

A SHORT HISTORY OF ENCLOSURE IN BRITAIN

SIMON FAIRLIE describes how the progressive enclosure of commons over several centuries has deprived most of the British people of access to agricultural land; and shows that the historical process bears little relationship to the “Tragedy of the Commons”, the theory which ideologues in the neoliberal era adopted as part of a smear campaign against common property institutions.



Oscar Zarate's poster for the film *Winstanley*.

Over the course of a few hundred years, much of Britain's land has been privatized — that is to say taken out of some form of collective ownership and management and handed over to individuals. Currently, in our “property-owning democracy”, nearly half the country is owned by 40,000 land millionaires, or 0.06 per cent of the population,¹ while most of the rest of us spend half our working lives paying off the debt on a patch of land barely large enough to accommodate a dwelling and a washing line.

There are many factors that have led to such extreme levels of land concentration, but the most blatant and the most contentious has been enclosure — the subdivision and fencing of common land into individual plots which were allocated to those people deemed to have held rights to the land enclosed. For over 500 years, pamphleteers, politicians and historians have argued about enclosure, those in favour (including the beneficiaries) insisting that it was necessary for economic development or “improvement”, and those against (including the dispossessed) claiming that it deprived the poor of their livelihoods and led to rural depopulation. Reams of evidence derived from manorial rolls, tax returns, field orders and so on have been painstakingly unearthed to support either side. Anyone concocting a resumé of enclosure such as the one I present here cannot ignore E P Thompson's warning: “A novice in agricultural history caught loitering in those areas with intent would quickly be despatched.”²

But over the last three decades, the enclosure debate has been swept up in a broader discourse on the nature of common property of any kind. The overgrazing of English common land has been held up as the archetypal example of the “tragedy of the commons” — the fatal deficiency that a neoliberal intelligentsia holds to be inherent in all forms of common property. Attitudes towards enclosures in the past were always ideologically charged, but now any stance taken towards them betrays a parallel approach to the crucial issues of our time: the management of global commons and the conflict

between the global and the local, between development and diversity.

Those of us who have not spent a lifetime studying agricultural history should beware of leaping to convenient conclusions about the past, for nothing is quite what it seems. But no one who wishes to engage with the environmental politics of today can afford to plead agnostic on the dominant social conflict of our recent past. The account of enclosure that follows is offered with this in mind, and so I plead guilty to “loitering with intent”.

The Tragedy of the Commons

In December 1968 *Science* magazine published a paper by Garrett Hardin entitled “The Tragedy of the Commons”.³ How it came to be published in a serious academic journal is a mystery, since its central thesis, in the author's own words, is what “some would say is a platitude”, while most of the paper consists of the sort of socio-babble that today can be found on the average blog. The conclusion, that “the alternative of the commons is too horrifying to contemplate,” is about as far removed from a sober scientific judgment as one could imagine.

Yet “The Tragedy of the Commons” became one of the most cited academic papers ever published and its title a catch phrase. It has framed the debate about common property for the last 30 years, and has exerted a baleful influence upon international development and environmental policy, even after Hardin himself admitted that he had got it wrong, and rephrased his entire theory.

But Hardin did get one thing right, and that is the reason for the lasting influence of his paper. He recognized that the common ownership of land, and the history of its enclosure, provides a template for understanding the enclosure of other common resources, ranging from the atmosphere and the oceans to pollution sinks and intellectual property. The

physical fences and hedges that staked out the private ownership of the fields of England, are shadowed by the metaphorical fences that now delineate more sophisticated forms of private property. That Hardin misinterpreted the reasons and motives for fencing off private property is regrettable, and the overview of land enclosure in Britain that follows is just one of many attempts to put the record straight. But Hardin must nonetheless be credited for steering the environmental debate towards the crucial question of who owns the global resources that are, undeniably, “a common treasury for all”.

Hardin’s basic argument (or “platitude”) was that common property systems allow individuals to benefit at a cost to the community, and therefore are inherently prone to decay, ecological exhaustion and collapse. Hardin got the idea for his theory from the Oxford economist, the Rev William Forster Lloyd who in 1833 wrote:

“Why are the cattle on a common so puny and stunted? Why is the common itself so bareworn and cropped so differently from the adjoining enclosures? If a person puts more cattle into his own field, the amount of the subsistence which they consume is all deducted from that which

was at the command of his original stock; and if, before, there was no more than a sufficiency of pasture, he reaps no benefit from the additional cattle, what is gained one way, being lost in another. But if he puts more cattle on a common, the food which they consume forms a deduction which is shared between all the cattle, as well that of others as his own, and only a small part of it is taken from his own cattle.”⁵

This is a neat description, and anybody who has lived in a communal situation will recognize that, as an analogy of human behaviour, there is more than a grain of truth in it: individuals often seek to profit from communal largesse if they can get away with it. Or as John Hales put it in 1581, “that which is possessed of manie in common is neglected by all.”

Hardin, however, takes Lloyd’s observation and transforms it by injecting the added ingredient of “tragic” inevitability:

“The rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And another; and another . . . But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit — in a world that is limited. Ruin is the des-

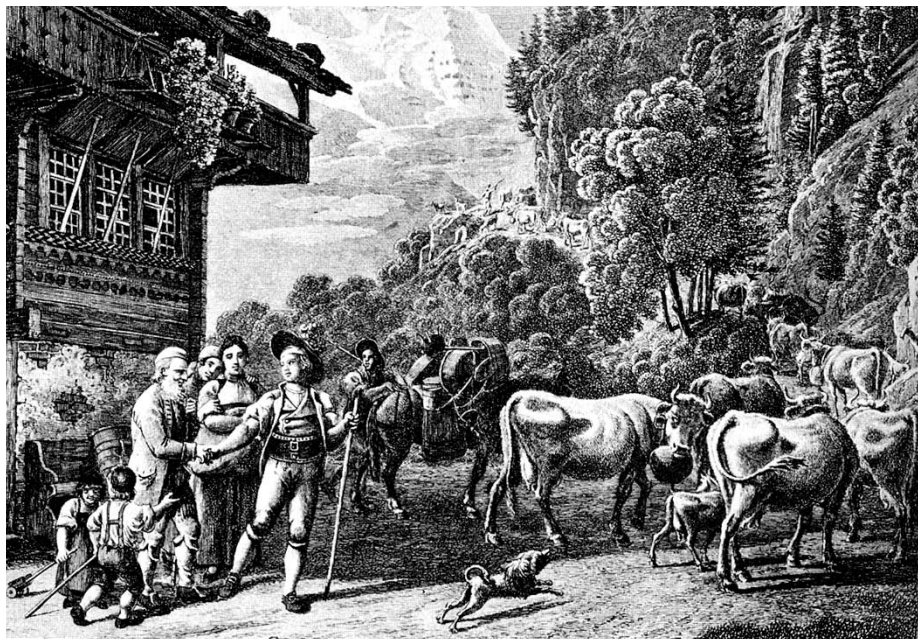
Private Interest and Common Sense

Any well-structured economy will allocate resources communally or privately according to the different functions they perform. The main advantage of common ownership is equity, particularly in respect of activities where there are economies of scale; the main advantage of private ownership is freedom, since the use of goods can be more directly tailored to the needs of the individual.

The open field system of agriculture, which until recently was the dominant arable farming system throughout much of Europe, provided each family with its own plot of land, within a communally managed ecosystem. In villages where dairy was prominent, management could shift back and forth between individual and communal several times throughout the course of the day. The system described below was outlined by Daniel Defoe in his observations on the Somerset town of Cheddar⁴, but elements of it can be found throughout Europe.

PRIVATE In such a system cows are owned and lodged by individual families, who milk them in the morning, and provide whatever medicinal care they see fit. There are no economies of scale to be derived from milking centrally, and the milk is accessible to consumers, fresh from the udder, providing a substantial economy of distribution. Each family also gets its share of the manure.

PUBLIC At an appointed time in the morning, a communally appointed cowherd passes through the village and the cows file out to make their way to the common pasture. There are clear economies of scale to be gained from grazing all the cows together.



In a Swiss village, a herd of cows departs for communal summer pastures.

PRIVATE In the evening the herd returns and cows peel off one by one to their individual sheds, where they are again milked. Their owners can calibrate the amount of extra feed cows are given to the amount of milk they require.

PUBLIC Milk surplus to domestic requirements is taken to the creamery and made into cheese, another process which benefits from economies of scale.

PRIVATE At Cheddar, families were paid with entire cheeses, weighing a hundredweight or more, which they could consume or market as they saw fit. Unfortunately Defoe does not tell us what happens to the whey from the creamery, which presumably was given to pigs.

This elegant system paid scant allegiance to ideology — it evolved from the dialogue between private interest and common sense.



A pattern of open field strips plainly visible from the air, at Byfield Hill, Northants. Continual ploughing towards the centre of each strip caused them to heap towards the centre, and demarcated the strips with low lying drainage

tionation toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all."

Having established that "the inherent logic of the commons remorselessly generates tragedy", Hardin then proceeds to apply this tragedy to every kind of common property that he can think of. From fish populations to national parks and polluted streams to parking lots, wherever resources are held in common, there lies the path to over-exploitation and ruin, from which, he suggests, there is one preferred route of escape: "the Tragedy of the Commons, as a food basket, is averted by private property, or something formally like it."

Hardin continues:

"An alternative to the commons need not be perfectly just to be preferable. With real estate and other material goods, the alternative we have chosen is the institution of private property coupled with legal inheritance. Is this system perfectly just? . . . We must admit that our legal system of private property plus inheritance is unjust — but we put up with it because we are not convinced, at the moment, that anyone has invented a better system. The alternative of the commons is too horrifying to contemplate. Injustice is preferable to total ruin."

To be fair to Hardin, most of the above was incidental to his main point which was the need for population control. But it was music to the ears of free market economists who were convinced that private property rights were the solution to every social ill. A scientific, peer-reviewed, mathematical formula proving that common property led inexorably to ruin, and postulating that privatization, even unjust privatization, was the solution — and all encapsulated under the neat title of Tragedy of the Commons — what could be better? From the 1970s to the 1990s Hardin's Tragedy was picked up by right wing theorists and neo-colonial development agencies, to justify unjust and sometimes ruinous privatization schemes. In particular, it provided agencies such as the World Bank and marine economists with the rationale for the enclosure and privatization of fisheries through the creation, sale

and trade of quotas.⁶

But as well as being one of the most cited papers, it was also one of the most heavily criticized, particularly by anthropologists and historians who cited innumerable instances where limited common resources were managed satisfactorily. What Hardin's theory overlooks, said E P Thompson "is that commoners were not without commonsense."⁷ The anthropologist Arthur McEvoy made the same point, arguing that the Tragedy "misrepresents the way common lands were used in the archetypal case" (ie England before enclosure):

"English farmers met twice a year at manor court to plan production for the coming months. On those occasions they certainly would have exchanged information about the state of their lands and sanctioned those who took more than their fair share from the common pool . . . The shortcoming of the tragic myth of the commons is its strangely unidimensional picture of human nature. The farmers on Hardin's pasture do not seem to talk to one another. As individuals, they are alienated, rational, utility-maximizing automaton and little else. The sum total of their social life is the grim, Hobbesian struggle of each against all, and all together against the pasture in which they are trapped."⁸

Faced with a barrage of similar evidence about both historical and existing commons, Hardin in the early 1990s, retracted his original thesis, conceding:

"The title of my 1968 paper should have been 'The Tragedy of the *Unmanaged* Commons' . . . Clearly the background of the resources discussed by Lloyd (and later by myself) was one of non-management of the commons under conditions of scarcity."⁹

In fact, this background wasn't clear at all, since it makes a nonsense of the idea of an inexorable tragedy. If degradation results from non-management and collapse can be averted by sound management, then there can be no "remorseless logic" leading to inevitable "ruin". Nor is there any reason why a private property regime (particularly an unjust one) should necessarily be preferable to the alternative of maintaining sound management of a commonly owned resource.

But even within the confined parameters of Hardin's "Hobbesian struggle of each against all", one wonders whether he has got it right. Is it really economically rational for a farmer to go on placing more and more stock on the pasture? If he does so, he will indeed obtain a higher return relative to his colleagues, but he will get a lower return relative to his capital investment in livestock; beyond a certain level of degradation he would be wiser to invest his money elsewhere. Besides — and this is a critical matter in pre-industrial farming systems — only a small number of wealthy farmers are likely to be able to keep sufficient stock through the winter to pursue this option.

The most "rational" approach for powerful and unscrupulous actors is not to accrue vast herds of increasingly decrepit animals; it is to persuade everybody else that common ownership is inefficient (or even leads remorselessly to ruin) and therefore should be replaced with a private property system,

Ploughing season in open fields in Wollo, Ethiopia, c.1980s. Before enclosure similar scenes would have been familiar to English country dwellers.



Mark Edwards

of which they will be the beneficiaries. And of course the more stock they pile onto the commons, the more it appears that the system isn't working.¹⁰

The following account provides a generalized overview of the forces that led to inequitable reallocation of once communal resources. The over-exploitation of poorly regulated commons, as described by William Lloyd, certainly played a role at times, but there is no evidence, from Hardin or anyone else, that degradation of the land was inevitable or inexorable. At least as prominent in the story is the prolonged assault upon the commons by those who wanted to establish ownership for their own private gain — together with the ideological support from the likes of Lloyd and Hardin that has been used to clothe what otherwise often looks like naked acquisitiveness.

The Open Field System

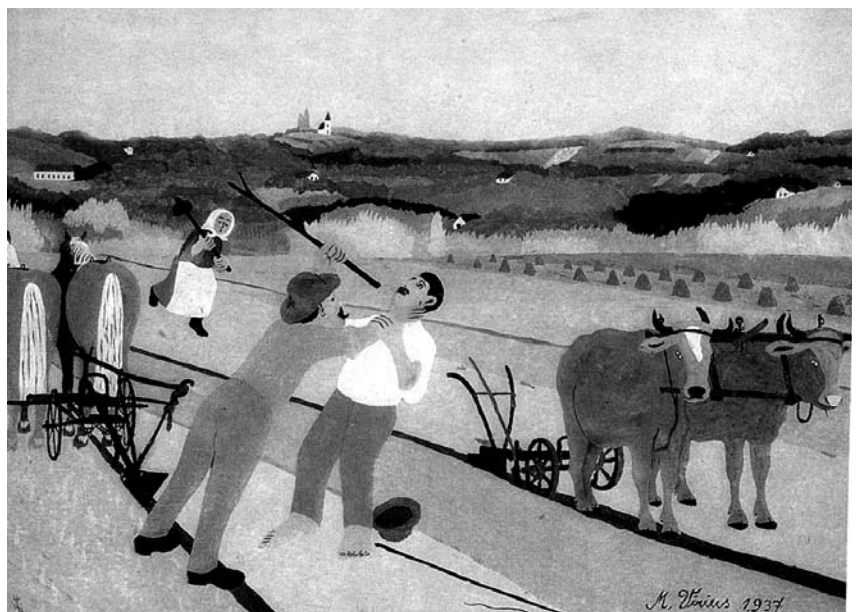
Private ownership of land, and in particular absolute private ownership, is a modern idea, only a few hundred years old. "The idea that one man could possess all rights to one stretch of land to the exclusion of everybody else" was outside the comprehension of most tribespeople, or indeed of medieval peasants. The king, or the Lord of the Manor, might have owned an estate in one sense of the word, but the peasant enjoyed all sorts of so-called "usufructory" rights which enabled him, or her, to graze stock, cut wood or peat, draw water or grow crops, on various plots of land at specified times of year.

The open field system of farming, which dominated the flatter more arable central counties of England throughout the later medieval and into the modern period, is a classic common property system which can be seen in many parts of the world. The structure of the open fields system in Britain was influenced by the introduction of the *caruca* a large wheeled plough, developed by the Gauls, which was much more capable of dealing with heavy English clay soils than the lightweight Roman *aratrum* (Fr *araire*). The *caruca* required a larger team of oxen to pull it — as many as eight on heavy soils — and

was awkward to turn around, so very long strips were ideal. Most peasants could not afford a whole team of oxen, just one or two, so maintaining an ox team had to be a joint enterprise. Peasants would work strips of land, possibly proportionate to their investment in the ox team. The lands were farmed in either a two or three course rotation, with one year being fallow, so each peasant needed an equal number of strips in each section to maintain a constant crop year on year.

Furthermore, because the fields were grazed by the village herds when fallow, or after harvest, there was no possibility for the individual to change his style of farming; he had to do what the others were doing, when they did it, otherwise his crops would get grazed by everyone's animals. The livestock were also fed on hay from communal meadows (the distribution of hay was sometimes decided by an annual lottery for different portions of the field) and on communal pastures.

The open field system was fairly equitable, and from their analysis of the only remaining example of open field farming, at Laxton, Notts, the Orwins demonstrate that it was one where a lad with no capital or land to his name could gradually build up a larger holding in the communal land:



Mirko Virius

"Argument" wrote Jeanette Neeson "is an index of the degree of connection and interdependence in a common field village." This little altercation on open fields in Yugoslavia could have taken place 200 years ago in England. Perhaps they are arguing about the relative merits of oxen and horses.

"A man may have no more than an acre or two, but he gets the full extent of them laid out in long "lands" for ploughing, with no hedgerows to reduce the effective area, and to occupy him in unprofitable labour. No sort of inclosure of the same size can be conceived which would give him equivalent facilities. Moreover he has his common rights which entitle him to graze his stock all over the 'lands' and these have a value, the equivalent of which in pasture fields would cost far more than he could afford to pay."¹¹

In short, the common field system, rather ingeniously, made economies of scale, including use of a whopping great plough team, potentially accessible to small scale farmers. The downside was a sacrifice of freedom (or "choice" as it is now styled), but that is in the nature of economies of scale when they are equitably distributed — and when they are inequitably distributed some people have no choice at all. The open field system probably offered more independence to the peasant than a New World latifundia, or a fully collectivized communist farm. One irony of these economies of scale is that when large-scale machinery arrived, farmers who had enclosed open fields had to start ripping out their hedges again.

It is hard to see how Harding's Tragedy of the Commons has any bearing upon the rise and fall of this open field system. Far from collapsing as a result of increased population, the development of open field systems often occurred quite late in the Middle Ages, and may even have been a response to increasing population pressure, according to a paper by Joan Thirsk.¹² When there was plenty of uncultivated land left to clear, people were able to stake out private plots of land without impinging too much upon others; when there was less land to go round, or when a single holding was divided amongst two or three heirs, there was pressure to divide arable land into strips and manage it semi-collectively.

The open fields were not restricted to any one kind of social structure or land tenure system. In England they evolved under Saxon rule and continued through the era of Norman serfdom. After the Black Death serfdom gave way to customary land tenure known as copyhold and as the money economy advanced this in turn gave way to leasehold. But none of these changes appeared to diminish the effectiveness

of the open field system. On the other hand, in Celtic areas, and in other peripheral regions that were hilly or wooded, open fields were much less widespread, and enclosure of private fields occurred earlier (and probably more equitably) than it did in the central arable counties.

However, open fields were by no means restricted to England. Being a natural and reasonably equitable expression of a certain level of technology, the system was and still is found in many regions around the world. According to one French historian, "it must be emphasised that in France, open fields were the agricultural system of the most modernised regions, those which Quesnay cites as regions of 'high farming'."¹³ There are reports of similar systems of open field farming all over the world, for example in Anatolia, Turkey in the 1950s; and in Tigray, Ethiopia where the system is still widespread. In one area, in Tigray, Irob, "to avoid profiteering by ox owners of oxenless landowners, ox owners are obliged to first prepare the oxenless landowners' land and then his own. The oxenless landowners in return assist by supplying feed for the animals they use to plough the land."¹⁴

Sheep Devour People

However, as medieval England progressed to modernity, the open field system and the communal pastures came under attack from wealthy landowners who wanted to privatize their use. The first onslaught, during the 14th to 17th centuries, came from landowners who converted arable land over to sheep, with legal support from the Statute of Merton of 1235. Villages were depopulated and several hundred seem to have disappeared. The peasantry responded with a series of ill fated revolts. In the 1381 Peasants' Revolt, enclosure was an issue, albeit not the main one. In Jack Cade's rebellion of 1450 land rights were a prominent demand.¹⁵ By the time of Kett's rebellion of 1549 enclosure was a main issue, as it was in the Captain Pouch revolts of 1604-1607 when the terms "level-ler" and "digger" appeared, referring to those who levelled the ditches and fences erected by enclosers.¹⁶

The first recorded written complaint against enclosure was made by a Warwickshire priest, John Rous, in his *History of the Kings of England*, published around 1459-86.¹⁷ The

first complaint by a celebrity (and 500 years later it remains the most celebrated denunciation of enclosure) was by Thomas More in *Utopia*:

"Your shepe that were wont to be so meke and tame, and so smal eaters, now, as I heare saye, be become so great devow-ers and so wylde, that they eate up and swallow down the very men them selves. They consume, destroye, and devoure whole fields, howses and cities . . . Noble man and gentleman, yea and certeyn Abbottes leave no ground

Life Without Hedges

In the Dark and Middle Ages
If we trust to History's pages,
You might search the landscape round,
Not a hedge was to be found.
Instead of tiny little squares.
Mine and his, and yours and theirs,
My field, his field, your field, their field,
All formed one enormous bare field.
How they knew without a hedge
How far any land extended,
Which was middle, which was edge,
Where the whole caboodle ended,
History, that tells so much
About the French wars and the Dutch
Never says a word to show.

I should also like to know
In a land of hedge divested
Where on earth hedge-sparrows nested,
And what did hedgehogs do about it?
Hedge for them means home and name;
What was their life like without it?
Were they simply — what a shame! —
Hogs, until the hedges came?
History, that talks so much
Of wars and dates and lists of kings
And stuffy constitutional things,
Growth of Parliament and such,
Always somehow seems to miss
Interesting points like this.

R H Charles, in *Punch*



In 2007, villagers from Cotesbach in Leicestershire celebrated the 400th anniversary of local protests — part of the Captain Pouch uprising — when 5000 “tumultuous persons” tore down enclosure fences.

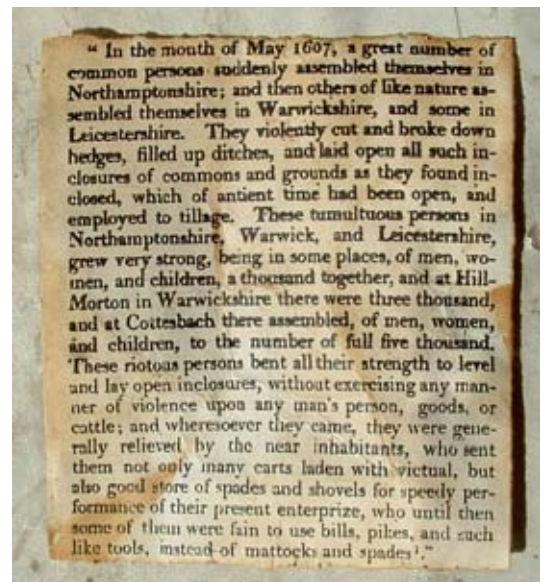
for tillage, thei inclose all into pastures; they throw down houses; they pluck down townes, and leave nothing standing but only the church to be made a shepewhse.”¹⁸

Other big names of the time weighed in with similar views: Thomas Wolsey, Hugh Latimer, William Tyndale, Lord Somerset and Francis Bacon all agreed, and even though all of these were later executed, as were Cade, Kett and Pouch (they did *Celebrity Big Brother* properly in those days), the Tudor and Stuart monarchs took note and introduced a number of laws and commissions which managed to keep a check on the process of enclosure. One historian concludes from the number of anti-enclosure commissions set up by Charles I that he was “the one English monarch of outstanding importance as an agrarian reformer.”¹⁹ But (as we shall see) Charles was not averse to carrying out enclosures of his own.

The Diggers

A somewhat different approach emerged during the English Revolution when Gerrard Winstanley and fellow diggers, in 1649, started cultivating land on St George’s Hill, Surrey, and proclaimed a free Commonwealth. “The earth (which was made to be a Common Treasury of relief for all, both Beasts and Men)” state the Diggers in their first manifesto “was hedged into Inclosures by the teachers and rulers, and the others were made Servants and Slaves.” The same pamphlet warned: “Take note that England is not a Free people, till the Poor that have no Land, have a free allowance to dig and labour the Commons, and so live as Comfortably as the Landlords that live in their Inclosures.”²⁰

The Diggers appear to be not so much a resistance movement of peasants in the course of being squeezed off the land, as an inspired attempt to reclaim the land by people whose historical ties may well have already been dissolved, some generations previously. Like many radicals Winstanley was a tradesman in the textile industry. William Everard, his most prominent colleague, was a cashiered army officer. It is tempting to see the Diggers as the original “back to the land” movement, a bunch of idealistic drop-outs.²¹ Winstanley wrote so many pamphlets in such a short time that one wonders whether he



had time to wield anything heavier than a pen. Nevertheless during 1649 he was earning his money as a hired cowherd; and no doubt at least some of the diggers were from peasant backgrounds.

More to the point, the Diggers weren’t trying to stop “inclosures”; they didn’t go round tearing down fences and levelling ditches, like both earlier and later rebels. In a letter to the head of the army, Fairfax, Winstanley stated that if some wished to “call the Inclosures [their] own land . . . we are not against it,” though this may have been just a diplomatic gesture. Instead they wanted to create their own alternative Inclosure which would be a “Common Treasury of All” and where commoners would have “the freedom of the land for their livelihood . . . as the Gentry hath the benefit of their Inclosures”. Winstanley sometimes speaks the same language of “improvement” as the enclosers, but wishes to see its benefits extended to the poor rather than reserved for wealthy: “If the wasteland of England were manured by her children it would become in a few years the richest, the strongest and the most flourishing land in the world.”²² In some ways the Diggers foreshadow the smallholdings and allotments movements of the late 19th and 20th century and the *partageux* of the French revolution — poor peasants who favoured the enclosure of commons if it resulted in their distribution amongst the landless.

It is slightly surprising that the matter of 50 or so idealists planting carrots on a bit of wasteland and proclaiming that the earth was a “Common Treasury” should have attracted so much attention, both from the authorities at the time, and from subsequent historians and campaigners. 200 years before, at the head of his following of Kentish peasants (described by Shakespeare as “the filth and scum of Kent”) Jack Cade persuaded the first army dispatched by the king to pack up and go home, skilfully evaded a second army of 15,000 men led by Henry VI himself, and then defeated a third army, killing two of the king’s generals, before being finally apprehended and beheaded. Although pictured by the sycophantic author of *Henry VI Part II* as a brutal and blustering fool with pretensions above his station, Cade was reported by contemporaries to be “a young man of goodlie stature and

right pregnant of wit”.²³ He is potentially good material for a romantic Hollywood blockbuster starring Johnny Depp, whereas Winstanley (who has had a film made about him), after the Digger episode, apparently settled into middle age as a Quaker, a church warden and finally a chief constable.²⁴

The Blacks

Winstanley and associates were lucky not to die on the scaffold. The habit of executing celebrities was suspended during the Interregnum — after the beheading of Charles I, anyone else would have been an anticlimax. Executions were resumed (but mainly for plebs, not celebs) initially by Judge Jeffries in his Bloody Assizes in 1686 and subsequently some 70 years later with the introduction of the Black Acts.

The Black Acts were the vicious response of prime minister Walpole and his cronies to increasing resistance to the enclosure of woodlands. The rights of commoners to take firewood, timber and game from woodlands, and to graze pigs in them, had been progressively eroded for centuries: free use of forests and abolition of game laws was one of the demands that Richard II agreed to with his fingers crossed when he confronted Wat Tyler during the 1381 Peasants Revolt.²⁵ But in the early 18th century the process accelerated as wealthy landowners enclosed forests for parks and hunting lodges, dammed rivers for fishponds, and allowed their deer to trash local farmer’s crops.

Commoners responded by organizing vigilante bands which committed ever more brazen acts of resistance. One masked gang, whose leader styled himself King John, on one morning in 1721, killed 11 deer out of the Bishop’s Park at Farnham and rode through Farnham market with them at 7 am in triumph. On another occasion when a certain Mr Wingfield started charging poor people for offcuts of felled timber which they had customarily had for free, King John and his merry men ring-barked a plantation belonging to Wingfield, leaving a note saying that if he didn’t return the money to the peasants, more trees would be destroyed. Wingfield paid up. King John could come and go as he pleased because he had local support — on one occasion, to refute a charge of Jacobinism, he called the 18th century equivalent of a press-conference near an inn on Waltham Chase. He turned up with 15 of his followers, and with 300 of the public assembled, the authorities made no attempt to apprehend him. He was never caught, and for all we know also eventually became a chief constable.²⁶

Gangs such as these, who sooted their faces, both as a disguise and so as not to be spotted at night, were known as “the blacks”, and so the legislation introduced two years later in 1723 was known as the Black Act. Without doubt the most viciously repressive legislation enacted in Britain in the last 400 years, this act authorized the death penalty for more than 50 offences connected with poaching. The act stayed on the statute books for nearly a century, hundreds were hanged for

the crime of feeding themselves with wild meat, and when the act was finally repealed, poachers were, instead, transported to the Antipodes for even minor offences.

This episode in English history lives on in folk songs, such as *Geordie* and *Van Dieman’s Land*. The origins of the Black Act, and in particular the exceptional unpleasantness of prime minister Walpole, are superbly recounted in E P Thompson’s *Whigs and Hunters*. Resistance to forest enclosure was by no means confined to England. In France there was mass resistance to the state’s take-over of numerous communal forests: in the Ariège, the *Guerre des Demoiselles* involved attacks by 20 or 30, and on occasion even up to 800 peasants, disguised as women.²³ In Austria, the “war of the mountains” between poachers and the gamekeepers of the Empire continued for centuries, the last poacher to be shot dead being Pius Walder in 1982.²⁴



A cartoon celebrating Robert Walpole’s death. The 20 stone Prime Minister was detested by many, and his pro-enclosure policies met with public resistance. When Queen Caroline asked Walpole how much it would cost to enclose St James’ Park, Walpole replied “Only a crown, Madam.”

Draining the Fens

Another area which harboured remnants of a hunter gatherer economy was the fenland of Holland in south Lincolnshire, and the Isle of Axholme in the north of the county. Although the main earner was the summer grazing of rich common pastures with dairy cattle, horses and geese, in winter, when large tracts of the commons were inundated, fishing and fowling became an important source of income, and for those with no land to keep beasts on over winter it was probably a main source of income. During the Middle Ages, Holland was well off — its tax assessment per acre was the third highest in the kingdom in 1334 — and this wealth was relatively equitably distributed with “a higher proportion of small farmers and a lower proportion of very wealthy ones”.²⁹

In the early 1600s, the Stuart kings James I and Charles I, hard up for cash, embarked on a policy of draining the fenland commons to provide valuable arable land that would yield the crown a higher revenue. Dutch engineers, notably Cornelius Vermuyden, were employed to undertake comprehensive drainage schemes which cost the crown not a penny, because the developers were paid by being allocated a third of the land enclosed and drained.

The commoners’ resistance to the drainage schemes was vigorous. A 1646 pamphlet with the title *The Anti-Projector* must be one of the earliest grass roots denunciations of a capitalist development project, and makes exactly the same points that indigenous tribes today make when fighting corporate land grabs:

“The Undertakers have alwaies vilified the fens, and have misinformed many Parliament men, that all the fens is a meer quagmire, and that it is a level hurtfully surrounded and of little or no value: but those who live in the fens and are neighbours to it, know the contrary.”

The anonymous author goes on to list the benefits of the fens including: the “serviceable horses”, the “great dayeries which

afford great store of butter and cheese", the flocks of sheep, the "osier, reed and sedge", and the "many thousand cottagers which live on our fens which must otherwise go a begging." And he continues by comparing these to the biofuels that the developers proposed to plant on the newly drained land:

"What is coleseed and rape, they are but Dutch commodities, and but trash and trumpery and pills land, in respect of the fore-recited commodities which are the rich oare of the Commonwealth."³⁰

The commoners fought back by rioting, by levelling the dikes, and by taking the engineers to court. Their lawsuits were paid for "out of a common purse to which each villager contributed according to the size of the holding", though Charles I attempted to prevent them levying money for this purpose, and to prosecute the ringleaders.

However, Charles' days were numbered, and when civil war broke out in the 1640s, the engineering project was shelved, and the commoners reclaimed all the fen from the developers. In 1642 Sir Anthony Thomas was driven out of East and West Fens and the Earl of Lyndsey was ejected from Lyndsey Level. In 1645 all the drainers' banks in Axholme were destroyed. And between 1642 and 1649 the Crown's share of fenland in numerous parishes was seized by the inhabitants, and returned to common.

Just over a century later, from 1760, the drainers struck again, and this time they were more successful. There was still resistance in the form of pamphlets, riots, rick-burning etc. But the high price of corn worked in favour of those who wanted to turn land over to arable. And there was less solidarity amongst commoners, because, according to Joan Thirsk, wealthy commoners who could afford to keep more animals over winter (presumably because of agricultural improvements) were overstocking the commons:

"The seemingly equitable system of sharing the commons among all commoners was proving far from equitable in practice . . . Mounting discontent with the existing unfair distribution of common rights weakened the opponents of drainage and strengthened its supporters."

Between 1760 and 1840 most of the fens were drained and enclosed by act of parliament. The project was not an instant success. As the land dried out it shrunk and lowered against the water table, and so became more vulnerable to flooding. Pumping stations had to be introduced, powered initially and unsuccessfully by windmills, then by steam engines, and now the entire area is kept dry thanks to diesel.

Since drainage eventually created one of the most productive areas of arable farmland in Britain, it would be hard to argue that it was not an economic improvement; but the social and environmental consequences have been less happy. Much of the newly cultivated land lay at some distance from the villages and was taken over by large landowners; it was not unusual to find a 300 acre holding without a single labourers' cottage on it. Farmers therefore developed the gang-labour system of



Nowadays there is a movement to undrain some of the fens, for environmental reasons. At Wicken Fen (above) near Cambridge, the National Trust already manages 930 hectares of fen, and is aiming to convert another 4,600 hectares of farmland back to a "wetland wilderness". Although the National Trust was born out of the 19th century movement to preserve the commons, it is probably not going to promote a new generation of fishing and fowling commoners.

employment that exists to this day:

"The long walk to and from work . . . the rough conditions of labour out of doors in all weathers, the absence of shelter for eating, the absence of privacy for performing natural functions and the neglect of childrens' schooling, combined to bring up an unhappy, uncouth and demoralized generation."

The 1867 Gangs Act was introduced to prohibit the worst abuses; yet in 2004, when the Gangmasters Licensing Act was passed (in the wake of the Morecambe Bay cockle pickers tragedy), the government was still legislating against the evils of this system of employment.

But even if large landowners were the main beneficiaries, many of the fenland smallholders managed to exact some compensation for the loss of their commons, and what they salvaged was productive land. The smallholder economy that characterized the area in medieval times survived, so that in 1870, and again in 1937, more than half of the agricultural holdings were less than 20 acres. In the 1930s the "quaint distribution of land among a multitude of small owners, contrary to expectations, had helped to mitigate the effects of the depression."

Scottish Clearances

By the end of the 18th century the incentive to convert tilled land in England over to pasture was dying away. There were a number of reasons for this. Firstly, the population was beginning to rise rapidly as people were displaced from the land and ushered into factory work in towns, and so more land was required for producing food. Secondly, cotton imported from the US and India, was beginning to replace English wool. And thirdly, Scotland had been united with England and its extensive pastures lay ready to be "devoured by shepe".

The fact that these lands were populated by Highland clansmen presented no obstacle. In a process that has become known as the Clearances, thousands of Highlanders were evicted from their holdings and shipped off to Canada, or



The Last of the Clan, by Thomas Faed, the best known painting of the Clearances, showing embarkation of dispossessed peasants, probably for Canada.

carted off to Glasgow to make way for Cheviot sheep. Others were concentrated on the West coast to work picking kelp seaweed, then necessary for the soap and glass industry, and were later to form the nucleus of the crofting community. Some cottagers were literally burnt out of house and home by the agents of the Lairds. This is from the account of Betsy Mackay, who was sixteen when she was evicted from the Duke of Sutherland's estates:

"Our family was very reluctant to leave and stayed for some time, but the burning party came round and set fire to our house at both ends, reducing to ashes whatever remained within the walls. The people had to escape for their lives, some of them losing all their clothes except what they had on their back. The people were told they could go where they liked, provided they did not encumber the land that was by rights their own. The people were driven away like dogs."³¹

The clearances were so thorough that few people were even left to remember, and the entire process was suppressed from collective memory, until its history was retold, first by John Prebble in *The Highland Clearances*, and subsequently by James Hunter in *The Making of the Crofting Community*. When Prebble's book appeared, the Historiographer Royal for Scotland Professor Gordon Donaldson commented:

"I am sixty-eight now and until recently had hardly heard of the Highland Clearances. The thing has been blown out of proportion."³²

But how else can one explain the underpopulation of the Highlands? The region's fate was poignantly described by Canadian Hugh MacLennan in an essay called "Scotchman's Return":

"The Highland emptiness only a few hundred miles above the massed population of England is a far different thing from the emptiness of our North West territories. Above the 60th parallel in Canada, you feel that nobody but God had

ever been there before you. But in a deserted Highland glen, you feel that everyone who ever mattered is dead and gone."³³

Parliamentary Enclosures

The final and most contentious wave of land enclosures in England occurred between about 1750 and 1850. Whereas the purpose of most previous enclosures had been to turn productive arable land into less productive (though more privately lucrative) sheep pasture, the colonization of Scotland for wool, and India and the Southern US states for cotton now prompted the advocates of enclosure to play a different set of cards: their aim was to turn open fields, pastures and wastelands — everything in fact — into more productive arable and mixed farm land. Their byword was "improvement". Their express aim was to increase efficiency and production and so both create and feed an increasingly large proletariat who would work either as wage labourers in the improved fields, or as machine minders in the factories.

There is, unfortunately, no book that takes for its sole focus of study the huge number of pamphlets, reports and diatribes — often with stirring titles like *Inclosure thrown Open* or *Crying Sin of England in not Caring for the Poor* — which were published by both supporters and critics of enclosure in the 17th, 18th and early 19th centuries.³⁴

The main arguments of those in favour of enclosure were:

- (i) that the open field system prevented "improvement", for example the introduction of clover, turnips and four course rotations, because individuals could not innovate;
- (ii) that the waste lands and common pastures were "bare-worn" or full of scrub, and overstocked with half-starved beasts;
- (iii) that those who survived on the commons were (a) lazy and (b) impoverished (in other words "not inclined to work for wages"), and that enclosure of the commons would force them into employment.

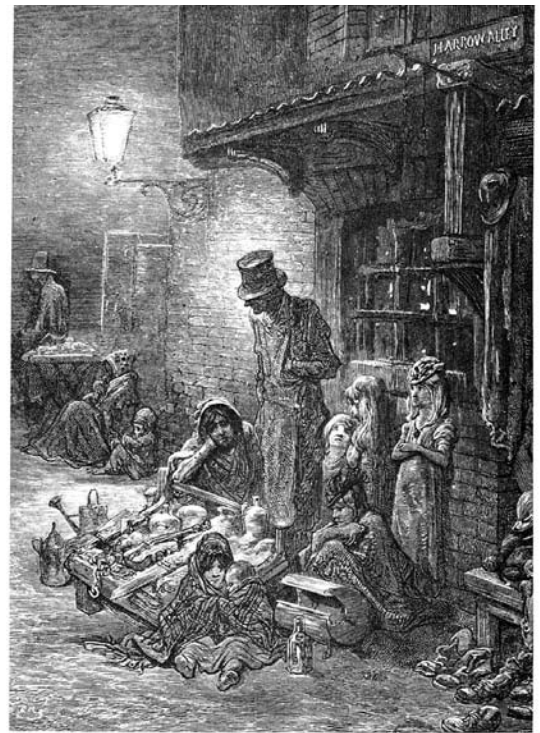
The main arguments of those against enclosure were:

- (i) that the common pastures and waste lands were the mainstay of the independent poor; when they were overgrazed, that was often as a result of overstocking by the wealthiest commoners who were the people agitating for enclosure
- (ii) that enclosure would engross already wealthy landowners, force poor people off the land and into urban slums, and result in depopulation.

The question of agricultural improvement has been exhaustively assessed with the benefit of hindsight, and this account



The 19th century saw a massive migration of the poor from countryside to city. Illustrations of cottagers from Pyne's notebook, 1806; and a London street in 1871, by Gustave Doré.



will come back to it later. At the time the propaganda in favour of enclosure benefited considerably from state support. The loudest voice in support of improvement, former farmer Arthur Young (a classic example of the adage that those who can, do — those who can't become consultants) was made the first Secretary of Prime Minister William Pitt's new Board of Agriculture, which set about publishing, in 1793, a series of General Views on the Agriculture of all the shires of England. The Board "was not a Government department, like its modern namesake, but an association of gentlemen, chiefly landowners, for the advancement of agriculture, who received a grant from the government." Tate observes: "The ninety odd volumes are almost monotonous in their reiteration of the point that agricultural improvement has come through enclosure and that more enclosure must take place."³⁵

Whilst the view that enclosure hastened improvement may well have been broadly correct, it is nonetheless fair to call these reports state propaganda. When Arthur Young changed his opinion, in 1801, and presented a report to the Board's Committee showing that enclosure had actually caused severe poverty in numerous villages, the committee (after sitting on the report for a month) "told me I might do what I pleased with it for myself, but not print it as a work for the Board. . . probably it will be printed without effect."³⁶ Young was not the only advocate of enclosure to change his mind: John Howlett was another prominent advocate of enclosure who crossed the floor after seeing the misery it caused.

Between 1760 and 1870, about 7 million acres (about one sixth the area of England) were changed, by some 4,000 acts of parliament, from common land to enclosed land.³⁷ However necessary this process might or might not have been for the improvement of the agricultural economy, it was downright theft. Millions of people had customary and legal access to lands and the basis of an independent livelihood was snatched away from them through what to them must have resembled a Kafkaesque tribunal carried out by members of the Hellfire Club. If you think this must be a colourful exag-

geration, then read J L and Barbara Hammonds' accounts of Viscount "Bully" Bolingbroke's attempt to enclose Kings' Sedgmoor to pay off his gambling debts: "Bully," wrote the chairman of the committee assessing the proposal, "has a scheme of enclosure which if it succeeds, I am told will free him of all his difficulties"; or of the Spencer/Churchill's proposal, in the face of repeated popular opposition, to enclose the common at Abingdon (see box p 26).³⁸ And if you suspect that the Hammonds' accounts may be extreme examples (right wing historians are rather sniffy about the Hammonds)³⁹ then look at the map provided by Tate showing the constituency of MPs who turned up to debate enclosure bills for Oxfordshire when they came up in parliament. There was no requirement, in the parliament of the day, to declare a "conflict of interest". Out of 796 instances of MPs turning up for any of the Oxfordshire bills, 514 were Oxfordshire MPs, most of whom would have been landowners.⁴⁰

To make a modern analogy, it was as if Berkeley Homes, had put in an application to build housing all over your local country park, and when you went along to the planning meeting to object, the committee consisted entirely of directors of Berkeley, Barretts and Bovis — and there was no right of appeal. However, in contrast to the modern ramblers, the commoners lost not only their open space and their natural environment (the poems of John Clare remind us how significant that loss was); they also lost one of their principal means of making a living. The "democracy" of late 18th and early 19th century English parliament, at least on this issue, proved itself to be less answerable to the needs of the common man than the dictatorships of the Tudors and Stuarts. Kings are a bit more detached from local issues than landowners, and, with this in mind, it may not seem so surprising that popular resistance should often appeal to the King for justice. (A similar recourse can be seen in recent protests by Chinese peasants, who appeal to the upper echelons of the Communist Party for protection against the expropriation of collective land by corrupt local officials).

Allotments and Smallholdings

Arthur Young's 1801 report was called *An Inquiry into the Propriety of Applying Wastes to the Maintenance and Support of the Poor*. Young, Howlett, David Davies, and indeed most of those who were concerned for the future welfare of the dispossessed (whether or not they approved of enclosure), argued that those who lost commons rights should be compensated with small enclosures of their own.

The losers in the process of enclosure were of two kinds. First there were the landless, or nearly so, who had no ownership rights over the commons, but who gained a living from commons that were open access, or where a measure of informal use was tolerated. These people had few rights, appeared on no records, and received nothing in compensation for the livelihood they lost. But there was also a class of smallholders who did have legal rights, and hence were entitled to compensation. However, the amount of land they were allocated "was often so small, though in strict legal proportion to the amount of their claim, that it was of little use and speedily sold." Moreover, the considerable legal, surveying, hedging and fencing costs of enclosure were disproportionate for smaller holdings. And on top of that, under the "Speenhamland" system of poor relief, the taxes of the small landowner

who worked his own land, went to subsidize the labour costs of the large farmers who employed the landless, adding to the pressure to sell up to aggrandizing landowners.⁴¹

Since it was generally acknowledged that a rural labourer's wages could not support his family, which therefore had to be supported by the poor rates, there were good arguments on all sides for providing the dispossessed with sufficient land to keep a cow and tend a garden. The land was available. It would have made very little impression upon the final settlement of most enclosure acts if areas of wasteland had been sectioned off and distributed as secure decent-sized allotments to those who had lost their common rights. In a number of cases where this happened (for example in the village of Dilhorn, or on Lord Winchelsea's estates), it was found that cottagers hardly ever needed to apply for poor relief. Moreover, it had been shown (by research conducted by the Society for Bettering the Condition of the Poor and the Labourer's Friends Society) that smallholdings cultivated by spade could be more productive than large farms cultivated by the plough.⁴²

In the face of such a strong case for the provision of smallholdings, it took a political economist to come up with reasons for not providing them. Burke, Bentham and a host of lesser names, all of them fresh from reading Adam Smith's *Wealth*

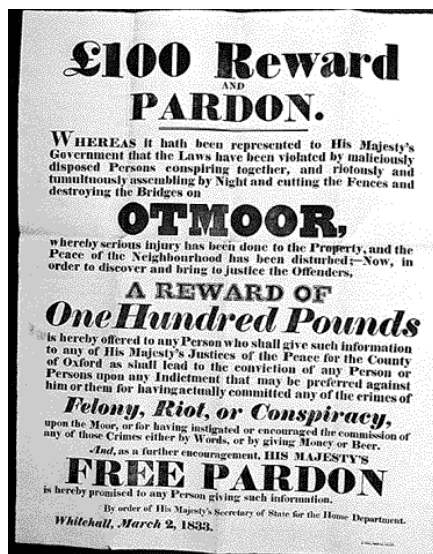
Otmoor Forever!

Otmoor Common near Oxford, a wetland that some viewed as a "dreary waste", was a "public common without stint . . . from remote antiquity" — in other words local commoners could put as many livestock as they wanted on it. Even so, summer grazing there for a cow was estimated to be worth 20 shillings; and a contemporary observer reported a cottager could sometimes clear £20 a year from running geese there — more than the seven shillings a week they might expect as a labourer. On the other hand, an advocate of enclosure, writing in the local paper, claimed of the commoners:

"In looking after a brood of goslings, a few rotten sheep, a skeleton of a cow or a mangy horse, they lost more than they might have gained by their day's work, and acquired habits of idleness and dissipation, and a dislike to honest labour, which has rendered them the riotous and lawless set of men that they have now shown themselves to be."

The "riotousness" is a reference to the resistance put up by the commoners to the theft of their land. The first proposal to drain and enclose the land in 1801, by the Spencer/Churchill family, was staved off by armed mobs who appeared everytime the authorities tried to pin up enclosure notices. A second attempt in 1814 was again met with "large mobs armed with every description of offensive weapon".

The enclosure and drainage was eventually forced through over the next few years, but it failed to result in any immediate agricultural benefit. A writer



In 1833, a reward offered to people turning in Otmoor rioters.

in another local paper judged: "instead of expected improvement in the quality of the soil, it had been rendered almost totally worthless . . . few crops yielding any more than barely sufficient to pay for labour and seed."

In 1830, 22 farmers were acquitted of destroying embankments associated with the drainage works, and a few weeks later, heartened by this result, a mob gathered and perambulated the entire commons pulling down all the fences. Lord Churchill arrived with a troop of yeomen, arrested 44 of the rioters and took them off to Oxford gaol in a paddy wagon.

"Now it happened to be the day of

St Giles' fair, and the street of St Giles along which the yeomanry brought their prisoners, was crowded. The men in the wagons raised the cry 'Otmoor forever', the crowd took it up, and attacked the yeomen with great violence, hurling brickbats, stones and sticks at them from every side . . . and all 44 prisoners escaped."

Two years later Lord Melbourne observed: "All the towns in the neighbourhood of Otmoor are more or less infected with the feelings of the most violent, and cannot at all be depended upon." And, tellingly, magistrates in Oxford who had requested troops to suppress the outrages warned: "Any force which the Government may send down should not remain for a length of time together, but that to avoid the possibility of an undue connexion between the people and the Military, a succession of troops should be observed."

From *The Village Labourer*, by J L and Barbara Hammond, 1911 Chapter 3.



Today, 400 acres at Otmoor have been returned to a wetland bird sanctuary — but the local community is now fighting off a proposed "eco-town".

of Nations, advised Pitt and subsequent prime ministers that there was no way in which the government could help the poor, or anybody else, except by increasing the nation's capital (or as we now say, its GDP). No kind of intervention on behalf of the landless poor should be allowed to disturb the "invisible hand" of economic self interest — even though the hand that had made them landless in the first place was by no means invisible, and was more like an iron fist. At the turn of the century, the Reverend Thomas Malthus waded in with his argument that helping the poor was a waste of time since it only served to increase the birth rate — a view which was lapped up by those Christians who had all along secretly believed that the rich should inherit the earth.

Ricardo's theory of rent was also pulled in to bolster the arguments against providing allotments. A common justification for enclosure and attraction for landowners had always been that rents rose — doubled very often — after enclosure. This was blithely attributed to improvement of the land, as though there could be no other cause. Few gave much thought to the possibility that an increase in rent would result from getting rid of encumbrances, such as commoners and their common rights (in much the same way, that nowadays, a property increases in value if sitting tenants can be persuaded to leave, or an agricultural tie is removed).

Rent may show up on the GDP, but is an unreliable indicator of productivity, as contemporary writer Richard Bacon pointed out when he gave this explanation (paraphrased here by Brian Inglis) why landowners and economists were opposed to allotments:

"Suppose for argument's sake, 20 five-acre farms, cultivated by spade husbandry, together were more productive than a single 100-acre farm using machinery. This did not mean that the landowners would get more rent from them — far from it. As each 5 acre farm might support a farmer and his family, the surplus available for tenants to pay in rent would be small. The single tenant farmer, hiring labourers when he needed them, might have a lower yield, from his hundred acres, but he would have a larger net profit — and it was from net profit that rent was derived. That was why landlords preferred consolidation."⁴³

Richard Bacon deserves applause for explaining very clearly why capitalism prefers big farms and forces people off the land. It is also worth noting that the increased rent after enclosure had to be subsidized by the poor rates — the taxes which landowners had to pay to support the poor who were forced into workhouses.

Corn Laws, Cotton and County Farms

In 1846, after a fierce debate, the tariffs on imported corn which helped maintain the price of British grown wheat were repealed. The widespread refusal to provide land for the dispossessed, and the emergence of an urban proletariat who didn't have the option of growing their own food, made it possible for proponents of the free market to paint their campaign for the repeal of the Corn Laws as a humanitarian gesture. Cheap bread from cheap imported corn was of interest to the economists and industrialists because it made wages cheaper; at the same time it was of benefit to the hungry landless poor (provided wages didn't decline correspondingly,

which Malthus claimed was what would happen). The combined influence of all these forces was enough to get tariffs removed from imported corn and open up the UK market to the virgin lands of the New World.

The founders of the Anti Corn Law association were John Bright, a Manchester MP and son of a cotton mill owner, and Richard Cobden, MP for Stockport and subsequently Rochdale. Their main interest was in cheap corn in order to keep the price of factory labour down, (Bright was opposed to factory legislation and trade union rights); but their most powerful argument was that only a handful of landowners benefited from high prices. It was in a belated attempt to prove the contrary that in 1862 Lord Derby persuaded parliament to commission a land registry; but the publication in 1872 of the *Return of Owners of Land*, confirmed that Bright and Cobden were broadly right: 0.6 per cent of the population owned 98.5 per cent of the agricultural land.⁴⁴

Had the labourers of Britain been rural smallholders, rather than city slumdweller, then a high price for corn, and hence for agricultural products in general, might have been more in their interest, and it is less likely that the corn laws would have been repealed. If England had kept its peasantry (as most other European countries did) there would have been fewer landless labourers and abandoned children, wages for factory workers might have been higher, and the English cotton industry might not have been so well poised to undercut and then destroy thousands of local industries around the world which produced textiles of astonishing craftsmanship and beauty. By 1912 Britain, which couldn't even grow cotton, was exporting nearly seven billion yards of cotton cloth each year — enough to provide a suit of clothes for every man woman and child alive in the world at the time.⁴⁵ Globalization was a dominant force by the end of the 19th century.

Ironically, it was the same breed of political economists who had previously advocated improvement that was now arguing for grain imports which would make these improvements utterly pointless. The repeal had a delayed effect because it was not until after the construction of the trans-continental American railways, in the 1870s, that cereals grown on low-rent land confiscated from native Americans could successfully undermine UK farming. By the 1880s the grain was also being imported in the form of thousands of tonnes of refrigerated beef which undercut home produced meat. There were even, until the late 1990s, cheaper transport rates within the UK for imported food than for home-grown food.⁴⁶ The lucky farm workers who emigrated to the New World were writing back to their friends and family in words such as these:

"There is no difficulty of a man getting land here. Many will let a man have land with a few acres improvement and a house on it without any deposit"

"I am going to work on my own farm of 50 acres, which I bought at £55 and I have 5 years to pay it in. I have bought me a cow and 5 pigs. If I had stayed at Corsley I should ever have had nothing."⁴⁷

Unable to compete with such low rents, England's agricultural economy went into a decline from which it never properly recovered. Conditions of life for the remaining landless



Smallholders occupying county smallholdings in Hertfordshire, pictured with their horses at Clothall Common, Baldock in the 1920s. Hertfordshire County Council bought an 878 acre estate at Baldock, mainly to resettle ex-servicemen, and provided a central pool of horses, tractors and equipment as well as training and bulk purchase of seeds and feeds. By 1939, Hertfordshire County Council leased out 236 full-time and part-time smallholdings, with an average size of 26 acres. The county's farm estate is now nearly twice as extensive, but only has about 70 farms, with an average size of 150 acres.

agricultural workers deteriorated even further, while demand for factory workers in the cities was not expanding as it had done in the early 19th century. Of the 320,000 acres enclosed between 1845 and 1869, just 2,000 had been allocated for the benefit of labourers and cottagers.⁴⁸

It was in this context that the call for smallholdings and allotments was revived. "Three Acres and A Cow" was the catch phrase coined by liberal MP Jesse Collings, whose programme is outlined in his book *Land Reform*. In 1913 the parliamentary Land Enquiry Committee issued its report *The Land* (no relation) which included copious first hand evidence of the demand for and the benefits of smallholdings. Both books focused on the enclosure of commons as the prime source of the problem.⁴⁹ A series of parliamentary statutes, from the 1887 Allotments Act, the 1892 Smallholding Act, and the 1908 Smallholding and Allotments Act provided local authorities with the power to acquire the land which now still exists in the form of numerous municipal allotments and the County Smallholdings Estate.

The County Smallholdings, in particular, came under attack when a second wave of free market ideologues came into power in the 1980s and 1990s. The Conservative Party's 1995 Rural White Paper advocated selling off the County Farms, and since then about a third of the estate has been sold, though there are signs that the number of sales is declining.⁵⁰

The End of Enclosure

The enclosure movement was brought to an end when it started to upset the middle classes. By the 1860s, influential city-dwellers noticed that areas for recreation were getting thin on the ground. In the annual enclosure bills for 1869, out of 6,916 acres of land scheduled for enclosure, just three acres were allocated for recreation, and six acres for allotments.⁵¹ A protection society was formed, the Commons Preservation

Society, headed by Lord Eversley, which later went on to become the Open Spaces Society, and also spawned the National Trust. The Society was not afraid to support direct action tactics, such as the levelling of fences, and used them successfully, in the case of Epping Forest and Berkhamstead Common, to initiate court cases which drew attention to their cause.⁵² Within a few years the Society had strong support in parliament, and the 1876 Commons Act ruled that enclosure should only take place if there was some public benefit.

In any case, in the agricultural depression that by 1875 was well established, improvement was no longer a priority, and in the last 25 years of the 19th century only a handful of parliamentary enclosures took place. Since then, the

greatest loss of commons has probably been as a result of failure to register under the 1965 Commons Registration Act.

In some case commons went on being used as such well after they had been legally enclosed, because in the agricultural slump of the late 19th century, landowners could see no profit in improvement. George Bourne describes how in his Surrey village, although the common had been enclosed in 1861, the local landless were able to continue using it informally until the early years of the 20th century. What eventually kicked them out was not agricultural improvement, but suburban development — but that is another story. Bourne comments:

"To the enclosure of the common more than to any other cause may be traced all the changes that have subsequently passed over the village. It was like knocking the keystone out of an arch. The keystone is not the arch; but once it is gone all sorts of forces previously resisted, begin to operate towards ruin."⁵³

The Verdict of Modern Historians

The standard interpretation of enclosure, at least 18th-19th century enclosure, is that it was "a necessary evil, and there would have been less harm in it if the increased dividend of the agricultural world had been fairly distributed."⁵⁴ Nearly all assessments are some kind of variation on this theme, with weight placed either upon the need for "agricultural improvement" or upon the social harm according to the ideological disposition of the writer. There is no defender of the commons who argues that enclosure did not provide, or at least hasten, some improvements in agriculture (the Hammonds ignore the issue and focus on the injustices); and there is no supporter of enclosure who does not concede that the process could have been carried out more equitably.

Opinion has shifted significantly in one or two respects. The classic agricultural writers of the 1920s, such as Lord

Ernle, considered that agricultural improvements — the so-called agricultural revolution — had been developed by large-scale progressive farmers in the late 1800s and that enclosure was an indispensable element in allowing these innovators to come to the fore.⁴⁷ In the last 30 years a number of historians have shown that innovation was occurring throughout the preceding centuries, and that it was by no means impossible, or even unusual, for four course rotations, and new crops to be introduced into the open field system. In Hunmanby in Yorkshire a six year system with a two year ley was introduced. At Barrowby, Lincs, in 1697 the commoners agreed to pool their common pastures and their open fields, both of which had become tired, and manage them on a twelve year cycle of four years arable and eight years ley.⁵⁵

Of course it might well take longer for a state-of-the-art farmer to persuade a majority of members of a common field system to switch over to experimental techniques, than it would to strike out on his own. One can understand an individual's frustration, but from the community's point of view, why the hurry? Overhasty introduction of technical improvements often leads to social disruption. In any case, if we compare the very minimal agricultural extension services provided for the improvement of open field agriculture to the loud voices in favour of enclosure, it is hard not to conclude that "improvement" served partly as a Trojan horse for those whose main interest was consolidation and engrossment of land.

A main area of contention has been the extent to which enclosure was directly responsible for rural depopulation and the decline of small farmers. A number of commentators (eg Gonner, Chambers and Minguay) have argued that these processes were happening anyway and often cannot be directly linked to enclosure. More recently Neeson has shown that in Northants, the disappearance of smallholders was directly linked to enclosure, and she has suggested that the smaller kinds of commoner, particularly landless and part-time farmers, were being defined out of the equation.⁵⁶

But these disputes, like many others thrown up by the fact that every commons was different, miss the bigger picture. The fact is that England and Wales' rural population dived from 65 per cent of the population in 1801 to 23 per cent in 1901; while in France 59 per cent of the population remained rural in 1901, and even in 1982, 31 per cent were country dwellers. Between 1851 and 1901 England and Wales' rural population declined by 1.4 million, while total population rose by 14.5 million and the urban population nearly tripled.⁵⁷ By 1935, there was one worker for every 12 hectares in the UK, compared to one worker for every 4.5 hectares in France, and one for every 3.4 hectares across the whole of Europe.⁵⁸



Dennis Drinkwater on Portmeadow Common, Oxford, where his family have grazed cattle for over 100 years.

Britain set out, more or less deliberately, to become a highly urbanized economy with a large urban proletariat dispossessed from the countryside, highly concentrated landownership, and farms far larger than any other country in Europe. Enclosure of the commons, more advanced in the UK than anywhere else in Europe, was not the only means of achieving this goal: free trade and the importing of food and fibre from the New World and the colonies played a part, and so did the English

preference for primogeniture (bequeathing all your land to your eldest son). But enclosure of common land played a key role in Britain's industrialization, and was consciously seen to do so by its protagonists at the time.

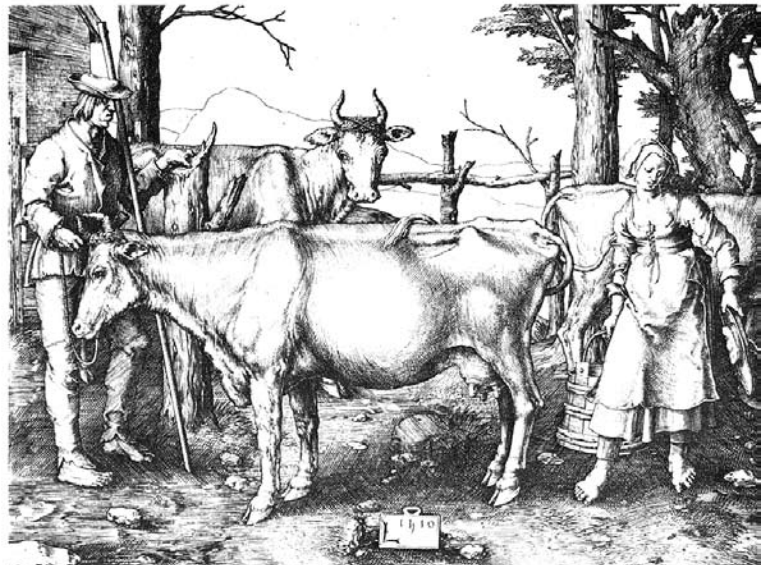
The Tragedy

The above account of the enclosure of the English commons is given for its own sake; but also because the management of English common pasture is the starting point of Hardin's thesis, so it is against the tapestry of English commons rights and the tortuous process of their enclosure that Hardin's formulaic tragedy may initially be judged.

Hardin's theory springs from the observation that common pastures allowed individuals to benefit from overstocking at the community's expense, and therefore were inherently prone to ecological exhaustion and ultimately "ruin". Without doubt there were common pastures which matched the description given by William Lloyd, as amplified by Hardin. But the salient fact that emerges from the copious historical studies that have been compiled from local field orders, land tax returns, enclosure awards and so on, is that 18th century commons and common pastures were about as different, one from another, as farms are today. Many were managed according to very detailed rules set by the local manorial court regulating stocking levels (or "stints"), manuring, disease control and so forth; but these rules varied considerably from one village to another. In some places they were found to be more necessary, or were more scrupulously observed than they were in others.

There were indeed "unstinted" commons where there was little control upon the number of animals, though this did not invariably result in impoverishment (see box p26); and there were others where stints were not applied properly, or commoners took advantage of lax or corrupt management to place as many animals on the common as they could at the common expense. Where there was overstocking, according to Gonner, this was "largely to the advantage of rich commoners or the Lord of the manor, who got together large flocks and herds and pastured them in the common lands to the detriment of the poorer commoners . . . The rich

In the 16th century, judging by Lucas van Leyden (right), barefoot peasants milked cows that were not that distant from the modern smallholders' Jersey: mostly bone, bag and belly. By contrast this print of the Durham Ox (below) and similar bovine pinups suggest that by the early 19th century, the fad for "improved" fatstock had become obsessive, bordering on pathological.



crowded their beasts on, and literally eat out the poor." Time and again historians on both sides of the ideological divide come up with instances where overstocking was carried out by one or two wealthy farmers at the expense of the poorer commoners, who could not overstock, even if they wanted to, because they had not the means to keep large numbers of animals over winter.⁵⁹ Even advocates of enclosure conceded that it was the wealthy farmers who were causing the problems, as when Fitzherbert observed:

"Every cottage shall have his porcyon [portion, ie plot of land] assigned to him according to his rent, and then shall not the riche man oppress the poore man with his catell, and every man shall eat his owne close at his pleasure."⁶⁰

This comes as no great surprise, but the presence of powerful interest groups, possibly in a position to pervert the management regime, suggests a different scenario from that given by Hardin of "rational herdsmen" each seeking to maximise their individual gain. Hardin's construct is like the Chinese game of *go* where each counter has the same value; real life is more like chess, where a knight or a bishop can outclass a pawn.

Perhaps there were instances where a profusion of unregulated, "rational" yet unco-operative paupers overburdened the commons with an ever-increasing population of half-starved animals, in line with Lloyd's scenario. But even when there are reports from observers to this effect we have to be careful, for one man's puny and stunted beast is another man's hardy breed. Stunting is another way of stinting. Lloyd was writing at a time when stockbreeders were obsessed with producing

prize specimens that to our modern eye appear grotesquely obese. In 1800, the celebrated Durham Ox, weighing nearly 3000 pounds, made a triumphal tour of Britain, and two years later about 2,000 people paid half a guinea for an engraving of the same beast.⁶¹ To these connoisseurs of fatstock, the commoners' house cow must have appeared as skeletal as do the zebu cattle of India and Africa in comparison to our Belgian Blues and cloned Holsteins. Yet the zebus provide a livelihood for hundreds of millions of third world farmers, are well adapted to producing milk, offspring, dung and traction from sparse and erratic dryland pastures and poor quality crop residues, and in terms of energy and protein are more efficient at doing so.

Much the same may have been true of the commoners' cows. According to J M Neeson a poor cow providing a gallon of milk per day in season brought in half the equivalent of a labourer's annual wage. Geese at Otmoor could bring in the equivalent of a full time wage (see box p26). Commoners sheep were smaller, but hardier, easier to lamb and with higher quality wool, just like present day Shetlands, which are described by their breed society as "primitive and unimproved". An acre of gorse — derided as worthless scrub by advocates of improved pasture — was worth 45s 6d as fuel for bakers or lime kilns at a time when labourers' wages were a shilling a day.⁶² On top of that, the scrub or marsh yielded innumerable other goods, including reed for thatch, rushes for light, firewood, peat, sand, plastering material, herbs, medicines, nuts, berries, an adventure playground for kids and more besides.



21st century "improvement": a double muscled Belgian Blue, fattened on a diet of grain, whose calves are so large they have to be born through Caesarean operation — compared to a hardy Red Sindhi milking cow from Pakistan.

No wonder the commoners were "idle" and unwilling to take on paid employment. "Those who are so eager for the new inclosure," William Cobbett wrote,

"seem to argue as if the wasteland in its present state produced nothing at all. But is this the fact? Can anyone point out a single inch of it which does not produce something and the produce of which is made use of? It goes to the feeding of sheep, of cows of all descriptions . . . and it helps to rear, in health and vigour, numerous families of the children of the labourers, which children, were it not for these wastes, must be crammed into the stinking suburbs of towns?"⁶³

While the dynamic identified by Lloyd clearly exists and may sometimes dominate, it represents just one factor of many in a social system founded on access to common property. Hardin's Tragedy bears very little relationship to the

management of open fields, to the making of hay from the meadows, or to various other common rights such as gleaning, none of which are vulnerable to the dynamic of competitive overstocking. The only aspect of the entire common land system where the tragedy has any relevance at all is in the management of pasture and wasteland; and here it is acknowledged by almost all historians that commons managers were only too aware of the problem, and had plenty of mechanisms for dealing with it, even if they didn't always put them into force. The instances in which unstinted access to common pastures led to overstocking no doubt played a role in hastening eventual enclosure. But to attribute the disappearance of the English commons to the "remorseless workings" of a trite formula is a travesty of historical interpretation, carried out by a theorist with a pet idea, who knew little about the subject he was writing about.

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