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The commons in medieval England

In the autumn of 1536, a mass rebellion broke out in the northern counties of England, known as « The pilgrimage of grace for the common weal ». In their letters and manifestoes, the bulk of the rebels called themselves « commons » or « commonalty » and denounced the policies of Henry VIII's government.¹ Charged with responding to the claims of the rebels, the royal propagandist Sir Richard Morison reminded them of the authority on which these policies had been agreed :

First, why may not the King's Grace, by the counsel of the lords spiritual and temporal and the commons assembled together in Parliament (of the which many are among your rout), do that that all these and the better part of you then thought best to be done ? And what cruel and blind malice is this, to lay on one or two men's necks as evil done, that which was thought by the whole counsel and consent of the three estates of England to be most to the honour of God, discharge of the king and weal of this his realm and subjects of the same ?²

Why, Morison was asking, did these commons in the north object to what the commons in Parliament had done just a few months before ? The answer, of course, is obvious – the Commons House at Westminster, with its mixture of gentlemen and plutocrats, was a very different thing from the rebel host, in which yeomen, craftsmen, priests and chaplains were the driving forces – but the question goes right to the heart of the issue of legitimation with which this conference is concerned. Why was the same term « commons » used to describe both a part of the English legislature and a large gathering of rebellious people ? How had this double meaning come about and what did it imply for the workings of politics in late medieval England ? « Commons » was one of the master notions of English political life between the fourteenth century and the sixteenth, deployed extensively in parliamentary dialogue, in sermons and public poetry, in bills and manifestoes ; by tracing its development and considering its most prominent associations, we should get at something quite fundamental to the political dynamics of this closely-governed, but highly volatile, kingdom.

The «commons» have attracted a lot of attention from historians of later medieval England in the last decade or so, partly stemming from the interest in political culture that began in the 1980s, but also from a re-balancing of our sense of political society.³ Where the attention of British political history in this period was once focused almost exclusively on the interaction of king, lords and gentry, and on the politics of land, it has now broadened out, to consider the parts played by the lower ranks of rural society, and also by towns and townsmen, in the politics of the realm.⁴ At the same time, a revived interest in parliament and a concern with communication and the dimensions of public life have created a more complex and multi-faceted image of the later medieval English polity, in which the holders of power in church and state are shown to be responsive to a wide range of social and political pressures, and the impact of popular activism on the high politics of the century or so that followed the mass uprising of 1381 is coming to be more fully appreciated. The tendency of so many popular rebels to call themselves «commons» and their evident belief that this term bore a significant political freight has interested a number of historians and literary scholars.⁵ Steven Justice has argued, in the context of 1381, that the term was chosen to indicate the

rebels' representation of local communities ; others, including myself, have suggested that it was instead the *communitas regni* – the political community of the realm – which the rebels were claiming to represent.⁶ Several historians have explored the implications of the long sequence of « commons » revolts that followed – the risings of 1450, 1469-71, 1489, 1497, 1536 and 1549. Michael Bush has seen these as essentially conservative, a series of attempts to protect the traditional society of orders against the innovations of the crown : for him, as for some other historians of the sixteenth century, « commons » is a term denoting the third estate.⁷ My own contributions to this debate have emphasised – perhaps over-emphasised – changes in the weighting of the term « commons » ; my argument has been that a word primarily denoting political community in the fourteenth century, gradually came, over the course of the fifteenth century, to mean something very close to « lower class », so that by the sixteenth century revolts of the « commons » had lost some of their subversive and usurpatory quality – instead of being rejections of the government by groups claiming to stand for the whole community, they had become protests (though very large protests) by the poor, the workers, the *plebs*.⁸ More recently, David Rollison has argued for a much greater role for ordinary people in driving the politics of later medieval England, even from as early as the thirteenth century ; for him *communitas* always referred to the mass of the people, and was juxtaposed with the nobles – an alien group, descended from Norman robber barons, and almost inherently at odds with an English-speaking mass that ranged from agricultural workers to the wealthy merchants and knights who, by the fourteenth century, sat in parliament.⁹ In this reading, the long period of revolts of the commons, from 1381 to 1549, is the climactic phase in a « long social revolution », in which the mass of the people were, for the first time, fully able to act for themselves and in which their concerns – security of employment, manageable wages and prices, limits to taxation, legal equality and adequate defence – dominated the political agenda.¹⁰

In considering the meaning of the « commons » then, I am returning to a field where a debate has begun to form. My essays have challenged the views of early-modern historians by supplying a longer back story : in particular by drawing attention to the role of the *communitas* in the politics of the thirteenth and fourteenth centuries and considering what light that might throw on the claims of popular rebels to be commons in the « long fifteenth century » that followed. This approach has exposed something of the openness of the fifteenth-century polity to entryism from all social groups and suggested that sixteenth-century England was comparatively repressive, its « commons » more marginalised and, in certain ways, less able to disturb the commonwealth. In turn, Rollison's bravura treatment of an even longer period challenges my reading of *communitas*, insisting that it always referred to the mass of the people, even if that mass was often represented by mediating powers in the period before 1381.¹¹ The question bears very directly on the nature of the «légitimité implicite» encoded in a term like « commons ». It also has important implications for how we view the English polity and its changing dynamics : whether we should think in terms of a « great secular divide between nobility and commonalty », or – in more whiggish vein, perhaps – of the gradual expansion (or later contraction) of political society, against a background of growing government, expanding frameworks of law and consultation, changes in political culture and the means of communication.¹² A brief re-examination of the meanings and deployment of the word « commons » and its Latin and French cognates is unlikely to resolve such large questions, but it does provide an opportunity to revisit this debate as well as to re-consider what was, for medieval Englishmen, a « vecteur de l'idéal » of central importance.

« Commons » and « commonalty » (or, in Middle English, « comouns », « communes », « cominalte ») are the heirs of a cluster of more or less interchangeable Latin and French terms : *communa* / *communio* / *communitas* and « commun » / « commune » / « communaunce ».¹³ While some of these terms could bear specific meanings – a group of people swearing an oath to govern themselves was more likely to be called a commune or *communa* than a *communitas* or « cominalte », for instance, and, at least by the second half of the thirteenth century, the inhabitants of a town or village were more likely to be called a *communitas* than a commune – usage was often looser than this, so that even when they were used precisely, commune and *communitas* drew some of their meaning from each other.¹⁴ For this reason, and since both terms lay behind the late medieval English word commons, I shall consider them together here. Throughout the middle ages, this group of words seems to have had two main frames of reference : one about political collectivity ; the other about social ordinariness. Let us take political collectivity first.

In England, like everywhere else in Europe, a commune was a self-governing collectivity, typically a town.¹⁵ *Communitas* carried that meaning too, but it also bore the sense of the inhabitants or constituents of a political body, whether that was a town or a county or the kingdom itself.¹⁶ The deep history of this terminology seems to lie in an amalgam of classical and post-classical usages : first, Roman Law notions of the *populus* and *universitas* – respectively the foundational collectivity of the Roman state and one of the commonest terms for a self-governing corporation – which were run together with other juristic terms, such as *communio* (common property) and *communiter agere*, the oft-repeated term for legal action on behalf of a corporation.¹⁷ A second classical source was the language of Cicero, in which *communitas* features alongside *communio* and other *commun*-forms, notably in the widely circulated tract *De Officiis* ; and a third was the discourse of the urban communes that sprung up across Europe from the tenth century onwards.¹⁸ These usages gained strength in governing circles from Moerbeke's translation of Aristotle's *Politics*, in which *koinonia* was rendered as *communitas*, as well as from its resulting prominence in the works of Aquinas and his successors, and also from the circulation of juristic or neo-classical tags like *communis utilitas* (common profit) and *commune consilium* (common counsel).¹⁹ It is arguably in this last form that this language is first apparent at the national level in England – Henry I's coronation edict of 1100 said that he was crowned by the *communi consilio baronum totius Angliae*, for instance, and while this usage of *communis* could be innocent of any deeper meaning, by the end of the century it is not hard to find phrases such as *de communi consilio* (1188) or *commune consilium regni* (1194), in which the identity of those delivering the counsel is obscured, and the term *communis* thus seems freighted with an idea of representativeness.²⁰ By King John's reign, growing familiarity with both learned law and communal practice enabled a richer transfer of communal ideas and terms to the politics of the kingdom : in 1205, according to Gervase of Canterbury, John ordered that *per totum regnum fieret communa*, and each shire, town and vill was required to contribute men for the common defence ; in 1215, famously, Magna Carta – the *communis carta regni*, as Geoffrey de Mandeville called it – was to be guaranteed by twenty-five barons *cum communa tocius terre*.²¹ During the thirteenth century, with the coming of more frequent taxation and representative assemblies, the deployment of communal language in contexts of political collectivity increased. The baronial reformers of 1258 regarded themselves as « le commun de Engleterre » and stipulated that twelve of their number be elected « pur tut le commun de la tere » ; in an early middle English version of their October 1258 proclamation, the « commun » of the realm is rendered as « the loandes folk on ure

kuneriche », reminding us that, as yet, English lacked a word for commune.²² But this was to come. As parliament acquired a more fixed form between the 1260s and the 1320s, French and Latin references to the « commun » or *communitas* proliferated, frequently without any distinction being drawn between the representatives and those they represented, and sometimes with emphasis on the universality of the community – it was « tote la comunalte de la terre » in the crisis of 1297, « auxi bien clerks come lays », and *tota communitas Anglie, tam cleri quam laici* in 1315.²³ At the same time, however, the representation of England's community became more strongly associated with the knights of the shire, who came *ex parte communitatum comitatuuum* (1265), and the burgesses, who joined them in representing the *comitatus, civitates et burgi regni* (1320).²⁴ Together, these groups came to be styled as « le commune de la tere » (1265), « la communalte du roialme » (1322), or, more simply, « le commun » or « la commune » (c.1300 to the 1390s, but fading from the 1370s).²⁵ From the 1340s, the knights and burgesses began to be regarded as a plurality – « les communes » – and this usage gradually took over from the 1370s. The arrival of the plural form in the French of the mid-fourteenth century underlay the English form – commons – as it began to appear, fleetingly from the 1370s, more confidently from the 1400s, and then in the records of parliament itself from the 1420s.²⁶ When the popular rebels of 1381 called themselves « the trew communes » and the « loials comunes Dengleterre » – « glorying in the name », according to the chronicler Thomas Walsingham – it was to this meaning of commons that they were making appeal : the *communitas regni*, the community that meant the same as the crown, according to the murderers of the duke of Suffolk in 1450 ; « la communaute de vostre roiaume » that made the laws which the king must uphold, according to the coronation oath of 1308 ; « the comminalte of this londe » for whom « the commons comen » to Parliament, as the lord chancellor put it in 1467.²⁷

Earlier on (and rather as in today's usage of community) anything could be a *communitas* – there was a *communitas bachelerie* in 1259, a *communitas baronie* in 1295, « des communes de marchautz de tote Engleterre » in 1275, a *communitas Anglie de clero* in 1305 – but the word was most frequently and consistently applied to those who were not noble, and this brings us towards its second broad area of meaning – the ordinary, or common, people of the realm.²⁸ While the *communitas regni* was always a body representing the totality of the subjects, it was, from its earliest usages, often coupled with groups, such as magnates, that were in some sense distinguished from it. As we have heard, Magna Carta was to be defended by 25 named barons *with* the commune of all the land, while, in 1264, Simon de Montfort declared that the provisions for government, made in a parliament at which four knights from each county were present, had been authorised by the king, prelates, barons *ac etiam* by the *communitas* then present.²⁹ Here, then, *communitas* must have referred to the assembled knights, and this association stuck. In Parliament, from the later thirteenth century onwards, the *communitas*, « commun », « communes » or commons typically meant both the parliamentary knights and burgesses and the larger body of non-noble, non-clerical, town and country-dwellers on whose behalf they had come : the commons, in other words.³⁰

It may be worth asking why *communitas* came to have these more demotic connotations. Some answers are obvious – the magnates, even the tenants in chief were a tiny minority of the population : they could be a commune, in the sense of a collective and representative body held together by common oaths, and they could be *for* the *communitas*, but they could hardly *be* the *communitas*, not – at least – once the implications of the term began to be explored and its use began to spread (and as it

became a vernacular and plural term – « les communes », the commons – it was bound to refer more readily to the largest number of people who fitted under its heading). It is also likely that the extensive deployment of communal language in urban contexts gave that language an intrinsically non-noble inflexion. Meanwhile, core meanings of the term common – everyday, ordinary, bog-standard – must have played a part in shaping this reading of *communitas* : shared things could be high – like common counsel and common profit – but they could also be low – common thief, common woman, common sewer – and there was something about the notion of common that pointed more towards the population than the grandiose structures through which the community was maintained : Gaines Post, for example, draws attention to glossators who sought to distinguish *communis utilitas* (the interest of the people) from *utilitas publica* (the interest of the state).³¹

Preachers were particularly inclined to play up the lower-class associations of *communitas*. At least from the fourteenth century, their normal choice of term for the third estate is the commons, commonalty or common people : « There be in this worlde thre maner of men, » states a preacher in the decades around 1400 : « clerkes, knyghtes and commynalte » ; « the lowest estaat of holi chirche, » says another, « that is the comyn peple, whos ocupacions stondesth in grobbyng aboute the erthe ». ³² This last, it must be said, was a notably rustic portrayal of the commons, and other representations were more socially neutral : commons were not lords or knights, but they were not the poor either (Lydgate, for example, represents the Roman social structure of nobles, freemen and slaves as « estatis, comouns and poraille »).³³ In fact, uses of communitarian language typically conceal the social gradations among the non-nobles, and references to the commons in parliamentary petitions consistently refer to a semi-abstract group of honest and respectable citizens who are affected by the typical ills of the day : excessive taxation, inadequate justice, the corruptions of the king's officers, and even (notably in the 1370s) the unreasonable demands of servants and labourers, a complaint which shows them to be very far from the defenders of working-class interests.³⁴ Before 1381, there are very few instances in which unqualified references to the commons indicate a low social group : when the lower classes are meant, this is almost always indicated by the addition of an epithet like « mean » or « poor », such as the « povres communes » in petitions of 1376 and 1378, who lost their carts to the king's purveyors, or had to pay 8d for probate, or the « menues communes » who rose up in the Peasants' Revolt.³⁵ At the same time, however, it was a common strategy for representatives and critics to play up the woes of the poorest sector of their constituency, so MPs, poets and preachers made frequent reference to the suffering of the lowest ranks of the common people in order to combat policy that threatened the order or wellbeing of the *communitas* as a whole.³⁶ This strategy had a long future ahead of it and was ultimately to assist this more demotic meaning of commons in gaining primacy : while the common rebels of the 1450s and 60s were at pains to emphasise their representation of the entire community or public, those of the 1480s and later sought the help of the gentry and focused their rhetoric on the defence of poor men and women like themselves.³⁷

It will be clear from the foregoing that what I have set out as two meanings – collectivity and *demos* – could feed into and inform each other : it is, of course, obvious that, in one sense, the best representatives of the whole would have been those who were most typical, closest to the golden mean. Yet it is important to realise that the two meanings could be, and frequently were, distinguished. No less an authority than Justinian's Institutes warned its readers right at the beginning that *populus* and *plebs* were not to be confused, that they differed « as species », and that the former

appellation « signifies all the citizens including patricians and those of senatorial rank ». ³⁸ It is rare to find this kind of analysis in England before the 1530s, ³⁹ but if later medieval speakers and writers were generally unwilling to separate the two meanings of *communitas*, it is clear from many of the examples already cited that they preserved some sort of distinction in their minds, and that – for example – it was perfectly possible for a high-status person to take action for the *communitas* without being regarded as lower class, and somewhat unusual for a low-status person to be seen as common without taking part in public action or being cast in a public role. ⁴⁰ It should also be clear that commons-as-collectivity was not exclusively associated with the action of high-status figures like MPs or magnates. Popular activists sought to promote precisely this sense of their identity as commons and, as far as possible, to deny or downplay any plebeian implications of the term (while their opponents, in trying to present them as a lower-class rabble, aimed to insinuate that they were not commons). ⁴¹ Rebellious commons concealed the social distinctions among themselves ; they made it clear, as Cade's supporters did, that they blamed « not alle the lordes ... nor alle gentlimene, nor alle men of lawe ... nor alle preestes, but such as maye be ffounde gilty by a just and a trewe enquere by the lawe » ; they addressed national concerns and claimed the kinds of authority that normally belonged to magnates or MPs, the risers of 1462 even claiming that « We commons have brought king Edward to his prosperity in the realm of England, and if he will not be ruled after us as we will have him ... as able we be to depose him and put him down ». ⁴² And, for their part, MPs and magnates were just as keen to vindicate their representativeness – as commons, or, like Richard of York, as defenders of the commons – by demonstrating their concern for all sectors of society. ⁴³ In these ways, then, the two dimensions of the 'commons' were recurrently fused together – each, in a sense, legitimised the other : the fate of the lowest commons was a touchstone of communal representation, and adherence to universal questions and constitutional procedures was the prescript for acceptable public action by the common people.

That last point leads neatly into the second section of my talk. If we want to consider the ways in which political behaviour was legitimised by the adoption of certain names and roles, we have to go beyond the meanings of words, to consider actions, traditions and repeated practices and performances. An important part of the legitimations attached to the terminology of commons was the business of public representation, both its concept and its practical reality. Commons were always representatives. The commons in parliament came « for the communities » (or, as in the *Modus tenendi parliamentum* of the 1320s, for the community – *representant totam communitatem*), and, while we know that electoral procedures were highly informal and socially-restricted, there were all sorts of ways in which this representation was made real for the ordinary men and women of the counties and boroughs that sent MPs. ⁴⁴ For one thing, a lot of them paid the taxes that their representatives agreed to ; for another, as Helen Cam pointed out years ago, they were required to contribute to their expenses ; and, for a third, whatever their own class interests, MPs were by no means blind to the issues that concerned the population at large, and can be seen throughout the 1380s, 1400s and 1450s reflecting – even echoing - the sorts of demands made by popular rebels. ⁴⁵ These rebels in turn, as I have shown, presented themselves in representative guise, speaking directly to the king on behalf of the whole *communitas*. It is striking to find repeated examples from the eleventh, the thirteenth and the fourteenth centuries of popular rebels being described by commentators as « calling themselves the commune(s) », demonstrating that it was not enough for a large group merely to assemble and protest ;

they had to claim some sort of collectivity, and to ape the forms of recognised public institutions, in order to legitimise themselves.⁴⁶ According to Thomas Gascoigne, Jack Cade and his men described themselves as *puplicos petitores puplicae justicie fiendae, et propriae injurie et regni ostensores*, and it is clear that, just as it benefited the knights and burgesses to allow themselves to be homogenised into a single representative commons, so it also benefited popular rebels to impersonate the techniques and echo the concerns expressed by MPs.⁴⁷ So it was that, in 1381, 1450, 1460 and 1497, demonstrators left their local communities to come and present common petitions to the king in London (and they almost certainly planned such actions in the northern risings of 1489 and 1536) ; they marched under captains who assumed the role of tribunes, mayors and speakers ; they made attempts to control indiscriminate looting and violence, and – at least in 1450 – they sought some sort of judicial process before chopping off the heads of those they called traitors (not that the parliaments of 1376, 1388 or 1449-50 were all that much more punctilious in their application of justice).⁴⁸ So gatherings of commons were linked to the presentation of collective grievances to the highest authority in the land, the king, and the playing of that role fed through into a series of other connotations. Lawfulness is one : the commons in and out of parliament were typically concerned with the just and proper enforcement of the law – the common law, of course, to which almost all of them had some kind of exposure and access by the end of the fourteenth century, and which had been known by that name since the end of the thirteenth.⁴⁹ Loyalty is another : the commons were the friends and subjects of the king, against his enemies – traitors, evil councillors, the makers of division and pursuers of sectional interests against the common welfare.⁵⁰ Truth-telling is a third : the truth was always simple and commonly known : « To preve who is Goddis frend, » wrote the Digby poet early in the fifteenth century, « Comons be witnessse of here dede » ; the people and their representatives spoke what Gower called « the comun vois, which mai noght lie ». ⁵¹ These re-workings of the oft-repeated tag *vox populi, vox Dei* gave the right to ordinary people to speak to the truth to power, provided they did so collectively : Gower, perhaps unexpectedly, used *vox populi* and *vox plebis* interchangeably.⁵² And this reference to writers reminds us of the inter-connected prominence of the « common voice » and the « common tongue » in the decades that saw the introduction of a publicly-accepted form of English (say c.1380-c.1420).⁵³ As Anne Middleton pointed out more than thirty years ago, the foundations of England's national literature were quite self-consciously laid in a form of public poetry that vocalised the concerns of the commune in the people's language – « the comun worldes speche », as Gower calls it.⁵⁴ It is not without significance that the major characters in this poetry – Chaucer's pilgrims, Piers Plowman and Langland's Will, Gower's *Amans* and his *Vox Clamantis*, Hoccleve's old man – are all commons. The commons speak the common language, and, if this had been French in the parliaments of the 1270s to the 1400s, it was increasingly English thereafter. By their actions and their speech, therefore, the commons, in and out of parliament, both exploited and reaffirmed an authoritative cluster of roles and principles – an ideal in which the ills of the realm were presented to the king by an undifferentiated group of non-noble, non-clerical, national representatives.

While this ideal was consistent between the thirteenth century and the sixteenth, it is clear that its format and its role in the polity changed over time. Let me now, in the third section of my talk, survey that pattern of change, and – since it is something I have written about before⁵⁵ – I shall do so very briefly. It seems to me that there are roughly three stages to the story. The first we might call the age of the commune or

communitas, when the public discourses were in French and Latin and the community that gained representation was primarily composed of the gentry and urban elites, the key groups that enabled tax to be collected and order to be kept in the localities, the dominant users of the legal system and the major brokers in the economy and in the raising of troops. In this period, which ran from the first half of the thirteenth century to the second half of the fourteenth, the political nation was small and the affairs of the commune were the things that mattered to this socially-prestigious group (as well as to the magnates, the prelates and the king). These things certainly included the fortunes of the lesser townsmen, free peasants and serfs, but mainly insofar as their employers and neighbours were affected – politically speaking, there was not much idealisation or public consciousness of the mass of the people, though MPs feared popular revolt in 1340 and a growing tradition of complaint poetry expressed the concerns of what one poet called the « simple gent » or « commune gent ».⁵⁶

The next stage was the age of the commons proper, running from the later fourteenth century to the later fifteenth.⁵⁷ In this period, the community of the realm expanded to include the lower orders who, from 1381 onwards, were all too obviously able to represent themselves. The spreading use of the legal system and the growth of the law (writs as well as statutes), the increasing incidence of preaching, literacy and taxation, the creation of new offices and the emergence of a vernacular public discourse helped to create a remarkably extensive and inclusive political system, in which large-scale popular uprisings were quite frequent and the upper reaches of the political hierarchy were highly responsive to the concerns that popular activists expressed. In this era, commons-as-collectivity and commons-as-ordinary-people were both equally prominent and inter-related, and communitarian values and concerns – common profit and common weal, effective defence and equal justice, the maintenance of an appropriately valued coinage and reasonable security of employment, the king living of his own and not burdening the commons or contracting private debts, the king taking counsel in an open way from the lords and not from jumped-up courtiers – set the agenda for the convulsive politics of the period.

The third stage, which we might call the age of *res publica*, after its emerging catchphrase, set in during the course of the Wars of the Roses, perhaps from the 1470s, and ran on into the sixteenth century. In this period, there was a turning away from the politics of representation towards the governance of the common wealth by educated experts ; the ‘commons’ were more readily conceived of as a lower-class group, and their attempts to represent the collectivity grew less and less successful (though uprisings like 1497 and 1536 certainly posed a serious danger to the Tudor state).

Over time, then, the legitimacy attached to the commons changed – in strength and in terms of which groups and what actions it would authorise. The dynamics that drove those changes were perhaps more social and institutional than discursive – the new agency enjoyed by ordinary people at a national level seems to have been the force that opened up the political system in the later fourteenth century, and the response to that agency by a wide range of class interests in the mid-to-late fifteenth century, against a background of civil war and economic restructuring, was perhaps what closed it down again. But developments in representation and communication were at least abreast of what was going on in the social realm, and some of them – such as the promotion of English as a public language in the later fourteenth century and the reception of the classics in the later fifteenth – clearly had profound effects. Once again, in thinking about legitimation, we need a mode of analysis which is responsive *both* to social reality and social action *and* to the « implicit legitimacy » in words and images.

So, to conclude, it seems clear that « the commons » is neither simply a class term, nor, as I once asserted, a term devoid of any class connotations ; rather, it evoked both the political community and an idea of the mass of the population, and importantly, it fused these ideas together.⁵⁸ The fact that one of the central terms in English politics could indicate both the collectivity or *populus* and the mass of the population or *plebs* had a significant role to play in shaping the course of that politics. It helps to explain the relative openness of English political society (notwithstanding the long-delayed repression of serfdom in the later fourteenth century) ; it helps to explain its convulsiveness in the later middle ages, in particular ; and above all it helps to explain the frequency of large-scale popular political action at the national level. Of course, in turn, it is also explained by various structural and institutional features of the English kingdom – its smallness and accessibility, at least in the heartlands south of the Pennines and east of the Welsh hills ; its long habituation to intense and centralised government ; the resulting workableness of a national representative institution – Parliament ; and, above all, the impact of the common law – the most complete, intense and uniform system of justice over any area of comparable size in Europe at this time. While aspects of the story I have told would work for other places – for the « común » in Castilian cities, the « commune / communs / ghemeen » in Flemish ones, and the « popolo » in some Italian centres – and while every European polity was grappling with a more extensive political society in the later middle ages, the notion of the commons is perhaps more central to the history of England than it is to any other kingdom.

¹ R. W. Hoyle, *The Pilgrimage of Grace and the politics of the 1530s*, Oxford, 2001, p. 425-7.

² D. S. Berkowitz, *Humanist scholarship and public order : two tracts against the Pilgrimage of Grace by Sir Richard Morison*, Washington DC, 1984, p. 93. Note that the rebels had accused the king's ministers of taking action 'under the colour of parliament' : Hoyle, *Pilgrimage*, p. 240.

³ For a discussion of this literature up to 2004, see J. Watts, *The pressure of the public on later medieval politics*, in L. Clark and C. Carpenter (eds.), *The Fifteenth century IV. Political culture in late medieval Britain*, Woodbridge, 2004, p. 161 ff.

⁴ See e.g. G. L. Harriss, *The dimensions of politics*, in R. H. Britnell and A. J. Pollard (eds.), *The McFarlane legacy*, Stroud, 1995, p. 1-20 ; J.-Ph. Genet, *La genèse de l'État moderne : culture et société politique en Angleterre*, Paris, 2003, ch. 2 and p. 86-7 ; W. M. Ormrod, *Political life in medieval England, 1300-1450*, Basingstoke, 1995, p. 2-7.

⁵ Besides those discussed in the following sentences, see especially S. Crane, *The writing lesson of 1381*, in B. Hanawalt (ed.), *Chaucer's England : literature in historical context*, Minneapolis, MN, 1992, p. 201-23 ; J. E. Howard and P. Strohm, *The imaginary « commons »*, in *The journal of medieval and early modern studies*, 37, 2007, p. 549-77 ; W. M. Ormrod, *The Good Parliament of 1376 : «commons», «communes» and «common profit» in fourteenth-century English politics*, in D. Nicholas et al (eds.), *Comparative perspectives on history and historians : essays in memory of Bryce Lyon*, Kalamazoo, 2012.

⁶ S. Justice, *Writing and rebellion : England in 1381*, Berkeley, 1994, p. 172-3 ; J. Watts, « *Les communes* » : *le sens changeant d'un mot au cours du XV^e siècle*, in V. Challet et al. (eds.), *La société politique à la fin du XV^e siècle dans les royaumes ibériques et en Europe*, Paris, 2007, p. 203-4, and also *Public or plebs : the changing meaning of «the commons», 1381-1549*, in H. Pryce and J. Watts (eds.), *Power and identity in the middle ages*, Oxford, 2007, p. 248-50 (this is a fuller version of the same article, with additional evidence, written in English).

⁷ M. L. Bush, *The risings of the commons in England, 1381-1549*, in J. H. Denton (ed.), *Orders and hierarchies in late medieval and renaissance Europe*, Manchester, 1999 ; A. Fletcher and D. MacCulloch (eds.), *Tudor Rebellions*, 4th edn, Harlow, 1997, p. 4-5. A. Wood's important study, *The 1549 rebellions and the making of modern England*, Cambridge, 2007, rejects Bush's emphasis on conservatism (p. 4), but regards the «commons» as a political coalition of richer and poorer members of rural society below the level of the gentry, who typically vocalised the concerns of workers and/or the poor (p. 11, 16-18, 175-6).

⁸ Watts, « *Les communes* » ; *Public or Plebs*.

- ⁹ D. Rollison, *A Commonwealth of the people : popular politics and England's long social revolution, 1066-1649*, Cambridge, 2010, especially chs. 1.4, 2.5, 2.6, 5.2.
- ¹⁰ *Ibid.*, Introduction and chs. 5 and 6.4.
- ¹¹ See especially *ibid.*, p. 87-95.
- ¹² *Ibid.*, p. 151.
- ¹³ From this point onwards, I shall mostly use the modern English words common, commons, commonalty, commune and community (without inverted commas) in place of their counterparts in later medieval languages, except when quoting from original sources or when it seems particularly important to use the original term.
- ¹⁴ S. Reynolds, *An introduction to the history of English medieval towns* (Oxford, 1977), p. 103-4, 108-9 ; *eadem*, *Kingdoms and communities in western Europe, 900-1300*, 2nd edn, Oxford, 1997, p. 170 ; M. Clanchy, *England and its rulers, 1066-1307*, 3rd edn, Oxford, 2006, p. 250-2.
- ¹⁵ J. F. Niermeyer, *Mediae latinitatis lexicon minus*, Leiden, 1976, 220-2.
- ¹⁶ *Ibid.* ; J. Quillet, *Community : community, counsel and representation*, in J. H. Burns (ed.), *The Cambridge history of medieval political thought*, c.350-c.1450, Cambridge, 1988, p. 523-4.
- ¹⁷ *Ibid.*, p. 521 ; G. Post, *Studies in medieval legal thought : public law and the state, 1100-1322*, Princeton, NJ, 1964, p. 29-30, 253 ; A. Berger, *Encyclopedic dictionary of Roman Law*, Philadelphia, PA, 1953, p. 400 ; Reynolds, *Kingdoms and communities*, p. 170.
- ¹⁸ Quillet, *Community*, p. 521-2. For examples of urban discourse, see e.g. W. Prevenier, *Utilitas communis in the Low Countries (13th-15th centuries) : from social mobilisation to legitimation of power*, in E. Lecuppre-Desjardin (ed.), *De bono communi*, Turnhout, 2010, p. 205-16, and also the paper by Jan Dumolyn and Jelle Haemers in the present volume.
- ¹⁹ Quillet, *Community*, p. 526, 553 ; O. Brunner et al (eds.), *Geschichtliche Grundbegriffe*, vol. 2, Stuttgart, 1975, p. 807 ; Prevenier, *Utilitas communis* ; J. R. Maddicott, *The origins of the English parliament, 924-1327*, Oxford, 2010,
- ²⁰ W. Stubbs, *Select Charters and other illustrations of English constitutional history...*, 9th edn, Oxford, 1913, p. 117 ; Maddicott, *Origins of parliament*, p. 99, 101, 104, 111.
- ²¹ J. C. Holt, *Magna Carta*, 2nd edn, Cambridge, 1992, p. 56-7, 279, 470, 499 ; Maddicott, *Origins of parliament*, p. 112-13.
- ²² *Ibid.*, p. 238, 259 ; R. F. Treharne and I. J. Sanders (eds.), *Documents of the baronial movement of reform and rebellion, 1258-1267*, Oxford, 1973, p. 100, 104 ; H. Rothwell (ed.), *English historical documents. III. 1189-1327*, London, 1975, p. 367-8.
- ²³ Maddicott, *Origins of parliament*, p. 309 ; M. C. Prestwich, *Documents illustrating the crisis of 1297-8 in England*, London, 1980 (*Camden Society*, 4th series, 24), p. 137 ; M. V. Clarke, *The commonalty of the realm in parliament*, in *eadem*, *Medieval representation and consent*, New York, 1964, ch. 8, p. 166.
- ²⁴ Maddicott, *Origins of parliament*, p. 256, 259, 344 ; *Documents of the baronial movement*, p. 308 ; *Rotuli parliamentorum*, London, 1767-77, I, p. 371.
- ²⁵ Maddicott, *Origins of parliament*, p. 259 ; Clarke, *The commonalty of the realm*, p. 154 ; C. Given-Wilson et al., *The parliament rolls of medieval England*, CD-ROM, Scholarly Digital Editions, Leicester, 2005 (word search).
- ²⁶ *Ibid.* (word search). A reference to « this gode comunes » whose taxes sustain the war, appears in a poem of 1377 ; it seems to be one of the earliest instances of the English word commons : R. H. Robbins (ed.), *Historical poems of the XIVth and XVth centuries*, New York, 1959, p. 105, which precedes all the examples given in the Middle English dictionary (<http://quod.lib.umich.edu/m/med/> - accessed 24 March 2012).
- ²⁷ Watts, *Public or plebs*, p. 249-50, « *Les communes* », p. 203 ; J. Watts, *Ideas, principles and politics*, in A. J. Pollard (ed.), *The Wars of the Roses*, Basingstoke, 1995, p. 110 ; *Rotuli parliamentorum*, V, p. 622.
- ²⁸ Reynolds, *Kingdoms and communities*, p. 271 ; *Rotuli parliamentorum*, I, p. 140 ; P. Brand (ed.), *Edward I : Roll 14*, in *Parliament rolls*, p. 134 ; *idem* (ed.), *Edward I : Roll 12*, in *Parliament rolls*, membrane 7.
- ²⁹ Maddicott, *Origins of parliament*, p. 256 ; *Documents of the baronial movement*, p. 299.
- ³⁰ Maddicott, *Origins of parliament*, p. 238, 259, 276
- ³¹ Post, *Studies in legal thought*, p. 20n.
- ³² W. O. Ross (ed.), *Middle English sermons*, London, 1940 (*Early English Texts Society*, orig. series, 209), p. 237 ; G. R. Owst, *Literature and the pulpit*, 2nd edn., Oxford, 1961, p. 553.
- ³³ H. Kurath and S. M. Kuhn (eds.), *Middle English dictionary*, II(i), Ann Arbor, 1959, p. 445
- ³⁴ *Parliament rolls*, passim ; Ormrod, *Commons in fourteenth-century politics*, p. 20-1.
- ³⁵ *Rotuli parliamentorum*, II, p. 351 ; *ibid.*, III, p. 43, 99.

- ³⁶ W. Scase, *Literature and complaint in England, 1272-1553*, Oxford, 2007, p. 15ff.
- ³⁷ Watts, *Public or plebs*, p. 251-2, 255-6.
- ³⁸ J. A. C. Thomas (ed.), *The Institutes of Justinian : text, translation and commentary*, Amsterdam, 1975, 1.2.4.
- ³⁹ 1530s examples include Morison's 1536 tracts (see especially, Berkowitz, *Humanist scholarship*, p. 111-13, 118-19 etc), and also Sir Thomas Elyot's famous work of 1531 : S. E. Lehmborg (ed.), *Sir Thomas Elyot. The Book named The Governor*, London, 1962, p. 1-2.
- ⁴⁰ Note that, even in the fifteenth century, the term « comyn persone » could be used to indicate someone bearing public authority, as in e.g. Trevisa's translation of Giles of Rome : D. C. Fowler, et al. (eds.), *The governance of kings and princes...*, New York, 1997, p. 155, 308.
- ⁴¹ Watts, *Public or plebs*, p. 249 ; « *Les communes* », p. 203-4.
- ⁴² I. M. W. Harvey, *Jack Cade's rebellion of 1450*, Oxford, 1991, p. 190 ; R. L. Storey, *The end of the house of Lancaster*, London, 1966, p. 197. While he sees commons as a term for third estate, Rollison notes its tendency to erase social differences within that group (*Commonwealth of the people*, p. 250) ; Wood, *1549 rebellions*, p. 16-18, makes a somewhat similar point.
- ⁴³ For York's rhetorical position, see J. Watts, *Henry VI and the politics of kingship*, Cambridge, 1996, p. 266-82.
- ⁴⁴ Maddicott, *Origins of parliament*, p. 200-1, 276, 289, 309, 343-4 ; H. M. Cam, *The community of the shire and the payment of its representatives in parliament*, in *eadem*, *Liberties and communities in medieval England*, London, 1963, p. 236-47 ; N. Pronay and J. Taylor, *Parliamentary texts of the later middle ages*, Oxford, 1980, p. 77.
- ⁴⁵ J. R. Maddicott, *The English peasantry and the demands of the crown 1294-1341*, Oxford, 1975 (*Past and Present supplement*, 1), p. 9-10, 45-6, 50-3 ; Cam, *Community of the shire* ; Watts, *Pressure of the public*, p. 175-7.
- ⁴⁶ Examples from Niermeyer, *Lexicon*, p. 221 (11th century) ; Reynolds, *Medieval Towns*, p. 131 (13th century) ; J. Taylor, W. Childs et al. (eds.), *The St Albans Chronicle*, I, Oxford, 2003, p. 452-3 (14th century).
- ⁴⁷ J. E. T. Rogers (ed.), *Thomas Gascoigne. Loci e libro veritatum*, Oxford, 1881, p. 189.
- ⁴⁸ Bush, *Risings of the commons*, p. 109-11.
- ⁴⁹ C. Carpenter, *Law, justice and landowners in late medieval England*, in *Law and history review*, 1, 1983, p. 227-31 ; Maddicott, *Origins of parliament*, p. 347-9 ; A. Musson, *Medieval law in context*, Manchester, 2001, p. 242-53.
- ⁵⁰ R. B. Dobson, *The peasants' revolt of 1381*, London, 1970, p. 127-33 ; Harvey, *Cade's rebellion*, 189-91.
- ⁵¹ H. Barr (ed.), *The Digby poems : a new edition of the lyrics* (Exeter, 2009), p. 202, lines 87-8 ; G. C. Macaulay (ed.), *The English works of John Gower*, I, London, 1900 (*Early English Texts Society*, extra series, 81), p. 8, line 124 ; I. M. W. Harvey, *Was there popular politics in fifteenth-century England?*, in Britnell and Pollard (eds.), *McFarlane legacy*, p. 158.
- ⁵² Watts, *Pressure of the public*, p. 170.
- ⁵³ *Ibid.* ; D. Rollison, *Conceit and capacities of the vulgar sort : the social history of English as a language of politics*, in *Cultural and social history*, 2 (2005), p. 1-23.
- ⁵⁴ A. Middleton, *The idea of public poetry in the reign of Richard II*, in *Speculum*, 53 (1978), p. 94-114 ; Macaulay, *Works of Gower*, p. 9, line 174.
- ⁵⁵ Watts, *Pressure of the public*, p. 178-9 ; *Public or plebs* / « *Les communes* ».
- ⁵⁶ Scase, *Literature and complaint*, p. 29-31 ; Maddicott, *Demands of the crown*, p. 65-6. For a somewhat different reading of a similar period, see Rollison, *Commonwealth of the people*, ch. 2.
- ⁵⁷ Fuller coverage in Rollison, *Commonwealth of the people*, ch. 5, where a broadly similar line is taken.
- ⁵⁸ This is to amend Watts, *Public or plebs*, p. 244 (« *Les communes* », p. 198), and to take a position closer to Rollison, *Commonwealth of the people*, p. 11-12, 93-4 (and elsewhere), though it will be clear that I do not think 'commons' meant the same as 'third estate', nor that it expressed a fundamental opposition between people and nobles, nor that it was well-suited to the class interests of any particular sector of the lay population below the level of the gentry.