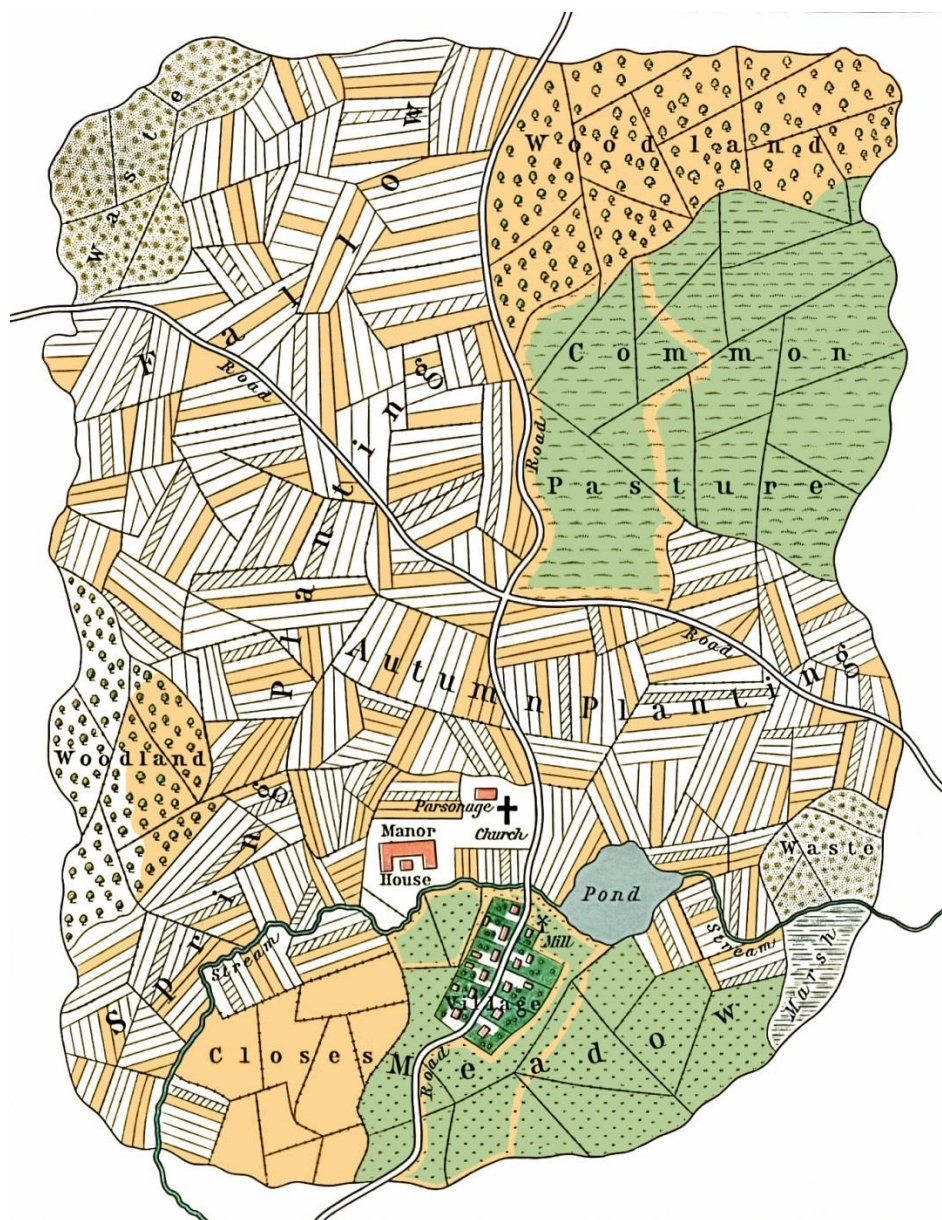


A History of Land Taking

Notes from John C. Weaver's The Great Land Rush

England – Common lands (Open Field System) to Enclosures

- Private ownership of land, and in particular absolute private ownership, is a modern idea, only a few hundred years old. "The idea that one man could possess all rights to one stretch of land to the exclusion of everybody else" was outside the comprehension of most tribespeople, or indeed of medieval peasants. The king, or the Lord of the Manor, might have owned an estate in one sense of the word, but the peasant enjoyed all sorts of . . . rights which enabled him, or her, to graze stock, cut wood or peat, draw water or grow crops, on various plots of land at specified times of year.¹



¹ (Fairlie, 2009)

- Open fields were by no means restricted to England. Being a natural and reasonably equitable expression of a certain level of technology, the system was and still is found in many regions around the world.²
- However, as medieval England progressed to modernity, the open field system and the communal pastures came under attack from wealthy landowners who wanted to privatize their use. The first onslaught, during the 14th to 17th centuries, came from landowners who converted arable land over to sheep.³
- By the end of the 18th century the incentive to convert tilled land in England over to pasture was dying away. There were a number of reasons for this. Firstly, the population was beginning to rise rapidly as people were displaced from the land and ushered into factory work in towns, and so more land was required for producing food. Secondly, cotton imported from the US and India, was beginning to replace English wool. And thirdly, Scotland had been united with England and its extensive pastures lay ready to be "devoured by shepe".⁴
- The fact that these lands were populated by Highland clansmen presented no obstacle. In a process that has become known as the Clearances, thousands of Highlanders were evicted from their holdings and shipped off to Canada, or carted off to Glasgow to make way for Cheviot sheep.⁵
- The final and most contentious wave of land enclosures in England occurred between about 1750 and 1850. Whereas the purpose of most previous enclosures had been to turn productive arable land into less productive (though more privately lucrative) sheep pasture, the colonization of Scotland for wool, and India and the Southern US states for cotton now prompted the advocates of enclosure to play a different set of cards: their aim was to turn open fields, pastures and wastelands — everything in fact — into more productive arable and mixed farm land. Their byword was "improvement". Their express aim was to increase efficiency and production and so both create and feed an increasingly large proletariat who would work either as wage labourers in the improved fields, or as machine minders in the factories.⁶



² (Fairlie, 2009)

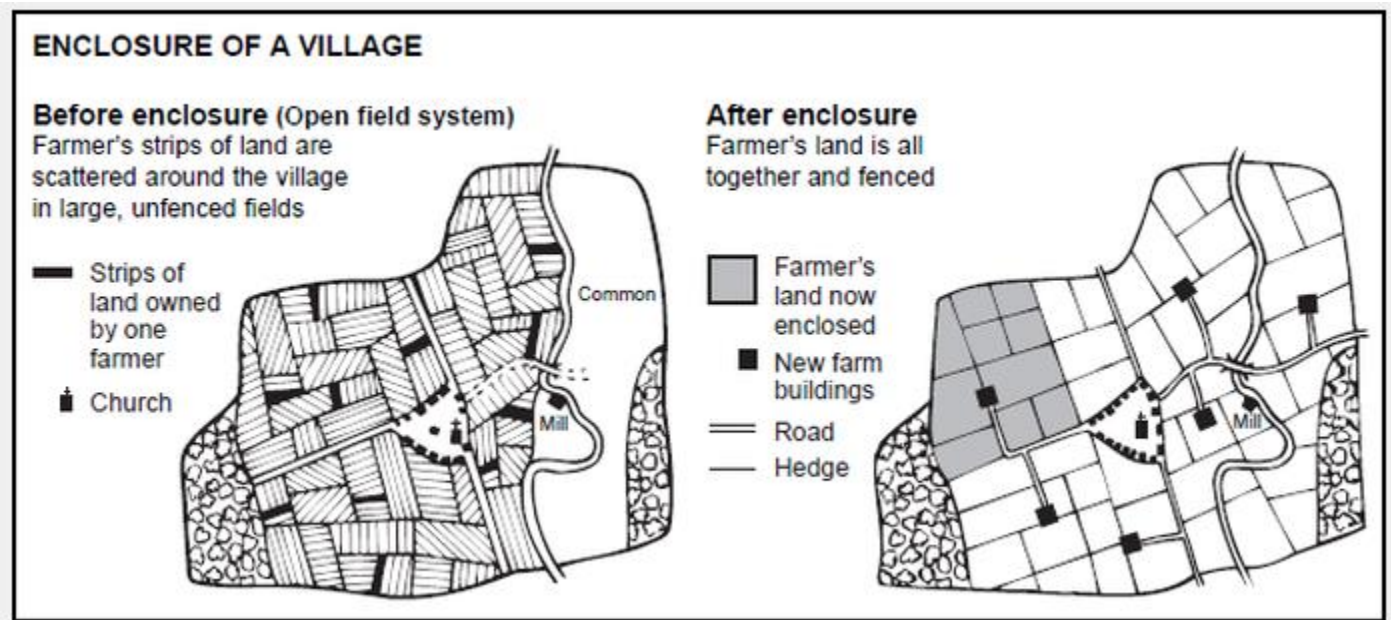
³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Ibid

- The main arguments of those in favour of enclosure were:
 - (i) that the open field system prevented "improvement", for example the introduction of clover, turnips and four course rotations, because individuals could not innovate;
 - (ii) that the waste lands and common pastures were "bare-worn" or full of scrub, and overstocked with half-starved beasts;
 - (iii) that those who survived on the commons were (a) lazy and (b) impoverished (in other words "not inclined to work for wages"), and that enclosure of the commons would force them into employment.⁷
- Between 1760 and 1870, about 7 million acres (about one sixth the area of England) were changed, by some 4,000 acts of parliament, from common land to enclosed land.⁸



- The common ownership of land, and the history of its enclosure, provides a template for understanding the enclosure of other common resources, ranging from the atmosphere and the oceans to pollution sinks and intellectual property. The physical fences and hedges that staked out the private ownership of the fields of England, are shadowed by the metaphorical fences that now delineate more sophisticated forms of private property.⁹

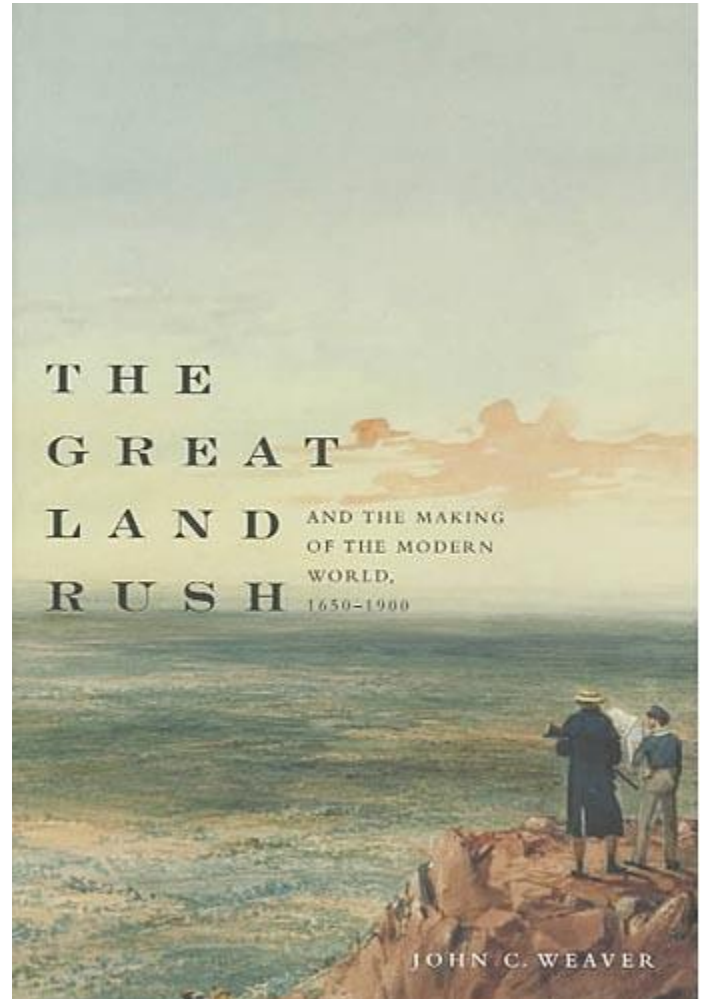
⁷ (Fairlie, 2009)

⁸ Ibid

⁹ Ibid

British Colonial Perspective

- British settlers had a cultural understanding of land that came out of English concepts of power through the ownership of land (the landed aristocracy). Land, and the improvements landlords could make on it, linked it to increased profits.
- Estates were esteemed not only for the prestige and influence that they conferred on the family, but because of the financial gains promised by improvements and closer management. (Weaver, 2003)¹⁰
- There was a distrust of a central government, so settlers often arrived haphazardly and had to be “officialised” after the fact by the Imperial government. “. . . the British government rarely played a role in determining where its citizens ultimately settled.”¹¹ There are examples of planned communities (Upper Canada), but colonization was largely left to the individual colonies that emerged.
- A key relationship emerges between land ownership and taxation. i.e. the more **developed** the land, the more taxes could be generated for the government.
 - This ties landownership to people’s ability to develop it into something that can generate profit – monetizing land.¹²



What does it mean to monetize the land?

¹⁰ (Weaver, 2003), 22.

¹¹ Ibid, 23.

¹² Ibid, 26.

- For the English/British:

“Improvement and property rights have had a reciprocal association since the Enlightenment. People who improved land deserved property rights: property rights improved societies.”

- this concept of private property ownership became established globally, and continues to inform our societies today.¹³

Other Colonial Perspectives of Land Taking:¹⁴

Spain	Conquest, Indigenous population depletion through diseases, and resource exploitation. Slave economy established. Centralized control (in the Americas) by the Spanish Crown with an established bureaucracy that handed vast estates to elites. No head to Indigenous title to land. ¹⁵ Landholding = Power.
Portugal	Conquest, Indigenous population depletion through diseases, and resource exploitation. Slave economy established. Centralized control (in the Americas) by the Portuguese Crown with an established bureaucracy that handed vast estates/plantations to elites. No head to Indigenous title to land. Squatters occupied large tracts of land in Brazil. “The planters in Brazil delayed the abolition of slavery and enacted legislation that confirmed their property – they controlled the nation.” ¹⁶ Small landholders were violently discouraged.
France	Saw land grants by the French Crown as a way to secure claims to territory (strategic reasons) – establishing seigneurial land system (estates granted to elites that managed habitants). Vast territory needed for access to fur trade.
The Netherlands (Holland)	Recognized that local rulers and village elites would resist restructuring. In the Americas, the Dutch were more interested in establishing trade relationships.

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¹³ (Weaver, 2003), 28-29.

¹⁴ Ibid, 44-45.

¹⁵ Ibid, 31-34.

¹⁶ Ibid, 35-37.