

A Hidden History

Communal Land Ownership in Britain

Simon Bilsborough

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“By impulse, without national leaders or the clarion of propaganda, the peasants all the way from Cornwall to Durham took up such arms as they possessed, each village at its own moment, without concert, to level the hedges and fences.”

H.N.Brailsford¹

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Introduction

The quotation describes the outbreak of resistance of ordinary people to the enclosure of common fields and lands in the early years of the English Civil War. Enclosures, by private landlords, had taken the land from the people: levelling hedges and fences extinguished the visible markers of private ownership. In today's context the quotation might well read *“people all the way from Cornwall to Durham, from north-east London to Glasgow, took up such arms as they possessed to stop the Department of Transport from levelling hedges and fences, woods, habitats and landscapes.”* The central issue remains the same: a politically powerful land owning hegemony, having achieved land ownership – through the sword, in one case, and through compulsory purchase in the other – seeks to extinguish rights and common benefits associated with areas of land largely for private benefit.

The persistence of this activity, and the promotion of ideas first promulgated widely in England during the Civil War, has defined the identity of the radical wing of the environmental movement. Just as ordinary people took back land then against the

enclosures, so protestors today do likewise, protecting houses and habitats from the march of the roads. Ideas and information are distributed through the modern version of the broadsheets: the fax, phone and modem. The responses of authority to these movements has not changed, in actions or language. Cromwell described Levellers (the core of radical thinkers within the New Model Army, fighting during the Civil War for a republic and for parliamentary democracy) as “*a despicable and contemptible generation of men*”, and as “*persons different little from beasts*” – phrases that would not seem out of place today on the lips of members of Parliament.

The logical culmination of the twentieth century activity was the temporary occupation of land, near to St George’s Hill in Surrey, in the name of ***This Land is Our Land*** campaign. The chosen location is historically significant. On Sunday, 1 April 1649, a band of about a dozen landless women, children and men camped on St George’s Hill, near Walton-on-Thames, and proceeded to dig and tend the common, calling themselves True Levellers. They came to be led by one Gerrard Winstanley, a prolific writer and visionary, who claimed to be inspired through direct revelation from God. Winstanley’s central thesis was that land was created, by God, to be a common treasury for all, and was not to be used for the benefit of private individuals. The “*source of all exploitation and most of the misery*” in England lay in the “*private appropriation of the means of life*”, which in the England of his day, meant the land.²

The central issue is still the ownership of land and its associated rights. But to what extent are the arguments of radical thinkers during the English Civil War relevant to today’s debates? The purpose of this article is to show that Winstanley’s clarion call is one of many such proclamations in Britain. Although analyses have differed, and only some have been backed up by practical action, a common aim has been re-establishing a democratic use of land for the common good. The actions taken now by road protestors and others indicate that the *common good* associated with land has widened from the main issue of food availability in Winstanley’s day, to embrace land distribution, animal welfare, wildlife and landscape conservation, and public access.

All things in common

Winstanley claimed to have received three revelations from God, of which one commanded “*work together; eat bread together; declare this abroad*”. His solution to the issues of land ownership and its associated power and privileges therefore focussed on the idea of *community*. Landless people were to join together to dig the waste lands. Winstanley believed that up to two-thirds of England was not properly cultivated, and that “if the waste land of England were manured by her children, it would become in a few years the richest and strongest and (most) flourishing land in the world”. He also demanded that the land whose sale had been authorised by Parliament should be appropriated, and together with confiscated land previously belonging to the church, to the Crown or to royalists, should be allocated to a land fund and redistributed to the poor and landless.

Winstanley’s core argument concerning land ownership has a resonance in today’s context of direct action for the environment. He argued that “*when men take to buying and selling the earth, saying ‘this is mine’ [they] restrain other fellow creatures from seeking nourishment from their mother earth and thereby some are lifted up into the chair of tyranny and others trod under the foot-stool of misery, as if the earth*

were made for a few; not for all men". Thus, in today's context, it is the intensive farmers, the developers and the road builders who prevent others from "*seeking nourishment from mother earth*". Security guards who, on behalf of the Department of Transport, use cranes physically to evict roads protestors from trees are literally "*lifted up into the chair of tyranny*". Likewise, road protestors suffering physical and verbal abuse and assault are "*trod under the foot-stool of misery*". Not for nothing did Winstanley recognise that, of those who own land, "*they or their fathers got it by the sword*", and that property could be maintained thereafter only by the sword.

Winstanley thus perceived the political importance of land ownership, and the way that this influence can attenuate common rights associated with land use (either gradually, or swiftly, as with enclosures) and concentrate benefits in the hands of the few. His legacy has been the inspiration for others to argue in favour of land reform and to put this belief into practice.

Winstanley's call for land to be owned by all and on behalf of all has been taken up by an assortment of doers and thinkers. Common or similar objectives have been sought in a variety of ways, and this diversity and eclecticism may be an important indicator for the way forward. The diversity of ideas to improve the vision of Winstanley has focussed on those seeking to own and control land at the local level, and those seeking to achieve common aims through mechanisms such as taxation.

Local control

The ideal of the shared ownership of land for a common purpose stimulated many attempts at communal ownership, with wide-ranging ideas: utopian, anarchist, socialist, green or rural romantic, together with a diversity of religious convictions.³ Twenty-five rural communities in England and Wales have been recorded in the period 1821 – 99 (how many went unrecorded is not known), ranging in size from 4 acres to over a 1,000 acres, and covering in total 3,300 acres. Of significance amongst these are organisations which have succeeded on a wider scale, albeit normally for a limited period only. Three in particular deserve attention.

In 1842, Fergus O'Connor, the leader of the Chartists, proposed measures for "*the restoration of the land to its natural and original purposes*". O'Connor envisaged the spread of communities, each of about 125 families, with a cottage and about 4 acres per family. Capital would be raised nationally through subscriptions. Subscribers would be eligible to enter a lottery, through which property would be allocated. Each colonist would receive freehold possession of the property, to a maximum annual value of 40 shillings, the amount required to qualify a householder for a country vote. In this way, universal suffrage would be achieved.

The Chartist Land Company, launched in 1845, attracted 70,000 subscribers between 1846 and 1848, allowing the company to purchase five estates covering 1,100 acres in total, and construct 280 cottages and four schools. Despite this success, legal problems mean that the Company was closed by Act of Parliament in 1851, and the lands purchased gradually dispersed back into private ownership.

Between 1871 and 1884, John Ruskin developed ideas of restoring '*lost values*' through a return to an economy based on agriculture and crafts. Ruskin created the

'Guild of St George', an organisation that would accept a 'tithe' from all, to create capital for land purchase. Ruskin wrote "*we will try to make some small piece of English ground, beautiful, peaceful and fruitful. We will have no steam-engines upon it, and no railroads; we will have no unattended or unthought-of creatures on it*". Over a ten year period, the Guild acquired four areas of land (two of which were donated), amounting to 25 acres, and none of which ultimately operated as Ruskin had intended.

The belief in the communal ownership and shared control of land is still prevalent in the 20th Century. Thus, the Christian Pacific Forestry and Land Unit was organised at the outbreak of World War II, to enable pacifist to live together communally whilst working on the land. Seven sizeable farms were purchased by the Unit or by individuals who shared the same beliefs.⁴

Taxation

Others have recognised the impact of private property upon communal benefits and sought to use the taxation system to account for this. In 1797 one Thomas Paine proposed that all landowners should pay a 'ground rent' to the community for 'natural element' of land. The revenues would allow a payment to everyone of £15 on reaching the age of 21, and £10 per year from the age of £55. The payments represented "*compensation in part for the loss of his or her natural inheritance by the introduction of the system of landed property*".

Henry George is perhaps the best known amongst those who advocated some form of land taxation. Writing in 1879, he argued that land ownership "*is the great fundamental fact which ultimately determines the social, the political, and consequently intellectual and moral condition of the people*". George believed that labour, rather than private property, assured efficient production: "*it is not the magic of property that has turned Flemish sands into fruitful fields. It is the magic of security to labour*". The hiring of labour by private landowners would give rise to injustices, whilst the landowner, simply through the fact of owning land often through inheritance, would become rich "*without adding one iota to the wealth of the community*". George argued that the confiscation of land would be unjust, and that its compulsory purchase would be needless. Instead, he argued that it was not necessary to confiscate the 'rent' from land, and proposed the full taxation of all incremental increases in the value of land, a solution that would render other taxes unnecessary.⁵

A contemporary of George's, Alfred Russell Wallace, was president of the Land Nationalisation Society, whose objective was "*to restore the land to the people and the people to the land*". Like George, he considered that problems of rural poverty were attributable to landlordism. But other problems also arose: "*the public are deprived of one of the greatest enjoyments of country life: the power to wander freely under the shade of trees, in places where the choicest wild flowers blossom*". He proposed that between one and five acres of land should become available to everyone, should they want it, with tenants paying a ground rent to the state for the inherent value of the soil.

More recently, Marion Shoard has argued for a system of taxation of rural land, with positive and negative rates of taxation according to the use the land is put (intensive

cereal production attracting a positive rate, broadleaved woodland attracting a negative rate). Relief from taxation would be assured if the landowner were to produce a land management plan that was approved by the local authority.⁶

Encouraging the common good

The ideal shared by all of the above is that the common good associated with land is best protected and nurtured if there is some form of control of the rights that give rise to these. In some cases, control, on behalf of the community, is focussed on the private benefits of landownership: the full taxation of these benefits should reduce or destroy the landowner's incentive to maximise private gain, and so help preserve the common good. In most of the cases, control is achieved directly through community ownership.

Yet ideas about what was the '*common good*' differ. Winstanley recognised the political importance of land ownership, and in his analysis the common good was food availability and the means of ordinary people to produce and share food. To Paine, the common good was the return of lost rights, a loss that would return through compensation. O'Connor perceived the common good to be justice and democratic rights for all. George was similarly motivated: his common good concerned the rights of the labourer, and the prevention of labour exploitation by landowners. Wallace was keenly motivated by the common good associated with public access, and Shoard brings us up to date through focusing on the common benefits of wildlife and landscape conservation. Ruskin's common good is perhaps least appropriate: the return to some mythical pre-industrial merrie England for the benefit of all.

In today's context, the common good associated with land use is wider than that of food availability (although this still remains a key issue for families below the poverty line), and has embraced food quality, and more indirectly, local systems of production and distribution. In a global context, of course, food availability, land rights and security are certainly topical issues. In Britain, the common good associated with land use is firmly focused on rural environmental issues, public access and animal welfare.

Given this long tradition of analyses which, from different view-points, have argued for some form of democratic control of land, what steps have been taken by Government to promote this ideal? Only two examples exist.⁷

The Land Settlements (Facilities) Act 1919 was intended to provide, by direct Government intervention in the land market, smallholdings for ex-soldiers, returning from the First World War. The scheme came to an end in 1926, but largely failed to meet the needs of the servicemen because the holdings offered were too small to sustain a family.

An initiative by the Quakers led to the formation of the ***Land Settlement Association (LSA) in 1935***. The LSA acquired land for market gardening, to be rented out to unemployed industrial workers. The Association, sponsored and funded from its beginnings by the Government, was the largest scale venture in getting 'back to the land' in Britain. The LSA was ended, abruptly, in 1982, when it comprised 10 estates covering 3,000 acres, with about 530 tenants as well as 300 staff. Tenants were

allowed to buy the land at half the market price. Two co-operatives were formed. In other cases, the land was sold by the Ministry of Agriculture and Food.

Extending community control

The central idea – protecting and nurturing the common good associated with land ownership through community control – clearly has a long tradition in Britain, and it is an ideal that is still very relevant. Thus, in Scotland, a Land Commission has been established with the help of the Scottish National Party, to investigate land ownership, access, land use and development. The Commission, reporting in October 1995, will be suggesting proposals for reform. In addition, The Ramblers Association (with a membership of 104,000) has announced an Open Britain Day this year, to highlight a campaign for open access to the countryside, subject to common-sense restrictions, an aim to be put into practice by the next Labour Government if the opposition is currently to be believed.

A key focus has to be the European Union Common Agricultural Policy (CAP). The agricultural sector in Wales alone received in 1993 – 94 some £200 million of public monies in capital subsidies and price support. The ‘*common good*’ from this investment of public money is food availability, but as noted above common good associated with land use now embraces wider concerns. The public benefit from this generous investment – in particular the environment, the welfare of animals, and public access – should be guaranteed by contract, not left to the whim of the landowner concerned. More broadly, fundamental reform of the CAP is required. Shoard’s suggestions seem inherently reasonable.⁸

The original principle of common lands – there can be little doubt that common land was originally common property – could be reasserted. Commitment to legislate for one of the key recommendations of the Royal Commission on Common Land (1955 – 58) – that all common lands should be open to the public as of right, subject to certain standard restrictions which are aimed at preventing unsociable behaviour (which includes “*engaging in riotous or disorderly conduct, or wantonly annoying or obstructing any person engaged in any lawful occupation*”) – would help. But why do we not leave the 20th century with a “big bang” as far as land is concerned? How about legislation to establish genuine community commons: a proportion of land within each parish or community to be appropriated and redistributed to the community, for its ownership and care in perpetuity?

Village greens go back to the earliest days of the village as a human community, and are the common property of the village. In some instances, there are still certain common rights on the green, but many greens appear never to have been subject to any common grazing and have been reserved for various forms of recreation for centuries. It is estimated in 1963 that there were some 1,400 village greens in England and Wales, of which all but 45 were in England (recent research suggests that this is an underestimate).⁹ Those that are still extant need to be reclaimed for community use; but how about an act of Parliament to allow communities to appropriate suitable areas of land within villages to form village greens?

O’Connor favoured a lottery to raise capital. The National Lottery is such a vulgar and regressive institution that it deserves reform. Why not appropriate its takings, to

be reallocated to a trust fund for purchasing and re-selling, at subsidised prices, land in small blocks, to individuals or communities for the opportunity of locally or community-based organic food production? At the very least, Britain's capital taxation system could be re-arranged to encourage the same ends.

The *Small Holdings and Allotments Act 1908* enabled County Councils to provide small holdings and allotments for rent. Why not a massive increase in urban and suburban allotments?

Britain's urban parks are visited by 8 million people per day, and yet, due to Government cut-backs and privatisation of staff, are reported to be in "desperate decline" according to a recent study by the think tank Demos. In Victorian times, public parks were part and parcel of urban development, promoting the common good in the form of public health, social cohesion and local identity. Imagination is required to rejuvenate existing urban parks, and recreate new ones: city farms, ecology centres, community gardens (open access to flower beds?), health parks, tree parks, urban wilderness areas, and the like.

The work of Common Ground deserves emphasis. It is important to recognise its wider influence. Reasserting tradition and custom associated with land serves useful purposes.¹⁰

Defining boundaries (e.g. to land, or within formal relationships) helps reassert personal or community identity, or sense of place. This function in its most obvious form was demonstrated in the annual walking of the boundaries of a parish – beating the bounds – thereby physically demonstrating lands, including common lands, over which the community had rights, and also incidentally helping to maintain a strong sense of community identity.

Defining common rights, associated with land or work, for instance. Rights associated with land were manifold and were of crucial economic importance in securing access to lands for grazing, or access to resources with clear benefit to families. Examples would include cutting and taking rushes, gathering wood (estovers), and the grazing of animals. In a modern context, community control over a nature reserve could help manage and secure the 'common good' of wildlife and public enjoyment. In this sense, the road protestors can be seen to be reasserting communal rights to enjoy a wooded valley (for instance) and its associated rights of way. In so doing, tradition is created: how soon before every new road through a sensitive habitat is accompanied by land occupations?

Regulating unsociable behaviour. In the context of communal land rights, unsociable behaviour would be an individual taking more than a fair share from a common property resource, e.g. the overstocking of commons. Over time and over space, the users of commons have developed a rich variety of institutions and community sanctions which have affected restraints and stints upon use. When these break down, we get the 'tragedy of the commons'. For example, in the 1790s and early 1800s reporters to the newly formed Board of Agriculture found widespread evidence of overstocking of commons.

Conclusion

Winstanley believed that land was a common treasury for all to enjoy. His vision and actions are not isolated examples, but an earlier part of a continual process of ideas, agitation, and practical action, aimed at establishing community control of land for the common good. In the mid nineteenth century, John Stuart Mills recognised the relationship between custom, rights, and benefits: “*every relaxation of [the law] has a tendency to become a custom, and every custom to become a right. Rights thus originating, and not competition in any shape, determine in a rude state of society, the share of the produce enjoyed by those who produce it*”. In terms of land, the “*share of the produce*” now includes wildlife, landscape and public access. The “*rude state of society*” focused in the 1980s more than ever before on individual self-advancement. The reaction against this can be utilised in favour of land reform.

Further Information

The British Association of Nature Conservationist (BANC) can be contacted at <http://www.banc.org.uk/>

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- ⁵ For an economic perspective on George and others mentioned here see Bateman. D, I (1989) Heroes for present purposes? A look at the changing ideas of communal land ownership in Britain. *Journal of Agricultural Economics*, 40. pp269-289.
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