hall Court General of Nicholas de Walsham, 17 October 1336. *Court Rolls of Walsham le Willows*, Vol. I, pp. 201-2.

and demesne land became more frequent at times of hunger and high taxation, and it is possible that these pressures similarly encouraged tenants to make more waste.¹⁶⁴ The High Hall Court rolls of 1334 also show a rise in residents charged with causing waste by allowing houses and tenements to decay, and of orders to repair ruined buildings.¹⁶⁵ Cases of waste and trespass involving trees seem to have caught the attention of Walsham's primary court from 1337-39, so much so that the jurors of one court and another group of fourteen men in another were all threatened with amercement 'because they concealed, and did not present,' waste made from felled timber, although on both occasions the penalties were waived.¹⁶⁶ The years 1362-3 also saw a concerted push by Walsham Court to enforce repairs to wasted tenements, culminating in the waiving of several amercements following the completion of the repairs.¹⁶⁷ It is impossible to determine the exact reasons why some years saw more concerted efforts by the court and its agents to crack down on waste-making. We may speculate that a combination of economic circumstances and differences in the goals or attitudes of those at the helm of seigneurial administration (lords, stewards, cellarers, etc) would have shaped their approach.

Despite this ambiguity, two key findings stand out from the Walsham data. First, we find numerous instances of serial waste-makers who are repeatedly presented to the court either for making waste or failing to repair waste, and whom the courts were ineffective in compelling to do so. Simon Roty, Millicent Qualm and the Kembald family stand out as the most prolific offenders in the earlier part of the fourteenth

¹⁶⁴ S. Kilby, 'Mapping peasant discontent: trespassing on manorial land in fourteenth-century Walsham-le-Willows', *Landscape History*, 36/2 (2015), pp. 69-88. (pp. 75-7).

¹⁶⁵ *Court Rolls of Walsham le Willows*, Vol. I, pp. 172-84.

¹⁶⁶ *Court Rolls of Walsham le Willows*, Vol. I, pp. 216-31.

¹⁶⁷ *Court Rolls of Walsham le Willows*, Vol. II, pp. 64-73.

century. In this respect the findings are similar to those of Norton. Second, and in stark contrast to those of Norton, the number of entries in the court rolls for waste made falls dramatically during the second half of the fourteenth century, except for a small increase during the 1350s and 1360s. This is surprising given that so many manors throughout the rest of England are known to have seen steep rises in the number of buildings left vacant due to successive plague outbreaks. The estates of Worcester Cathedral Priory saw their share of ruined or decaying properties increase from 23 before the Black Death to 66 in 1358, reaching its peak of 92 in 1374. The monks reacted by raising amercements (sometimes sixfold) for neglected properties, seizing the properties of tenants, forcing tenants to build new houses, and imposing collective amercements on the entire homage.¹⁶⁸ The Palatinate of Durham was similarly burdened with a surplus of vacant and decaying properties after the Black Death, prompting an aggressive campaign by the Bishop to force tenants to take on and repair wasted tenements against their will.¹⁶⁹ There was no comparable reaction from the lords in Walsham. Given that many of its tenements are said to be decayed or wasted (presumably referring to ruined buildings) during the 1360s and that the population of England continued to decline into the fifteenth century, it is unlikely that the dramatic fall in the number of court appearances for making waste after 1366 was the result of there being fewer ruined buildings on these tenements. In 1360 Lady Mary de Pakenham died and from this point the manor fell into the hands of the Earls of Suffolk, while High Hall court had discontinued by 1380.¹⁷⁰ It is likely that the

¹⁶⁸ P. V. Hargreaves, 'Seignorial Reaction and Peasant Responses: Worcester Priory and its Peasants after the Black Death', *Midland History*, 24/1 (1999), pp. 53-78 (pp. 62-9).

¹⁶⁹ R. H. Britnell, 'Feudal Reaction after the Black Death in the Palatinate of Durham', *Past & Present*, 128/1 (1990), pp. 28-47 (pp. 33-44).

¹⁷⁰ Lock, 'Introduction', pp. 12-14.

absence of resident lords led to a fall in vigilance on behalf of the administrators and elected officials, and that many cases of ruined buildings were no longer being recorded.

The pattern of waste offences in Norton from the mid-fourteenth through to the mid-fifteenth centuries is more typical of what one would expect of a conservative ecclesiastical manor during this period. Before the 1320s instances of waste being made were recorded in the court rolls roughly once or twice per year, and then decline in frequency. Following the Black Death, the rolls of Norton show a steady increase in the frequency of tenants charged with allowing buildings to decay or fall down, or of failing to repair wasted tenements. From 1354-57 we typically find about three tenants per court charged with making waste on their holdings or with failing to repair buildings, and while the offenders are threatened with high penalties of up to 10s the rolls rarely state that the sum threatened in the previous court was paid. By May of 1358 we are told that John Bate 'and many others' have failed to repair or maintain their tenements, and like entries appear in the rolls of October 1358 and that of April 1359.¹⁷¹ On these occasions, each tenant was threatened with the much lower penalty of 2s but again there is no mention that this was ever paid. By October of 1359 there were apparently only six remaining tenants of that 'many' who had not made repairs, and from then there is a fall in the number of cases.¹⁷² It is probable therefore that in the later fourteenth century the abbey could no longer fully enforce its powers with regard to the issue of waste, and it too joined Walsham in tacitly condoning the practice.

¹⁷¹ *Records of the manor of Norton*, pp. 161-2.

¹⁷² 8 Oct 1359. *Records of the manor of Norton*, p. 163.

Due to a change in seigneurial policy, further population decline, or a combination of the two, the number of entries pertaining to waste-making rises again at the very end of the fourteenth century. It is from this point onwards that the court of Norton began imposing ever higher amercements as well as confiscating and redistributing entire holdings on a semi-regular basis. These ever-stricter measures do not appear to have been effective. The example of the Hale family in the mid-fifteenth century is demonstrative of the lengths that the tenants and the abbey would go in their struggles over the issue of wasted tenements. In May of 1432 Simon Hale was amerced an undisclosed amount for having a ruinous house on his tenement, and in April of 1436 his tenement was seized, while in that same court John Hale was also amerced an undisclosed amount for the same offence.¹⁷³ By April of 1441 Simon Hale, Walter Hale and John Hale Junior and Senior had all had their tenements seized, and in April of the following year the tenements of Simon and Walter were given to new tenants, while that of John Junior was granted in May of 1444.¹⁷⁴ In 1447 most of the family fled the manor along with almost a dozen other fugitive serfs.¹⁷⁵ The effectiveness of this strategy as a deterrent is uncertain. While some of recipients of seized tenants later appear in the rolls charged with letting them become ruinous or failing to carry out the repairs, there is a fall in the number of cases from the 1440s onwards, though as discussed previously, the vigorousness of the court's officials is only one possible factor among many to account for this. If these incidents and trends are considered a part of the wider trend of landlords' attempting to reassert their ancient privileges following a period of wage growth and intermittent rebellion, then

¹⁷³ 6 May 1432. *Records of the manor of Norton*, p. 243; 24 Apr 1436. *Records of the manor of Norton*, p. 248.

¹⁷⁴ 24 Apr 1442. *Records of the manor of Norton*, p. 254.

¹⁷⁵ 18 Apr 1447. *Records of the manor of Norton*, pp. 258-9.

this shows that the politics of waste was subject to the same pressures of other conflicts and social systems within later medieval manorial politics. As the political and economic landscape shifted in favour of the tenants, the abbey repeatedly tried – and failed – to police waste-making by exploiting their feudal rights.

It is worth asking the question of why tenants chose to ignore orders to repair wasted buildings even under threat of losing their holdings. It is helpful to consider each charge of waste-making in unused peasant buildings as the outcome of the economic needs and values of the peasantry coming into conflict with those of the seigneurial administration. Deliberate neglect often accompanied the acquisition of multiple new holdings by peasants, as they would have no need for the now-surplus dwelling house attached to each holding. Alternatively, a tenant who acquired a large quantity of land in a short period may have found their own buildings insufficiently sized, and so would let the old messuage and barns decay and build larger ones to replace them.¹⁷⁶ Hargreaves notes that in cases where the maintenance of unused buildings was becoming ‘an unnecessary drain on [tenant] resources’, those tenants were incentivised to sell the timber before it rotted.¹⁷⁷ This helps to explain why so many in Norton and Walsham made waste on tenements that either no longer had a tenant or which had been assigned but where there was no-one living on the site. Such tenements are indicated by the word *quondam* (meaning ‘formerly’ or ‘at one time’) prior to the name of the previous tenant, without reference to a current tenant.

This practice of using spare buildings as sources of wood also seems to have been common in Walsham during the early fourteenth century. In one court of January

¹⁷⁶ C. Dyer, ‘Medieval peasant buildings 1250-1550: documents and historical significance’, in N. Alcock and D. Miles (eds), *The medieval peasant house in midland England* (Oxford, 2013), pp. 105-18 (p.117).

¹⁷⁷ Hargreaves, ‘Seignorial reaction’, p.70.

1319, seven tenants were amerced for waste in tenements listed as *quondam* belonging to another, while the homage was amerced 6s 8d.¹⁷⁸ These cases are said to concern 'waste and strip' ('vasto & strep') and the tenements in question 'wasted and stripped/uprooted' ('vastant & abradicant').¹⁷⁹ The verb *abradico* is defined as 'uproot' in the *DMLBS*, suggesting the tenants were going into these empty tenements and removing anything useful they could carry.¹⁸⁰ In instances such as these, making waste can perhaps best be understood as an illicit form of scavenging or recycling. Peasants acquired fuel and building materials by gathering, and often the benefits to be gained from acquiring such materials offset the costs of the amercements imposed by the courts, as was probably the case in the instances of estover offences recorded in Wakefield's court rolls.¹⁸¹ Manorial accounts from the late thirteenth and early fourteenth centuries show that medieval peasants, along with those who oversaw estate management, preferred to recycle old parts of existing equipment over buying new equipment, leading to a continuous process of 'mending, making and remaking.'¹⁸² The villeins of Walsham and Norton no doubt saw these empty holdings as stockpiles of unused firewood, timber, and other building materials which were otherwise going unused. Wherever these resources were hard to come by, peasants could obtain them by making waste or by other forms of unsanctioned scavenging, such as the dry wood and vert offences in Wakefield.

¹⁷⁸ Walsham Court general of Sir Edmund de Pakenham, 16 January 1319 [HA504/1/1.11]. *Court Rolls of Walsham le Willows*, Vol. I, pp. 79-80.

¹⁷⁹ HA504/1/1.11.

¹⁸⁰ abradicare. *DMLBS*.

¹⁸¹ B. A. Hanawalt, *The Ties that Bound: peasant families in medieval England* (Oxford and New York, 1986), pp. 116-17.

¹⁸² R. H. Britnell, 'Making or buying? Maintaining farm equipment and buildings, 1250-1350', in M. Kowaleski, J. Langdon and P. R. Schofield (eds), *Peasants and lords in the medieval English economy* (Turnhout, 2015), pp. 225-46 (p. 231).

In most instances the benefits of waste-making to tenants offset the cost of the penalty, making it an ineffective deterrent. Yet as the case of Agnes and Robert Lene shows, peasants did take the matter of waste-making seriously when it came to protecting the rights of underage heirs in their communities. By far the most important areas of law and custom in which waste mattered were those of inheritance and guardianship. Wherever waste-making is mentioned in the statute books of later medieval England, it is almost invariably in this context. Chapter IV of the Magna Carta stipulated that guardians who made destruction or waste ('destruccionem ut vastum fecerit') on their ward's property should forfeit that property and have it given 'to two lawful and discreet men of that fee.'¹⁸³ Numerous statutes were passed which modified and increased the penalties for waste committed by guardians on the property of underage or infirm heirs.¹⁸⁴ These statutes were passed at the urging of great landholders who sought to ensure that their descendants were not cheated out of the full value of their inheritance. But, as Miriam Müller has shown in her work on provisions for underage heirs at the village level, the desire to protect the integrity of inheritances and the rights of underage heirs was one that crossed social divisions.¹⁸⁵ That Agnes and Robert were amerced the full amount of the assessed damages, rather than the token sum of a few pence that was more common at this time, is perhaps evidence that their conduct had simultaneously angered both their lord and their neighbours.

¹⁸³ *Statutes of the Realm*, Vol. I, pp. 114-15.

¹⁸⁴ See for example the 1259 Provisions of Westminster, the 1267 Statute of Marlborough, the 1278 Statute of Gloucester and the 1291 Statute of Waste. *Statutes of the Realm*, Vol. I, pp. 24, 48, 81-2, 109-11; P. Brand, *Kings, barons and justices: the making and enforcement of legislation in thirteenth-century England* (Cambridge, 2009), p. 56.

¹⁸⁵ M. Müller, *Childhood, orphans and underage heirs in medieval rural England* (Oxford, 2019), pp. 84-8.

The fact that the benefits of making waste frequently outweighed the cost also contributed to repeat refusals to repair waste caused by derelict or demolished buildings, despite mounting financial penalties imposed by the court. In a Norton court of May 1397 John Laweman was threatened with the unusually high penalty of £4 to repair waste made on his tenement, and yet in April 1399 this was still not carried out and Laweman was charged the full amount.¹⁸⁶ His recalcitrance makes sense given that the cost of building or fully rebuilding a peasant house in the fifteenth century generally fell within the range of £2 to £11.¹⁸⁷ This also helps to explain why so many tenants made waste by felling trees. The purchase and transport of timber was often so prohibitively expensive for the average peasant that waste-making was worth the fine.¹⁸⁸ Moreover, the court could not order them to repair a tree stump as they could a damaged building. Finally, there is the matter that repairs required not just a tenant's money and resources but also their time. Compulsory labour services were one of the most resented of feudal obligations, hence the sharp increase in recorded refusals to perform labour services in Walsham and in other villis.¹⁸⁹ To both free and villein tenants alike, these court orders to repair or rebuild surplus houses were perhaps yet another compelled service that neither party was willing to endure.

The concept of waste-making encompassed a wide variety of transgressions by which manorial tenants obtained or saved resources, such as by refusing to maintain buildings or actively dismantling them, by cutting down trees or hedges, or by taking too much from a communal resource. The ideas that connect each of them are that of

¹⁸⁶ 1 May 1397. *Records of the manor of Norton*, p. 206; 9 Apr 1399. *Records of the manor of Norton*, p. 209.

¹⁸⁷ Dyer, 'Medieval peasant buildings', pp. 107-8.

¹⁸⁸ Hargreaves, 'Seignorial reaction', p. 62.

¹⁸⁹ M. Bailey, *Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge, 2014), p. 73.

the denial of a rightful owner or heir of some income or value by the actions of one with limited rights of use, and the idea that these actions left some detritus or remnant of the thing wasted that must be repaired (in the case of buildings) or compensated for (in the case of trees). The rightful owner in cases of manorial waste-making was the lord, meaning that the politics of waste in this instance are inseparable from the politics of villeinage. The maintenance of each villein holding as a single unit with a constant number of houses, trees and appurtenances was a priority of manorial lords, and a policy they often struggled to enforce even where the penalties for waste-making became more severe as they did in Norton. This was due in large part to the costs of maintaining buildings and the benefits of making waste often outweighed the penalties imposed by the courts, but was also complicated by the fact that the courts were reliant on the community's knowledge of the landscape and cooperation with the court in order to identify and verify instances of waste-making. In Walsham the court's attendees could be punished for failing in this collective obligation, but at other times a lack of cooperation could go unpunished, as seen in the later fourteenth century. Cases such as that of John Man and that of the Shepherd tenement also show that peasant communities could use these mechanisms to punish members who violated custom or angered their peers, demonstrating that seigneurial institutions did not exclusively serve seigneurial interests.

1.5 – Conclusion

This chapter has provided an overview of the types of waste mentioned in manorial court rolls, and shown how this discourse of waste interacted with the wider economics and politics of English rural communities. Each of the case studies examined has shed light on very different forms of engagement between communities and waste, and on different political relations surrounding waste. In the example of Wakefield we found waste land being put to different uses depending on the need of the day, with much of it becoming highly valued as new arable land during the famine. When a tenant was considered by the court to be misusing their waste, by stockpiling or failing to convert during times of need, they could be deprived of the land. The Alrewas court rolls show how waste land could be subject to dispute between lords and tenants, as the interest of the lord in converting waste land to farmland came into conflict with those of the tenants, who probably used it as a source of pasture or estovers. The Norton and Walsham court rolls meanwhile provide insight into the phenomenon of waste-making, as the manor courts struggled to prevent tenants from dismantling, destroying or recycling their lords' property. While individually none can be considered representative of the ways manor courts dealt with waste across England, when compared with one another and with the definitions and policies toward waste found in other institutional contexts, we are able to draw some conclusions which may be applicable to medieval English manors more broadly. In particular, two key points stand out with regards to the politics of manorial waste.

Firstly, the politics of manorial waste should be regarded as primarily about access to resources, and the needs of the peasant household economy coming into conflict with the interests of the lords and their agents. Manorial waste land had many uses, rights, and sources of value attached to it, and this made it an object of intra-communal conflict. From the perspective of manorial lords, their wastes were both a supply of spare land which could be leased out and converted to arable at their discretion, and a supply of pasture or estovers which they could charge tenants a fee for using. The term *vastum* was not used as a means of identifying the land's inferior quality, but to distinguish it from common pastures which tenants possessed greater rights over. In this sense, the concept of 'the lord's waste' can be considered similar to that of 'the king's forest': an area defined not by what it contained but by the rights of ownership attached to it, albeit which carried with it associations with specific land types (woods in the case of the forest, and various kinds of non-wooded and uncultivated land in the case of waste). Just as in the case of the forest, conflict could emerge between the interested parties who used said land. While lords regarded waste as theirs to do with as they saw fit, the tenants who used said waste land as a source of estovers or pasture sought to preserve their access to this resource. While lords and tenants drew from the same conceptual and legal frameworks in determining what waste was, their differing priorities led them to use these frameworks in different ways, or to skirt their boundaries as much as they could get away with. Lords sought to ensure that villein holdings were maintained in the state at which they were granted, while tenants took an instrumentalist approach, recycling or selling unused assets or allowing them to decay. Waste therefore had value both to manorial tenants and lords, albeit in different ways and circumstances.

This leads to my second key finding: that waste land and waste-making should not be considered separately but rather as part of the broader politics of waste on the manor. This is shown by how the amount of available waste land in a manor and the rate at which tenants 'make waste' appear to be indirectly proportional to one another. For the period surveyed in the second section I have found only two references to tenants making waste in the Wakefield court rolls. In the court rolls of Alrewas from the 1320s through to end of the 1340s I found no cases of tenants charged with making waste. In contrast, the courts of Norton and Walsham le Willows regularly saw tenants charged with making waste. In Norton's court books there are no recorded cases of tenants purchasing waste land from 1300 to 1460, while I have found only one example of a tenant's being granted waste land in Walsham. The roll of October 1317 notes that the villein John Lene paid 6d fine for 'a plot of waste land lying opposite his messuage' ('placia vasta iacent opposito mesuagium sui'), the unit of piece or plot (*placea/placia*) and no acreage given indicating perhaps that this portion was small.¹⁹⁰ Norton and Walsham probably possessed insufficient waste land for the tenants to satisfy their estover needs, thereby leading them to fell trees and dismantle buildings. In this sense waste-making and waste land were fundamentally linked: both fulfilled similar roles within the peasant household economy, and both were in theory the preserve of seigneurial authority.

¹⁹⁰ Walsham Court, 11 October 1317 [HA504/1/2.4]. *Court Rolls of Walsham le Willows*, Vol I, p. 63.

Chapter 2: Waste and the Crown

2.1 – Introduction

This chapter explores concepts of waste that pertained to the English crown and its relationships with its subjects. Using records of parliamentary petitions, of letters preserved by government officials, and of bills and laws debated and passed by parliament, alongside contemporary literature concerning property and the proper conduct of kings, the chapter argues that *waste* served as a rhetorical tool for both the crown and those who sought the crown's aid. At various points, the crown benefited from invoking this concept of waste to maximise its income, while at others, *waste* was used by plaintiffs to seek compensation or restitution from the crown, as well as financial relief. There were also many occasions in which waste was used by some parties to exploit the crown's authority and the obligations that came with it against one another. As the religious, political and economic landscape changed over the course of the fourteenth and fifteenth centuries, different meanings of waste were deployed as various groups and individuals sought to steer the institutional mechanisms of the crown in their favour.

Defining 'the crown'

When we speak of the crown in this context, we are referring to the monarch in his political rather than personal capacity. The *Middle English Dictionary* gives the following two definitions of the crown in this sense: 'Royal status or authority, sovereignty, reign', and 'The royal dominion or estate, crown possessions.'¹ The *DMLBS* defines *corona* as 'connoting royal power or prerogative', while the Anglo-Norman dictionary offers 'hereditary kingship of England (as distinct from an individual king)'.² Although during the early rule of the Normans the term was used to refer symbolically to the king's regality and tenurial powers, over the course of the twelfth and thirteenth centuries it evolved into a concept of a 'corporate body' separate from the king's own, effectively the institutionalised form of the king's 'body politic'.³ Under the Plantagenet kings that comprise all but one of the monarchs who ruled during the period covered by this thesis, kings when exercising their political role were meant to govern with counsel from and in cooperation with their advisors: the nobility, senior ecclesiastics, and their appointed councillors.⁴ In practice, this means that the input of the crown in the discourse of parliament can be thought of as that of the king in cooperation with his subordinates in royal government. In cases of a minority rule such as that of Richard II, these subordinates would effectively be making decisions on the king's behalf, enabling the king's political role to function until the person of the king came of age.

¹ corōne n. *MED*.

² corona. *DMLBS*; corone(1).n. *AND*.

³ J. F. W. Allison, *The English historical constitution: continuity, change and European effects* (Cambridge and New York, 2007), pp. 47-51.

⁴ C. J. Nederman, 'Introduction', in C. J. Nederman (ed. and trans.), *Political thought in fourteenth-century England: treatises by Walter of Milemete, William of Pagula and William of Ockham* (Medieval and Renaissance Texts and Studies 250, Tempe AZ, 2002), pp. 12-13.

This context is important to understand the dynamics at play when the subject of waste reached the attention of the crown. On one hand, there was the king, his advisors, chancery officials, and the various other functionaries who enabled the king to act in accordance with his 'body politic', and on the other, various individuals, groups, and institutions which sought to have their agendas advanced in parliament where the king would hear them. The principal means by which the latter group was able to communicate with the former was via petitioning, and so surviving petitions as well as their transcriptions on the rolls of parliament offer a valuable insight into how waste was understood and discussed in this context. As for communication between the crown and those acting on its behalf in matters to do with income and expenditure (which almost all mentions of waste were to do with), much of this was recorded on the rolls of chancery. These kept track of what the crown owed, was owed, paid, and received, and were later translated and published as calendars of English abstracts during the nineteenth and twentieth centuries. Petitions and chancery rolls, therefore, help us to understand how waste was understood at the institutional level of the crown at a given moment, as well as how those outside of this institution attempted to fit their requests into this framework. The next section will discuss the nature of these sources in more detail.

Communicating with the crown: history and evidence

Parliamentary petitions were typically composed by scribes at the behest of someone wanting a complaint answered and remedied. These were then read before those assembled, and these speeches were then transcribed onto the parliamentary roll.

Parliament was the principal public point of contact between the king and the political class – that is, the shire knights, burgesses and other civic leaders, high-ranking ecclesiastical figures, and the lawyers and clerks hired to represent the interests of various institutions such as merchant guilds or small towns.⁵ The thirteenth and fourteenth centuries had seen these groups grow in influence both within parliament and at a wider societal scale, and this had a considerable impact on the language used in legislation and petition-writing.⁶ Most notably, while most legal documents had previously been written in Latin, petitions to parliament were, from the end of the thirteenth century, increasingly written and read out in the vernacular – initially Anglo-Norman, with Middle English becoming more common during the fifteenth century. This was the product of closer association between pleas to the crown and the kind of plaint associated with common law, as well as with the oral petitions often made to various courts by those who could not speak Latin.⁷ Dodd draws attention to similarities between an example of a count of trespass in a formulary book and a chancery bill of a similar time period, showing the degree to which petitions drew from the same rhetorical and legal formulae as those found in common law.⁸ Petitions in later medieval England show how a wide variety of social strata used legal mechanisms to communicate directly with central government, and by so doing helped to create the language and processes by which their complaints were heard.

⁵ G. L. Harriss, 'The king and his subjects', in R. Horrox (ed.), *Fifteenth century attitudes: perceptions of society in late medieval England* (Cambridge, 1994), pp. 13-28 (pp. 25-6).

⁶ W. M. Ormrod, "'Common profit" and "the profit of the king and kingdom": parliament and the development of political language in England, 1250-1450', *Viator: medieval and renaissance studies*, 46/2 (2015), pp. 219-52 (p. 232).

⁷ G. Dodd, 'Writing wrongs: the drafting of supplications to the crown in later fourteenth-century England', *Medium Ævum*, 80/2 (2011), pp. 217-46 (p. 219).

⁸ Dodd, 'Writing wrongs', pp. 221-2.

Though a very small number of people were directly involved in the process of writing, presenting, and debating petitions in parliament, these texts had considerable bearing on the lives of people of all social strata. Parliament was the means by which the population at large was made aware of royal government intentions and policy, and vice versa, making it 'a vital channel of communication between the king and his subjects – in either direction.'⁹ The Angevin kings had overseen a steady period of reform that included heavier reliance on writing and bureaucracy, the introduction of ever more sophisticated administrative and judicial procedures, increased standardisation of procedure, and the expansion of royal justice further into remote areas. In the process, a growing number of people found their own livelihoods intertwined with the business of royal government.¹⁰ Men from many different social groups acted as jurors before justices of the peace and at inquests *post mortem*.¹¹ Furthermore, as Liddy notes, mayors, bailiffs, and urban elites can be considered agents of the crown as much as royal officers themselves in that 'they were expected to rule their towns on the king's behalf in matters of finance and law.'¹² At the same time, these procedures were also shaped by pressure from below. As more individuals and institutions became subject to the expanded powers of royal government, and as the financial pressures created by wars with Scotland and France necessitated greater communication between Westminster and the rest of the kingdom, familiarity with how royal government operated grew, and this familiarity was often to their

⁹ Hariss, 'The king and his subjects', p. 26.

¹⁰ J. Hudson, *The formation of the English common law: law and society in England from the Norman Conquest to Magna Carta* (Harlow, 1996), pp. 126-44.

¹¹ R. B. Goheen, 'Peasant politics? Village community and the crown in fifteenth-century England', *The American Historical Review*, 96/1 (1991), pp. 42-62 (pp. 4-49).

¹² C. D. Liddy, *War, politics and finance in late medieval English towns: Bristol, York and the crown, 1350-1400* (Woodbridge and Rochester, 2005), p. 14.

advantage as they sought to advance their own interests in parliament.¹³ As Harriss summarises, central government 'ceased to be arcane or remote, something handed down by officials; it became something in which subjects were involved, something they learned to manipulate, criticize and even change.'¹⁴ The procedures and discourse of parliament, and those of the parliamentary petition, can be thought of as the product of a process of negotiation between the crown and its subjects. The role of waste in this context was no exception. Those who wrote petitions, as well as those who recorded petitions and the crown's responses to them on the rolls of parliament, were drawing from a common vocabulary that had developed from increased communication between the centre and the periphery over the course of the thirteenth century.

The petitions examined in this chapter were composed by or on behalf of a variety of individuals, groups and institutions. Private petitions were those made on behalf of a single individual, institution or locality. Commons petitions, although sometimes characterised as being defined by their being submitted by those considered part of 'the commons' (burgesses, merchants), were categorised as such because they were seen to have a bearing on the 'common or public interest' of the entire realm.¹⁵ Though petitions of this latter category had more direct bearing on the governance and legal customs of the whole of England, both played an important role in setting precedent for future decision-making as well as in the settling of disputes that affected more than merely the named participants.

¹³ Harriss, 'Political society', pp. 34-7.

¹⁴ Harriss, 'Political society', p. 37.

¹⁵ Liddy, *War, politics and finance*, p. 156.

For this chapter I have relied heavily on the side-by-side texts and annotated translations of the *Parliament Rolls of Medieval England* database.¹⁶ This collaborative project has reproduced, translated and digitised the *Rotuli Parliamentorum*, a 1783 edition of surviving parliamentary rolls up to 1504, along with appendices containing other texts relevant to the content of the rolls. I have supplemented these with other administrative records of state, namely the statute books and the chancery rolls. The chancery rolls recorded financial transactions between the treasury and other parties, as well as the details of arrangements made with said parties, and several of these categories of transaction pertain to decisions made and matters discussed in parliament. These included the letters patent, which were open to be read by those involved in their communication, the letters close, which were sealed and kept private between the crown and the recipient, and the fine rolls which recorded the amounts paid for property transferrals. These various petitions and chancery records give insight into the mechanisms of institutional justice and financial dealings that concerned the crown, and it is these contexts that the concept of waste played a significant role. This chapter also draws from political treatises concerning the role and conduct of the king in his administration of the realm, in which justice and proportionality in the crown's dealings are repeatedly emphasised alongside critiques of contemporary royal practices which are themselves addressed in this chapter. Read together, these different forms of evidence serve to highlight links and discrepancies between the theory and practice of royal governance.

¹⁶ General introduction, in *The Parliament Rolls of Medieval England*, ed. C. Given-Wilson *et al.* Internet version [<http://www.sd-editions.com/PROME/home.html> accessed: 12/05/2023]. From here, the abbreviation *PROME* will be used, with all web entries having been confirmed to be active as of May of 2023.

The status of current scholarship and the aims of this chapter

Though there has been much written about regarding the development of English royal government during the later Middle Ages, the subject of waste has received a bare minimum of attention in this context. This chapter will therefore establish the relationship between these developments and that of various conceptions of waste, showing how waste mattered in the debates and disputes over the property rights of the crown, the church, and the individuals who petitioned the crown.

First, it is worth highlighting the few cases where waste in the context of the crown has already been addressed by scholarship, and those which could not be incorporated into this chapter. Scholars have devoted some attention to the thousands of acres of waste land that lay within crown lands and in the royal forests, from which the crown derived income.¹⁷ Though this topic would have significant importance in a study of the English crown's management and exploitation of natural resources over the centuries, that is not the purpose of this thesis. There is also the

¹⁷ J. A. Raftis, *Assart data and land values* (Toronto, 1974), pp. 131-7. These lands only began to be managed and exploited efficiently from the middle of the reign of Edward I, with fines for assarts on crown waste lands increasing in number substantially during the first quarter of the fourteenth century. As with crown lands, the later years of Edward I's reign onwards saw royal government become much more proactive in its efforts to obtain income from waste land within forests, with grants of several dozen and sometimes over one hundred acres being rented out to various parties during the first two decades of the fourteenth century. Usually, these purchases would be made on the condition that the land be enclosed and brought into cultivation. A typical example from this period can be found on a fine roll, 24 October 1314: 'Grant to Ingelram Berenger from the wastes in the forest of Spalding. Blakemore, co. Dorset, of 108½ acres by the perch of 20 feet in a place called ' Rocombe ' in that forest, to hold to him and his heirs, rendering yearly at the Exchequer of Michaelmas by the hands of the sheriff of Dorset 36s. 2d., to wit, 4d. an acre, whereat the premises are arrented by John de Foxle and his fellows, appointed to arrent wastes in the king's forest; so that he may enclose the same with a small dyke and a low hedge according to the forest assize and bring it back into cultivation, with free entry and issue for all his beasts going thither from the nearest highway and returning, and so that he claim no common without the same.' *Calendar of the Fine rolls preserved in the Public Record Office, II, Edward II: AD 1307-1319*, ed. H. C. M. Lyte, trans. A. E. Bland (London, 1912), p.210. For other examples, see: *Calendar of the Fine rolls preserved in the Public Record Office, I, Edward I: AD 1272-1307*, ed. H. C. M. Lyte, trans. A. E. Bland (London, 1911), pp. 489, 523; *Calendar of the Fine rolls, 1307-1319*, pp. 91, 206, 210, 216, 228-29, 235-56, 244, 330, 362, 364, 386, 393; *Calendar of the Fine rolls preserved in the Public Record Office, III, Edward II: AD 1319-1327*, ed. H. C. M. Lyte, trans. A. E. Bland (London, 1912), p. 53.

matter of ‘intramural waste’ – that is, the lands owned by the crown that lay between the grants made to burgesses. This topic does fit thematically with the questions asked by this thesis, as it pertains to conflicts over rights and resources between the crown and town residents.¹⁸ This process deserves a thorough investigation in its own right, but much of the evidence pertaining to it dates from before the timeframe covered by the present study.

This current chapter will, therefore, focus on waste in the contexts of three key themes: the questions of rights and wrongs when the crown and institutions connected to it committed waste, including the circumstances in which it was regarded as permissible and conflicts that ensued when its legitimacy was in doubt; the role of the crown and parliament in the provision of relief or aid in matters where plaintiffs complained of their property being wasted; and the ways that different parties used conceptions of waste in attempts to use the crown’s authority and powers in service of their own ends.

¹⁸ Maitland noted that before the reign of Edward I, the market places, streets, lanes, ditches and other open spaces within towns and boroughs ‘were not as yet conceived to be ‘holden by’ the community’ but were instead property of the crown, meaning that encroachments upon them constituted purpresture against the crown: Pollock and Maitland, *The history of English law*, I, p. 653. Yet it was customary for these spaces, along with what Maitland denotes ‘extramural waste’ (waste lying outside of the township that was often used for grazing, as discussed in the previous chapters), to be used daily by inhabitants. Maitland sketches a brief timeline of these wastes having ‘first belonged in some vague sort to the community’ at the start of the thirteenth century, only to for the crown to increasingly exercise its own rights over them, with access and control of them being granted to the nobility and boroughs from the late thirteenth century onwards: Maitland, *Township and borough*, p. 83; Pollock and Maitland, *The history of English law*, I, pp. 353-4.

2.2 The crown's rights to waste: a question of legitimacy

This section examines some of the actions labelled *waste* which were carried out either on the crown's behalf or by those who claimed to act as such. It will first cover the crown's right to take a year's profits and commit waste upon the lands of traitors and felons, and what this says both about waste and about how kingship related to property. It will then address instances where servants of the crown committed waste and the complaints this incurred, as well as how the crown responded to them. The legitimacy of waste committed by the crown was a matter not only of legal right, but also adherence to customary understandings of when to make use of these rights and how far one should take them. As will become clear, waste was something that the crown reserved the right to commit in specific circumstances but the parameters which established these circumstances were subject to negotiation. At the same time, the degree to which the practical and theoretical limitations placed on the crown in this regard were effective is not always apparent.

The year, day and waste

To understand what is meant by 'year, day and waste', it is worth first looking at an example. The following is the text of a letter closed of November 1444, taken from the calendar of the close rolls on which it was recorded for preservation. It reads:

To the escheator in Devon. Order to give Edmund bishop of Exeter livery of two messuages, 30 acres of land, 3 acres of meadow and 6 acres of pasture

in Ayshberton held by Thomas Caton late of Ayshberton outlawed for felony on the day outlawry was published against him after; as it is found by inquisition, taken before William Menwynnek late escheator, that the premises have been in the king's hand a year and a day and more, namely from Thursday after the Close of Easter 20 Henry VI to 22 June last, that William Cornu and John Trevilian late escheators took the issues and profits thereof to the use and profit of the king, and did content the king thereof, that they are worth 20s a year over and above reprises, that William Menwynnek took to the king's use and profit 20d for the whole waste thereof, namely the sale of the timber of the said messuages, and there is no other waste to take, and that the same were held of the bishop in socage as of his manor of Ayshberton whereof he is seised in right of his church of St Peter Exeter.¹⁹

This text is of particular interest because it reports an example where men acting on the crown's behalf committed waste, and where this waste is not the target of censure but rather framed as legally providing the king his due. It is worth providing some context to this document prior to establishing what this can tell us about waste. The phrase 'a year and a day' refers to the legal practice known as the 'year, day and waste.' This form of forfeiture entitled the king to claim a year and a day's worth of profits from the lands and property of someone outlawed for felony, as well as to commit waste on said property for the duration of that period, effectively by taking goods and materials such as timber. This section will first outline the origins of this

¹⁹ *CCR, 1441-1447*, pp. 244-5.

practice and the legal theory that underpinned it, before then analysing this alongside other examples in more detail. It will then argue that waste committed by the crown in this instance was justified by medieval theories of ownership, tenure and property rights that had been taking shape in the thirteenth and early fourteenth centuries. This meant that waste committed by some parties was the target of censure and punishment, while that committed by others was sanctioned.

The year, day and waste was one of several interrelated processes available to the crown in the collection of revenues from those who had broken the king's peace or had acted in breach of the laws of the realm. The crown could use distraint, where moveable goods, chattels, and sometimes land were seized and taken into the hands of the crown. Distraint was a longstanding legal process dating to the Anglo-Saxon period and was used in many different fields of medieval institutional justice in cases where a liege lord sought to enforce an action or payment on behalf of a landholder, be it a king against a knight or a manorial lord against a tenant.²⁰ What distinguished distraint from waste or forfeiture in later medieval England was that distrained goods or land did not become the property of the lord or king to dispose of as they saw fit, distraint being only a temporary measure until the property was returned, or, in cases where the target of the distraint did not comply with the lawful request, forfeited.²¹ Whereas waste committed by the crown was a type of asset-stripping, distraint was a temporary measure which could be undone fairly easily. However, distraint on behalf of the crown and other parties could present an opportunity for waste to be committed by those carrying it out, should these individuals be under the impression

²⁰ J. Hudson, *The Oxford history of the laws of England*, II: 871-1216 (Oxford, 2012), pp. 54, 341-3.

²¹ Hudson, *Oxford history of the laws of England*, II, pp. 638-9.

that damages to or depletion of the distrained goods would go unpunished. Forfeiture meanwhile resulted in the permanent placing goods, chattels and lands into the liege lord's hands. Forfeiture to the crown occurred when a subject was accused of committing felony, the term felony itself being originally defined as any offence that should require forfeiture as punishment.²² The crown's taking of the 'day and waste' was the final step in this process, being invoked only with regards to land that had already been forfeited. As in the case of distraint, should an instance of forfeiture to the crown be later deemed wrongful and the lands and goods taken having lost some of their value, this could be considered an instance of waste; examples of this occurring will be discussed later in this chapter in relation to the Wars of the Roses.

This right to waste the forfeited lands of felons seems to have been customary as early as the reign of Henry III. Though there are many recorded examples of Henry III receiving the goods and chattels of felons during his reign, the reign of Edward I saw the crown make use of these rights far more frequently and thoroughly. Let me give just two examples. In May 1276 a commission was launched to 'enquire by jury' as to when Theobald, son of Peter de Nevill, was enfeoffed by his father of four manors. Peter had previously been outlawed for 'felony' and 'trespasses', so if the enfeoffment took place after Peter was outlawed, the manors should have been property of the king. The commission also requires the king's agents to enquire 'whose and how much is the year, day and waste.'²³ In 1303 a sheriff of Cornwall, charged with numerous offences including murder and robbery, was pardoned by the king at the urging of Aymer de Valence, Earl of Pembroke. As a result of the pardon, the sheriff's goods are

²² K. J. Kesselring, 'Felony forfeiture in England, c.1170–1870', *The Journal of Legal History*, 30/3 (2009), pp. 201-6.

²³ *CPR, 1272-1281*, p. 143.

returned, along with whatever the king took as 'year, day and waste.'²⁴ It was standard procedure throughout this period to compensate fully any individual who had been outlawed and then later pardoned, these records being used to establish the exact value of the profits accrued both from the use and waste of the land. The crown was also vigorous in ensuring that the king received the year, day and waste when the year following the felony conviction had passed.²⁵ Legitimised waste was thus one among many aspects in the process of punishing felony, and from the crown's point of view, one of the most lucrative.

Having established what the year, day and waste meant in the context of the law, it is worth considering what this would have looked like in practice. The custom was codified within a 1322 statute known as *Prerogativa Regis*, or 'The Royal Prerogative', and this text provides some insight into how this process was carried out.²⁶ This legislation established both the responsibilities and privileges of the sovereign regarding land tenure, escheats and inheritances. Article eighteen concerns the year, day and waste of felons' lands and states that any freehold land possessed by a felon 'shall be wasted and destroyed in the houses, woods and gardens, and in all manner of things' ('vastabit & destruet, de domibus & gardinis, boscis & aliis quibus cuquam'). The actions that this waste entails appear to be the same as the kinds committed by manorial tenants as discussed in the previous chapter: felling trees, dismantling

²⁴ *CPR, 1301-1307*, p. 122.

²⁵ There are again too many examples to list in full, but the number in the close rolls of the last two decades of the thirteenth century alone gives an idea of how common an income stream it was for the crown: *CCR, 1279-1288*, pp. 35, 90, 163, 267, 313, 319, 382, 388, 402, 514, 516; *CCR, 1288-1296*, pp. 32, 67, 71, 103, 163, 181, 183, 231, 243, 277, 345; *CCR, 1296-1302*, pp. 336, 369. These are only the instances where the term *waste* features – the term 'year and day' however appears frequently and is probably shorthand for the same thing. Moving forward a century to the period of 1380-1400, the instances of year, day and waste in the close rolls become even more frequent.

²⁶ *Statutes of the Realm*, I, pp. 225-7.

buildings, and other activities deemed destructive. The difference here is not so much what is being done as much as the legitimacy of the acts and those who carry them out. While in the eyes of the manor court waste-making was always an offence worthy of amercement, here the same destruction and extraction of value from property was itself both a form of punishment itself (against those who had broken the king's peace) as well as a means of compensating the crown for the offense against it. The comparison of how *waste* functions in these different records shows that while the term was never value-neutral, its connotations were not always negative. The comparison with manorial waste-making is also useful in that it reinforces the conclusions of the previous chapter. Waste-making by manorial tenants and that which was committed by people acting on behalf of the crown both involved the value of an individual's property being reduced, and yet value was also generated in the form of the materials produced by making waste: timber, firewood, hay, thatch, estovers, and all other valuable things left over which could be sold or used. To waste something was often a useful activity, and permissible if those committing it were seen to be acting according to law and custom, or on behalf of royal authority.

It is important to note that while the primary beneficiary of this policy was the crown itself, it was not the sole beneficiary, making it a valuable tool for kings to keep their subjects on side. Once the 'year and day' had been taken, the lands of these felons would escheat to their lord, making this arrangement lucrative for both parties.²⁷ At royal discretion, the rights to collect the year, day and waste could be conveyed upon others. This patronage was bestowed upon a variety of individuals and

²⁷ S. Gibbs, 'Felony Forfeiture at the Manor of Worfield, C.1370–C.1600', *The Journal of Legal History*, 39/3 (2018), pp. 253-77.

institutions. In 1299 Queen Margaret received numerous castles and lands to hold in dower following her marriage to Edward I, and included in the rights are the 'year, day and waste' upon forfeitures which would normally go to the king.²⁸ Henry VI granted to St Albans Abbey the right to claim many fines and dues that normally would have been claimed by the crown, among them the 'year, day, stripment and waste.'²⁹ A similar albeit far less generous agreement was made with the Prior of Canterbury Cathedral in 1492 in the process of settling a dispute between the prior and the mayor of the city.³⁰ The burgesses of cities meanwhile were sometimes granted this privilege on the grounds of economic depression, as was the case of Winchester in 1142.³¹ Throughout the fourteenth and fifteenth centuries, lords, bishops, religious houses, colleges and burgesses were among those who submitted royal grants for the right to collect the personal property of felons, grants that were frequently approved.³² The crucial point here is that the monarch's rights in this regard were enshrined by royal prerogative, while in these examples the monarch has elected to cede these rights at his own discretion by means of patronage. Liberality or generosity was an aspect of kingship highly valued in medieval political theory, and so by granting the right to legally commit waste to others, kings could both buy loyalty and embody the image of good kingship, thereby bolstering their authority.³³ The granting of patronage or privileges in exchange for service, fees or favour furthermore helped to bind crown

²⁸ *CPR, 1288-1296*, pp. 151-4.

²⁹ *CPR, 1436-41*, p. 423.

³⁰ *CCR, 1485-1500*, p. 185. Further examples of such agreements can be found in various chancery rolls.

³¹ *CPR, 1441-1447*, p. 84.

³² K. J. Kesselring, 'Felony forfeiture and the profits of crime in early modern England,' *The Historical Journal*, 53/2 (2010), pp. 271-88 (pp. 275-6).

³³ Walter of Milemete, 'On the nobility, wisdom, and prudence of kings' ed. and trans. C. J. Nederman, in *Political thought in fourteenth-century England: treatises by Walter of Milemete, William of Pagula and William of Ockham* (Medieval and Renaissance Texts and Studies 250, Tempe AZ, 2002), pp. 53-4.

and communities together to the benefit of all parties.³⁴ The right to commit waste was one of many privileges that an individual or institution could obtain through these means, further emphasising both that waste-making was always to the benefit of one party against a particular or hypothetical other, and the circumstances of who benefited and who was disadvantaged would determine whether this action was considered legitimate or illegitimate.

What makes the 1444 example quoted at the start of this section significant is that it shows the contrast between the perceived lack or loss of value associated with waste-making (as seen in the seigneurial records in the previous chapter) and the very real value – here made explicit with the exact profit gained by the crown in the process – that waste-making accrued to the waste-maker. The ‘waste’ here, that is the cutting down and selling of timber, is said to have accrued 20d for the king’s ‘use and profit’. The term *waste* means both the act of cutting down the timber, and the felled timber itself in the process of its valuation. A similar example occurs in the close roll of September 1428. In this instance a messuage with appurtenances is seized to a new tenant, the previous tenant having been outlawed for felony under Henry V. It is noted here that the king took whatever ‘issues and profits’ that were due to him and ‘that the waste thereof is worth 6s 8d’.³⁵ Finally, an entry in a parliament roll from the early 1290s mentions a Robert Tailor’s being accused of murder and that his chattels and land had been seized, ‘of which the lord king's year and waste is worth 10s’ (‘unde annus et vastus domini regis x. s.’).³⁶ However, as Robert had escaped, the sheriff was

³⁴ Liddy, *War, politics and finance*, p. 211.

³⁵ *CCR*, p. 418.

³⁶ P. Brand, ‘Edward I: Roll 1, text and translation’, item 68/2. *PROME*.

made liable for the sum. Waste was not only something that was valuable, but something with quantifiable value.

All of this poses important questions regarding the relationship between waste, ideas regarding property, and differences in social status. The disparity between the legitimacy of waste committed by peasants, lords and kings was at once both an accepted and a contested fact of life in medieval English society. Roman legal theory underpinned both ecclesiastical conceptions of property and those held by the Anglo-Norman elite, with the caveat that in the Middle Ages the notion of dominion (total proprietary right) was not simply a private right but associated with governmental and religious authority.³⁷ Canon law also played a considerable role in shaping these definitions. In 1279 a papal bull, issued primarily to settle disputes regarding Franciscan uses of wealth and property, distinguished *proprietas* (absolute ownership of property), *possessio* (control of property); and *usufructus* (rights to the profits, or 'fruit', yielded by property).³⁸ Most rights of ownership in medieval England were considered *usufruct*, that is, the right to use property (*usus*) and the right to profit from property (*fructus*), but no right to destroy property (*abusus*) as that right belonged to whoever held dominion or *proprietas* over it. Following the signing of the Magna Carta, the nobility gained more rights closer to that of true dominion in the form of *de facto* ownership rights over their ancestral territories.³⁹ William of Pagula drew on these competing notions of dominion when, in defence of the peasantry against the practice of purveyance, he claimed that every person is lord (*dominus*) of

³⁷ J. Coleman, 'Medieval discussions of property: "ratio" and "dominion" according to John of Paris and Marsilius of Padua', *History of Political Thought*, 4/2 (1983), pp. 209-28 (p. 212).

³⁸ B. Koehler, 'The economics of property rights in early and medieval Christianity', *Economic Affairs*, 37/1 (2017), pp. 112-24 (p. 120).

³⁹ C. J. Nederman, 'Property and protest: political theory and subjective rights in fourteenth-century England', *The Review of Politics*, 58 (1996), pp. 323-44 (pp. 322-23).

that which they own.⁴⁰ Indeed, given how frequently peasants committed waste and how much trouble manor courts had in discouraging them, it is clear that attitudes surrounding property in medieval England diverged between different social groups. Yet in theory, as overlord to his vassals and proprietary owner of all land in the kingdom, the king's dominion still superseded these other types and models of property rights, and he alone possessed a theoretical monopoly over right of *abusus*, which he could grant to individual subjects on a case-by-case basis as seen when he bestowed the rights to waste the property of felons. Just as a peasant could not (in theory) waste the lands of his lord with impunity, neither could a lord (in theory) commit waste without the approval of the king in parliament. And yet, just as the practical and theoretical rights regarding waste made by lords and peasants were contested, so were those of the king. Dominion over England was considered to come with certain obligations, responsibilities, and standards of conduct. Being so interwoven with ideas of fairness and property rights, the topic of waste offers a valuable opportunity to show how the rights and limitations of dominion were put to the test. The following section will examine cases where the crown's rights regarding waste were called into question, along with the conduct of the king and those who served him.

⁴⁰ William of Pagula, *Mirror of King Edward III*, ed. and trans. C. J. Nederman, in *Political thought in fourteenth-century England: treatises by Walter of Milemete, William of Pagula and William of Ockham* (Medieval and Renaissance Texts and Studies 250, Tempe AZ, 2002), p. 118.

The waste of purveyors and soldiers

The following was recorded on the roll of the first parliament held by Richard II in 1377. It is a commons petition created at the behest of unnamed clergy who complain that the royal purveyors, tasked with taking goods and money to finance the king's military efforts, have abused their authority:

Also, that the purveyors, ministers, and buyers [*les purveours, ministres, et achatours*] appointed by the household of our said lord the king and of other nobles and lords of the kingdom enter upon and occupy benefices and property of holy church, contrary to the will of those to whom the said benefices and properties pertain, as well as of their tenants, and drive out and expel the inhabitants of the same, and whatsoever goods they find there they appropriate, waste, carry off, and lead away [*parnont, degastent, enportont, et amesnont*], and they also seize and take away carriages with other goods belonging to the said men of holy church, found on the road or elsewhere, to the great injury and prejudice of the franchise of holy church [*a lour grande damage et prejudice de la franchise de seinte eglise*].⁴¹

This petition is one of many that complain of the abuses of purveyors, although this case stands out for the apparent disregard on behalf of the purveyors of *privilegium*

⁴¹ W. M. Ormrod (ed. and trans.), 'Richard II: Parliament of October 1377, text and translation', item 116. *PROME*.

canonis – that is, the legal protection of church property from secular violence.⁴² As this section will show, the king's rights regarding purveyance were questioned in various genres of text throughout the fourteenth and fifteenth centuries. During the last years of the reign of Edward I, commissions of purveyance drastically increased in number as Edward sought to finance his wars with Scotland. This became more pronounced under Edward II, with thirty commissions being issued in 1316 alone.⁴³ Purveyance was subject to vigorous debate within parliament throughout the reigns of Edward II and Edward III, with the latter sometimes offering concessions for the sake of keeping the peace, while in times of great military need intensifying the practice.⁴⁴ The most significant piece of legislation pertaining to purveyance was the 1362 Statute of Westminster, which stipulated 'that from henceforth no man of the said realm shall have any taking' bar the king and queen, thereby barring other members of the royal family or any of the great magnates from using purveyance for their own benefit.⁴⁵ It also stipulated that purveyors taking goods from markets should be considered 'buyers' ('achatours') no different to any other, and therefore subject to the same rules regarding paying a just price for any goods.⁴⁶ It is this statute which is referenced in petitions requesting that its ordinances be upheld, and in the promises by the king that the actions of the purveyors would be checked. As the above example shows, complaints about the wasting of goods by purveyors continued to be heard after the passing of the statute.

⁴² C. Morris, *The papal monarchy: the western church from 1050-1250* (Oxford and New York, 1989), pp. 397-9.

⁴³ C. J. Nederman, 'Introduction to the *Mirror of Edward III* (Versions A and B) by William of Pagula', in *Political thought in fourteenth-century England: treatises by Walter of Milemete, William of Pagula and William of Ockham* (Medieval and Renaissance Texts and Studies 250, Tempe AZ, 2002), p. 64.

⁴⁴ G. L. Harriss, *King, parliament, and public finance in England to 1369* (Oxford, 1975), pp. 376-83.

⁴⁵ *Statutes of the realm*, I, p. 371.

⁴⁶ *Statutes of the realm*, I, pp. 371-2.

Criticism of purveyance can be found in a variety of literary genres during the later Middle Ages, some of which linked it implicitly or explicitly with waste. The practice is denounced in poems, songs, plays, outlaw literature, often in works belonging to the *Piers Plowman* tradition, and in the letters of rebels such as Jack Cade.⁴⁷ Mark Ormrod has argued that *Wynnere and Wastoure* indirectly critiques purveyance, along with the corruption of those tasked with carrying it out, and the wasteful expenditure of Edward III's court that it enabled, through the words and examples set by its two protagonists.⁴⁸ Purveyance had also been challenged by several later medieval treatises related to the proper conduct of kingship. This genre tended to offer idealised models of kingship as a means of veiled critique of past and present conduct.⁴⁹ Yet there was nothing veiled in what was perhaps the most strident among these critiques of purveyance, William of Pagula's *Mirror to King Edward III*. William was a theologian and parish priest who wrote numerous texts on matters of pastoral theology and ecclesiastical responsibilities prior to his lone extant political treatise.⁵⁰ While some scholars have taken seriously William's claims to have witnessed the practice of purveyance first-hand, more recent scholarship has cast doubt on this and drawn attention to his borrowings of ideas put forward by earlier scholarly and polemical works from England and from the continent.⁵¹ His *Mirror* was written in c.

⁴⁷ See the introduction and examples in the section 'Plowman Writings' in *Medieval English political writings*, ed. J. M. Dean (Kalamazoo MI, 1996), pp. 243-59; A. Galloway, 'Wool-gathering: magical economies in the *Second Shepherds' Play*', *Medieval & Renaissance Drama in England*, 32/1 (2019), pp. 49-68 (pp. 58-60).

⁴⁸ Ormrod, "Winner and Waster" and its contexts, pp. 99-102.

⁴⁹ J. Ferster, *Fictions of advice: the literature and politics of counsel in late medieval England* (Philadelphia, 1996), pp. 67-88.

⁵⁰ C. J. Nederman, 'Pagula [Paul], William (d. 1332?)'. *Oxford Dictionary of National Biography*, online edition [https://doi.org/10.1093/ref:odnb/21127 accessed: 16/12/2023].

⁵¹ L. E. Boyle, 'William of Pagula and the *Speculum Regis Edwardi III*', *Mediaeval Studies*, 32 (1970), pp. 329-36. While Boyle argues that William's position as a parish priest would have given him ample opportunity to witness the effects of purveyance, Nederman notes that purveyance records are lacking

1331 to persuade the king of the evils of taking goods from the poor without proper compensation. Men of Edward's court have, according to William, become 'precursors of the Antichrist' in their seizing by violence the food and livestock of the peasantry.⁵² Drawing heavily on the Bible, William warns that while the benefits to the crown that result from these actions may be enjoyed in the present, God will eventually ensure that these ill-gotten goods are paid for many times over. He draws comparisons with Edward's father and grandfather, making the case that their own failures in matters of finance, as well as their keeping of 'wicked' servants at court and throughout the kingdom, led to political strife and the endangerment of their own souls.⁵³ In these examples, the 'wicked servants' are described in terms akin to an invading army plundering an enemy territory. The seizing of church property that the above petition complains of is also addressed, and here William goes as far as to accuse Edward of failing in one of his core duties as king: maintaining, restoring and building new churches, and protecting the clergy.⁵⁴ William even rejects the justification of the royal prerogative, and claims it would be better for the king not to obtain new lands through military victory than to achieve this on the basis of plundering the lands of his own subjects.⁵⁵ Though derivative in content, William's style and his willingness to proclaim dire threats to the monarch should his words be ignored represents a radical departure from the conventions of the 'mirrors for princes', and from longstanding

for the period William mentions, and that the language he uses mirrors that of a complaint of 1316 by an unknown author: Nederman, 'Pagula [Paull], William (d. 1332?)'. *ODNB*.

⁵² William of Pagula, *Mirror*, pp. 81-2.

⁵³ William of Pagula, *Mirror*, pp. 98, 113-15, 137.

⁵⁴ William of Pagula, *Mirror*, p. 85. Here William is drawing heavily from the aforementioned 1316 letter, as well as from a tradition of clerical critique of royal abuses of the church and of poor Christians: C. J. Nederman and C. J. Neville, 'The origins of the *Speculum regis* Edwardi III of William of Pagula', *Studi Medievali*, 3rd Series, 38 (1997), pp. 317-29 (pp. 326-7); C. F. Briggs and C. J. Nederman, 'Western medieval specula, c. 1150–c. 1450', in N. Perret and S. Péquingot (eds), *A critical companion to the 'mirrors for princes' literature* (Leiden, 2022), pp. 160-96 (pp. 164-75).

⁵⁵ William of Pagula, *Mirror*, pp. 98-9.

ideas regarding the crown's rights regarding property, expropriation, and waste.⁵⁶ By depicting purveyance as a kind of plunder that led to starvation and chaos throughout the realm, by arguing in favour of peasant ownership of property as of similar or comparable legitimacy as that of kings and lords, and by attacking the royal prerogative itself, William's treatise calls into question contemporary assumptions of royal dominion while reasserting the standards and obligations on which this dominion was traditionally expected to rest.

William of Pagula's *Mirror* was not unique as an example of an open critique of excessive royal exactions that was written with the intention of informing a future monarch. John Fortescue's *In Praise of the Laws of England* was completed in 1470 and intended to instruct Prince Edward, heir to the deposed Henry VI, in how to rule justly and according to law and custom.⁵⁷ Fortescue was heavily involved in royal government, serving as Chief Justice of the King's Bench from 1442-1460, as well as in military and administrative roles for Lancastrian and Yorkist monarchs. Written after a long period of intermittent civil war and rebellion, his work was intended to defend the primacy of the monarch in government against overmighty subjects while also emphasising that the monarch's authority depended on his ruling with the counsel, and to the benefit, of his subjects.⁵⁸ In this treatise he emphasises that the king has the right to 'take necessaries for his household' from his subjects using royal officers, but only if he pays them back 'at a reasonable price to be assessed at the discretion of

⁵⁶ Briggs and Nederman, 'Western medieval specula', pp. 185-6.

⁵⁷ S. Lockwood, 'Introduction', in Sir John Fortescue, *On the laws and governance of England*, ed. and trans. S. Lockwood (Cambridge, 1997), p. xxiv.

⁵⁸ For more detailed overview of his historical context and his ideas, see: P. E. Gill, 'Politics and propaganda in fifteenth-century England: the polemical writings of Sir John Fortescue', *Speculum*, 46/2 (1971), pp. 333-47; J. H. Burns, 'Fortescue and the political theory of dominium', *The Historical Journal*, 28/4 (1985), pp. 777-9.

the constables of the villages', and within a reasonably short time.⁵⁹ A king who cannot resist impoverishing his people by seizing their goods is as impotent as one unable to defend them from invaders.⁶⁰ Fortescue's ideas were also part of an intellectual current that increasingly saw dominion as not something only to be possessed by one with traditional feudal rights of ownership, but by those who held possession over that property. This new *de facto* form of dominion, *dominion utile*, was gradually extended to those who had traditionally held *usufruct* rights over property, such as the gentry and peasantry.⁶¹ Fortescue practically spells this out when he claims that every inhabitant of the realm, from kings to peasants, has the right to consume and use 'the fruits which his land yields' (i.e. the definition of *usufruct* rights) and to not have those fruits stolen by others.⁶² These debates over purveyance and property called into question the king's right to exercise his royal prerogative to waste or appropriate property held by his subjects.

Purveyors were not the only agents of the crown that were accused of unjust expropriation. The previous chapter touched upon the complaints frequently made against royal foresters. More sporadic were complaints about the depredations of the king's soldiers when passing through English territory. A particularly egregious example of this was discussed at the parliament of 1399. A commons petition from Shropshire complains that groups of 'malefactors' from neighbouring Cheshire had for some time crossed the border to steal, kill animals and waste property, along with

⁵⁹ Sir John Fortescue, 'In Praise of the Laws of England', in Sir John Fortescue, *On the laws and governance of England*, ed. and trans. S. Lockwood (Cambridge, 1997), p. 52.

⁶⁰ Fortescue, 'In Praise of the Laws of England', pp. 53-4.

⁶¹ Nederman, 'Property and protest', pp. 332-3.

⁶² Fortescue, 'In Praise of the Laws of England', pp. 52-3

other offences.⁶³ It was ordered that the criminals be attainted of felony and detained, with the year, day and waste going to the king as per custom. When the king's army arrived to restore order, the result was more devastation wrought as the soldiers passed through Shropshire toward Cheshire:

Also, the loyal lieges of the same county of Shropshire beg that [...] the soldiers of their most excellent lord, while entering, riding and passing through each part of the aforesaid county towards the county of Cheshire, both laid waste and destroyed the corn, goods and chattels [*sibien gasteront, destrueront les blees, biens, et chateux*] of the said lieges of the said county, and plundered them in their dwelling-places, even though they and theirs were then in service and arms with their said lord the king, riding with him to their great injury and loss.⁶⁴

In this instance, the king's reply was that the matter would be investigated further, as was the reply to each of the other petitions concerning Shropshire and Cheshire. I have found no recorded evidence of what action was taken, if any. Richard II's 'Cheshire regiment' was renowned for its plundering of lands that it was ostensibly supposed to protect, its creation and subsequent exactions being singled out by the chronicler Adam Usk as the primary reason for Richard's loss of his subjects' trust and his eventual downfall. Usk claims that these soldiers not only plundered the countryside but committed numerous felonies including rape, murder and assault,

⁶³ C. Given Wilson (ed. and trans.), 'Henry IV: Parliament of October 1399, text and translation', item 135. *PROME*.

⁶⁴ 'Henry IV: Parliament of October 1399, text and translation', item 136.

with the king failing to bring them to heel.⁶⁵ Several other chronicles of the early fifteenth century concurred with this assessment.⁶⁶ Like purveyance, the damages caused by royal retinues were the target of criticism that aimed to hold royal power to account.

What is notable in the petition quoted above, as well as in these chronicles, is that the conduct of the soldiers is discussed in terms very similar to the actions of armies at war. The accompaniment of *waste* or *wasted* with *destroy* or *destroyed* (*destruitz*, *destructum*) is found regularly in numerous medieval texts from this period when discussing devastation caused by armies, in particular the histories that are the focus of the final chapter of this thesis. It was not uncommon for serving soldiers and those returning from wars in France and Scotland to resume the robbery and pillaging that they had engaged in while at war.⁶⁷ The vocabulary in this example, as well as in petitions complaining of waste committed by Welsh and Scottish soldiers, conveys a sense of violence and destruction in the ways these soldiers commit waste. In contrast, when money and goods are carried off by purveyors, *waste* is almost always accompanied by the verbs *to carry away* or *lead off* (*amesnont*, *enportont*). Though in both cases the actions are referred to as *waste*, the terminology and imagery invoked sometimes seems to differ depending on who is carrying out the waste. Peasants make waste, soldiers devastate and destroy, and purveyors waste goods by removing them from the possession of their owners. This lends further support to the idea that waste-making and devastation was understood in terms of who was involved – their

⁶⁵ Adam Usk, *Chronicon Adae de Usk, A.D. 1377-1421*, ed. and trans. E. M. Thompson (2nd edn, London, 1904), p. 23.

⁶⁶ H. Castor, *The king, the crown and the Duchy of Lancaster* (Oxford and New York, 2000), pp. 13-4.

⁶⁷ D. Feldman, 'The King's Peace, the Royal Prerogative and public order: the roots and early development of binding over powers', *The Cambridge Law Journal*, 47/1 (1988), pp. 101-28 (p. 122).

occupation, social status, and any rights or privileges they had been granted – as much as it was about what had physically taken place.

Though these texts all refer to different kinds of waste in the language they use, they have in common a similar purpose: to appeal to longstanding customs regarding property and equitable treatment before the law, and in the process, draw the crown's attention to an injustice that it was obligated to address. Just as *waste* in manor court rolls was used to compensate lords when peasants were regarded as having breached laws and customs in the way they used their lords' property, *waste* in petitions, chronicles, and political treatises could be deployed as a means of obtaining redress when the crown was seen to have benefited from breaches of laws and customs. And like the kinds of waste committed that were recorded in manor court rolls, this rhetoric was not a reliable tool for obtaining the kinds of recompense that these complainants desired for the injustices done to them by the crown's servants, as the example of the Cheshire regiment shows. Yet these complaints did contribute to a broader written discourse that could be drawn on when assessing the actions of the king and the crown in future disputes in a wide variety of areas. The legitimacy or illegitimacy of any waste committed by the crown was one mark among many of good or bad governance.

2.3 Waste, relief, and the aid of the crown

This section concerns the towns and communities that were said to have been reduced to waste by violence, environmental degradation, and depopulation, and how this was used to secure relief from financial burdens as well as other forms of assistance courtesy of the crown. These petitions appealed to medieval ideals of kingship which promoted mercy, generosity and fair dealing, while at times also stressing the potential damage to the health and security of the realm should their pleas fall of deaf ears. As the crown's financial needs mounted and revenues fell, this process of negotiation saw the crown struggle to assert its demands in the face of persistent reports of the wasted state of its cities, castles, boroughs, and border regions.

Waste, relief, and the obligations of kingship

The following text is an entry from the *Nonarum Inquisitiones in curia scaccarii*, the report of an inquisition ordered by Edward III when his 1342 subsidy did not produce the expected returns. Edward sought to be granted the 'Ninth Lamb, the Ninth Fleece, and the Ninth Sheaf', as well as 'the very Ninth Part' of goods and chattels within towns and boroughs and a fifteenth from merchants and those who dwell 'in forests and wastes.'⁶⁸ This example pertains to the parish of Tatham in Lancashire, an area which had for some time been vulnerable to raids by the Scots:

⁶⁸ *Nonarum inquisitiones in curia scaccarii: Temp. regis Edwardi III*, eds G. Eyre and A. Strahan (London, 1807), p. vii.

Taxat[a] ab antiquo ad x m[a]r[cas] de novo ad v m[a]r[cas] nona garbas
veller[um] & agnos eiusde[m] parochie valet iux[ta] verum valor[em] v
m[a]r[cas] unde Tatham res' D[icit] iur[e] requisiti q[ua]re d[ict]a nona non
attingit ad [[p]redictam?] taxam dic[i]t pro eo quod gleba ecclie minute
decie oblationes et alia pertinentia ad altaragium que valent per annum xl⁵
continen[t] in d[ict]a taxa Et dicunt quod iacent in eadem parochia terre
vaste & inculte propter guerram scottos in deterementum d[c] taxe per ij
per annum.⁶⁹

Valued at ancient times at 10 marks, recently at 5 marks worth from the
ninth of fleeces and lambs, whence Tatham says of it rightly that the said
ninth is not close to the [aforesaid?] dues, that the church's glebe land
offerings are reduced tenfold, and that all the appurtenances of the
altarage which are worth 40 shillings per year relate to the said tax. And
they said that land lying in the same parish is wasted and uncultivated due
to the Scottish wars in detriment to the said tax by 2 per annum.⁷⁰

Here, officials carrying out the inquisition seem to have been satisfied that Tatham's
incomes from agriculture had been sufficiently depleted by wartime damages for the
parish to be granted relief from some of these dues. Devastation caused by Scottish

⁶⁹ *Nonarum inquisitiones*, p. 35.

⁷⁰ I have elected to transcribe this entry in full so that the reader can better appreciate the uncertainties of the text and my translation of it. I would like to thank Dr Pamela Powell for her assistance in translating this passage. It should also be noted that the transcriptions of Eyre and Strahan appear to contain errors, and several unusual abbreviations are also present. Unfortunately I was not able to obtain the original document to check against the transcription. Dr Powell and I have extended these abbreviations and omitted the apparent errors from this passage to represent more faithfully what we believe the original Latin to have been.

raids is used in several other entries pertaining to the Lancaster returns. The parishes of Claughton, Warton, Ulverston, Urswick, Garstang, Poulton and Chipping also blamed the Scottish raids for their shortfalls, and in these entries the same phrase *vaste & inculte* is used. The parishes of Whittington, Aldingham, Peyton, Preston, Kirkham, and Ribchester also blame the Scots raids, albeit with reference to 'destruction' (*destruct'ione*) and 'deterioration' (*deteriorat'*) rather than waste.⁷¹ As in the first example, other reasons are given alongside this one; in the case of Preston, difficulties importing enough silver were also blamed.⁷² While the previous section discussed waste in the sense of something with intrinsic value, in these instances we see waste's being used to signify a lack or loss of value. This perception of widespread devaluation due to waste was in itself valuable to those expected to pay this subsidy, as it provided reasonable grounds not to pay the amount requested. It is impossible to know the degree to which these failures to provide the full ninth were the result of genuine inability or unwillingness disguised as inability. Regardless of the accuracy of each claim, *waste* serves the same rhetorical function in each: a means by which communities claiming to be ravaged by warfare could protect what they still had from royal exactions.

Just as lay subsidies were justified in parliament on the grounds of military emergency, so too were many requests for relief.⁷³ At the same time, states of emergency or claims of extreme need can be frequently found in petitions submitted to parliament for the purpose of obtaining relief. In 1385 a commons petition from Carlisle requested tax exemptions for 3-4 years on account that 'all land, tenements,

⁷¹ *Nonarum inquisitiones*, pp. 36-8.

⁷² *Nonarum inquisitiones*, p. 37.

⁷³ Harriss, *King, parliament and public finance*, pp. 79-80.

grain, goods and chattels in all parts of the city have been burnt, wasted and destroyed by the enemy [*sont arcez, gastez et destrutz par les enemys*], French and Scots, lying in wait before the city since the Assumption last past [15 August].⁷⁴ I could find no endorsement and no corresponding parliamentary roll entry to this petition, suggesting perhaps that these requests for relief were not always given a sympathetic hearing. Others seem to have fared better. In 1346 dozens of towns and parishes in Cumberland were given relief from the tenth due to destruction caused by the Scots.⁷⁵ In 1407 an account of the sheriff of Shropshire claimed that ‘no man knows how to raise one penny’ of the sheriff’s farm due to the areas bordering the Welsh marches being ‘wasted, destroyed and uninhabited’ (‘degastez, destruit, et disenabitees’) following attacks by Welsh rebels; the king replied that each sheriff should submit their specific losses in order that a reasonable pardon be issued.⁷⁶ Sometimes the burdens of a tax or fee farm themselves were given as a reason among many for a town become ‘desolate, laid waste and destroyed’, with seven consecutive parliaments of Henry VI hearing commons petitions asking for reductions of between £3000 and £6000 from the tenth and fifteenth.⁷⁷ The crown would rarely refuse one of these petitions outright, though it was often non-committal in its response.

⁷⁴ *Northern petitions: illustrative of life in Berwick, Cumbria and Durham in the fourteenth century*, ed. C. M. Fraser (Publications of the Surtees Society 194, Norwich, 1982), pp. 118-9; A tenth was forgiven in 1352 when it was said that the city had been laid waste by the Scots: *CPR, 1350-1354*, p. 233. In 1438 and 1449 the cathedral was granted relief on account of the area being wasted: *CPR, 1436-41*, p. 185; *CPR, 1436-41*, pp. 228-9.

⁷⁵ *CCR, 1346-1349*, pp. 30-1.

⁷⁶ C. Given Wilson (ed. and trans.), ‘Henry IV: Parliament of October 1407, text and translation’, item 1. *PROME*.

⁷⁷ A. Curry (ed. and trans.), ‘Henry VI: Parliament of October 1435, text and translation’, item 13. *PROME*; A. Curry (ed. and trans.), ‘Henry VI: Parliament of October 1437, text and translation’, item 28. *PROME*; A. Curry, ‘Henry VI: Parliament of November 1439, text and translation’, item 12. *PROME*; A. Curry, ‘Henry VI: Parliament of January 1442, text and translation’, item 5. *PROME*; A. Curry, ‘Henry VI: Parliament of February 1445, text and translation’, item 14. *PROME*; A. Curry, ‘Henry VI: Parliament of February 1449, text and translation’, item 8. *PROME*; A. Curry, ‘Henry VI: Parliament of March 1453, text and translation’, item 7. *PROME*.

Regardless, while relief may not always have been formally granted, enforcing payment of taxes and fee farms was a hard task. The *Nonarum Inquisitiones* was the product of the king's men surveying these communities in-person, and while they could provide answers to explain the shortfall of the ninth there was little that the crown could do to request money or goods that were – ostensibly, at least – in short supply.

At times, complaints of wasted settlements requested not merely financial aid or a temporary change to tenure rights but active royal intervention, sometimes at the expense of established custom. The following is a petition from Ridsdale, Northumberland, 1421:

To the honourable and most wise commons of this present parliament, the poor commons of Northumberland, Cumberland and Westmorland request that, whereas the said counties are adjoining and adjacent to the Scottish marches, and are in great part destroyed, burnt and laid waste by the cruel enemies of the king our sovereign lord both on land and on sea, to the extent that the said counties are so completely wasted and empty of the people who lived there that in places where 100 men capable of defence used to live, at present there are not ten people living [...] a great number of the people who once lived there are now dead from the great plagues and pestilences [...] so that, where one of the said inhabitants used to maintain in his house twenty persons capable of defence, he cannot at present maintain himself, because there is no cultivable land in the said three counties within an area of 100 leagues in length and twenty leagues

in width on the frontiers of the said marches [...] And also many castles, towns and other fortresses on the said frontiers are so inadequately repaired and stocked with people and with provisions [...] that they are unable to protect and defend the said castles and fortresses against the malice and great strength of the said enemies [...] May it please your wise discretions, for the great pity by which each loyal liege of the king is bound to aid, assist and support other lieges, their neighbours [...] and that the lords of the said liberties and franchises should appoint justices sufficiently learned in the law to do common justice to all who complain [...] And that the wardens of the East March and the West March should be reinforced with a certain number of men at arms and archers, so that the inhabitants and the marches can be strong enough to resist the malice of the said enemies.⁷⁸

This petition stands out both for the sheer number of reasons given for the devastation of the area and for the number and gravity of the requests made for royal government intervention. In this instance, it was agreed that ‘report and execution be made henceforth in all points against the malefactors’ (i.e. the ‘thieves and felons’) and their property forfeited.⁷⁹ This effectively recommitted the crown to enforcing a 1414 statute which set procedures for handling a breakdown in law and order in

⁷⁸ C. Given-Wilson (ed. and trans.), ‘Henry V: Parliament of May 1421, text and translation’, item 22. *PROME*.

⁷⁹ *The statutes of the realm: Printed by command of his majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original records and authentic manuscripts, II*, ed. A. Luders et al (London, 1810-1828), pp. 205-7.

parishes near Ridsdale, extending its jurisdiction to the latter.⁸⁰ Crucially, both statutes stipulate that all forfeitures were to go to the king, as was the ‘right of his crown’ (‘droit de sa carone’), with little said regarding the remuneration of the wronged parties. I have similarly found no evidence in the letters close or patent that the petition’s other demands were met. Here, the crown seems to have taken active measures against waste committed against the people of Ridsdale when those measures conveniently enabled the king to make use of his own rights to waste against the felons in question.

There are numerous other examples of similar requests by the commons for the crown to offer military or financial assistance to wasted territories, to varying degrees of success. In 1305 Edward I had heard the petitions of two Cistercian abbots from his Scottish territories complaining that their lands had been wasted due to a lack of protection (‘destruitz e desgastes par defaute de defense’).⁸¹ A petition of 1376 complains that the people of Northumberland have had ‘their lands wasted by the people of Scotland, and a great part of the people of the region have been exiled from their lands because the escheators of earlier times have seized many lands into the hands of our said lord the king’.⁸² It asks for property forfeited to the king for felony and then escheated to the local lord to be given to the descendants of those who had been attainted, in order to compensate for the recent devastation to their own lands these people had suffered, and for no further forfeitures be made for the foreseeable future. The significance of this example is that it involves a request for the crown to

⁸⁰ *Statutes of the realm*, II, pp. 177-81.

⁸¹ P. Brand (ed. and trans.), ‘Edward I: Parliament of Lent 1305, text and translation’, items 295 and 296. *PROME*.

⁸² M. Ormrod (ed. and trans.), ‘Edward III: Parliament of April 1376, text and translation’, item 144. *PROME*.

break with precedent and violate the lords' rights to the escheat on the grounds of an emergency. Conflict at the border prompted more drastic requests and more flexible response from the crown on multiple occasions. At the parliament of 1378 a petition from the county of Cumberland complained that the area between the city of Carlisle and the Scottish border 'has been so destroyed and wasted by the Scottish enemies that there is no English settlement left', pleading for resources to be spared to rebuild.⁸³ The king agreed to make an ordinance concerning the repair of a castle and reestablishment of law and order. In April 1379 an almost identical petition was received, indicating that sufficient aid had not been provided.⁸⁴ Another example occurs much later concerning the Welsh Marches. In the parliament of 1472, a commons petition was heard which called for the reestablishment of law and order in the areas bordering the Welsh marches, which 'by the outeragious demeanyng of Walsshmen' have since been 'wasted and likely utterly to be destroyed' should soldiers and justices not be despatched.⁸⁵ These petitions were all tailored to emphasise the long-term detriment to the crown that would result from allowing sources of royal income to remain in a wasted and unprofitable state. Given the financial pressures experienced by the crown in this period, it should come as no surprise that these tactics often succeeded only when the crown stood to gain from granting these requests. As mentioned above, the only instance of any action supposedly being taken was when the rebuilding of the castle and supply of fighting men was authorised, and even here the crown seems to have dragged its feet. We should be mindful of the

⁸³ G. Martin (ed. and trans.), 'Richard II: Parliament of October 1378', item 42. *PROME*.

⁸⁴ G. Martin (ed. and trans.), 'Richard II: Parliament of April 1379', item 38. *PROME*.

⁸⁵ R. Horrox, 'Edward IV: Parliament of June 1474-March 1475, text and translation', item 10. *PROME*.

limits of the rhetorical power of *waste* in persuading the crown to offer aid or relief when there were financial and material incentives not to.

Outside the military context we see waste being invoked to seek relief from a variety of dues and fees. The Black Death, accidents, and environmental degradation were all cited by cities seeking to avoid paying the annual fee farm. Erosion to structures caused by wind and water, particularly in coastal regions, was a regular source of complaint in petitions at this time, and even in large inland cities such as York and Winchester the city walls had to be regularly maintained to prevent fissures forming.⁸⁶ At the parliament of 1474-1475 the town of New Shoreham, Sussex was made completely exempt from paying the tenth and fifteenth on account of the town's being 'gretly wasted by the see'.⁸⁷ In July 1351 the city of Cork was given respite from the annual farm of 80 marks due to the plague, fires, and attacks by the Irish.⁸⁸ In 1352, the Austin Friars of the city of Winchester were given similar relief on account of the 'waste and depression' caused by plague mortality in that city.⁸⁹ By 1376 the walls of the city had mostly collapsed, and in the parliament of that year the citizens requested aid in the form of a reduction of the fee farm in order to repair them. On this occasion the record states that Winchester 'is completely wasted and ruined due to poverty' ('pleinement gaste et anienti par resoun du poverty'). Relief from the fee farm was again requested in 1410, on account of the city's being 'deserted and laid waste for lack of inhabitants' 'desolate et gaste pur default des

⁸⁶ R. J. Magnusson, 'Urban infrastructure & environmental risk in medieval England', *Environmental Archaeology*, 26 (2021), p. 3.

⁸⁷ R. Horrox (ed. and trans.), 'Edward IV: Parliament of June 1474-March 1475, text and translation', item 1. *PROME*.

⁸⁸ *CPR, 1350-1354*, pp. 117-16.

⁸⁹ *CPR, 1350-1354*, p. 223.

inhabitantz').⁹⁰ Those named in the petition were granted the rights to purchase lands and tenements within Winchester up to the value of forty marks a year in rents to pay the fee farm, but exemption in this instance was not given. *Waste* once again is used to signify a loss or lack of value, in this instance the valuable things being tenants and money. There are many more instances of similar petitions made in the century and a half following the arrival of the Black Death.⁹¹ It must be emphasised that petitions of this nature were designed to serve burgesses' financial interest rather than accurately depict local states of affairs, and historians have been increasingly sceptical of their value as evidence of real poverty.⁹² It is very likely that some of these claims of deserted and wasted cities were embellished by the burgesses in in order to lessen their financial burdens. The town of Grimsby in the mid to late fifteenth century repeatedly claimed that their town's revenues were so low and the town so 'decayed and wasted' that paying the full fee farm would 'destroy' the town, and yet

⁹⁰ 'Edward III: Parliament of April 1376, text and translation', item 138.

⁹¹ See for example: 'Henry IV: Parliament of October 1407, text and translation', item 49.

⁹² Critical appraisals of fee farm petitions as evidence can be found in the debates over the topic of urban decline in later medieval England. Charles Phythian-Adams took the view that the claims made by the petitions were usually investigated and verified by 'theoretically impartial commissioners', and so argued in favour of their use as a barometer of urban poverty: C. Phythian-Adams, 'Urban decay in late medieval England', in P. Abrams and E. A. Wrigley (eds), *Towns in societies: essays in economic history and historical sociology* (Cambridge and New York, 1978), pp. 159-185 (p. 162). In her critique of the then-recent scholarly discussion of the matter, Susan Reynolds noted that 'we now have a number of cases in which the reduction of tax quotas or fee-farms is prima facie likely to reflect genuine poverty', but that it was also likely that the Crown's systems of raising revenue 'encouraged a tax-evasion culture' in the boroughs: S Reynolds, 'Decline and decay in late medieval towns: a look at some of the concepts and arguments', *Urban History Yearbook*, 7 (1980), pp. 76-78 (p. 77). In his appraisal of the debate, David Palliser noted contradictions between the claims made by burgesses' petitions and the ability of local merchant, craftsmen and officials to pay for lavish new construction projects: D. M. Palliser, 'Urban decay revisited', in J. A. F. Thompson (ed.), *Towns and townspeople in the fifteenth century* (Gloucester, 1988), pp. 1-21 (pp. 4-5). Alan Dyer meanwhile points out that while some claims of reduced income by burgesses are backed up by financial records, even in these instances the language used in the petitions is invariably 'grossly overwrought' and misleading: A. Dyer, *Decline and growth in English towns, 1400-1600* (Basingstoke and London, 1991), pp. 47-8. See also O'Brien's discussion of port town of Waterford in the fifteenth century, in which petitions for relief from the fee farm frequently made use of past tragedies that had since been resolved or partially resolved: A. F. O'Brien, 'The Royal Boroughs, the Seaport Towns and Royal Revenue in Medieval Ireland', *The Journal of the Royal Society of Antiquaries of Ireland*, 118 (1988), pp. 13-26 (pp. 21-3).

inquisitions show that this was not the case.⁹³ However, regardless of the veracity of these claims, the crown could sometimes stand to gain from granting relief from fee farms in exchange for continued loyalty. This happened several times in the cases of Gloucester, York and Leicester at various points during the Wars of the Roses.⁹⁴ Economic and political need combined with the imagery that this conception of waste invoked thereby provided communities with ample opportunities to maximise incomes and minimise expenditure. As the previous chapter showed, plague mortality made it difficult for lords to keep their lands and tenements occupied and this led to an excess of uninhabited, wasted holdings. As people of all levels of society were familiar with this situation, the use of the term *waste* in these petitions would have invoked similar imagery in the minds of those who read or heard them, regardless of the real material conditions of the towns themselves. The imagery and aesthetics of waste/wasted lands will be explored in the next chapter.

The crown also took an interest in investigating cases where valuable institutions and structures such as abbeys, priories, hospitals, castles, and the royal fleet were said to have become wasted due to deterioration. In 1353 it was ordered that both Battle Abbey and Clare Hall of Cambridge University be surveyed on account of their 'dilapidated and wasted' conditions, and to punish those responsible for allowing them to fall into disrepair.⁹⁵ Similar actions were taken early in the reign of Richard II with respect to the priories of St Frideswide, Oxford and Everdon, Northamptonshire in 1378; Frampton Priory in 1380; Tremington Castle in 1382; the priories of Wootten

⁹³ S. H. Rigby, 'Urban decline in the later Middle Ages: The reliability of the non-statistical evidence', *Urban History Yearbook*, 11/1 (1984), pp. 45-60 (p. 48).

⁹⁴ Rigby, 'Urban decline', p. 45; L. C. Atireed, 'The King's Interest: York's fee farm and the central government, 1482-92', *Northern History*, 17/1 (1981), pp. 24-43; Dyer, *Decline and growth*, pp. 48-9.

⁹⁵ *CPR, 1350-1354*, pp. 440, 510.

Wawen, Warwickshire and Deerhurst, Gloucester along with the St Leonard Hospital, York in 1383; the priory of Thornholm, Lincolnshire and castles of Berwick, Rokesburgh and Newcastle-upon-Tyne in 1384; and the priory of Haugham, Lincolnshire in 1385.⁹⁶ In the parliament of January 1315 it was recommended that the wardens of several hospitals should be sued at the exchequer and at common law for committing or enabling waste during vacancies, while in 1414 a statute was enacted that addressed the waste and dilapidation of alms houses and hospitals.⁹⁷ As for the royal fleet, in 1371 a commons petition complained that the royal fleet had been left to 'rot and waste' ('purrir et gaster') as a result of being left unused for too long a stretch of time.⁹⁸ The king promised to remedy this according to the advice of his council. In 1379 a similar petition was made on behalf of 'shipowners and mariners' that claimed that these idle vessels had been damaged on voyages unnecessary to their intended purpose, and that the mariners are paid so little that many have abandoned their positions leaving nobody to undertake repairs.⁹⁹ It was decided that the same measures would be taken as before. In all these examples, the thing wasted or dilapidated was valued for its military worth, as a source of rent, or for the sake of pious duty and the protection of religious institutions.

These petitions describe various kinds of damage to civic infrastructure with very different causes: deliberate damage by enemy soldiers, damage due to coastal winds and tides, deterioration and depopulation caused by plague, and the deterioration of a city caused by lack of available funds. What unites them is a common rhetorical

⁹⁶ *CPR, 1377-1381*, pp. 302, 305, 573; *CPR, 1381-1385*, pp. 249, 255-6, 258, 598.

⁹⁷ P. Brand (ed. and trans.), 'Edward II: Parliament of January 1315, text and translation', item 73. *PROME*; C. Given Wilson, 'Henry V: Parliament of April 1414, text and translation', item 15. *PROME*.

⁹⁸ M. Ormrod, 'Edward III: Parliament of February 1371, text and translation', item 32. *PROME*.

⁹⁹ 'Richard II: Parliament of April 1379', item 50.

strategy that underpins the relationship between waste and the institution of the crown: a claim of unjust or unfortunate material loss and request for royal mercy, aid, or relief. In each of the cases covered in this section the participants are appealing to the idea that good kingship involved upholding justice, and that it would be unjust to exact undue income from the impoverished, or to fail to protect one's subjects. The ideas of 'fair dealing and reciprocity' acted as a cornerstone of medieval notions of justice, as seen in the writings of several medieval legal theorists: the maxim of the Roman jurist Ulpian 'suum cuique tribuere' (justice as the 'will to give each his right') was adopted by Bracton, while the Gospel of Matthew (7:12) was cited by Sir John Fortescue as the 'golden rule' of the law of nature ('So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.').¹⁰⁰ Walter of Milemete's *On the Nobility, Wisdom and Prudence of Kings*, composed at the time of the deposition of Edward II and having the stated aim of advising the new king Edward III, emphasises the importance of the king to provide generously for 'the worthy and the needy'.¹⁰¹ Walter was a king's clerk and a beneficiary of the patronage of Queen Isabella, giving him not only insight into the theory and practice of kingship but also a means of shaping it at a point when it had been recently destabilised; his treatise was kept within the king's private chambers and to be used by only himself and his tutors.¹⁰² It must be noted that pragmatism frequently trumped principle in the crown's responses to complaints of waste, with its willingness to intervene being determined in large part by contemporary political and economic pressures, such as

¹⁰⁰ E. Powell, 'Law and justice', in R. Horrox (ed.), *Fifteenth century attitudes: perceptions of society in late medieval England* (Cambridge, 1994), pp. 29-41.

¹⁰¹ Walter of Milemete, 'On the nobility, wisdom, and prudence of kings', p. 54.

¹⁰² M. Michael, 'The iconography of kingship in the Walter of Milemete treatise', *Journal of the Warburg and Courtauld Institutes*, 57 (1994), pp. 35-47.

the need by to secure military financing. Yet this did not diminish the importance of these ideals as a core part of the process of supplication, and of the justification of policy. As the next section will discuss, these same ideals and principles were appealed to when people sought the crown's aid in receiving compensation for waste committed against them by others, or for the purposes of pursuing wider political interests. By adopting this remedial role in response to unjust instances of waste, the crown was able to placate disgruntled subjects and promote an image of equitable conduct.

2.4 The crown as arbiter and adjudicator

This section will explore examples where waste was used as a pretext by individuals and institutions wishing to make use of the crown's institutional powers in opposition to others. It will first examine private petitions in which individuals request recompense for property that had been wasted by others. Next, it will show how ideas of waste were used by antagonists in disputes surrounding church wealth, military finance and religious reform. By the end of this chapter it will be clear that the crown's own rights regarding waste and appropriation were increasingly deployed both to its own interests and to those of the participants in these struggles.

Dynastic conflict and personal restitution

Following the deposition of Richard II, the first parliament of Henry IV in 1399 immediately repealed all legislation that resulted from the parliament of September 1397. Aside from signalling a break from the policies of an unpopular predecessor, this meeting gave the new king an opportunity to curry favour by restoring and compensating those who had been previously dispossessed. At the same time, many of the nobility requested that those who had opportunistically wasted their lands and tenements be punished:

And may it also please our said lord the king and the said lords of the parliament to consider how [...] many malefactors, in order to make war in horrible fashion, and against the law, entered into various manors, lands and tenements of various of your poor lieges, and took, laid waste and carried off the goods and chattels found there [*et les biens et chateux illeogues trovez pristeront, degasteront, et emporteront*], to the great ruin and destruction of your said lieges. May it please you, in order to uphold justice, and to the detriment of such malefactors, and for the tranquillity and restoration of your said lieges, to consider the horrible nature of the said entries, and the destruction of your said lieges, and to grant that the said malefactors stand trial and respond, in accordance with the laws of the realm, to the parties complaining of the said trespasses.¹⁰³

The reply from the king referred to the judgments regarding the restoration of lords to

¹⁰³ C. Given-Wilson (ed. and trans.), 'Henry IV: Parliament of October 1399, text and translation', item 113. *PROME*.

their lands and urging that they sue under common law for any individual wrongs, perhaps not wishing to sow further factional conflict. This parliament would be the first of several that saw members of the nobility attempt to regain what they had lost during the political turmoil that followed the close of the fourteenth century. As Harriss writes, the years of 1399-1485 'produced a constant stream of requests from members of the nobility and gentry caught up in factional quarrels for the reversal of attainders and restoration of their lands.'¹⁰⁴ In many of these instances, it was not only restoration that was requested but also restitution for waste and damages done in the interim period. These complainants appealed to a model of kingship which emphasised the king's role as a fair adjudicator in disputes between his subjects. This section will first address this role in a broader sense, focusing on examples where parliament heard complaints of waste committed by different parties and the responses by the crown. Next it will show how this role served the interests of the crown in times of political turmoil, by allowing the kings to curry favour with those who had fallen afoul of their predecessors.

The desire to protect inheritance rights was consistently the matter which saw the crown and parliament take the most active measures to punish those found to be guilty of wrongfully wasting property. The crown's involvement in this issue dates back to as early as the Magna Carta, with article four stipulating that if a guardian makes waste on their ward's property then it will be confiscated and given 'to two lawful and discreet men of that fee'.¹⁰⁵ Modifications and extensions to this ruling were included

¹⁰⁴ Harriss, 'The king and his subjects', p. 25.

¹⁰⁵ *Statutes of the Realm*, I, pp. 114-15.

in statutes of 1285, 1291, and 1340.¹⁰⁶ Wardship is also the subject of the first two articles of the Royal Prerogative as well as several subsequent articles: the king was to have wardship of the heirs of the greater nobility and arrange their marriages, and to have wardship over the lands of the mentally ill, disabled, or otherwise of unsound mind. Inheritance rights being so sacrosanct in medieval societies, it was vital for kings to be seen as protecting them if they wished to be regarded as dedicated upholders of laws and customs. The issue of wardship was of particular gravity to powerful noble landowners given that large quantities of land and money were at stake, and that feudal rules of inheritance placed considerable restrictions on the means by which a lord may circumvent the problem of an underage or lack of an heir.¹⁰⁷ During the thirteenth and early fourteenth centuries, legal methods such as entails (a conditional gifting of an estate to a grantee and their descendants which could not be alienated or sold and which would revert back to the heirs of the grantor should the agreement be broken or the grantee's line ending), jointure (the granting of lands to trustees to protect a husband, wife, and each of their descendants should one predecease the other), and enfeoffment to use (where land was given to trustees to manage with profits accruing to the landowner and their heirs until the heirs came of age) became increasingly popular means of safeguarding the integrity of feudal estates and giving landowners flexibility in how their inheritances were parceled out.¹⁰⁸ These measures were intended to prevent the exploitation of estates and underage heirs by the crown or by other parties, and often were successful.¹⁰⁹ However, these often-overlapping

¹⁰⁶ *Statutes of the Realm*, I, pp. 81-2, 109-10, 294.

¹⁰⁷ C. Given Wilson, *The English nobility in the later Middle Ages: the fourteenth-century political community* (London and New York, 1996), p. 138.

¹⁰⁸ Given-Wilson, *English nobility*, pp. 138-41.

¹⁰⁹ P. Jefferies, *The medieval use as family law and custom: the Berkshire gentry in the fourteenth and*

different arrangements created complexity, and enabled waste committed against wards and heirs to remain undetected for some time. As a result, central government felt compelled to intervene in this matter on several occasions from the thirteenth through to the fifteenth centuries.

One such example was the 1291 Statute of Waste. This legislation was the outcome of a dispute regarding waste committed before an heir became a ward of the king, and was settled by retroactively treating the complainant as if they had been a ward. Gawin Butler had entered a plea of waste against one Walter de Hapeton 'for waste and destruction' made in Gawin's lands and tenements, but had died before his plea could be heard. His heir and brother William was now a ward of the king, and so took Gawin's case to parliament. The statute notes that some of the justices objected to giving William a writ of waste on account of its being made in his brother's time, fearing 'that any person should obtain advantage and recompense by the foresaid writ, which is a writ of trespass done to a person certain, but only the same person to whom and in whose time the trespass was done'. Nevertheless, parliament decided in favour of William. The statute reads:

That every heir [...] shall have his recovery by a writ of waste in the foresaid case, and also in other [...] as well for waste and destruction made in lands and tenements of his own inheritance, and as well in the times of his ancestors [...] and that he shall recover the tenements wasted, and damages, as it is ordained in the [second statute] of Westminster, of

fifteenth centuries', *Southern History*, 1 (1979), pp. 45-69 (pp. 53-64).

damages to be recovered in a writ of waste, if the tenement be convict of waste.¹¹⁰

In this case, the rights of heirs were considered important enough that customary understandings of trespass were suspended and the new rulings applied retroactively. Perhaps the fact that the person whose inheritance was depreciated was under the king's custody spurred the crown to break with tradition. A similar example occurred in 1433. At the parliament of July of that year, a commons petition was submitted requesting that the king take action against tenants who made waste on lands that had been leased out to them at the expense of those who were the heirs or assigns of the original tenants.¹¹¹ It was requested that those responsible for the waste be liable for three times its assessed value upon the recovery of the land. This petition was successful in bringing about legislation that affirmed the articles of the petition, and furthermore, these were applied retroactively to past offences.¹¹² This was one of several instances where parliament decided to criminalise past actions involving waste based on a change in the law at the present time. In the last chapter, it was noted that the Walsham manor court imposed a harsher penalty than usual to two tenants who made waste on lands that were part of an underage heir's inheritance. At both the lowest and the highest levels of institutional politics, waste was always conceptualised as an affront to the social order when inheritance rights were perceived to have been violated.

¹¹⁰ *Statutes of the Realm*, I, pp. 109-10.

¹¹¹ A. Curry (ed. and trans.), 'Henry VI: Parliament of July 1433, text and translation', item 48. *PROME*.

¹¹² *Statutes of the Realm*, II, pp. 280-1.

The response of the crown to waste committed to the detriment of an individual's property and inheritance was not always reactive but proactive. An unusual instance of this can be found in the roll of the November 1487 parliament where the crown took control of the lands of Viscount William Beaumont. In 1485 King Henry VII had Beaumont's lands restored to him.¹¹³ Just two years later, Beaumont's ability to manage his estates was called into question. This led the crown to intervene on grounds of protecting the inheritance of the viscount's heirs:

Sith the which restitution, our seid sovereign lord hath certeyn knowleche that the same viscont is not of sadnes ne discrecion, neither to rule and kepe him self nor his seid lyvelode, but sith that tyme hath aliened, wasted, spoiled and put away great parte therof full undiscretly, to the disheritaunce of him and his heires [...]

In consideracion wherof, and for asmuche as oure seid sovereign lord is bounde to see and provide that suche persones as have enheritaunce, and be not of sadnes and discrecion to rule and kepe the same, without alienacion or disheritaunce of their heires, it be [...] that the king our sovereign lord, or suche as his grace shall depute, have the rule, disposicion and guyding of all the lyvelode and enheritaunce [...] during the tyme of the life of the same viscont, to the honour, sustinaunce, and profite of the seid viscount [...]¹¹⁴

¹¹³ R. Horrox (ed. and trans.), 'Henry VII: Parliament of November 1485, text and translation', item 12. *PROME*.

¹¹⁴ R. Horrox (ed. and trans.), 'Henry VII: Parliament of November 1487, text and translation', item 10. *PROME*.

Once again the interests of the heir are cited as the reason for the crown's intervention. It was rare for a still-living lord to be put in a position akin to that of a ward. Control over Beaumont's estates was later granted to his friend John de Vere, Earl of Oxford. Beaumont never produced legitimate offspring, and had no heir either in 1487 or upon his death in 1507, when the viscountcy was dissolved and de Vere married Beaumont's widow.¹¹⁵ This raises the question of why the crown would take such a drastic measure to protect the inheritance of the hypothetical future heir to an ailing knight. De Vere was a prominent Lancastrian commander during the Wars of the Roses and had a good personal relationship with the king. The earl himself stood to gain around £750 per year in annuities and administrative expenses, and so it is possible that this grant was a reward for his services (De Vere had also been granted a substantial number of wardships during this decade).¹¹⁶ Regardless of the motives, what concerns this study is the justification based on the idea that Beaumont was wasting his own property. This example is useful in highlighting tensions between, on the one hand, the aforementioned ideal of *de facto* dominion that was increasingly ascribed to members of the nobility over the course of the later Middle Ages, and, on the other, the higher form of dominion held by the king and the expectation for him to intervene to protect the inheritances of his subjects. As mentioned previously, the right to dispose of one's property (*abusus*) was traditionally seen as the preserve of one with proprietary rather than usufructuary ownership over it, and by this point lords were generally given largely free rein in this regard. Be it due to concern for the future

¹¹⁵ J. Ross, *The foremost man in the kingdom: John de Vere, thirteenth Earl of Oxford* (Woodbridge, 2015), pp. 96-7.

¹¹⁶ Ross, *John de Vere*, pp. 97-102.

heirs of the estate, a desire to reward a loyal servant, a desire to secure future royal income, or most probably, a combination of the three, the crown in this instance reasserted its powers as overlord to prevent its tenant's estate from becoming waste.

The protection of inheritances from waste and expropriation was a matter that monarchs could use to distinguish themselves as protectors of their subjects' property, and their commitment to lawful rule and established custom. This was a valuable tool for usurpers such as Henry IV and Henry VII who needed to cement the legitimacy of their rule in contrast to their predecessors.¹¹⁷ Upon the ascension of Henry VII, a petition was heard requesting that the son of the late Lord Thomas Roos, exiled by Edward IV for his Lancastrian allegiances, be restored to his estates, all of which had been wasted by other tenants in the meantime. Compensation for the waste and selling of assets was also requested, to be taken from all previous occupiers and other persons responsible. The requests were granted under the condition that Lord Thomas's widow was not deprived of anything granted to her during the reign of Edward.¹¹⁸ Complaints to the crown about the opportunistic waste of rightful inheritances during times of political strife served not only the interest of the complainant in question, but also the king himself as it enabled him to demonstrate commitment to the principles of equity and fair-dealing mentioned previously. In the parliament of 1402, a private petition on behalf of Sir John Holt and Sir William de Burgh complained that, while both men had had their lands restored to them in the previous parliament, those to whom their lands have been granted to by Richard II had 'made terrible waste and destruction on them' ('tres horribles wast et

¹¹⁷ Powell, 'Law and justice', pp. 29-30.

¹¹⁸ R. Horrox (ed. and trans.), 'Henry VII: Parliament of November 1485, text and translation', item 39. *PROME*.

destruction’).¹¹⁹ The king responded by asking his council to assess the value of the waste committed, and afterwards, ‘having taken into account how much has been taken and removed from them, and the waste made on them in the meantime, let the same council have the power, by the authority of parliament, to treat with them and make whatever agreement good faith and conscience demand.’ In wording that perhaps implies that the entire amount may not be paid, it is requested that Holt and de Burgh ‘allow reasonable compensation’ in this process.

By restoring lords to their family estates and seeing that they were compensated for waste made, Henry IV signalled a clear break with policies of the previous reign, both during Richard’s minority and during his personal rule. The parliaments of October 1382 and October 1383 each heard appeals complaining that the crown’s escheators were occupying, selling and distributing lands to those who had no claim to them, resulting in the lands’ being stripped and wasted by the time they had formally forfeited to the rightful landholder.¹²⁰ In the first case, it is recorded that the king wished to see the statute of 1362 upheld (stipulating that escheators found guilty be fined and imprisoned), but no concrete answer was provided. In the latter case the king’s initial reply, claiming that all disputed new patents concerning land and tenements would be paused for a month while investigations could be undertaken, was cancelled. The reason given is that ‘the lord king does not wish to affirm this answer, but indeed refuses it for the most part, saying, Let it be done as it was done before in the time of his noble progenitors the kings of England; and therefore it is

¹¹⁹ C. Given-Wilson (ed. and trans.), ‘Henry IV: Parliament of September 1402, text and translation’, item 25. *PROME*.

¹²⁰ C. Given-Wilson (ed. and trans.), ‘Richard II: Parliament of October 1382, text and translation’, item 47. *PROME*; C. Given-Wilson (ed. and trans.), ‘Richard II: Parliament of October 1383, text and translation’, item 41. *PROME*.

cancelled and annulled.’¹²¹ This confused response is perhaps indicative of Richard’s ‘intermittent’ involvement in government up until the end of 1383, and his reliance on counsellors that contemporary observers regarded as disreputable; regardless of whether this was the case, this and other similar incidents would, over time, lead to growing dissatisfaction from the nobility.¹²² Toward the end of Richard’s reign, expropriation of property and disinheritance became a common punishment for the king’s enemies, and this contributed to the high number of complaints regarding waste on the lands of exiles during the 1399 parliament.¹²³ The opening entry recorded on the roll, immediately above the entry quoted at the start of this section, is a transcription of the address given by the Archbishop of Canterbury. Poor governance (‘meschevouse governance’) is said to have brought ‘waste and destruction’ (‘wast et destruccioun’) upon the whole realm.¹²⁴ Each individual complaint over waste caused by others could be characterised not as merely of interest to the parties directly involved in each dispute, but as a matter in which royal government itself is acknowledged as bearing responsibility for the flaunting of property rights and the rule of law. Respect for the rule of law was considered ‘a yardstick for the conduct of both subjects and the king himself’, and in the case of the king this was particularly important with regards to the property of the nobility and church.¹²⁵ By contrast, a tyrant was characterised as one who ruled according to his own will without respect for the law.¹²⁶ This has special pertinence to the relationship

¹²¹ Given-Wilson, ‘Richard II: Parliament of October 1382, text and translation’, item 41.

¹²² N. Saul, *Richard II* (New Haven CT and London, 1997), pp. 84-5.

¹²³ Saul, *Richard II*, pp. 323-5, 337-8.

¹²⁴ C. Given-Wilson (ed. and trans.), ‘Henry IV: Parliament of January 1410, text and translation’, item 1. *PROME*.

¹²⁵ C. Carpenter, ‘Law, Justice and Landowners in Late Medieval England’, *Law and History Review*, 1/2 (1983), pp. 205-37 (p. 210).

¹²⁶ Powell, ‘Law and justice’, p. 30.

between the crown, property and waste, as later medieval ideals of kingship separated the person of the king (*rex*) from the rule of the king (*regnum*). Angevin kings regarded the king and crown as one and the same, putting all property in England within this extra-legal model of dominion.¹²⁷ With the signing of Magna Carta and development of common law, the idea that a monarch could sell or waste property with impunity, or allow others to do the same, became synonymous with unlawful and arbitrary rule. To the crown, matters of waste were almost always matters of property and property rights. Petitions to the crown which drew on ideas of waste were appealing to a customary expectation that the king adjudicate fairly in matters of property and inheritance.

The use and misuse of religious wealth: waste, the church and the state

Attached to the roll of the parliament of 1410 was a rejected piece of proposed legislation, submitted by petition to parliament, and calling for the king to seize large quantities of church wealth, land and property. Known among historians as the *Lollard Disendowment Bill*, this radical anticlerical text argued that the prelates of the church were using these resources wastefully, and that instead the income could be invested in the creation of new knights, in aid to the poor, in more parish priests, and other causes pertaining to the prosperity and defence of the realm:

To the most excellent and dread lord the king and to all the noble lords of this present parliament, humbly declare all the faithful commons, saying truly that our liege lord the king may have, from the temporalities occupied

¹²⁷ R. Turner, 'King John's concept of royal authority', *History of Political Thought*, 17/2 (1996), 157-78 (pp. 162-4).

and proudly wasted by bishops, abbots and priors within the realm, fifteen earls and 1,500 knights, 6,200 esquires, and a hundred almshouses [...] And in addition, when this has been done, our lord the king may have £20,000 and more clear for his treasure for the defence of the realm each year, as can faithfully be shown [...] In addition, a further £100,000 from more temporalities wasted and occupied by worldly clerks may be got, with which to support 10,500 priests and clerks, with each clerk receiving forty shillings a year, as well as the above-mentioned 6,200 esquires [...] And still there can be a hundred almshouses with a hundred marks of land for each house in order to feed all the needful poor men, at no cost to the towns, but solely from the temporalities amortised and wasted by proud and worldly clerks [...]¹²⁸

It is not known for sure that the bill was indeed presented and heard at this specific parliament, but copies of the text enjoyed a wide circulation, with chroniclers attesting to obtaining copies circulated in London and other copies being owned by the Oldcastle rebels.¹²⁹ This text must be considered within the context of longstanding disputes over the rights of the crown regarding church property during the later fourteenth and early fifteenth centuries. Church property was widely considered to occupy a separate category to secular property, and as mentioned previously, the *privilegium canonis* provided legal protection to the clergy from secular seizures of their goods and land. However, the crown could and did find ways around

¹²⁸ C. Given-Wilson (ed. and trans.), 'Henry IV: Parliament of January 1410, appendix', item 1. *PROME*.

¹²⁹ Scase, *Literature and complaint*, pp. 99-101.

this, as did individuals who also sought to benefit from the seizing of clerical property.¹³⁰ The term *waste* was at times used in supplications to the crown in order to stress that religious wealth and property was being misused, and that this was of detriment to the crown and to the realm. Controversies over clerical wealth and calls for disendowment had appeared periodically during the previous century. A petition for clerical disendowment had been submitted to parliament in 1382.¹³¹ Meanwhile, disputes over the mendicant orders' rights regarding wealth and property ownership had taken place close to the same time.¹³² What distinguishes the *Lollard Disendowment Bill* is how far its measures go and its association with the push for religious reform that had been gaining popularity over the past decades. Although the author of the bill is unknown, the calls for clerical disendowment were shared by followers of John Wyclif, who at this point had not yet been posthumously declared a heretic and his movement subjugated.¹³³ Lollardy as a movement contained within it a

¹³⁰ For example, pressing military need was sometimes used by the crown to compel loans from or impose emergency taxes upon the church: R. Cox, 'The Hundred Years War and the Church', in A. Curry (ed.), *The Hundred Years War revisited* (London, 2019), pp. 85-110 (pp. 88-9).

¹³¹ G. Dodd, 'The rise of English, the decline of French: supplications to the English crown, c. 1420-1450', *Speculum*, 86/1 (2011), pp. 117-50 (p. 146).

¹³² A brief summary of notable anti-fraternal writings of late fourteenth-century England can be found in R. Rayborn, *Against the friars: antifraternalism in medieval France and England* (Jefferson NC, 2014), pp. 117-61. For more detailed studies of key European anti-Franciscan writers and their works, and the intellectual traditions that influenced them, see: P. R. Szittya, *The antifraternal tradition in medieval literature* (Princeton NJ, 1986), and W. Scase, *Piers Plowman and the New Anticlericalism* (Cambridge and New York, 1989). An overview of the theological and political debates regarding fraternal property rights, and in particular the 'paradox', of reconciling evangelical poverty with papal privileges, is provided by J. Canning, 'The paradox of Franciscan use of canon law in fourteenth-century poverty disputes' in M. Robson and P. Zutshi (eds), *The Franciscan Order in the medieval English province and beyond* (Amsterdam, 2018), pp. 255-70.

¹³³ The degree to which lollardy can be considered a coherent movement, and its relationship to other forms of anticlericalism and protest present at the same time, has been the subject of vigorous historical debate. Anne Hudson argued that no meaningful distinction existed between academic Wyclifism and the beliefs of lollard communities A. Hudson, *The premature reformation: Wycliffite texts and lollard history* (Oxford and New York, 1988). This view was challenged by Richard Davies and Jeremy Catto in the early 90s, and then later by Andrew Cole in 2008 (*Literature and heresy*), each of whom stressed the diversity of beliefs among those accused and drew a firm distinction between the blurry semiotics of lollardy and the 'specific intellectual and religious claims' of Wycliffism and other anticlerical movements. For a summary of these debates, see: J. P. Hornbeck II, 'Introduction: the study

proportionally high number of followers who were involved in the writing and presenting of petitions – clerks, lawyers, urban burgesses and citizens, gentry, among others – and this familiarity with the process is evident in the tactics employed by the bill to appeal to the crown’s interests.¹³⁴ One such example is that of Richard Osborn, chamber clerk to the chamberlain of the city of London. Osborn worked as a scribe for parliamentary petitions and during his career copied out several literary texts, including the anticlerical satire *Epistola Luciferi*.¹³⁵ In 1525, he petitioned for those who had been imprisoned for long periods for treason, felony and lollardy without trials be granted them. The fact that the *Lollard Disendowment Bill* was carefully arranged and worded to emphasise the potential financial benefits to the king and the realm, including the naming of specific sums and references to these sums in ecclesiastical sources, as well as references to earlier legislation such as the 1388 Statute of Labourers, shows the degree to which this was a sophisticated effort by people well-versed in the language and history of state power.

When waste is discussed in lollard writings, it is invariably tied to matters of the proper or improper use of wealth and property, particularly by the clergy. A large proportion of the uses of *waste* in the sense of squandering or needless excess that Harris encountered in the course of her research were found in Wycliffite texts, and invariably involve clerics.¹³⁶ Wycliffite complaints of clerical waste often focus on the fact that their wealth comes from tithes, and that by spending it on luxuries they

of lollardy’, in J. P. Hornbeck II, M. Bose and F. Somerset (eds), *A companion to lollardy: Brill’s companions to the Christian tradition*, 67 (Leiden and Boston MA, 2016), pp. 1-23 (pp. 16-17).

¹³⁴ Hudson, *The premature reformation*, pp. 114-15.

¹³⁵ H. Killick, ‘Treason, felony and lollardy: a common petition in the hand of Richard Osborn, clerk of the chamber of the Guildhall, 1400–c.1437’, *Historical Research*, 89/244 (2016), pp. 227-45.

¹³⁶ Harris, *The meanings of waste*, pp. 119, 151-3.

deprive the poor of the means of their own maintenance.¹³⁷ Wyclif accused monks and friars of misleading their noble patrons, claiming that they ‘waste þer bodies and þer moneie.’¹³⁸ In a sermon on the theme of charity and its lack thereof in the papacy, one mark of an uncharitable man is that he ‘wastip his kyndely goodis’, a charge he levels at the Vatican.¹³⁹ These are examples of the poetic and penitential forms of waste as described by Johnson, with the energy of the soul being used up or spoiled alongside material resources.¹⁴⁰ Rather than simply criticising the behaviour of clerics and the church as an institution, Wyclif proposed a new theory of property ownership where dominion was only legitimate if it was based on grace, advocating that monarchs should take control of the church’s worldly goods in order to prevent both the misuse of those goods and the corruption of the church.¹⁴¹ Lollard theology regarded the squandering of ‘spiritual goods’ – one’s virtues and soul – and the squandering of worldly goods to be akin to one another, and their ideas regarding property rights was underpinned by this connection. The disendowment bill was one significant example where this theoretical framework became an actively political one.

Lollard calls for clerical disendowment are not the only examples where the term *waste* is used to argue for or against the rights of religious institutions with regard to their wealth. The attitude of royal government toward religious houses run by non-resident orders and clergy was often determined by the needs of state finance. In 1295, Edward I had seized all property held by foreign ecclesiastics to pay for his wars, coining the term ‘alien priories’ in the process and establishing the administrative

¹³⁷ Harris, *The meanings of waste*, pp. 154-5.

¹³⁸ John Wyclif, ‘Sermon CXXXI’, in *Select English works of John Wyclif. Vol. 2. Sermons on the ferial Gospels and Sunday epistles, treatises*, ed. T. Arnold (Oxford, 1869-71), pp. 15-16.

¹³⁹ John Wyclif, ‘Sermon XXXI’, in *Select English works of John Wyclif. Vol. 2*, p. 319.

¹⁴⁰ As discussed in the introduction to this thesis.

¹⁴¹ S. E. Lahey, *John Wyclif (Great medieval thinkers)* (Oxford and New York, 2009), pp. 206-20.

procedures that future governments would follow.¹⁴² The issue of foreign ‘alien’ religious houses was just one of many points of disagreement between the crown and the papacy in later medieval England, with disputes over taxation and the status of the friars minor being two of the most significant.¹⁴³ These examples are useful for showing how changing political circumstances enabled different groups to make use of the term *waste* at different times for the purposes of utilising the crown’s authority. In 1340 it was ordered that an inquiry be made regarding the ‘waste, destruction, sale and dilapidation’ (‘wast, destruccion, vente et dilapidacion’) made upon the property of alien religious houses that were then in the hands of the king (‘esteantz en la meyn nostre seignur le roi’).¹⁴⁴ This is said to have caused a ‘loss of alms which were established there for the souls of the progenitors of our lord the king and of their founders’, and it is stated that the king wished to maintain and protect (‘meyntenir et garder’) these properties. This was consistent with the approach of Edward III’s early reign which had seen him restore numerous religious houses, which had previously been seized by his father and grandfather, to their original owners. However, tensions between the crown and the papacy alongside the mounting costs of the Hundred Years War had led to the crown more frequently expropriating the wealth of these institutions for its own use, along with other sources of ecclesiastical income, and

¹⁴² A. McHardy, ‘The effects of war on the church: the case of the alien priories in the fourteenth century’, in M. Jones & M. G. A. Vale (eds), *England and her neighbours, 1066-1453: Essays in honour of Pierre Chaplais* (London and Ronceverte WV, 1989), pp. 278-9. The term ‘alien priories’ is a problematic one given that it was rarely used by contemporaries and that in practice, the distinction between these so-called ‘alien’ institutions and other monastic houses, which too maintained strong connections with chapters on the continent, were not sharply defined: E. Dachowski, ‘How Alien were the Alien Priories of Yorkshire?’, in E. A. Foster, J. Perratore, and S. Rozenski (eds), *Devotional Interaction in Medieval England and its Afterlives. Art and Material Culture in Medieval and Renaissance Europe*, 12 (Leiden and Boston, 2018), pp. 268-82.

¹⁴³ M. Aston, *Faith and fire: popular and unpopular religion, 1350-1600* (London and Rio Grande, 1993), pp. 103-6.

¹⁴⁴ W. M. Ormrod (ed. and trans.), ‘Edward III: Parliament of January 1340, text and translation’, item 44. *PROME*.

while the earlier seizures were temporary, from the mid-fourteenth century alien priories were seized permanently and leased out to laymen.¹⁴⁵ In 1376 a commons petition was submitted in opposition to foreign religious orders' holding of benefices within England. According to the petition, these institutions 'make no hospitality or residence, but destroy and waste the houses of the said benefices' ('mes les maisons des ditz benefices destruent et degastont').¹⁴⁶ This is one of several commons petitions within the same parliament calling for limits to the rights of the church and the papacy to bestow and hold church property in England, and for greater rights for the crown to claim that property. Parliament, then under the *de facto* stewardship of John of Gaunt, proceeded to debate a bill that accused the papacy of corruption and called for numerous church taxes and privileges to be abolished, but this did not pass into law. This petition and the bill that accompanied it drew upon recent legal precedent, namely the 1350-51 Statute of Provisors (which limited the pope's ability to appoint bishops and to appoint alien religious houses to English benefices) and the 1353 Statute of Praemunire (which prohibited ecclesiastical taxes from being taken outside the realm).¹⁴⁷ Just as that of Edward III had done, royal government during the reign of Richard II would differ at various points on the matter of whether it was acceptable to plunder alien priories or to allow them to use their resources as they wished. In 1378 the western Great Schism led to rival papacies in Avignon and Rome, and with the Avignon Papacy under the protection of Charles V of France, non-resident priories with French mother houses became subject to political pressure: accused of potentially being spies and financial supporters of England's enemies, alien

¹⁴⁵ P. Heath, *Church and realm, 1272–1461: conflict and collaboration in an age of crises* (London, 1988), pp. 112-13.

¹⁴⁶ W. M. Ormrod, 'Edward III: Parliament of April 1376, text and translation', item 90. *PROME*.

¹⁴⁷ *Statutes of the Realm*, I, pp. 316-18, 331.

monks were expelled from the country and alien priories seized.¹⁴⁸ The parliament of November 1390 however confirmed the rights of previous owners to regain their priories. Despite this, several priors petitioned the king in January 1393 complaining that laymen continued to oust them from their priories and farms, carrying off and wasting their chattels, showing that even in times of relative toleration, hostility and opportunism would often rear their heads.¹⁴⁹ Unlike in the case of inheritance rights, the crown's policies toward these institutions seem to have been highly dependent on present economic and military concerns. Accusations that the priories were committing waste by sending resources out of the kingdom would often be met with support by the crown at times when royal government was facing mounting financial pressures. When the needs of state finance were less severe, the crown would be more receptive to priories who accused others of committing waste by seizing their goods.

As mentioned, the seizures were also justified on the grounds that these priories were potentially aiding England's enemies. Even prior to the Great Schism, these institutions were periodically painted in this way by opponents and opportunists due

¹⁴⁸ Cox, 'The Hundred Years War and the Church', pp. 89-90, 93. Alison McHardy nuances the role played by the Schism itself and by the anti-alien sentiment present in parliament in her assessment of the long-term trends that led to the 1378 expulsions: 'It would seem, therefore, that the initial impact of the anti-alien petition upon the personnel of the keepers of alien priories was slight. The long-term effects of preventing recruitment of religious from France were more serious, and in the eighties and nineties of the century custody of priories tended to pass from the hands of priors. This happened for a variety of reasons, one being that an increasing number of priories became vacant—there were said to be thirty vacant by the end of the century... That the immediate impact of the expulsion order on the priors' hold of keeperships was slight need not surprise us, for the crown had no quarrel with the priors as a body. Provided that the money for the farms was forwarded regularly to the exchequer it mattered little who held the custody of the houses. The case of foreign monks, as distinct from priors, was different. While they remained in the houses provision had to be made for their maintenance, as commissions to outside farmers make clear, and this diverted valuable revenue from the exchequer. If, however, the monks should die or go overseas, the money formerly assigned for their keep was added to the farm.' A. McHardy, 'The alien priories and the expulsion of aliens from England in 1378', *Studies in Church History*, 12 (1975), pp. 133-41 (pp. 138-9).

¹⁴⁹ R. Horrox, 'Richard II: Parliament of January 1390, text and translation', item 7. *PROME*.

to the Pope's residency in Avignon from 1309 to 1376, and until the end of the Schism in 1417-18, priories with French mother houses were consistently vulnerable to these allegations. In October of 1346 the earl of Surrey was ordered by the chancery to take custody of the priory of Lewes, which was under his patronage, due to the king's being concerned that the goods of the priory were being wasted and squandered due to the prior sending them to France.¹⁵⁰ Another petition pertaining to alien priories from that same parliament accuses 'French monks' of doing exactly this, not only 'suffering their houses to decay' ('soeffront leur maisons deschaer') and 'wasting the goods of their houses' ('degastont lez biens de leur maisons'), but ensuring that said goods are 'carried away to the use of enemies' ('lez biens emportez a lez oeps des enemys.').¹⁵¹ The use of 'destroy and waste' in the 1376 example also reinforces this link between depletion of resources by illegitimate removal and the violent seizing of resources in warfare. The charge was that English wealth and property was, in effect, being seized by a foreign enemy and used to support its own efforts in opposition to the interests of England itself. The association with the papacy's assertion of its self-proclaimed rights of appropriation and the spoils or plunder of warfare can be found elsewhere in the concept of *spolia* that appears in fourteenth-century records. In a manner akin to the king of England's right to collect the year, day and waste, the Avignon popes too claimed the right to claim the goods of deceased clerics. *Spolia* comes from the Latin noun *spolium* ('fleece' or 'animal hide') and the verb *spoliare* ('to strip'). It is also the source of the English term 'spoils of war'. In the later fifteenth century this papal

¹⁵⁰ CCR, 1346-1349, p. 116.

¹⁵¹ 'Edward III: Parliament of April 1376, text and translation', item 90.

privilege became known as the 'right of spoil'.¹⁵² Like the right to waste, the right of spoil bore considerable linguistic similarities with Old French terminology used to describe the booty claimed by armies in warfare. These examples show how different definitions of terms that pertained both to warfare and to rights over income and property – *waste*, *spoils* – often overlapped with one another, and this could be exploited for political purposes when circumstances caused their distinctions to blur. They also show how the politics of waste overlapped with international politics, as tensions with the papacy and with France placed alien priories in a vulnerable position with regard to crown finance.

This context helps to shed light on why the Lollard Disendowment Bill is particularly concerned with the 'defence of the realm' as a key justification for the appropriation of ecclesiastical wealth. Several legal theorists of the later thirteenth and early fourteenth centuries had argued in favour of the rights of the king to impose taxes on church property within his own borders, notable examples being Walter of Milemete, William of Ockham and John of Paris. And yet the safety and security of the realm was similarly used by enemies of the lollards as justification for the crown to appropriate their goods and property. While the bill had been revived at the parliament of 1414 when it was presented for a second time, the church and its allies in opposition to the Wycliffites offered increased financial support to King Henry IV's military campaigns in order to dissuade him or the secular lords from supporting it.¹⁵³ In the first half of that decade, and bolstered by the failed revolt of lollard sympathiser John Oldcastle in 1414, the orthodox faction increasingly reiterated a line of argument formulated after

¹⁵² D. Williman, 'The right of spoil of the popes of Avignon, 1316-1415', *Transactions of the American Philosophical Society*, 78/6 (1988), pp. 1-269 (p. 1).

¹⁵³ Hudson, *The premature reformation*, p. 115.

the 1381 Peasants Revolt: that lollardy was not only heretical but also treasonous, as it promoted secular disorder by means of religious agitation.¹⁵⁴ Following Oldcastle's rebellion, legislation was introduced that treated heresy as a felony, allowing the king to take a year and a day's profits from heretics' property before the property was returned to the liege lord.¹⁵⁵ What all of this shows is that the discourse surrounding waste could quickly become weaponised against those who had recently sought to weaponise it themselves, especially when dealing with an institution that reserved the right to claim the goods of those deemed an enemy, foreign and domestic. Just as was the case with alien priories, as the political situation at home and abroad shifted, so did the crown's priorities.

This conflict between the proponents and opponents of clerical disendowment was a matter of two opposing factions seeking to exploit the crown's need for wealth and its authority to commit legitimate waste against felons and enemies. Wyclif and his followers had appealed to the crown's military ambition and financial needs; their opponents appealed also to these needs, and additionally to the potential damage to societal cohesion, a pertinent issue given recent revolts and the factional struggles of Richard II's reign, in order to turn the crown's attention to the wealth of religious dissidents rather than that of the church.¹⁵⁶ In each case, and in the other texts discussed in this section, the participants rely on appeals to a present state of crisis or injustice to the detriment of the interests of the crown: endangerment of the king's and his progenitors' souls due to the wasted priories being unable to carry out their

¹⁵⁴ P. R. Cavill, 'Heresy, law and the state: Forfeiture in late medieval and early modern England', *The English Historical Review*, 129/537 (2014), pp. 270-95 (pp. 272-5).

¹⁵⁵ *Statutes of the Realm*, II, pp. 181-2; Cavill, 'Heresy, Law and the State', pp. 277-8.

¹⁵⁶ Hudson, *The premature reformation*, p. 363.

charitable duties; the moving of wealth from England and into the hands of its enemies; the need to maintain a supply of both fighting men and Christian charitable provision for the needy; and the need to prevent disorder at home while also looking after interests abroad. The references to various interconnected constructions of waste within these petitions, as well as the requests that the crown use their rights to commit 'legitimate' waste, helped to rally those assembled in parliament behind causes that the complainants hoped to advertise as to the interests of the king and the realm as well as their own. When these causes coincided with the needs of royal government, they could often be successful.

The use and misuse of agricultural infrastructure: the Act Against the Pulling

Down of Towns

In the parliament of January 1489 a bill was passed that sought to arrest the increasing frequency by which landholders, farmers and tenants caused or allowed disused buildings to fall down, and the land be converted from arable to pasture. This act was the first of several during the early Tudor period which attempted to arrest this trend, with future legislation increasingly focusing on urban rather than rural contexts.¹⁵⁷ As a result, the impact (or lack thereof) of this legislation and the wider political developments of the time lie too far beyond the scope of this study to focus on it in detail. It is worth briefly showing how the wording of this act reflects many of the common tropes and rhetorical strategies employed when constructions of waste were

¹⁵⁷ R. Tittler, 'For the "Re-Edification of Townes": the rebuilding statutes of Henry VIII', *Albion: A Quarterly Journal Concerned with British Studies*, 22/4 (1990), pp. 591-605 (pp. 593-94).

used to persuade the crown to serve the economic interests of some parties over others. The text of this legislation reads as follows:

The kyng our sovereign lord, havynge a singuler plesure above all thinges to avoide such enormitees and myschefs as be hurtfull and prejudiciall to the comen wele of this his londe and his subgettis of the same, remembreth that amonge all othre thinges great inconvenyences daily doth encrease by desolacion and pulling down and wilfull waste of houses and townes within this his realme, and leyng to pasture londes whiche custumeably have ben used in tilthe, wherby ydilnes, grounde and begynnyng of all myschefes, daily doo increace, for where in somme townes two hundred persones were occupied and lived by their lauffull labours, nowe ben there occupied two or three herdemen and the residue fall in ydelnes, the husbandrie whiche is one of the grettest commodities of this realme is gretly decaied, churches destroyed, the service of God withdrawen, the bodies there buried not praied for, the patrone and curates wronged, the defence of this land ageyn our enemyes outward febled and impaired, to the great displesure of God, to the subvercion of the polecy and gode rule of this lond, and remedy be not hastely therfor purveied [...]¹⁵⁸

The act then goes on to specify that any houses with at least twenty acres of arable land accompanying them, from those let or bought in the past three years onwards, must be maintained by the tenant or owner, for the purpose of 'mayntenyng and

¹⁵⁸ *Statutes of the Realm*, II, p. 542.

upholding of the seid tillage and husbandrie.' Should they fail in this regard then either their liege lord or the king himself was entitled to take half of all profits from that land. This act was intended to combat the growing levels of engrossing and enclosing land for private use, particularly common and waste land, and usually to convert it to pasture. Population decline during the fifteenth century had reduced the demand for arable land and this led to ever more financial incentive to create enclosed pasture lands to profit from the burgeoning cloth industry.¹⁵⁹ It had also accelerated the process of wealthier peasant families engrossing their holdings piecemeal, pushing other families into poverty and forcing them to migrate.¹⁶⁰ All of this led to growing unemployment of agricultural labourers, fewer holdings to provide rent, and the gradual desertion of entire villages, all of which cut into the revenues of both the crown and the nobility.¹⁶¹ The shrinking and abandonment of villages increased the amount of vagabondage and mobile labour, both of which the crown

¹⁵⁹ Though the bulk of scholarship on matters of enclosure pertains to the sixteenth century through to the parliamentary enclosure acts, late medieval enclosure has received considerable attention. Enclosure as a topic played a key role in discussions about the transition from feudalism to capitalism, such as in the Brenner debate of the late 1970s and 1980s. The degree to which enclosure caused as much discontent as contemporary accounts claimed has also been subjected to considerable discussion. Thirsk argued that while most pre-Tudor enclosure did not produce significant social discontent, it was responsible for the depopulation of villages and loss of some communities by the beginning of the Tudor period, and was a source of conflict within villages if too much common was lost: J. Thirsk, *The agrarian history of England and Wales*, IV: 1500-1640 (Cambridge, 1967), pp. 200-8. Dahlman took the view that enclosure happened on a more ad-hoc basis and that the open field system was more durable, with periods of rapid conversion occurring during moments of economic instability: C. J. Dahlman, *The open field system and beyond: A property rights analysis of an economic institution* (2nd edn, Cambridge, 2008). Enclosure also affected different regions very differently. In critiquing Brenner's view, Hopcroft points out that 'enclosure occurred with little complaint' in the east and south-west where the open field system was more irregular, while causing 'great social distress' in the midlands: R. L. Hopcroft, 'The social origins of agrarian change in late medieval England', *American Journal of Sociology*, 99/6 (1994), pp. 1559-95.

¹⁶⁰ Faith's study of later medieval Berkshire provides an illustrative example of this, especially as it also shows how engrossing and enclosing were carried out at very different levels across the country. In Berkshire, engrossing by wealthy tenants was widespread but enclosure caused little disruption to village life: R. Faith, 'Berkshire: fourteenth and fifteenth centuries', in P. D. A. Harvey (ed.), *The peasant land market in medieval England* (Oxford and New York, 1984), pp. 107-77.

¹⁶¹ M. Reed, 'Enclosure in north Buckinghamshire, 1500-1750', *The Agricultural History Review*, 32/2 (1984), pp. 133-44 (p. 133).

had been trying and failing to crack down on since the middle of the fourteenth century. Opposition to enclosure and engrossing cut across social groups and took many different forms. York and Coventry saw five and four anti-enclosure riots apiece in the last two decades of the fifteenth century, with fences and hedges torn down by large crowds.¹⁶² Participants in enclosure riots spanned social classes, with not only peasants but wealthy tradesmen and merchants. One such example was the Coventry guildsman Laurence Saunders, whose imprisonment prompted numerous seditious pamphlets and petitions to the town government by citizens.¹⁶³ The chronicler John Rous meanwhile, having began his *Historia regum Angliae* as a dynastic history, is noted by Chris Given-Wilson to have devoted much of the latter half of this work to lambasting the enclosure of rural lands.¹⁶⁴ The *Act Against the Pulling Down of Towns* can be seen as a response of the crown and parliament to these wider conflicts.

As has been the case in many of the texts studied in this chapter, the wording of this legislation should be taken as a hyperbolic call to arms rather than an accurate depiction of events as they were unfolding throughout England, despite the very real societal problems that enclosure and population decline had brought about. This is not a matter of a few wasted houses requiring a suit at chancery or repayment of treble damages: this is an image of towns and farms reduced to wastelands, resulting in widespread disorder and poverty. References to the destruction of churches and displeasure of God meanwhile drive home the point that this is not merely a matter of socioeconomic decline but also a spiritual one as well. The references to 'idleness',

¹⁶² C. D. Liddy, 'Urban enclosure riots: risings of the commons in English towns, 1480-1525', *Past & Present*, 226 (2017), pp. 41-77 (p. 41).

¹⁶³ Scase, *Literature and complaint*, p. 142.

¹⁶⁴ C. Given-Wilson, *Chronicles: the writing of history in medieval England* (London and New York, 2004), pp. 134-5.

‘mischief’ and ‘subversion’ are reminiscent of the labour legislation and sumptuary laws that were passed in the wake of the Black Death, which characterised the newly emboldened and mobile labour force as a threat to the feudal social order.¹⁶⁵ Legislation passed at that time was similarly hyperbolic about the dangers posed by higher-paid, transient workers. The 1351 Statute of Labourers claimed that the rise in real wages was to the ‘great damage of the great men, and impoverishing of all the said commonalty [*communalte*].¹⁶⁶ Of course, few magnates could be said to have been ruined by labour shortages and higher wages, and many of the commons benefitted from these changes. As was the case with burgesses claiming their towns to be too badly wasted to pay fee farms, the language was far more rhetorical than reflective of reality. This language, like that of the 1489 legislation, served to legitimise and shore up support for the measures proposed. This appeal to the common good or common wealth, emphasising the possible unrest that could ensue as a result of enclosure and the desolation of towns, effectively called for the crown to put its interests over the interests of the local landowners.¹⁶⁷

The phrase ‘common weal’ is also worth commenting on in how it pertains to this concept of waste. The fifteenth century saw the language of petitions and legislation increasingly appeal to this notion at the expense of older ideas of ‘common profit’ based on mutual benefit between individual parties, as well as greater emphasis on

¹⁶⁵ As was the case with the Ordinance and Statute of Labourers, the 1489 Act was ineffective at stemming the tide of societal change. The *Domesday of Inclosures* commissioned by Wolsey in the second decade of the sixteenth century reported widespread instances of wasted holdings and conversions of arable land to enclosed pasture: I. S. Leadam, ‘Introduction’, in *The domesday of inclosures, 1517-1518; being the extant returns to Chancery for Berks, Bucks, Cheshire, Essex, Leicestershire, Lincolnshire, Northants, Oxon, and Warwickshire by the Commissioners of inclosures in 1517 and for Bedfordshire in 1518; together with Dugdale's ms. notes of the Warwickshire inquisitions in 1517, 1518, and 1549*, ed. and trans. I. S. Leadam (London and New York, 1897), pp. 8-9.

¹⁶⁶ *Statutes of the Realm*, I, p. 311.

¹⁶⁷ J. Hole, *Economic ethics in late medieval England, 1300-1500* (Basingstoke, 2016), p. 134.

the honour and benefit to the king and his kingdom over the economic health of the realm.¹⁶⁸ Previously the term waste in the records of state tended to be applied to situations where one party had depreciated the value of another's property. Even in the case of the *Lollard Disendowment Bill* there is a distinct culprit (worldly clerics) wasting property, the fruits of which could be put to better use on behalf of another party (the crown). Yet in the *Act Against the Pulling Down of Towns* we see *waste* used in a much more general sense to describe potential damages to the realm itself. While conceptions of waste itself may not have changed per se, different meanings and associations seem at this point to have been crossing more freely between different textual genres. This more abstract and generalised use of waste used in the *Act Against the Pulling Down of Towns* had until this point been far more common in literary works that drew upon the association of waste with barrenness, widespread devastation, and lack of moral and spiritual worth. The final chapter of this thesis will examine this concept of waste, among others, as it appears in late medieval English chronicles. Despite differences in purpose and intended audience, these texts share with the aforementioned legislation and petitions the same ways of thinking about waste, and similar ways of putting them to political use.

¹⁶⁸ K. Robertson, *The laborer's two bodies: labor and the "work" of the text in medieval Britain, 1350-1500* (Basingstoke and New York, 2006), pp. 112-5; Ormrod, "'Common profit" and "the profit of king and kingdom"', pp. 224-5, 245-51. Ironically, the phrase 'common weal' was at times used by the enclosers to justify their actions on grounds of economic necessity and the protection of private property rights: Liddy, 'Urban enclosure riots', pp. 62-3.

2.5 Conclusion

This chapter has highlighted several key aspects of the relationship between discourses of waste and the institution of the crown. First, there was clearly an important distinction between waste that is committed by and on behalf of kings and that which is committed by lords and by peasants. A king was entitled to commit waste in specific circumstances: at war, when the devastation was not done to his subjects' property; and when claiming the property of those who had wronged him or broken his peace. The previous chapter discussed how a peasant who committed waste on his lord's manor was liable for the damage to that lord's estate. However, lords too were considered liable for wasting property that would later pass on to their heirs. The integrity of the inheritance applied in both instances and so waste was therefore an offence before the law in each. This applied even as later medieval ideas regarding property increasingly afforded lords a level of *dominion* themselves, as shown in Henry VII's interference in the Beaumont case. We can think of this distinction as one of 'legitimate' versus 'illegitimate' waste, the latter being the target of censure or protest, and the former being something that the king held the right to commit, and to bestow upon others. This distinction becomes blurred when we consider waste committed by those acting on behalf of the crown, such as soldiers and purveyors. In these cases, these actions are never explicitly condoned by royal government, but although such instances of waste were the subject of much criticism, the crown was often reluctant to act on these criticisms. The role of the crown in ensuring that the peace was kept and that property rights were respected was by no

means purely theoretical, but the need to finance military campaigns and the various crises experienced by fourteenth and fifteenth-century societies (famine, plague, cooling weather and religious dissent) could often lead to a case of one duty being superseded by another.

Second, we can identify certain factors that determined how the crown responded to complaints of waste at various points. At times when revenues were limited by war and by plague mortality, requests for aid in the form of repairs to infrastructure or renewed law and order would regularly go unheard, and yet in cases of the latter there would sometimes be some measures taken to ensure that culprits would be punished so that the crown could claim the profits from their attain, including those that resulted from the waste of felons' lands. When it came to alien priories and other sources of clerical wealth, the approach was often dependent on the military and foreign policy situation at the time, weighed against the potential dangers of fomenting religious conflict domestically or with Rome. The crown would use military and financial emergency as a pretext to seize clerical wealth when the needs of wartime finance were great, and in these moments we see the concept of waste being used to justify the claiming of resources ostensibly for the good of the realm. At the same time, the issue of inheritance rights seems to have elicited a more constant response by parliament in favour of imposing stiff penalties on any waste made on the lands of an underage or infirm ward. This is probably because this was a matter for which the importance was felt throughout lay society. Given how much the social order rested upon these rights being respected, it was important for royal government to uphold them, or at least be seen to be doing so.

Overall, waste mattered to the crown when it concerned questions and struggles over property, property rights, and incomes. Principles of fair-dealing and compensation for wronged parties, of liberality toward loyal subjects and institutions, of the monarch's duty to protect its subjects' property, and of longstanding theories of property law dating back to the Roman period, all underpinned the crown's dealings with matters of waste. Other parties frequently appealed to these principles in order to obtain what they wanted from the crown, and when one principle was in conflict with another or if its application in a situation was ambiguous, it was not uncommon to see conflicting interests each using the language of waste in service of their interpretation. This is seen most clearly in disputes over clerical wealth. The king was expected to be a protector of the church, but at the same time a protector of the realm, leading to religious institutions and their enemies to accuse one another of wasting resources and property either by appropriation or misuse. When the lollards sought to challenge the church over the matter of clerical property, they used a modified theology of dominion that catered specifically to the interests of the crown, emphasising not only the benefits but also the moral imperative to ensure that material resources were not wasted and squandered. However, the idea of dominion based on grace was too radical to gain widespread acceptance among social elites, particularly during an era of increasing social unrest and dynastic conflict. Waste was a fluid concept with a multitude of meanings, and this is what made it a useful political tool in the vocabulary of complaint and criticism.

Finally, while most of the entries in the rolls pertain to specific cases, it is worth considering the few moments when waste is invoked to describe broader phenomena. In the opening of the first parliament following Richard II's deposition and in the

Lollard Disendowment Bill we find accusations that specific groups of people have committed waste on a more abstract and national scale. The rule of Richard II and his 'evil counsellors' is said to have brought about waste and ruin to the realm, while the disendowment bill accuses 'worldly' monks, priests and bishops of wasting their own temporalities and benefices by misusing their wealth and property. These uses of waste are more abstract than those found in petitions requesting financial compensation or relief, and are used generally as a means of political polemic. The final chapter of this thesis will explore cases where similarly abstract uses of waste are used in chronicle-writing to make broad points about the history of England, and to impart to readers of chronicles the importance of taking the right lessons – that is, those that would be favourable to the patrons and audiences of these texts – from the past.

Chapter 3: Waste and Historical Writing

3.1 Introduction

There has been to this date almost no detailed discussion of the role of waste in medieval English history writing, yet both waste land and the laying waste of lands and settlements play key roles at various moments in medieval histories of the British Isles. This chapter examines the depiction of waste in three chronicles from later medieval England: the early fourteenth-century *Chronicle of Pierre de Langtoft*, the mid-fourteenth-century *Story of England* by Robert Mannyng of Brunne, and the late fifteenth-century *Castelford's Chronicle*. It shall argue that waste in chronicles conveys didactic truths and dire warnings about the proper conduct of both kings and nations, while at the same time providing the readers of these chronicles with ways of understanding their own roles with regard to lordship and land management. This chapter is divided into two parts. The first is concerned with the devastation or laying waste of land and settlements as it appears in chronicles, and with the ways that the politics of waste interacted with the politics of kingship. It argues that it was acceptable for kings to cause waste and devastation, with the caveat that this could be the target of censure as well as praise. In this manner, chroniclers drew from past and present ideas about the proper conduct of kings with regard to waste, which were used to indirectly influence and critique the politics of their own era. This section also discusses instances where devastation is visited upon kings who failed to live up to the necessary standards of their role, and more generally upon peoples who became

dissolute and divided. The events depicted hereby served to reinforce contemporary understandings of how kings and polities should be judged. These histories were, therefore, engaging with questions and conflicts similar to those that motivated the petitions to the Crown and discussed in the previous chapter; where petitions appealed to royal government directly, chronicles did so in an exemplary manner. The second part discusses the portrayal of waste land as a site of productive potential which kings and lords were expected to settle and improve, in line with a Christian model of the development of civilisation. In turn, the reverse of this process – agricultural land becoming waste land and order giving way to disorder – represented a retreat of Christian civilisation. This reinforced seigneurial authority and the feudal system, emphasising the importance of the land being populated and exploited by peasants to the profit of their lords and kings. While seigneurial authority over waste land was enforced by the law and by manorial documents, in the chronicles covered in this section, a case can be made for the depiction of kings and conquests in the settlement process serving as a parallel for that of the feudal military elite.

The politics and purposes of medieval historical writing

Before addressing the role and functions of chronicles, it is worth briefly addressing medieval attitudes toward history itself. On the one hand, medieval chroniclers wrote within a Christian historical tradition that regarded history as a linear progression from Genesis to the Last Judgment.¹ This represented a departure from the Greco-Roman model of history as a series of cycles, with church fathers such as St Augustine of

¹ E. Breisach, *Historiography: ancient, medieval & modern* (2nd edn, Chicago and London, 1994), pp. 78-86

Hippo condemning the cyclical framework as incompatible with Christianity.² Although this Christian view of history followed a linear progression model, it was a far cry from modern notions of historical progress that characterised Whig history and its successors. Between Genesis and the end goal of salvation there was not an unbroken straight line, but a series of fragmented events both ill and good, of zeniths and nadirs in the status of Christian societies and of sociopolitical development.³ On the other hand, late medieval history-writing was also heavily influenced by translations of classical era texts and traditions. Virgil's *Aeneid* along with various later histories of the Trojan Wars, in particular *Daretis Phrygii de excidio Troiae historia*, a spurious eyewitness account of Troy's destruction, were read across medieval Europe and provided models by which chroniclers could construct the histories of their own people.⁴ It also gave rise to a Trojan foundation myth that can be found in histories from across Europe, including those of the Britons, in which a people's ancestry is traced back to Aeneas and the Trojans to enhance their prestige and claims in the present day.⁵ Virgilian influences can be found in pre-Conquest British history such as that of Gildas and of Nennius, as well as in the works of post-conquest chroniclers like William of Malmesbury and Geoffrey of Monmouth.⁶ From the twelfth century onwards, Greco-Roman texts received increasing engagement from medieval readers,

² St Augustine of Hippo, *The city of God against the pagans*, V.XII, trans. P. Levine (London and Cambridge MA, 1957), pp. 62-5.

³ A. Barua, 'Metaphors of temporality: revisiting the "Timeless Hinduism" versus "Historical Christianity" antithesis', *The Harvard Theological Review*, 104/2 (2011), 147-69 (pp. 154-5).

⁴ The *Excidio Troiae historia* was purportedly authored by the Trojan priest Dares Phrygius, mentioned in Homer's *Iliad* as living during Trojan Wars, but modern historians have rejected this origin. It was nevertheless one of the most popular classical histories in medieval Europe. For more details, see: F. Clark, *The first pagan historian: the fortunes of a fraud from antiquity to the Enlightenment* (Oxford and New York, 2020).

⁵ E. Reiner, 'Meanings of nationality in the medieval Alexander tradition', in M. Stock (ed.), *Alexander the Great in the Middle Ages: transcultural perspectives* (Toronto, Buffalo NY and London, 2016), pp. 30-50 (p. 35).

⁶ C. Baswell, *Virgil in medieval England: figuring the Aeneid from the twelfth century to Chaucer* (Cambridge, New York and Melbourne, 1995), pp. 36-40; Clark, *The first pagan historian*, pp. 93-102.

and many of these texts were translated, adapted, and amalgamated to suit medieval European tastes and interests. One particularly popular example of this was the twelfth-century Latin *Alexandreis* of Walter of Châtillon, a retelling of Alexander the Great's life and conquests which was translated into several languages and survives in two hundred manuscripts.⁷ This work helped to popularise medieval recreation of Greco-Roman epic poetry, and these tales of battles, conquests, and the rises and falls of rulers had considerable impact on the ways that medieval writers wrote about military and dynastic matters.⁸

Medieval chroniclers structured their national histories along similar lines to these classical exempla, with narratives that were partly cyclical and partly linear.⁹ The chronicles that are the focus of this chapter depict a linear progression from the genesis of the British nation through its rise and eventual fall, but with repeat short-term rise and fall patterns throughout. Frequently, the same narratives recur with different characters playing similar roles, with the repetition reinforcing the same themes and allowing the chronicler to make direct comparisons between distinct events and in the process use them to impart lessons to the reader.¹⁰ This influence of classical authors on medieval approaches to history can be found in the prologue to the late thirteenth or early fourteenth century romance *Kyng Alisaunder*: 'For Caton seiþ, þe gode techer, | Oþere mannes lijf is oure shewer' (17-8).¹¹ The earliest

⁷ D. Townsend, 'Introduction', in Walter of Châtillon, *The Alexandreis of Walter of Chatillon: a twelfth-century epic*, ed. D. Townsend (Philadelphia, 1996), p. xi.

⁸ Townsend, 'Introduction', xv-xvi. For a more detailed assessment of the impact of the *Alexandreis*, see: M. K. Lafferty, *Walter of Châtillon's Alexandreis. Epic and the problem of historical understanding* (Turnhout, 1998).

⁹ G. Spiegel, 'Structures of time in medieval historiography', *The Medieval History Journal*, 19/1 (2016), pp. 21-33 (pp. 25-6).

¹⁰ Spiegel, 'Structures of time', p. 27.

¹¹ *Kyng Alisaunder*, I, ed. G. V. Smithers (London, 1952), p. 3.

surviving example of a British chronicler who wrote history in this manner is the sixth-century monk Gildas, whose *De Excidio et Conquestu Britanniae* blamed the Britons' subjugation by the Romans on the former's disloyalty and cowardice in the face of adversity.¹² Each of the chronicles that are the focus of this chapter adopts similar approaches of ascribing historical fortunes and misfortunes to personal or collective moral and political conduct. In doing so, the writers and readers of these chronicles are provided with a framework not only for understanding their past, but which can be used to justify or critique the conduct of kings, lords, armies, and commons in their present.

Alongside this classical inheritance, these chroniclers' approaches to history-writing were also shaped by the Bible. Langtoft and Mannyng were members of religious orders, and it is possible (even probable) that the chronicler and scribes of *Castelford's Chronicle* were too. These men were intimately familiar with the Bible and with monastic literary works, and it is from these sources that they took their inspiration for their use of various conceptions of waste in the telling of history. While classical authors dismissed wastes, wildernesses, and other such uncultivated spaces as having value only to animals, the Judaeo-Christian tradition regarded them as sites of refuge, purification, spiritual testing, and the birth of nations, to which man's relationship is one of endurance or transformation (both of the wild spaces and of the souls who cultivate them), rather than simply fear.¹³ The attitudes of these chroniclers toward waste lands, deserts, and other such 'wild' spaces can be summed up as being both adversarial and eschatological: adversarial in that these spaces were hostile to human

¹² A. Gransden, *Historical writing in England, c. 550 to c. 1307*, I (London, 1974), pp. 3-4.

¹³ J. Adler, 'Cultivating Wilderness: Environmentalism and Legacies of Early Christian Asceticism', *Comparative Studies in Society and History*, 48/1 (2006), pp. 11-20.

habitation, and eschatological in that they were used by God to impart moral teachings and further his divine plan for humankind.¹⁴ At various points during the Old Testament, God devastates the Israelites' lands and leaves them scattered among the desert or wilderness for failing to abide by his laws. This is sometimes accompanied by a promise to restore the settled, productive landscape once the Israelites have been suitably chastened and having atoned (Ezekiel 36:33-36). Moreover, the very quality of inhospitableness that made the wilderness or desert so dangerous also made it a source of spiritual testing, growth, and awakening. It is within such a place, 'terra deserta in loco horroris et vastae solitudinis', that God is said by Moses to have instructed Jacob in Deuteronomy 32:10; this verse would become regularly quoted within Christian monastic writings as a descriptor of the ideal location for the hermit, anchorite or monastery.¹⁵ It is the qualities that make the waste or wilderness an antithesis to settled agricultural society – uncultivated, inhospitable, devoid of people – which also make it valuable in this way, as it is free of the corrupting influences and trappings of those societies. The dangers in the wilderness are both physical and spiritual, with temptation by demons being a recurring theme in monastic writing, although this was balanced by the spiritual benefits to be gained from withdrawing oneself from worldly affairs.¹⁶ The devastation of a country or region could also be cast as having a purgatory effect, removing the corrupted old order and clearing space for the new. In these examples, the wasted land serves the same purpose as 'virgin'

¹⁴ D. J. Herlihy, 'Attitudes toward the environment in medieval society', in L. J. Bilsky (ed.), *Historical ecology: essays on environment and social change* (London, 1980), pp. 100-16 (p. 101).

¹⁵ B. McGinn, 'Ocean and Desert as Symbols of Mystical Absorption in the Christian Tradition', *The Journal of Religion*, 74/2 (1994), pp. 155-181 (p. 161).

¹⁶ G. H. Williams, *Wilderness and paradise in Christian thought* (New York, 1962), pp. 13-7.

sites of settlement; the use of this concept in the three chronicles surveyed will be demonstrated and discussed further toward the end of this chapter.

When a chronicle is copied and translated multiple times over, as was the case for at least two of the chronicles surveyed, we must ask why it was in the interest of these writers, patrons and readers to do so. As numerous scholars have pointed out, medieval historical writing was invariably less concerned with factual accuracy than with fitting past events into stylised formats that made them more acceptable or more convincing to their readers.¹⁷ This did not mean that the writers and readers of chronicles did not care about truth. As Breisach observes, the truth that chroniclers and their readers were primarily concerned with was of a timeless and sacred nature above and separate from the accuracy of the narration regarding specific events.¹⁸ Yet most chroniclers still considered accuracy important, or at least the perception of accuracy among their readers, either due to how a chronicle's account of the past could influence understandings of contemporary and future events or because a lack of believability would prevent the work from being taken seriously. It is important to note that chronicles could sometimes play an active role in politics, especially when used to legitimise the conduct of political actors. For example, in 1291 Edward I wrote to upwards of thirty religious houses requesting chronicle evidence pertaining to his claim for the Scottish throne, with the victory of Edward the Elder over the Scots in 901 and the homage performed to Henry III by Alexander III of Scotland used to legitimise his political aspirations.¹⁹ Two months later, Edward ordered those same

¹⁷ R. Morse, *Truth and convention in the Middle Ages: rhetoric, representation and reality* (Cambridge, New York and Melbourne, 1991), pp. 89-109; Breisach, *Historiography*, pp. 126-7; Given-Wilson, *Chronicles*, pp. 2-3.

¹⁸ Breisach, *Historiography*, p. 127.

¹⁹ Given-Wilson, *Chronicles*, pp. 65-6.

religious houses to have his overlordship of Scotland recorded in their chronicles. He also seized Scottish chronicles during his campaign in order to prevent the Scots from using their own legendary histories to defend their claims.²⁰ Many of his successors followed suit: his son Edward II wrote to the abbot of Glastonbury requesting that his chronicles be searched for justification to recall Piers Gaveston from exile, while Edward III had William of Newburgh's chronicle brought to his court in 1343 to be examined for claims and precedents that would support his continental wars.²¹ Monastic chronicles meanwhile could be used to promote saints' cults associated with that institution, or to defend the interests of a religious institution at a time when those interests were threatened, such as Thomas Walsingham's portrayal of peasant unrest on the St Albans Abbey estates.²² They even informed medieval political and legal theory. Sir John Fortescue wrote in his legal treatise *The Governance of England* that the laws and political structure of England can be justified by their inheritance from the establishment of such a system by the first Britons, a mythology popularised by Geoffrey of Monmouth's *Historia regum Britanniae*.²³ Chronicles were thereby used by those who owned and read them as a source of precedent to legitimise political ambitions, and by those who wrote and commissioned them as a means of shaping their contemporaries' views on the events of the day. As the next two sections will show, the politics of waste in the chronicles that are the focus of this chapter was closely tied to the politics of waste in parliament and on the manor, and many of the readers of chronicles were directly involved in both.

²⁰ Given-Wilson, *Chronicles*, pp. 66-7.

²¹ Given-Wilson, *Chronicles*, pp. 70-4.

²² Given-Wilson, *Chronicles*, pp. 94-7.

²³ Sir John Fortescue, 'The Governance of England', in *On the laws and governance of England*, ed. S. Lockwood (Cambridge, 1997), p. 86.

Details of the chronicles surveyed

I have chosen these particular chronicles as case studies in this chapter for three reasons. First, these chronicles all contain numerous references to waste throughout, more so than most other chronicles that I looked at during my research. Furthermore, all three refer to different forms of waste – destruction, decay, devastation, wild lands – in different contexts, and often with a higher level of detail in their descriptions than the aforesaid other chronicles. This meant that there was more material to work with when exploring the political dimensions of waste and its relationship to other ideas present in these texts.

Second, these chronicles were all written in the vernacular, either Anglo-Norman or Middle English. Latin was the favoured language for monastic chronicles and for some high-quality aristocratic chronicles produced before the fourteenth century. In the years following the Norman Conquest, Middle English was read and spoken by people further down the social ladder, while Anglo-Norman was the spoken tongue of the elites. Yet from the twelfth century until the fourteenth century a growing number of people could read and write multiple languages, with Middle English being spoken by people of all social strata by the period under discussion in this study.²⁴ Anglo-Norman words were increasingly adopted by English speakers, while fluency was more or less required for lawyers, clerks, and merchants trading in France.²⁵ The chronicles of Langtoft (completed c. 1305) and Mannyng (1338), and the lost original *Castleford*

²⁴ W. M. Ormrod, 'The use of English: language, law, and political culture in fourteenth-century England', *Speculum*, 78/3 (2003), pp. 750-787 (pp. 750-55).

²⁵ M. Häcker, 'French-English linguistic and cultural contact in medieval England: the evidence of letters', *AAA: Arbeiten aus Anglistik und Amerikanistik*, 36/2 (2011), pp. 133-60; R. G. Critten, 'Practising French conversation in fifteenth-century England', *The Modern Language Review*, 110/4 (2015), pp. 927-45 (pp. 934-9).

manuscript (c. 1327) can all be considered to be part of a wider development in vernacular history-writing that took place from the twelfth century to the mid-fourteenth century, as demand for verse chronicles of English history grew.²⁶ The chronicles of this group can be characterised as having a national focus, in the form of the *Brut* tradition, a genre that traced England's origins back to its mythic founder. They also have a strong genealogical focus in terms of being structured around consecutive reigns of kings.²⁷ Genealogical history within medieval Europe had arisen during the twelfth century as the nobility sought to legitimise the authority of their lineages by tracing them back to worthy figures and events in history.²⁸ Chronicles such as that of Robert Gloucester, the Anglo-Norman Prose *Brut*, and the chronicles that are the focus of this chapter can be considered genealogical histories not of individual dynasties but of nations, or rather, ideas of nations. By writing in the vernacular these writers brought this model of historical narrative into a wider circulation.

Finally, these three chronicles are valuable for the purposes of this study of waste owing to the dates of their composition and copying. Each was created or copied during periods of military conflict and dynastic struggle. Langtoft and Mannyng both wrote during periods of conflict with both France and Scotland, and as mentioned in the previous chapter, petitions seeking military support or relief from taxation frequently mention waste in the context of war damage. Mannyng's chronicle and

²⁶ T. Summerfield, *The matter of kings' lives: the design of past and present in the early fourteenth-century verse chronicles of Pierre de Langtoft and Robert Mannyng* (Atlanta GA, 1998), pp. 3-4.

²⁷ J. Rajsic, 'The Brut: legendary British history', in J. Jahner, E. Steiner and E. M. Tyler (eds), *Medieval historical writing: Britain and Ireland, 500-1500* (Cambridge, 2019), pp. 67-83 (pp. 74-75); L. Johnson, 'Robert Mannyng's history of Arthurian literature', in I. Wood and G. A. Loud (eds), *Church and chronicle in the Middle Ages: essays presented to John Taylor* (London and Rio Grande, 1991), pp. 129-147 (pp. 129-30).

²⁸ Spiegel, 'Structures of time', p. 30.

Castleford's Chronicle also cover the turbulence and eventual overthrow of Edward II. The politics of the three chronicles examined here may not be quite so overt as a bill calling for the disendowment of the church, or a plea for the restoration of lands to someone who fell afoul of the factional struggles of the Wars of the Roses, but the views they offer of how kings, armies, settlers, and other communities engage with various forms of waste cannot be divorced from the politics of waste discussed elsewhere in this thesis. When we find points of similarity or comparison between late medieval texts of such different genres, such as notions of rightful or acceptable waste versus that which is unacceptable or unjust, where waste is shown being done or used in different ways by people of different social status, and most importantly, where social status is considered to determine how one engages with waste, then this can help us to make broader observations about the politics of waste within this shared cultural milieu.

The Anglo-Norman *Chronicle of Pierre de Langtoft* is divided into three parts, the first consisting of the *Brut* narrative along with the history of the Anglo-Saxon kings, the second covering the Norman kings, and the third covering the reign of Edward I.²⁹ Langtoft's principal source for the first part was the *Historia regum Britanniae*, though he omitted many events from that work.³⁰ Gransden speculates that this was because he, like several other chroniclers of the late Middle Ages, found portions of Geoffrey's

²⁹ Gransden, *Historical writing*, I, p. 476.

³⁰ As all three of these chronicles made extensive use of Geoffrey of Monmouth's *Historia regum Britanniae* and Wace's *Roman de Brut*, I have referred to quotations from these source texts with line numbers (including the relevant book for the *Historia regum Britanniae*). For the *Historia regum Britanniae* I use the side-by-side Latin and English edition by Reeve and Wright: Geoffrey of Monmouth, *The History of the Kings of Britain: an edition and translation of the "De Gestis Britonum [Historia regum Britanniae]"*, ed. M. D. Reeve, trans. N. Wright (Woodbridge and Rochester NY, 2007). For the *Roman de Brut* I use the side-by-side Anglo-Norman and English edition prepared by Weiss: Wace, *Wace's Roman de Brut: a history of the British: text and translation*, ed. and trans. J. Weiss (2nd edn, Exeter, 2002). All other chronicles are referenced in full in the footnotes.

narrative too far-fetched to be believable.³¹ A canon of Bridlington Priory, Langtoft lived in the north of England when that area was frequently under threat owing to hostilities between England and Scotland, and this is reflected both in the anti-Scottish character of his work and in his treatment of Edward I. Langtoft is also believed to have travelled extensively between Yorkshire and Westminster and been involved in affairs at court.³² The identity of his patron had for a long time eluded historians. A note in the British Library Cotton MS Julius A V manuscript suggests one 'Scaffeld' commissioned it, and Thea Summerfield's research has identified him as a sheriff of Northumberland appointed in 1305 with close ties to bishop of Durham Anthony Bek; both men had significant ties to Westminster and to royal government.³³ Summerfield argues convincingly that Bek is the most likely candidate for Langtoft's patron, the former having recently lost favour with Edward I around the time historians estimate Langtoft's text to have been written, with Bek hoping that the chronicle would put himself back into the king's good graces as well as to solidify his alliance with the young Prince Edward. This is supported by the numerous instances in the chronicle in which Bek is portrayed as providing good counsel, encouraging reconciliation between the crown, church and nobility, and in the disparagement of Bek's enemies.³⁴ Summerfield also identifies the theme of unity between barons, kings and clergy as one of the overarching messages of the chronicle; this theme will become particularly relevant in the following sections in the discussion of the consequences that disunity brings about with regard to waste.³⁵ Langtoft is explicit in his use of legendary history

³¹ Gransden, *Historical writing*, I, pp. 476-7.

³² Summerfield, *The matter of kings' lives*, pp. 16-18.

³³ Summerfield, *The matter of kings' lives*, pp. 17-18.

³⁴ Summerfield, *The matter of kings' lives*, pp. 69-98.

³⁵ Summerfield, *The matter of kings' lives*, pp. 66-7.

as a guide for understanding and responding to contemporary events, as shown by his commentary on Edward I's difficulties in bringing the Scottish to heel. Though highly complementary of Edward as a king, he criticises his at-times strained relationship with his barons, his leniency toward the Scots in 1303, and his failure adequately to distribute lands in Wales and Scotland to loyal barons following his victories in those countries, failings which 'overthrew the Britons in old time' ('Eschurent les Bretons en antiquitez').³⁶ Langtoft in this way invites the comparison between his own monarch and the various British kings who ruled during the first part of his chronicle. Langtoft's work has a strongly political character, which can be seen in his judgments of rulers and peoples in his living memory and the distant past.³⁷

Robert Mannyng, a Gilbertine canon of Sempringham Priory, Lincolnshire, wrote for a similar readership. He used Langtoft's chronicle as the basis of his own, although he also incorporated themes and events from other chronicles. Although Mannyng referred to his work a translation of Langtoft's, he disapproved of the latter's omissions of the more fanciful elements of Geoffrey of Monmouth's narrative. This led him to rely primarily on Wace's *Roman de Brut* for the period up to the final downfall of the Britons and ascendancy of the Anglo-Saxons.³⁸ While he relied primarily on Wace and Langtoft, the 'roll call of authorities' referenced by Mannyng includes

³⁶ Pierre de Langtoft, *The chronicle of Pierre de Langtoft: in French verse, from the earliest period to the death of King Edward I*, II, ed. and trans. T. Wright (London, 1866), p. 326.

³⁷ The edition I have used is the two-volume printed work by Thomas Wright, who based his edition on five of a total of twenty-two surviving manuscripts. All but one of those used by Wright are in high-quality hands but with little ornamentation, suggesting that they were the work of monastic scribes and read either by monastic readers or by laymen without the means of affording a highly decorative manuscript. T. Wright, 'Preface', in *The chronicle of Pierre de Langtoft in French verse, from the earliest period to the death of King Edward I*, I, ed. and trans. T. Wright (London, 1866), pp. xxi-xxiv.

³⁸ Gransden, *Historical writing*, I, p. 477.

Gildas, William of Malmesbury, Henry of Huntingdon and Geoffrey of Monmouth.³⁹ In Sullens' words, 'Mannyng was not an anthologist': his aim was not to put together a chronology of short narratives but a coherent and unified history of England, and he was clearly familiar with other literary genres of the early fourteenth century, including Old French romance and legendary histories such as *Havelock the Dane*.⁴⁰ The text exists in three manuscripts, of which one is complete (Inner Temple Petyt MS 511, generally known as the 'P' manuscript, dated to the last quarter of the fourteenth century). One is missing the first 198 lines and upwards of 3,300 at the end (Lambeth Palace MS 131, generally 'L', dated to the second quarter of the fifteenth century); and one (Bodleian 13679 / Rawlinson D.913, believed to be of the late fourteenth or early fifteenth century, of unknown provenance) is a fragment.⁴¹ Both the P and L scribes were working with different versions of Mannyng's original text, which is now lost.⁴²

Castleford's Chronicle, or The Boke of Brut, is the most enigmatic of the three chronicles surveyed, as we know next to nothing about its scribes, patrons, or manuscript history. For the purposes of this study I have consulted Caroline Eckhardt's two-volume printed edition, which is an annotated transcription of the only surviving

³⁹ Johnson, 'Robert Mannyng's History', p. 131.

⁴⁰ I. Sullens, 'Introduction', in *Robert Mannyng of Brunne: the chronicle*, ed. I. Sullens (Binghamton, 1996), pp. 7-8, 53-61.

⁴¹ E. D. Kennedy, *A manual of the writing in Middle English, 1050-1500*, Volume VIII: Chronicles and other historical writing (Hamden CT, 1989), p. 2627.

⁴² The first complete edition of the chronicle was that of Frederick J. Furnivall in 1887, who relied on the Lambeth MS 131 manuscript, the work of a scribe from the south-west midlands: Robert Mannyng, *The Story of England by Robert Manning of Brunne*, ed. F. J. Furnivall, 2 vols (London, 1887). I have consulted Idelle Sullens' 1996 edition of the text. This edition primarily relies on the Inner Temple manuscript on account of its being produced closer to the time that Mannyng wrote his text, it being the most complete manuscript, and the fact that it most closely conforms to the Lincolnshire dialect, although in places the scribes of P have obviously attempted to shorten the text in certain passages. Sullens has included variant lines from L besides the corresponding line in the P text, and used these to offer corrections to the various scribal errors of the P text.

manuscript.⁴³ The name 'Thomas Castelford' is written at the top of the first page of the manuscript, but it is unclear whether this is the name of the original scribe, the copyist, the owner, or indeed the town of Castleford near Wakefield.⁴⁴ The manuscript, Göttingen, Niedersächsische Staats- und Universitäts Bibliothek, 2^o Cod. hist. 740 Cim., contains 223 folios, with the chronicle occupying all but two.⁴⁵ Eckhardt estimates the copy to have been made c. 1450-75 based on the handwriting and type of ink used, while its dialect, along with the numerous references to Yorkshire and Scotland and the name *Castleford* itself suggest that it was produced in or near to Yorkshire.⁴⁶ Based on the number of missing lines, Eckhardt estimates that 'at least one generation [of manuscript] intervenes between the fifteenth-century copy and the original'.⁴⁷ The chronicle 'ends abruptly' in the year 1327 at the point of Edward II's deposition, but before his murder, which Eckhardt uses to argue that the original text was written during the first quarter of the fourteenth century and left unfinished in that year. If this is the case, then we could consider *Castleford's Chronicle* as part of a group of vernacular national histories produced during the first third of the fourteenth century, other notable examples being the chronicle of Robert of Gloucester, those of Langtoft and Robert Mannyng, and the anonymous Short Metrical Chronicle.⁴⁸

⁴³ C. D. Eckhardt, 'Introduction', in *Castleford's Chronicle, or the Boke of Brut*, I, ed. C. D. Eckhardt. Early English Text Society, OS, 305 (Oxford, 1996), p. xiii.

⁴⁴ C. D. Eckhardt, 'The manuscript of Castleford's Chronicle: its history and its scribes', in J. Rajsic, E. Kooper and D. Hoche (eds), *The prose Brut and other late medieval chronicles: books have their histories. Essays in honour of Lister M. Matheson* (Woodbridge and Rochester NY, 2016), pp. 199-217 (pp. 203-4).

⁴⁵ Eckhardt, 'The manuscript of Castleford's Chronicle', p. 203

⁴⁶ Eckhardt, 'The manuscript of Castleford's Chronicle', p. 203.

⁴⁷ Eckhardt, 'The manuscript of Castleford's Chronicle', p. 203.

⁴⁸ Eckhardt, 'The manuscript of Castleford's Chronicle', pp. 202-3. This was also the period where the monk Ranulf Higden wrote his *Polychronicon*, which was widely copied and later translated into English in the fifteenth century. As world history it does not follow the *Brut* structure, instead incorporating

Who owned and read these histories?

Of the three chronicles, Langtoft's appears to have had the widest readership both in terms of popularity and in the range of social status among his readers. It quickly gained popularity in Yorkshire, with copies being found in various religious houses across the county.⁴⁹ Langtoft's choice of Anglo-Norman would have appealed not only to aristocrats, who at this point preferred to read Old French over Latin and Middle English, but also to gentry lawyers and administrators who were closely involved with the workings of institutional local and national politics.⁵⁰ Sometimes these books were passed between monastic and lay owners. For example, the manuscript British Library, Harley MS 114 was given to one John Styrton by the Augustinian priory of Ferriby, North Yorkshire in the late fourteenth century.⁵¹ Interest in this kind of history clearly crossed social boundaries, especially in the north of England where the chronicle was produced. This region was particularly affected by various military conflicts, such as the rebellion of the Earl of Lancaster, the victories of Robert the Bruce, the English defeats in North Yorkshire in 1319 and 1322, and Scottish raids reaching as far as Pontefract and York during the same period.⁵² This relevance to recent local events may help to explain why the chronicle enjoyed such a wide circulation in the north. Yet Langtoft's work stands out not only for its explicit engagement with contemporary

elements of the *Brut* narrative between commentary on events happening elsewhere. However, it does include lengthy descriptions of the topography of Britain as well as its plentiful resources, which could have informed the *Castleford* scribe's attention to these matters: Ranulph Higden and John Trevisa, *Polychronicon Ranulphi Higden monachi Cestrensis; together with the English translations of John Trevisa and of an unknown writer of the fifteenth century*, I, ed. C. Babington (London, 1865); Given-Wilson, *Chronicles*, p. 131.

⁴⁹ Gransden, *Historical writing*, I, p. 480.

⁵⁰ J. Gilbert, S. Gaunt and W. Burgwinkle, 'Living history: Pierre de Langtoft and London, BL, Royal MS 20 A II', in J. Gilbert *et al* (eds), *Medieval French literary culture abroad* (Oxford and New York, 2020), pp. 83-120 (p. 94).

⁵¹ Summerfield, *The matter of kings' lives*, pp. 217-18.

⁵² Gilbert *et al*, 'Living history', pp. 89-90.

political events and major players in government, but for the fact that the latter seem to have been counted among his readership. As mentioned above, the chronicle was probably created at the behest of a powerful magnate, and it seems to have enjoyed continued interest among royal and elite readers. For example, the lavishly decorated London British Library Royal MS 20 A II, held in the royal Westminster library until donated to the British Museum in 1757, contains Langtoft's chronicle alongside Arthurian verses and a verse lament written from the point of view of Edward II listing his failures as a king.⁵³ This last item is of interest given that the manuscript is dated to c.1327, suggesting that it was inserted alongside Langtoft's chronicle at the time of Edward's downfall. This demonstrates the active process by which readers of these histories recontextualised these texts and linked them together to construct their own historical narratives. Several other texts were once included in the manuscript, many of them concerning post-conquest English history, warfare, and Anglo-Scottish relations.⁵⁴ The excised material found its way into another manuscript held in the London British Library, Cotton Julius MS A V, which also later came to contain a copy of the third part of Langtoft's chronicle covering the reign of Edward I. Also included in Cotton Julius MS A V are several chivalric romances and political prophecies. Stories of knightly and kingly valour sit alongside those where the protagonists fall short of those values, as well as information about both successful and failed military engagements, and a copy of the 1291 proclamation of Edward I's suzerainty over Scotland, all of this framing and contextualising the turbulent recent history experienced by readers and

⁵³ London, British Library, Royal MS 20 A II.

[<https://www.bl.uk/catalogues/illuminatedmanuscripts/record.asp?MSID=8812> accessed: 03/08/2021].

⁵⁴ Gilbert et al, 'Living history', pp. 108-11.

providing them with models to measure it against.⁵⁵ These thematic links indicate that those who produced, read and owned these works were all drawing from shared cultural memory of events of both local and national historical importance. As discussed in the previous chapter, conflict with Scotland affected all levels of society in northern areas where raids took place. To Langtoft and Mannyng as well as Langtoft's probable patron Bek, the financial and human costs of these raids were familiar to them as residents of these areas. At the same time, the financial burden of warfare was felt nationally, and those assembled in parliament heard both the petitions complaining of devastation and have been made aware of the reduced incomes to the crown that resulted. Familiarity with central government during the period these chronicles were written provided their writers and readers with instances of good and bad institutional responses to various crises, be it conflict with Scotland or the civil strife of Edward II's reign, and both good and bad models of royal conduct.

The choice of materials in Royal MS 20 A II and Cotton Julius A V says much about the priorities of their readers and the relationship between owners and their books. Both manuscripts are extremely politically conscious, and the combination of Arthurian legend and legendary and recent English history shows how integrated politics, myth and history were to the writers and readers of medieval chronicles.

Another of the five manuscripts used by Wright for his edition, London British Library Arundel MS XIV, sheds further light on the interests of Langtoft's readers. The first two texts are chronicles of Wace and Gaimar. They are followed by the *Lai of Havelock*, an Anglo-Norman romance which also contains themes of ideal and heroic

⁵⁵ Gilbert et al, 'Living history', p. 11.

kingship. Most significantly, the manuscript also contains a copy of Walter of Henley's treatise on estate management and husbandry.⁵⁶ This text survives in dozens of manuscripts, for many of which there is evidence for provenance. Copies of *Walter of Henley's Husbandry* are often found within manuscripts that belonged to monastic houses, members of the gentry, and burgesses (who while living in urban environments may have had commercial agricultural interests outside of their boroughs).⁵⁷ Benedictine houses were the most common type of owner, and though in Oschinsky's view most of these manuscripts were probably donated rather than produced within the monasteries, this is nevertheless unsurprising given the Benedictines' considerable role in managing large and complex manorial estates in this period.⁵⁸ As has been discussed above, monastic houses and the gentry have both been identified by numerous scholars as common patrons, readers, and in the case of the monasteries, producers of national history chronicles, each being groups with high degrees of literacy. The inclusion of the *Husbandry* alongside Langtoft's chronicle in this manuscript suggests that the broad topic of 'estate management' was something that at least some readers of chronicles took an interest in; indeed, all of the groups discussed as being probable owners and readers of these texts had financial interests in the management of agriculture to greater and lesser degrees. This point will become relevant in the discussion of how these chronicles engage with the settlement of waste land later in this chapter.

⁵⁶ Wright, 'Preface', in *The chronicle of Pierre de Langtoft*, I, p. xxv.

⁵⁷ D. Oschinsky, *Walter of Henley and other treatises on estate management and accounting* (Oxford, 1971), pp. 10-55.

⁵⁸ Oschinsky, *Walter of Henley*, pp. 56-7.

It is more difficult to identify the readership of *The Chronicle of Robert Mannyng of Brunne*. Mannyng's readership was multilingual: both the Lambeth and Petyt manuscripts contain numerous Latin marginal annotations made by scribes and readers, as does the Rawlinson fragment.⁵⁹ This could be taken as a reflection of monastic or clerical ownership. However, scribes used to including Latin headings in other works may have added these to chronicles out of force of habit even when writing for a lay patron, or because the presence of Latin added a level of prestige by associating these texts with the older, monastic tradition of history-writing.⁶⁰ Furthermore, while very few educated lay readers would have been fluent in Latin, many of them knew enough Latin to comprehend the headings and marginal notes used to help organise the text.⁶¹ For example, international diplomatic correspondence and customs accounts for England's overseas trade were each typically written in Latin.⁶² So too were popular prayer books such as psalters, Books of Hours, and primers, and even uneducated laypeople knew the Latin of the liturgy.⁶³ The question of which social groups Mannyng wrote for remains uncertain despite considerable discussion of the matter by historians and scholars of Middle English. In the preamble to his chronicle, Robert Mannyng states that his aim is to teach 'lewed' (6) men their own history, and this combined with his stated commitment to simple English rather than that which is 'strange' (78-79) or elaborate has led some scholars to suggest that he wrote for a readership of wealthier peasants and tradesmen,

⁵⁹ J. Marvin, 'Latinity and vernacularity in the tradition of Geoffrey of Monmouth', in E. Cooper and S. Levelt (eds), *The medieval chronicle*, VIII (Amsterdam, 2013), pp. 1-41 (pp. 15-16).

⁶⁰ Marvin, 'Latinity and vernacularity', pp. 17-18.

⁶¹ F. Somerset, "'Al þe comonys with o voys atonys": multilingual Latin and vernacular voice in *Piers Plowman*', *The Yearbook of Langland Studies*, 19 (2005), pp. 107-36 (pp. 112-16).

⁶² W. Childs, 'From chronicles to customs accounts: the uses of Latin in the long fourteenth century', in R. Ashdowne and C. White (eds), *Latin in Medieval Britain* (London, 2017), pp. 85-105 (pp. 95-103).

⁶³ C. Baswell, 'Latinitas', in D. Wallace (ed.), *The Cambridge history of medieval English literature* (Cambridge and New York, 1999), pp. 122-51 (p. 144).

among whom literacy levels were low but rising at this time.⁶⁴ This claim regarding his writing style, along with the anti-Scottish character of his work, led Turville-Petre to conclude that Mannyng, alongside other chroniclers of the early fourteenth century, sought to foster a sense of national identity among the lower levels of society through the propagation of national histories.⁶⁵ Coleman, however, has identified the local Lincolnshire gentry as his most likely patrons and readership, among whom the use of English as a language of letters was increasing at the turn of the fourteenth century.⁶⁶ From the end of the thirteenth century through to early modern period the gentry played a more active role in both local and national politics, as kings and barons increasingly relied on them for military support and to fill administrative roles.⁶⁷ This period also saw the gentry become more and more involved in the reading and writing of chronicles, such as Sir Thomas Grey, as well as secular clerks such as Le Bel, Froissart, and John Barbour.⁶⁸ Given the growth in the number and the status of the gentry in this period, we can assume that they were not only reading chronicles but also paying for chronicle manuscripts to be copied. However, the fact that the Petyt manuscript contains both numerous errors as well as Latin annotations indicates that it was the product of inexperienced monastic scribes working from an exemplar, or scribes working with a faulty exemplar.⁶⁹ References to owners who were vicars of 'Laghton' (Laughton, Doncaster) meanwhile date to the late fifteenth or early

⁶⁴ Summerfield, *The matter of kings' lives*, pp. 143-4.

⁶⁵ T. Turville-Petre, 'Politics and poetry in the early fourteenth century: the case of Robert Manning's Chronicle', *The Review of English Studies*, 39/15 (1988), pp. 1-17. This view has been strongly rebutted, notably by Thea Summerfield: Summerfield, *The matter of kings' lives*, pp. 205-7.

⁶⁶ Coleman, 'Strange rhyme', pp. 1224-7.

⁶⁷ M. Mercer, *The medieval gentry: power, leadership and choice during the Wars of the Roses* (London and New York, 2010), pp. 8-9.

⁶⁸ A. Gransden, *Historical writing in England, c. 1307 to the early sixteenth century*, II (London, 1982), p. xii, 61, 94-9.

⁶⁹ Sullens, 'Introduction', pp. 22-5.

sixteenth centuries, around a full century after the manuscript is believed to have been produced.⁷⁰ It is probable that this manuscript was intended first for a monastic readership and later fell into the hands of the Laughton parish clergy. The Lambeth manuscript meanwhile is of considerably higher quality, with many signatures of different owners, including sixteenth-century gentry, appearing throughout. Neither manuscript contains a great deal of decoration.⁷¹ All of this suggests that Mannyng's history was read mainly by readers of considerable financial means but further down the economic and social ladder than the patron and early readers of Langtoft's work. The fact that Mannyng's chronicle is a translation of Langtoft's work is perhaps helpful in showing how ways of framing and thinking about waste could pass between (and within) social groups. Thea Summerfield has argued that the greater focus on how royal missteps and political disaster affect the social conditions of those further down the social hierarchy in Mannyng's chronicle compared to Langtoft's invites comparison with the genre of complaint literature.⁷² These chronicles can offer insights into the attitudes and worldviews of monastic, clerical and lay book owners at a time that each was becoming more involved in the reception and production of national histories.

As for *Castleford's Chronicle*, nothing is known of its author, patrons, or readers besides the involvement of a Thomas Castleford somewhere in the process. However, it is possible to speculate based on the association with the town of Castleford and the physical characteristics of the manuscript. Like both surviving manuscripts of Mannyng's chronicle, the lack of decorative features suggests that its patron or owner could not have afforded the lavish decoration that is found in books created for the

⁷⁰ Sullens, 'Introduction', p. 37.

⁷¹ Sullens, 'Introduction', 26-7.

⁷² Summerfield, *The matter of kings' lives*, p. 214.

aristocracy, such as some of the higher quality manuscripts containing Langtoft's text. As mentioned in the introduction, the thirteenth century and early fourteenth century had seen considerable commercialisation of English society as well as growing levels of literacy among the lesser gentry and burgesses, and this was accompanied by a rise in these groups' involvement in the management of land. Some were secular clerks or administrators, others the farmers of large or medium-sized manors and lords of small manors. Furthermore, the dating of this manuscript's copying to over a hundred years after the creation of the original is useful for the purpose of identifying themes around the framing of waste that are present in both fourteenth-century and fifteenth-century manuscripts. The lack of any other surviving copies of *Castleford's Chronicle* makes it difficult to speculate as to who it was originally intended for and who had read and commissioned copies over the years.

There are some potential limitations that must be addressed regarding the evidence that this chapter relies on. All three case studies are of the same genre and are concerned with more or less the same historical chronology. This made it easier to identify common themes and differences in how each text describes a particular event. Different politics of waste may be found in other genres of historical writing, such as in a monastic chronicle or medieval retellings of Greek or Roman history. Even within the genre of legendary British history, the reliance on only three case studies means that other texts that may challenge the conclusions of this chronicle will have been overlooked. One advantage of using these particular texts is that all three authors chose to continue their narratives until contemporary times. This makes it possible to establish the specific historical contexts during which the works were composed, and to see how these might have shaped the approach of each author. The

choice of two chronicles that were copied multiple times throughout this entire period, and one that is highly likely to have been, can give us an idea of both the continuities and changes with regard to the ideas that readers and scribes were preoccupied with. Future research that encompasses a wider range of genres and a greater number of case studies should help to sharpen the assessment of waste in medieval historical writing presented here.

3.2 Kings, waste, and political division in later medieval English chronicles

This section will examine instances where kings and their armies are described as laying waste to settlements and territories in historical narratives, identify common themes and tropes, and compare these depictions of medieval warfare with those found in other texts. Next it will address the chronicles' representation of the motives behind such devastation, arguing that the chroniclers show that it could not only be justified but that it also played a key role in the performance of kingship. Finally, it will compare instances of legitimate or justified devastation with representations of illegitimate or unjustified devastation in the same chronicles, showing how these works responded and contributed to the disputes over waste discussed in the previous chapters. By lauding some instances of waste and disparaging others, these

chroniclers set standards of proper kingly conduct with regard to devastation and its aftermath, standards which contemporary kings could be judged against.

What did it mean to *waste* a land or settlement?

When it comes to waste in the context of devastation, it is worth first outlining what it meant to ‘waste’ something in the chronicles surveyed, so that the relationship between this and the kinds of waste or devastation discussed in the previous chapters becomes clear. In all three of the chronicles surveyed there are many references to kings and their armies wasting or laying waste to towns, castles, fields, and countries. A particularly detailed instance occurs in *Castleford’s Chronicle* concerning the chaos that follows the death of King Arthur at the hands of his nephew Mordred. Arthur’s successors prove to be unworthy rulers, which provides King Gormund of Africa with an opportunity to invade Britain and entirely plunder and devastate the country. The devastation of the entire island of Britain is described in detail:

Pan Gormunde, kyng of Affricanes,

Biginnes al neu waste Britaines waines,

Wiȝ alle his folk to waste þe feldes,

Destroi alle þinges þat frutes yields.

Alle bring to noght was þar desire,

Alle þe contres þai sette on fire,

[...]

Naping þai lefte biggede to be,
Alle clene þai wasted, fra ce to ce,
So þat þoru alle þis hile so brayd
Was noiper usede plogh ne spayd,
Sua fra þe Suth Ce unto Twede
Nan tilthmen were ploghes yiede. (24252-65)

Here the *Castelford* scribe emphasises the loss of the land's productive capabilities (destruction of things that 'yield fruit', disappearance of cultivation, etc.), as well as the removal of visual markers of the human impact on the landscape. This loss of the built environment is found in other chroniclers' depiction of the same event. Geoffrey of Monmouth's *Historia regum Britanniae* has Gormund set a fire that spread from one end of the coast to the other (XI. 136-8), reducing all the towns, churches and their inhabitants to dust ('humi sternerentur', XI. 140). Echoing Geoffrey, Langtoft states that he proceeded to destroy all the land in Britain up to the sea ('destrure la terre jekes à la mer').⁷³ Here then, to *waste* a land is to remove the imprint of human habitation from it, which includes tilled land as well as structures.

In addition to the removal of structures and fields, the other most common feature of military devastation as depicted in these chronicles is depopulation. In a society based on agriculture, one way to remove or destroy the productive capabilities of the land is to get rid of those who farm it. The association of *waste* with depopulation is

⁷³ Langtoft, *Chronicle*, I, p. 231

extremely common in the chronicles surveyed, as shown in their tendency to use *waste* as a translation of Latin verbs and nouns with strong associations with emptiness or with the removal of people. For example, in addition to *vasto* and *devasto*, Geoffrey of Monmouth also uses the verb *depopulo/depopulor* to refer to the actions of armies raiding territories. *Depopulor* is derived from *populus* ('people' or 'inhabitants'), and may have initially referred simply to the removal of people from an area, though in medieval Latin it seems to have been used exclusively to refer to wartime devastation.⁷⁴ In Geoffrey's account of Gormund's sacking of the fields of Britain, the phrase 'depopulans agros' (11.136) is used. By contrast, in *Castleford's Chronicle* (which draws heavily on the *Historia regum Britanniae*), Gormund's army is only said 'to waste þe felde' (24252). In Mannyng's account of this incident, however, the focus is almost exclusively on the reduction of the population. Mannyng states that Gormund sets out to 'voide þe lond of alle þe Bretons' (14542), sparing neither women nor children (14558). The removal of population also ensured that land would fall out of cultivation and become waste land. This would have had a particular resonance with a readership of landlords and farmers as their income depended on keeping their lands (or the lands they had been entrusted with) populated and farmed to secure a sufficient income.

There are numerous instances of military devastation that are described in similar terms throughout these chronicles. In his description of the Huns' and Picts' invasion of Britain upon the departure of Maximian, Langtoft writes that they wasted the cities

⁷⁴ *depopulor*. *DMBLS*; *dē-populor ātus, ārī, dep.*, C. T. Lewis, *An Elementary Latin Dictionary* (New York, Cincinnati and Chicago, 1890) [<http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.04.0060:entry=depopulor> accessed: 18/20/2020].

by burning and the people by slaughter ('Les cytez e les viles wastent par arçoun, Les homes e les femmes par occysioun.')⁷⁵ Mannyng's depiction of this event further emphasises the depopulation of the north:

al þe Northe cuntre þei wasted;

þei passid Humbre, southt þem hastid.

In no countre þei ne fond

bot husband man þat tilled lond (6506-09)

Castleford's chronicle states that the land was 'bicommen deserte and waste' (12496) owing to incursions from the Huns, Picts, Irish, Danes and Norwegians. Desertion and loss of productivity are emphasised in all three chronicles. When Constantine surveys the devastated Westmoreland, he finds the people reduced to beggars ('le pople mendinaunde'), and the land being uncultivated ('Le terre gist warette').⁷⁶ Mannyng translates this description of the 'alle wast' (6879) Westmoreland faithfully but adds the detail that the inhabitants have fled the county completely ('þe folk for pouerte fled away,' 6881). These same aspects recur in several similar examples. To give just one more, in *Castleford's Chronicle* during the civil strife between Kings Edwin and Cadwallon, the emphasis is on both depopulation and destruction of property:

Fra Kyng Edwin þe victor wan,

Slane in felde so many a man,

Wel raȝ, lo, he his osten ledde

⁷⁵ Langtoft, *Chronicle*, I, p. 88.

⁷⁶ Langtoft, *Chronicle*, I, p. 94.

In suth Britaine, fra stedde to stedde –
Poruout alle þe Britons contres
Sette fire in fele of þe cites,
Destroide and sloȝ þe citisaines,
And þe tilzmen wer him againes.
Gretelie he þam derede and noiede
And alle þar godes waste and destroyede. (25259-68)

Again, the loss of the cultivators and the destruction of goods and property is emphasised. As this section will discuss, these depictions of military devastation lined up both with recent military events in the chroniclers' own times and with their understanding of how their society was maintained. Removing the peasantry from the land and the infrastructure from the cities had the effect of removing the means by which a feudal society supported itself. Slaughtered peasants meant a halt to agricultural production, and a devastated city meant no tax or fee farm from said city. Similar depictions of military devastation are found elsewhere in these chronicles, often with some combination of these elements.

To summarise, 'to waste' in a military context in these chronicles means not only destruction, but to remove the productive qualities of a thing or place, including the people required to maintain that productivity. In this sense it carries connotations similar to the idea of 'making waste' discussed in Chapter 1 and to the uses of *waste* mentioned in petitions complaining of urban decay and damage caused by raids in

Chapter 2. These chronicles drew on and informed their readers' own ways of thinking about waste in the contexts of deliberate destruction by an enemy, as can be seen in the parallels between petitions and the wording of chronicles mentioned in the previous chapter. However, as the remainder of this chapter will show, these chronicles also draw on older biblical traditions and medieval literary constructions of waste that cast it as a consequence of failure – failure to defend one's realm, or of moral or kingly standards. In doing so, they offer critiques of both past and contemporary models of kingship, with waste done by and against kings and the consequences thereof providing moral and political exemplars for their readers to consider. The idea of waste itself was a useful rhetorical tool for explaining why some rulers succeeded and others failed.

Devastation as duty: justifying the wasting of lands and settlements by kings and their armies

All three of the chronicles that form the focus of this chapter display an ambivalent attitude toward the wartime waste committed by kings; at times, the practice is condemned whereas at others it is treated as an acceptable, necessary, or even laudable act. To put this into context, it is helpful to consider a case in which a sitting English monarch from this period of study was depicted as committing waste by the records of his own government. In the opening of the parliament of 1355, the conduct of Edward III's army in France is not treated as cruel or unusual but as standard practice when pursuing one's enemy, in this case the army of the French king:

But the said enemy always fled, both by night and by day, because he did not want battle, and our lord the king pursued him, wasting, burning and destroying the countryside everywhere [*et nostre seignur le roi lui pursuyst, degastant, ardant et bruillant le pais par tut*] until, because his men were very tired for lack of wine and had drunk only water for four full days, by the assent of his council he returned to Calais, and so intended to have had the battle with his said enemy, but he did not come there. And upon the return of our said lord to Calais, he caused his allies, who had remained there faithfully and courteously for a long time, to be paid, so that they were well satisfied [*il fist paier ses alliez qi y avoient demorez par long temps bien et curtoisement, si qe ils se agrerent bien*], and then he returned to England to his present parliament.⁷⁷

The parallels between this extract and those discussed above are noteworthy in that they each show invading kings causing damage to the bedrock of medieval society – the ability of all social groups to obtain food grown by the peasantry. And yet Edward is not depicted as merely a plundering thug like Gormund or the Picts were in the chronicles. The fact that Edward III was not able to face the French in battle is used to justify the devastation of the French territories, in the process ensuring the satisfactory payment of his soldiers. This payment was probably made available from the valuables gained from plunder. The division of the spoils of war among military followers in reward for their service was considered a duty of kingship in fourteenth-

⁷⁷ W. M. Ormrod (ed. and trans.), 'Edward III: Parliament of November 1355, text and translation', Opening of parliament. *PROME*.

century political thought. Walter of Milemete's 1326 treatise *On the nobility, wisdom, and prudence of kings*, commissioned by Queen Isabella for the future King Edward III, tells the young prince to 'freely divide amongst your subjects the treasures, possessions, incomes, and lands acquired through conquest [...] according to the merit of his labours and the condition and state of his person.'⁷⁸ The chronicler Jean Froissart, whose view of Edward III was favourable, describes the same events recounted by the parliamentary roll above in more detail. He mentions at various points in the narrative the valuable goods – money, precious metals, cloth, jewelry, wines, and other booty – that Edward seized on his way, some of which was distributed among his followers and the rest being shipped back to England.⁷⁹ It is made clear throughout that this plundering does a great deal of damage, and yet Froissart does not condemn any of it besides that committed by a few soldiers who are said to have indulged in arson and murder.⁸⁰ As the rest of this section will show, this kind of waste was considered both valuable and legitimate in the course of the monarch's role as a military leader within the narratives presented by these chronicles.

Both Edward III and Gormund are said to have set fire to rural lands, a destructive act that would have brought no financial benefit to themselves or their soldiers. The devastation of enemy lands was clearly therefore not only a matter of military necessity to maintain an army and to fill the royal coffers – it was also something to be undertaken when a king's honour was impugned or his authority undermined. In all

⁷⁸ Walter of Milemete, 'On the nobility, wisdom, and prudence of kings', *Political thought in early fourteenth-century England: treatises by Walter of Milemete, William of Pagula, and William of Ockham*, ed. and trans. C. J. Nederman (Medieval Texts and Renaissance Texts and Studies 250, Tempe AZ, 2002), p. 61.

⁷⁹ Jean Froissart, *Chronicles*, ed. and trans. G. Brereton (Bungay, 1968), pp. 71-7.

⁸⁰ Froissart, *Chronicles*, p. 77.

three of the principal chronicles surveyed, most of the more prominent exemplars of good kingship are depicted laying enemy lands waste in response to various challenges to their authority. Langtoft states that King Edward I set out to waste Scotland in revenge for its rebellion ('Escoz va waster'), which is translated almost word-for-word by Mannyng ('Scotland forto waste', 7842).⁸¹ In *Castleford's Chronicle* King Arthur is said to waste countryside and burn cities during his invasion of France (20846-9). The creator of *Castleford's Chronicle* at times even portrays the devastation of enemy or rebel lands as an indispensable aspect, even a duty, of the monarch. Brutus, the founder of the British nation, repeatedly 'wastes' with his army the fields and settlements of other rulers before he arrives in Britain itself. After defeating King Golfar in battle, Brutus makes it 'hys wyll' to 'wast all the land' (1957) he passes through, an action which *Castleford's Chronicle* attributes in equal measure to vengeance and the need to secure booty to satisfy his followers. It is worth noting as well that this laying waste to lands by kings is not merely a means to an end, but is at times celebrated in its own right. During his lamentation in lines 3719-26, the deposed King Lear reminisces fondly about how he would 'destrowe þe rich contres', and 'wast þe land of myn enemyse' as well as that of subjects who 'wold agaynes me ryse'. Furthermore, the inclusion of devastation within a list of actions associated with strong kingship is not present in the principal sources for *Castleford's Chronicle*. Geoffrey of Monmouth does not include a monologue, instead telling us only that when Lear recalled his former glory ('in memoria pristinae dignitatis'), he could not bear his present circumstances (2.207-10). Wace provides a full monologue from Lear (1931-72), but while he complains of the loss of his wealth,

⁸¹ Langtoft, *Chronicle*, II, p. 349

servants and family, the devastation and plunder of enemy territories is not mentioned. By including the laying waste of enemy lands in his list of prior accomplishments, *Castleford's Chronicle* invites the reader to consider this action one that a king could be proud rather than ashamed of or ambivalent towards. The other two case studies similarly portray military devastation as brutal and barbaric at one moment, and yet also as something regularly undertaken by kings who are otherwise lauded for their actions.

Laying waste, at least in some circumstances, was a duty or at least a prerogative of a king. Just as with the king's explicit right to the year, day and waste of forfeited properties, kings in medieval chronicles are shown exercising similar, implicit rights to commit waste in certain circumstances. But in what circumstances do these rights apply? This section will now lay out some of the motives that these chronicles ascribe to the acts devastation they depict, and assess which combinations of motives and actions can render devastation 'legitimate', or at least excusable, within these texts. In doing so, I hope to highlight connections between the debates over the crown's rights and proper conduct with regard to waste that Chapter 2 discussed, and the ways that these reimagined instances of waste committed by kings and armies are discussed within these chronicles.

In many different chronicles, laying a territory waste is portrayed as serving several interrelated purposes. To begin with, the devastation of a king's lands was a blow to his prestige, wealth and status. This is the intention of Edwin towards his brother Cadwalan in Lazamon's thirteenth-century Middle English *Brut*. When Cadwalan

refuses to acknowledge him as king of Northumberland and threatens to seize all his lands, Edwin becomes enraged, promising that:

he scal habben papes weste; and wildernesse inoze.

and moni mod-sorhze; his monscipe scal ualle. (15140-1)

(He shall have wasted paths and many wildernesses,

And very much heart-sorrow: his reputation will fall.)⁸²

Destruction of enemy resources, a tactic known at the time as *chevauchée*, was the primary means by which the armies of later medieval Europe sought to weaken one another.⁸³ Burning fields, stealing livestock and plundering granaries would cut into an army's ability to feed itself, while the destruction of a town or city would deprive a king of tax revenue needed to pay his soldiers. Readers and writers of the three principal chronicles that are the focus of this chapter would have been familiar with the integral role that devastation played in medieval warfare, especially given that the areas where they were written and copied (Yorkshire and Lincolnshire) were both subject to semi-frequent raids by the Scots. As Staffin puts it, these tactics 'caused enormous devastation for a society based on land management. It also required drastic actions by the (perceived) rightful lord.'⁸⁴ In the example quoted above, Cadwalan will suffer loss of reputation by having his lands devastated as it shows him

⁸² Lazamon, *Layamon's Brut Vol II text (lines 8021-end)*, II, ed. G.L. Brook and R.F. Leslie (London and New York, 1978), p. 790. I also consulted two translations: Lazamon, *Lazamon's Brut, or Chronicle of Britain*, III, ed. and trans. F. Madden (London, 1847), p. 217; Lawman, *Brut*, trans. R. Allen (London and Rutland VT, 1992), pp. 386-7.

⁸³ P. Slavin, 'Warfare and ecological destruction in early fourteenth-century British Isles', *Environmental History*, 19/3 (2014), pp. 528-50 (p. 531).

⁸⁴ Staffin, *The culture of food and feasting*, p. 27.

as incapable of defending his territory. In turn, the devastation of a king's own lands must be answered harshly if the king wishes to recover his standing. During the period following Brutus' death, there are multiple instances of brothers waging war with one another for the throne. When Brenne's rebellion against his brother Belin fails, Belin seizes the former's lands and holds his wife prisoner. In *Castleford's Chronicle*, Brenne threatens that if he does not get his wife and lands back, he will 'All Bryttaine destroy and wast' (4742). Chivalric romances frequently associate the virtues of kingship with those of knighthood, meaning that military conquest, knightly leadership, and the protection of one's land and people are expected of both knights and kings.⁸⁵ As mentioned in the introduction, the chronicles of Langtoft, Mannyng, and *Castleford's Chronicle* all show signs of being influenced by this genre of text. The king's status as a military leader depends not only on his fulfilling this role as conqueror and protector, but also maintaining his personal chivalric honour, thereby making the plunder and laying waste of lands a necessary component in the performance of kingship.

Another motive for the devastation of lands is to clear them of their inhabitants so that a new population can settle upon them. This motive is strongly connected with that of keeping one's followers satisfied, as the clearing of conquered land enabled it to be distributed among allies or subordinates. As mentioned previously, the verb *waste*, along with *vasto* and *gast*, was strongly associated with depopulation when its object was a place or area. In some instances, this is not portrayed as a means to an end (such as revenge or intimidation) but as an end in itself. The clearest example of this is the clearing of Armorica (Brittany) by King Maximian of Britain to provide his

⁸⁵ M. Keen, 'Chivalry and English kingship in the later Middle Ages', in C. Given-Wilson, A. Kettle and L. Scales (eds), *War, government and aristocracy in the British Isles, c.1150-1500* (Woodbridge, 2008), pp. 250-66 (pp. 255-8).

former enemy Conan with a home for his followers. This event does not feature in Langtoft's text but does in that of Mannyng and in *Castleford's Chronicle*. In Mannyng's chronicle there is no mention of the physical destruction of the land, just that the local population were all slaughtered or driven away ('Alle þey fledde, knyght & swayn | Bot fiftene þousand wer þer slayn, 6428-9). In *Castleford's Chronicle* meanwhile, damage to the settled environment is emphasised as part of this process:

Qwen þus was doen siþen at þe laste
And þe contres þai had þoru paste,
Wonded þe folk, þe landes made waste,
Brinde wiȝ fire, destroiede almaste,
Sua na tilȝman þarin was sene,
Alle fledde and slane þarin had bene –
Alle þe haldes, toures, and cites
Wer wiȝin Marikes contres
þai warniste þam wiȝ Britons knightes,
And pute ilke man out of his rightes
And held þam out of þar provinces,
And alle Amorikes dukes and princes (11740-51).

As well as plundering the territories, the invasion also serves the purpose of killing or

driving out the native residents. Brittany is depicted in *Castlefords Chronicle* as a veritable *locus amoenus*, said to contain plentiful rivers, lakes, woods, holts, dales, fields, corn, hay, and wild animals (11668-81). These passages have parallels with the descriptions of Britain immediately prior to the Trojan settlement, another example where a land devoid of people is portrayed not as barren or inhospitable but as a site of productive potential (2291-301). This theme will be explored in detail in the following section of this chapter. For the purposes of this section, the key point is that kings are shown devastating lands to provide sites of settlement to others, in this case a former enemy who could cause further problems if allowed to stay in Britain.

This section has so far shown that laying waste to enemy territories was portrayed in these three chronicles as something a king could legitimately partake in, provided that it was to the detriment of an enemy and to the benefit of his followers. This was based largely on how kings waged wars at the time when these chronicles were produced. Kings would waste farmland and castles by pillaging them and then use the profits accrued from the plunder and devastation to compensate their subordinates. There is a parallel here to the concept of ‘making waste’ discussed in Chapter 1 in that both saw value accrue to one party via the damage or destruction of another’s property. And as was the case with the year, day and waste, this kind of waste was also of value to the monarch and legitimised according to specific customs that were always in negotiation – the alleged breach of the king’s peace in the case of felony, and the proper conduct of a leader in wartime. Questions of value and legitimacy are inherently political, and so by including depictions of legendary kings engaging in culturally sanctioned acts of devastation, or failing to protect their own lands from befalling such a fate, these chronicles engage with contemporary ideas about the roles

of kings in this regard. The rest of this section will explore instances where the legitimacy of a king's actions in relation to waste are called into question.

Legitimate and illegitimate devastation and the critique of kings

As the previous chapter argued, though kings possessed rights to commit waste in certain circumstances, these rights were subject to negotiation and this is reflected in these chronicles. The clearest example of this negotiation in process occurs in the depictions of Edward I's parliament at Lincoln in 1301. Langtoft describes how during this parliament a complaint was heard regarding the devastation caused to the land by over-taxation and seizures of property (unfortunately, the relevant parliament roll is not extant). The king's 'ministres', Langtoft tells us, '[w]nt la terre waster | Par prises surfetuses' (go to devastate the land | By seizures for forfeit), while in Robert Mannyng's chronicle they are said to have 'wasted þe lond' (7623).⁸⁶ It is worth returning to the petition presented at the 1377 parliament of Richard II regarding purveyance that was discussed in Chapter 2. Comparison between this petition and these chronicles shows how these meanings of waste could cross genres. In the petition the purveyors are said to 'drive out and expel' ('deboutent et enchacent') the inhabitants of church benefices as they 'appropriate, waste, carry off, and lead away' ('les biens qeconqes illoeqes trovez parnont, degastent, enportont, et amesnont') the church's property; once again, waste is associated with the removal of people from an area or structure. Langtoft and Mannyng relate that the barons and prelates request that Edward remove the offending ministers, including his own treasurer. King

⁸⁶ Langtoft, *Chronicle*, I p. 328. The use of 'wnt' is either an error or an editorial emendation, the [w] believed by Wright to stand for a 'vo' for 'vont' or 'vu' for 'vunt'.

Edward's reply is hostile, reasserting his right to appoint his officers as he sees fit and accusing the petitioners of trying to deprive their lord king of his rights and status.⁸⁷ However, he does promise to amend the wrongs caused by his agents on a case-by-case basis. That these passages are intended as criticisms of Edward is clear when we consider the passages that precede and follow them. The complaint regarding the avaricious ministers is one of several put to Edward pertaining to matters of financial administration and justice, and Edward is similarly dismissive of these. He refuses to uphold the perambulation or the charter of liberties, both introduced to protect the church and nobility from arbitrary royal taxation and incursions onto their land, as these represented a direct challenge to the authority of the Crown.⁸⁸ Here, Langtoft compares Edward I to King Arthur, praising the personal virtues and martial talents of both men, but then chastising Edward for allowing sin, laxness and treachery to infect his court and household as it had done the early Britons:

Demore e traine feynt e lung matinez,

Delit en luxure, et surfet en vesprez,

Auffiance en felon, des enemis pitez,

Au fet e conseil propre voluntez,

Eschurent les Britons en antiquitez.

Idleness and feigned delay, and long morning's sleep,

⁸⁷ Langtoft, *Chronicle*, II, p. 330; Mannyng, *Chronicle*, II, ll. 7633-54.

⁸⁸ Langtoft, *Chronicle*, II, p. 330; Mannyng, *Chronicle*, II, ll. 7679-84.

Delight in luxury, and surfeit in the evenings,

Trust in felons, compassion for enemies,

Self-will in act and counsel,

Overthrow the Britons in old times.⁸⁹

In this way, Langtoft invites the comparison of contemporary political events and the distant past, using the latter as a means of warning his readers of the dangers accruing from letting the standards of royal government slip.

There are also other examples in these chronicles of waste committed by followers of kings or leaders, but where the leader himself is not explicitly blamed. In *Castelford's Chronicle* the Duke of Leicester assists Uther Pendragon in driving out the Saxons. However, in the process the countryside is 'wasted wel ner' (19383) by disobedient soldiers, causing a famine (19380-1). This episode is reminiscent of the complaints discussed in the previous chapter of the conduct of the Cheshire regiment. The political conflicts over the rights of the Crown regarding waste, as well as those over the alleged misuse of these rights by the Crown's agents, can be seen played out here within these histories. By explicitly condemning waste made by rapacious soldiers and purveyors, as well as the failures of leadership that allowed it to happen, these histories shaped and reinforced their readers sense of right and wrong regarding waste committed against them by the crown.

⁸⁹ Langtoft, *Chronicle*, II, pp. 326-8.

There are also cases where praiseworthy kings are shown devastating the territories of their enemies in the context of civil strife, either as punishment for betrayal or to bring a conflict to a speedy end. This is the case when King Athelstan defeats the Scottish in Langtoft's account ('La guere de Escoce est prise, et Katenesse wasté'), and when Edward I does the same in 1303 ('Luy reys sire Edward Escoz va waster').⁹⁰ While sometimes these actions are justified by these chronicles as legitimate, at other times they are portrayed in an ambivalent or ambiguous way. Uther Pendragon is said in *Castleford's Chronicle* to have laid waste the lands and burned the cities of Duke Gorlois over a slight to the king's honour, as well as desire to claim the duke's wife as his own (18944-50). Uther's actions are not condoned, but neither are they condemned in any of these chronicles. A more explicit justification for the use of devastation for purely strategic purposes is provided by a much earlier chronicler. The anonymous author of the mid twelfth-century *Gesta Stephani* acknowledges that the raids and destruction of fields by King Stephen's army during the Anarchy brought about much starvation, but that this was needed to bring the Anarchy to an end and thus prevent further starvation and bloodshed.⁹¹ Whether to punish, discourage, or undermine, devastating the lands and people under the control of an enemy or rebel is presented by the chroniclers as a legitimate use of a king's military force.

At the same time, these same tactics when committed by Britain's enemies are often portrayed as abhorrent or cruel. A noteworthy example can be found in

⁹⁰ Langtoft, *Chronicle*, I, p. 326; Langtoft, *Chronicle*, II, p. 348.

⁹¹ *Gesta Stephani*, ed. and trans. K.R. Potter, First edition reprinted with new introduction and notes by R.H.C. Davis (Oxford, 1976), II.114; Discussion of these events in this among other chronicles can be found in R. Staffin, *The culture of food and feasting in high medieval England, 1066-1330* (MA Dissertation, Exeter, 2016), pp. 26-7.

Mannyng's chronicle, in which a Saxon king is condemned to die for actions that British kings themselves are shown committing elsewhere. During the British King Aurelius Ambrose's wars against the Saxons, the Saxon king Hengist devastates all of the land north of the Humber. When Aurelius travels north, it is said to be 'al wayste' (8375) and where there are 'non left myght tyle þe londe' (8376). Following the defeat and capture of Hengist, the British Bishop Eldad persuades the Britons to execute rather than imprison or exile their defeated foe, as punishment both for the loss of life and for the damage done to the northern lands by Hengist. Hengist is compared to the biblical king Agag of the Amalekites, executed by Samuel at God's command after his many depredations of the Hebrews (8605-24). This comparison frames merciful conduct toward a defeated enemy as akin to the foolishness of King Saul, who wished to spare Agag and later fell due to his own corruption, while suggesting that the king follow in the example of the wise and obedient Samuel by choosing punitive justice.⁹² Eldad references the 'Many lond mad wast & wylde, | Many wydewe, many faderles childe' (8613-4) as justification, suggesting that laying waste to homes and fields is something a king should be punished for. This apparent double-standard can be made sense of if we consider the matter of the monarch's reputation discussed previously. When a king's lands were laid waste, this hurt his standing both economically and in terms of prestige, him having failed to protect what was his. Moreover, an exiled enemy could return and wage war at a later date, as is the case with Hengist's sons. Devastation was a morally neutral tool to be exploited by both good and evil kings, but its use was also tied to ideas of honour and prestige in relation to kingship.

⁹² 1 Samuel 15:32-33

The need to punish or make an example of one's enemies is by no means portrayed as a *carte blanche* excuse to lay waste to the lands of one's own subjects. William I's Harrying of the North is one such case which elicits censure both from Langtoft and Mannyng, and yet this episode also provides a model for how kings can make amends for wrongful devastation. Langtoft writes:

S'en va vers le north, prez wastez et blez,

Tue pere et fiz, les femmes sunt livrez

Ad vilaine mort, n'est nul eschapez.⁹³

He proceeds towards the north, wastes meadows and corn,

Slays father and son, the women are delivered

To disgraceful death, not one has escaped.

Mannyng translates these lines almost word-for-word, along with Langtoft's descriptions of people driven to eating horses, dogs and vermin out of hunger (1871). He also states that William committed a 'grete synne' by devastating the north, especially for the violence done to clerics and churches (1882-4). The Harrying of the North is an event that many chroniclers of this period acknowledge as a particularly damaging act of cruelty, with the late thirteenth-century chronicle of Robert of Gloucester lamenting that much of the land in areas targeted by William's army

⁹³ Langtoft, *Chronicle*, I, p. 416.

remains 'wast & vntuled' (7667) at the time of writing.⁹⁴ Langtoft and Mannyng both state that William later repented of his wrath, commanding that amends be made for the damages done to abbeys and churches.⁹⁵ William hears the pleas for mercy and complaints about the conduct of his men and ensures that restitution is made, and yet Langtoft notes that none of the offenders were themselves punished. William's conduct in this episode thereby serves as both a positive and negative example of kingship. His somewhat lacklustre restitution would perhaps have struck a chord with readers who had first or second-hand experience of the difficulties that medieval plaintiffs faced when seeking justice for waste committed by soldiers and ministers of the king, as can be seen in the subject being a frequent source of complaint in the petitions and political treatises discussed in the previous chapter. Langtoft's focus here is on the right and wrong way for a leader to treat his subjects' property, a topic of concern that cut across social groups.

Devastation as the cause and consequence of political division

So far, this section has explored the depictions of waste caused by kings and their subordinates. It is worth now addressing instances where devastation is enacted on the inhabitants of Britain. These histories use scenes of devastation to provide a model of bad kingship and its consequences, as well as warnings of the dangers of political and social division, which readers could use as reference points to explain and shape their own circumstances. The remainder of this section will discuss examples where devastation is visited upon kingdoms when their leaders and populace were

⁹⁴ Robert of Gloucester, *The metrical chronicle of Robert of Gloucester*, II, ed. W. A. Wright (London, 1887), p. 552.

⁹⁵ Langtoft, *Chronicle*, I, p. 420; Mannyng, *Chronicle*, II, ll. 1910-23.

guilty of moral failings or lapses in duty, and the role played by waste as both a site of disorder and division and something that is the result of them.

The sins or failings of leaders and political division among the elites are the most common proximate cause when all or a large part of Britain is reduced to waste. In Langtoft's *Chronicle*, Maximian is preoccupied with military glory on the continent and fails to leave his kingdom adequately defended, enabling the Picts, Scots, Irish, Norwegians and Danes to raid and devastate his whole realm.⁹⁶ Vortigern's ambition leads him to usurp the throne and ally with the Saxons against his own kinsmen, enabling the Picts and Saxons to gain control of Britain until Aurelius Ambrose drives them out.⁹⁷ Aurelius is in turn poisoned by a rival, allowing the Saxons to return again.⁹⁸ The brief golden age ushered in by Arthur is brought to an end by the sins of his household when his nephew elopes with his queen. In the wake of Arthur's death his successors prove lacking in their morals and ability to rule, of which the worst, Catrik or Cereticus, wages civil war with his barons. This leaves Britain weakened, allowing Gormund of Africa to invade.⁹⁹ Following the account of this event given by *Castleford's Chronicle*, the author quotes the gospels in his account of why the Britons ended up in such a sorry state:

Fulfilde was þan, þe so3 to spel,

Of þam es w'r'itten in þe Euangel:

⁹⁶ Langtoft, *Chronicle*, I, pp. 87-9; Mannyng, *Chronicle*, I, ll. 6484-576; *Castleford's Chronicle*, ll. 12321-6.

⁹⁷ Langtoft, *Chronicle*, I, pp. 95-123; Mannyng, *Chronicle*, I, ll. 6904-7783; *Castleford's Chronicle*, ll. 13234-7531.

⁹⁸ Langtoft, *Chronicle*, I, p. 129; Mannyng, *Chronicle*, I, ll. 8870-9057; *Castleford's Chronicle*, ll. 18150-311.

⁹⁹ Langtoft, *Chronicle*, I, p. 230-1; Mannyng, *Chronicle*, I, ll. 13827-4094; *Castleford's Chronicle*, ll. 24186-305.

‘Ilke kyngdum þat biginnes to rise

Wizin itselſe to make diſuiſe,

[...]

Ouſe on ouſe ſalle ſtande na ſtoned,

In litel quile ſal thraw to gronde.’

Lo, Britaines regne, þoru fele enpriſes,

Pat into pride ſo heght it riſes,

Pat alle folk in dout it broght,

In fer landes grete maſtrie wroght –

Lo, now in propre pride and ſinnes

Als in diſcorde it partes and tuinnes. (24306-23)

In a later paſſage, Cadwalon explains to Salomon that the Britons have loſt their kingdom due to the ſins of their kings and their repeat gaining of the crown through treaſon and civil war.¹⁰⁰ Warnings to readers about the dangers of political diſuiſion are given both explicitly and implicitly throughout theſe histories. In this ſenſe, theſe chronicles ſhare ſimilar political perſpectives to texts in the ‘mirrors for princes’ genre, as well as thoſe of medieval histories of claſſical era kings and emperors, in which the declining fortunes of nations and empires tended to be aſcribed to the personal characters of particular leaders. By doing ſo, theſe texts were intended not

¹⁰⁰ *Caſtleford’s Chronicle*, II, pp. 679-81.

only to encourage kings to pursue better paths, but also ‘to instruct the wider polity in how to understand and assess political actors and institutions.’¹⁰¹ In *Kyng Alisaunder*, whose author is quoted earlier in this chapter noting the value in learning lessons from other men’s lives, Alexander the Great becomes both a figure of chivalric virtue and a cautionary tale of the mistakes a ruler can fall victim to. Various dreams and visions foreshadow Alexander’s ascension and downfall due to treachery, and while Alexander realizes his men are ‘lordless’, he fails to designate a sole heir, leading to civil war following his betrayal and murder.¹⁰² John Lydgate’s *The serpent of division* (c.1422), a history of Julius Caesar and the fall of the Roman Republic, was written with the intent of promoting political unity in the wake of the death of Henry V and also has a very clear purpose to instruct.¹⁰³ Lydgate blames the destruction of the Roman Republic on the pride of Caesar and the greed and envy of Pompey, who between them ‘made the famous Citie of Rome ful waste and wilde, not oonly of there innvmerabill treasour, but caved hem also to be full barreigne and desolate of here menne...’¹⁰⁴ In Nolan’s words, *The serpent of division* presents an ‘an economy of sin and punishment’ which Lydgate explicitly frames as a warning to ‘lordes and prynces of renowne’.¹⁰⁵ Examples such as these serve the same purpose as the chronicles in furnishing readers with a mythology and vocabulary with which to measure their own leaders, and in the process help to define contemporary standards of acceptable kingly behaviour.

¹⁰¹ K. Lewis, *Kingship and masculinity in late medieval England* (Abingdon and New York, 2013), p. 21.

¹⁰² C. R. Stone, “‘Many man he shal do woo’: portents and the end of an empire in *Kyng Alisaunder*,” *Medium Aevum*, 81/1 (2012), pp. 18-40 (pp. 27-34).

¹⁰³ M. B. Nolan, ‘The art of history writing: Lydgate’s *Serpent of Division*’, *Speculum*, 78/1 (2003), pp. 99-100.

¹⁰⁴ John Lydgate, *The serpent of division*, ed. H. N. MacCracken (London and New Haven CT, 1911), p. 50.

¹⁰⁵ Nolan, ‘The art of history writing’, p. 102; Lydgate, *The serpent of division*, p. 66.

One immediate consequence of devastation for both kings and lords is that the peasantry and citizens they relied on for their income are then scattered across the landscape. In Book IV of *Castelford's Chronicle*, Britain is invaded by the Irish, Picts, Scots and Norwegians. These incursions and subsequent destruction of British settlements forces the inhabitants to 'voede arghelie of þar cites' (vacate fearfully their cities) and flee 'to wastins' (12875-6). Line 13175 describes the Britons 'þan in wastins streuede', 'streued' being translated roughly as 'scattered'.¹⁰⁶ Given all of the conflict and controversies surrounding itinerant labour in the late-fourteenth and the fifteenth centuries, the troubles ensuing from mass displacement of labourers would have resonated with these chronicles' readers, and while the displaced people in these chronicles are portrayed more sympathetically than in discussions of itinerant labourers during the fourteenth and fifteenth centuries, community dispersal is always characterised as a detriment to the realm. This same period also saw a growing number of villages shrinking in size or becoming abandoned due to numerous interconnected factors, including plague mortality, enclosure, the shift from arable farming to pasture, and the more mobile post-plague labour force seeking opportunities elsewhere.¹⁰⁷ One often overlooked aspect of village desertion is that as some villages shrank and fell into disrepair, instances of petty crime and conflict between neighbours grew more frequent. Dyer speculates that as people's fortunes declined and as parish churches and other nexuses of village life fell into ruin, morale in these struggling communities suffered.¹⁰⁸ The readers and compilers of these

¹⁰⁶ streuen (v.). *MED*.

¹⁰⁷ For an in-depth exploration of later medieval deserted villages, see: C. Dyer and R. Jones (eds), *Deserted villages revisited* (Explorations in Local and Regional History 3, Hatfield, 2010).

¹⁰⁸ C. Dyer, 'Villages in crisis: social dislocation and desertion, 1370-1520', in C. Dyer and R. Jones (eds), *Deserted villages revisited* (Explorations in Local and Regional History 3, Hatfield, 2010), pp. 39-43.

chronicles must have been aware of this as a potential outcome for villages where waste buildings and empty farms proliferated.

It should come as no surprise then that this association of waste and discord occurs in other literary genres which Eckhardt identifies as having influenced these chronicles. Bloch notes that in Arthurian literature the waste land, with its scattered, atomised, and desperate way of life for those who dwell in it, is not only a consequence of civil discord but also a breeding ground for future discord.¹⁰⁹ In the sixth book of Malory's *Le Morte D'Arthur* for example, Gawain experiences a vision of 150 bulls of various colours. The three white bulls, representing the chaste knights Galahad, Perceval and Bors, are tied together by ropes, symbolising purity, restraint, and the common Christian community. By contrast, the black bulls are said to dwell in waste lands on account of their lack of humility, patience, and penitence for their sins:

[The black bulls] whiche at Pentecost atte the hyhe feest took vpon hem to goo in the quest of the Sancgreal / withoute confession they myghte not entre in the medowe of humylyte and pacyence / And therfor they retorned in to waste countreyes / that sygnefyeth dethe / for there shalle dye many of them / eueryche of them shalle slee other for synne / and they that shalle escape / shalle be soo lene that hit shalle be merueylle to see them.¹¹⁰

The association of waste lands with death is made explicit here, as is the detrimental

¹⁰⁹ R. H. Bloch, 'Wasteland and Round Table: the historical significance of myths of dearth and plenty in Old French romance', *New Literary History*, 11/2 (1980), pp. 255-76 (p. 262).

¹¹⁰ Thomas Malory, *Le Morte Darthur*, I, ed. P. J. C. Field (Woodbridge and Rochester NY, 2013), p. 728.

effect of living in them upon both the body and the soul. The waste land here is not only a site for the dispersal of the community, but is itself both a symbol of dispersal and disunity and a means by which they are propagated. A parallel to this can be found in *Castleford's Chronicle*. As mentioned previously, the Pictish invaders in Book IV of *Castleford's Chronicle* turn Albany into waste through their raids. These waste lands in turn provide cover for more raiders and thieves to launch attacks (12531-42). In medieval historical writing, the process of previously civilised land becoming waste occurs when there is a breakdown of order or lapse of duty at the centre of the realm. Whether the dispersal of the community is the fault of the leaders or the community itself, this is portrayed as a state of disorder which requires correction.

In these chronicles, the destruction of the social and political centre caused by the devastation of the landscape is often accompanied by a corresponding loss of the spiritual centre as well. As mentioned above, Dyer identifies the waste or dereliction of parish churches as being a driving force in the collapse of community bonds in villages that became deserted. In the events described by these chronicles, the destruction of churches and the scattering of the Britons across waste lands would have prevented them from gathering for religious services, and so the devastation of the settled landscape is frequently cast as a blow to Christendom itself. For example, the L manuscript of Mannyng depicts Gormund's devastation of Britain almost as a pagan crusade against Britain's Christian inhabitants:

þe Sessons led þe Aufricanes

& destroyed þe cristen wanes;

knyghtes, clerkes, to dede were done,

& namly alle religion.

Was non spared of cristens tong,

noure women no childir zong. (13939-44)

The L manuscript includes the following lines immediately prior to this passage: ‘þe Cristen blod [þat] er was gentil, | Was turned to Payen so vyl.’ (14551-52). The notion of ‘Cristen blod’ being ‘turned to Payen’ perhaps is intended to convey a sense of pollution, of a Christian nation defiled by pagan mores and people. More literally it may refer to Christians who converted to paganism, to the Christians’ being ‘turned over’ to the pagans to be killed, or that those of ‘gentle blood’ at the helm of society were displaced by the new pagan leadership. In any case, the arrival of these pagan invaders and the destruction that ensues is presented as an undeniably anti-Christian onslaught. We are later told that during this historic nadir, there was ‘no Kirke halowed, no messe songen | no childe cristned, no belle rongen’ (14235-36). Of the three chroniclers surveyed, Mannyng is the only one who regularly depicts large-scale devastation as a loss to Christendom. This connection is probably informed by his experiences at Sempringham during the early fourteenth century. The period had seen growing financial difficulties on behalf of the Gilbertine Order along with a loss of royal patronage, and the area surrounding Sempringham Priory had frequently been beset with violence and lawlessness during the reign of Edward II, with the priory itself being attacked in 1312.¹¹¹ *Castelford’s Chronicle* also makes this association on occasion. When Aurelius Ambrose appeals to the Duke of Colchester to help him

¹¹¹ Summerfield, *The matter of kings’ lives*, pp. 156-7.

overthrow Vortigern, he claims that the latter's collaboration with the Saxons has not only 'wasted þis plentiouse contre' (19638) but also 'destroid' (19640) the Church, and 'Cristendum ner don awaie' (19641). The Middle English prose *Brut* meanwhile used very similar language to describe the attacks on Northumberland during the reign of Edward II by Scottish raiders. The Scots are said to have not only burned, robbed and killed, but 'brent also hooly chirche / and destroyed Crystendome', as if 'þey had ben sarazenes or paynims [pagans]'.¹¹² The connection between these ideas was clearly one that persisted in the minds of writers and readers throughout this period. Given the central role played by the Church – that is, both the Catholic church as a whole and the individual parish churches whose spires could be seen across the landscape of late medieval Britain – in daily activities and in maintaining social cohesion, it is easy to see why its loss was so often paired with the destruction of farms, towns, and fields.

In making this connection, these chroniclers were drawing from a long tradition within Christian literature of using agriculture as a metaphor for spiritual health. As mentioned above, the common thread connecting waste landscapes with wasted ones was the lack of settled agricultural population, which chroniclers regarded as a basis of Christian civilisation itself. Pope Honorius had in a letter of 1220 linked agriculture, Christianity and civilised living while celebrating the recent conversion of Livonian pagans to the Christian faith, commenting that the 'hardness of the hearts' of the Livonians 'like a vast desert land, has been watered by the showers of divine grace and

¹¹² William Caxton, *The Cronycles of Englonde* (1482), Ca. CLXXXX. Early English Books Online Text Creation Partnership, 2011 [https://quod.lib.umich.edu/e/eebo/A23588.0001.001/1:185?rgn=div1;view=toC accessed: 20/05/2023].

cultivated by the plough-share of holy teaching, the seed of the lord is blessedly shooting up into a crop, nay, the lands are already white for the harvest.’¹¹³ People who were said not to farm were generally considered to be brutal, idle, unsophisticated, or generally lacking in virtue. All of these traits are ascribed to the Irish in Ranulph Higden’s *Polychronicon*, the English translation of which notes that the Irishman ‘forsakeþ tilienge of lond’.¹¹⁴ The dependence of medieval European society upon agriculture at every level also made it a useful literary tool for making didactic points about both individual and societal morality, not least because the Bible was full of examples where the devastation of fields is used as a punishment for sin. In Leviticus 26:14-35 God warns the Israelites of terrible consequences should they fail to keep the covenant; their lands will ‘enjoy their Sabbaths’ (‘placebunt terrae sabbata sua’) as they go untilled, and their sanctuaries will be brought into desolation (‘deserta faciam sanctuaria vestra’).¹¹⁵ God delivers on this promise several times, one example being the destruction of Jerusalem in the Book of Ezekiel. The prophet Ezekiel first hears from a fleeing citizen that Jerusalem has been laid waste by enemies (‘vastata est civitas’), only for God to tell him that this devastation was his will, the Israelites having been punished for various infractions such as adultery, consumption of non-kosher foods, and the worship of idols. Ezekiel 33:29 concludes with God promising to turn their lands into deserts, for all the ‘abominations’ committed (‘dederō terram desolatam et desertam propter universas abominationes suas quas operati sunt’).¹¹⁶

¹¹³ M. Hagger, ‘Lordship and lurching: interpretations of eating and food in the Anglo-Norman world, 1050-1200, with reference to the Bayeux tapestry’, in D. Roffe (ed.), *The English and their legacy, 900-1200* (Woodbridge, 2012), pp. 229-44 (p. 236).

¹¹⁴ Ranulph Higden and John Trevisa, *Polychronicon Ranulphi Higden monachi Cestrensis; together with the English translations of John Trevisa and of an unknown writer of the fifteenth century*, I, ed. C. Babington (London, 1865), pp. 350-3.

¹¹⁵ Leviticus 26:14-35.

¹¹⁶ Ezekiel 33:21-9.

The association of cultivated land with spiritual improvement, and waste land or desert with its reversal, provided writers throughout the Middle Ages with a set of metaphors that others could understand in terms of their everyday lives.¹¹⁷ Langtoft and Mannyng, like most other chroniclers at the time they wrote, were members of religious orders and so were familiar with scripture and with the various interpretations of scripture by monastic writers. While we cannot know if the author of *Castleford's Chronicle* was a monk or cleric, he is fond of quoting scripture and attributing the Britons' misfortunes to sin when discussing instances of devastation. In the wake of Gormund's ravaging the island, it is sin, and particularly the sins of pride and envy, that led to the sorry situation. As mentioned previously, the author quotes the gospels (Matthew 12:25, Mark 3:24) to reinforce his message (24306-41). The use of the gospels is not entirely the author's own innovation. Geoffrey of Monmouth, his principle source, also quotes the gospels during his account of this event, though far less extensively, as did other chroniclers before and after him. But the idea of the country being 'made deserte þoru Goddes ire' (27060) is one that the *Castleford* chronicler is eager to emphasise, devoting long and florid passages to castigating his recalcitrant forebears.

¹¹⁷ For example, the author of an early Middle English homily from c.1200 uses the dichotomy of waste and tilled land to construct a metaphor warning of the dangers of a slow lapse into sinful conduct. The homilist begins by quoting Deuteronomy 32:10 in which Moses, chastising the Jews for their rebelliousness and ingratitude, reminds them that God shielded and nurtured his children during their time in the 'desert land' ('terra deserta') or 'waste wilderness' ('vastae solitudinis'). The homilist then goes on to clarify that the 'vastae' refers to 'weste londe' or 'grisliche stede' (ugly place), defining it as 'þat londe þat is longe tilðe atleien' ('...has lain idle for a long while'/'has not been tilled in a long time').¹¹⁷ The dwelling places of the world naturally turn to waste ('Ðis woredes biwest is efned to wastene'), as they lie apart from the holy 'tilth' (husbandry or harvest, 'ferren atleien holie tilðe'). Wilderness is defined as a place which has become overgrown with wild nature, where 'bare manie rotes onne wacseð' (where many roots have grown). The homilist thereby creates a metaphor for spiritual negligence using the following teleology: tilled land that is allowed to become waste then becomes overgrown, therefore having gone from a part of society to a part of the wilderness ('and bicam waste, and was roted oueral, and swo bicam wilderness'). These kinds of allegories may not be as explicit in the chronicles, but they are drawing from the same longstanding associations. *Old English homilies*, pp. 161-63; tilth n. *MED*.

The rhetorical or didactic value of wasted lands can also be found in their portrayal as antagonistic forces themselves which positive forces or individuals can be juxtaposed with. Using the examples of *Perlesvaus*, *La Mort Artu*, *Queste del Saint Graal*, and the chronicles of Wace and Lazamon, among others, Bloch argues that the round table in Arthurian literature serves to counteract the influence of the waste land by providing a physical and symbolic centre around which the people can gather and negotiate, thereby promoting unity, reciprocity, order and cooperation, in contrast to the scattered, lowly, uncivilised and dog-eat-dog world of the waste land.¹¹⁸ In history-writing with a focus on genealogies of kings, the good kings serve this exemplary function, uniting the nation after a period of turmoil and bringing their subjects out of the precarious, chaotic, fractured and non-hierarchical existence that characterised life in wastes and back into the civilised order of the village, town, church, and nation. Such portrayals of good leaders as bringers of stability and unity first and foremost would have also reinforced the self-perception of these chronicles' readers and compilers. Following the combined invasion of the Irish, Picts, Scots and Norwegians in *Castleford's Chronicle*, the Britons flee to the wastes (12875-6). When King Constantine sets about driving out these invaders, the Britons who were 'þan in wastins streuede' ('then in wastes scattered, 13175) rally to Constantine's side. Similarly, when Aurelius Ambrose sets out to overthrow Saxon rule, we are told that tidings of his coming 'sprang þoruout Britaines landes' (13833) among the Britons who had been forced to reside 'in wastingedde' (13834). Virtuous kings thereby bring their people out of the wastes and back into civilisation.

¹¹⁸ Bloch, 'Wasteland and Round Table', pp. 265-6.

The repeated association of virtuous kings with unity and agricultural settlement, and in turn sinful kings with disunity and retreat to waste land, was informed by a popular notion of king as a metaphorical head of the body politic, and whose personal conduct determined the proper running of the kingdom.¹¹⁹ Bracton in his discussion of the need for kings to rule wisely and obey laws draws a direct link between the morality and capability of the king and that of the rest of the realm: ‘a capite corrupto descendit corruptio membrorum, et si sensus et vires non vigeant in capite, sequitur quod cetera membra suum non poterunt officium exercere’ (‘for from a corrupt head corruption descends to the members, and if understanding and virtue do not flourish in the head it follows that the other members cannot perform their functions’).¹²⁰ When the subject is mentioned in chronicles, the courts of successful kings are portrayed as lacking in vice: we are told by the author of *Castleford’s Chronicle* that the ministers of Arthur’s court ‘dide þar office fair and clene’ (21358), while the knights were ‘wizouten pompe’ (21373) and the ladies ‘mar chaste and gode’ (21378) than those of the chronicler’s present day. While moral decline and failed leadership lead to devastation and the scattering of the people across the waste land, the leaders who emerge during these crisis periods are portrayed as instigating the reversal of both processes, by rebuilding the devastated settlements and bringing their isolated and disparate subjects back into the community of church and realm. These juxtapositions would have resonated with readers in fourteenth- and fifteenth-century England, given the dynastic and military conflicts that they lived through. The apparent growth in appreciation for Langtoft’s work toward the end of Edward II’s

¹¹⁹ Lewis, *Kingship and masculinity*, pp. 25-6.

¹²⁰ Henry De Bracton, *De Legibus et Consuetudinibus Angliae*, II, trans. S. E. Thorne (Cambridge MA and London, 1968), p. 306.

reign makes sense given its preoccupation with good and bad kingship and the fact that readers had experienced both in living memory. Similarly, the copying of all the surviving manuscripts of Robert Mannyng's history, as well as the sole surviving manuscript of *Castelford's Chronicle*, can be dated to periods where social unrest (the Peasants Revolt, Oldcastle's Rebellion) or political upheaval (the overthrow of Richard II, the Wars of the Roses) were or had recently been taking place. Tales of devastation brought on by failed kingship, and the role of good kings in bringing about the realm's recovery, were valuable reference points in debates and conflicts regarding the monarch, the Crown, and the political order.

To summarise, depictions of kings' involvement in devastation or with waste land in these histories were inextricably tied to ideas and debates around the role of the king: as a warrior, as a protector of his subjects, as a wise ruler, and as a virtuous Christian who kept a clean and orderly court. Waste in different forms and contexts could be used in praise when a king fulfils these duties and to condemn him when he falls short. The fact that good kings are portrayed as devastating enemy territories shows that in the case of monarchs, committing waste is not inherently immoral, and yet certain types of devastation (such as through the depredations of greedy subordinates, or massacres committed out of wrath) are the targets of censure. The actions of bad kings are frequently shown bringing devastation upon their own realms and households, as do those of warring elites whose ambitions and lack of Christian virtue bring about political division. The image of dynastic ruin would have carried weight for noble and gentry landholding readers, particularly during times of civil discord such as the Wars of the Roses and the social unrest that erupted in the decades following the arrival of the Black Death. These depictions were also informed by a Biblical tradition

that regarded waste as a form of divine punishment. Wasted lands and settlements act as a dire warning for the consequence of royal or aristocratic folly, which in turn is likened to the moral iniquity of entire peoples. Such devastated landscapes also provide opportunities for heroic kings and penitent peoples to reunite and rebuild the realm. This thesis will now explore this role of waste land, among others, in these chronicles.

3.3 Waste land, colonisation, and the progress of Christian civilisation

This section will show how conceptions of waste land in medieval histories and in wider society informed one another. It will first outline how waste was depicted as hazardous and inhospitable, but also as a site of productive potential, in a similar manner to how manorial waste was treated. Next it will discuss the ways that waste land functioned as a place to settle exiled or conquered people in chronicles. Finally, it will explain how these roles of waste land fit within a Christian framework of history that cast waste land as both a place of divine punishment and of renewal.

Waste lands as sites of danger

As mentioned in the thesis introduction, waste lands were often cast as places hostile to human survival. After Brutus and his followers have heard the prophecy on Logecia, the goddess Diana directs them to make their home on another abandoned island

called Albion, which is renamed Britain after Brutus. Diana in Langtoft's version of events speaks in Latin, describing Albion as 'Nunc deserta quidem, gentibus apta tuis' ('It is now quite deserted, suitable for your people'), while in *Castleford's Chronicle* she refers to Albion as 'desert and wast' (1370).¹²¹ But Albion is not entirely uninhabited. The island is said to have been settled previously by a party of exiled, husband-slaying princesses who mated with the devil to produce a race of giants. It is only after Brutus' followers have wiped out the giants that the island can be settled and cultivated. The belief that far-flung, uncultivated lands were populated by dangerous monsters and savage people was one that had its roots in biblical tradition. Cain, having killed his brother Abel, was banished to the land of Nod East of Eden. There his progeny are said to have mated with fallen angels and produced a race of cannibalistic giants. This myth influenced the *Beowulf* saga, with Grendel and his mother being supposedly of this giant race.¹²² It is probable that this narrative inspired the giants appearing in the *Brut* tradition given the longstanding Norse presence in Anglo-Saxon England.¹²³

Chroniclers' depictions of people living in wastes as savage or not quite human were informed by bestiaries, by travel literature such as Mandeville's *Travels*, by the recurring motif of the 'wild man' found in romances, and by medieval translations of classical works.¹²⁴ The fifteenth-century Middle English translation of the *Wars of Alexander* gives a vivid depiction of a treacherous waste as Alexander marches through India. Travelling through the 'wastis', the army first find that there is no

¹²¹ Langtoft, *Chronicle*, p. 13; Mannyng does not use the terms *desert* or *waste* in his retelling of events.

¹²² R. Mellinkoff, 'Cain's monstrous progeny in "Beowulf": Part I, Noachic tradition', *Anglo-Saxon England*, 8 (1979), pp. 143-162 (pp. 45-57).

¹²³ Cohen suggests Moses and the Israelites encounters with Canaanite giants in the Book of Numbers as an alternative origin: J. J. Cohen, *Of giants: sex, monsters and the Middle Ages*. Medieval Cultures Volume 17 (Minneapolis, 1999), p. 34.

¹²⁴ Leerssen, 'Wildness', pp. 30-2.

water, and then are ambushed by ‘bestis’, ‘crabbid [vicious, hostile] snakis’, and ‘opire warlazes [evil spirits] wild’ (3792-5).¹²⁵ Upon finally finding water, they are further assailed by a multitude of dragons, monsters, wild animals, giant rodents and scorpions, and other beasts.¹²⁶ Included among the attackers are some ‘wild men of þe wast’ (3910), each with six hands apiece and armed with swords and bows, and whom are referred to as ‘savagys’ (line 3910).¹²⁷ The physical dangers associated with waste or wild spaces also made *waste* an apt metaphor for spiritual and political dangers. In the *Alliterative Morte Arthure*, Arthur while on campaign has a dream of walking in a ‘wasternne’ full of ‘woluez and whilde swynne and wykkede bestez’ (3232-3).¹²⁸ His court philosopher informs him that these animals represent ‘wikkyd men’ who, in Arthur’s absence, commit treachery and trespasses in his court (3446-9), thereby foreshadowing the treason and adultery on behalf of Mordred and Guinevere which leads to Arthur’s death. Waste lands are thus places of hazard, and to medieval writers and readers, the only reasons for civilised people to reside in waste lands are the purification of one’s soul (in the manner of the hermit, or Christ’s temptation in the wilderness), to build upon and improve them (in the manner of an agricultural settler), or as a temporary measure brought on by an emergency.

Waste lands are also frequently depicted as places from where raiders and bandits launch attacks. This is demonstrated in Book IV of *Castleford’s Chronicle* following the conquest of Britain by the Picts and Huns. When the Romans arrive in Albany to begin constructing Hadrian’s Wall, they find the province ‘bicomens deserte and waste’

¹²⁵ *The wars of Alexander: an alliterative romance translated chiefly from the Historia Alexandri Magni de preliis*, ed. W. W. Skeat (London, 1886), p. 217.

¹²⁶ *The wars of Alexander*, pp. 218-20.

¹²⁷ *The wars of Alexander*, p. 210.

¹²⁸ *The Alliterative Morte Arthure: a critical edition*, ed. B. Franklin (New York, 1976), p. 127.

through the 'haunting' of the Pictish raiders who now occupy the land (12496-8).

These raiders use the wastes as a base of operations from which to launch raids ('skekeries'):

Pai þam resette in þase wastins

And oþer contres wizharmes onrins;

Alle Britaine þar wiz ille þai spies

And dos þarto doleful skekeries.

In þase wastins resette þai haf,

After skekeries þamselfen to saf. (12503-8)

Waste lands here are portrayed as serving a useful function to people who wish to make a living outside of and in opposition to civilised society. This function of waste land scarcely features in the main sources used by *Castleford's Chronicle*, or in either of the other fourteenth-century chronicles that are the focus of this chapter. Its presence in late medieval chivalric romance and in accounts of recent military campaigns such as the Usk example below suggest that the various forms and uses of waste which appear in *Castleford's Chronicle* were shaped by contemporary lived experiences of the medieval English landscape. During the Scottish campaigns of Edward I and the incursions by the Scots into English territories in Edward II's reign, the woods and wastes of Cumberland, Durham and Northumberland provided safe haven for armies and raiding parties of both sides, as well as shelter for fleeing

civilians, between 1296 and 1322.¹²⁹ The remoteness of these lands made them a place of danger to some, and a place of safety to others. The propensity for overgrown areas to be used in such a manner made them attractive not only to military raiding parties but also bandits. Article five of the 1285 Statute of Winchester commanded that all trees, hedges, ditches, undergrowth or bushes ('bois, ou haies, ou fossez... subois, ou bussuns'), 'whereby a man may lurk to do harm' ('peut tapir pur mal fere'), be removed up to a distance of two hundred feet on either side of highways leading to market towns.¹³⁰ The statute also specifies that local lords will be made liable for robberies committed on roads that have not been cleared, meaning that this problem was of concern to these chronicles' land-owning readership. Accordingly, *Castleford's Chronicle* notes that the thieves who took advantage of the departure of the Romans 'to wasting flede' (12538-9). Although Langtoft does not use the term *waste* in this context, he notes that the Scottish rebel William Wallace 'lives by robbery' ('de roberie se pest') within 'moors and mountains' ('En mores et montaynes'), reinforcing the notion that areas outside of the settled landscape make suitable homes for malefactors.¹³¹ Similarly, the *Chronicle* of Adam Usk portrays the Scots as taking refuge in thickets, woods, and caves, launching attacks from 'out-of-the-way deserts' ('desertis deviis') and bypaths, killing and capturing several men.¹³² These outlaws are sometimes likened to animals or said to have forsaken their right to be a part of human civilisation, such as when Richard of Ely drew a parallel between

¹²⁹ Slavin, 'Warfare and Ecological Destruction', pp. 534-5.

¹³⁰ *Statutes of the Realm*, I, p. 97.

¹³¹ Langtoft, *Chronicle*, I, p. 352.

¹³² Adam Usk, *Chronicon Adae de Usk*, p. 47.

his outlaw antihero Hereward and a wolf.¹³³ Waste spaces could therefore symbolise danger, a view that was shaped partly by people's interactions with and experiences of said places, and by the literary and folkloric constructions of them as the home of outlaws, bandits and monsters. At the same time, they could also be places of safe refuge for both good and evil alike. This section will now address this role of waste land in more detail.

Waste lands as sites of refuge

Although waste lands are rarely portrayed positively in these chronicles, their place outside settled centres does have its uses. *Castleford's Chronicle* contains numerous examples of less nefarious people using waste lands as a place of temporary refuge or concealment. Soldiers on the losing side of a battle, alongside farmers and citizens fleeing the destruction of their homes, are all depicted fleeing into waste lands to escape their persecutors. After defeating King Pandras' army and before arriving in Britain, Brutus finds 'privetece' within the 'woddess and wastyns' (747-50) of Greece to escape the king's vengeance.¹³⁴ These 'wastyns' become a place for Brutus' army to make camp from which they can plan and stage their next attack. In turn, once Pandras' own army is defeated his fleeing soldiers also find refuge in waste land:

Pai þat aschaped, als halfe qwyke,

¹³³ K. Lifton, 'Caput lupinum: appropriating and rewriting the wolf motif in the *Gesta Herewardi's* literary landscape', *Viator*, 52/1 (2021), pp. 75-86 (p. 80-2).

¹³⁴ The *Middle English Dictionary* defines *privetece/privetese* variously as 'Privacy, secrecy, concealment; discretion; place of ~, a private place; hiding place': *privĕtĕ* (n.). *MED*.

Some wane to woddess, some to wastes thy[k] (1033-4)

Similarly, King Uter Pendragon is forced to flee into waste lands when he is forced from power:

‘þar fledde awai þe kyng Uter,

Forqwi in feld he stode þewer;

þe flight fleande wel raz he tastes,

Northwest into wodes and wastes.’ (18634-7)

Finally, the entire British nation are forced to take up residence (‘þar reste’, 27164) in the ‘wastins and wudes of Wales’ (27166) when the Saxons conquer Britain. The use of waste land as a place of refuge appears infrequently in other Middle English literature of the period. Having slain three men and being pursued by an angry mob, the protagonist of the late fourteenth- or early fifteenth-century *Erle of Tolouse* is described as fleeing ‘into a waste; To reste hym there he toke hys caste: A wery man was hee.’ (451-3).¹³⁵ In *William of Palerne* (c. 1375) the Greek emperor orders his soldiers to search for the fugitive William in ‘wodes and wastes and alle maner weies’ (2131).¹³⁶ Wastes, being often considered more remote from settled society than other forms of land, were seen as good hiding places.

¹³⁵ ‘Erle of Tolous.’ *The Middle English Breton Lays*, ed. A. Laskaya and E. Salisbury (Michigan, 1995), online edition [<https://d.lib.rochester.edu/teams/text/laskaya-and-salisbury-middle-english-breton-lays-erle-of-tolous> accessed: 22/09/2019].

¹³⁶ *The romance of William of Palerne (otherwise known as the romance of "William and the werwolf")*, ed. W. W. Skeat (London, 1867), p. 73.

As has been discussed already in this chapter, residence in waste lands is never presented as a good long-term living situation. Sometimes, those whose land is devastated or who are forced to flee to the wastes are even depicted as having been reduced to an almost animalistic existence, a portrayal that can be found as early as in Bede's work and which has parallels with literary constructions of outlaws.¹³⁷ Langtoft is particularly fond of this trope. As mentioned, chroniclers often describe such people fleeing to the surrounding waste lands when their fields or towns are attacked. Langtoft notes that when the Picts and Scots invaded and devastated Northumberland ('Tut Northumberland par terre et mer wastayt'), the people ate from their own damaged fields like animals ('Ke checun homme cun beste en champ se pesayt').¹³⁸ Another dietary signifier of fallen status occurs earlier in the text when Gormund lays Britain waste, forcing the archbishops of London and York to hide in the woods ('al boys s'en vount mucer') and live only on herbs; Langtoft then comments that the 'wretched ploughman' ('chaitif caruer') is living now like a bishop ('Vist ore cum eveske'), emphasising therefore not just the undignified existences of the bishops but also an unnatural reversal of the social order.¹³⁹ Although Mannyng relied primarily on Geoffrey of Monmouth over Langtoft when writing the first half of his chronicle, in his retelling of these events he discards Geoffrey's portrayal of the bishops fleeing to the forests of Wales in favour of Langtoft's retelling, greatly emphasising the humiliating loss of status. Of Archbishop Theon, we are told that 'to þe wod he fled & was nought fondon' (13954), while Archbishop Thadok 'lyued in kerres, as dos þe stork' (the *MED*

¹³⁷ Lifton, '*Caput lupinum*', p. 80.

¹³⁸ Langtoft, *Chronicle*, I, p. 288.

¹³⁹ Langtoft, *Chronicle*, I, p. 238.

defining *ker* as an overgrown swap or marsh).¹⁴⁰ Both bishops are then said in the L text to live on ‘herbes of þe ryuers’ during their time ‘in wast, wyþ bestes, at stedes sers’ (‘at diverse dwelling-places’, 14575-76). That both the woods and marshes are included within this ‘wast’ is further indication of the diverse types of land that *waste* could refer to. It is also clear that *waste* in this instance is not being used to describe the physical terrain per se, *wood* and *ker* having already done so with more precision. Instead, *waste* is being used to emphasise a negative state of being – cut off from civilisation and reduced to living like birds and beasts. As mentioned in the last section, large-scale devastation is often paired with a collapse of the traditional social order in these chronicles, and the residence of high-status men in woods, marshes and waste lands symbolises this collapse. Langtoft makes the association of diet and status with devastation on three other occasions. First, in his description of the Pictish and Scottish invasions of Northumbria the land is said to be so badly wasted (‘wastayt’) that people were forced to eat like animals in the fields (‘Ke checun homme cun beste en champ se pesayt’).¹⁴¹ The second occurs in his account of William I’s Harrying of the North. Here he claims that no-one was left alive (‘est nul demorez’) except for ‘clerks of the holy church’ (‘clers de saint eglise’) who have been forced to eat horses, cats and dogs out of desperation (‘Chuvals, chens, et chaz par poverte out mangez’).¹⁴² Finally, when the Scottish king Robin is driven out of his cities and towns he is said to have become ‘mad and naked’ (‘forsenez et nu’), eating raw grass alongside cattle (‘Se pesceit ove la beste de cel herbe cru.’)¹⁴³ If agriculture symbolised man’s dominance above nature, the destruction of towns and fields negates that

¹⁴⁰ *kĕr* n. *MED*.

¹⁴¹ Langtoft, *Chronicle*, I, p. 288.

¹⁴² Langtoft, *Chronicle*, I, p. 416.

¹⁴³ Langtoft, *Chronicle*, II, p. 372.

dominance, as shown by the reduction of the inhabitants to living like animals. It also leads to the collapse of the internal hierarchy of human society, as peasants, priests and prelates see their statuses become fluid and unstable.

Waste lands as sites of productive potential

While waste lands are frequently depicted as wild and dangerous, in all three of the primary chronicles examined we find more positive depictions of waste land as something that can be turned into farms and settlements when the need arises. As mentioned in the previous section, good kings are regularly depicted settling waste lands and building cities. Just as the reversion of agriculture to waste is portrayed as the consequence of bad kingship or moral decay, so can a waste land be transformed into settled land by positive acts by kings, knights, and the commons, such as the slaying of a giant or the erection of towns and churches. Good kings are also often portrayed as builders. One such example is king Belin, who in addition to building many towns and castles and rebuilding ruinous cities, also constructs the four highways of England as well as an enormous shipping gate in London (*The Chronicle of Robert Mannyng*, I, 3531-3582; *Castleford's Chronicle* 5644-5687).¹⁴⁴ Citing Belin as the archetypal example, Ranulf of Higden claims that the most important 'exemplary action' ('actionum genera') of kings was 'the building of cities' ('constructiones urbium').¹⁴⁵ Langtoft notes that while King Morvidus is a warmaker, his son Gorbodian repairs temples ('Les temples en Brettagne par tut renovelayt') and honours the

¹⁴⁴ Langtoft, *Chronicle*, I, pp. 44-8.

¹⁴⁵ Given-Wilson, *Chronicles*, p. 130.

cultivators of the land ('Les gaygnours de terre par tut honurayt').¹⁴⁶ Aurelius Ambrose is said by Langtoft to have set about rebuilding churches, towns and cities following his victory over the Saxons, while in Mannyng's history, King Arthur, upon seeing the damage the Saxons have done to York, has the city rebuilt 'as hit was byfore' (10379-80).¹⁴⁷ Once again similarities can be found between this genre and the more explicitly political *Mirrors for Princes*, such as the *Boke of Noblesse* with its praise for military leaders who convert waste land to fields.¹⁴⁸ In *Castleford's Chronicle*, Christianity itself is directly linked with the restoration of settlements. The opening book of the chronicle states that there were once 'Augh and twenty gret cytes | War fyrst wythin Brytanes contres' (309-10) prior to the arrival of the Trojans, and though it is not clear who built them, all had decayed to 'desert and wast' (314) only to be later 'restoryd at Crystyn mennys request' (317). This again reflects and reinforces the association in the minds of readers between Christianity and civilisation.

Waste land proliferated when the civic, cultural, and spiritual frontiers of Christendom were forced into retreat. In turn, the advancement of those frontiers would see waste converted into farmland and built upon. This leads to a second key point regarding waste land in medieval historical writing: its role as an interim stage between the downfall of one people and the rise of another. As the previous section explained, moral decline among a people or its leaders is presented by chroniclers as ushering in a breakdown of order, which in turn allows the dangers at the periphery – pagan invaders, thieves and raiders, or wild nature – to intrude into the centre. After a troubled early history, the Britons reach the zenith of their power under Arthur, after

¹⁴⁶ Langtoft, *Chronicle*, I, p. 54.

¹⁴⁷ Langtoft, *Chronicle*, I, p. 122.

¹⁴⁸ *The Boke of Noblesse*, pp. 65-6.

whose death a series of unworthy successors would bring about the ruination of Britain. This enables the Saxons to return, drive out the remaining Britons and establish new settlements. In his account of the final years of British control over the island, Langtoft tells us that the Britons were slaughtering one another while at the same time produce issuing from the ground was failing ('Chescun Brettoun altre par contek occist; | Frute issaunt de terre de tute pars fallist.')¹⁴⁹ In *Castleford's Chronicle* we are given a description of the wasted Britain that contains common tropes associated with devastation in these chronicles while also showing how waste could carry more positive connotations from other perspectives:

Britaine was þan alle voide and waste

Of al kins citisains almaste,

[...]

Saxons þat wer in þe contres,

Sum wandrede in wath, sum awai fles.

Ilke man lifede wiȝ fodes sere –

Sum wiȝ purchas of þe wilde dere,

And sum wiȝ rotes als wilde swine,

And sum þar lifede wiȝ saluagene,

And sum þat cuth, þai lifede þat quile

Wiȝ water fische and volatile. (27099-112)

¹⁴⁹ Langtoft, *Chronicle*, I, p. 258.

As in other portrayals of devastation discussed elsewhere in this chapter, Britain is shown to have been emptied of its previous inhabitants. Nevertheless, this 'voide and waste' island is at the same time able to provide ample wild animals and fish for the Saxons to live on. Waste land here is portrayed as providing long-term sustenance and habitation to the Saxon people. But, as in the case of waste land as refuge, it is only uncivilised and sinful people who make waste their permanent home, whereas those who are willing to improve themselves will convert to Christianity and embrace agriculture. In this manner the Britons' loss is the Saxons' gain: they summon more of their people from Germany to resettle the land (27123-38), while the fallen Britons are forced to live within the 'wastins and wudes of Wales' (27166). The Saxons meanwhile are said to have rebuilt (27134), 'raisede many a plogh' (27135) and brought peace to the country (27138). Shortly afterward, the Saxons all convert to Christianity, further strengthening the association of faith, farming, and nation-building. Though Langtoft leaves much of this out, Mannyng's description is very similar to that of *Castleford's Chronicle*:

Pyse Saxons þat hyder camen,
Loue & pees þey held ay samen;
þe lond to tyle, oueral þey sought,
Cites, casteles, tounes, wrought,
& made houses, & tiledede þe feld,
þer vsages & þer lawes held;

þat þey in Saxoyne helde byfore,

þe same wolde þey haue þore. (16569-76)

In both chronicles, the Saxons simultaneously begin farming the land, adopt a more peaceful way of living with one another, and become Christians, with Mannyng further reiterating the peaceful tilling of the land a few lines down ('Of þes þey made good sykernesse, | þe lond to tyle wyþ more & lesse', 16583-4). The association of food production, civilised living, social stability and Christianity can be found elsewhere in Mannyng's treatment of the Saxons. He derides them as a violent and divided people who do not hold baptisms or church services for a long time (14233-8), but who if given 'euen kepyng' (14257) of 'mete & drenke & oper þing' (14258), are given a special vigour by the grace of God. When the Saxons convert and simultaneously abandon their constant warring with one another for agriculture and settlement, they become the English, marking a new point of origin. Though both Mannyng and the writer of Castleford's Chronicle relied on Wace's *Roman de Brut* for their descriptions of the Saxon conquests, Wace makes no mention of peace or mass conversions to Christianity in this section (14729-74). These chroniclers were instead drawing from numerous ideas, ancient and contemporary, regarding the connections between agriculture, stability, Christianity, and the passage of time. This view was reinforced in part by what these writers read, but also by the fact that their society was primarily agricultural, and because agriculture itself left a distinct physical impression upon the settled landscape. The cultivated landscape served as a visual marker of man's

dominance over the natural environment, and its destruction or disappearance (by warfare, for example) represented the loss of that dominance.

Waste land is also shown being used to provide a home for potentially troublesome populations. In all three chronicles there are three examples of waste areas being used to settle exiled or conquered peoples. The first occurs when the British king Gurgoint, after having slain the king of the Danes and restored Danish tribute to Britain, encounters Spanish exiles on the Orkneys while sailing home. They ask to be settled in Britain but Gurgoint refuses, instead directing them to Ireland which is said by Mannyng to contain 'ne toun, ne man wonynge' (3684). In the Lambeth Palace Library manuscript, the settlers are said to learn that the island is entirely 'wast & wylde', while the Petyt manuscript states 'all fond þei wilderness' (3689).¹⁵⁰ Waste or wilderness, this land is hardly barren:

þey spredde hem aboute in ilkan ylde;

Sone þey maden erylde feld,

þey logged hem, & tymber teld;

þer folk wax faste, & fostred more,

& tyled þe lond aboute ay whore. (3690-5)

This episode serves as a foundation myth of the Irish, just as the Trojans founded the British nation on the 'desert and wast' isle of Albion. Waste can also be a place to

¹⁵⁰ Similarly, in Trevisa's translation of Higden's *Polychronicon*, the phrase 'voyde and wast' is the chosen translation of the Latin 'vacuum' (empty, vacant) used to describe Ireland. Higden and Trevisa, *Polychronicon*, I, pp. 344-5.

settle defeated enemies. Upon the death of the Pict leader Rodryk, King Marius is advised to settle the Picts in Caithness on account of that land's being devoid of people; Mannyng refers to it as 'wast & sauage' (5700), while *Castleford's Chronicle* states that 'Deserte and waste alle was it... Lang unhabitede and untald' (8972-5). Following the death of Hengist and victory of the Britons over the Saxons, Aurelius is advised by Bishop Eldad to settle Hengist's sons and their surviving followers within Britain. Mannyng places the following words in the mouth of the bishop:

ffor Bretagne ys large & long,

& many stedes wast among. (8681-2)

In *Castleford's Chronicle's* version of these events, the Saxons are made to spend their days in servitude to the Britons as the price for mercy:

Mercie in herte to þam we finde,

In faiȝ and thraldum þam to binde,

Als in desertes and wastis to won,

Bonden in our subgeccion –

þam forth to lif, and þar linage,

Wiȝouten ende in our servage. (17510-15)

These examples not only provide lessons of how outsiders and enemies can be effectively pacified. They also reinforce a seigneurial attitude to waste land, where

vacant parcels are granted to servile cultivators by their rightful lord. The use of 'servage' reinforces the connection between these mythic events and late-medieval villeinage under Anglo-Norman lordship. It is also presented as a just punishment. Waste land thereby provides an opportunity for these people to rebuild and recover, but only at the mercy and under the thumb of those who had conquered them.

This role of waste with regard to feudalism and defeated enemies requires further comment given the political structures that these chroniclers lived under. As MacColl notes, two of the key sources for these chronicles, the *Historia regum Britanniae* and the *Roman de Brut*, both portrayed the Norman Conquest as being brought on by the moral and political failings of the Anglo-Saxon kingdom, justifying Norman claims over the entire island of Britain and warning their readers of what should befall the Anglo-Normans should they make similar mistakes.¹⁵¹ Mannyng is explicit in portraying the feudal servitude of the English as punishment for personal sins and failings of English leaders prior to the Conquest:

Bot þat he [King Harold] was forsuoen, mishappyng þerfor he fond,

suld he neuer els haf lorn for William no lond,

ne bien in þat bondage þat brouht was ouer þe se;

now ere þei in seruage, fulle fele þat or was fre.

Our fredom þat day for euer toke þe leue;

for Harald it went away, his falshed did vs greue. (ll. 1758-63)

¹⁵¹ A. MacColl, 'The meaning of "Britain" in medieval and early modern England', *Journal of British Studies*, 45/2 (2006), pp. 248-69 (pp. 251-9).

Mannyng also portrays this destruction and subjection of the English as having a purgatory effect, with William the Conqueror killing the 'wicked men' responsible for leading Harold and the English astray:

He com & slouh ilkone þo wikkid men in stoure

& sette vs in seruage, of fredom felle þe floure; (ll. 1620-21)

Waste, both in the sense of devastation and of uncultivated land, plays a key role in the attainment of both freedom and servitude. In both Mannyng's *Chronicle* and *Castelford's Chronicle*, people in positions of servitude are shown attaining freedom, just as those who fail in the inextricable realms of virtue, politics and warfare can see themselves reduced from freedom to slavery.

Waste land in chronicles thereby plays an ambivalent role. The replacement of settled land by waste land, or the transfer of a people from settled land to waste land, each represent a fall from a higher state of civilisation to a lower one. Yet waste land also serves as a site and a source of renewal, revival, and resettlement. In *Castelford's Chronicle*, waste land is explicitly connected with the founding of the British nation, and this particular chronicle stands out for the degree to which it portrays the value of waste land as a site of potential colonisation. This is especially the case in the first book when Brutus writes to King Pandras asking for the Trojans to be released from their thralldom:

I me wythdrawe, qwar servage ryenes,

In woddess, in holtes, and in vastyns,

Or I have lyf of best servage,
And to lyfe in thraldom outrage.
Me lykys lyfe fre, wyth herbes and gryse,
Wyth wyld flech getyn in wastynnyse,
Wyth foughels and bestes me to sustene,
In fredom, out of angre and tene,
Pan undyr yoike of thraldom led
Wyth al kyns maner delites be fed. (589-98)

Brutus's letter then asks Pandras to allow them to keep living 'in thise woddes wone [residence]' (623), where 'in uast [wast] sted have our mansion' (624).¹⁵² Absent is the implication that residing in wild nature should be only a temporary affair brought on by circumstance; for Brutus and the Trojans, the waste land is a place of indefinite (if meagre) physical sustenance and of personal liberty, which is preferable to the indefinite *servage* offered by the Greeks. The word *servage* is associated not only with subjection, but with serfdom in particular.¹⁵³ Eschewing the stability and security of a life under Greek subjection, Brutus instead chooses freedom and the simple sustenance provided by the fauna of the 'wastynnyse'. The word 'fre' meanwhile could refer both to a personal condition – that is, political independence or the social status that came with the rank of noble or freeman – and to a more general sense of

¹⁵² Mannyng's chronicle contains a similar passage, but refers to 'wilderness' rather than 'waste.'

¹⁵³ *servāġe* n. *MED*.

someone or something being unfettered, unrestricted, or readily available.¹⁵⁴ It is also worth noting the words of Diana to Brutus on Logecia as she directs him to settle Britain, *desert* like *wilderness* being a term that was used interchangeably with *waste* when describing uninhabited land:¹⁵⁵

pat hyl is nowe desert and fre,

Aptede unto þi men and the. (1519-20)

As mentioned previously, Langtoft uses similar terms in his portrayal of these lines, Diana telling Brutus (quoting from Ovid): ‘Nunc deserta quidem, gentibus apta tuis.’¹⁵⁶ Yet neither Langtoft nor Mannyng devotes nearly as much attention to describing the bountiful qualities of the empty or waste island of Logecia as *Castleford’s Chronicle*, which characterises it as full of fields and ‘fair forestes’ (1389), and lists many species of game animal (1391-4). Significantly, neither of the principal sources for *Castleford’s Chronicle*, Geoffrey of Monmouth’s *Historia Regum Britanniae* and Wace’s *Roman de Brut*, discusses freedom or sustenance gained from wastes. Geoffrey casts the decision to reside in the wastes as one born out of necessity rather than desire, his Brutus arguing that it is ‘beneath the dignity’ of such a nation as the Trojans to live under Greek subjection.¹⁵⁷ Wace similarly casts the decision to retreat from civilisation as a burden shouldered out of principle (235-42). It is possible that *Castleford’s Chronicle* was drawing from outlaw literature and folklore, in which protagonists who have suffered some injustice at the hands of an institutional authority take themselves

¹⁵⁴ frē (adj.). *MED*.

¹⁵⁵ Harris, *The meanings of waste*, p. 130.

¹⁵⁶ Langtoft, *Chronicle*, I, p. 12.

¹⁵⁷ Geoffrey of Monmouth, *History of the Kings of Britain*, p. 5.

outside of society as a temporary measure until that injustice has been rectified. One such probable influence is the twelfth-century *Gesta Herewardi*, in which the outlaw Hereward's conflict with the Norman elites, flight into the wilderness, and subsequent return to civilized life has numerous parallels with the story of Brutus.¹⁵⁸ The chronicler may also have been influenced by classical representations of man's 'Golden Age' as described, for example, by Ovid, in which 'the earth gave everything freely' and the ground was 'untouched and not wounded by ploughs' ('inmunis rastroque intacta nec ullis saucia vomeribus per se dabat omnia tellus intacta nec ullis saucia vomeribus').¹⁵⁹ The demand for translations of Greco-Roman works during the High Middle Ages led to variants of the Golden Age myth to be drawn on by medieval writers, which in conjunction with the idea of the Biblical Eden served as the basis of late medieval depictions of heaven and the earthly paradise.¹⁶⁰ An early example of the influence of this tradition upon chronicle-writing occurs in Bede's opening of the *Historia Ecclesiastica*, with its portrayal of Britain as a fertile source of crops, timber, rivers, livestock, game, fowl, fish and earth minerals.¹⁶¹ Elements of it can also be seen in the lengthy description of Britain provided by Higden, though he focuses primarily on the plentiful resources present (livestock, woods, minerals and precious stones, etc.) with little reference to topography.¹⁶² Lands with no settled population upon them can therefore sometimes be portrayed positively in the context of sites of future settlement, and while *waste* is more commonly used when discussing the negative

¹⁵⁸ Lifton, 'Caput lupinum', pp. 76, 82.

¹⁵⁹ Ovid, *Metamorphoses*, I, ed. H. Magnus (Gotha, 1892) ll. 101-2. Perseus Digital Library edition [<http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.02.0029> accessed: 13/03/2022].

¹⁶⁰ F. E. Manuel and F. P. Manuel, 'Sketch for a natural history of paradise', *Daedalus*, 101/1 (1972), pp. 83-128 (p. 86).

¹⁶¹ Given-Wilson, *Chronicles*, pp. 127-8.

¹⁶² Ranulph Higden and John Trevisa, *Polychronicon Ranulphi Higden monachi Cestrensis; together with the English translations of John Trevisa and of an unknown writer of the fifteenth century*, II, ed. C. Babington (London, 1865), pp. 12-21.

qualities of such lands, the concept was at times associated with this positive potential value, as the previous examples in this section have shown.

Though *Castleford's Chronicle* differs from the other two primary case studies in terms of the attention it gives to natural scenery and the emphasis on untamed land as a source of sustenance, in its portrayal of the *Brut* narrative going forward all three of these chronicles are very much in alignment. Although Brutus exalts such a life as an alternative to thralldom, once he has found an area of waste suitable to make a permanent home, he proceeds to build and farm and cultivate it. After defeating the giants, Brutus erects houses and towns, sows fields, and renames the land Britain (2313-29). As Mannyng similarly puts it:

When þe geantz were o dawe,

þe Troiens hadden na more awe;

Tounes, houses, dide þey make,

& mesured lond, & dide hit stake

þat ilkon dide his owen knowe;

þen tyled þey lond, & dide hit sowe.

þat tyme þys lond hight Albyon;

When Brutus cam, þat name was gon;

ffor Albion was Brutes wayne,

perfore he dide hit calle Brutayne. (1849-1858)

The key point here is that while Albion may have been a wild or waste island, after its conquest by Brutus it is no longer Albion but Britain, and thus subject to his laws and customs. The measuring and staking of the land (1852) reflects the system of manorial land ownership and distribution of Mannyng's day, and so this passage can be read as a justification of lordship based on the conquering and partitioning of land. Again a comparison can be made with the *Gesta Herewardi*. Lifton argues that Hereward's reconciliation with William the Conqueror and acceptance of Norman overlordship signifies the subsumption of the Anglo-Saxon ruling class into that of the Normans via the peaceful transfer of land ownership.¹⁶³ The *Brut* narrative's depiction of life in woods and wastes being relinquished for one of cultivation may also reflect the influence of the Georgic tradition, derived from Virgil's poem about man's struggle to master his natural environment. Georgic works stressed the importance of agricultural labour and a strong work ethic in the building and maintaining of civilisation.¹⁶⁴ Earning one's sustenance in waste land may be a necessary stage in the process of establishing civilisation, but it is not a worthy end in itself. The role and importance of waste land, in these chronicles as well as in the bounds of the manor, was something that was fluid and shifting according to the needs of the time. Before it is farmed, mined or built upon, waste is a place of both danger and opportunity; once one or more of these changes have occurred, it is no longer waste land and becomes subject to the hierarchical authority of human society, and only a catastrophic collapse or destruction of said society can return it to its waste state.

¹⁶³ Lifton, 'Caput lupinum', pp. 82-3.

¹⁶⁴ A. Low, *The Georgic Revolution* (Princeton, 1985), p.12.

The examples discussed above show how waste land, when juxtaposed with farmed land, was used to put forward eschatological messages about the conduct of mankind (and the various consequences thereof) within a system of divine justice, with devastation being used as a collective punishment and waste land as a place of spiritual and moral testing. These chronicles contain several cycles of waste giving way to agricultural and settled land during the rise of a civilisation, only for this land to become waste again when civilisations fall into moral decline. The devastation of a country or region could also be cast as helping to purge a corrupted old order and clearing space for the new, a feature that can be found in other kinds of literature of this period. In the *Shipwrights' Play* of the late fifteenth-century York Plays, Noah counsels his children that the recently devastated world must be repopulated and transformed through labour:

Beestes and foules sall forthe be bredde,

And so a worlde begynne to bee.

Nowe travaylle sall yoe taste

To wyne you brede and wyne,

For alle this worlde is waste; (315-9)¹⁶⁵

This excerpt has parallels with these chronicles' accounts of the downfall of the Britons and ascent of the English, and in Mannyng's discussion of the Norman Conquest, both discussed above. In these examples, the wasted land serves the same purpose as places like Britain, Ireland and Caithness prior to their being settled.

¹⁶⁵ 'Play 9 (The Shipwrights Play)', in *The York Plays*, ed. E. Arnold (London, 1982), p. 90.

Existence in waste land is never portrayed as easy – either it requires *travail* to convert into farmland, or it must be endured to prove one’s worth. Waste land represented both destruction (of the old civilisations) and potential growth (for new ones). In this sense the depictions of waste land in chronicles very much reflects the politics of manorial waste: sparse or overgrown land and ruined buildings from one perspective, and new opportunities for growth and recycling from another.

Furthermore, this partly linear, partly cyclical model of waste land transformation would have been of particular relevance to readers and compilers in the fourteenth and fifteenth centuries. As mentioned in Chapter 1, the Black Death and resulting demographic decline prompted many landowners and their subordinates to attempt to re-establish the pre-1348 state of affairs by forcing tenants to take on waste lands and properties, as well as resisting the tendency of peasants to make waste via inaction or deliberate dismantling. Given that a growth in the area of waste land at the expense of cultivated land is associated so strongly in these chronicles with loss of authority, unity, and order, by extension the seigniorial perspective of manorial waste as requiring repair, improvement, or restitution receives support in these texts. The settlement of waste lands by peasants was of material interest to the lords who owned those waste lands, and these histories justify not only the settlement of waste land but its settlement under the authority of seigneurial power. To do this, they use a narrative of history that was at once both cyclical and progressive, emphasising that the conversion of waste land to arable land was the natural process in the expansion of civilisation, but also that moral iniquity and the corruption of the social order could lead not only to devastation, but also to a loss of a people’s freedom. That loss of was seen as a kind of divinely-sanctioned punishment that both justified the status of

villeins but also warned the nobility and gentry of what could befall them if they too strayed from the correct path.

3.4 Conclusion

In chronicles just as in manor court rolls, petitions and chancery records, multiple interrelated perspectives of waste can be found. Waste in medieval historical writing symbolises danger, punishment, disorder, calamity, and the breakdown of the Christian community. However, it is also associated with the potential for settlement, renewal, and new beginnings. The roles and meanings of waste in these chronicles were informed by people's lived experiences with waste, be it wartime devastation, instances or accusations of waste-making, or the waste lands that were variably places of danger, refuge, sustenance and potential farmland. But they were also incorporated into a particular medieval Christian eschatological framework which associated waste with punishment as well as with spiritual testing. It was acceptable for kings to lay waste to others' lands and property when protecting their honour and territory, just as it was understood that God had the prerogative to lay waste to the lands of those who defied Him. Just as was the case in the sources covered by previous chapters, waste in later medieval historical writing was a concept that was inextricably tied to notions of justice, rights and prerogatives; while in the manor courts and in petitions to parliament waste was invoked in matters of formal

institutional justice, in chronicles its roles and uses lie within a framework of divine justice.

This interplay of waste and divine justice was used by chroniclers to bring moral teachings and historical narratives together to impart political messages. Waste in terms of devastation was a consequence of failed kingship, civil unrest and national decline, whereas waste land was where great leaders could prove themselves and establish new nations. The repetition of these themes and patterns regarding waste gave readers exemplars and frameworks for understanding their contemporary political landscape and social structures. Historical examples of dynasties or nations succumbing to internal division, fragmenting, and being reduced to a wasteland could be used to explain and critique political problems and controversies in the readers' present. The lessons to be learned from examples of failed and successful dynasties would have been applicable to the shifting fortunes of the monastic, gentry and aristocratic readers who owned and read these chronicles. The use of waste land as a site on which conquered people could be settled justified the contemporary feudal system of land management from which they benefited. Not only was the loss of a people's freedom always portrayed as something they had brought upon themselves in some way, but the rulers' bestowing of waste lands in exchange for rent or tribute mirrors the mechanism by which manorial lords brought waste land under the plough, as enshrined in the statute of 1236. This thesis will now conclude by further exploring the links between the politics of waste in each of these different textual genres.

Conclusion: The value of waste

This thesis set out to explore the significance of waste within the politics and culture of later medieval England. This conclusion will summarise the key findings of each chapter, as well as making some observations regarding the politics of waste as a concept more broadly for this period. It will also highlight some possible avenues for the future study of waste in medieval and early-modern England, with suggestions regarding the kinds of source material most likely to yield fruit.

The introduction of this thesis set out the key research questions: what was the relationship between conceptions of waste and the political and social world of later medieval England, and whose interests did these conceptions serve? It also gave an overview of how waste as a concept has been studied by historians and literary scholars, arguing that not enough has been done beyond identifying definitions of waste, and that where waste has received scholarly attention, it has usually been in relation to something else. Instead, waste should be considered to be something that mattered to the people of later medieval England in a material, cultural, and above all political sense.

The first chapter, *Manorial Waste*, discussed the ways waste lands and waste-making played important roles in the manorial economy, politics, and customs, and showed how each were a site and a vehicle for conflict between lords and their tenants. Waste land was a political category in the sense that it was defined by rights and ownership rather than how it was used, while its utility to lords and their tenants meant that these rights were repeatedly questioned, challenged, violated and

reasserted. Waste land served both as spare land to be taken under the plough when necessary, and as a source of pasture and estovers; each of these uses could at times be at odds with one another and both were frequently sources of tension. While lords sought to guard their rights to profit from any access to waste land, tenants sought to work around manorial customs and rulings in order to satisfy their daily needs. The same can be said for waste-making. Though lords sought to maintain the contents of their holdings as they were when tenants took them on, the practical realities of peasant life required unused or disused property be dismantled and repurposed. This thesis has suggested that the economics of waste land, estovers, and waste-making were all connected to one another, exacerbating each respective potential source of conflict. Waste was a locus of conflict within the manor, where the different perspectives towards waste propagated by peasant customs and seigneurial power collided with one another. The outcomes of these conflicts were shaped by events and trends that were taking place across England during this period, with the balance of power favouring the lords or their tenants at different times. Population increase and famine placed pressure on the supply of waste land from the end of the thirteenth century into the middle of the fourteenth, while population decline following 1348 and the surplus of empty tenancies that followed made it much more difficult for lords and their courts to police the practice of waste-making.

The second chapter, *Waste and the Crown*, explored the use of *waste* as a rhetorical tool in communications between the crown, parliament and plaintiffs. It proposed a framework of legitimate and illegitimate waste when it came to property destroyed or depreciated in value. Monarchs reserved the right to commit waste in specific circumstances, such as in warfare and in dismantling and stripping the assets

of traitors and felons. They could even bestow the right to legitimately commit waste on others. At the same time, conceptions of waste were frequently used in rhetoric when individuals and institutions sought the crown's aid in order to correct a purported wrong that had been done to them. The crown was petitioned to act as adjudicator in cases where one party accused another of wasting their property. On other occasions, men working on the crown's behalf were said to have plundered communities in the manner of an invading army laying waste to a territory. The politics of waste in these instances was informed by contemporary theories of kingship and property law, with royal government being expected to protect the property of subjects and to dispense justice equitably. Other parties could and often did use particular meanings or constructions of waste to persuade the crown to exercise this responsibility in their favour, be it religious reformists seeking to forcibly redistribute the wealth of the church or city burgesses pleading for a reduction of their financial obligations to the crown. In all of these texts the themes of justice and reciprocity are ever present. These ideals were appealed to time and time again with allusions to illegitimate waste being used to argue that an action or situation was unjust and that this required the crown's attention.

The third chapter, *Waste and Historical Writing*, showed how chroniclers drew from the understandings of waste discussed in the previous chapters to put forward didactic messages that their readership could relate to the political culture of their own time. Waste was on the one hand used as a tool of critique, be it of failings of leadership or of society more broadly. These histories drew from biblical precedents to create narratives of divine punishment where the reduction of a land or people to a state of waste was the natural consequence of such failings. These narratives were

inextricably tied to the political crises of later medieval England, and their continued reproduction during the period shows how they continued to inform the discourse surrounding these crises. Yet waste could also represent the potential for renewal, with wild or devastated lands presenting opportunities for people to settle and tame these lands to bring them under the plough. Settled agricultural societies were associated with Christian notions of progress, order and civilisation in a variety of texts. Stories of landless people turning waste or wild lands into farms and cities could be read as valorisation of land reclamation, as well as of the conversion of heathens to the Christian faith.

It is worth now making some more general observations regarding the politics of waste across the entire period of study. First, it is clear that the term *waste* in medieval England did not refer only to a lack or loss of value, or a space between that which was valuable, as has sometimes been assumed by scholars. Waste in its various forms was something that mattered a great deal in various areas of medieval English life, such as the law, agriculture, history and politics. This thesis has identified multiple instances of waste being assigned monetary values, such as in the entry fines and rents attached to parcels of waste land, the recorded values of the materials obtained by peasants who made waste, and those that accrued to the crown in goods obtained from the wasting of felons' land. It has also shown how the term *waste* could be used to determine who possessed the rights to and authority over certain resources, such as the *vastum domini* and the year, day and waste. Waste lands could represent the potential for new settlement in retellings of England's legendary history, and numerous chronicles and romances depict various groups and individuals making use of waste areas to flee, hide, or subsist. Large-scale devastation meanwhile always

involved a destruction of value, and yet this destruction could also be portrayed as having value in terms of the just triumphing over their enemies, such as the spoils of war and territorial gains obtained by a king in battle, or the divine judgment of God against those who offended him. Waste in terms of destruction or of reduction in the value of something could therefore be considered legitimate or illegitimate depending on the circumstances and the statuses of those involved, and this fluidity of meanings and understandings also gave it value as a tool of political rhetoric.

The political utility of the term *waste* lay partly in the fact that the verb *to waste* generally referred to two different types of action: that which saw value extracted from some piece of property or resource, and that which saw that value lost or squandered. The first sense of the term would apply to the waste of felons' lands by the crown, where valuable goods are taken from the hands of one to another, while the second sense of the term would apply to an account of fields and castles being burned down in a chronicle. This distinction is a subtle and blurred one, and it is precisely this blurred nature that made the label of *waste* such a valuable rhetorical tool. As an instance of the former could be framed as an instance of the latter, waste as a concept was one that could be utilised easily and effectively to advance its user's agenda. For example, if peasants take estovers from woodland to a degree that a lord or their officials considered the peasant to have made waste, this is an example of goods changing hands in a manner that the seigneurial authorities deemed illegitimate. The term *waste* also carries the second, more commonly known association of squandering and destruction, hence the common inclusion of *destruction* alongside *waste* whenever a text is portraying an instance of waste as a violation or tragedy. The dismantling of a barn may be framed by manorial records as

an example of property lost or destroyed, even if the timber from that barn sold for a higher price than the barn itself was worth. When money and goods were sent abroad by alien priories, the value of these goods and coins was not lost forever in the manner of something discarded or completely destroyed. By framing this action as a waste in the second sense outlined above – that is, as a squandering and permanent loss of the realm’s resources – the term becomes political rather than an accurate description of money and goods changing hands.

This discrepancy between the notions of lost value or lack of value that have often been attached to the term *waste*, and the very real value that things termed *waste* in medieval England had to people, can be reconciled by acknowledgement of how the same instance of waste could produce wildly different perspectives regarding its level of legitimacy, value, or necessity. This is the moment we move from the discussion of meanings of waste to that of the politics of waste. Waste almost always involved winners and losers. When a king led his army into an enemy's lands and devastated them, he won prestige and plunder, but he did so at the expense of those who lived there. Waste land was a source of pasture and estovers for peasants while the lord would usually profit more from its having a tenant, while a shortage of estover sources could prompt peasants to commit waste against their lord’s property or a communal resource. A tenant’s tearing down a disused building for the wood or abandoning a farm to decay while converting the surrounding land to pasture meant a loss of assets or revenues for lords and the crown alike. And while there may be no winners when a city or town became dilapidated and desolate, if a strong case could be made to parliament by the burgesses, this plight could be used to obtain a reduction of their fee farm at the crown’s expense. It was in everybody’s interest to define waste in the

manner that most suited them. It must be acknowledged that sometimes perspectives on waste were determined less by social relations or by economic and political interests than by immediate need. That waste land was portrayed as existing outside civilisation in chronicles made it both a place of refuge from oppressors when needed, but also a place of violence and disorder. The generally accepted right of the king to claim the year, day and waste of felons' and traitors' lands was complicated by the many cases of attainders imposed on members of the nobility for falling foul of factional politics during the Wars of the Roses. Waste in these instances was considered legitimate by government and legal institutions at the time but retroactively illegitimate after a new king took power.

One common thread that unites these various attempts to define and utilise *waste* in later medieval England is an appeal to some notion of justice, at least when it came to the kinds of waste that produced clearly identifiable beneficiaries and wronged parties. The legitimacy or acceptability of waste, be it untilled land, trees uprooted, or the removal of goods and infrastructure removed from a holding, was entirely dependent on whether it conformed to conventional standards of just and fair conduct. These standards were rarely universally agreed, or if they were, the different perspectives of those involved led to inconsistent application. For instance, it was almost universally seen as unacceptable for a king to lay waste to his own people's property, but acceptable for him to do it to that of his enemies. At the same time, a tenant who made waste by taking apart a building that belonged to his lord may have simply regarded this action as the practical recycling of resources, while to the lord it was a clear violation of his feudal rights. This is why conflict over waste is found in the

records of institutions trusted to settle matters of who owed what and to whom, and with punishing those who infringed on the customary rights of others.

Waste was a contested concept in later medieval England, in the sense of the term itself and the things that this label was applied to. Disputes over whether something constituted waste were subject to differences in power and status. Differences in social status unsurprisingly shaped the politics of waste to a great degree, particularly in terms of the power different social groups were able to exercise within the spheres of institutional justice. When a peasant's building gradually fell into disrepair it was the individuals acting on behalf of seigneurial authority who decided when it reached a state sufficient to be reported to the manor court, as was the case when this was recorded in the court rolls as *vastum*. Those with the means to write or hire somebody to write a petition on their behalf could use the language and discourse of waste one might find in a chronicler's depiction of a war to seek remedy for property that had supposedly been devastated, ruined, plundered or otherwise diminished by another party. The same language could also be used to minimise the burdens of taxes and fee farms. Over time, as more people were able to make use of the written word either directly or indirectly, more people were able to participate in and contribute to this discourse. But literacy and authority were by no means deciding factors in how these struggles played out. Though a dilapidated building might be reported and recorded as waste, this did not guarantee the cooperation of the accused. This is made particularly clear by the proliferation of wasted tenements following the arrival of the Black Death, with seigneurial officials increasingly unable to compel tenants to undertake repairs or pay fines. Similarly, a petition to the crown complaining of wasted assets might succeed or fail in obtaining recompense depending on the condition of the crown's

finances, the degree to which rulings could be properly enforced at the local level, or the state of court or dynastic politics at the time.

All of this raises two key points: first, that written records that feature the deployment of *waste* for political ends reflect the values and understandings of those with access to institutional justice and the means to manipulate it; and, second, that other perspectives of waste that are not explicitly spelled out in these texts undoubtedly operated in other sectors of society, and could quite often come into conflict with those found in written documents. With this in mind, historians and literary scholars dealing with texts that mention waste should question the connotations that the term carries, the extent to which it signifies something negative in that specific instance, and whether an act denoted as *waste* is being framed as a legitimate exercise of one's own rights or an illegitimate breach of another's. It was considered legitimate for a king to conduct acts of devastation and asset-stripping within some contexts but not others, and chroniclers in this period frequently used their histories to reiterate these boundaries by emphasising the consequences when they were breached. The right to commit waste was something that could be legitimised or prohibited by the law, and could even be conferred upon others with the blessing of the king and parliament. Waste was, therefore, an inherently political concept as questions of what constituted waste, and whether waste was acceptable or a problem to be addressed, were always determined by power relations.

Waste was an ambiguous, contested and politically loaded term in medieval England, to a different and perhaps greater degree than it is today. It was both a value judgement and a value-neutral label for the kinds of things people engaged with on a

regular basis in their lives, being used to describe and disparage in equal measure. As a rhetorical tool it could be used to characterise the actions or inaction of others as worthy of condemnation, or to denote something as useless or decayed. And yet the things termed *waste* often did possess value and frequently were useful to a variety of people and interests. It is in the pursuit of these interests within institutional spheres of dispute-settlement that we find the term *waste* being invoked to claim that an individual or group had been dealt an unfair hand, and it was the duty of the institution to rectify the situation. The politics of waste was therefore a politics of value – of material value, and of value judgements – as well as a politics of justice.

While this thesis has sought to understand the politics of waste in a general sense for this period, there are several avenues of inquiry that either fell just outside the scope of this study or which could not be pursued for lack of space. It is worth briefly outlining some ways in which scholars could build upon the conclusions of this thesis to shed further light on the subject of waste in later medieval England.

First, it would be useful for researchers to move the period of focus back to trace the history of the various ideas of waste discussed in this thesis. Though Harris has rather comprehensively charted the history of the term *waste* itself and its use in medieval literature, three related lines of inquiry stand out with regard to waste in the context of law and land use prior to the 1270s: the development of the concept of waste in English common law, the uses of border and intramural waste land by communities, and the colonisation and reclamation of waste land in the twelfth and thirteenth centuries. The first could possibly be investigated by comparing many different kinds of court records, law texts and state records, in order to put together a

chronology of how the idea of waste-making emerged and developed over time. Indeed, while the modern offence of waste and its medieval roots in waste-making have been discussed by historians and legal scholars, there has not to my knowledge been any meaningful exploration of the success of its enforcement from the Middle Ages to the end of the early modern era. The latter two lines of inquiry may require an approach that combines agrarian, social and economic history, and that makes considerable use of waste land grants recorded in charters and royal accounts. The introduction of this thesis noted that charters were one source of evidence that could not be incorporated into the present study for a variety of reasons. Grants of waste land confirmed by charters are something that could be investigated to understand how different groups sought to obtain and make use of waste. Grants of waste by the crown to religious orders would be of particular interest for the study of how monastic houses used and thought about waste land. The introductory chapter discussed briefly how the relationship between monasteries, wetlands, and ideas regarding wilderness have already received some attention. Those studies as well as this present one could be used as the basis for future research into the relationship between waste, monastic economic ethics, and the roles of monasteries and abbeys as feudal landowners.

As discussed in the introduction, another subject, which I could not address for lack of space, was that of waste and the forest. Chapter 2 suggested that forest law may have contributed to the understanding of waste-making with regards to trees and woodland. It may be worth testing the conclusions of this thesis by examining the concept of waste within the forest context. Forest court rolls and exchequer rolls would no doubt be a rich source of information for this purpose. The forest is also a subject that features prominently in several Anglo-Norman medieval romances, and in

Arthurian literature. Like waste, the forest was often associated with the idea of the desert or *solitudo*, with separation from civilisation, but also with courtly values and chivalry.¹ Le Goff notes that in Old French sources the adjective *gast* is frequently applied to the forest.² Other scholars have made observations regarding the ideas and qualities associated with forests which have significant overlap with my own observations regarding the roles played by waste land in chronicles: as a place of physical or spiritual testing, as a refuge of criminals and the uncivilised, as a place of barbarism and societal breakdown, and as a place that stood partially outside of the realms of Christendom and of civic or courtly politics.³ Given these links between the concept of waste and that of the forest in medieval literature, a cultural history that makes use of legal and administrative texts as well as literary ones could shed further lights on these connections.

While it was covered in this thesis, the topic of manorial waste by itself could make for a worthwhile further study. This thesis relied almost exclusively on only three manorial case studies, but a more comprehensive picture of manorial waste could be obtained by comparing many different manors of various sizes, population densities, types of natural resources present, types of agriculture practised, and administrative structure or customs, to name just a few variables. This thesis for instance tentatively suggested a link between population and village structure on the one hand and the frequency of waste-making offences appearing in the court rolls on the other. A wider sample of case studies would help to confirm whether this hypothesis is valid. While

¹ J. Le Goff, *The medieval imagination*, trans. A. Goldhammer (Chicago and London, 1992), pp. 55-9.

² Le Goff, *The medieval imagination*, p. 54.

³ D. Kessel-Brown, 'The emotional landscape of the forest in the mediaeval love lament', *Medium Ævum*, 59/2 (1990), pp. 228-47 (p. 231); R. P. Harrison, *Forests: the shadow of civilization* (Chicago and London, 1992), pp. 69-81; J. Leerssen, 'Wildness, wilderness, and Ireland: medieval and early-modern patterns in the demarcation of civility', *Journal of the History of Ideas*, 56/1 (1995), pp. 25-39.

this present study relied primarily on manor court rolls to investigate the politics of waste on the manor, future studies could benefit from incorporating a wider variety of manorial documents and other sources, such as inquisitions *post mortem* and records from other types of court. A study by David Crouch and Briony McDonagh provides a good sample methodology for how this could be done. The article focuses on the management of and disputes over marshes and turf in East Yorkshire from the end of the thirteenth century until its enclosure in 1781. Drawing on a combination of court roll extracts, books of precedents, and records of the king's bench and chancery, Crouch and McDonagh show how intercommoning in several parishes was successfully defended into the eighteenth century in spite of increasing efforts by lords and freeholders to enclose and drain much of the area.⁴ A similar approach could be used to compare the politics of waste across different regions of the British Isles.

Similarly, the problem of deserted and empty waste holdings has been discussed in detail throughout this thesis, along with the failure of lords and parliaments to tackle it. However, the question of how royal government's policies and approaches developed in response to these matters was one that lay outside the scope of this thesis, except for the section in Chapter 2 that addressed the 1489 act of parliament to curb the practice of converting empty holdings into enclosed pastures. Just as manorial lords largely failed to discourage waste-making on their estates through fines and penalties, so too did the early Tudor governments fail in this other regard. The 1517-18 *Domesday of Inclosures*, commissioned by Cardinal Wolsey to assess the volume of the fines that had accrued to the crown following the act of 1489, reveal

⁴ D. Crouch and B. McDonagh, 'Turf wars: conflict and cooperation in the management of Wallingfen (East Yorkshire), 1281-1781', *The Agricultural History Review*, 64/2 (2016), pp. 133-56.

that these measures had failed to secure revenue or deter the practice of abandoning or demolishing agricultural properties in favour of conversions to pasture.⁵ The phrase 'prosterni et devastari fecit' ('made fallen-down and wasted') appears regularly throughout these returns, as well as in future returns throughout the first half of the sixteenth century. Both central government and manorial lords had sought to maintain the integrity of their property, protect income streams, and minimise societal upheaval. A future study could investigate how the politics of waste developed in this arena by making use of early-modern as well as medieval sources. A study that incorporates a longer timeframe – such as from the High Middle Ages into the early modern era – may be able to identify how the meanings and politics of waste in England changed over time. In any case, the subject of waste in medieval England is certainly fertile ground for historical research.

⁵ I. S. Leadham, 'Introduction', pp. 6-9.

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