

Conference Report:

The Society's Spring Conference, 2010

by James P. Bowen

The Society's Spring Conference, organized by Dr Nicola Verdon, was held from 29 to 31 March at St Mary's College, Durham. In this attractive setting, 49 delegates enjoyed a wide range of stimulating papers. After the welcome and introduction by Prof. Christopher Dyer (University of Leicester), the conference began with Dr Angus Winchester (Lancaster University) speaking on 'Local custom and the evolution of property rights on common land in England and Wales, 1550–1850' drawing on findings from the AHRC-funded project, 'Contested common land: Environmental governance, law and sustainable land management, c.1600–2006', which concluded in January 2010 (<http://commons.ncl.ac.uk/>). Taking the four case-study areas of the project (Eskdale in Cumbria, Brancaster and Thornham in North Norfolk, Ingleton in North Yorkshire, and the Elan and Claerwen Valleys in Powys), this paper examined changes in the conception of common property rights and the relationship between law and local practice. Central to the paper was the apparent successive layering of perceptions of common, from that of a communal agrarian resource – a key component of early modern agriculture – through wasteland to be improved, to valuable open space in need of conservation for recreational and ecological purposes and the formal legal framework based on the interplay between seigneurial right, use rights and common rights. Emphasis was placed on the importance of custom, which E. P. Thompson argued was *lex loci* (*customs in common*), so-called good neighbourhood, and the 'moral precepts governing how communities regulated the exploitation of common resources'. It was suggested that three strategies for the effective means of governance were used historically: the restriction of quantity, spatial definition (the allocation of a defined section to a particular uses), and seasonal limitations. This was explored in detail with regard to the Eskdale case study, where grazing practices were regulated by

the rule of levancy and couchancy, and the heafing of sheep flocks on the fells of Scafell. Similarly the practice of stinting was discussed in relation to Ingleton common. That both management practices were not explicitly quantifiable was highlighted. But legislation such as the Commons Act 1876, and commentators associated with the poor, increasingly sought to question the value of common resources. The mapping of sheep walks in the Cambrian Mountains by Birmingham Corporation, with the compulsory purchase of the extensive area of upland common for its water rights, further demonstrated exclusive right to pasture and the apparent division of commons landscapes. It was suggested that the severing of the right to common land from the appurtenant holding to which it was attached marked the dramatic change in the common property regime, which, with the division of Common Land units with the Commons Registration Act 1965, effectively marked the privatization of common land without the formality of the enclosure process. In particular, the Thornham and Brancaster case study sparked much interest given the modern legal recognition of a multiplicity of customary uses and the wide variety of rights registered. Moreover, it demonstrated the opposite trajectory to stinting and rights in grass appurtenant to holdings, rather than the attempt to reassert personal rights to commons resources. The paper concluded with the suggestion that changes in the conception of common property rights varied and, where common land survived, so did its traditional uses until they were destroyed by the Commons Registration Act (1965) which, as Dr Winchester highlighted, Prof. Christopher Rogers (Principal Investigator, Contested Common Land Project) has suggested is the real 'Tragedy of the Commons' rather than that propounded by Garrett Hardin. The papers raised issues of the relationship between custom and by-law and, moreover, the

problematic nature of the post-manorial governance of common land.

After dinner, the conference was addressed by Seb Littlewood, Keeper of Rural Life at the Beamish Open Air Museum, the venue for the society's field trip. After giving an account of the early history of the museum and its establishment at Beamish, he discussed aspects of the museum's rural collections, including its collection of regional carts. He also outlined recent attempts to farm according to a Norfolk four-course system, and described future developments, including the reinstallation of steam working at the model Home Farm. The problems encountered by museum practitioners in cataloguing and conserving the collection of historic agricultural implements and machinery and the difficulties of representing British agricultural heritage in a museum environment were both highlighted. Questions centred on the lack of interest in developments in agriculture in post-war Britain and the apparent overemphasis on presenting agriculture and rural life as a nostalgic image of something lost.

Tuesday opened with thick mist and heavy rain. Dr Jonathan Healey (University of Oxford) began proceedings with a paper on 'Communal farming and the "politics of the parish" in early modern England'. Developing many of the themes discussed by Dr Winchester and drawing on research undertaken using the manor court rolls for Staveley, Westmorland which formed part of the Barony of Kendal, his paper sought to examine the politics of a vast common in the early modern period. After a brief discussion of Elinor Ostrom's new institutional economics approach to the management of Common Pool Resources, the papers contested that the intense politics of common land has only been touched on by historians, with few studies of their regulation by manorial courts and little examination of commons as a system of action rather than as a subject for enclosure. It was argued that the politics of the commons was firstly physical, often taking a violent form, secondly oral, the naming of particular places conferring a break with the sense of the past from time immemorial. Lastly, it was suggested that the politics of the common took a kinaesthetic form reflected in the impounding of animals and perambulation of boundaries illustrated by the 1578 commissioners' map of Sadgill Moor. It was argued that custom was, therefore, in its very essence contested and controversial, in many ways demographic and economic change increasing pressure on the carrying capacity of the common resource. Examining a series of suits from the Court of Exchequer between 1577 and 1584 over the destabilizing effect of agistment

and complaints of overstocking in excess of levancy and couchancy, Dr Healey argued that the politics of commons extended beyond the manor, from the peasant household right up to central government. Apparent was the close control of the commons by the manor court found by previous studies, but the link made between centre and locality enters into debates regarding English state formation. Moreover, it was suggested that, where the Crown had a fairly direct interest in the common, its courts favoured its tenants rather than local landlords. Dr Healey argued that in contradiction to the Ostrom model of Common Pool Resources, commons management institutions were not solely local governance regimes with no state influence. Law courts effectively crystallized common rights, formalizing what had previously been based on shared memory and oral custom. The paper concluded with a call for a wider narrative of commons and greater emphasis on the politics of the parish.

The second paper of the morning was given by Professor Carsten Porskrog Rasmussen (Aarhus University, Denmark). His paper, entitled 'The state and the manor in early modern Scandinavia and Schleswig-Holstein: studies in the relation between government policies and manorial developments', was belied by its impressive breadth of coverage ranging across European economic history. Beginning with a comparison of trends in English manorialism, this paper examined the rise of early modern manorialism in Eastern and Central Europe around 1500 and the increase in lordly demesne farming with the work of dependent labour, resulting from the demand for grain from Western Europe, in particular Dutch and German importers in the seventeenth century, and the relatively economically weak market position of peasants. Comparing developments in Sweden and Denmark and identifying clear phases in their respective narratives beginning with the political situation created by absolutism, frozen rents but unfrozen feudal obligations, the privatization of crown lands in Denmark between 1661 and 1664, the confiscation of donated lands in Sweden in 1680 and the strength of the respective nobilities, Prof. Rasmussen emphasized the significance of the interaction between state politics and the manor since the sixteenth century. In Denmark, during the age of reform, there was a focus on the affairs of manors with a political reduction or fixation of labour services, which prevented the development of English-style capitalist tenancies. It was highlighted that there was no obligation before 1919 to sell to freehold. In Schleswig-Holstein until 1795 there was a focus on Crown and freehold lands, a long time after debates in Denmark had concluded. It was argued that the legal ending of serfdom between 1795 and 1805

was an important moment after which most manors were parcelled out, marking a transition to capitalist tenements. In Sweden and Scania, it was shown that the parliamentary system was not necessarily the most advantageous for dependant tenants: it did nothing to prevent a massive transfer of land from peasant tenant farms to demesnes or large leasehold farms between 1790 and 1840. In the same period, there was a dramatic increase in labour service. Prof. Rasmussen concluded that the outcome in 1850 of the main state policies identified was the relative strength of noble privileges, with opposite solutions in Denmark and Sweden being evident. In the former manors they were almost a rule whereas, in contrast, in the latter manors they were a minority, particularly throughout the central and northern extremes of the kingdom, which remained heavily forested, uncultivated and sparsely inhabited. Finally, Prof. Rasmussen suggested that this difference was the result of strong political intervention on manors in Denmark, which happened to a lesser extent in Sweden and Schleswig-Holstein.

The last paper of the morning, entitled 'Captain Swing and the politics of "everyday life"', was given by Dr Carl Griffin (Queen's University, Belfast). Beginning with William Cobbett's, *Rural Rides* and *Political Register*, this animated paper sought to consider the instrumental politics of everyday lives in the way Keith Wrightson had done for the early modern parish. Building on the well established historiography of Swing, in particular the work of Andrew Charlesworth and Roger Wells, Dr Griffin argued that the twin codes of responsibility and rights provided the rules which determined the rising tide of rural protest and the subsequent patchwork of rural activism. Farms and the parishes engineered the situation, as work was not the only way by which the politics of the parish were asserted, but which was exacerbated by the chronic dislocation between the poor and the parish. Grounded in specific examples of local communities in southern England, emphasis was placed on the linkage between work and welfare, the parading of a mocked-up pair of scissors through the streets of Battle, East Sussex being a notable example of 'cultural xenophobia' at a distinctly local level.

After lunch delegates donned waterproofs for the fieldtrip to Beamish Open Air Museum. Seb Littlewood led a tour of Home Farm, once the model farm of the Beamish estate, which encompassed the farmstead, stables, bull pen, blacksmith's forge and cart shed. Unfortunately the tour had to be curtailed on account of the torrential and unrelenting rain. Many bedraggled delegates then took the historic tram and alighted at the town, retiring for refreshment and warmth to the *Sun*

Inn (originally from Bishop Auckland) before perusing items in the souvenir shop. After the excursion, the Society's Annual General Meeting was held and, in the evening, the Annual Dinner. The retiring President, Professor John Chartres (University of Leeds), addressed the delegates after dinner.

Wednesday morning saw the new researchers' panel chaired by Prof. Chartres. The first paper, 'A comparison of peasant and demesne agriculture at Oakington, Cambridgeshire', given by Ms Alexandra Sapoznik (University of Cambridge), provided a community case study of the level of peasant arable production and land-intensive pasture indicative of a degree of economic rationality. As research has shown, average peasant holdings were 5–10 acres of mixed cropping and legumes and peasant yields per acre were lower than demesne. It was highlighted that in the case of Oakington, a manor on the edge of the Cambridgeshire fens, arable common field was burdened by the apparent lack of pasture, woodland and waste as clearly fodder concerns influenced cropping rotations. Hence the maximization of fodder crops formed the focus of subsequent discussion, which questioned the importance of hay and the cutting of straw in relation to the competition resource model.

The second paper was by Mr Jameson Wooders (University of Reading), who gave an account of 'Local economies of early modern Berkshire, 1650–1750'. Acknowledging the earlier work of Prof. Overton and Dr Whittle and their associates, this research employed the software used in their earlier study of 8000 probate inventories from the counties of Cornwall and Kent, the problematic nature of the source and sample size in particular stimulating much discussion. Mr Wooders highlighted that the smallest sample size for a parish was 80. Adopting a localized approach, this paper described a diverse range of household production and increasing prosperity corresponding with specialization. Using inventory evidence Wooders identified regional trends including the south-west Downs where, during the period under study, the percentage of commercial farmers increased from 37 to 58 per cent and, with the emergence of larger farmers, mean sheep flock size doubled. Similarly it was pointed out that the largest cattle herds were recorded in north-west Berkshire, with the highest percentage of cattle ownership recorded in the eastern Kennett valley. Other interesting trends identified were the increased demand for servants between 1650 and 1750, the listing of turnips in 4 per cent of inventories in 1700, and a similar increase in clover. It was concluded that both patterns of Cornwall and Kent identified by Prof. Overton *et al* are identifiable in the example

of Berkshire and, moreover, that county-level studies highlight the availability of differing resources, often neglected in studies of rural economies.

The final paper of the new researchers' session was given by Mr Alexander Lock (University of Leeds) whose paper, 'Estate management and agriculture at Parlington Hall, Yorkshire: the interests and innovations of Sir Thomas Gascoigne (1745–1810)', sought to highlight the significance of the penal laws in influencing the estate management of Catholic landowners. Exploring the causal relationship between religious dissent and economics, it was argued that the improvement of the estate as the most important capital asset established a family tradition. Improvement took several forms: the marling of arable, the enclosure of wasteland, the floating of water meadows and the exploitation of valuable mineral resources, primarily coal. It was suggested that through the proficiency of estate improvement as a teleological process, Catholic landowners sought to engage with the social hierarchy despite being religiously ostracized, sharing with their Protestant contemporaries an interest in improvement. In particular, the significance of the gardener John Kennedy – whose treatise outlined the methods of cultivation and improvements pioneered by Gascoigne – was explored. The persistence of annual leases, despite the warnings of the Board of Agriculture, was identified as indicative of the deliberate attempt to create a Catholic enclave amongst the estate tenantry whilst conversely more overt displays of religious conviction were not prominent. Mr Lock concluded that, whilst in some cases recusant gentry threatened by the penal laws maintained inefficient manorial estates, the example of Sir Thomas Gascoigne demonstrates that many Catholic landowners did the opposite.

After coffee, Dr Hilary Crowe (University of Cambridge) gave the final paper of the conference, entitled 'Farming the margins: the changing profitability of upland agriculture', based on the National Farm Management Survey for part of the county of Westmorland. Building on previous doctoral research, which was centred on the period 1910–47, this paper outlined some early findings from the period 1947–70 and the value of this standardized survey to

agrarian historians particularly when mapped using a suitable GIS package. Outlining the chronology of government legislation, notably the supposed new deal for agriculture with the Agriculture Act (1947) and the Livestock Rearing Act (1951) which extended the Hill Farming Act (1946) and acknowledging the detrimental impact of the bad winter of 1947, Dr Crowe identified the main objectives of subsidy: to produce increased efficiency, to give the farmer an adequate return and remuneration in comparison with other industries and lastly, to provide improved living conditions for farmers and their families. Anticipating the spatial variation in the effectiveness of subsidy on production, Dr Crowe sought to address the question of whether subsidy actually achieved its intended aims and objectives in the context of the uplands. She highlighted that, at parish level, the declining profitability of sheep was marked, with the shift to milk and the distinction between rearing, dairy, and hill sheep farms reflected in the variation of average farm sizes of 170, 270 and 223 acres respectively. Also, the consideration of the average cash surplus, including subsidy per farm, with regard to the inflation of the 1960s and 1970s (indexed from 1947) provided the necessary context for the interpretation of such statistics. Whilst the graphing of data highlighted yearly volatility in agriculture, trend lines outlined the broad patterns of farming profitability and production: that profit margins and returns on tenants' capital declined and that livestock rearers, being the most productive, gained the greatest rise in receipts of subsidy. There was a general decline in the profitability of hill sheep farming. Returning to the importance of subsidy, Dr Crowe concluded that 'overall subsidy failed to create viable holdings and was least effective on the most marginal farms where subsidy delayed rationalization of the industry'. It was, therefore, suggested that subsidy failed to stimulate improvements in efficiency and that consequently the system of subsidy was effectively a disguised form of welfare.

It was on this challenging note that the conference closed, with thanks expressed to Dr Verdon for organizing such an interesting and successful conference.