

Landlords, Labourers and Capitalists

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UP to the eighteenth century, land was not owned privately in the sense in which we understand it today. People—from the highest lords to the lowest peasants—claimed the right to exercise ancient *use* rights to land, be it arable, forest or waste. In that century, during a period spanning three or four generations, the greatest robbery ever perpetrated was effected: the people were robbed of their economic rights to land by a ruling class which actually harnessed the law to help them!

How “the rule of law” was used to destroy ancient laws is an inadequately studied development in our history. That is why the eighteenth century is still erroneously seen as a period of consensus rather than the century of conflict that it was.

Two aspects should particularly interest those who are sufficiently angry about the robbery to want to understand—and help to rectify—what happened.

First, how the law was used as an ideological instrument, bestowing legitimacy upon acts which rendered millions landless, vulnerable to the land monopolists and at the mercy of the owners of capital in the towns to which they were forced to migrate.

Second, why it was that the peasants unwittingly conspired in this process, by viewing the law not as an ideological instrument but as something of value to them, to which they owed allegiance.

Research into such matters as these by a Warwick University team has been published by Penguin.¹ E. P. Thompson, best known for his *The Making of the English Working Class*, concentrates his study on the foresters. Here, in the forests of England, the conflict was between those who wished to feed their families and the noblemen who yearned for good hunting.

Thompson's associates concen-

trate on various aspects of eighteenth century “law breaking”: smugglers, poachers, rioters, and so on. One of the key processes of oppression concerns the redefinition of crimes. Where hunting a rabbit was once an acceptable way of putting food on children's plates, now this act became transformed into an anti-social crime and it was done as a necessary part of the systematic process of redefining property—property, that is, in land. It was a two-fold process of narrowing down the number of people who enjoyed access rights to land, and of hardening up these rights to ensure exclusive possession and enjoyment. Ancient obligations were skilfully defined out of existence, as the peasants were systematically impoverished. (For those wishing to see this process in its historical context, see the newly published book by Frank Huggett;² chapter one deals boldly with the European peasantry, how it was shamefully exploited to ensure an idle existence of luxury for those who formed the thin upper crust of what purported to be the most advanced of civilisations known to mankind.)

However, we need to beware of the way in which The Great Robbery is interpreted by modern historians. Thompson, for example, labels it a “capitalist” process. At several points the commutation of ancient use-rights into private ownership is classified as “capitalist”; on page 223, he refers to the “capitalist nature”, and elsewhere to “the capitalist law of nature.” Thompson, who calls himself a Marxist in the old tradition (whatever that may be), rubs home his propaganda against capitalists by referring emotively to forests having been “well fertilized with blood”. The cavalier treatment of land use rights is equated by Thompson with capitalist speculation.

What in fact was happening was the result of two pressures which

were not causally related. One of these was the desire of a small class to arrogate to themselves the exclusive use of land adjoining their castles and manors for their *social* and *political* enjoyment: prestige, rather than profit, status, rather than the marketplace instincts of the entrepreneur motivated them. These motives were not congruent with rational behaviour advocated by those wanting to participate in a capital-based market economy. Indeed, by the time of the industrial revolution at the turn into the nineteenth century, the tensions between the landowners, and the capitalists who wanted to develop into a capital-based economy, were very strong indeed; the landowners, who dominated Parliament, frequently put forward obstacles to industrial development.³ We need to see the difference between the historical process of land appropriation (one should perhaps say misappropriation) and the separate process of capital formation which laid the foundations of the industrial economy; for much of the current political debate—the conflict between Socialism versus Capitalism—is confusingly entangled with misunderstandings which have their historical roots in the processes outlined above.

The other pressure was an economic one; the agrarian revolution had arrived. To be fully exploited for the benefit of all, a change in the structure of use-rights was necessary, to ensure secure *possession* for land users. That the peasants hung on to their use-rights, is not surprising. “The foresters clung still to the lowest rungs of a hierarchy of use-rights,” writes Thompson. Their livelihood “depended upon the survival of pre-capitalist use-rights over the land”. And given the complex structure of those use-rights, change was necessary if capital was to be invested in land and agricultural machinery, in order to increase agricultural yields.

We know what sort of change

1. *Whigs and Hunters*, E. P. Thompson, *Albion's Fatal Tree*, D. Hay, P. Linebaugh, C. Winslow, J. G. Rule and E. P. Thompson, both by Penguin.
2. *The Land Question*, Thames & Hudson, £1.50. F. E. Huggett.
3. *The Industrial Revolution: A New Perspective*, Land & Liberty Press 50p. F. Harrison.

occurred. "During the eighteenth century one legal decision after another signalled that the lawyers had become converted to the notions of absolute property ownership, and that (wherever the least doubt could be found) the law abhorred the messy complexities of coincident use-right," writes Thompson. "The rights and claims of the poor, if inquired into at all, received mere perfunctory compensation, smeared over with condescension and poisoned with charity. Very often they were simply redefined as crimes: poaching, wood-theft and trespass."

Henry George proposed a fiscal reform—the taxation of land values—which would have solved the problem of the eighteenth century. For such a land tax would have had a dual effect: (1) permit ex-

clusive possession based only on use rights—a development strictly in harmony with the processes which went before; (2) securing for the community, access to land and a large slice of the benefits of the new techniques and technologies which were producing—or capable of producing—greater yields. Each citizen of the community would have had an equal claim on the benefits of that tax; and the aged, and the poor (if there had been any) would have had the right to claim support from the community which would not have been stigmatized by the status of charity: it would have been their's by right. The sense of community would have been developed, and Britain would have been a better place in which to live.

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