J.M. Neeson Commoners: Common Right, Enclosure and Social Change in England, 1700-1820

COMMON RIGHT

“’The interest which a commoner has in a common is, in the legal phrase, to eat the grass with the mouths of his cattle, or to take such other produce of the soil as he may be entitled to…’ The soil itself, the land, was not the commoner’s, but the use of it was. That use, what the law called a *profit á prendre*, was common right.” 1

POSSESSION WITHOUT OWNERSHIP—SHARING, ACCESS 3

ENGLISH ENCLOSURE MOVEMENT

“Most commoning economies were extinguished by enclosure at some point between the fifteenth and the nineteenth centuries. The pace of the change was uneven. Much of England was still open in 1700; but most of it was enclosed by 1840. Commoners did not always object to enclosure, but often they did. Of the smaller commoners many lost land as well as grazing. They lost a way of life too.” 5

“Enclosure—rightly named—meant the closing of the countryside…” 5

HISTORICAL CRITIQUE OF THE COMMONS

“But Professor J.D. Chambers did not. In his eyes common right was only a ‘thin and squalid curtain’ hanging between the poor and even greater poverty. His powerful image has endured. And his opinion later took on some theoretical ballast from the work of Garrett Hardin, who argued that the end of common right was due to the inevitable over-use of common lands, itself an economically logical result of sharing property rights in common.” 6

“The argument that common right was already in decline in the modernizing eighteenth century is persuasive. It is so not least for the reason I began with: imagining how commoners lived off the shared use of land is difficult in an age such as ours when land is owned exclusively, and when enterprise is understood to be essentially individual and not co-operative. Even in the eighteenth century it was difficult. Enclosers and critics of commons did not always believe their eyes. They noted the value of common lands, but concluded that commoners were poor: ‘We don’t find them’, Pennington wrote of fenland commoners, ‘in any better condition than the poor in other places, but, if we may judge from appearances, in a great deal worse.’ Common right, Chambers and Mingay wrote almost exactly two hundred years later, was ‘usually a very limited benefit’.” 7

18th EXCUSE FOR ENCLOSURE—NATIONAL INTEREST

“The eighteenth-century enclosers’ excuse was the national interest. In its name they deplored the insubordination of commoners, the unimprovability of their pastures, and the brake on production represented by shared property. In the end they won the argument: they identified parliamentary enclosure with the national interest.” 7

ENCLOSURE MOVEMENT WAS MET WITH RESISTANCE 7

COMMONING DID IN FACT PRODUCE INNOVATION

“…impressive developments were made in common-field farming in the long run-up to parliamentary enclosure in the late eighteenth century. In the lowland Midlands in particular, convertible husbandry, the adoption of fodder crops sown on the fallows, and the redivision of the common fields produced a flexibility in agricultural practice which led to all-around increases in fertility and production long before parliamentary enclosure.” 8

THESIS

“But common right, a central part of that agricultural system, remains relatively unexamined. Neither its economic not its social implications for commoners have been discussed in depth.” 8

“The result is that social historians, following the lead of Professors Hobsbawm and Rudé in *Captain Swing*, have accepted the old case for the vestigial nature of common right. And from it they deduce the disappearance of the peasantry well before enclosure. If eighteenth-century England had a peasantry, they say, it was a poor ghost of its former self, barely surviving on wage labour, help little by common right. I argue in this book that they are wrong. The case for the inadequacy of common right relied on evidence taken from only part of the contemporary record and that mostly from the pens of those reporters to the Board of Agriculture who supported enclosure and were necessarily hostile to common right. It discounted the large volume of anti-enclosure opinion. It was unaware of the frequency of anti-enclosure protest. It gave little weight to the apostasy of Arthur Young and others who began seriously to question the treatment of commoners from the 1790s onwards. It defined commoners or peasantry too narrowly, regarding occupiers and owners of small amounts of land too little for a farm as essentially outside the pale of landed society. For all these reasons we have to look again at the lives of commoners and the meaning of common right. We need to know more precisely who commoners were, where they lived, and whether the value of their rights was maintained or eroded before enclosure. We need to be aware of the variety of commoning economies and the reasons for the relative strength and weakness of common right in different unenclosed parishes. With this knowledge we can learn something about the economic value to commoners of common right: its income value. But the survival of common right had other implications too: for wider economic change in an industrializing society; for property law; for social relations in common-field villages. My concern is primarily with the last: I want to look at common right as a part of the structure of social relations in common-field villages.” 9

ENCLOSURES, LABOR MARKET, AND PRODUCTIVITY

“Finally, commoners’ relative independence of wages and the cash economy helps to illuminate the nature of the eighteenth-century agricultural labour market. Their tendency not to work for wages on every occasion goes some way to explain the late eighteenth-century complaint of labour shortage. Their independence also helps to explain the equally common complaint about the poor quality of labour. It throws light on the belief held for half the century that population was falling; and on the fear that military reserves were insufficient. In other words the eighteenth-century labour market worked like one staffed by peasants, not one supplied by wage-labourers. A consequence is that the rise in labour productivity in agriculture, which seems to have been accomplished over the century without proportionally enlarging the labour force, may have been accomplished in part by turning peasant labourers into agricultural labourers at enclosure. This is not to argue, as some historians have, that a benevolent enclosure movement generated employment for the underemployed. It is to suggest instead that commoners became utterly dependent on miserable wages. And that to earn them they worked harder.” 13-14

DEBATING THE VALUE OF THE COMMONS

“But the place of the commons in the creation of a peasantry was not discussed by a later generation of historians, who disagreed with the Hammonds and whose interpretation became the new orthodoxy of enclosure history. For them the question of value was not to be measured in the broad terms of the social relationships engendered by independence of the wage. It was measured as no more than an *income* dependent on the quality of pasture on open fields and commons, and the regulation of open-field agriculture. *The Agricultural Revolution 1750-1880* is the best expression of this view. Here J. D. Chambers and G. E. Mingay doubted the value of common pastures. They described ‘the impossibility of improving the livestock, and the risks of wildfire spread of disease among beasts herded together on the commons and fields’ of open villages. They did so despite a concurrent re-evaluation of open-field agriculture that emphasized its relative dynamism. To accommodate some of that evidence they argued that where there *was* progress in open-field farming it was accompanied by the individualization of practice. The result was that the progressive open-field parish looked remarkably like an enclosed one: rights and commons were engrossed into a few hands. But where there was *no* progress in open-field farming, common of pasture was of almost no use: commons were unregulated, cattle were unstinted and overstocked, disease was rife. In short, either rights were virtually useless because practice was so poor, or they were of equally little value because progressive practice was so good that it had virtually swept away the old communal system and common right with it.” 16-17

IMPORTANCE OF STUDYING THE COMMONERS THEMSELVES

“Despite this integrity, historians have not examined the subject as a whole. Selective quotation supports one interpretation of the effects of enclosure or another; too often there is no reference to contemporary voices at all. But looking at the debate as an historical event in itself disinters the polemic and illuminates the meaning of common right for eighteenth-century observers. It shows us the world as they saw it. And it also reveals some of the world as it was. It becomes clear that beneath the argument between these writers lay a fundamental agreement. Opponents agreed on the nature of English rural society before enclosure, and they agreed on enclosure’s effect: it turned commoners into labourers. Their disagreement was about the worth of each class; neither side doubted that the transformation occurred, and had profound consequences. I shall argue later on that this was an informed debate: individualized agriculture, a new set of smallholders, and a bitter sense of betrayal amongst commoners replaced an economy dependent on common right, petty landholding and communal regulation.” 18

ENGLISH ENCLOSURE MOVEMENT

“A generation later, in the 1760s and 1770s, enclosure Bills, often leading to conversion to pasture, began to fill the committee rooms of the House of Commons. In addition poor harvests provoked serious food riots in 1766 and again in the early 1770s. Arguments against enclosure were familiar. But criticism of enclosers as profiteers began to sharpen, and so did the fear that enclosure threatened internal peace.” 22

ARGUING AGAINST ENCLOSURE

“The familiar arguments were three. A decline in small farmers would weaken England’s military strength. Tillage was more beneficial to the public than pasture. And, again, it was not only more productive, it was also ‘necessary to the very being of the community’. ‘The true interest of a nation’ was served by a society in which most people could live without wages. But here is the sharper criticism: enclosure impoverished twenty small farmers to enrich one. It reduced the size of holdings that were once nine or ten acres to only six or seven. Rents rose and prices followed. Commoners became labourers, mere ‘tools’. Landlords grew lazy, some ‘little better than tyrants or bashaws…who when they had less wealth were more sensible of their dependence and connections, and could feel both for the poor and the public upon every emergency’. Their claim to the exclusive enjoyment of their land was nothing more than an excuse for ‘shutting out’ the poor from their rights on the common fields, from gleaning, from getting turf and furze. And the fear: in destroying village relations enclosure also endangered relations in the nation as a whole. It brought about an open dissatisfaction that risked mob rule and encourage sedition, even Jacobitism.” 22

“FENCED OUT OF THEIR LIVELYHOOD” 23

DR. RICHARD PRICE: 18TH DEFENDER OF COMMONS—ENCLOSURE CONCENTRATED WEALTH

“Simply put, Price said that enclosure concentrated wealth. It ruined small farming families and drove them into the towns; it raised prices; it intensified labour and encouraged luxury. Above all, it destroyed equality: ‘modern policy, is, indeed, more favourable to the higher classes of people’, he wrote, ‘and the consequences may in time prove that the whole kingdom will consist of only gentry and beggars, or grandees and slaves’.” 24-25

DEFENSE OF ENCLOSURE: POPULATING AND CREATING A PROLETARIAT

“In 1781 these led Howlett to repudiate Dr. Price’s allegation that enclosure depopulated in a pamphlet he dedicated to Loughborough. He wrote in a decade of harvest failure, high prices, riot, the loss of America, and when enclosures slowed from the torrent of the 1770s to a trickle. The significance of Howlett and Loughborough was that together they brought a new, harder line of argument to the enclosure debate. In effect Howlett agreed with the defenders of commons that enclosure reduced farmers to labourers. But it was worth the price (‘disagreeable and painful as it may be to the tender and feeling heart’) because it would encourage population *growth*. In particular, enclosure would provoke a rapid and general increase of laboring and then of indigent poor. Labourers married early (‘they readily obey the suggestions of natural constitution’). Marrying earlier they had more children. And the poorer they were, the earlier they married. Fortunately they felt their growing poverty less keenly than those with more money: ‘They have already trod the rugged path, and felt its thorns and briars.’ In other words, dependence and unemployment, supposedly the worst consequences of engrossing, were advantageous. They would cause population to grow. And the creation of a proletariat through enclosure was a guarantee of economic growth on a broad front. Enclosure meant larger agricultural and manufacturing populations, great agricultural production, stable grain prices. The traditional argument was reversed: now proletarianization, instead of damning enclosure and the disappearance of common right, justified it.” 26-27

CAREFUL ATTENTION TO KEEPING LABOURERS DEPENDENT ON THE WAGE

“Once commoners were dependent, care should be taken to prevent labourers becoming in any way independent of the wage again. Even planting new hedgerows required careful thought. Medlars, for example, should never be used because ‘it is bad policy to increase temptations to theft; the idle among the poor are already too prone to depredation, *and would still be less inclined to work*, if every hedge furnished the means of support’. Equally, cottage gardens should in no circumstance be large enough to take the labourer away from wage work. When evicted from the common by enclosure, said Vancouver, labourers must live in cottages belonging to farms, and at a distance from the corrupt solidarity of the village. Or they might live in large houses of industry, for which the Parkhurst house of industry in Parkhurst Forest on the Isle of Wight, built to take seven hundred, was a model. Vancouver saw no harm in potato plots, but he feared teaching commoners to read and write. ‘Independence’ had become a threat: ‘however beautiful it may be in theory to raise the lower orders to a situation of comparative independence’, said Rudge, the line ‘between the proprietor and labourer’ must be drawn firmly. Without it ‘neither agriculture nor commerce can flourish’. Labourers must be labourers, not more. Subordination required dependence on a wage; the lesson of the commons had been learnt.” 29-30

EQUATING COMMONS TO PRIMITIVISM: LEAVING THE COMMONS INTACT MADE AS MUCH SENSE AS LEAVING NORTH AMERICA TO THE INDIANS 30

BOTH SIDES OF THE DEBATE ACKNOWLEDGED ENCLOSURE WOULD END INDEPENDENCE

“So both sides of the published debate said that enclosure would ensure labourers’ complete dependence on a wage, and encourage the proletarianization of small farmers. Enclosure would end ‘independence’. On this question the only argument was whether to welcome or disapprove of the change. Only common right stood between the survival of the common-field peasantry and its proletarianization. This assumption was so thoroughly worked into the social vision of both defenders and critics as to be beyond dispute.” 34

COMMONERS AS LAZY—A MEASURE OF WAGE INDEPENDENCE

“They used laziness as a term of moral disapproval. But what they meant was that commoners were not always available for farmers to employ. We might ask why were they *un*available? In some regions and at some times high wages in non-agricultural occupations made agricultural wages unattractive. But commoners were ‘lazy’ in the fens too where there were fewer industrial alternatives to farm work, and also in Middlesex where they seemed to live without either benefit from the common *or* labour. In fact (with the occasional exception of small farmers), *every* commoner was lazy, whether wages were high or not. This suggests that they refused to work because they could live without wages, or without regular wages. Their laziness becomes an indicator of their independence of the wage.” 39-40

COMMONS AS OUTSIDE THE MARKET—CRITICS SAW ONLY POVERTY OF COMMONS, NOT INDEPENDENCE

“When critics of commons weighed the value of common right they did so in their own terms, the terms of the market. They talked about wage labour and the efficient use of resources. But commoners lived off the shared use of land. To some extent they lived outside the market. They lived in part on the invisible earnings of grazing and gathering. Much of this was inconceivable to critics, either because they did not look or because they did not want to see. In their eyes commoners were lazy, insubordinate and poor. But when historians come to assess these assessments we have to understand that none of these conditions, except poverty, is a measure of the inadequacy of a living. Even poverty, in the case of commoners, may have been in the eye of the beholder: commoners did not think themselves poor.” 41-42

ENCLOSURE FOR BRITAIN’S NATIONAL INTEREST: STRENGTH IN NAVY, MANUFACTUING, AND AGRICULTURE 43

CRITICS ARGUED COMMONS EXEMPLIFIED SELFISHNESS

“In the same way writers did not argue the individual’s right to the exclusive enjoyment of his property: indeed critics, to whose lips this argument had come most readily in the 1650s and 1730s, increasingly argued the subordination of individual property rights to the ‘national’ interest and accused *commoners* of selfish individualism. Ultimately, of course, the legitimation of enclosure did establish exclusive property rights—much to the benefit of enclosers.” 44

BETWEEN 1800 AND 1814 PARLIAMENT PASSED ALMOST 100 ENCLOSURE ACTS A YEAR 45

PART OF THE VALUE OF THE COMMONS WAS SOCIAL RELATIONS 45

“When independence went, and wages and poor relief took its place, social relations inevitably changed. All the old arguments of the defenders of commons come into play. Property does beget content with one’s lot, and content begets loyalty to landlords and farmers as well as to Nations. Take away property and you take away, in Thomas Andrews’ words, ‘the most precious gift of a free country’: the independence of commoners. With it went connection, sympathy and obligation. The value of the commons was their social cement. The arrogance of critics was to think they could do without it.” 46

1760s ENCLOSURE AND NATIONAL INTEREST: AVOIDING FOOD SHORTAGES

“Newly equipped, critics increasingly defined defenders’ concern for the rights of commoners as hostile to the national interest, which was first and foremost to ensure an adequate supply of food. Increasingly, it was evident that this sort of enclosure, whatever else it might do, did not immediately depopulate. But the mid 1780s critics had kidnapped the national interest argument. They went on to use it to win support for the very institutional change that defenders had hoped it would prevent.” 46

REVEREND THOMAS MALTHUS

“After all, by the 1790s even pamphleteer improvers called for some compensation for the poor. By the late 1790s a new pamphleteer had caught the ear of Parliament. He was the Reverend Thomas Malthus. In 1798 he argued against giving outdoor relief to the poor; in 1803 he argued against giving them land. Saying that Arthur Young contradicted himself in prescribing for England what had ensured poverty in France, Malthus argued that giving land to the poor would lead to more poor relief, not less. The appeal of Malthus may explain the failure of defenders and critics of commons to persuade Pitt of the value of compensated enclosure. A newer ideology than improvement sealed the fate of nineteenth-century commoners.” 51

DISAGREEMENT AMONG HISTORIANS: COMMONS AS LAW VS. COMMONS AS CUSTOM

“There are at least three areas of conflict here.” 57

“Third, about justification: did commoners common by right or by illegal usage? Here, the Hammonds made no distinction, talking instead about *practice*, and Clapham, Chambers and Mingay put custom outside the law.” 57

LANDLESS COMMONERS

“Commoners with rights of pasture attached to land they worked or to cottages they occupied were perhaps half of the country population on the eve of enclosure. But there were other commoners who owned or rented no land at all, and whose cottages did not entitle them to compensation for loss of common right in a court of law. They were landless commoners—a term which describes labourers and artisans (and those who were both, depending on the season), small tradesmen, and the part of the village made up by those who were ‘poor’ in the sense of being unfortunate—the old, the widows with families to support. In some parishes, immigrants and squatters were also landless commoners.” 64

“The description is metaphorical as well as real. Landless commoners lived at the edges of landed society: they were neither landed nor really landless. At some points in their lives some of them had animals but no land at all. Farmers, for example, paid their servants in pasture for sheep and lambs as well as in cash. Landless commoners lived off the land rather than on it.” 65-66

DIFFICULTY OF FIGURING OUT THE BOUNDARIES OF COMMONS 77

RIGHT OF COMMON WAS INSEPARABLE FROM THE LAND

“At all times the incentive for landlords to let their land and rights separately, or to let the land and stock the rights themselves, might be strong. Stripping common right from small parcels of land would free the common pasture from the cows and sheep of small commoners. But the law insisted on the integrity of lands and rights. And other commoners resisted any breach.” 82

“The reason why common appendant remained appendant was that its reputed origin—the need of a lord’s tenants for pasture in order to cultivate the land given to them in return for labour service and rent—was so clearly defined in common law. Blackstone noted the origin of the right in necessity, saying ‘the law therefore annexed this right of common, as *inseparably incident to the grant of the lands*’. To remove the right from land would make a nonsense of the origin of the grant, and so end the right for everyone.” 82

COMMON RIGHTS COULD BE SEPARATED FROM COTTAGES

“A more serious threat to the survival of cottage commoners was the buying-up of *cottages* by farmers and Lords of Manors long before enclosure, followed by the separation of the *use* of rights from the occupancy of the cottage to which they had belonged.” 84

PREVENTING OVERSTOCKING OF THE COMMONS 88

LAW OF THE COMMONS

“Common pastures were useful only if they were not overstocked, and the animals fed on them prospered only if their grazing was well regulated and the risk of disease kept to a minimum. The upkeep and renewal of the pasture, the fencing and mounding of the fields, and the adoption of fodder crops as communal resources were operations decided upon and enforced by manorial courts and vestries. The by-laws or field orders ratified here regulated the working lives of more people, more often, than any other kind of law in common-field parishes. It involved more officers and more frequent enforcement too. It forbade abuse of the pasture, or use by those without rights, and it survived until all the fields and commons of a manor or a parish were enclosed.” 110

SETTING STINTS TO LIMIT OVERSTOCKING

“The practice of setting stints to limit the number of animals pastured was central to this regulation. Without stints, graziers, butchers and farmers operating with large flocks and herds could run the commons bare every year. It is a common but incorrect assumption that stints were ineffective or that large areas of common waste were unstinted altogether and so overrun, but almost all the Northamptonshire manors made stinting orders early in the century, some of which were elaborations of still earlier practice. Juries made reassessments from time to time throughout the century, and in most cases abated—limited—stints even further.” 113

STINTS AND REFUTATION OF THE TRAGEDY OF THE COMMONS

“Stints like these imply careful regulation, and the absence of stints implies the absence of regulation. Not surprisingly, unstinted commons were a favourite target of the supporters of enclosure, who described them overstocked with the beasts of poor commoners or powerful farmers. But the absence of a stint did not mean that common rights were unlimited or that they were free to all comers. It meant that the level of stocking was determined by the number of common rights immemorially attached to land or cottage or residency: the original, unabated level of stocking. Further qualifications could include the ability to winter animals commoned in summer (levancy and couchancy), or status as a householder or cottager.” 116

TRESPASS AND OVERSTOCKING WERE OFFENSES IN UNSTINTED COMMONS AS WELL 116

“GOOD HUSBANDRY WAS NOT BORN OF ACT OF PARLIAMENT” 116

WHAT ANIMALS TOOK FROM THE COMMONS BY GRAZING THEY RETURNED BY MANURE 118

CRITICS CHARGED COMMON PASTURES LED TO PROMISCUOUS BREEDING AND SPREAD OF DISEASE

“Their criticism depends on two relatively unexamined assumptions: first, that little intelligent attempt was made to control animal diseases in common pastures; second, that most if not all diseases were transmitted by animals in close proximity, and that therefore post-enclosure separation of herds must have contained infection. Neither of these assumptions appears to be well founded.” 124

MARKETS WERE A CONSTANT SOURCE OF DISEASE 130

BREEDING WAS CLOSELY CONTROLLED ON MANY COMMONS 130

FIELDSMEN MAINTAINED THE COMMONS, ENFORCED FIELD ORDERS

“Fieldsmen were overseers or supervisors: they managed the fields but employed other men to do the work they though necessary. In any one year the Old officers employed between five and nineteen named men, and occasionally women and children too. In addition there were unnamed shepherds, ploughmen and gangs of men who moved thistles or cut trenches. Their work ranged from simple tasks like scaring crows off growing grain to more skilled ones like draining slades and setting new watercourse. In a year the fieldsmen focused on three priorities: fencing, drainage, and keeping the pasture clean.” 139

“Added to this was the constant need to watch over sheep as they grazed the pease field, to keep them out of the other fields; to watch the cow herd; to scare crows off the young corn; to clear out wash pits used for sheep; to knob the cows’ horns; and to arrange the crying of the orders, or the crying of the gleaning after harvest.” 139

SERIOUSNESS OF ENFORCEMENT ORDERS

“Providing incentives to enforce the orders and punishing officers who neglected their duties are two indications of how seriously juries took the need to enforce the field orders. But more significant was the fact that these men were employed and paid on a regular basis. The number and variety of the fieldsmen’s responsibilities could be fulfilled only by the presence of one or another of them in the common fields most days. Their work involved the constant supervision of the fields. For this reason, pinders, haywards, field tellers and fen reeves had to be compensated in some fashion, if not for their full-time work all year around, then at least for full-time work for part of the year. In an age when enforcing the criminal law was a part-time, unpaid occupation, and prosecution was a private matter, the superior organization of the enforcement of common-field orders is a measure of their communal importance.” 144

ROLE OF NEGOTIATION AND COOPERATION IN COMMONS

“It seems reasonable to conclude that the regulation of common of pasture was necessary, and that this was a fact well understood by all commoners. For the one or two men who wanted to run the common bare for the sake of a greater profit at the next market, there were many more who understood the basic agricultural law of feeding the land in order to feed oneself. They knew too that they could discuss and perhaps resolve common problems. Negotiation was as vital to common-field agriculture as pasture itself: commoners could do little without it.” 153

YET RELATIONS IN COMMON-FIELD VILLAGES WAS NOT ALWAYS CORDIAL 154

INEVITABILITY OF AN ENCLOSURE OFTEN CAUSED PEOPLE TO DISREGARD REGULATION OF THE COMMONS 156

ENCLOSURE: RENT AND DISPELLING THE MYTH OF BACKWARD AGRICULTURE

“Simply put: common pastures had to serve the common stock adequately, and grain had to be grown. In the end, common fields gave way to enclosed farms. But this does not mean that ‘good’ agriculture triumphed over ‘bad’, like some conquering hero in a gothic romance. It means that one mode of agricultural production gave way to another. (‘Backward’ agriculture itself is an astonishingly narrow concept. It assumes that productivity alone defines the many relationships, social as well as economic, that agriculture represents.) In the end, enclosers enclosed for a number of reasons, chief among them the prospect of higher rents, a belief in the efficiency of larger, consolidated holdings, and an emotional and intellectual commitment to a more individualized production, to private enterprise. The conquering hero is more accurately described as an investing landlord or an enterprising freeholder. But neither the higher rents nor the (arguably) more efficient units of enclosed villages, nor the change in the *zeitgeist* of the agricultural establishment should be taken to mean that before enclosure agriculture was *necessarily* badly run or backward. Communal regulation did not mean inadequate regulation.” 157

WASTES MADE COMMONERS OUT OF THOSE WITHOUT LAND

“The fuel, food and materials taken from common waste helped to make commoners of those without land, common-right cottages, or pasture rights. Waste gave them a variety of useful products, and the raw materials to make more. It also gave them the means of exchange with other commoners and so made them past of the network of exchange from which mutuality grew. More than this, common waste supported the economies of landed and cottage commoners too. It was often the terrain of women and children. And for everyone the common meant more than income.” 158-159

COMPENSATED ENCLOSURE

“If the benefits of commons varied with geography did they also support only some members of a village? Looking back from enclosure, the poor seem to have felt the loss most, and advocates of compensated enclosure in the 1790s were particularly concerned about their plight.” 174

COMMONS PROVIDED AN INCOME

“So commons were still useful in the common-field Midlands, and if they were useful here then they were even more so in the wasteland parishes further north and west. And they were valued by more than the poor: most families used the waste; it was a vital part of the economy of women and children. This begins to establish the boundaries of income value, a value that clearly varied from village to village. Common right could double a family income.” 177

COMMONS HAMPERED ACCUMULATION

“The habit of living off commons made the habit of regular employment less necessary. For commoners it was customary to make a living first out of the materials on hand; after all, the common came first, wage labour was a relatively recent arrival. This is not to deny the existence of wage labour; earning wages was necessary, but until they became the lion’s share of income they were supplementary not central to a communing economy. Looking for regular, constant employment was unnecessary where commons were rich reserves. It is no accident that the loudest complaints about the unavailability of commoners for work come from the Hampshire downs and the East Anglican fens. Time there was customarily spent on other things as well as work for wages. Grazing a cow or a donkey, getting in a store of fuel, finding repair wood and thatch, or gathering winter browse for a cow or pigs and food for the larder were other older kinds of employment. This time was never available to employers, it was never purchasable. Doubtless, for the poorest commoners thrift made a virtue of necessity; but the products of commons, and the habit of using them, made thrift possible.” 178

COMMONING ECONOMY AND SOCIAL VALUE

“Each usage of common waste created a sense of self: it told commoners who they were. Each usage had other meanings too. Every communing economy provided the materials for small exchanges—gifts of things like blackberries, dandelion wine, jam, or labour in carrying home wood or reeds. Some were given for good reason, others for no particular reason at all. But they were all significant because, in peasant societies, gifts helped families with little other reason for contact to make connection with each other, and through connection to establish a kind of safety net.” 180

COMMONS AS LESS ALIENATING—GIFTS AND SECURITY

“…apart from common land, commoners got their livings from rural industry and from paid labour. Both activities bound them to employers, or, if they were self-employed artisans, to a customer or a middleman. But neither relationship offered much security if things should go wrong. Access to a common made it possible to establish a relationship through the exchange of goods with other commoners. In short, gifts created bonds of obligation and the common was a better source of gifts than an inadequate wage; it provided more opportunities for giving (and thus receiving) than days spent working for a farmer. Finally, gifts also reassured people of each other’s solvency because the ability to give required possession in the first place. In this way they established a kind of equality between people. As a result they enabled charity when solvency turned to insolvency simply because the assumption could be made that this person is like us, but has fallen on hard times.” 181

MID 18TH ENCLOSURE MOVEMENT

“For a very long time commoners had lived with the possibility and the reality of enclosure but in the middle of the eighteenth century enclosers began to use private Acts of Parliament to enclose whole parishes. Gone was the slow, negotiated process of piecemeal enclosure in which closes or woods were taken out of the system and common rights were abated by general agreement. In its place came a process that dispensed with the need for much agreement and enclosed an entire parish in five to ten years, and when it was done all common right had gone.” 187

ENCLOSURE AND THE END OF THE PEASANT ECONOMY

“Where the peasant economy had survived in open-field villages until enclosure it had depended on a particular agricultural practice, a set of social relations, a right to use commons lands and a body of commoners large enough to support it: after enclosure all of these were either changed or lost. I argue that in most of the villages studied here parliamentary enclosure destroyed the old peasant economy. It did this not only by more than decimating small occupiers and landlords and by reducing their total acreage, but also by more completely separating the agricultural practice of small and large farmers, by pushing the small occupiers into the market more thoroughly than before, and by expropriating landless commoners on whom much of the old economy had depended.” 223

3 OBSERVABLE EFFECTS OF ENCLOSURE

“Taken together, the detailed evidence of numerical change allows us to make three general observations. First, it is clear that there was some numerical decline in landownership and occupancy directly after an enclosure. Second, it is equally clear that this decline was concentrated amongst the small landowning and occupying peasantry, those with between five and twenty-five acres.” 249

“Finally, there is evidence of a trend to larger farms and more large landowners in the enclosing parishes.” 249

ENCLOSURE ENDED TRADITION OF RECIPROCITY AMONG FARMERS 255

LOOKING FOR RESISTANCE TO ENCLOSURE

“Not since the Hammonds wrote *The Village Labourer* have commoners seemed to act in their own defence at enclosure. Yet when the Hammonds came to sum up the evidence of resistance they found it relatively sparse. They attributed this to the realism of enclosure’s victims who, they said, knew only too well that legal opposition was expensive and often quite futile. Given that Parliament turned a deaf ear to legal protest, opponents were left with illegal protest, ‘which made no impression at all upon Parliament, and which the forces of law and order could, if necessary, be summoned to quell’.” 260

“Since then historians have shown more agreement on the slightness of opposition than on almost any other aspect of enclosure.” 260

“More pessimistic historians, while agreeing that opposition was small, have looked for explanations of why what they see as a seriously impoverishing change should have provoked so little reaction. On the whole they have concluded that enclosure’s victims were too weak, too fearful, and too unfamiliar with parliamentary procedure to defend themselves.” 261

\*this chapter “It uses evidence from one densely enclosed Midland county—Northhamptonshire—to look at resistance to enclosure at the local level. It agrees with the Hammonds that small owner-occupiers and tenants, cottagers and landless commoners were shrewd realists when enclosure came in sight: their opposition was less a product of unusual circumstances—the old optimist argument—than of their own assessment of their own strength. But it also argues that commoners were more active in their own defence than historians—including the Hammonds—have allowed. In more places in Midland England in the second half of the eighteenth century than either the pessimists or the optimists might suppose, commoners thought themselves strong enough to disrupt and delay enclosure.” 262

PARLIAMENTARY COUNTER-PETITIONS TO OVERTURN ENCLOSURE ACTS 266

“Parliamentary counter-petitions represent only a small part of the opposition to enclosure; they are useful as guides to what kinds of grievance were felt not measures of how much there was. They were few because, as pessimistic historians have argued, they were expensive and they needed a degree of familiarity with parliamentary procedures that most small commoners lacked.” 272

“Petitions cost money and they cost time. But, above all else, they were *unsuccessful*, and this lack of success was a far greater discouragement to commoners than either cost or ignorance. Counter-petitions were presented to a Parliament of enclosers.” 272

PARLIAMENTARY COUNTER-PETITIONS GENERALLY FAILED 274

AS A RESULT THEY WERE LAST LAWFUL STAGE OF PROTEST 275

FILING COUNTER-PETITIONS SIMPLY TO DEMONSTRATE A DEGREE OF DETERMINATION TO RESIST ENCLOSURE

“Opposition seems to have been most often a local matter. Even where counter-petitions and refusals to sign Bills were brought to the Commons their purpose was less to impress Parliament than to impress enclosers with their opponents’ determination. There is evidence that the threat did worry enclosers and cause them to abandon Bills.” 277

UNLAWFUL RESISTANCE—DAMAGE TO FENCES, GATES AND WALLS

“When, despite this opposition, Bills did become Acts, opposition remained local but became unlawful. Unlawful opposition either delayed and disrupted enclosure or it mitigated its terms and punished its supporters. Unfortunately surviving sources underestimate the amount of riot and covert malicious damage to fences, gates and walls.” 277

MOST PERSISTENT LEGAL OPPOSITION WAS OFTEN FOLLOWED BY A RIOT 278

THE LANDLESS OPPOSED ENCLOSURE

“Entirely landless labouring families also opposed enclosure. As landless commoners they depended on commons in winter or at times of dearth and decline in trade. They gathered fuel, they gleaned after harvest, and their children went nutting and berrying, scared crows from the crops, watched the pigs at mast harvest, tended the sheep and gathered wool from the pastures. Where commons and custom allowed, even the landless put pigs, sheep or cows on to the common pastures. And, in many parts of the country, labouring families feared unemployment would follow enclosure if the clays were turned over the pasture.” 284

DIFFICULTY OF QUANTIFYING RESISTANCE (RESISTANCE IS NO MEASURE OF FEELING OF INJUSTICE)

“There are two points. The first is that the deep hostility generated by enclosure was as corrosive of social relations as signing a petition or pulling down fences. The second is that counting signatures and riots is a wretchedly inadequate guide to the level of hatred in villages after enclosure. (It makes as much sense to measure the incidence of dearth by counting the number of food riots.) If protest is hard to quantify, a sense of injustice is harder. But it was surely more general and more long-lived than resistance. Resistance in the shape of petitions, riots and malicious damage required opportunity and a promise of satisfaction. As time went on both receded. Injustice is not always resisted; therefore to use resistance to measure it is absurd.” 291

RESISTANCE IS NO MEASURE OF HOSTILITY

“Resistance is no guide to the extent of hostility to enclosure. The sense of loss, the sense of *robbery* could last forever as the bitter inheritance of the rural poor.” 291

COMMONERS WERE NOT LABOURERS—THEY WERE PEASANTS

“Commoners were not labourers. Their defenders and critics agreed on this. Some laboured, some earned wages, but even they were independent of the wage. Their lands and commons rights gave them a way of life quite unlike that of the agricultural labourers, outworkers or smallholders they might become at enclosure. Defining exactly what commoners were is difficult but it is important. They were peasants. I call them that reluctantly, but necessarily. The value of the name is that it emphasizes a continuity with the past, a continuity based on the occupancy of land and rights in the common-field system.” 297

COTTAGERS

“There are other words. As an alternative to peasant I could call commoners ‘cottagers’ as some contemporaries did. But in common-right terms ‘cottager’ has a very specific meaning; to use it here would be to exclude many commoners who were not cottagers.” 298

COMMONERS VERSUS PEASANTS

“In calling commoners peasants I am not saying that eighteenth century England was feudal, that most agricultural production in unenclosed parishes was peasant. Clearly, it was not. I am aware also of the economic relations between commoners of the small peasant kind and their big tenant neighbors inside the village and in enclosed villages nearby. I am aware too of the important role of rural manufacturing in reinforcing and supporting or undercutting the power of this peasantry. Nor am I defending an ideal type when I call eighteenth-century commoners peasants. They were a very particular kind of English peasant, with a particular economy and culture. For that reason they are called commoners and not peasants throughout this book. But they are the descendants of other English peasantries, not a rootless eighteenth-century phenomenon.” 298

PROBLEM OF DEFINING PEASANTS

“Defining a peasantry is difficult work. As a class it is rightly called awkward. It lived too long, it changed too much in the process, its economic identity is unclear. On the whole, historians avoid defining it at all. Most use the term to mean small landholders and leave it at that. The most common image is not of a class but of an individual, a small owner-occupier who looks remarkably like a modern small farmer. He is self-sufficient and needs no other source of income. Should he rent land his tenure is secure, and his legal rights are growing. He has little to fear from parliamentary enclosure, but he *is* vulnerable to poor harvests, low prices and the sharpening appetite of the land market. In all, he is a very insular type, quite unlike his French counterpart, or his Irish. In general, we see not even as clear an image as this. Definitions are implied, not stated.” 299

COMMON-FIELD PEASANTS

“In the early modern period common-field peasants appear to have had at least three characteristics. First, they owned or occupied land and got their living from it. But the living they got did not enable them to accumulate much capital because their holdings were often very small, and rent, taxes and tithe creamed off any surplus. And the degree of support they got from the land varied, not only over the long term, from the sixteenth to the nineteenth century, but also over the short term, through life-cycles, from decade to decade, and from generation to generation. It follows that occupiers who were also artisans, or who worked for a wage, and landless users of common rights were peasants too. Second, peasants worked the land themselves, rarely employing anyone else for wages, though probably depending on neighbors and friends at particular seasons such as ploughing, lambing and harvest, and in widow- or widower- hood and old age. And third, common-field peasants shared a common culture. Their common rights supported customary behavior, joint agricultural practice, mutual aid, and, on occasion, a sense of political solidarity.” 300

COMMON-FIELD VILLAGE WAS NOT DEMOCRATIC UTOPIA, YET THERE WAS SOCIAL EFFICIENCY IN COMMON-FIELD COLLECTIVISM

“Common-field villages did not house serenely self-regulating democratic communities. Economic and political changes affected the behaviour of open-field farmers, divided their interests, and led them to act independently in all kinds of ways. In some parishes the workings of the land market, or the ability of landlords to consolidate holdings, reduced the number of small peasants to nothing long before enclosure. In others, large owners and substantial tenants may have been more eager than small commoners to innovate and to consolidate land. In still others they may have tried to overstock the commons. The point is that they did not deny common pasture to small occupiers and cottagers. Landlords did no annul leases and raise rents two or three times over in the space of a year; nor did they drive land sales up to record levels. It took a parliamentary enclosure to do all this. Before enclosure the larger owners could (and did) alter the terms of landholding relations in this or that respect, but they could not tear up the contract. This limit to agrarian capitalism favoured the small and middling occupiers most. They took from it vitally important pasture, some risk sharing, a sense of common purpose with richer men—however tenuous—and a tradition of mutual aid. The *social* efficiency of this common-field collectivism is overlooked by historians who consider enclosure’s efficiency in narrowly economic terms—measuring only what Keith Snell has called ‘growthmanship’.” 320-321

COMMONS AND SOCIAL COHESION
“Kinship and sharing the same fields and commons in as intimate a way as common-field agriculture demanded probably discouraged overt displays of social difference too. Clothes, houses, language and leisure divide or unite people of different wealth and social standing. But when farmers dressed as plainly as husbandmen and put pewter on their tables not silver, when their wives and daughters worked with other women, and when they ate with their labourers and servants at the same table every day, and drank too, when contact was as regular and as personal as this perhaps a sense of obligation and connection was there also.” 324

SUMMARY AND THESIS—ACKNOWLEDGING 18TH ENGLISH PEASANTS AND THEREBY THE COMMONS-BASED ECONOMY AS WELL

“Finally, the survival of this peasantry until enclosure in many common-field villages also helps establish the social meaning of parliamentary enclosure in more dramatic terms than the orthodox version of a much earlier peasant disappearance allowed.” 329

“Moreover, enclosure was an institutional or political intervention. No other attack on common right succeeded as well as enclosure. No other means could be found to raise rents as far or as fast. Enclosure, sanctioned by law, propagandized by the Board of Agriculture, and profited in by Members of Parliament, was the final blow to peasants in common-field England. The result was a memory of expropriation that informed, legitimized, and sharpened the class politics of nineteenth-century villages.” 329-330