

Conference Report: Winter Conference 1999 'Commons, Common Rights and Commoners'

by Jane Whittle

The winter conference goes from strength to strength. On Saturday 4 December around 80 people gathered at the Institute of Historical Research in London to hear four papers exploring the extent and use of common land in England from the Anglo-Saxon period to the present day. Professor Christopher Dyer (Birmingham) started the conference by demonstrating that conflicts over common land have a longer history than we might expect. As far back as the Anglo-Saxon period people were in dispute over common rights. With increased settlement density, boundaries and use rights were increasingly carefully defined. Areas of common land, which were usually on the edges of parishes, often shared between parishes, and sometimes even detached and distant from the parish to which the belonged, were complicated to define and delineate. Disputes inevitably arose, as charters indicate. The extent and layout of early commons can be reconstructed from post-medieval maps and from aerial photographs of fossilised ridge and furrow systems. Common pasture was surprisingly limited in many champion villages before the Black Death, where the great majority of land lay in open arable fields, and as little as 10 per cent was left for common pasture. The situation was very different in woodland and mixed villages, where there was more enclosed pasture, but also more common pasture as well. It is therefore surprising to find that in the high medieval period, when the pressure of population on the land was at its highest, disputes over common land are recorded most frequently in the woodland and mixed communities. Here, villagers defended their common land against the encroachment of new enclosures by throwing down hedges, much as they are known to have done in later periods. In the arable, champion villages, where common land was in limited supply, and pressure on its use presumably that much greater, the court rolls provide little or no evidence of tension over common rights. However, it is also contradictory, and perhaps part of the same pattern, that after the Black Death, when population levels had slumped and land was relatively

plentiful, village by-laws relating to the use of commons were increasingly recorded, and increasingly infringed. Wealthy peasants were wealthier, and keeping more animals: pressures on common land were increasingly profit motivated, rather than arising from the necessity of subsistence.

Dyer showed that conflict over the use of common land arose between peasant tenants: between the inhabitants of different villages, and between those who sought to enclose land or exploit commons for profit, and those who wanted to retain common land as a common resource. Lords might ally themselves with one side or another, depending on how their own interests were affected. Dr Steve Hindle (Warwick) was also concerned with conflict between ordinary villagers examining 'Rights, regulation and residence: continuity and change on the English manor, 1550-1650'. Rapid population growth and falling real wages in the second half of the sixteenth century intensified differences between moderately well-off farming households and those with little or no land: cottagers and squatters. However, the effects of population growth were not evenly spread, and again, the contrasts between champion and pastoral communities were stressed. Champion villages with little common land shed population, and these people moved towards forest, fen and upland areas where common land was more plentiful. As a result, such pastoral communities experienced particularly rapid population growth, and it was on this these pastoral communities that Hindle's paper concentrated. The inequalities between parishes in the resources available exasperated inequalities within them. Numerous examples from around the country were used to show that faced with rapidly increasing numbers of cottagers and squatters the wealthier inhabitants of pastoral communities turned to one or more of three strategies. First, they sought to exclude poor households by forbidding the building of new cottages or the subletting of housing to 'inmates' or 'undertenants'. Secondly, the regulation of common resources was increased, with tighter stints reducing the number of animals smallholders could keep

on the common, and excluding new households from common rights altogether. Thirdly, larger tenants in some instances sought the ultimate solution in enclosing common land – privatising the commons – with compensation offered to established households and squatters thrown off village lands.

Perhaps the most interesting theme to emerge from this discussion was the increasingly sharp distinction that developed in this period between 'inhabitants' (direct tenants of the manor) and cottagers, squatters, and 'strangers' (subtenants and those without formal tenancies). This change in attitudes was partly the result of introduction of poor rates, but also surely a consequence of the increasing polarisation of wealth within village communities below the level of the gentry that is so characteristic of this period. Conflict over common rights was one of the clearest expressions of the increasing divisions within village society. Hindle concluded that common rights, rather than being an equalising force, became an arena of conflict, division and exclusion.

This discussion provided supporting evidence for Dr Leigh Shaw-Taylor's (Cambridge) conclusions regarding the period 1750–1850. His paper examined the question of whether agricultural labourers possessed common rights before parliamentary enclosure. We cannot hope to understand the consequences of parliamentary enclosure unless we have a clear understanding of pre-enclosure situation. Considering the amount of stinting, exclusion and enclosure that took place between 1550–1650 it seems likely that labourers in many communities lost their access to common rights well before the Parliamentary enclosures. However, given the degree of variation that existed between even neighbouring villages, the question of whether some mid-eighteenth century communities offered valuable common rights, especially the right to keep of cow, to labouring families remains a pertinent one. If, as Jane Humphries has calculated, a cow was worth half an adult male labourer's yearly wage, the ability to keep a cow on the common both raised a family's standard of living and reduced their dependency on waged work. By 1750 common rights were usually carefully defined, and often bought and sold separately from land and houses. Shaw-Taylor argued for a rigorous approach to labourers' possession and use of cow-keeping rights, splitting the question into three issues: did labourers own common rights; if not, did they rent common rights; and finally, even if they had common rights, did labourers actually own one or more cows? Having demonstrated elsewhere that in 11 villages in the south and east England with records complete enough to reconstruct such matters in detail, only 2–3 per cent of labourers owned common right cottages, while a further 12–18 per cent rented such cottages and may or may not

have had access to common rights. Given the lack of firm, widespread evidence of labourers' access to the commons, contemporary commentators are a valuable source of information. However, we should be cautious which authors' we rely on. Some, like S. Addington are manifestly unreliable, and can be shown to have created evidence to fit their arguments. Others such as Arthur Young, wrote from observation, and provided evidence that can be quantified. An analysis of Young's comments showed that labourers with common rights were usually a very small minority in south and east England. However, cow keeping and the possession of common rights did not necessarily correlate, and the percentage of labourers keeping cows was higher in some places, usually parishes with very extensive commons in fen and coastal areas. This was because employers sometimes allowed labourers to use some of their rights, and because labourers sometimes used the common illegally. On the other hand, not all labourers who possessed common rights necessarily owned a cow. On the whole, Shaw-Taylor argued, the great majority of labourers had lost the means to keep a cow before parliamentary enclosures.

In the final paper Professor Alan Everitt (Leicester) brought the history of the commons into the twentieth century, reminding us that despite enclosures, an estimated 1.55 million acres of common land existed in England in the 1950s. This land was mostly in the upland areas of the north and west, but parts of the south also maintained surprising large tracts of commons. Even in the vicinity of London extensive woodland commons survived into the 20th century. Such commons were poor agriculturally, but relatively rich in minerals, plants and wild animals. They were reservoirs of varied resources which supported equally various petty industries. On such land brick makers, potters, quarrymen, woodsmen, charcoal burners, ash burners, brush makers, clog makers, hurdle makers, turners, and others made a living from small scale production using freely available wood and mineral resources. Such commons did not necessarily support poorer households by allowing the maintenance of a traditional subsistence economy, but instead, and in keeping with the era, allowed them to develop and adopt low-tech but innovative strategies of industrial production.

Overall the success of the conference lay not only in the high quality of the papers, but in the recurring themes that emerged from them, in particular the importance of local and regional difference, the use of resources from the commons in the makeshift economies of the poor, and conflict over common rights as an arena in which differences of power and wealth within village communities were played out. Once again, John Broad should be thanked for organizing a successful and thought provoking one-day conference.