

Jörn Janssen:

**Gender Equality in Wage Labour Relations:
the example of statutory regulation
in late medieval and early Tudor England**

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Two questions

This paper resumes an old debate sparked off by Eileen Power in 1975¹, about gender discrimination among wage earners in the late Middle Ages, which culminated in 1999-2001 as a dispute between Sandy Bardsley and John Hatcher in *Past & Present*². Though for different reasons, both Bardsley and Hatcher argue that women earned less than men. By contrast, the pioneer of historical research on wage labour, Thorold Rogers, had claimed already that in the fourteenth century “women’s work [...] was equally paid with that of men.”³ Almost a century later, Rodney Hilton undertook to check again. He extended the question asking “were peasant women paid less than men for the same work or confined to traditional low-paid female occupations?”⁴ Comparing evidence from different regions and different years, he found that their day rates were equal whilst as full time manorial servants they “got less than men”⁵ - usually in lower paid occupations. The most detailed study on “Female Wage-Earners in the Late Fourteenth-Century England” carried out by Simon Penn concluded from records of quarter sessions that “there is never any difference in wage rates based on the sex of the labourer.”⁶

Resuming this controversy is not intended to resolve who was right and who was wrong. It is rather an attempt to throw light on an aspect of historical development which was once a major issue of debate amongst British Communist historians: the transition from feudalism to capitalism⁷. But this historical stage will be approached from a very different angle: as a period of the development in wage labour relations in England.

The first question, not yet raised in labour historiography, is about the impact of wage labour relations on gender equality.

The second question is related to the first one: what role did women play as protagonists of wage labour relations.

Before checking the labour statutes as evidence for answers to these questions, the approach needs to be clarified:

In the first place, labour relations are presented as the agent of historical development. Also, late medieval and early Tudor England needs to be defined in global history. This stage will be sketched on the basis of the transformation of wage labour in relation to the demise of feudal relations and the rise of the secular central state. Subsequently, late medieval wage labour relations are defined as opposed to property relations on the one hand and in distinction from paid work on the other. Gender will be distinguished as only one specific dimension of equality. Further, the role of labour relations in the development of legislation

¹ Eileen Power (1975) *Medieval Women*, ed. By M.M. Postan, Cambridge: Cambridge University Press.

² Bardsley, Sandy (1999) Women’s Work Reconsidered: Gender and Wage Differentiation in Late Medieval England’, *Past & Present* 165, pp. 3-29; John Hatcher (2001) ‘Women’s Work Reconsidered: Gender and Wage Differentiation in Late Medieval England’, *Past & Present* 173, p. 193; Sandy Bardsley (2001) ‘Reply’, *Past & Present* 173, pp. 199-202.

³ James Edwin Thorold Rogers (1984) *Six Centuries of Work and Wages*, London: W. Swan Sonnenschein & Co., p. 329.

⁴ Rodney Howard Hilton (1975) *The English Peasantry in the Later Middle Ages*, Oxford: Clarendon Press, p. 102.

⁵ *Ibid.*, p. 103.

⁶ Simon A.C. Penn (1987) ‘Female Wage Earners in the Late Fourteenth Century England’, in *The Agricultural History Review*, 35, pp. 8f.

⁷ Sweezy, Paul et al. (1976) *The Transition from Feudalism to Capitalism*, with an introduction by Rodney Howard Hilton, London: New Left Books, second edition Verso, 1978. For a detailed account of the debates in the History Group of the Communist Party 1940-1956 see David Parker, ed. and introd. (2008) *Ideology, Absolutism and the English Revolution*, London: Lawrence & Wishart.

and jurisdiction will be highlighted. Finally, a brief overview of the main points raised in the debate about gender discrimination in late medieval wage labour - from the early nineteenth-seventies up to date - is intended to provide a background to the detailed examination of the labour statutes leading up to the conclusive summary.

Labour relations as agent of history

Labour relations represent the most elementary form of human – as against natural - subsistence. The divided cooperative labour process originated in the regeneration of the family within tribal relations. History is the result of human labour as a social process and its transformation in production and reproduction.

The ‘Late Middle’ and ‘Early Modern’ Ages in Europe – the choice of terms does not matter here – represent a stage in the transformation of labour relations which is fairly complex in that different forms coexisted in competition or contradiction with each other. Serfdom as a labour duty owed to the privileged landlord was on the decline and, eventually, dying out. Self-sufficient husbandry remained a form on the decline, as small tenant farmers increasingly produced for the market and supplemented family earnings by casual, in particular seasonal, labour services. Domestic “Handy Works” dominant in the textile industry were explicitly excluded from wage regulations (St 7)⁸. The independent trader selling the product of his or her own labour existed in a wide variety of forms and in particular under the protection of royal chartered companies or ‘guild’ privileges. Servants and journeymen, typically hired by annual contract, received their living in the form of board and lodging in the house of their master topped up with a small annual wage. Conversely, wage labourers made their living usually on a casual basis paid by day and piece rates or ‘at gross’. Whilst seasonal labour remained widely connected with small husbandry, carpenters, masons, tilers and other building artificers represented the rising class of wage earners working all the year round at day rates or ‘at gross’.

All these forms of labour relations might be combined in individuals’ careers and along the cycles of days, years and lives. They were nevertheless distinct from each other as social relations and with regard to their impact on history.

This paper focuses on what is widely termed ‘free wage labour’⁹.

Contemporary global history from a bird’s-eye view

In the history of humanity the Late Middle Ages are not that far away from the present day. But the Middle Ages are an era of history only for a rather small patch of the globe, Europe. This paper takes only a snapshot of a particular aspect in the transformation of social relations in the framework of contemporary global history¹⁰. If such an approach seems over-ambitious, it might equally claim to spring from due modesty in the face of the question at stake, whether wage labour relations were instrumental in the development of gender equality.

The European Late Middle Ages stand out in world history, because this location and period were at the origin of world colonialism as a dominant dynamic of transformation and of what is nowadays euphemistically called globalisation. Though colonialism is commonly associated with slavery or slave labour relations, the economies of the main colonial powers - those of Portugal, Spain, The Netherlands, and Britain - developed on the basis of expanding wage

⁸ Statutes are quoted according to the numbering in the Appendix (St 1-51).

⁹ Tom Brass and Marcel van der Linden (eds) (1997) *Free and Unfree Labour, The Debate Continues*, Bern/Berlin/Frankfurt am M./Berlin/Paris: Peter Lang.

¹⁰ Jan Lucassen, (ed.) (2006) *Global Labour History, A State of the Art*. Bern etc.: Peter Lang.

labour relations in industrial production. The employment of slave labour was mainly restricted to the extraction of raw material, e.g. cotton, sugar and tea, in the periphery of the emerging industrial capitalist countries.

No matter whether we perceive of history as the evolution from a primitive to an advanced civilised stage, as a cyclical movement with ups and downs, or as a haphazard succession of unpredictable events, at any time different modes of social organisation will be found in coexistence. However, one mode may be on the rise and another on the decline, provided they are categorically distinguished from each other instead of being regarded as varieties of the same. In the present examination of wage labour relations, two related approaches spring to mind, Paul Vinogradoff's studies of 'Villainage in England'¹¹ and the so-called 'Transition Debate'¹².

The 'Transition Debate' in the Marxian tradition was concerned with the origins of capitalism under the feudal regime or with "the so-called primitive accumulation"¹³ of capital. Implicitly this debate, lasting over three decades after World War II, was also about the transitory stage of capitalism during the (assumed) advent of socialism.

A similar concept of transition inspired J. E. Thorold Rogers¹⁴ and in his footsteps Paul Vinogradoff. But instead of capital accumulation both identified wage labour as the agent of social liberation. In Vinogradoff's words: "There is no doubt that three great landmarks in the course of social development are set by the three modes hitherto employed of organising human labour: using the working man (1) as chattel at will, (2) as a subordinate whose duties are fixed by custom, (3) as a free agent bound by contract."¹⁵ If, following Vinogradoff, the 13th century is regarded as the stage of commutation of service into rent, the century after the Black Death in England witnessed the final demise of serfdom and its replacement by wage labour. This is a complex process in which serfdom and wage labour relations coexisted and were not always clearly separable. It is unquestionable, however, that wage labour was on the rise and the dominant force of economic development. At the same time wage labour itself was in a process of transformation on the path of becoming the universal form of making a living without landholding.

Wage relations vs property relations

The basic categorical definition of wage-based social relations is its opposition to property relations. Slavery and serfdom are relations of subordination under a superior power based on landownership as a privilege usurped and enforced in the last instance by violence.¹⁶ Conversely, wage labour relations are based on mutual agreement between buyers and sellers on the labour market. This definition is, of course, an abstraction. In the real world the relationship between buyers and sellers of labour is not isolated from an unequal distribution of property providing an advantage to the buyer of labour. Nevertheless the development of wage relations is the agent in the transformation of social relations which may be described as a transition from violence to contracting, from subordination to equality, from privilege to right, or from royal charter to common law.

¹¹ Paul Vinogradoff (1892) *Villainage in England*, University Press, Oxford, edition Clarendon Press 1968.

¹² Paul Sweezy et al. (1976) *The Transition from Feudalism to Capitalism*, with an introduction by Rodney H. Hilton, London: New Left Books, second edition Verso, 1978.

¹³ Marx, Karl (1970) *Capital, a Critique of Political Economy*, Vol. I, edited by Friedrich Engels, Lawrence & Wishart, London, p. 713. First English Edition 1887.

¹⁴ James Edwin Thorold Rogers (1866-1902) *A History of Agriculture and Prices in England*, 7 Vols, Oxford: Clarendon Press.

¹⁵ Paul Vinogradoff, op. cit, p. 43.

¹⁶ Pierre Dockès (1979) *La libération médiévale*, Paris: Flammarion.

After the Black Death in 1349, equality in wage labour relations - in contemporary medieval terms, the relationship between the 'giver and the taker' of wages - was introduced by law and jurisdiction into the employment of labour. In reality the two sides of the employment relationship were interchangeable in that the taker of wages could at the same time be a giver of wages. Wage earners often rose to the position of employers of wage labour representing a relationship categorically different from that between Lord and villein.

In the late Middle Ages the commutation of labour service into rent payment generated a new relationship between lord and tenant which was a step from subordination to equality. Both the tenancy and associated wage relationships coming under statutory regulation eroded aristocratic privileges. Equally, chartered privileges came to be superseded by law, typically by the regulation of apprenticeship under the Statute of Artificers in 1563 (St 51).

Wage for labour time vs price for work

In this context, it is essential to make a categorical distinction between the employment of labour time and the purchase of the output of labour, 'work', as disparate social relationships. Most European languages provide distinct words denoting the labour process on the one hand and its result on the other. For example Latin distinguishes between 'labor' and 'opus', Italian between 'lavoro' and 'opera', Spanish between 'trabajo' and 'obra', French between 'travail' and 'oeuvre', German between 'Arbeit' and 'Werk', Polish between 'praca' and 'dzieł o', Russian between 'rabota' and 'trud'. Surprisingly, however, dictionaries truly reflect the wide-spread confusion in translating both words as synonyma. The process in which labour is used presents two aspects: whether it is looked at and rated according to its input, on the one hand, or to its output on the other. The input is labour time spent, whilst the output is a certain quantity of produce accomplished by the labourer. According to these different aspects, the labourer is paid either by working time or according to the price of his or her product.

The distinction between disparate social relations in the production process is crucial in order to understand the historical transformation which stems from the rise of wage labour at the expense of artisans' work. Confusion between labour and work is though understandable because piece or task rates reflect hybrid forms of wage labour relationships which cannot unambiguously be attributed to either. I have elaborated various relationships in a paper to the ESSHC 2008, "Different categories of wage earners according to Labour Statutes in England 1349-1563"¹⁷.

In much of the literature 'guilds' are misleadingly associated with wage labour. Guilds, in the English case chartered companies, were associations of artisans under royal privilege typically in corporate towns, whereas wage labourers and artificers worked and lived in the rural countryside under statutory rule and were excluded from the right to set up confederations which were legally discriminated against as 'conspiracies'. Guild masters employed 'journeymen' in the status of servants, not labourers or artificers. It was precisely the increase in the employment of wage labour which caused the degeneration of the guilds as industrial organisations and triggered the development of the capitalist mode of production.

Equality of wage earners relative to social status, locality and gender

The principle of equality is inherent in the nature of wage labour and supersedes distinctions between wage earners according to e.g. social status, locality and gender.

Social status

As the object of the wage contract is the use of labour power, the social status of the wage

¹⁷ Manuscript Jörn Janssen, see bibliography.

earner is irrelevant. Individuals of any social status may sell their labour power. In the Middle Ages villeins as well as tenant farmers, 'labouring poor' and master artificers constituted the class of wage earners. Conversely, wage earners, might become tenant farmers or set up business as artificers and traders, depending on their success on the labour market. The unfortunate ones might turn into beggars. In the course of history, wage earners also rose to the ranks of employers of wage labour and became capitalists.

Locality

One of the basic qualities of wage labour is its free movement to any place of work. It is not tied to specific localities as was the case of the villein. The local population has no prerogatives over foreigners. On the contrary, the ability of wage earners to follow changing local needs raises their value. Hence migration and vagrancy are organic concomitants of wage labour relations. In the Middle Ages wage earners escaped as vagrants from their towns, villages and manors, where they owed services. A degree of control over the free movement of labour came to be included in labour statutes.

Gender

As will be shown below, gender equality was unequivocally established in early English labour statutes. What matters in this context is to underline that labour power as such is not gender specific, irrespective of differences between male and female in other regards such as pregnancy and breast feeding. As a result of these differences, women may preferably be employed in domestic occupations, such as dairy maid, and men away from their domicile such as itinerant building artificer. Thus, according to the development of production, the division of labour may be gender specific. But in the same occupation gender equality is an organic concomitant of wage labour relations.

Central legislation and (labour) judiciary in England

After the disintegration of the Roman Empire, Europe witnessed various attempts to rebuild central governments over the whole or parts of the same territory. England is a special case, established as a colony of Normandy under the rule of an imported aristocracy and its French language. This partly absentee landlordism may already have been fertile ground for the commutation of serfdom which started in the 12th century. Under these conditions the acute labour shortage in the wake of the death toll of the bubonic plague from 1348 in England became the trigger for central labour legislation and its concomitant establishment of a judiciary which, in the words of Chris Given-Wilson, "inescapably, created a new public authority with powers of a sweeping nature."¹⁸ Robert Palmer even termed this kingdom "the English state [...] a government of inherent authority."¹⁹

Irrespective of how the 'Realm of England' may be classified in modern terms, the judiciary of the Justices of the Peace under central control, as it became established from 1349 through labour legislation, decisively eroded the powers of the aristocracy and their manorial courts²⁰ with the result that by the middle of the 15th century serfdom had virtually vanished. The War of the Roses (1445-1485) between the Houses of Lancaster and York was another episode to decimate and weaken the nobility and prepare the conditions for the consolidation of central government under the Tudors through the confiscation of the material basis of the

¹⁸ Chris Given-Wilson (2000) 'Service, Serfdom and English Labour Legislation, 1350-1500', in Anne Curry and Elizabeth Matthew (2000) *Concepts and Patterns of Service in the Later Middle Ages*, Woodbridge/Suffolk: Boydell Press, p. 36.

¹⁹ Robert C. Palmer (1993) *English Law in the Age of the Black Death, A Transformation of Governance and Law*, University of North Carolina Press, London: Chapel Hill.

²⁰ See Bertha Haven Putnam (1929) 'The Transformation of the Keepers of the Peace into the Justices of the Peace 1327-1380', in *Transactions of the Royal History Society*, 4th Ser. XII, pp. 19-48, and Jack Robert Lander (1989) *English Justices of the Peace, 1416-1509*, Wolfeboro: Sutton.

'Lords Spiritual': the dissolution of the monasteries through Act of Parliament in 1536. This process of centralisation under the auspices of the qualitative and quantitative expansion of wage labour relations eventually culminated in the enactment of the Elizabethan Statute of Artificers, Labourers and Servants in 1563 (St 51), which confirmed wage labour relations as the dominant form of labour in the production process of the English economy. Wage labour relations according to this Statute not only superseded the privileged access of the nobility to unpaid labour but equally undermined royal privileges in the employment of labour under chartered company ordinances. The Justices of the Peace under royal commission became the most powerful custodians of wage labour across the country, in fact the principal administrators of its citizens. According to Thorold Rogers' verdict: "Their object was to get labour at starvation wages, and they did their best to effect their object. The law gave them the power, and provided no appeal from their decision."²¹

Gender (in)equality in recent English labour historiography

Gender discrimination is not a prominent issue in the field of medieval labour history. But the movement for female equality originating in the late 1960s has eventually also had an impact on this subject. This section is intended to provide an overview of this debate to date.

In her book on 'Medieval Women' from 1975 Eileen Power looked only marginally at the labouring segment in a chapter on "The Working Women in Town and Country"²² and typically made no distinction between artisans in chartered companies and wage labourers or artificers under labour legislation. As a consequence, she subsumed guild masters' widows, left with their husband's shops, under the category of 'working women'. As she did not distinguish either between selling the product of labour and labour power, she came to note as an achievement that regraters, hucksters, innkeepers, and hostellers were typically women and that "All spinning and silk-making, some of the weaving and a great deal of brewing of medieval England was in the hands of women"²³. It is only towards the end of the article that she paid attention to "working women" in a number of typically female occupations in husbandry which were commonly carried out by wage labour, such as planting peas and beans, weeding, reaping, binding, threshing, winnowing, thatching, and sheep shearing²⁴. Thus this piece does not contribute much with regard to the role and status of women among wage labourers.

About a decade later in 1986, equally indiscriminate with regard to the distinction between craft, trade, and wage labour, Barbara A. Hanawaldt painted a similar picture of the gender division of work in 'Peasant Families in Medieval England'. She added a few trading occupations omitted by Eileen Power such as carding, tailoring, baking and selling victuals as well as work in husbandry such as mowing, weeding, turning hay, tying sheaves, milking, making cheese and butter²⁵.

Eventually in 1987, "Female Wage-Earners in the Late Fourteenth-Century England" became more explicitly the subject of an article by Simon Penn²⁶. His targeted study reconfirmed what Rogers and Hilton had found before, namely that in agricultural work

²¹ Rogers, James Edwin Thorold (1888) *The Economic Interpretation of History*, London: Fisher Unwin; second edition 1891, p. 41.

²² Eileen Power (1975) *Medieval Women*, ed. By M.M. Postan, Cambridge: Cambridge University Press, pp. 53-75.

²³ Ibid. p. 65.

²⁴ Ibid. pp. 71 f.

²⁵ Barbara Hanawaldt (1986) *The Ties that Bind: Peasant Families in Medieval England*, New York Oxford: Oxford University Press, pp. 141-155.

²⁶ Simon A.C. Penn (1987) 'Female Wage Earners in the Late Fourteenth Century England', in *The Agricultural History Review*, 35, pp. 1-14.

there was no difference in the rates of pay between male and female labourers²⁷. But women were typically employed in lower paid occupations such as “planting beans, binding and stacking sheaves, reaping and gathering the stubble after the corn had been cut or bedding and cocking the hay following the mowing”²⁸. Like Eileen Power he found a large proportion of women among brewers, weavers and spinners in presentments at labour courts in 1358.²⁹

Artisans and artificers are clearly distinguished from each other by Heather Swanson³⁰. In her article in *Past & Present* volume 121, she focused on ‘Craft Guilds’, which “represented the ruling class, not the industry”³¹, and where she found that “women accounted for a significant proportion of unskilled labourers”³². This is an example of the subordination of women in class relations, not of gender discrimination.

Only one of the seven main chapters in P.J.P. Goldberg’s book of 1992 on “Women, Work, and Life Cycle in a Medieval Economy” deals with “Women and Work”³³. But even in this chapter she was predominantly concerned with female participation in urban trades such as bakers, brewers, regraters, and domestic occupations such as spinsters and weavers. Only marginally, based on poll tax returns, did she look at “Women’s Work in the Countryside”³⁴ and again, like Power and Hanawaldt, failed to distinguish brewsters and bakers from wage labourers or day labourers from servants as distinct categories of wage earners. But, like her male colleagues – Rogers, Hilton and Penn – she found that “where men and women performed the same task they were invariably paid at the same rate.”³⁵

Another typical example of misinterpretation of “Labour and Gender” is Helena Graham’s research, based on court rolls 1259-1375 and poll tax returns of 1371, on the participation of women in the trades of butchers, bakers and brewers as well as in petty trading.³⁶ Contrary to the title, she did not pay any attention to labourers.

“Men at Work” is the speaking title of Donald Woodward’s book on the prototype of artificers, namely building artificers³⁷. In building work gender discrimination was most pronounced. Skilled labour was virtually male only. Women, if they were employed in building work, “were to be found most frequently carrying sand and lime, gravel and mortar, and engaged in the most timeless of all female occupations, carrying water”³⁸. In these and other subordinate activities they might be paid the same rates as men but, if there were differentials, it was the women who received less.

²⁷ Ibid. p. 9.

²⁸ Ibid. p. 2.

²⁹ Ibid. p. 1.

³⁰ Heather Swanson (1988) ‘The illusion of Economic Structure: Craft Guilds in Late medieval English Towns’, in *Past & Present vol.121*, pp. 28-48.

³¹ Ibid. pp. 30f.

³² Ibid. p. 40.

³³ P.J.P. Goldberg (1992) *Women, Work, and Life Cycle in a Medieval Economy, Women in York and Yorkshire c. 1300-1520*, Oxford: Clarendon Press, pp. 82-157.

³⁴ Ibid. pp. 137-149.

³⁵ Ibid. p. 113.

³⁶ Helena Graham (1992) ‘A woman’s work ...’: Labour and Gender in the Late Medieval Countryside’, in P.J.P. Goldberg (ed.) *Woman is a Worthy Wight: Women in English Society c. 1200-1500*. Sutton: Stroud.

³⁷ Donald Woodward (1995) *Men at Work: Labourers and building craftsmen in the towns of north England, 1450-1750*, Cambridge: Cambridge University Press.

³⁸ Ibid. p. 110.

“Gender and Wage Differentiation in Late Medieval England” is the subtitle of an article in *Past & Present* volume 165, on “Women’s Work” by Sandy Bardsley from 1999³⁹. Drawing on all the evidence on wage rates across the various occupations and degrees since Thorold Rogers, she calculated that on average female rates were 70% of male rates. Concerning the development of wage labour she concluded: “Both before and after the Black Death, women continued to be part of the motley crew of workers considered second rate, called upon in times of particular need, and paid a lower wage”⁴⁰.

This sweeping assessment provoked John Hatcher to produce for the same journal two years later, volume 173, a justification for gender differentials, arguing that piece rates were equal for men and women, whereas time rates differed, because “The productivity of labour is the fundamental determinant of wages.” Hatcher, therefore, attributed higher wages for men to nature: “Strength and reach are attributes possessed in greater abundance by men.” Wage differentials, he concludes, reflect “productivity rather than gender discrimination.”⁴¹ This judgement implies that the productivity of labour depends solely on physical characteristics such as ‘reach and strength’ and ignores mental abilities as part of human nature.

In her reply in the same issue, Bardsley discarded piece rates as a basis and insisted that only time rates allow for a valid comparison of wages, concluding that “the gap between men’s and women’s wages” can not be explained without gender discrimination.⁴²

In her latest book on “Women’s Roles in the Middle Ages”⁴³, covering more than a millennium and a wider range of issues, Bardsley deals with wage labour only marginally in a single section of one of the six chapters. She observes that “women also [...] worked (where possible) for wages”⁴⁴. Based on a contemporary treatise on husbandry⁴⁵, she argues concerning “the task of the dairy: Hiring women rather than men [...] represented a saving for their employers, because women could be paid at a lower rate than men.”⁴⁶ Why, one may wonder according to the same logic, were they never employed in the occupation of, for instance, the bailiff or the shepherd?

The diversity in the historiography on gender (in)equality is not a matter of evidence but of the definition of wage labour, wage labour relations and categories of wage earners. Furthermore, in order to single out the impact of wage labour relations in medieval England evidence on gender discrimination ought to be interpreted within a hybrid environment of changing social relations, including property relations. It will be shown that, under such contradictory conditions, labour law was a factor which worked in favour of equality between men and women.

³⁹ Bardsley, Sandy (1999) *Women’s Work Reconsidered: Gender and Wage Differentiation in Late Medieval England*, *Past & Present* 165, pp. 3-29.

⁴⁰ *Ibid.* p. 29.

⁴¹ John Hatcher (2001) ‘Women’s Work Reconsidered: Gender and Wage Differentiation in Late Medieval England’, *Past & Present* 173, p. 193.

⁴² Sandy Bardsley (2001) ‘Reply’, *Past & Present* 173, pp. 199-202.

⁴³ Sandy Bardsley (2007) *Women’s Roles in the Middle Ages*, London: Greenwood Press.

⁴⁴ *Ibid.* p. 62.

⁴⁵ Attributed to Walter de Henley about 1280: “[i]f there is a manor in which there is no dairy then it is always advisable to have a woman there for much less money than a man would take.” (Original in French)

⁴⁶ *Ibid.* p. 63.

Gender equality, the evidence of labour statutes⁴⁷

The first period of statutes for regulating the employment of wage labour has an obvious beginning with the proclamation of Edward III in 1349, ‘D’ proclamacioe faciendoe de serventibus’ (St 1), upgraded in 1378 to the legal status of a statute (St 9). It was passed “Because a great Part of the People, and especially of Workmen and Servants [“operariorum & servientium”], late died of the Pestilence, many seeing the Necessity of Masters, and great Scarcity of Servants, will not serve unless they may receive excessive Wages”⁴⁸. This is the first legal document in English history addressing labourers and, in particular, waged labourers as a social category subjected to special rules. The demarcation of wage labourers against serfs, servants, and small traders was still blurred, but a core was clearly singled out as ‘operarii’ (labourers) and ‘artifices’ (artificers). During the following centuries the crucial objective of labour statutes remained the limitation of wage rates, until eventually under Elizabeth I central wage setting was replaced by biannual regional wage assessments by the Justices of the Peace. All previous statutes were in fact invalidated by ‘An Acte towching dyvers Orders for Artificers Labourers Servantes of Husbandrye and Apprentises’, known as the Statute of Artificers or Statute of Apprentices of 1563 (St 51).

Ways of understanding the statutes

From the distance of between five and seven and a half centuries since the late medieval labour statutes, our understanding is not necessarily the same as that of its contemporaries. As historical evidence the statutes may be interpreted as imposing norms or, on the contrary, as testifying to the breakdown of norms. To a certain extent the development of legislation itself provides a key to any such interpretation.

Irrespective of whether the labour statutes are read as testimonies of history or as regulations to abide by, different approaches may be taken to understanding how practices changed in society and working life, as accounts, for instance, of

- Complaints of the Commoners or the King’s Council,
- Failure to enforce norms,
- Changing norms, or
- Changing practices.

The complaints of Commoners are usually set out in the preamble. They may be read as descriptions of what is happening in the country such as that “servants refuse to serve gentlemen and others unless they receive livery and wages twice or three times of what they used to take five years ago.” (St 2, transl. J.J.) Is this really a description of what was happening up and down the country? We know that the Commons who submitted the petition were mostly themselves ‘gentlemen and others’ and will have depicted the situation in a way that would convince the Lords to pass a statute suiting their interests, namely to supply labour at low wages. The Lords ‘temporal’ as well as ‘spiritual’ (secular and clerical) shared this interest and passed statutes that satisfied both chambers of Parliament. Thus the preambles tell us as much about the employment of labourers and artificers as about the interests of their employers.

Though, as mentioned above, the law is not the matrix of social practice, it is indirectly an account of the practices it refers to. Law only regulates what really exists. There would not have been any need to refer to men and women in the statutes unless they were both employed in reality.

⁴⁷ See Appendix 1 and 2.

⁴⁸ Preamble of St 1.

Finally, it must not be forgotten that the wording of the statutes is literature in its own right as written and read in the various bodies of the parliamentary and judiciary system. It expresses a way of thinking and the dominant values among those involved in legislation and jurisdiction.

Written law and the legislators

In this study the law will not be reviewed as a manifestation or code of justice in a moral sense. It would anyway be a mistake to perceive law, in particular in the Middle Ages, as an institution to determine what is right or wrong from a point of view which transcends the changing relations in society. The law was the direct expression of the interests and power of the ruling classes and their changing relations between each other as well as with their subordinates in this period, as examined by Robert C. Palmer in “English Law in the Age of the Black Death”⁴⁹. It is worth keeping in mind that, in a dialectical sense, the law is a result of changing labour relations in that the statutes, as instruments of central government, reflect changes and generalise them through the written form.

Who were the authors of these statutes, who enacted them? Parliament, summoned by the King, consisted of four distinct groups, the Lords spiritual, the Lords temporal, officials of the King’s Court, and the Commoners. Based on a petition, a committee of officials and Commoners would prepare a draft for deliberation and amendments eventually to be enacted in full Parliament (‘in pleno parlamento’). The Commons, who gradually came to be the majority, were those who drafted the statutes with the assistance of the officials. The Commoners were elected, or appointed, two knights, citizens, or burgesses from each county, city, or borough respectively. The Lords, appointed by the King, represented the nobility. Directly or indirectly the Lords as well as the Commoners depended on the employment of ‘servants, labourers, and artificers’ and had vested interests in setting rules for the employment of labour. Yet, depending on the subject, interests diverged. There was agreement, for instance, on keeping wages as low as possible but disagreement on fines for paying ‘excessive wages’.

“Every Man and Woman of our Realm of England”

Twenty of the fifty one statutes, including the first and last in the series, in one way or another relate to women as wage-earners or discriminate against them in addressing men explicitly.⁵⁰ They show not only gender discrimination or equality in law but also, to an extent, the perception of gender relations of the nobility and gentry.

The first statute, initially passed as an ordinance, relating to servants, labourers, and traders as one category obliged “every Man and Woman of our Realm of England” to serve and to take no more wages than in the twentieth year of the reign of Edward III and before (1349, St 1). But, as if by mistake, the most indispensable labourers in husbandry were represented by the “reaper, mower, or other workman (‘operarius’) or servant” (c. 2), thus addressed in the masculine form.

As soon as the Black Death had subsided, another statute in its preamble equally underlined that servants included “as well men and women” (1351, St 2). On the other hand, where maximum wages were determined for building artificers, these were all addressed in the masculine form including their labourers as boys (“garceon”), whereas the dairy maid (“deye”) was a woman.

⁴⁹ Robert C. Palmer, op. cit.

⁵⁰ See Appendix 2; the Statutes and respective chapters (c.) or paragraphs (§) are referenced to in brackets according to their numbering.

The statute, which imposed strict demarcations between artificers of different occupations, explicitly excluded women from this restriction, listing them as “Brewers, Bakers, Carders, and Spinners, and Workers as well of Wool, as of Linen Cloth, and of Silk, Brawdesters, and Breakers of Wool, and all other that do use and work all Handy Works.” (1363, St 7) All these domestic “Handy Works” were thus classified as distinct from wage labour.

The universal human was the man, so it seems in a formula of the ‘Statute of Cambridge’, according to which “no servant nor labourer, be he (‘il’) man or woman, shall depart [...] out of the hundred rape, or wapentake” (1388, St 12, c. 3). In the chapter regulating maximum wages for servants in husbandry (c. 4), eight are male among the ten categories, with two female ones at the bottom of the scale, “woman labourer” and “dairy woman”. The common assumption that women have to look after their domicile seems to have blinkered the legislators when they decreed that letters patent were required for travellers: these were addressed as men (‘hommes’) (c. 8).

But again, according to the next following labour statute two years later, both “Man or Woman by the law ought to have bodily Punishment” for departing from their place of residence (1390, St 13, c.3)

For children up to the age of twelve working in husbandry, gender equality was also unmistakably established in law: “he or she (‘celuy ou cele’) that useth to labour at the plough or cart, or other labour or service of husbandry” were not allowed to serve craft apprenticeships in cities or boroughs (1406, St 15). This statute is interesting in that it reveals that girls enjoyed gender equality in working alongside ploughing and carting, which were male occupations for adults.

Gender discrimination became most pronounced in the new wage scales by the middle of the 15th century (1445, St 22). Among the four categories for adult servants, the lowest annual wage was for the “woman servant” (10s.), earning half the annual wage of the ‘chief’ (20s.) and two thirds of the “common servant” (15s.). Among the three categories of building artificers, including the labourers, women did not feature at all. On the other hand, the “Labourers in Time of Harvest” were again divided into three categories with “women and other labourers” at the bottom of the scale earning three quarters of the highest rate. In the same statute the male prerogative in the wider scope of property relations takes a rather peculiar form. The size of a tenant holding was defined as what “shall suffice to the continual occupation of one man” (‘occupacion dun home’) to justify dispensation from the duty to serve.

A statute concerning beggars and vagabonds passed at the end of the fifteenth century reveals how male prejudice may impact on the wording (1495, St 23). That the masculine form does not necessarily exclude women appears in this legal document in consistently using ‘he’ and ‘men’ until it comes to imposing punishments, which are to be reduced for “women greate with child” as well as “men and women in extreme siknes”. The same exemption is to be found in a later statute (1504, St 26, c.12, § VIII). This case demonstrates that the habit of speaking of ‘men’ instead of persons has a long tradition and does not consciously exclude women.

The statutory wage scales of 1495 (St 24) and 1515 (St 28) were mainly a confirmation of those of 1445 (St 24) and similarly discriminate against women employed as servants and labourers in harvest time whilst ignoring them in artificers’ occupations in building and shipbuilding.

It is worth quoting the first statute specifically dealing with vagabonds and poor relief in regard to the definition of those falling under this legislation and hence being obliged to work. The subsumption of women under the universal ‘men’ could not have been more

pronounced: “[...] any Man or Woman beyng hole and myghty in body and able to labour having no Lande Maister nor usyng any lawful marchaundyse crafte or mystery, wherby he [!] myght gette his lyving [...]” (1531, St 30). Occasionally in other parts of the statute this category, in fact of labourers, is also referred to as “person & persones”, which is the most explicit expression of gender equality as fundamental to the status of wage earners. The precision in the wording corresponds with other pieces of legislation, which became much more extensive in the reign of Henry VIII. Yet, the legislators nevertheless found it too difficult to suppress the habit of subsuming female under male, which persisted when the issue was how “he myght gette his lyvyng” (§ III). The language betrays an aspect of gender relations in everyday life at least of those who made the law.

The second statute on the poor (1547, St 37) is exceptionally careful in referring to “man or woman” (I), or inversely to “divers women and men” and even to “he or she” (III). The two genders are also correctly subsumed under “such parson or parsons” (IV), which does not at all prevent them later being referred to as “he” and “him” without female equivalent. There is only one substantial discrimination when it comes to the punishment of enslaving, which is excluded up “to thage of twentie Yeres the woman childe, or xxiiij the man childe” (III). In a sense, this gender differentiation according to age may even be interpreted as positive discrimination in that it acknowledges the earlier maturity of women. At any rate, this statute confirmed gender equality for the labouring class in law as well as the persistent discrimination in real life especially by the landed nobility and gentry in charge of the judiciary.

The statute which allowed all building artificers to work in corporate towns, as well as another statute repealing it, exclusively used masculine wording such as craftsmen, free men, ‘he’, and ‘him’ (1548, St 38, 1549-50, St 40), reflecting the dominant division of labour in this occupational segment of wage labour.

A statute on “the Punyshment of Vacabonds and other ydle Parsons” (1549-50, St 39) differentiates female and male, in that women were considered old enough to be sentenced to forced labour already at the age of 15, whilst men must be at least 18 years of age to suffer the same punishment.

The same parliament enacted a statute covering only the six occupations of clothmakers, fullers, shermen, weavers, tailors, and shoemakers, in which ‘journeymen’ must not be hired for less than a year (1549-50, St 41). It seems most unlikely that these journeymen in reality included women, as company ordinances usually did not allow their enrolment as apprentices.

A new statute on poor relief under Philip&Mary (1555, St 48), though consistently using the masculine form of ‘his’ or ‘him’, necessarily included women as well. This is a typical case of negligence coupled with customary female discrimination.

Even the legislators of the great Elizabethan “Acte for the Releife of the Poore” demonstrated their irresistible perception that female identity is included in that of men through the use of the masculine pronoun for both (1563, St 50). This failure to recognise equality of women in law may adequately be called ‘Zeitgeist’, which survived many centuries to come.

This ‘Zeitgeist’ was alive equally in the complementary “Acte towching dyvers Orders for Artificers” (1563, St 51), where in the first paragraph the whole class of wage earners was addressed as “the poore Labourer and hired man.” (§ 1) Often gender equality was observed through the use of the word ‘person’. Only in one case were “unmarried women between 12 and 40” years of age singled out as being obliged to “serve by the yere or by weeke or daye”, if required.

The balance between coexisting contradictory social relations

From its first ordinance, English labour law provided for gender equality in labour relations. There is no exception to this principle in any of the statutes under review. Neither is there any change, relaxation or reinforcement, to be detected in the course of these two centuries after the Black Death. Wage labour relations as such are not gender specific and, consequently, apply equally to women and men if they are employed for wages. The use of wage labour expanded in the late Middle Ages but it hardly changed its nature. With an increasing share of the population falling under the scope of labour law, gender equality necessarily rose quantitatively. One may assume that the increase in the number of wage earners, or hours worked for wages, also had a qualitative impact on gender relations, but there is no evidence of this in the statutes. On the contrary, the persistent use of the masculine as a universal form meaning both male and female is speaking testimony to the continuing subordination of women. Whether this was the case only among the nobility, gentry and the urban elite, from whose ranks came the legislators in the Kings Council and the chambers of parliament, is a matter of speculation. Kellie Robertson is unequivocal: "The gendered position of the gentry housewife was double insofar as she was expected to manage the servants and the staff of the household while not forgetting that she was, in legal relations to the lord, both servant and property."⁵¹ The exclusivity of building artificers as a male community suggests that the discrimination of women was not a prerogative of noblemen and gentlemen. To conclude, the law reflects both equal rights and their limited implementation in real life.

It is a question of epistemology as well as common sense whether the predominance of women in the textile industry and the production for the market of victuals including beer is to be interpreted as a manifestation of emancipation or subordination. Strictly speaking, it was work for sale, not labour for wages. Historically too, it was not related to the conversion of feudal services as a trigger for the development of wage labour. Therefore this segment of female work remains outside our scope of study, as underpinned by its exclusion in the statute on craft demarcation (1363, St 7).

From a common-sense point of view, the miserably paid work in the textile industry carried out in an equally miserable environment may, as compared to building artificers' occupations, rather be regarded as an example of gender discrimination under the domestic regime.

Similarly, the petty vendors and entrepreneurs, victuallers and hucksters, hostellers and innkeepers etc. neither belong to the class of wage earners nor to the urban elite of merchants or traders. They are, however, frequently included in labour statutes to be remanded not to take more than 'reasonable' prices, which was intended to quell the demand of higher wages or maintain their purchasing value (e.g. St 13). That women were so important in this segment is the sad result of utter marginalisation - no land, no paid employment, unmarried or widow - instead of as a means of emancipation as claimed by some scholars such as Goldberg⁵² and Power⁵³. Their low status in medieval society explains why initially they were subsumed under the general category of labourers.

Having excluded from the category of wage earners those groups in which women represented a majority, there remain three major segments, in which they were legally equal but discriminated against in practice - those of the 'artificers, servants, and labourers':

⁵¹ Kellie Robertson (2006) *The Laborer's Two Bodies, Literary and Legal Productions in Britain, 1350-1500*, New York and Basingstoke: Palgrave Macmillan.

⁵² P.J.P. Goldberg, op. cit., pp. 104-116.

⁵³ Eileen Power, op. cit., p. 65.

1) It is unmistakable that women were virtually absent in the ranks of artificers. Though the law did not explicitly exclude them, the wording never addressed artificers as female, which corresponds to all documentary evidence in writing and the visual arts.

2) Women, however, had an established position among servants. The statutory wage scales attributed them to the bottom of the scale. Whilst their male counterparts occupied the upper ranks of bailiff, ploughman, carter, etc., women were typically employed as dairy women or woman servants (e.g. St 23). Servants, however, do not belong to core category of wage labour.

3) For wage labour in husbandry, especially in harvest time, occupational pay differentials generally correspond with gender division, mowers and ploughmen heading the pay scale, whilst the rest may be mixed gender and, predominantly, equal in pay.

Unskilled labour in building may also have been men or women, especially when there was a shortage. As in husbandry, female wages were equal in this position at the bottom of the scale.

The female constitution was a determinant in law only with regard to one single issue, the imposition of corporal punishment. Corporal punishment was to be reduced for “women greate with child” (St 23; St 26). No other concession for women can be found in statutes related either to pregnancy and motherhood or John Hatcher’s “strength and reach”⁵⁴.

It may finally be noted that gender equality applied, of course, to children as well, with a short-lived exception when it came to punishing them as vagabonds. Girls could be enslaved from the age of twenty, boys only from the age of twenty four (St 37). This was by a statute under Edward VI which was repealed by the second parliament following (St 39).

These conclusions do not directly answer the initial questions of, first, whether the expansion of wage labour had an impact on gender relations, and, secondly, which role women played as protagonists of wage labour relations. Indirectly, however, some interpretations may be legitimate.

The first question can only be answered in the affirmative. The possibility for a woman to make a living on her own as a wage earner terminated her dependency under the three main options: to serve a lord, to be married to a husband, or to remain under the authority of her father. This direct subordination under a male master or in her family was not abolished altogether through the alternative possibility of becoming formally equal and independent as a wage earner. Yet, despite the continuity of feudal prerogatives and related property rights and despite the discrimination against women according to occupations, the expansion of this form of employment introduced a social space of equality that gave women the right to challenge male superiority.

The second question is more difficult to answer. No doubt, in working for wages, both men and women were protagonists of wage labour relations. But, quantitatively, men were far more important and virtually the sole representatives in the core segment of artificers. The typical confinement of women to domestic work as a way of earning money must have restricted their participation in the struggle for higher wages and better working conditions. In promoting wage relations, women played their role in different arenas than men.

⁵⁴ John Hatcher, *op. cit.*, p. 193.

Appendix:

1. Statutes of the Realm concerning the transformation of wage labour 1349-1563

v.	No	Year	Reign	Statute/Act
I	1	1349	23 Edward III, c. 1-7	D'proclamacione facienda de servantibus
	2	1351	25 Edward III, Stat. 2, c. 1-7	Lestatut dartificers & servauntz
	3	1351	25 Edward III, Stat. 7	toutz les fyns issuez forfaitz anerciamentz ... en eide de lour x ^e & xv ^e
	4	1357	31 Edward III, Stat. 1, c. 6-7	Statute of Labourers extended to London etc.
	5	1361	34 Edward III, c. 9-11	Lestatut des laborers ... estoise en touz pointz; forspris la penance pecuniere
	6	1362	36 Edward, Stat. 1, c. 14	Fins & amerciamentz ... faissent paiez as Coillours de la quinzieme trienale
	7	1363	37 Edward III, c. 6-8	artificers gentz de meistere se teignent chescun a un meistere
	8	1368	42 Edward III, c. 6	commissions faites as Justices de la pees en chescun Contee
II	9	1378	2 Richard II, Stat. 1, c. 8	Estatutz & ordinaances de Artificers servantz & Laborers ...misez en due execucion
	10	1383	7 Richard II, c. 5	denquere vagerantz & faitors
	11	1384	8 Richard II, c. 1	lordinance [23 Edward III] que sibien celle esatut, ... misez en due execucion
	12	1388	12 Richard II, c. 3-10	toutz les estatutz des Artificers Laborers servantz & Vitailleurs ... soient duement executz
	13	1390	13 Richard II, Stat. 1, c. 8	les estatutz & ordinaances de servantz laborers artificers & vitailleurs ... soient duement executz
	14	1402	4 Henry IV, c. 14	nul labourer ... lowere per jours de festes
	15	1406	7 Henry IV, c. 17	que les bons estatutz ... touchantz laborers artificers & autres servantz de husbandrye soient ... mys an due execucion
	16	1414	2 Henry V, Stat. 1, c. 4	que lestatut de laborers fait a Cantebrigg & toutes autres soient mys en due execucion
	17	1416	4 Henry V, Stat. 2, c. 4	The Pain contained in the said Statutes shall run only upon the taker
	18	1423	2 Henry VI, c. 18	Enforcement of 2 Henry V, Stat. 1, c.4
	19	1425	3 Henry VI, c. 1	congregacions & confederancies faitz par les Masons ... ne soient desore tenuz
	20	1427	6 Henry VI, c. 3	de faire en lour plein session un foitz per an
	21	1429	8 Henry VI, c. 8	lestatut & ordinance, lesquelles ore sount expires, ... en due execucion
	22	1445	23 Henry VI, c. 12	les Salariez & gages des Servantz laborers & artificers
	23	1495	11 Henry VII, c. 2, I-VI	An Acte agaynst vacabounds and beggers
	24	1495	11 Henry VII, c. 22, I-VI	An Act for Servants Wages
	25	1496-7	12 Henry VII, c. 3	An Acte for the making voide of the Statute 11 Henry VII, c. 22 concerning Artificers & poore Laborers
III	26	1504	19 Henry VII, c. 12, I-VII	De validis mendicantibus repellendum
	27	1512	4 Henry VIII, c. 5	Per Laborantibus
	28	1515	6 Henry VIII, c. 3	Acte concernyng Artificers & Labourers
	29	1515	7 Henry VIII, c. 5	Thacte for Labourers & artificers within the Cite of London
	30	1531	22 Henry VIII, c. 12, I-XVI	An Acte concernyng punysshment of Beggers & Vacabunds
	31	1536	27 Henry VIII, c. 25,	An Acte for the punysshment of sturdy vacabundes and beggers
	32	1536	28 Henry VIII, c. 6	An Acte for the contynuyng of the Statutes for Beggers and Vacabunds
	33	1539	31 Henry VIII, c. 7	An Acte for Beggers and Vagabonds
	34	1542	33 Henry VIII, c. 10	An Acte concerninge the Execucion of certayne Statutes
	35	1542	33 Henry VIII, c. 17	An Acte for contynuacion of certain Statutes
	36	1545	37 Henry VIII, c. 23	An Acte for contynuacion of certain Statutes
IV	37	1547	1 Edward VI, c. 3	An Acte for the Punishment of Vagabondes and for the Relief of the poore and impotent Parsons
	38	1548	2&3 Edward VI, c. 15	An Acte towching Victuallers and Handycrafts men
	39	1549-50	3&4 Edward VI, c. 16	An Acte towchyng the Punysshment of Vacabonds and other ydle Parsons
	40	1549-50	3&4 Edward VI, c. 20	An Acte touchinge the Repeale of certeyne braunche of 2&3 Edward VI, c. 15
	41	1549-50	3&4 Edward VI, c. 22	An Acte concerning retynyng of Journeymen by dyverse persons
	42	1552	5&6 Edward VI, c. 2	For the Provisyon and Relief of the Poore
	43	1552	5&6 Edward VI, c. 3	An Acte for the keping of Hollie daies and Fastinge dayes
	44	1552	5&6 Edward VI, c. 17	An Acte for the continuance of certayne Statutes
	45	1552-3	7 Edward VI, c. 11	An Acte for the continuance of certayne Statutes
	46	1553	1 Mary, Stat. 2, c. 13	An Acte for the continuance of certayne Statutes
	47	1554-5	1&2 Philip & Mary, c.16	An Acte for the continuance of certayne Statutes
	48	1555	2&3 Philip & Mary, c.5	An Acte for the Reliefe of the Poore
	49	1555	2&3 Philip & Mary, c. 21	An Acte for the continuance of certayne Statutes
	50	1563	5 Elizabeth I, c. 3	An Acte for the Reliefe of the Poore
	51	1563	5 Elizabeth I, c. 4	An Acte towching dyvers Orders for Artificers Laborers Servantes of Husbandrye and Apprentises

2. Statutes of the Realm according to analytical categories

Vol. No	Statute No	Year of Parliament	Reign	Status of wage earners	Categories of labour	Segments occupations	Wages by time taill etc.	Wage levels	Women labourers	Apprentices	Employers of labour	Duty to work	Vagrants & vagabonds	Beggars and poor	Conspiracies	Kinds of punishment	Practice of jurisdiction	
I	1	1349	23 Edward III, c. 1-7	O	O				O							O	O	
	2	1351	25 Edward III, Stat. 2, c. 1-7	O	O	O	O	O	O		O	O	O	O		O	O	
	3	1351	25 Edward III, Stat. 7		O											O	O	
	4	1357	31 Edward III, Stat. 1, c. 6-7		O											O	O	
	5	1360-1	34 Edward III, c. 9-11	O	O	O	O	O				O	O		O	O	O	
	6	1362	36 Edward, Stat. 1, c. 14														O	O
	7	1363	37 Edward III, c. 6-8			O			O								O	O
	8	1368	42 Edward III, c. 6															O
II	9	1378	2 Richard II, Stat. 1, c. 8															
	10	1383	7 Richard II, c. 5										O			O	O	
	11	1384	8 Richard II, c. 1															
	12	1388	12 Richard II, c. 3-10		O	O	O	O	O	O	O	O	O	O		O	O	
	13	1390	13 Richard II, Stat. 1, c. 8		O	O	O	O	O							O	O	
	14	1402	4 Henry IV, c. 14			O	O									O		
	15	1406	7 Henry IV, c. 17	O	O	O			O	O	O	O				O	O	
	16	1414	2 Henry V, Stat. 1, c. 4	O							O	O	O			O	O	
	17	1416	4 Henry V, Stat. 2, c. 4		O		O				O					O		
	18	1423	2 Henry VI, c. 18	O		O	O				O					O	O	
	19	1425	3 Henry VI, c. 1			O									O	O		
	20	1427	6 Henry VI, c. 3		O	O	O				O	O	O			O	O	
	21	1429	8 Henry VI, c. 8				O						O					
	22	1445	23 Henry VI, c. 12		O	O	O	O	O		O	O	O			O	O	
23	1495	11 Henry VII, c. 2, I-VI							O	O			O	O		O	O	
24	1495	11 Henry VII, c. 22, I-VI			O	O	O	O		O	O				O	O	O	
25	1496-7	12 Henry VII, c. 3			O	O	O									O	O	
26	1504	19 Henry VII, c. 12							O	O	O		O	O		O	O	
III	27	1512	4 Henry VIII, c. 5		O			O		O						O		
	28	1515	6 Henry VIII, c. 3			O	O	O	O		O	O			O	O	O	
	29	1515	7 Henry VIII, c. 5			O	O	O		O	O					O	O	
	30	1531	22 Henry VIII, c. 12, I-XVI	O					O		O	O	O	O		O	O	
	31	1536	27 Henry VIII, c. 25,	O							O	O	O	O		O	O	
	32	1536	28 Henry VIII, c. 6										O	O				
	33	1539	31 Henry VIII, c. 7										O	O				
	34	1542	33 Henry VIII, c. 10														O	
	35	1542	33 Henry VIII, c.17											O	O			
	36	1545	37 Henry VIII, c. 23											O	O			
IV	37	1547	1 Edward VI, c. 3	O	O		O		O	O	O	O	O	O		O	O	
	38	1548	2&3 Edward VI, c. 15	O	O	O	O		O		O				O	O	O	
	39	1549-50	3&4 Edward VI, c. 16	O			O		O		O	O	O	O		O	O	
	40	1549-50	3&4 Edward VI, c. 20						O		O						O	
	41	1549-50	3&4 Edward VI, c. 22	O	O		O		O	O							O	
	42	1552	5&6 Edward VI, c. 2	O									O	O		O	O	
	43	1551-2	5&6 Edward VI, c. 3	O														
	44	1551-2	5&6 Edward VI, c. 17															
	45	1552-3	7 Edward VI, c. 11												O			
	46	1553	1 Mary, Stat. 2, c. 13												O			
	47	1554-5	1&2 Philip & Mary, c.16															
	48	1555	2&3 Philip & Mary, c.5							O				O	O		O	
	49	1555	2&3 Philip & Mary, c. 21														O	
	50	1563	5 Elizabeth I, c. 3	O						O			O	O	O		O	O
	51	1563	5 Elizabeth I, c. 4	O	O	O	O			O	O	O	O				O	O

Bibliography:

- Bardsley, Sandy (1999) 'Women's Work Reconsidered: Gender and Wage Differentiation in Late Medieval England', *Past & Present* 165, pp. 3-29.
- Bardsley, Sandy (2001) 'Reply', *Past & Present* 173, pp. 199-202.
- Bardsley, Sandy (2007) *Women's Roles in the Middle Ages*, London: Greenwood Press.
- Brass, Tom, Marcel van der Linden, and Jan Lucassen (1993). *Free and Unfree Labour*. Amsterdam: International Institute for Social History.
- Dockès, Pierre (1979) *La libération médiévale*, Paris: Flammarion.
- Given-Wilson, Chris (2000) 'Service, Serfdom and English Labour Legislation, 1350-1500', in Curry, Anne/Elizabeth Matthew (2000) *Concepts and Patterns of Service in the Later Middle Ages*, Woodbridge/Suffolk: Boydell Press, pp. 21-37.
- Goldberg, P.J.P. (1992) *Women, Work, and Life Cycle in a Medieval Economy, Women in York and Yorkshire c. 1300-1520*, Oxford: Clarendon Press.
- Graham, Helena (1992) 'A woman's work ...': Labour and Gender in the Late Medieval Countryside', in P.J.P. Goldberg (ed.) (1992) *Woman is a Worthy Wight: Women in English Society c. 1200-1500*, Stroud: Sutton.
- Hanawalt, Barbara (1986) *The Ties that Bound: Peasant Families in Medieval England*, New York Oxford: Oxford University Press.
- Hatcher, John (2001) 'Women's Work Reconsidered: Gender and Wage Differentiation in Late Medieval England', *Past & Present* 173, pp. 191-198.
- Hilton, Rodney Howard (1975) *The English Peasantry in the Later Middle Ages*, Oxford: Clarendon Press.
- Jörn Janssen (2008) *Different categories of wage earners according to Labour Statutes in England, 1349-1563*, manuscript presented to the European Social Sciences History Conference, Lisbon 2008.
- Lander, Jack Robert (1989) *English Justices of the Peace, 1416-1509*, Wolfeboro: Sutton.
- Lucassen, Jan (ed.) (2006) *Global Labour History, A State of the Art*. Bern etc.: Peter Lang.
- Palmer, Robert C. (1993) *English Law in the Age of the Black Death, A Transformation of Governance and Law*, University of North Carolina Press, London: Chapel Hill.
- Parker, David, (ed. and introd.) (2008) *Ideology, Absolutism and the English Revolution, Debates of the British Communist Historians 1940-1956*, London: Lawrence & Wishart
- Penn, Simon A.C. (1987) 'Female Wage Earners in the Late Fourteenth Century England', in *The Agricultural History Review* 35, pp. 1-14
- Power, Eileen (1975) *Medieval Women*, ed. By M.M. Postan, Cambridge: Cambridge University Press.
- Putnam, Bertha Haven (1929) 'The Transformation of the Keepers of the Peace into the Justices of the Peace 1327-1380', in *Transactions of the Royal History Society*, 4th Ser. XII, pp. 19-48.
- Robertson, Kellie (2006) *The Laborer's Two Bodies, Literary and Legal Productions in Britain, 1350-1500*, New York and Basingstoke: Palgrave Macmillan.
- Rogers, James Edwin Thorold (1866-1902) *A History of Agriculture and Prices in England*, 7 Vols, Oxford: Clarendon Press.
- Rogers, James Edwin Thorold (1984) *Six Centuries of Work and Wages*, London: W. Swan Sonnenschein & Co.

Rogers, James Edwin Thorold (1888) *The Economic Interpretation of History*, London: Fisher Unwin; second edition 1891.

Luders et al. eds. (1810-1819) *The Statutes of the Realm: From Original Records*, vol. 1-4.

Swanson, Heather (1988), 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', in *Past & Present* 121, pp. 28-48.

Sweezy, Paul et al. (1976) *The Transition from Feudalism to Capitalism*, with an introduction by Rodney Howard Hilton, London: New Left Books, second edition Verso, 1978.

Vinogradoff, Paul (1892) *Villainage in England, Essays in English Medieval History*, Oxford: Oxford University Press.

Woodward, Donald (1995) *Men at Work: Labourers and building craftsmen in the towns of north England, 1450-1750*, Cambridge: Cambridge University Press.