

Promised Land

Returning Land to It's Rightful Owners - Models for Collectivising England and Wales

Tony Gosling

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Along with the problem of private money monopolies land ownership imbalances are one of the central causes of poverty and distress in the UK and around the world. In this article Tony Gosling attempts to come to grips with a balanced vision of land ownership for the future drawing primarily on Judaeo-Christian spiritual ideas about land as a free gift to mankind but still ultimately 'owned' by God.

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Land is a free gift to mankind – so why is there none for me?

Britain in 2003 has a land area of 60 million acres and a population of 60 million people. (*Who Owns Britain*, Cahill, 2002) Whether you believe in the God of Moses, the wisdom of the American Indians or neither this discussion document is meant to provoke comments/new ideas. Particularly on the practicalities of ridding Britain of the underclass and associated rent, stress and poverty that goes with our system of private landownership. The debate on the practicalities of how to make a collectivised ownership system work is a stimulating challenge. Yes, the current system is a disaster, but can we come up with a better system that works?

“The land is not to be sold in perpetuity, because land belongs to me.”
(Leviticus 25:23)

The Inclosure problem

Private property rights now exist on almost all land in England and Wales. The earth under our feet once considered a divine gift to all mankind, has been measured, partitioned off with fences, and privatised. The Norman's *Domesday Book* set the stage for inclosure. Compiled in 1086, it was an inventory of all land-based resources in the country so they could be effectively taxed. There were at least some local riots when the king's commissioners demanded what was considered private information. It was nicknamed *Domesday* because people compared it to the day of judgement. Once a taxable resource was in the book no appeal was allowed.

Inclosure (*enclosure* appears to have been the advocates' spelling) was the transfer of God given land into the ownership of arrogant men. Such land took on the legal status of private property such as something crafted by one's hands or something bought or exchanged. The controversial *Statute of Merton*, a scheme of Henry VIII's was one of the first inclosures in Britain.

Inclosure took place piecemeal across England and Wales over many hundreds of years and the fragmented peasants' side of the story has been largely untold. The rural poor could rarely read or write, neither did they have more than a handful of sympathisers amongst the classes that could. The perpetrators didn't want sordid details of evictions recorded. In many cases the only hint of struggle over land are

entries for soldier's payment in the inclosure commissioner's accounts. The only king to make a serious attempt to put a stop to and even reverse inclosure, Charles I, was beheaded. The English Civil War, which culminated in the death of Charles, was driven by the same classes who were finding inclosure so lucrative.

England became the world's first nation controlled by the merchant or capitalist class. It was the first country to see mass rural evictions and urbanisation and as a result was fertile ground for the industrial revolution. The present and virtually universal '*private ownership*' model has left us with no easily identifiable way of legally containing or '*owning*' land which doesn't lead to financially better off individuals having greater power in deciding how it is used. It is also difficult to see how a group can be prevented from going into debt that would leave land open to takeover by moneyed interests from outside. The inclosure model has been used to undermine natural human rights in other areas where the nearest blood-relative took possession. As the head of the household wished, it could pass to anyone in his or her immediate family. Crucially, the *copyhold* meant family land could not be bought and sold on the open market nor used as security against a bank loan. This made it virtually impossible for the family to be turned out of their home for financial reasons.

Historical Models

The pre-inclosure open field system or manor was the natural settlement pattern of hunter-gatherers. Drawing on circumstantial evidence archaeologists and historians tend to agree on this. Itinerant groups saw the benefit of collecting seeds; of clearing virgin ground for planting and coming back later in the year for harvesting. They soon realised that use of the same ground for growing every year led to deterioration of the soil hence they would make new clearings and or rotate old ones. If game became scarce, possessions difficult to transport or demands on planter-harvesters increased longer stops became necessary between moving on. Previously cleared ground may have been revisited regularly and would be the obvious place for such stops, which would have become longer as possessions, buildings and other useful infrastructure increased.

Settled groups tended to live in the centre of several fields, like giant allotments, which contained strips farmed by individual households on rotation. Whatever the number of fields around the village one would be left fallow each year. Crops were rotated including grains, pulses and root vegetables. One of the most popular rotations was barley and wheat on the three-field system with one field fallow every year. The barley was malted for beer whilst the wheat was milled for bread baking.

This was the shape of the pre-inclosure model, with *manor* settlement size being about 40 extended families. The group's leader became known as The Lord of the Manor and presided over a manorial court in which he too could be cross-examined and punished. The ordinary villagers were the copyholders in most manors, with security of tenure and other important rights. No one was considered *owner* of the land. The Lord had exclusive use of *demesne* land and was the manor's representative in dealings with regional or national government and the Crown. The Lord had to supply soldiers for the king, a duty that was slowly replaced by a money tax. Laxton, near Newark in Nottinghamshire, claims to be the only living example of uninclosed land and is part of the Crown estates.

Social Cohesion

Do we know how ancient tribal societies delivered justice and made decisions? This wisdom has been largely lost from our community memory with ruinous results. Group actions to create model communities can succeed in the short-term whilst there's a common cause but are rarely able to make the long haul. All sorts of ideologies can halt the smooth running of a group: the desire to do without rules, disagreement about how to keep animals, differing views over noise levels and simple personality clashes can help groups see that unanimity of purpose may be superficial.

In tribal societies, such as amongst North American Indians, the leader of the tribe was there by consensus. He would be someone who people thought was a good thinker, reliable in a crisis. The tribal leader was only one of many agreed roles of responsibility among the men. Leadership roles carried greater responsibility as effects of decisions were felt much more close to home. Women's role was as overseers of the tribe. The head woman was agreed by consensus with the other women. If the mother of the tribe felt the leader was not suitable she would call a kind of *election*. The tribal leader would stand up and make a speech about his past achievements and his vision for the future. Other men would follow, often including a nomination from the women. Beginning with the old chief the various candidates would then go some way from the camp and pitch their tipi, or simply stand some distance apart. Other members of the tribe would then cluster around their favoured leader with some of the speakers possibly demurring and showing their allegiance to another potential leader. Clusters of the lowest numbers would be obliged to disband and join larger ones. After some time it would become clear who the new leader was to be. In the case of a strong ideological split the factions might decide to go their separate ways. Matters of grievance and complaint were decided and rules set by a council of *elders* of the tribe. Ideologies, closely linked to spiritual beliefs, bound the people together. If the ideology became fractured or split the mechanism was there for the group to divide along the line of disagreement or follow the new consensus.

God's Land

One of the central faults in the manorial open field system was the idiosyncratic role of the Lord. The word Lord is an amalgam of two ideas: '*a man who is greater than others*' and a hangover from the (unbiblical) refusal of some believers to use God's name – Yahweh or Jehovah.

Open field villagers had copyhold rights, their stake in the village community. Copyhold was tenure similar to leasehold or freehold, abolished early in the 1990s. It could guarantee the head of a household the right to exclusive use of land for his home and some land immediately around it as a garden. It also guaranteed him a number of rotating strips in the open field equal to the other copyholders in the village. Furthermore it gave him common grazing rights on wasteland and in open fields if they were being grazed.

Remove The Lord of the Manor and replace him with the guidance that comes from faith in God of The Bible and Jesus, adherence to the ten commandments, love of one's neighbour, and this old land management system has much to commend it. The

copyhold agreements were the framework which supported consensus land management. Agreed rules and limits, such as stints on the commons, were enforced through the local court which was empowered to fine and suspend or even relieve a villager of their copyhold. The copyhold was a model from of tenure in that it could only be passed down through the family. As in probate law if a copyholder died without any clear successors the nearest blood-relative took possession. As the head of the household wished it could pass to anyone in his or her immediate family. Crucially, the copyhold meant family land could not be bought and sold on the open market nor used as security against a bank loan. This made it virtually impossible for the family to be turned out of their home for financial reasons.

Further Information

This paper was written as a discussion document – feel free to get in touch to discuss it if you find in *action provoking*.

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