

Richard W. Hoyle, ed. *Custom, Improvement and the Landscape in Early Modern Britain*.

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This volume attests to the liveliness of current debates concerning customary law in the early modern epoch. The subject matters because it takes us into the interrelationship between land, identity, and remembrance: customary law helped to constitute distributive systems that (“time whereof the memory of man is not to the contrary”) ordered access to land, rights, and resources. Importantly, these customs had a specifically local application. The essays in this volume vary in

geographical and chronological focus, yet deal with a sequence of interconnected issues: tenurial struggles, the interface between orality and literacy in customary law, lordship, and changing ideas about improvement. On improvement, a synoptic essay by Paul Warde is best read alongside excellent case studies concerning lowland Lancashire, Northamptonshire, and Strathspey, while Julie Bowring's important essay concerning struggles in the post-Restoration fenlands provides an all-too-rare insight into later seventeenth-century contests over common right. Frustratingly, the editor acknowledges that the essays in his volume deal only with customs governing tenancy and farming. But, as he acknowledges, these were "but a part of a much wider range of customary behaviour which governed the medieval and early modern village" (4). And, we might add, the town or city. For custom also had its urban and industrial peculiarities, regulating the lives of miners, artisans, and city dwellers, as well as lords and tenants. It is therefore especially pleasing to read Henry French's excellent piece on urban commons, which gives a clear sense of the cultural and material value to poorer urbanites of access to common land.

The outstanding essay is by Nicola Whyte. Her piece offers a new way into the intersection of custom with popular memory. Custom, in Whyte's account, is a mutable and ever-shifting force. Whereas Richard Hoyle asserts in his introduction that "custom was, in effect, an oral medium. It was memory" (4), Whyte captures the complex essence of customary law. In her account, it emerges as an ever-shifting discursive terrain within which opposing groups made conflicting rights and from which poorer and middling people drew elements of their communal identities and political culture. Yet at the same time, elites continued to appeal to custom: as Hoyle's essay on mid-sixteenth-century North Elmham (Norfolk) shows, the term *custom* was bandied about by all sides in legitimation of their particular position in village struggles. Custom, then, is emphatically not reducible to memory, any more than it was an oral medium: being vested in collective memory (both documentary and oral), it was subject to conflicting meanings and applications. There was no unitary memory from which custom emerged: instead, like memory itself (a protean and unstable force), custom was, for early modern people, epistemic — and therefore all the more the subject of conflicting meanings and claims.

Richard Hoyle is to be congratulated for drawing together a volume that will take its place on many reading lists and that provides clear evidence of the fragmented, conflictual character of customary law. Perhaps most of all, the essays provide a compelling justification of the value of local history. Each essay represents a careful microstudy of what was, after all, *lex loci*: that is, local law, subject to constant variation in its texture, ordering, and meaning. As such, the collection reminds us that early modern Britain was made up of a patchwork of little countries and neighborhoods, each overlapping and bound together, but each possessed of its own unique history.

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