

From Status to Contract?

A Macrohistory from Early-Modern English Caselaw and Print Culture

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Focusing on early-modern England, we conduct a macro-historical quantitative inquiry into Henry Maine's celebrated dictum that progressive societies undergo a movement from 'status' to 'contract'. We examine two large-scale corpora that capture key aspects of English caselaw and print culture between the 16th and the 18th centuries. Upon conceptualizing the notions of contract and status, we train word embeddings on each corpus and use the resulting estimates to construct annual time series of emphasis on contract versus status. Both caselaw and print culture generally emphasize contract over status. However, only caselaw exhibits an increasing relative emphasis on contract. In caselaw, the relative emphasis on contract is most pronounced within the domain of contract and debt, but the aggregate trend reflects developments in multiple legal themes, including families and inheritance. In print culture, the share of the emphasis on contract versus status due to religion is consistently the largest and remarkably stable over time, while the share attributable to skills initially rises and eventually declines. Both common law and equity shaped the relevant emphasis in caselaw, with the relative prominence of equity growing as the years unfold. VAR estimates reveal that the applicable ideas in caselaw and print culture coevolved.
