

The impact of different distributions of power on access rights to the common wastelands: the Campine, Brecklands and Geest compared

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Abstract: Despite the static image of formal common pool resource institutions (CPRIs), interest communities always attempted to adapt their institutional framework to their particular needs and interests. The hypothesis of Ensminger, that formal and informal institutional environments were steered by the interplay of external socioeconomic factors, ideology and bargaining power, will be tested by a comparative analysis of three regions within the North Sea area, namely the Campine, within the Low Countries, the Brecklands in England and the Geest area in Schleswig Holstein. Due to this scope, we will advance that especially the distribution of power was vital for the evolution of one specific aspect of CPRIs, namely accessibility. Only communities with relatively balanced distributions of power could retain an inclusive access regime throughout the early modern period, while polarised societies evolved towards more restrictive access to the common wastelands.

1. Introduction

Flexibility is not one of the characteristics mostly linked with common pool resource institutions (CPRIs), especially when their formal frameworks are the subject of investigation. Even though Elinor Ostrom, Angus Winchester and Tine De Moor have convincingly shown that these formal institutions were not fossilised and could be adapted to changing circumstances, such as the ecology, population growth and market pressures, most institutions barely touched their basic institutional framework. Despite this rather static appearance and institutional continuity, the societies that created them were constantly changing. This apparent paradox immediately invokes fundamental questions about the relationship between institutions and society. As institutions did not operate in a void, a sort of interaction between them had to exist. The exact nature of this connection is however challenging to discover. Furthermore, how different interest communities, operating within and (re)creating these

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institutions, manipulated these same institutions to serve their changing needs remains to be questioned. According to the classical neo-institutionalist Douglas North, institutions, as embodying the rules of the game in a society, structured the incentives involved in human exchange through formal rules and informal constraints (North, 1990). On the other hand, Ensminger claimed that individuals try to shape institutions to their own ends by committing resources to bring about changes in institutional environments (Ensminger, 1996). Through the interplay of external socioeconomic factors and evolutions in relative prices, different interest communities would alter the institutions regulating their commons, based on their particular ideology, bargaining power and economic interests. The transformation of the institutions does not, however, always follow the path towards the highest efficiency or economic rationality, but rather evolves according to the needs of those interest groups with the most bargaining power and resources necessary to subsidise the, often costly, campaigns to change institutions (Ensminger, 1996). This point of view has been supported by Tobias Haller, who has undertaken extensive research into the floodplains of Zambia. He found that due to commercialisation, monetarisation, the introduction of new technologies and immigration, the old institutions were put under serious strain. As a result, completely new institutions were created, retaining only a minor unchanged basis to justify the continuity of their existence. ‘The original content and purpose has been erased completely’. Haller did, however, stress that some particular institutional rules, more specifically the ones favouring those with more bargaining power, remained virtually intact, even though they were not the most rational or sustainable (Haller, 2007: 22). For historical CPRIs,¹ the same issues and questions arise. According to José Miguel Lana Berasain, the very design of the normative structure of the communal organisation could be understood as a point of equilibrium in a complex process of interaction with the natural environment and the powers that subtracted surplus value. The formation of CPR institutions therefore enshrined these disparities while legitimising them (Lana Berasain, 2008).

The forces behind the evolution of – formal or informal – institutions are however the prime concern of this article. Ensminger stressed the importance of bargaining power and Elinor Ostrom has stated that especially heterogeneity of interests was determinant or even detrimental. The two factors, however, affected each other and especially the combination of heterogeneity of interests and different distributions of power is an interested subject of analysis. Therefore, I will be applying and testing Ensminger’s model to three historical case studies. It will be questioned what the effect of heterogeneity in the social distribution of

1 Ostrom defines ‘institutions’ as ‘the sets of working rules that are used to determine who is eligible to make decisions in some area, what actions are allowed or constrained, what rules will be used, what procedures must be followed, what information must or must be provided, and what payoffs will be assigned to individuals dependent on their actions’ (Ostrom, 1990: 51).

power and interests had for impact on the development of institutions, and more specifically CPRIs within premodern 'marginal economies'.² Since bargaining power, or the social distribution of power,³ is one of the vital aspects concerning institutions, I will attempt to analyse how heterogeneity of interests and different distributions of power affected one specific aspect of CPR institutions, namely the delimitation of users. Inclusiveness is one of the aspects of a society that is most sensitive to changes in the bargaining power of different interest communities. While the management of resources, the demarcation of physical boundaries, the formulation of rules and punishments could be influenced by heterogeneity, the ecological and local circumstances play a vital role as well. The decision as to whom to grant access, on the other hand, depended less on external or ecological factors, but rather on the social layout and balance of power within a particular community. Therefore, access rights are an ideal case for measuring the real impact of different distributions of power or social shifts.

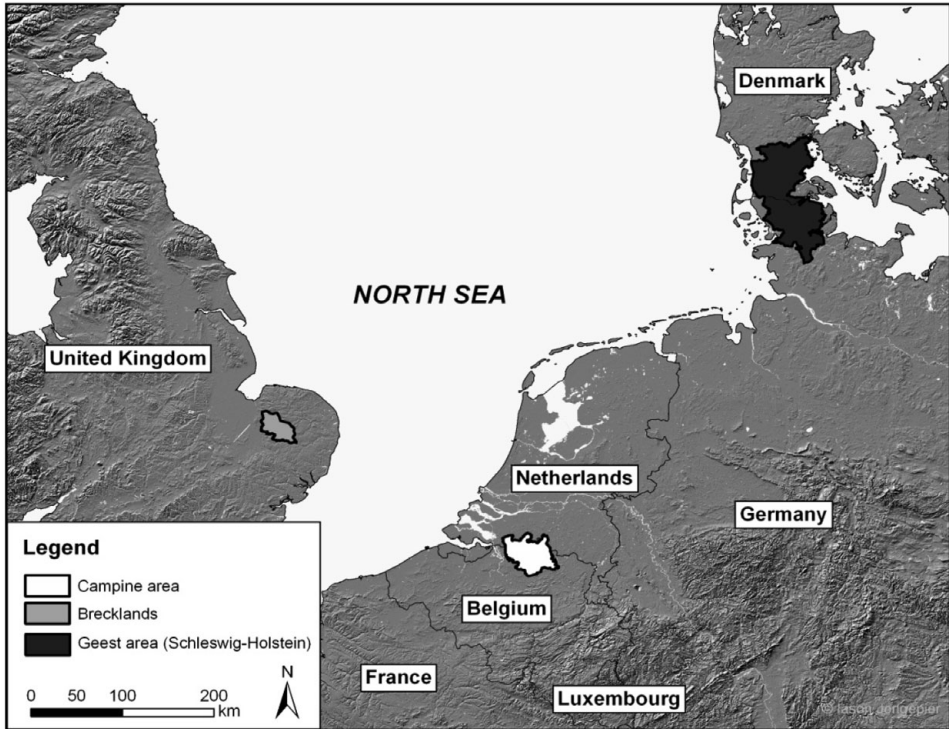
A comparative case study approach was chosen in order to obtain this. While large-scale studies, including thousands of communities, provide ample material for comparing and deducing an analytical model, a regional approach provides exactly the right circumstances for detecting subtle changes in formal and informal access rights and day-to-day practices, which would otherwise stay under the radar. Therefore, three regions within the North Sea area, which were known for their age-old communal practices, namely the Campine area within the Southern Low Countries, the Brecklands of Norfolk, England, and finally the Geest region in Schleswig-Holstein, Germany/Denmark, were chosen (Figure 1).

To be able to compare the impact of different social distributions of power, the basic characteristics of their agrosystems had to be similar. Therefore, all of them are textbook 'marginal economies', being dominated by infertile, light sandy soils, low population densities, vast common wastelands and a mixed farming system, combining arable production with animal husbandry. Due to the ecological fragility and challenging agricultural circumstances, the exploitation of natural resources had to be monitored strictly. Access rights were therefore the core element and one of the most important responsibilities of these communities. In contrast to their similar ecological and agricultural characteristics, these communities displayed a fundamentally different social layout. All of them were, of course, heterogeneous, since landless labourers, cottagers, independent peasants, large-scale farmers, landlords and sovereign monarchs all claimed the management of, and access to, the commons. The balance of power was, however, quite divergent. Within the Campine area,

2 For a description of 'marginal economies' see (Bailey, 1989).

3 How the possibility to define, influence or steer the policy or government of a certain community or institution is distributed between the different interest communities within society.

Figure 1. Orientation of the selected historical case studies on contemporary map. Edited by Iason Jongepier.



no single interest community was able to dominate the other groups within society. The claims of the feudal lords were, from the very start, relatively weak, large-scale farmers were only a minority and did not fundamentally overshadow their peasant neighbours, while the peasant communities were well organised and enjoyed strong property and communal rights. In the Brecklands of Norfolk, however, the constellation of power was more unbalanced. The feudal lords had a much stronger grip on their seigniories and, from the Black Death onwards, they were able to enlarge their holdings and feudal claims, to the detriment of the small tenant farmers (Bailey, 1990: 40–57; Whyte, 2011). Finally, in the Geest area in Schleswig-Holstein, lords were able to implement ‘*Rentengrundherrschaft*’,⁴ but the dominant interest communities within the rural communities were the true ‘*Gemeine Männer*’ or original farmers that possessed a ‘full farmstead’. The growing number of cottagers and landless

⁴ ‘Rent based lordship’, which was a system in which peasants paid rents to the landlords, but performed little or no labour services even though the principle of an obligation to serve was maintained (Rasmussen, 2010: 176).

labourers were not able to fundamentally stir up society and redistribute power (Poulsen, 1999; Rheinheimer, 1999b).

Due to this comparative perspective, we will advance that institutions were fundamentally manipulated by the interest communities operating within them. Extreme heterogeneity of interest together with an imbalanced distribution of power however limited the amount of interest communities that could steer the institutions. Institutions are a social product resulting from the interplay of economics, bargaining power and ideology. Depending on the pre-existing distribution of power and bargaining opportunities of certain communities, together with economic considerations, certain interest communities seized the opportunity to steer or change the institutions for collective action. When a wide variety of interest communities were able to create a balanced distribution of power, inclusive access rights could be maintained. Imbalanced distributions of power, where one particular group was able to monopolise the village and/or the government of the institution, while fending off the influence of other interest communities, led to restrictive access regimes (Figure 2). On the whole, this was not achieved via formal institutions, but rather through informal practices and indirect sources.

Figure 2. Relationship between balance of power and access to the commons.

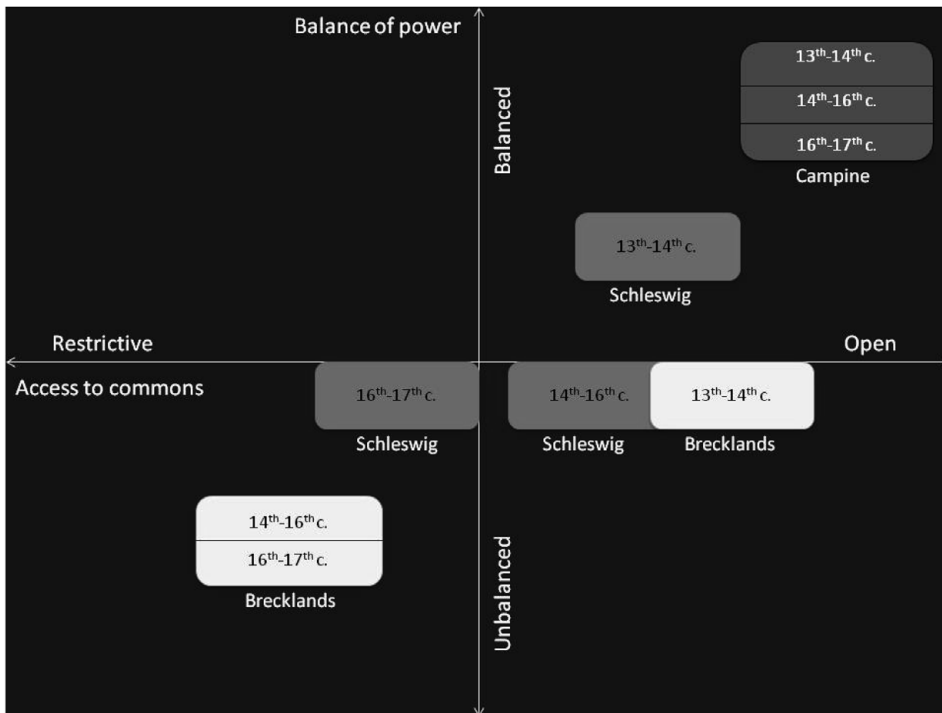
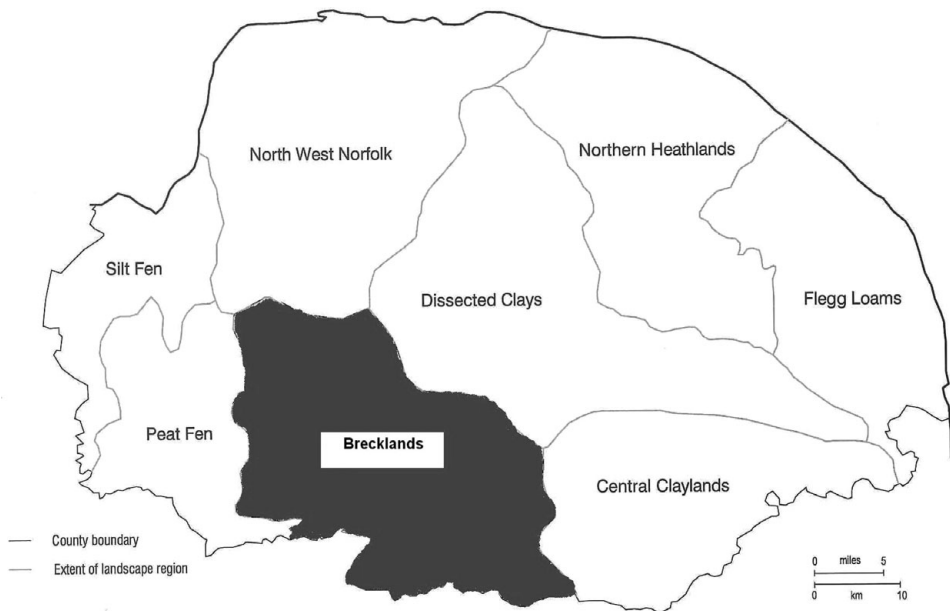


Figure 3. Brecklands within the County of Norfolk (Whyte, 2009).



2. The Brecklands

Social distribution of power

The Brecklands (Figure 3) are an interesting example of disproportional bargaining power, which was gradually formed from the later Middle Ages onwards. Within the county of Norfolk, the later Middle Ages heralded an era of increases in population, pressure on the natural resources and land, and the growth of cities and commercial opportunities (Bailey, 1989). Nevertheless, the lords retained some important claims over their subjects, in the form of privileges, dues and rents. As a result, the local lords, who were only partly engaged in commercial ventures such as sheep breeding, were mostly relying on rents and manorial dues. Since this rent extraction was sufficient to sustain their noble lifestyle, they were not the ones embarking on capitalist ventures. During the later Middle Ages, sheep breeding was organised in a very particular system, called ‘fold course’. The sheep had to be herded in strict grazing tracts that were indicated by temporary fences, which were regularly replaced over the open fields and wastelands of the seignior. The lord called the shots and could determine whom to grant access to the communal herd and where the sheep could be placed to fertilise the land (Bailey, 1990: 40–57). Throughout the Middle Ages, peasants could profit from the general economic climate and tenants largely adopted similar strategies as the lords. They owned a couple of sheep in order to provide the manure indispensable for their fields, so as to

intensify production and provide enough grain to sustain their household. At the same time, they could sell any surplus products such as wool. To obtain this agricultural system, the tenants had to apply for access to the fold course, which was mostly granted (Bailey, 1990).

This equilibrium between the interests of lord and tenants was eradicated by the Black Death (period from the 1340s to beginning of the 15th century). Decimating the population, large parts of the fields were abandoned and the demand for grain and land plummeted, leaving the lords devoid of income. Given the economic turnover, it was no longer profitable to rely on rents and grain production. Instead, transforming the agricultural system to mixed farming, where the primary focus was on the production of wool, was most beneficial (Allison, 1957). The continent was increasing its demand for this fine raw material and this changed the relative price of wool compared to grain (Harte, 1997; Verhulst, 1972). As a result, the manorial lords added most of the abandoned lands to their estates and invested in enormous sheep herds that completely monopolised the fold course system. Thus, the highly fragmented medieval landholding quite rapidly changed into larger holdings and vast estates, thus extirpating the smallholder (Bailey, 1990). When afterwards population growth was on the rise again, tenants had lost most of their strong claims on the land and had to face the fact that sheep breeding had become a prerogative of the lord. The peasants, who needed to engage in grain production for their own subsistence farming, met with great difficulties in obtaining their goals. The lords had control over most of the fold courses and determined where herds could graze and deposit manure, often leaving the peasants with the burden of grazing sheep, without reaping any of the benefits (Whyte, 2011).

By combining their manorial status and economic dominance, the local lords significantly increased their bargaining power to the detriment of the tenants, who were dwarfed in their economic as well as social position within society. This tendency only increased throughout the 13th and 14th centuries, when the pressure on land and resources became ever larger. This unbalanced distribution of power led to increasing conflicts and tensions, even escalating in Kett's rebellion of 1549. It was the result of an alliance between a class of wealthy, proto-capitalist manorial tenants and a larger, more radical class of the poor and landless against a disorganised, divided but commercially advanced lordly class (Whittle, 2010). In the Brecklands, most grievances were battled out in court, though mostly with the result that the manorial lords could now legitimise their claims with juridical sentences (Postgate, 1965; Whyte, 2011). It was only during the 18th century, when the golden age of sheep breeding had passed, that the yeomen and their improved intensive agricultural strategies gained the upper hand and support from the government. By then enclosure set in and the fold course system slowly disappeared.

Access rights

Within the Brecklands, the focus was placed on the open fields. Due to the light sandy soils, intensive fertilising was required in order to get satisfying yields. Therefore, the fallow lands and, in addition, all arable lands had to be opened for the demesne and peasant sheep, so that they could graze on the stubbles and fertilise the exhausted land (Bailey, 1989). Next to these open fields, the wastelands remained common throughout the entire year. These wastelands were needed when, during the summer, the arable pasture was almost reduced to nothing. In some parishes, the surface of heath lands was triple the size of the available open fields, but mostly less.⁵ The access to the Brecklands commons was quite complex. While access to certain wastelands was granted to all community members, the largest part of the commons, being open fields and pastures, was determined by the fold course system, a complex and peculiar system, unique to the county of Norfolk and northwest Suffolk, which was the exclusive privilege of the manorial lords.⁶ A fold course represented the exclusive right to erect a sheep fold on the fallow areas of the open fields, although many fold courses also enjoyed grazing rights over the permanent pastures. Hence, communal grazing rights over fallow arable (and pasture) land were not extensive but restricted to the owners of fold courses (Bailey, 1990).

Ensminger predicted that the institutions regulating the commons would be altered based on the combination of changes in relative prices, the bargaining power of the interest communities and the reigning ideology (Ensminger, 1996). The same applied to the CPR institutions of the Brecklands, which constantly changed throughout the period under consideration. Before the Black Death, peasants had a strong power base because of their land holdings and economic possibilities originating from sheep breeding. Peasants, owning their own flocks and obtaining strong claims to their land, combined with a rather successful emancipation struggle in order to obtain charters and privileges, safeguarded their access to the commons and strengthened their ability to acquire fold course permits. The lords had nothing to gain by excluding the tenants, as their own aspirations were not in full collision with those of the tenants. As long as their earnings from rents and feudal dues were high enough, the situation remained unchanged. Nevertheless, even with population decline and loss of earnings, the lords were able to enhance their position, enlarge their estates and increase their power (Allison, 1957). As a result, they were able to alter the fold course system to their advantage. Having changed their agricultural strategy to a near-capitalist enterprise, focusing on sheep breeding for international markets, they wanted to reserve all the fold course rights to themselves. Thanks to their

⁵ In Eriswell, only 3500 acres were used as arable land, while 10,500 acres were made up of heath land (Postgate 1962).

⁶ How this community was defined and whether landless labourers or cottagers could enjoy the same privileges, remains unclear for this specific case (Bailey, 1990: 40–57).

significantly enlarged bargaining power, they did not even need to formally change the access rights or the concept of fold course, but could instead get away with denying any grants of a fold course to any tenant other than their own right-hand people (Bailey, 1990; Whyte, 2011). As a result, the tenants were more inclined to favour enclosure, as this was the only way to safeguard their plots of land from overexploitation by the demesne flocks. Nevertheless, the manorial lords effectively used litigation to uphold the fold course system and succeeded in keeping the open fields unenclosed and subject to grazing. In addition, though the sheep grazed on the open fields belonging to the peasants, they were exclusively kept on the demesne lands at night, so that the indispensable manure was predominantly deposited on the demesne lands (Whyte, 2011).

Institutions

In the Brecklands, formal institutions were formed quite early on and communal practices and the fold course system were described in charters and byelaws. As was the case for large parts of England, written normative and legal documents were widespread (Winchester, 2008). On the other hand, not writing any formal regulations down could be beneficial as well. This way rules could evolve more quickly, practice could overrule the normative reality and different interest communities could attempt to transform custom according to their interest (Hoyle, 2011). In the case of the Brecklands, the manorial lords chose not to alter the formal institutions, but enlarged their power through operational adjustments rather than through constitutional ones.⁷ In theory, the exclusive fold course system was already implemented during the high Middle Ages, therefore putting the monopoly to regulate communal grazing in the hands of the manorial lords. Nonetheless, in practice, the peasants were able to obtain rights and interfere with the day-to-day practices and access rights (Bailey, 1990). During the 16th and 17th centuries, no fundamental formal institutional changes regarding this system were introduced. Some rules concerning grazing spots and the absolute numbers of sheep may have been re-phrased in the byelaws, but the essence of the fold course system was not really challenged. Instead, rights of fold course ceased being granted to peasants, only the lords' sheep grazed on their particular demesne lands and they filled the maximum allowed number of livestock on the commons with their sheep alone. This way, they did not have to convene a general meeting or confront the community by means of a unilateral alteration of the village byelaws (Whyte, 2011).

Peasants were not, however, the passive victims of lordly whims, and the Norfolk tenants often turned towards the courts to defend their communal rights and to press charges against lordly transgressions (Hilton, 1973). Nevertheless, the courts often favoured the lords and provided them with juridical sentences,

⁷ For definition see Haller (2012).

which could easily function as normative sources in order to back up the claims of the manorial lords, the way a charter or byelaw could (Whyte, 2011).

Common practices and uses

Together with the changes in the distribution of power and accessibility, the use of the commons was also altered drastically. During the high Middle Ages, small- to middle-sized peasants dominated the commons. They could graze their flocks of sheep on the wastelands and were able to put their sheep in communal herds. Their flocks were probably accompanied by demesne flocks and professional flock masters hired by the lord but these latter did not constitute a majority. This way, the small tenants were able to develop a mixed farming model in which the communal rights were necessary to uphold arable production. After all, sheep manure was indispensable for the peasants' agricultural strategies (Postgate, 1962).

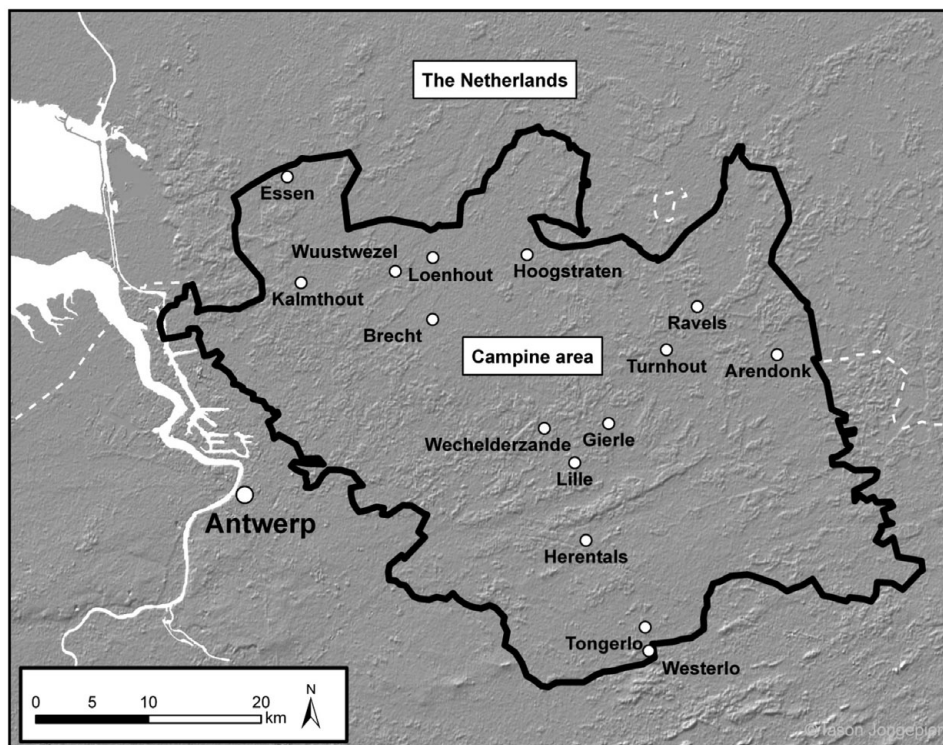
After the Black Death, and especially from the 16th century on, the variety of users had changed fundamentally. Once the manorial lords witnessed a decline in earnings from rents, tithes and manorial dues from the 15th century onwards, the lucrative wool trade lured them into consolidating the vacant tenant lands into the demesne estates and adjusting their economic strategies towards commercial sheep breeding (Bailey, 1990). The herds wandering around in the fold courses were almost completely owned by the lords and their manorial tenants and herded by their flock masters. Peasants were excluded and therefore mostly restricted to arable production. Consequently, the introduction of Brecks and the enlargement of outfielders – arable fields with a less intensive rotation system than the infielders – were necessary to produce sufficient yields (Postgate, 1962). As a result, the commons were only of minor importance to the small tenants. They therefore actively tried to enclose their lands and abolish the open-field system. This way, the fold course would not be such a burden and their wish for a more intensive rotation cycle would be met. This small-scale resistance was not, however, able to distort the system completely and the manorial lords continuously acted against it and prohibited the erection of fences. The more progressive farmers were a more fundamental threat, as they were able to reorganise their estates, enclose their plots, and intensify their production by combining turnips, sheep breeding and arable production. This way, the fold course system had on several places died out before the second half of the 18th century when the enclosure acts of the English Parliament were passed (Allison, 1957).

3. Campine area

Social distribution of power

As was the case in Norfolk, the 12th and 13th centuries saw growth and dynamism. First of all, during this time the bargaining power of several political

Figure 4. Map of the Antwerp Campine area in the Duchy of Brabant. Edited by Iason Jongepier.



players was fundamentally affected. While before then the feudal lords held strong claims on their land, privileges and serfs, the growth of cities surrounding the Campine area (Figure 4), and especially the rise of the Duke of Brabant, who started to dominate all the powerful players in the region, shook up the distribution of power. Due to his military supremacy and wealth, the Duke was able to force most political players in a feudal relationship and hence controlled their actions in an indirect manner. Moreover, within his own domain, the Land of Turnhout, he introduced freedom charters and *'nova oppida'*. Here, subjects were free from the classical feudal dues and market privileges were granted. As a result, the feudal lords had to empower their serfs as well if they did not want to lose all their inhabitants (Dekkers, 1995; De Wachter, 2002; Leenders, 1996).

In addition, the general economic climate was changing as well. Because of the growing population, both in the countryside and in the cities, the pressure on scarce resources was growing too. There was a constant demand for both grain and raw materials. As a result, the surrounding cities such as Antwerp, Brussels, Leuven, 's-Hertogenbosch and Breda started to intensify, specialise and commercialise their production (Van Der Wee, 1975; Van Uytven, 1987). In

the case of sandy inland Flanders, the commons were swiftly abolished and transformed into small private plots, where farmers introduced a very intensive system of convertible husbandry, combining fallow grazing and grain and cash crop production. On the side, they were involved with proto-industrial activities, in order to obtain the cash with which to acquire goods from the market they themselves could no longer produce, having left subsistence farming (Thoen, 2001).

None of this happened in the Campine area, however. Instead of answering the call of commercialisation, they opted for a balanced system of subsistence farming, of which only some surplus products were sold on the market. Moreover, the commons not only survived almost to their full extent, but even became institutionalised. Despite the relative prices of commercial products heavily outweighing the profits of this communal system, the peasant communities pushed for independence from the urban markets and merchants (De Moor, 2008). Thanks to their enlarged bargaining power, due to the struggle between the Duke and the feudal and clerical lords in the region, the communities were able to secure their interests. From the start, the peasants were able to obtain strong property rights, the privilege to represent themselves in the village government and, more importantly, to use, manage and regulate the commons (Van Der Haegen 2009; Van Onacker, 2013). In addition, no subgroup within the peasant community was able to usurp dominance within the village. Big, powerful tenant farmers were able to outshine their peasant neighbours by their farm sizes, cattle and sheep breeding and commercial opportunities, but they were a minority within society.⁸ As a result, they were not able to tip the scale in their favour. Next, what I would call the upper 30% of the village or ‘independent peasants’ – being smallholding peasants who yet owned significant flocks of sheep, some cattle and their own means of production such as ploughs – constituted the real core of the Campine communities.⁹ This subgroup supplied the majority of the village aldermen, was determinant for the village regulations and practices and was also actively involved in commercial circuits because of their sheep breeding (Van Onacker & De Keyzer, 2012; Van Onacker & Dombrecht, 2012). Despite their central position within the village, the numerical majority was still made up of cottagers and land labourers or artisans. Since the

8 With farms ranging from 20 to 80 hectares (ha), and flocks of sheep of around 90 sheep, these tenant farmers were giants among dwarfs, as the average Campine peasant owned around 2–5 ha of land (De Keyzer, 2012).

9 On an average, Campine peasants owned 3.5 ha of land, but the median value approached 1 ha. Surface statistics based on the penningcohier of Alphen of 1559–1578 and the penningcohier of Gierle of 1554 AAT, Section II, 292–293, and RAA, OGA, Gierle, 344. Still 70% of the village owned at least half a plough, which they could pair up to provide their own means of production. SAA, VG, 5. Finally 90% owned at least 1 cow and 30% flocks of sheep ranging from 30 to 50 sheep. AAT, II, 688. Lamb tithes Alphen, 1514; AAT, Section II, 806. Lamb tithes Nispen en Essen, sixteenth en seventeenth century; RAA, OGA Brecht, 2540A, animal count, 1605; RAA, OGA Rijkvorschel, 3141–3149, animal count, 1608.

local and regional lords granted communal privileges to the entire community, they were a group to be reckoned with. Moreover, the ‘weapons of the weak’ could be effective because even lower-tier villagers were full members of the juridical village community, attended village meetings and possessed equally strong claims on their small plots of land (Scott, 1985; Van Dijck, 1965; Van Onacker, 2013).

Surviving the late medieval crisis with quite few effects, the Campine area witnessed an increasing pressure to commercialise, especially since the industrial cities were screaming for animal products such as wool and leather (Van Der Wee, 1963; Verhulst, 1972). Nonetheless, despite the changes in relative prices of the goods to be obtained from the commons, the bargaining power of the interest communities did not change significantly in comparison to the others. Even though the population grew and peasant holdings were subdivided, no fundamental shocks occurred in the distribution of power (Cuvelier, 1912). After the Eighty Years’ War (1568–1648), the independent peasants or the upper 30% of the village community were especially hit hard, and some of them downgraded to the status of cottagers.¹⁰ Their position at the core of the village community was shaken; however, it was not entirely taken over by another interest community. The tenant farmers were not able to fundamentally enlarge their holdings to their detriment, nor did the gap between the cottagers and the independent peasants completely disappear. While the rest of the Low Countries witnessed an increasing dependency of the peasants on rural elites or urban burghers (Limberger, 2008; Thoen, 2001; Vermoesen and De Bie, 2008), the Campine peasants did remain quite independent. The objective of maintaining an equilibrium and peaceful coexistence between the different interest communities, each acquiring sufficient benefits from the commons, was more important than pursuing the most commercial strategy.

Access rights

This particular distribution of power, which was a true equilibrium, was directly translated into the access rights to the Campine commons. Within this ‘marginal economy’ the commons were made up of the wastelands or heath lands and common hay meadows. Together, these uncultivated lands covered 60 to 90% of the village surface.¹¹ In an overwhelming majority of European commons,

¹⁰ Since they predominantly lost their livestock and sheep, they probably retained only their plots of land and had to rely more on wage labour and arable practices. SAA, Ancien Regime archives city of Antwerp, Other governments, Local governments and seigniories, Belgium, Duchy of Brabant, Condition of villages in the margrave in 1593.

¹¹ These percentages were calculated by subtracting the registered cultivated lands from the total surfaces of the seigniories. Sources: <http://www.hisgis.be/>; SAA, Condition of villages in the margrave in 1593. RAA, OGA Gierle, 344; RAA, OGA, Tongerlo 896.

access was reserved for only a part of the community. Normally, rights were either attached to certain privileged farms or families, obtained through the purchase of a license, the contribution of a high entrance fee, or restricted to farmers or peasants owning a certain amount of land or livestock (Bieleman, 1987; De Moor *et al.*, 2002; Kos, 2010). The Campine area, however, was a true exception to this rule. Despite the fact that the commons were not inexhaustible, or completely isolated from cities or market influences, the commons were open to all members of the community. Outsiders such as city dwellers, vagabonds or immigrants were excluded, but all residents who had lived for more than 5 years within the community had access to the commons (Moeskop, 1985). Moreover, despite the ecological fragility, there was no attempt to limit the number of cattle and sheep. The responsibility for sustaining the commons lay with the community as a whole and was safeguarded by strict herding rules and locations (De Keyzer, Forthcoming). As Tine De Moor stated, rights of access did not necessarily mean that every household actively used their rights (De Moor, 2003, 2010). According to an administrative account for Zandhoven, a typical Campine village, on average 79.5 families out of the 80 households present registered as active users to graze their animals on the commons, or collect peat and heather.¹² According to the '*dénombrements des foyers*' or inventory of hearths published by Cuvelier, at least 25% of the households were listed as being dependent on poor relief, yet even these members of the community were granted access (Cuvelier, 1912).

As was the case with the distribution of power, accessibility changed little over time. Following the war casualties of the fall of Antwerp in 1585, communities became more strict when it came to accepting newcomers within their villages, yet none of the newcomers seem to have had restricted access.¹³ In addition, except for some attempts by a couple of feudal lords or clerical institutions, not one of the interest communities made any real threat to exclude the other subgroups. The juridical records do record evidence of struggles between different parties, where they tried to enclose or monopolise certain parts of the commons,¹⁴ but the other interest communities appeared to be flexible enough in forming coalitions with each other to avert such attempts. When all informal conflict resolutions failed, a third-party enforcement was searched for and found in the local and sovereign courts. Here the communal claims were the ones often favoured and supported, especially by the ducal courts.¹⁵

12 RAA, OGA Zandhoven, 148.

13 Renting or selling a house to immigrants was prohibited unless they could prove their good conduct and obtain the approval of the village government. See for example Peeters (1933).

14 Some example court cases: AAT, Section IV, Bundle of KAlmthout-Essen-Huibergeren, 79–89, 206–208.

15 ARA, Raad Van Brabant, Archief van de Griffies, Algemene vonnisboeken, 596, sentence 111, 594, sentence 134.

Institutions

One of the most remarkable aspects of Campine society, however, was their attitude towards institutions. Even though Ostrom has pointed out that institutions are of vital importance, formal institutions, though omnipresent, were of minor importance for the Campine communities (Ostrom, 1997). From the 13th century onwards, the management and regulation of the commons was granted to the village governments, therefore creating 'meenten' or CPR institutions (Hoppenbrouwers, 2002). They, in return, did formulate and later wrote down byelaws that contained all the regulations concerning the proper running of the village and the communal practices, rights and obligations. Nonetheless, some of the most important aspects were left implicit or extremely vague, and access rights were one of them. Even though the new institutional economics tends to claim that transparent institutions are necessary for an efficient economic system, societies can have a number of reasons and rational strategies for not specifying all rights or not forming formal institutions (Ensminger, 1996). As has been shown for England, putting customary rights in writing may be beneficial for securing one's rights, yet leaving them unwritten and vague, and therefore flexible, could be in the best interest of lords as well as their tenants. In this way, they were able to actively use memory, practice and litigation to steer and influence the rules according to their own interests (Hoyle, 2011). In the case of the Campine area, this tactic seems to have been used by all interest communities within society.

It could have been beneficial for the rural elites to exclude the majority of the community and reserve the commons for themselves, as happened elsewhere. On the other hand, it would have been detrimental if the maximum number of livestock was introduced, since they possessed huge flocks of sheep and cattle as one of their few commercial opportunities. For the cottagers and independent peasants, the exact opposite was in their best interest. A restricted access based on property, wealth or inheritance would exclude practically all of them, but a restricted number of animals on the commons would lessen their economic disadvantage with respect to the rural elites. Individuals and interest communities can also consider more than just their own small gains when evaluating different systems of rights. Introducing purely unilateral interests, or striving for the economically rational option, can be hard to negotiate, monitor and enforce, and it is therefore likely that certain valued characteristics, which are easily enforced, are selected and introduced even though they are not necessarily the most efficient rules or strategies (Ensminger, 1996).

The way decisions are made determines what decisions are actually made (*ibid.*). In the Campine area, it was a never-ending negotiation between the formal council, lordly control and indirect influence from the cottagers and labourers that defined ultimate policy. As a result, a common denominator, that is, an inclusive access regime and unlimited flock size, was selected but left implicit in order to be able to change it when interests changed. Since no fundamental threat

from the side of the feudal lords was expected, these informal institutions were able to survive until the 18th century. It thus seems that normative sources alone are insufficient for grasping the complexity and functioning of CPR institutions during the medieval and early modern period.

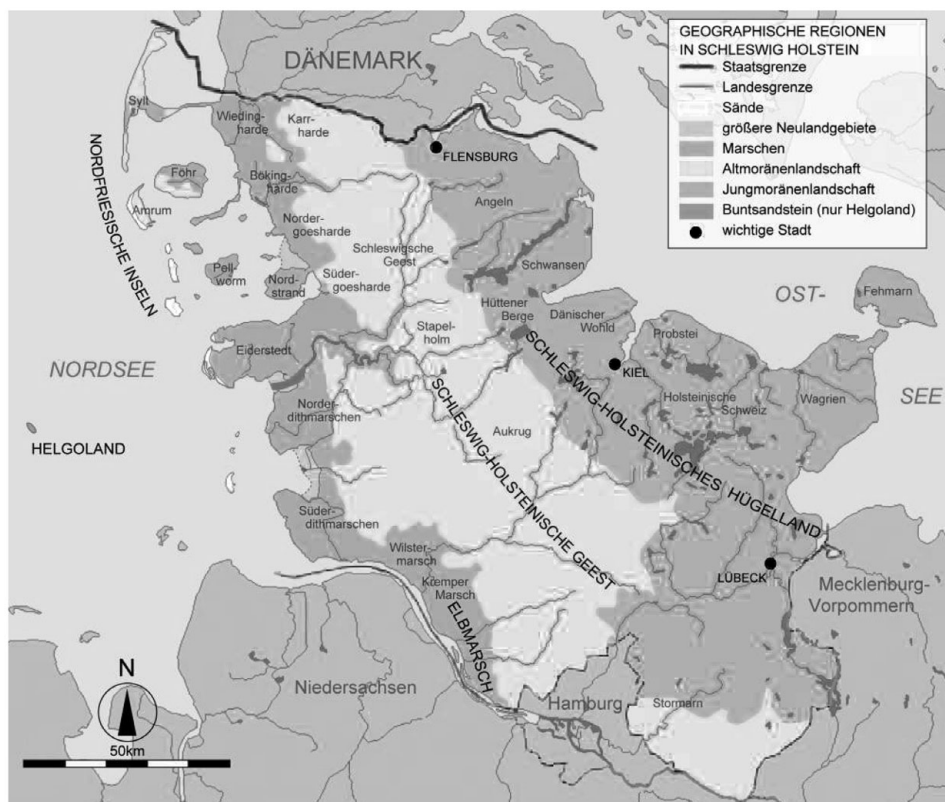
Common practices and uses

Important shifts in the economic context are supposed to have had significant implications for institutions, and not least for CPR institutions. However, as mentioned before, both formal institutions and access rights barely changed throughout the entire period, while, at the same time, the economic climate changed significantly during the Ancien Régime. Towards the 16th century, raw wool, the main product produced in the Campine area, became increasingly important and scarce because of export bans in England. In addition, Antwerp, a former regional centre, boomed, blossomed and turned into a metropolitan city. As a result, the population grew and commercialisation and capitalist pressures increased (Harte, 1997; Verhulst, 1972). After the collapse of Antwerp (1585) and the Eighty Years' War (1568–1648), the reverse tendency occurred. The urban centres declined, the economy dwindled and the processes of production were moved to the countryside (Klep, 1988; Peeters, 1988; Van Der Wee, 1988).

Because of the balanced distribution of power, there was a tendency to avert market dependency and to restrain the introduction of purely profit-driven strategies. Just as with the distribution of power, access rights and informal regulations, or rather compromises, the use of the commons was quite flexible as well. Tine De Moor has shown that in Flanders, the *gemene Looweiden* were strictly regulated and a constant number of animals had to be grazed on the commons. To this end, even outsiders were induced to provide additional animals.¹⁶ This was not the case in the Campine area. After the Eighty Years' War, the number of sheep declined steeply, yet no alterations to the formal regulations were introduced. The use of the commons shifted from predominantly extensive grazing to a more intensive collection of sods to mix and use as manure. By the end of the 18th century, the total number of sheep had plummeted and digging for sods was the main activity (Bastiaens, 1994; Lindemans, 1952; Vanhaute, 1992). The same principle operative with access rights applies here: by leaving the lawfully permitted use implicit, it could be changed easily and flexibly whenever shifts in the socio-economic or power balance occurred.

¹⁶ Inland Flanders is characterised by relatively scarce commons and more intensive agriculture and land pressure, yet even Drenthe, Het Gooi and the bailiwick of Den Bosch, all marginal economies located in the Low Countries, witnessed more detailed and strict regulations (Bieleman, 1987, De Moor, 2010; Kos, 2010; Vera, 2011).

Figure 5. The Geest area within Schleswig Holstein, on the border between nowadays Germany and Denmark (Hinand, 2004).



4. Schleswig

Social distribution of power

In the Geest area (Figure 5) yet another form of social distribution of power developed. Most of the Geest area was barely colonised before the later Middle Ages and it took the absentee lords some persuasion to guide peasants and farmers to move from the fertile clay lands in the east and marsh lands in the west to the poor soils in the centre of Schleswig-Holstein. Given the virtual absence of feudal burdens and the rising population pressure in the surrounding regions, the 11th and especially 12th centuries witnessed a steep rise in new colonists. The ‘*Hüfner*’ or farmers who reclaimed full farmsteads of 10–20 hectares of land secured the best plots, strong property rights, privileges and bargaining power within the communities for themselves (Lang, 1996). The lords did manage to retain a form of ‘*Rentengrundherrschaft*’,¹⁷ but in contrast to the eastern parts of

17 See footnote 4.

Schleswig-Holstein, their feudal claims were extremely weak (Rasmussen, 2010). Therefore, the '*Nachbarschaft*' or group of original farmers, generally around 12 households, were effectively in charge of managing, governing and regulating village affairs. Village officials were elected from this small group, they organised and attended the town meetings and had the sole right to alter the byelaws or village constitutions (Carstensen, 1924). Originally, these farmers made up the majority of the village community.

At the same time, however, cottagers and land labourers moved into the region. As space and resources were still abundant, their interests were met and a peaceful coexistence was found, even though they were formally excluded from the '*Nachbarschaft*' and had therefore no voice, let alone a vote, in the village meetings or government. In these conditions, a common pool regime was opted for, though with an in-built imbalance in the ecological benefits, participatory rights and management options between the different social layers of the communities (Poulsen, 1999; Rheinheimer, 1999b). In practice, private plots called '*essen*' were cultivated and gathered in a type of open field system, where the grazing of cattle was sometimes permitted and the wastelands remained common as well. Organising the agricultural system as a common property regime suited everyone best. After all, the costs of privatising sufficient land were too high to be profitable even for the largest farmers, given that the sandy soils did not permit intensive practices with the techniques of the time and the lack of manure (Rheinheimer, 1999b). This suited the typical equilibrium model Lana Berasain proposed (Lana Berasain, 2008).

As was the case in the Norfolk Brecklands, this balance was greatly disturbed during the second half of the 14th century by the Black Death, when large parts of the open fields were left fallow and the population dwindled. As the manorial class was not an active player in the region, the '*Hüfner*' were able to enlarge their estates and increased their dominance within the community (Lange, 1996). When the economy and population recovered again and reached full growth during the 16th century, the '*Hüfner*' had to defend their position and interests with respect to the commons. As they relied on mixed farming and on securing enough grazing spots and fodder for their cattle and sheep, they needed to reserve most of the ecological benefits for themselves. Despite the growing number of cottagers and land labourers during the early modern period, the '*Hüfner*' were able to hold their position and retain the control of the CPR institutions firmly in their hands (Lange, 1996; Poulsen, 1999).

Changes in relative prices or economic strategies seem to have had barely any effect on this institutional imbalance, since the economic strategies of cottagers and farmers were quite similar. Both parties were engaged in a mixed farming system with commercial cattle breeding and the use of strips of land in the open fields. Young oxen were grazed on the wastelands and later transported to the coastal plains in order to fatten and sell them to the nearby towns or even as far as the Low Countries. They were therefore both subject to the same economic

upswings and downfalls and had to deal with similar shifts in relative prices. Economically speaking, the boundary between the two groups was blurred or even imaginary (Carstensen, 1924). Even when cottagers were able to purchase enough land, or indeed surpass the farmers, they could not obtain the same rights or position within the community (Rheinheimer, 1999a, b). It was their ability to sustain a fundamental imbalance in the distribution of power which guaranteed their dominance over the rest of the community.

Access rights

As in the Campine area, the institutions regulating the commons were predominantly influenced by the social distribution of power and changes in the bargaining power of the ‘*Hüfner*’, rather than by changes in relative prices or general economic upswings and downturns. The ‘*Hüfner*’ were in charge of the byelaws and therefore reserved the best rights for themselves. The commons were divided between all the original farms, according to the amount of land they possessed in the open fields. The exact number of cattle, horses, sheep or pigs was determined per hectare of land in the open fields. In addition, the hay meadows were opened up for the communal herds, predominantly cattle, after the harvest was finished. Finally, the open fields had to be ploughed, sown and harvested simultaneously, so that the cattle could graze on the stubbles and fallow lands (Carstensen, 1924; Rheinheimer, 1999a). Before the late medieval crisis, the cottagers and land labourers were a minority and the ‘*Hüfner*’ were both unable and unwilling to exclude them in practice as they did in writing. The transaction costs to control transactions would be far greater than the loss of ecological benefits incurred by letting the cottagers and labourers join their common practices. Therefore, they enjoyed some extensive rights. They could place a limited number of animals on the commons, collect heather and peat and even erect some buildings on the wastelands. Nonetheless, these rights were not as formal and constitutional as those of the original farmers. The ‘*Nachbarschaft*’ simply turned a blind eye to their practices (Carstensen, 1924; Rheinheimer, 1999b).

During the late medieval crisis, when the population decreased, the ‘*Hüfner*’ were the ones enlarging their estates, ameliorating their position within the village and investing in cattle breeding (Lange, 1996). When their acquired position became threatened by rising numbers of cottagers and land labourers, acquiring land and adopting similar agricultural strategies, these rural elites started to react. Measures were taken to discourage immigrants, such as the prohibition to erect new cottages or farms on the commons. In addition, the byelaws or ‘*Dorfordnungen*’ increasingly stipulated and diminished the rights of cottagers and land labourers. For example, several villages excluded all community members, apart from the ‘*Hüfner*’, to graze the commons and diminished the amount of heather that could be collected from the commons. Whenever they did want to place animals on the commons, they had to be granted access and pay a

fixed sum per animal (Carstensen, 1924). In some cases, even the right to harvest sods and heather was abolished altogether. As a result, these interest communities were increasingly excluded even though by then they formed the majority of the local society (Rheinheimer, 1999b). Despite the changing economic climate and shifts in relative prices, the institutions remained exclusive, right up until the abolishment of the commons themselves.

Institutions

In comparison with the Campine area and Norfolk, the formal CPR institutions in Schleswig played a vital role. Before the 16th century no customary rights, communal practices or obligations were officially written down. Until then, the management of the commons was determined by oral traditions. Yet during the 16th and 17th centuries, the formulation of byelaws peaked. It has been suggested that ecological degradation was one of the vital factors behind this process, but the population increase and the growing number of cottagers and land labourers could be explanatory factors too (Rheinheimer, 1999a).

In contrast with both the Campine area and the Brecklands, however, practically nothing was left implicit and changes or additions to the rules were frequent. This included the access and usage rights and was aimed at, precisely, the cottagers and land labourers. There are surviving inventories, with names of the heads of the families, which literally list the number of animals a particular household could place on the commons (Carstensen, 1924). In order to leave nothing to chance, the byelaws were actively used to prescribe the common usage rights and increasingly reserve them for the '*Hüfner*' themselves. This inclination towards formal, constitutional rules, rather than the informal, operational ones of the Campine area is probably a direct consequence of the local distribution of power. While in the Campine area both the land labourers, cottagers, independent peasants, big tenant farmers, as well as the representatives of the lord, had to agree to formally alter any of the regulations in the byelaws, the '*Hüfner*' in the Geest area had an almost complete monopoly. The meeting was made up of a dozen of '*Hüfners*' who were quite homogenous and certainly shared the same interests (Rheinheimer, 1999b). Therefore, they could progressively anticipate changes in the social composition of their communities and use the byelaws to shape the communal regime to their best interests. With powerful juridical documents to fall back on, they were able to withstand the demographic rise and changing proportions of the landless, cottagers and farmers and maintain the social distribution of power of the later medieval period.

Common practices and uses

Until the later Middle Ages, the commons were apparently not under severe pressure. The villages were relatively small and the natural resources were sufficient to sustain the core of the '*Hüfner*' and the few cottagers and land

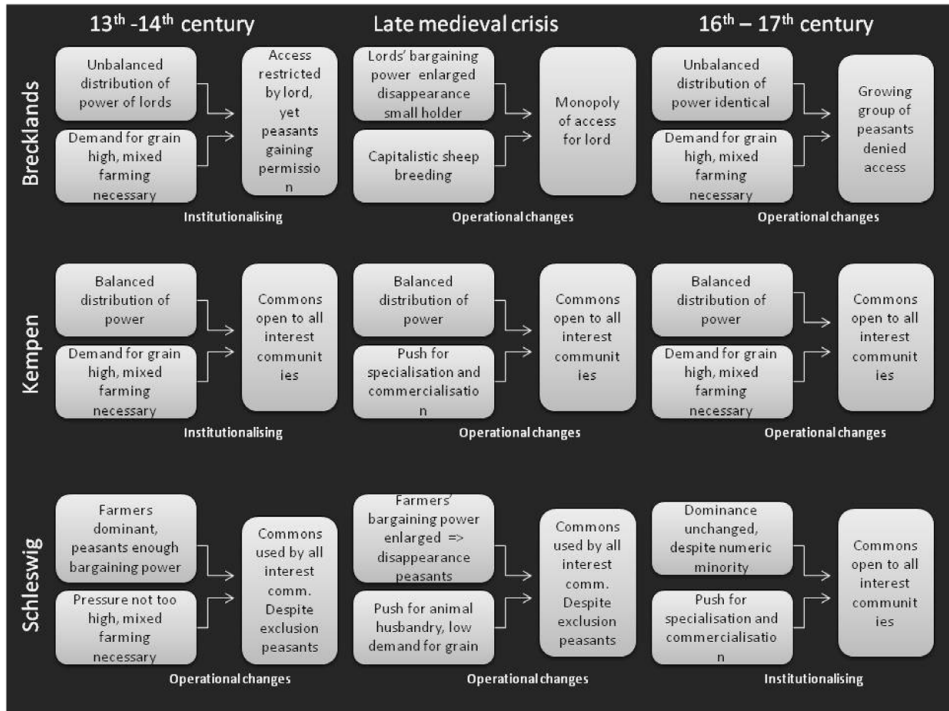
labourers (Rheinheimer, 1999b). Therefore, the dozen original farmers could place as much as 150 horses, 370 cattle, 138 pigs and 300 sheep on the commons (Carstensen, 1924). In addition, they could collect peat and heather, since the forests were progressively disappearing. The commons included both the common wastelands, the hay meadows following the harvest and the fallow lands and arable fields for stubble grazing. The focus was, however, placed on grazing and not the manuring of the fields, since most animals were placed on the wastelands and the manure was increasingly used as fuel. In contrast with the Campine area and the Brecklands, not sheep but cattle were of major importance. The heath fields were used to raise young oxen, which would eventually be transported to the coastal plains or more fertile regions to fatten them and eventually sell them for consumption. These practices remained relatively unchanged throughout the early modern period (Carstensen, 1924; Lange, 1996).

Until the 16th century, these communal practices were still enjoyed by all the interest communities, even though not to the same extent, but afterwards, the cattle grazing on the wastelands would predominantly belong to a select group. From then on, the common wastelands were primarily a place where the cottagers and landless wage labourers tried to obtain small plots of land, which they could enclose and privatise. Even though the '*Hüfners*' tried to discourage these incursions by obliging newcomers to get a formal allowance granted by the entire *nachbarschaft*, the enclosed plots steadily increased in number (Rheinheimer, 1999a).

5. Conclusion

Ensminger has shown the importance of both changing relative prices and bargaining power and ideology to understand the formation and evolution of institutions. By testing Ensminger's model via a comparative case study of three different regions, that managed their ecological resources via CPR institutions, it appeared that formal institutions for collective action especially have had little power in shaping societies. As she predicted, the institutions were fundamentally shaped by the society in which they were created, instead of the other way around. In Norfolk, manorial lords took advantage of the declining numbers of smallholders and enlarged their economic position, thus tipping the balance of power in their favour. As a result, the access rights to the commons became more restrictive and peasants were increasingly excluded. Despite formal and constitutional rules and institutions, manorial lords were able to exclude the small tenant holders from the fold course system, by circumventing the institutions and instead addressing and altering the informal and operational rules via practice and litigation. The impact of changes in relative prices must not be overestimated however. Despite the cyclical evolution of grain prices and changes in the relative prices of cereals and livestock, it was the

Figure 6. Comparison of influence of social distribution of power and changing relative prices on access rights in the Brecklands, Campine and Schleswig.



balanced distribution of power that secured an enduring inclusive access regime throughout the period.

Historical rural communities were thus fundamentally shaped by their specific distribution of power, and the stakeholders used both formal and informal institutions to determine and change the access rights to the commons and therewith safeguard their particular interests. Whenever a society was relatively balanced and a wide variety of stakeholders – these being smallholders, farmers and lords alike – was able to influence the decision-making within the village, the common pool institutions remained quite inclusive. On the other hand, where one particular stakeholder was able to usurp the government and management of the village or common pool institution, such an equilibrium was disturbed with fundamental alterations to accessibility and often exclusive system as a result. For this, however, the formal institutions did not necessarily have to change (Figure 6). As the Brecklands show, lords could leave the original constitutional rules as they were and change the actual operational rules in practice and by means of juridical sentences. Only when the dominant stakeholder group was able to also monopolise the formal common pool institution could constitutional

and written rules such as byelaws be used to change the functioning of the commons and determine the inclusiveness of the common pool institution.

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References

- Allison, K. J. (1957), 'The Sheep-Corn Husbandry of Norfolk in the Sixteenth and Seventeenth Centuries', *The Agricultural History Review*, 5: 12–30.
- Bailey, M. (1989), *A Marginal Economy? East Anglian Breckland in the Later Middle Ages*, Cambridge: Cambridge University Press.
- Bailey, M. (1990), 'Sand into Gold: The Evolution of the Fold-Course System in West Suffolk, 1200–1600', *Agricultural History Review*, 38: 40–57.
- Bastiaens, J. (1994), 'Bodemsporen van Beddenbouw in Het Zuidelijk Deel van Het Plaggenlandbouwareaal. Getuigen van 17de-eeuwse Landbouw Intensivering in de Blegische Provincies Antwerpen en Limburg en de Nederlandse Rovincie Noord-Brabant', *Historisch Geografisch Tijdschrift*, 3: 81–90.
- Bieleman, J. (1987), *Boeren op Het Drentse Zand 1600–1910: Een Nieuwe Visie op de 'Oude Landbouw'*, Utrecht: Hes uitgevers.
- Carstensen, H.-P. (1924), 'Die Dorf- und Flurverfassung im Umte Tondern im 17. und 18. Jahrhundert', *Zeitschrift der Gesellschaft für Schleswig-Holsteinische Geschichte*, 54: 153–279.
- Cuvelier, J. (1912), *Les Dénombrements de foyers en Brabant (XIV–XVI siècle)*, Brussels: Librairie Kiessling et C.P. Imbreghts.
- Dekkers, P. J. V. (1995), 'Brandend Zand. Hoe de Hertog van Brabant Zijn Heerschappij op de Kempense Zandgronden Verwierf ten Koste van de Lokale en Regionale Adel', *Noordbrabants Historisch Jaarboek*, 12: 10–40.
- De Keyzer, M. (Forthcoming bookchapter), *The Common Denominator: The Regulation of the Community of Users within the Campine Area during the 16th Century*. Antwerpen, Belgium.
- De Moor, T. (2003), 'Tot proffijt van de ghemeensaemheijt'. *Gebruik, gebruikers en beheer van gemene gronden in Zandig Vlaanderen, 18de en 19de eeuw. Geschiedenis*. Gent: Universiteit Gent.
- De Moor, T. (2008), 'The Silent Revolution: A New Perspective on the Emergence of Commons, Guilds, and Other Forms of Corporate Collective Action in Western Europe'. *International review of social history*, 52 (suppl. 16): 179–212.
- De Moor, T. (2010), 'Participating is More Important than Winning: The Impact of Socioeconomic Change on Commoners' Participation in Eighteenth and Nineteenth Century Flanders', *Continuity and Change*, 25: 405–433.
- De Moor, M., L. Shaw-Taylor, and P. Warde (eds.) (2002), *The Management of Common Land in North West Europe, c. 1500–1850*, Turnhout: Brepols.
- De Wachter, A. (2002), 'De toepassing van wereldsysteem-analyse op geografische streken. Twee casestudies: de Kempene en noordelijk Ghana'. *Geography*. Gent, University of Gent.

- Ensminger, J. (1996), *Making a Market: The Institutional Transformation of an African Society*, Cambridge: Cambridge University Press.
- Haller, T. (2007), *Understanding Institutions and Their Links to Resource Management from the Perspective of New Institutionalism*, Bern, Switzerland: NCCR North-South.
- Harte, N. B. (1997), *The New Draperies in the Low Countries and England, 1300–1800*, Leeds: Pasold Research Fund.
- Hilton, R. (1973), *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381*, London: Methuen and Co. Ltd.
- Histand, M. B. (2004), *Historischer Atlas Schleswig-Holstein vom Mittelalter bis 1867*, Germany: Wachholtz Verlag GmbH.
- Hoppenbrouwers, P. (2002), 'The Use and Management of Commons in the Netherlands: An Overview', in M. D. Moor (ed.), *The Management of Common Land in North West Europe, c. 1500–1850*, Turnhout: Brepols.
- Hoyle, R. W. (ed.) (2011), *Custom, Improvement and the Landscape in Early Modern Britain*, Farnham: Ashgate.
- Klep, P. M. M. (1988), 'Urban Decline in Brabant: The Traditionalization of Investments and Labour (1374–1806)', in H. Van Der Wee (ed.), *Rise and Decline of Urban Industries in Italy and the Low Countries*, Leuven: Leuven University Press, pp. 261–286.
- Kos, A. (2010), *Van meenten tot marken. Een onderzoek naar de oorsprong en ontwikkeling van de Gooise marken en de gebruiksrechten op de gemene gronden van de Gooise markegenoten (1280–1568)*, Verloren: Hilversum.
- Lana Berasain, J. M. (2008), 'From Equilibrium to Equity. The Survival of the Commons in the Ebro Basin: Navarra from the 15th to the 20th Centuries', *International Journal of the Commons*, 2: 162–191.
- Lange, U. (ed.) (1996), *Geschichte Schleswig-Holsteins von den Anfängen bis zur Gegenwart*, Neumünster: Wachholtz Verlag Neumünster.
- Leenders, K. A. H. W. (1996), *Van Turnhoutervoorde tot Strienemonde. Ontginnings- en nederzettingsgeschiedenis van het noordwesten van het Maas-Schelde-Demergebied (400-1350)*, Zutphen, Walburg Pers.
- Limberger, M. (2008), *Sixteenth-Century Antwerp and Its Rural Surroundings: Social and Economic Changes in the Hinterland of a Commercial Metropolis (ca. 1450–1570)*, Turnhout: Brepols.
- Lindemans, P. (1952), *Geschiedenis van de Landbouw in België*, Antwerpen: De Sikkel.
- Moeskop, G. (1985), Het gebruik van gemene gronden in de Antwerpse Kempen tijdens het Ancien Régime. *Letteren en Wijsbegeerte*. Leuven, Katholieke Universiteit Leuven.
- North, D. (1990), *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press.
- Ostrom, E. (1997), *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge: Cambridge University Press.
- Peeters, K. C. (1933), 'De Wuustwezelsche Dorpskeuren (Xve–XVIIe eeuw)', *Wesalia, Tijdschrift voor plaatselijke Geschiedenis en Folklore*, 8: 2–48.
- Peeters, J. P. (1988), 'De-Industrialisation in the Small and Medium-Sized Towns in Brabant at the End of the Middle Ages. A Case Study: The Cloth Industry of Tienen', in H. Van Der Wee (ed.), *The Rise and Decline of Urban Industries in Italy and the Low Countries*, Leuven: Leuven University Press, pp. 165–186.
- Postgate, M. R. (1962), 'The Field Systems of Breckland', *The Agricultural History Review*, 10: 20–101.

- Poulsen, B. (1999), 'Landesausbau und Umwelt in Schleswig 1450–1550J', in M. Jakubowski-Tiessen and K.-J. Lorenzen-Schmidt (eds.), *Dünger und Dynamit. Beiträge zur Umweltgeschichte Schleswig Holsteins und Dänemarks*, Neumünster: Wachholtz Verlag Neumünster.
- Rasmussen, C. P. (2010), 'Innovative Feudalism: The Development of Dairy Farming and Koppelwirtschaft on Manors in Schleswig-Holstein in the Seventeenth and Eighteenth Centuries', *Agricultural History Review*, 58: 172–190.
- Rheinheimer, M. (1999a), *Die Dorfordnungen im Herzogtum Schleswig. Dorf und Obrigkeit in der Frühen Neuzeit*, Stuttgart: Lucius & Lucius.
- Rheinheimer, M. (1999b), 'Umweltzerstörung und dörfliche Rechtssetzung im Herzogtum Schleswig (1500–1800)', in M. Jakubowski-Tiessen and K.-J. Lorenzen-Schmidt (eds.), *Dünger und Dynamit. Beiträge zur Umweltgeschichte Schleswig-Holsteins und Dänemarks*, Neumünster: Wachholtz Verlag Neumünster.
- Scott, J. (1985), *Weapons of the Weak: Everyday Forms of Peasant Resistance*, New Haven, CT: Yale University Press.
- Thoen, E. (2001), 'A 'Commercial Survival Economy' in Evolution: The Flemish Countryside and the Transition to Capitalism (Middle Ages–19th Century)', in P. Hoppenbrouwers and Van Zanden (ed.), *Peasants into Farmers? The Transformation of Rural Economy and Society in the Low Countries (Middle Ages–19th Century) in Light of the Brennerdebate*, Turnhout, Belgium: Brepols.
- Van Der Haegen, H. (2009), 'Hoe de Kempense gemeenschappen hun aard verkregen, gebruikten... en verloren. Een overzicht'. *Post Factum. Jaarboek voor geschiedenis en Volkskunde*, 244–245.
- Van Der Wee, H. (1963), *The growth of the Antwerp market and the European economy (14th-16th centuries)*, Den Haag, Martinus Nijhoff.
- Van Der Wee, H. (1975), 'Structural Changes and Specialization in the Industry of the Southern Netherlands, 1100–1600'. *The Economic History Review*, 28(2): 203–221.
- Van Der Wee, H. (1988), 'Industrial Dynamics and the Process of Urbanization and De-Urbanization in the Low Countries from the Middle Ages to the Eighteenth Century. A Synthesis', in H. Van Der Wee (ed.), *The Rise and Decline of Urban Industries in Italy and the Low Countries*, Leuven: Leuven University Press.
- Van Dijck, G. (1965), *Het landbouwleven in de Antwerpse Kempen volgens de dorpskeuren* (Speciaal de Hoofdbank van Zandhoven), Leuven: Katholieke Universiteit Leuven.
- Van Onacker, E. (2013), 'De markt als middel. Peasants en de land – en kredietmarkt in de vijftiende- en zestiende-eeuwse Kempen', *TSEG*, 10(1): 40–70.
- Van Onacker, E. and M. De Keyzer (2012), 'Beyond the Flock: Sheep farming, Wool Sales and Capital Accumulation in a Medieval Peasant Society: The Campine Area in the Low Countries', *European Social Science History Conference (ESSHC)*, Glasgow.
- Van Onacker, E. and Dombrecht, K. (2012) Rural elites and local office holding in late medieval Flanders and Brabant. *Conference Bürgerlich-bäuerliche Eliten im 17.–19. Jahrhundert*. Oldenburg.
- Van Vanhaute, E. (1992), *Heiboeren: Bevolking, arbeid en inkomen in de 19de eeuwse Kempen*, Brussel: VUB Press.
- Van Uytven, R. (1987), 'Economische en stedelijke groei in het hertogdom Brabant tijdens de 13de eeuw'. *Brabantse Folklore*, 253, 31–43.
- Vera, H. (2011), '... dat men het goed van den ongeboornen niet mag verkoopen. Gemene gronden in de Meierij van Den Bosch tussen hertog en hertgang 1000–2000', *History*. Nijmegen: Radboud Universiteit.

- Verhulst, A. (1972), 'La Laine indigène dans les anciens Pays-Bas entre le XIIIe et le XVIIe siècle', *Revue Historique*, **96**: 281–322.
- Vermoesen, R. and A. De Bie (2008), 'Boeren en hun relaties op het Vlaamse platteland (1750–1800)', *Tijdschrift voor geschiedenis*, **121**: 430–445.
- Whittle, J. (2010), 'Lords and Tenants in Kett's Rebellion 1549', *Past and Present*, **207**: 3–52.
- Whyte, N. (2009), *Inhabiting the Landscape: Place Custom and Memory, 1500–1800*, Oxford: Oxbow Books.
- Whyte, N. (2011), 'Contested Pasts: Custom, Conflict and Landscape Change in West Norfolk, c. 1550–1650', in R. W. Hoyle (ed.), *Custom, Improvement and the Landscape in Early Modern Britain*, Farnham: Ashgate.
- Winchester, A. (2008), 'Statute and Local Custom: Village Byelaws and the Governance of Common Land in Medieval and Early-Modern England', in B. Van Bavel and E. Thoen (eds.), *Rural Societies and Environments at Risk. Ecology, Property Rights and Social Organisation in Fragile Areas (Middle Ages–Twentieth Century)*, Turnhout: Brepols.