

## All Bread Is Not Created Equal

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Governing authorities in medieval Europe considered only two staples of daily life important enough to regulate: bread and beer. This was done through *assize* or *assise* laws, which usually came in one of two ways: a separate *law of bread assize* and *law of beer assize*, or a combined *law of bread and beer assizes*. These laws dictated the grades of flour purity, based on bran content and mixture of grains; weight of baked loaves, by measurements of silver currency (pound, shilling, pence, half- and quarter-penny loaves); and adulteration of the bread with inedible substances, such as sawdust or hemp. The prices were set by the state on behalf of the consumer, to prevent powerful bakers' and brewers' guilds from using their monopolies to gouge the hungry public. Those who violated the assize laws were subject to the king's justice, usually in the form of a fine.

As towns formed in the midst of the population boom of the Central and High Middle Ages, noblemen often wrote bread- and grain-related laws or stipulations into the founding charters of their cities. The charter of Winchester, England includes a simplified version of an assize law, guaranteeing at least a specific weight for white and dark breads in that town.<sup>[1]</sup> Other charters sometimes offered generous advantages to townspeople, as an enticement to emigrate to that growing city. We can see this in the charters of Lorris, France and Jaca, Spain in the form of free access to mills or communal ovens, something which, at home on the countryside manors of noble landlords, was dictated by the landlord and cost a fee.<sup>[2]</sup>

Faced with the pressure to get the food on the table quickly, colonial cooks had little time to weigh their ingredients carefully on scales, as had been done in Europe. Scales were time-consuming and costly, so they were abandoned in favor of measuring with cups, glasses and spoons.<sup>[3]</sup> Though the busiest of colonial and early American women were undoubtedly of the working class, wealthier women also desired more speed and convenience in food preparation. Mary Randolph, a tavern-keeper of the gentry class (a singular occurrence in itself), published a particularly popular cookbook in 1824 entitled *The Virginia Housewife*. Even her more elegant recipes, when compared to the earlier cookbooks she was referencing, are shortened and simplified and utilize cup- and spoon-measurements, rather than weights.<sup>[4]</sup>

Later, when the first generations of colonists began to establish themselves in America, they looked back to their homelands for ideas of what kinds of laws were necessary to establish a peaceful, orderly society. In some colonies, such as Georgia, they adopted the medieval tradition of assize laws, since bread was still a significant part of the daily diet. Compared side by side, the similarities between the English Bread Assizes from the Reigns of Henry II to Edward II and the Act for Regulating the Assize of Bread from

the Legislature of Georgia are striking. For example, the Georgian Assize says the following:

no person or persons whatsoever shall make for sale, or sell, or expose to sale, within this province, any sort or sorts of soft bread made of wheat, other than the several sorts herein after-mentioned, viz. White, wheaten, and household bread; all which several sorts of soft bread shall be made in their several and respective degrees, according to the goodness and fineness of the several sorts of flour of which the same ought to be made and when fine wheat flour is ordinarily sold for money in Savannah, at any of the rates herein after-mentioned, the assize and weight of the said white, wheaten, and household bread, respectively, are and shall be set and ascertained according to the following tables in avoirdupois weight, and so proportionably when fine flour shall be ordinarily sold in Savannah for more or less money than is specified in the said tables, wherein the white loaves shall always be one half, and the wheaten three quarters, of the weight of household loaves.[\[3\]](#)

In comparison, the English law likewise lays out three classes of bread: Wastel, Simnel, and Cocket, from highest to lowest in quality, with the lowest quality expected to weigh the most, because of highest bran content. A fourth kind, a bread of Treet, or dessert bread, is also mentioned, but would have been a more irregular purchase, not a menu staple like the other three. The English law also specifies the grades of flour that would be used in each kind of bread, as does the Georgian law.[\[4\]](#)

A few interesting differences present themselves in the Georgian assize law, however, mainly in the form of enforcement and punishment. Georgian bakers are required to make an identification mark on their bread, so its origin is apparent, and their bakeries, shops, warehouses, even their homes, are required to be open for inspection by the justices of the peace at any time, night or day! Refusing or hindering these searches could cost a baker a fine of five pounds sterling, to be given to the local poor charities -- no matter whether or not he were actually hiding any crime or wrongdoing!

If any bread is found to be in violation of the law, not only is the baker to be brought up on charges which could lead to a fine of up to twenty shillings, but all the baker's bread is also confiscated by the justices and distributed to the local poor charities. This punishment could be incurred by bakers guilty of just not putting their stamp on a batch of loaves -- they might not have done a single thing wrong with the bread itself! One stopgap measure did exist on behalf of the bakers, though. The justices had only three days to prosecute a case from the time when the offending loaf was found. After that time, the complaint was invalid, and the justices would have to watch and wait for the next infraction.

However, if certain features of this law sound to you as if they were at odds with the ideals of the fledgling colonies -- little things like life, liberty, the pursuit of happiness and a fair dollar -- you're not the only one. To many colonial bakers trying to operate in the

new environment of a free market economy, the assize laws were not balancing the scales anymore, they were putting the heavy hand of government on them. In the *Petition for the Repeal of the Act to Regulate the price and assize of bread*, a coalition of Massachusetts bakers tell us in their own words why Old World assize laws don't work in the New World economy:

"In Great Britain, the Bakers are and have been, for more than 400 years, an incorporated company, possessing exclusive privileges; and authorized to restrain, by limitations and restrictions of various sorts, the competition to a smaller number, than might otherwise go into this business -- which is attended with the same consequences, as a monopoly, though in a less degree. To counterbalance the evils of these incorporations, this law, was produced... --In Massachusetts there is no incorporation of Bakers -- they enjoy no exclusive privileges -- they possess no authority to refrain or limit their number -- or to combine, in any manner, for the purpose of raising the price of their labour, or the profits of their stock -- The only apology, then, for such a law in England, happily for its citizens, does not exist in America."[\[5\]](#)

The bakers in this text complain that not only is the law un-American -- "unjust and oppressive on a part of the community, and inconsistent with the principles of our free Constitution" -- but also other factors in the colonies, in addition to the assize laws, work against the bakers. At the time when the law was first instituted, they complain, grain had been imported unmanufactured, so bakers could keep and profit from the sale of the separated bran product. Now, though, processed flour is imported by itself, and the bakers are taking the loss. Even the weather in America conspires against them, the bakers say! Doughy loaves in summer months are guilty of a multitude of sins: they often spread out and obscure the required ID markings, or stick together so that the precise measurements of each loaf are altered.

The importation of communal ovens to colonial villages from Europe, such as those from Devon in the 17<sup>th</sup> century, and the sale by street-hawkers of "bread-water," probably yeast water or a sourdough starter of some kind in medieval cities, suggests that perhaps lower urban classes and colonial families still baked some bread products for themselves.[\[6\]](#) But the Massachusetts baker John White probably frames the situation best when he says that "every family however large or small, or wherever living, may bake their own bread -- and certainly will, *unless they can purchase for less money, than they can buy the Grain and bake it in their own families.*" [italics mine]. The transition from home baking to commercial baking was doubtless one of convenience and economy. In medieval Europe, where bakers' guilds formed powerful professional monopolies, the assize laws were the customers' guarantee of a low price and a consistent product. In the New World colonies, although the laws were brought over like a piece of heirloom furniture, both producers and consumers quickly discovered that it just did not fit the new environment -- the free market in a new society did the job of the old assizes.

## Appendices

The Bread Assizes mentioned in this text are available [here](#) as full text handouts to students.

## Notes

1. [\[back\]](#) Ballard, *British Borough Charters*, from William Ashley, *The Bread of Our Forefathers* (Oxford: Clarendon, 1928), p. 150.
2. [\[back\]](#) *Medieval Iberia: Readings from Christian, Muslim and Jewish Sources*, ed. Olivia Remie Constable (Phila.: Univ. of Penn. Press, 1997), pp. 123-25 and *Heritage of Western Civilization, Seventh Edition*, ed. John L. Beatty and Oliver A. Johnson (N.J.: Prentice Hall, 1991), pp. 304-306; from Margaret L. King, ed., *Western Civilization: A Social and Cultural History, v. 1* (Documents Set, eds. Arlene M. W. Sindelar and Mary E. Chalmers) (N.J.: Prentice Hall, 2000), pp. 147-48.
3. [\[back\]](#) *An Act for regulating the assize of bread*. Savannah, Georgia, Dec. 12, 1758 (Early American Imprints, 1<sup>st</sup> Series, no. 41356 (filmed)).
4. [\[back\]](#) A. Luders, ed., *The Statutes of the Realm: Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain, From Original Records and Authentic Manuscripts*, 11 vols., (London: Record Commission, 1810-1828), Vol. I, pp. 199-200. Courtesy of the Internet Medieval Sourcebook.
5. [\[back\]](#) *To the Honourable the Senate, and House of Representatives, of the Commonwealth of Massachusetts, in General Court assembled. The petition of John White, baker and other subscribers hereto, inhabitants of said Commonwealth, to repeal the act to regulate the price and assize of bread*. Boston, Massachusetts, 1771 (?). (Early American Imprints, 1<sup>st</sup> Series, no. 42303 (filmed)).
6. [\[back\]](#) Alan Davidson, *Oxford Companion to Food* (Oxford: OUP, 1999), p. 95; Terence Scully, *The Art of Cookery in the Middle Ages*, (Woodbridge, Suffolk: Boydell, 1997), 36-7.