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The Tragedy of Private Property – P1

By Simon Fairlie

Currently, in Britain, our “property-owning democracy,” nearly half the country is owned by 40,000 land millionaires, or 0.06 per cent of the population, 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[1].

Our popular media seems to give us the impression that our current enclosed land concentration has been here forever. However, the current system of land ownership is a fairly recent development in our history.

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 Lord of the Manor, held dominion over the estate, but the peasant enjoyed all sorts of so-called "usufructory" rights which enabled to graze stock, cut wood or peat, draw water, or grow crops, on various plots of land at specified times of year.

The Open-Fields

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. 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, on two separate researchers, 50 years apart[2], demonstrated, through studying the only remaining example of open-field farming, that a lad with no capital or land to his name could gradually build up a larger holding in the communal land:

> 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.[3]

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 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. 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-fields.

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. Vladimir Lenin mentions a system very similar to open-fields in "The Development of Capitalism in Russia." According to one French historian, "it must be emphasized that in France, open fields were the agricultural system of the most modernized regions, those which Quesnay cites as regions of 'high farming'[4].

In Tigray, Ethiopia where the system is still widespread: "to avoid profiteering by ox, 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."

Enclosures: Sheep Devouring 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 pastures. 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. By the time of Kett's rebellion of 1549 enclosure was a main issue.

In the Captain Pouch revolts of 1604-1607, when the terms "leveller" and "digger" appeared, referring to those who levelled the ditches and fences erected by enclosers.

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

> Your sheep that were wont to be so meek and tame, and so small eaters, now, as I heard say, be become so great devourers and so wild, that they eat up, and swallow down the very men themselves.
> They consume, destroy, and devour whole fields, houses, and cities. For look in what parts of the realm doth grow the finest, and therefore dearest wool, there noble men, and gentlemen, yea and certain Abbots, holy men no doubt, not contenting themselves with the yearly revenues and profits, that were wont to grow to their forefathers and predecessors of their lands, nor being content that they live in rest and pleasure nothing profiting, yea much noying the weal public, leave no ground for tillage: they inclose all into pastures, they throw down houses, they pluck down towns, and leave nothing standing, but only the church to be made a sheephouse

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." But (as we shall see) Charles was not averse to carrying out enclosures of his own.

1. ABC Finance
2. Beckett, J. V. 1989. *A history of Laxton: England's last open-field village*.
3. Orwin, C. S., and C. S. Orwin. *The open fields*.
4. Asselain, Jean Charles. 2011. *Histoire économique de la France du XVIIIe siècle à nos jours 2 2*.

THE TRAGEDY OF PRIVATE PROPERTY – PART 2

The Diggers - A Common Treasury

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".

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.

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 enclosures [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 hathe the benefit of their Inclosures."

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.

Just two-hundred years before, at the head of his following of Kentish peasants[1] Jack Cade persuaded the first army dispatched by the king to pack up and go home. He skillfully evaded a second army of 15,000 men led by Henry VI himself. Finally, he 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." 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.[2]

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 anti-climactic. Executions were resumed (but mainly for plebs, not celebs) initially by Judge Jeffries in his Bloody Assizes in 1686and 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[3]. 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.

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. 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.[4]

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".

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 earlier 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 forerecited commodities which are the rich oare of the Commonwealth.”

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 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 "devowered 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 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."

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 of dispossessed peasants, probably for Canada.

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."

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.

1. described by Shakespeare as “the filth and scum of Kent”
2. Boulton, David. 1999. *Gerrard Winstanley and the republic of heaven*. Dent, Cumbria: Dales Historical Monographs.
3. Tuchman, Barbara Wertheim. 1980. *A distant mirror*. London: Macmillan.
4. Boulton, David. 1999. *Gerrard Winstanley and the republic of heaven*. chapter XIII.